

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS¹
Pre-Blakely 2004²

Guideline and SOC	Applied ³	Percent ⁴
Part A - Offenses Against Person		
§2A1.1 First Degree Murder	151	0.3
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.2 Second Degree Murder	40	0.1
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.3 Voluntary Manslaughter	13	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.4 Involuntary Manslaughter	45	0.1
(a)(1) Criminally negligent (Base offense level 10) ⁵	6	13.3
(a)(1) Criminally negligent (Base offense level 12) ⁶	0	0.0
(a)(2) Reckless (Base offense level 14)	39	86.7
(a)(2) Reckless (Base offense level 18) ⁶	0	0.0
§2A1.5 Conspiracy or Solicitation to Commit Murder	19	0.0
(b)(1) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels)	6	31.6

¹ The information in this tables depicts information collected from only those cases in which complete guideline information is available. Of the 70,068 cases in which the Commission received, 51,865 were sentenced before the United States Supreme Court decision in *Washington v Blakely* (decision date: June 24, 2004) during fiscal year 2004. Of the 51,865 cases, 42,685 contained complete guideline information (82.3 percent). It is possible for multiple guideline calculations for each case, and this table represents each guideline calculation for cases in which complete information was received.

² Pre-*Blakely* Fiscal Year 2004 data represents guideline application from guidelines effective November 1, 2003 unless otherwise specified.

³ This column represents the number of times each guideline or Specific Offense Characteristic is applied.

⁴ The “Percent” column represents, for each guideline, the percent of all guideline calculations in which the specific guideline was involved. For each Specific Offense Characteristic (SOC), the percent represents the percentage that the specific (SOC) was used in the calculations for the specific guideline.

⁵ Only values which are allowable, according to the sentencing manual, are counted.

⁶ Base offense level was increased on November 1, 2003.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2A2.1 Assault with Intent to Commit Murder: Attempted Murder	99	0.2
(a)(1) Offense would have constituted first degree murder (Base offense level 28)	91	91.9
(a)(2) Otherwise (Base offense level 22)	8	8.1
(b)(1)(A) Permanent or life-threatening bodily injury (4 levels)	22	22.2
(b)(1)(B) Between permanent/life-threatening and serious bodily injury (3 levels)	1	1.0
(b)(1)(C) Serious bodily injury (2 levels)	40	40.4
(b)(2) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels)	4	4.0
§2A2.2 Aggravated Assault	265	0.6
(b)(1) More than minimal planning (2 levels)	26	9.8
(b)(2)(A) Firearm discharged (5 levels)	58	21.9
(b)(2)(B) Dangerous weapon otherwise used (4 levels)	133	50.2
(b)(2)(C) Dangerous weapon brandished or threatened (3 levels)	8	3.0
(b)(3)(C) Permanent or life-threatening injury (6 levels)	9	3.4
(b)(3)(E) Between permanent/life-threatening and serious bodily injury (5 levels)	24	9.1
(b)(3)(B) Serious bodily injury (4 levels)	88	33.2
(b)(3)(D) Between serious and "simple" bodily injury (3 levels)	22	8.3
(b)(3)(A) "Simple" bodily injury (2 levels)	59	22.3
(b)(4) Assault motivated by payment or offer of money or thing of value (2 levels)	7	2.6
(b)(5) Assault involved violation of a court protection order (2 levels)	1	0.4
§2A2.3 Minor Assault	27	0.1
(a)(1) Physical contact or dangerous weapon possessed/threatened (Base offense level 6)	26	96.3
(a)(2) Other than the behavior in (a)(1) (Base offense level 3)	1	3.7
(b)(1) Substantial bodily injury to victim under age of 16 (4 levels)	6	22.2
§2A2.4 Obstructing or Impeding Officers	139	0.3
(b)(1) Physical contact or dangerous weapon possessed/threatened (3 levels)	101	72.7

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2A3.1 Criminal Sexual Abuse (Rape)	170	0.4
(b)(1) Offense committed by means set forth in 18 U.S.C. § 2241(a) or (b) (4 levels)	46	27.0
(b)(2)(A) Victim under age of 12 (4 levels)	104	61.2
(b)(2)(B) Victim between 12 and 16 (2 levels)	34	20.0
(b)(3)(A)& (B) Victim in custody, care or control or in a correctional facility (2 levels)	96	56.5
(b)(4)(A) Permanent or life-threatening bodily injury (4 levels)	1	0.6
(b)(4)(B) Between permanent/life-threatening and serious bodily injury (3 levels)	0	0.0
(b)(4)(C) Serious bodily injury (2 levels)	1	0.6
(b)(5) Victim abducted (4 levels)	8	4.7
(b)(6)(A)&(B) Misrepresentation or use of a computer to persuade a minor (2 levels)	16	9.4
§2A3.2 Criminal Sexual Abuse of a Minor (Statutory Rape)	110	0.2
(a)(1) Violation of Chapter 117 of Title 18 and the commission of a sex act (BOL 24)	20	18.2
(a)(1) Violation of Chapter 117 of Title 18 (Base offense level 18) ⁷	4	3.6
(a)(2) Other than a violation of Chapter 117 of Title 18 (Base offense level 15) ⁷	8	7.3
(a)(2) Violation of Chapter 117 of Title 18 and no sex act or sexual contact (BOL 21)	46	41.8
(a)(3) Other than (a)(1) or (a)(2) (Base offense level 18)	32	29.1
(b)(1) Victim in custody, care or control of the defendant (2 levels)	20	18.2
(b)(2)(A)&(B) Misrepresentation of identity or undue influence (2 levels)	28	25.4
(b)(3)(A)&(B) Use of a computer (2 levels)	62	56.4
(b)(4) If subsection (a)(1) applies and (b)(1),(2) and (3) do not apply (6 level decrease)	1	0.1
§2A3.3 Criminal Sexual Abuse of a Ward	7	0.0
(b)(1)(A)&(B) Misrepresentation of identity (2 levels)	0	0.0
(b)(2) Use of a computer (2 levels)	0	0.0

⁷ This base offense level was increased on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2A3.4 Abuse Sexual Contact	33	0.1
(a)(1) If offense committed by means in 18 U.S.C. § 2241(a) or (b) (BOL 16)	8	24.2
(a)(2) If offense committed by means in 18 U.S.C. § 2242 (Base offense level 12)	4	12.1
(a)(3) Other than (a)(1) or (a)(2) (Base offense level 10)	20	60.6
(b)(1) Victim under the age of 12 (4 levels or increase to level 16)	21	63.6
(b)(2) Victim between 12 and 16 (2 levels)	4	12.1
(b)(3) Victim was in custody, care or control (2 levels)	19	57.6
(b)(4) Misrepresentation of identity (2 levels)	2	6.1
(b)(5) Use of a computer (2 levels)	1	3.0
(b)(6) Violation of Chapter 117 of Title 18 (3 levels)	2	6.1
§2A4.1 Kidnaping, Abduction or Unlawful Restraint	91	0.2
(a) Base offense level 32	5	5.5
(a) Base offense level 24 ⁸	86	94.5
(b)(1) Ransom demanded or a demand upon the government (6 levels)	69	75.8
(b)(2)(A) Victim sustained permanent or life-threatening bodily injury (4 levels)	1	1.1
(b)(2)(B) Between permanent or life-threatening and serious bodily injury (3 levels)	0	0.0
(b)(2)(C) Serious bodily injury (2 levels)	10	11.0
(b)(3) Dangerous weapon used (2 levels)	77	84.6
(b)(4)(A) Victim not released before 30 days (2 levels)	2	2.2
(b)(4)(B) Victim not release before seven days (1 level)	5	5.5
(b)(4)(C) Victim released before 24 hours (1 level decrease)	11	12.1
(b)(5) Victim sexually exploited (3 levels)	1	1.1
(b)(6) Victim was a minor, and in exchange for money, in custody, care or control (3 lev)	3	3.3
(b)(7)(A) Abduction in connection with another crime (increase to applicable g'line)	1	1.1
(b)(7)(B) Abduction in connection with another crime (4 levels)	1	1.1
§2A4.2 Demanding or Receiving Ransom Money	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

⁸ Base offense level increased on November 1, 2003.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2A5.1 Aircraft Piracy or Attempted Aircraft Piracy	7	0.0
(b)(1) Death resulting from act (5 levels)	0	0.0
§2A5.2 Interference with Flight Crew Member or Mass Transportation Vehicle or Ferry	13	0.0
(a)(1) Intentionally endangering safety of above stated transportation (BOL 30)	0	0.0
(a)(2) Recklessly endangering safety of above stated transportation (BOL 18)	5	38.5
(a)(3) If an assault occurred, most analogous BOL from §§ 2A2.1-2A2.4	0	0.0
(a)(4) Other than behavior in (a)(1)-(a)(3) (Base offense level 9)	8	61.5
(b)(1)(i) Subsection (a)(1) or (a)(2) applies, firearm discharged (5 levels)	0	0.0
(b)(1)(ii) Subsection (a)(1) or (a)(2) applies, dangerous weapon otherwise used (4 levels)	0	0.0
(b)(1)(iii) Subsection (a)(1) or (a)(2) applies, weapon brandished/threatened (3 levels)	0	0.0
§2A5.3 Committing Certain Crimes Aboard Aircraft	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A6.1 Threatening or Harassing Communication	172	0.4
(a)(2) Convicted of 47 U.S.C. § 223(a)(1)(C) - (E) not involving threat to injure (BOL 6)	4	2.3
(a)(1) Conviction other than (a)(1) (Base offense level 12)	168	97.7
(b)(1) Conduct evidencing an intent to carry out such threat (6 levels)	21	12.2
(b)(2) More than two threats (2 levels)	56	32.6
(b)(3) Violation of a court protection order (2 levels)	2	1.2
(b)(4) Disruption in functions or substantial expenditure of funds to clean (4 levels)	8	4.6
(b)(5) If subsection (a)(2) and (b)(1)-(b)(4) do not apply (4 level decrease) ⁹	34	19.8
§2A6.2 Stalking or Domestic Violence	12	0.0
(a) Base offense level 18	11	91.7
(a) Base offense level 14 ¹⁰	1	8.3
(b)(1)(A)-(D) Violation of court order, bodily injury, weapon or pattern (2 levels)	2	16.7
(b)(1)(A)-(D) Violation of more than one of above (4 levels)	8	66.7

⁹ Originally §2A6.1(b)(4) until November 1, 2002.

¹⁰ Base offense level increased on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part B - Basic Economic Offenses		
§2B1.1 Larceny, Embezzlement, Theft, and Fraud	5,369	11.9
(a)(1) Base offense level 4 ¹¹	225	4.2
(a)(1) Base offense level 6 ¹²	2,500	46.6
(a)(1) Base offense level 7 (Statutory maximum of 20 years or more)	60	1.1
(a)(2) Otherwise Base offense level 6	2,578	48.0
(b)(1)(A) \$100 or less ¹³ (0 levels)	7	0.1
(b)(1)(A) \$5,000 or less (0 levels)	1,344	25.0
(b)(1)(B) Between \$100 and \$1,000 ¹³ (1 level)	7	0.1
(b)(1)(B) Between \$5,000 and \$10,000 (2 levels)	405	7.5
(b)(1)(C) Between \$1,000 and \$2,000 ¹³ (2 levels)	2	0.0
(b)(1)(D) Between \$2,000 and \$5,000 ¹³ (3 levels)	4	0.1
(b)(1)(C) Between \$10,000 and \$30,000 (4 levels)	1,049	19.5
(b)(1)(E) Between \$5,000 and \$10,000 ¹³ (4 levels)	1	0.0
(b)(1)(F) Between \$10,000 and \$20,000 ¹³ (5 levels)	19	0.4
(b)(1)(D) Between \$30,000 and \$70,000 (6 levels)	936	17.4
(b)(1)(G) Between \$20,000 and \$40,000 ¹³ (6 levels)	21	0.4
(b)(1)(H) Between \$40,000 and \$70,000 ¹³ (7 levels)	18	0.3
(b)(1)(E) Between \$70,000 and \$120,000 (8 levels)	439	8.2
(b)(1)(I) Between \$70,000 and \$120,000 ¹³ (8 levels)	30	0.6
(b)(1)(J) Between \$120,000 and \$200,000 ¹³ (9 levels)	46	0.9
(b)(1)(F) Between \$120,000 and \$200,000 (10 levels)	293	5.4
(b)(1)(K) Between \$200,000 and \$350,000 ¹³ (10 levels)	32	0.6
(b)(1)(L) Between \$350,000 and \$500,000 ¹³ (11 levels)	15	0.3
(b)(1)(G) Between \$200,000 and \$400,000 (12 levels)	249	4.6
(b)(1)(M) Between \$500,000 and \$800,000 ¹³ (12 levels)	16	0.3

¹¹ Base offense level was increased on November 1, 2001.

¹² Base offense level was altered on November 1, 2003.

¹³ Dollar amount and offense levels for this Specific Offense Characteristic changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	5,369	11.9
(b)(1)(N) Between \$800,000 and \$1,500,000 ¹³ (13 levels)	5	0.1
(b)(1)(H) Between \$400,000 and \$1,000,000 (14 levels)	224	4.2
(b)(1)(O) Between \$1,500,000 and \$2,500,000 ¹³ (14 levels)	5	0.1
(b)(1)(P) Between \$2,500,000 and \$5,000,000 ¹³ (15 levels)	4	0.1
(b)(1)(I) Between \$1,000,000 and \$2,500,000 (16 levels)	101	1.9
(b)(1)(Q) Between \$5,000,000 and \$10,000,000 ¹³ (16 levels)	5	0.1
(b)(1)(R) Between \$10,000,000 and \$20,000,000 ¹³ (17 levels)	2	0.0
(b)(1)(J) Between \$2,500,000 and \$7,000,000 (18 levels)	40	0.8
(b)(1)(K) Between \$7,000,000 and \$20,000,000 (20 levels)	25	0.5
(b)(1)(L) Between \$20,000,000 and \$50,000,000 (22 levels)	12	0.2
(b)(1)(M) Between \$50,000,000 and \$100,000,000 (24 levels)	8	0.2
(b)(1)(N) More than \$100,00,000 (26 levels)	5	0.1
(b)(2)(A) More than 10 but less than 50 victims or mass marketing (2 levels)	483	9.0
(b)(2)(B) More than 50 victims but less than 250 victims ¹⁴ (4 levels)	292	5.4
(b)(2)(C) More than 250 victims (6 levels)	6	0.1
(b)(3) Theft was from another person ¹⁵ (2 levels)	35	0.6
(b)(4)(A) More than minimal planning ¹⁶ (2 levels)	125	2.3
(b)(4)(B) Receiving stolen property as a business ¹⁷ (4 levels)	22	0.4
(b)(4) Receiving stolen property as a business (2 levels)	35	0.6

¹⁴ Threshold amounts and levels were changed for this Specific Offense Characteristic (SOC) on November 1, 2003.

¹⁵ This SOC was changed from §2B1.1(b)(2) on November 1, 2001.

¹⁶ This SOC was deleted on November 1, 2001.

¹⁷ This SOC was changed to §2B1.1(b)(4) on November 1, 2001 and decreased to a two level enhancement at this time.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	5,369	11.9
(b)(5) Misappropriation of trade secrets or benefit foreign government ¹⁸ (2 levels)	1	0.0
(b)(6) Theft or damage to a national cemetery (2 levels)	1	0.0
(b)(7) Misrepresentation in several ways (2 levels, if less than 10)	99	1.8
(b)(8)(A)-(C) Offender relocated/committed crime outside U.S./sophisticated means (2 levels, increase to 12)	228	4.2
(b)(9)(A)-(C) Possession/production or trafficking in devices (2 levels, increase to 12)	626	11.7
(b)(10) Organized scheme to steal vehicles ¹⁹ (two levels)	6	0.1
(b)(11) Conscious/reckless risk of injury/possession of weapon (2 levels, increase to 14)	34	0.6
(b)(12)(A) More than \$1,000,000 derived from financial institution (2 levels)	12	0.2
(b)(12)(B) Jeopardized the safety and soundness of financial institution (4 or more lev)	8	0.1
(b)(13)(A)(i) Convicted of 18 U.S.C. §1030 and involved (I) computer system or (II) attempt to obtain personal information (two levels)	1	0.0
(b)(13)(A)(ii) Convicted of 18 U.S.C. §1830(a)(5)(A)(i) (4 levels)	0	0.0
(b)(13)(A)(iii) Convicted of 18 U.S.C. §1380 and substantial disruption of a critical infrastructure (6 levels)	0	0.0
(b)(13)(B) if (A)(iii) applies and less than level 24, increase to level 24	1	0.0
(b)(14) violation of (A) securities law or (B) commodities law (4 levels)	1	0.0
§2B1.3 Property Damage or Destruction ²⁰	8	0.0
(b)(1) Loss between \$5,000 and \$10,000 (4 levels)	6	75.0
(b)(1) Loss between \$70,000 and \$120,000 (8 levels)	1	12.5
(b)(1) Loss between \$120,000 and \$200,000 (9 levels)	1	12.5
(b)(2) Undelivered mail destroyed (increase to level 6)	0	0.0
(b)(3) More than minimal planning (2 levels)	5	62.5
(b)(4) National cemetery damaged or destroyed (2 levels)	0	0.0

¹⁸ This SOC was formerly §2B1.1(b)(7) and changed on November 1, 2001. The statistics reflect all instances of the application of this SOC.

¹⁹ This SOC was formerly §2B1.1(b)(5) on November 1, 2001. The statistics reflect all instances of the application of this SOC.

²⁰ This guideline was consolidated with §2B1.1 on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2B1.4 Insider Trading	0	0.0
(b)(1) Loss according to Loss Table	0	0.0
§2B1.5 Theft or Damage of Cultural Heritage Resources	5	0.0
(b)(1)(A) Loss between \$2,000 and \$5,000 (1 level)	2	40.0
(b)(1)(B) Loss between \$5,000 and \$10,000 (2 levels)	1	20.0
(b)(1)(B) Loss between \$120,000 and \$200,000 (10 levels)	1	20.0
(b)(2) Involved (A) national park system, (B) National Historical Landmark, (C) national monument, (D) national marine sanctuary, (E) national cemetery, (F) museum, or (G) World Heritage List (2 levels)	2	40.0
(b)(3) Involved (A) human remains, (B) funerary object, (C) cultural patrimony, (D) sacred object, (E) cultural property, (F) archaeological material, (G) pre-Columbian mural (2 levels)	1	20.0
(b)(4) Committed for pecuniary gain (2 levels)	1	20.0
(b)(5) Pattern of misconduct involving cultural heritage resources (2 levels)	0	0.0
(b)(6) Dangerous weapon brandished/threatened (2 levels or increase to level 14)	0	0.0
§2B2.1 Burglary of a Residence	86	0.2
(a)(1) Burglary of a residence (Base offense level 17)	28	32.6
(a)(2) Burglary of a structure other than a residence (Base offense level 12)	58	67.4
(b)(1) More than minimal planning (2 levels)	17	19.8
(b)(2)(B) Between \$2,500 and \$10,000 loss (one level)	24	27.9
(b)(2)(C) Between \$10,000 and \$50,000 loss (2 levels)	8	9.3
(b)(2)(D) Between \$50,000 and \$250,000 loss (3 levels)	15	17.4
(b)(2)(E) Between \$250,000 and \$800,000 (4 levels)	1	1.2
(b)(3) Firearm, destructive device or controlled substance taken (one level)	7	8.1
(b)(4) Dangerous weapon possessed (2 levels)	6	7.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2B2.3 Trespass	5	0.0
(b)(1)(A)-(E) Occurred at government or nuclear facility, vessel of U.S., secured airport area or a residence (2 levels)	3	60.0
(b)(2) Dangerous weapon possessed (2 levels)	0	0.0
(b)(3)(A)(B)(i) Invasion of a computer, loss between \$2,000 and \$5,000 (1 level)	0	0.0
(b)(3) Invasion of a computer, loss according to §2B1.1 loss table (between 2 and 26 lev)	0	0.0
§2B3.1 Robbery	2,215	4.9
(b)(1) Financial institution or post offense subject of offense (2 levels)	1,717	77.5
(b)(2)(A) Firearm discharged (7 levels)	32	1.4
(b)(2)(B) Firearm otherwise used (6 levels)	115	5.2
(b)(2)(C) Firearm brandished or possessed (5 levels)	305	13.8
(b)(2)(D) Dangerous weapon otherwise used (4 levels)	83	3.8
(b)(2)(E) Dangerous weapon brandished or possessed (3 levels)	244	11.0
(b)(2)(F) Threat of death (2 levels)	393	17.7
(b)(3)(A) Bodily injury occurred (2 levels)	81	3.7
(b)(3)(B) Serious bodily injury (4 levels)	25	1.1
(b)(3)(C) Permanent/life-threatening bodily injury (6 levels)	14	0.6
(b)(3)(D) Between bodily and serious bodily injury (3 levels)	2	0.1
(b)(3)(E) Between serious and permanent/life-threatening bodily injury (5 levels)	4	0.2
(b)(4)(A) Person abducted during offense (4 levels)	42	1.9
(b)(4)(B) Person physically restrained during offense (2 levels)	251	11.3
(b)(5) Offense involved carjacking (2 levels)	116	5.2
(b)(6) Obtaining firearm, destructive device or controlled substance object of offense ²¹ (one level)	85	3.8

²¹ This Specific Offense Characteristic (SOC) was changed from §2B3.1(b)(5) on November 1, 1997. There were no cases sentenced from prior to that amendment year.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2B3.1 Robbery (continued)	2,215	4.9
(b)(7)(B) Loss between \$10,000 and \$50,000 (one level)	427	19.3
(b)(7)(C) Loss between \$50,000 and \$250,000 (2 levels)	112	5.1
(b)(7)(D) Loss between \$250,000 and \$800,000 (3 levels)	23	1.0
(b)(7)(E) Loss between \$800,000 and \$1,500,000 (4 levels)	12	0.5
(b)(7)(H) Loss more than \$5,000,000 (7 levels)	5	0.2
§2B3.2 Extortion by Force	71	0.2
(b)(1) Express or implied threat of death, bodily injury or kidnaping (2 levels)	60	84.5
(b)(2) Amount demanded between \$10,000 and \$50,000 (one level)	15	21.1
(b)(2) Amount demanded between \$50,000 and \$250,000 (2 levels)	14	19.7
(b)(2) Amount demanded between \$250,000 and \$800,000 (3 levels)	7	9.9
(b)(2) Amount demanded between \$800,000 and \$1,500,000 (4 levels)	2	2.8
(b)(2) Amount demanded between \$1,500,000 and \$2,500,000 (5 levels)	1	1.4
(b)(2) Amount demanded more than \$5,000,000 (7 levels)	3	4.2
(b)(3)(A)(i) Firearm discharged (7 levels)	1	1.4
(b)(3)(A)(ii) Firearm otherwise used (6 levels)	1	1.4
(b)(3)(A)(iii) Firearm brandished or possessed (5 levels)	5	7.0
(b)(3)(A)(iv) Dangerous weapon otherwise used (4 levels)	2	2.8
(b)(3)(A)(v)&(B)(i)-(iv) Dangerous weapon brandished or possessed or preparation to carry out threat of death, bodily injury, kidnaping or product tampering (3 levels)	10	14.1
(b)(4)(A) Bodily injury (2 levels)	6	8.4
(b)(4)(B) Serious bodily injury (4 levels)	2	2.8
(b)(4)(C) Permanent or life-threatening bodily injury (6 levels)	0	0.0
(b)(4)(D) Between bodily injury and serious bodily injury (3 levels)	0	0.0
(b)(4)(E) Between serious and permanent/life-threatening bodily injury (5 levels)	0	0.0
(b)(5)(A) Person abducted to facilitate offense or escape (4 levels)	4	5.6
(b)(5)(B) Person physically restrained to facilitate offense or escape (2 levels)	1	1.4

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2B3.3 Blackmail and other forms of Extortion	37	0.1
(b)(1)(A) Amount demanded between \$2,000 and \$5,000 (one level)	8	21.6
(b)(1)(B) Amount demanded between \$5,000 and \$10,000 (2 levels)	9	24.3
(b)(1)(B) Amount demanded between \$10,000 and \$30,000 (4 levels)	4	10.8
(b)(1)(B) Amount demanded between \$40,000 and \$70,000 ²² (5 levels)	1	2.7
(b)(1)(B) Amount demanded between \$120,000 and \$200,000 (10 levels)	1	2.7
(b)(1)(B) Amount demanded between \$200,000 and \$400,000 (12 levels)	1	2.7
(b)(1)(B) Amount demanded between \$1,000,000 and \$2,500,000 (16 levels)	1	2.7
(b)(1)(B) Amount demanded between \$2,500,000 and \$7,000,000 (18 levels)	2	5.4
§2B4.1 Bribery in Procurement of Bank Loan and other Commercial Bribery	29	0.1
(b)(1) Bribe between \$2,000 and \$5,000 (one level)	1	3.4
(b)(1) Bribe between \$5,000 and \$10,000 (2 levels)	2	6.9
(b)(1) Bribe between \$10,000 and \$20,000 ²² (3 levels)	1	3.4
(b)(1) Bribe between \$10,000 and \$30,000 (4 levels)	1	3.4
(b)(1) Bribe between \$20,000 and \$40,000 ²² (4 levels)	1	3.4
(b)(1) Bribe between \$40,000 and \$70,000 ²² (5 levels)	2	6.9
(b)(1) Bribe between \$30,000 and \$70,000 (6 levels)	3	10.3
(b)(1) Bribe between \$70,000 and \$120,000 ²² (6 levels)	2	6.9
(b)(1) Bribe between \$120,000 and \$200,000 ²² (7 levels)	1	3.4
(b)(1) Bribe between \$70,000 and \$120,000 (8 levels)	3	10.3
(b)(1) Bribe between \$200,000 and \$350,000 ²² (8 levels)	1	3.4
(b)(1) Bribe between \$350,000 and \$500,000 ²² (9 levels)	3	10.3
(b)(1) Bribe between \$120,000 and \$200,000 (10 levels)	0	0.0
(b)(1) Bribe between \$500,000 and \$800,000 ²² (10 levels)	3	10.3
(b)(1) Bribe between \$2,500,000 and \$5,000,000 ²² (13 levels)	1	3.4
(b)(1) Bribe between \$1,000,000 and \$2,500,000 (16 levels)	1	3.4
(b)(2)(A) Offender derived more than \$1,000,000 from financial institution (2 levels)	0	0.0
(b)(2)(B) Jeopardized safety and soundness of a financial institution (4 levels)	0	0.0

²² Threshold amounts and level increases were changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2B5.1 Offenses involving Counterfeit Bearer Obligations	390	0.9
(b)(1) Items valued between \$2,000 and \$5,000 (one level)	64	16.4
(b)(1) Items valued between \$5,000 and \$10,000 (2 levels)	37	9.5
(b)(1) Items valued between \$10,000 and \$20,000 ²² (3 levels)	4	1.0
(b)(1) Items valued between \$10,000 and \$30,000 (4 levels)	50	12.8
(b)(1) Items valued between \$20,000 and \$40,000 ²² (4 levels)	1	0.3
(b)(1) Items valued between \$40,000 and \$70,000 ²² (5 levels)	3	0.8
(b)(1) Items valued between \$30,000 and \$70,000 (6 levels)	33	8.5
(b)(1) Items valued between \$70,000 and \$120,000 ²² (6 levels)	2	0.5
(b)(1) Items valued between \$120,000 and \$200,000 ²² (7 levels)	1	0.3
(b)(1) Items valued between \$70,000 and \$120,000 (8 levels)	6	1.5
(b)(1) Items valued between \$120,000 and \$200,000 (10 levels)	6	1.5
(b)(1) Items valued between \$200,000 and \$400,000 (12 levels)	2	0.5
(b)(1) Items valued between \$400,000 and \$1,000,000 (14 levels)	2	0.5
(b)(2) Offender manufactured/produced counterfeit material ²³ (increase to level 15)	1	0.3
(b)(2) Offender manufactured/produced counterfeit material (2 levels)	123	31.5
(b)(3) Subsection (b)(2)(A) applies and offense level less than 15, increase to 15	85	21.8
(b)(4) Dangerous weapon possessed (2 levels, if less than 13 increase to 13)	12	3.1
(b)(5) Offense committed outside of United States (2 levels)	15	3.8

²³ Enhancement level changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2B5.3 Criminal Infringement of Copyright or Trademark	105	0.2
(a)(1) Base offense level 6 ²⁴	15	14.3
(a)(1) Base offense level 8	90	85.7
(b)(1) Infringement amount between \$2,000 and \$5,000 (one level)	7	6.7
(b)(1) Infringement amount between \$5,000 and \$10,000 (2 levels)	8	7.6
(b)(1) Infringement amount between \$10,000 and \$20,000 ²² (3 levels)	2	1.9
(b)(1) Infringement amount between \$10,000 and \$30,000 (4 levels)	12	11.4
(b)(1) Infringement amount between \$20,000 and \$40,000 ²² (4 levels)	4	3.8
(b)(1) Infringement amount between \$40,000 and \$70,000 ²² (5 levels)	3	2.9
(b)(1) Infringement amount between \$30,000 and \$70,000 (6 levels)	10	9.5
(b)(1) Infringement amount between \$70,000 and \$120,000 ²² (6 levels)	2	1.9
(b)(1) Infringement amount between \$120,000 and \$200,000 ²² (7 levels)	1	1.0
(b)(1) Infringement amount between \$70,000 and \$120,000 (8 levels)	13	12.4
(b)(1) Infringement amount between \$200,000 and \$350,000 ²² (8 levels)	3	2.9
(b)(1) Infringement amount between \$120,000 and \$200,000 (10 levels)	3	2.9
(b)(1) Infringement amount between \$800,000 and \$1,500,000 ²² (11 levels)	6	5.7
(b)(1) Infringement amount between \$200,000 and \$400,000 (12 levels)	8	7.6
(b)(1) Infringement amount between \$2,500,000 and \$5,000,000 ²² (13 levels)	3	2.9
(b)(1) Infringement amount between \$400,000 and \$1,000,000 (14 levels)	2	1.9
(b)(1) Infringement amount between \$5,000,000 and \$10,000,000 ²² (14 levels)	1	1.0
(b)(1) Infringement amount between \$1,000,000 and \$2,500,000 (16 levels)	5	4.8
(b)(1) Infringement amount between \$2,500,000 and \$7,000,000 (18 levels)	3	2.9
(b)(1) Infringement amount more then \$100,000,000 (26 levels)	1	1.0
(b)(2) Manufacturing/importation/uploading infringed items (2 levels or increase to 12)	43	41.0
(b)(3) Committed for commercial advantage or private gain (2 level decrease)	3	2.9
(b)(4) Conscious/reckless risk of serious bodily injury or possession of weapon (2 levels)	0	0.0

²⁴ This base offense was increased on November 1, 1999.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2B6.1 Altering or Removing Motor Vehicle ID Numbers	15	0.0
(b)(1) Retail value between \$5,000 and \$10,000 (2 levels)	1	6.7
(b)(1) Retail value between \$40,000 and \$70,000 ²² (5 levels)	2	13.3
(b)(1) Retail value between \$30,000 and \$70,000 (6 levels)	1	6.7
(b)(1) Retail value between \$120,000 and \$200,000 ²² (7 levels)	4	26.7
(b)(1) Retail value between \$200,000 and \$350,000 ²² (8 levels)	1	6.7
(b)(1) Retail value between \$120,000 and \$200,000 (10 levels)	1	6.7
(b)(1) Retail value between \$500,000 and \$800,000 ²² (10 levels)	2	13.3
(b)(1) Retail value between \$800,000 and \$1,500,000 ²² (11 levels)	1	6.7
(b)(1) Retail value between \$200,000 and \$400,000 (12 levels)	1	6.7
(b)(2) Offender in the business of receiving and selling stolen property (2 levels)	9	60.0
(b)(3) Part of organized scheme to steal vehicles or parts (increase to level 14)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part C - Offenses Involving Public Officials		
§2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe	130	0.3
(b)(1) Offense involved more than one bribe or extortion (2 levels)	89	68.5
(b)(2)(A) Value of payment or loss between \$2,000 and \$5,000 (one level)	18	13.8
(b)(2)(A) Value of payment or loss between \$5,000 and \$10,000 (2 levels)	14	10.8
(b)(2)(A) Value of payment or loss between \$10,000 and \$30,000 (4 levels)	15	11.5
(b)(2)(A) Value of payment or loss between \$20,000 and \$40,000 ²⁵ (4 levels)	5	3.8
(b)(2)(A) Value of payment or loss between \$40,000 and \$70,000 ²⁵ (5 levels)	3	2.3
(b)(2)(A) Value of payment or loss between \$30,000 and \$70,000 (6 levels)	3	2.3
(b)(2)(A) Value of payment or loss between \$70,000 and \$120,000 ²⁵ (6 levels)	4	3.1
(b)(2)(A) Value of payment or loss between \$70,000 and \$120,000 or (b)(2)(B) payment used to influence elected official (8 levels)	16	12.3
(b)(2)(A) Value of payment or loss between \$200,000 and \$350,000 ²⁵ or (b)(2)(B) payment used to influence elected official (8 levels)	9	6.9
(b)(2)(A) Value of payment or loss between \$350,000 and \$500,000 ²⁵ (9 levels)	2	1.5
(b)(2)(A) Value of payment or loss between \$120,000 and \$200,000 (10 levels)	2	1.5
(b)(2)(A) Value of payment or loss between \$500,000 and \$800,000 ²⁵ (10 levels)	4	3.1
(b)(2)(A) Value of payment or loss between \$800,000 and \$1,500,000 ²⁵ (11 levels)	2	1.5
(b)(2)(A) Value of payment or loss between \$200,000 and \$400,000 (12 levels)	6	4.6
(b)(2)(A) Value of payment or loss between \$1,500,000 and \$2,500,000 ²⁵ (12 levels)	1	0.8
(b)(2)(A) Value of payment or loss between \$2,500,000 and \$5,000,000 ²⁵ (13 levels)	1	0.8
(b)(2)(A) Value of payment or loss between \$2,500,000 and \$7,000,000 (18 levels)	1	0.8
(b)(2)(A) Value of payment or loss between \$20,000,000 and \$50,000,000 (22 levels)	1	0.8

²⁵ Threshold amounts and level increases were changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2C1.2 Offering, Giving, Soliciting, or Receiving a Gratuity	17	0.0
(b)(1) More than one gratuity (2 levels)	10	58.8
(b)(2)(A) Gratuity between \$2,000 and \$5,000 (one level)	4	23.5
(b)(2)(A) Gratuity between \$70,000 and \$120,000 ²⁵ (8 levels)	2	11.8
(b)(2)(A) Gratuity between \$800,000 and \$1,500,000 ²⁵ (11 levels)	1	5.9
(b)(2)(A) Gratuity between \$1,500,000 and \$2,500,000 ²⁵ (12 levels)	1	5.9
§2C1.3 Conflict of Interest: Payment or Receipt of Unauthorized Compensation	5	0.0
(b)(1) Actual or planned harm to the government (4 levels)	1	20.0
§2C1.4 Payment or Receipt of Unauthorized Compensation ²⁶	5	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2C1.5 Payments to Obtain Public Office	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2C1.6 Loan or Gratuity to Bank Examiner or Adjustment of Farm Indebtedness	0	0.0
No Specific Offense Characteristics used in this guideline	NA	NA
§2C1.7 Fraud Involving Deprivation of the Intangible Right to the Honest Services Public Officials	17	0.0
(b)(1)(A) Loss between \$20,000 and \$40,000 ²⁵ (4 levels)	1	5.9
(b)(1)(A) Loss \$30,000 and \$70,000 (6 levels)	1	5.9
(b)(1)(A) Loss between \$70,000 and \$120,000 or (b)(1)(B) involving an elected official (8 levels)	3	17.6
(b)(1)(A) Loss between \$200,000 and \$350,000 ²⁵ or (b)(1)(B) involving an elected official (8 levels)	3	17.6
(b)(1)(A) Loss between \$2,500,000 and \$5,000,000 ²⁵ (13 levels)	1	5.9
(b)(1)(A) Loss between \$400,000 and \$1,000,000 (14 levels)	1	5.9

²⁶ Deleted and consolidated with §2C1.3 on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part D - Offenses Involving Drugs		
§2D1.1 Drug Trafficking	16,104	35.6
(a)(1) Base offense level 43	5	0.0
(a)(2) or (a)(3) Base offense level 38	940	5.8
(a)(3) Base offense level 36	731	4.5
(a)(3) Base offense level 34	1,626	10.1
(a)(3) Base offense level 32	2,585	16.0
(a)(3) Base offense level 30	1,932	12.0
(a)(3) Base offense level 28	1,314	8.2
(a)(3) Base offense level 26	3,155	19.6
(a)(3) Base offense level 24	524	3.2
(a)(3) Base offense level 22	438	2.7
(a)(3) Base offense level 20	759	4.7
(a)(3) Base offense level 18	985	6.1
(a)(3) Base offense level 16	453	2.8
(a)(3) Base offense level 14	216	1.3
(a)(3) Base offense level 12	260	1.6
(a)(3) Base offense level 10	41	0.2
(a)(3) Base offense level 8	67	0.4
(a)(3) Base offense level 6	64	0.4
(b)(1) Dangerous weapon possessed (two levels)	1,994	12.4
(b)(2)(A) Aircraft used or (b)(2)(B) offender acted as pilot (2 levels or level 26)	37	0.2
(b)(3) Distribution in a prison (2 levels)	49	0.3
(b)(4) Importation of methamphetamine from unlawfully imported material (2 levels)	35	0.2

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2D1.1 Drug Trafficking (continued)	16,104	35.6
(b)(5)(A) Unlawful discharge or transportation of hazardous waste (2 levels)	84	0.5
(b)(5)(B) Manufacturing of meth creating substantial risk (3 levels or level 27)	117	0.7
(b)(5)(C) Manufacturing of meth creating substantial risk to minor (6 levels or level 30)	77	0.5
(b)(6) Safety Valve (2 level decrease) ²⁷	6,067	37.7
§2D1.2 Drug offenses near protected location/involving underage/pregnant individuals	266	0.6
(a)(2) Base offense level 45	0	0.0
(a)(1) Base offense level 44	0	0.0
(a)(2) Base offense level 43	1	0.4
(a)(1) Base offense level 42	5	1.9
(a)(2) Base offense level 41	0	0.0
(a)(1) Base offense level 40	14	5.3
(a)(2) Base offense level 39	8	3.0
(a)(1) Base offense level 38	3	1.1
(a)(2) Base offense level 37	12	4.5
(a)(1) Base offense level 36	7	2.6
(a)(2) Base offense level 35	23	8.6
(a)(1) Base offense level 34	8	3.0
(a)(2) Base offense level 33	9	3.4
(a)(1) Base offense level 32	12	4.5
(a)(2) Base offense level 31	9	3.4
(a)(1) Base offense level 30	19	7.1
(a)(2) Base offense level 29	13	4.9
(a)(1) Base offense level 28	38	14.3
(a)(2) Base offense level 27	10	3.8
(a)(1) or (a)(3) Base offense level 26	18	6.8
(a)(2) Base offense level 25	2	0.8

²⁷ This Specific Offense Characteristic was changed from §2D1.1(b)(4) on November 1, 1996. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2D1.2 Drug offenses near protected location/involving underage/pregnant individuals (cont)	266	0.6
(a)(1) Base offense level 24	3	1.1
(a)(2) Base offense level 23	0	0.0
(a)(1) Base offense level 22	8	3.0
(a)(2) Base offense level 21	4	1.5
(a)(1) Base offense level 20	4	1.5
(a)(2) Base offense level 19	2	0.8
(a)(1) Base offense level 18	8	3.0
(a)(2) Base offense level 17	5	1.9
(a)(1) Base offense level 16	5	1.9
(a)(2) Base offense level 15	2	0.8
(a)(1) Base offense level 14	10	3.8
(a)(2) or (a)(4) Base offense level 13	3	1.1
(a)(1) Base offense level 12	0	0.0
(a)(1) Base offense level 8	1	0.4
No Specific Characteristics for this guideline	NA	NA
§2D1.5 Continuing Criminal Enterprise	13	0.0
(a)(1) Base offense level 44	2	15.4
(a)(1) Base offense level 42	6	46.2
(a)(1) Base offense level 40	1	7.7
(a)(1) or (a)(2) Base offense level 38	4	30.8
No Specific Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2D1.6 Use of Communication Facility in Committing Drug Offense	17	0.0
(a)(1) Base offense level 38	1	5.9
(a)(1) Base offense level 36	1	5.9
(a)(1) Base offense level 34	2	11.8
(a)(1) Base offense level 30	1	5.9
(a)(1) Base offense level 26	4	23.5
(a)(1) Base offense level 18	1	5.9
(a)(1) Base offense level 14	2	11.8
(a)(1) Base offense level 12	4	23.5
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.7 Unlawful Sale or Transportation of Drug Paraphernalia	30	0.1
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.8 Renting or Managing a Drug Establishment	38	0.1
(a)(1) Base offense level 36	1	2.6
(a)(1) Base offense level 30	3	7.9
(a)(1) Base offense level 28	1	2.6
(a)(1) or (a)(2) Base offense level 26	5	13.2
(a)(1) or (a)(2) Base offense level 24	2	5.3
(a)(1) or (a)(2) Base offense level 22	5	13.2
(a)(1) or (a)(2) Base offense level 20	2	5.3
(a)(1) or (a)(2) Base offense level 18	1	2.6
(a)(1) or (a)(2) Base offense level 16	16	42.1
(a)(1) or (a)(2) Base offense level 14	1	2.6
(a)(1) or (a)(2) Base offense level 12	1	2.6
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.9 Placing or Maintaining Dangerous Devices on Federal Property to Protect Unlawful Production of a Controlled Substance	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2D1.10 Endangering Human Life While Illegally Manufacturing a Controlled Substance	14	0.0
(a)(1) Base offense level 37	3	21.4
(a)(1) Base offense level 35	3	21.4
(a)(1) Base offense level 33	1	7.1
(a)(1) Base offense level 31	1	7.1
(a)(1) Base offense level 29	3	21.4
(a)(1) Base offense level 23	1	7.1
(a)(2) Base offense level 20	1	7.1
(b)(1)(A) Involving manufacturing of methamphetamine (3 levels)	6	42.8
(b)(1)(B) Involving manufacturing of meth creating a substantial risk to minor (6 levels)	3	21.4
§2D1.11 Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical	119	0.3
(a)(1) Base offense level 38	19	16.0
(a)(1) Base offense level 36	10	8.4
(a)(1) Base offense level 34	15	12.6
(a)(1) Base offense level 32	14	11.8
(a)(1) Base offense level 30	13	10.9
(a)(1) Base offense level 28	11	9.2
(a)(1) Base offense level 26	23	19.3
(a)(1) Base offense level 24	2	1.7
(a)(1) Base offense level 22	1	0.8
(a)(1) Base offense level 20	5	4.2
(a)(1) Base offense level 18	3	2.5
(a)(1) Base offense level 14	1	0.8
(a)(1) Base offense level 12	2	1.7
(b)(1) Dangerous weapon possessed (2 levels)	12	10.1
(b)(2) Convicted of 21 U.S.C. §§841(d)(2),(g)(1), or 960(d)(2) (3 level decrease)	9	7.6
(b)(3)(A)&(B) Unlawful discharge/emission/release into environment of hazardous substance (2 levels)	1	0.9

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2D1.12 Unlawful Possession/Manufacturing of Prohibited Equipment	20	0.0
(a)(1) Offender intended to manufacture a controlled substance (Base Offense Level 12)	17	85.0
(a)(2) Reasonable believe equipment to be used for manufacturing (BOL 9)	3	15.0
(b)(1) Offender intended to manufacture methamphetamine (2 levels)	19	95.0
(b)(2) Offense involved discharge of hazardous substance (2 levels)	3	16.7
§2D1.13 Structuring Chemical Transactions to Evade Recordkeeping Requirements	2	0.0
(a)(1) Base offense level 14	1	50.0
(a)(3) Base offense level 6	1	50.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D2.1 Unlawful Possession	371	0.8
(a)(1) Heroin or any Schedule I or II opiate or cocaine base (Base Offense Level 8)	61	16.4
(a)(2) Cocaine, flunitrazepam, LSD, or PCP (Base Offense Level 6)	39	10.5
(a)(3) Any other controlled substance or a list I chemical (Base Offense Level 4)	269	72.5
§2D2.2 Acquiring a Controlled Substance by Forgery, Fraud, Deception, or Subterfuge	26	0.1
No Specific Offense Characteristics for this guideline	NA	NA
§2D2.3 Operating or Directing the Operation of a Common Carrier Under the Influence	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D3.1 Regulatory Offenses Involving Registration Numbers	4	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D3.2 Regulatory Offenses Involving Controlled Substances or Listed Chemicals	1	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part E - Offenses Involving Criminal Enterprises and Racketeering		
§2E1.1 Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations	20	0.0
(a)(1) Base offense level 19	18	90.0
(a)(2) Offense level from applicable underlying racketeering offense	1	5.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.2 Interstate or Foreign Travel or Transportation in Aid of a Racketeering Enterprise	3	0.0
(a)(1) Base offense level 6	0	0.0
(a)(2) Base offense level applicable to underlying crime of violence	3	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.3 Violent Crimes in Aid of Racketeering Activity	0	0.0
(a)(1) Base offense level 12	0	0.0
(a)(2) Base offense level applicable to the underlying crime or racketeering activity	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.4 Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire	9	0.0
(a)(1) Base offense level 32	9	100.0
(a)(2) Base offense level applicable to the underlying unlawful conduct	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E2.1 Making or Financing an Extortionate Extension of Credit	42	0.1
(b)(1)(A) Firearm discharged (5 levels)	0	0.0
(b)(1)(B) Dangerous weapon otherwise used (4 levels)	2	4.8
(b)(1)(C) Dangerous weapon brandished or possessed (3 levels)	7	16.7
(b)(2)(A) Bodily injury (2 levels)	7	16.7
(b)(2)(B) Serious bodily injury (4 level)	0	0.0
(b)(2)(C) Permanent or life-threatening bodily injury (6 levels)	0	0.0
(b)(2)(D) Between bodily injury and serious bodily injury (3 levels)	0	0.0
(b)(2)(E) Between serious bodily injury and permanent/life-threatening injury (5 levels)	0	0.0
(b)(3)(A) Person abducted to facilitate commission of the offense (4 levels)	2	4.8
(b)(3)(B) Person physically restrained to facilitate commission (2 levels)	0	0.0
§2E3.1 Gambling Offenses	81	0.2
(a)(1) Offense involved a gambling business (Base offense level 12)	81	100.0
(a)(2) Base offense level 6	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2E4.1 Unlawful Conduct Relating to Contraband Cigarettes	14	0.0
(a)(1) Base offense level 9	2	14.3
(a)(2) Loss between \$12,500 and \$30,000 (Base offense level 12)	1	7.1
(a)(2) Loss between \$30,000 and \$80,000 (Base offense level 14)	1	7.1
(a)(2) Loss between \$200,000 and \$325,000 ²⁸ (Base offense level 16)	1	7.1
(a)(2) Loss between \$200,000 and \$400,000 (Base offense level 18)	1	7.1
(a)(2) Loss between \$950,000 and \$1,500,000 ²⁸ (Base offense level 19)	1	7.1
(a)(2) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	3	21.4
(a)(2) Loss between \$2,500,000 and \$5,000,000 ²⁸ (Base offense level 21)	1	7.1
(a)(2) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	3	21.4
§2E5.1 Offering, Accepting, or Soliciting a Bribe Affecting a Pension Benefit	7	0.0
(a)(1) Bribe involved (Base offense level 10)	2	28.6
(a)(2) Gratuity involved (Base offense level 6)	5	71.4
(b)(1) Offender was a fiduciary of the benefit plan or labor organization (2 levels)	1	14.3
(b)(2)(A) Value of prohibited payment between \$2,000 and \$5,000 (one level)	0	0.0
(b)(2)(B) Value of prohibited payment between \$5,000 and \$10,000 (2 levels)	0	0.0
(b)(2)(B) Value of prohibited payment between \$70,000 and \$120,000 ²⁹ (6 levels)	1	14.3
(b)(2)(B) Value of prohibited payment between \$70,000 and \$120,000 (8 levels)	1	14.3
(b)(2)(B) Value of prohibited payment between \$400,000 and \$1,000,000 (14 levels)	1	14.3
(b)(2)(B) Value of prohibited payment between \$5,000,000 and \$10,000,000 ²⁹ 16 levels)	1	14.3
(b)(2)(B) Value of prohibited payment between \$7,000,000 and \$20,000,000 (20 levels)	1	14.3
§2E5.3 False Statements in Relation to Documents Required by Employee Retirement Security Act	7	0.0
(a)(1) Base offense level 6	6	85.7
(a)(2) Theft or embezzlement concealed (base offense level applicable from §§2B1.1 or 2E5.1)	1	14.3
No Specific Offense Characteristics for this guideline	NA	NA

²⁸Base offense level thresholds amounts and levels changed on November 1, 2001.

²⁹Threshold amounts and level increases were changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part F - Offenses Involving Fraud and Deceit		
§2F1.1 Fraud and Deceit ³⁰	1,119	2.5
(b)(1)(B) Loss between \$2,000 and \$5,000 (one level)	3	0.3
(b)(1)(C) Loss between \$5,000 and \$10,000 (2 levels)	17	1.5
(b)(1)(D) Loss between \$10,000 and \$20,000 (3 levels)	35	3.1
(b)(1)(E) Loss between \$20,000 and \$40,000 (4 levels)	62	5.5
(b)(1)(F) Loss between \$40,000 and \$70,000 (5 levels)	46	4.1
(b)(1)(G) Loss between \$70,000 and \$120,000 (6 levels)	85	7.6
(b)(1)(H) Loss between \$120,000 and \$200,000 (7 levels)	137	12.2
(b)(1)(I) Loss between \$200,000 and \$350,000 (8 levels)	152	13.6
(b)(1)(J) Loss between \$350,000 and \$500,000 (9 levels)	71	6.3
(b)(1)(K) Loss between \$500,000 and \$800,000 (10 levels)	88	7.9
(b)(1)(L) Loss between \$800,000 and \$1,500,000 (11 levels)	107	9.6
(b)(1)(M) Loss between \$1,500,000 and \$2,500,000 (12 levels)	70	6.3
(b)(1)(N) Loss between \$2,500,000 and \$5,000,000 (13 levels)	70	6.3
(b)(1)(O) Loss between \$5,000,000 and \$10,000,000 (14 levels)	48	4.3
(b)(1)(P) Loss between \$10,000,000 and \$20,000,000 (15 levels)	36	3.2
(b)(1)(Q) Loss between \$20,000,000 and \$40,000,000 (16 levels)	18	1.6
(b)(1)(R) Loss between \$40,000,000 and \$80,000,000 (17 levels)	20	1.8
(b)(1)(S) Loss greater than \$80,000,000 (18 levels)	12	1.1
(b)(2)(A) More than minimal planning or (B) scheme to defraud more than one victim (2 levels)	996	89.0
(b)(3) Mass marketing ³¹ (2 levels)	79	7.1
(b)(4)(A) Misrepresentation, (B) violation of judicial order ³² (2 levels)	51	4.6

³⁰ Deleted and consolidated with §2B1.1 on November 1, 2001.

³¹ Specific Offense Characteristic (SOC) in effect on November 1, 1998.

³² SOC changed from §2F1.1(b)(3) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2F1.1 Fraud and Deceit (continued)	1,119	2.5
(b)(5)(A)&(B) Possession/production of device making equipment (C) transfer means of ID (2 levels)	52	4.6
(b)(5) Foreign bank accounts for concealment ³³ (Increase to level 12)	48	4.3
(b)(6)(A) Offender relocated to evade law enforcement, (B) fraud committed outside of U.S. or (C) sophisticated means used (2 levels or level 12)	65	5.8
(b)(7)(A) Risk of bodily injury (B) possession of dangerous weapon ³⁴ (2 levels)	13	1.2
(b)(8) Jeopardized the safety of financial institution or (B) \$1,000,000 derived ³⁵ (4 levels)	20	1.8
§2F1.2 Insider Trading ³⁰	11	0.0
(b)(1) Loss between \$40,000 and \$70,000 (5 levels)	1	9.1
(b)(1) Loss between \$70,000 and \$120,000 (6 levels)	2	18.2
(b)(1) Loss between \$120,000 and \$200,000 (7 levels)	2	18.2
(b)(1) Loss between \$200,000 and \$350,000 (8 levels)	2	18.2
(b)(1) Loss between \$350,000 and \$500,000 (9 levels)	1	9.1
(b)(1) Loss between \$500,000 and \$800,000 (10 levels)	1	9.1
(b)(1) Loss between \$800,000 and \$1,500,000 (11 levels)	2	18.2

³³ SOC deleted on November 1, 2000.

³⁴ Specific Offense Characteristic (SOC) changed from §2F1.1(b)(4)(A) and (B) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

³⁵ SOC changed from §2F1.1(b)(6)(A) and (B) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part G - Offenses Involving Commercial Sex Acts, Sexual Exploitation of Minors and Obscenity		
§2G1.1 Promoting A Commercial Sex Act or Prohibited Sexual Contact	88	0.2
(a)(1) Offense involved a minor (Base offense level 19)	45	51.1
(a)(2) Otherwise (Base offense level 14) ³⁶	42	47.7
(b)(1)(A) Commercial sex act and (B) the use of physical force/fraud/coercion (4 levels)	13	14.8
(b)(2)(B) Victim between 12 and 16 (7 levels) ³⁶	1	1.1
(b)(2)(C) Victim between 16 and 18 (5 levels) ³⁶	1	1.1
(b)(2)(A) Victim under the age of 12 (4 levels)	3	3.4
(b)(2)(B) Victim between 12 and 16 (2 levels)	27	30.7
(b)(3) Victim under 16 and (A) offender was parent/guardian or (B) otherwise custody care or control (2 levels)	11	12.5
(b)(4)(A) Misrepresentation or (B) undue influence and (b)(3) does not apply (2 levels)	14	15.9
(b)(5) Use of a computer (2 levels)	14	15.9
§2G2.1 Production of Pornography	124	0.3
(a) Base offense level 27	117	94.4
(a) Base offense level 25 ³⁷	7	5.6
(b)(1)(A) Victim under the age of 12 (4 levels)	44	35.5
(b)(1)(B) Victim between 12 and 16 (2 levels)	66	53.2
(b)(2) Offender was a parent/relative/legal guardian or custody, care or control (2 levels)	62	50.0
(b)(3)(A) Misrepresentation or (B) use of a computer (2 levels)	25	21.4

³⁶ Base offense level increased, and SOC levels decreased on November 1, 2000.

³⁷ Base offense level increased on November 1, 1996

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2G2.2 Trafficking in Pornography	243	0.6
(b)(1) Victim under the age of 12 (2 levels)	234	96.3
(b)(2)(A) Done for pecuniary gain or (B) in exchange for thing of value or (C)distribution to a minor (5 levels)	82	33.7
(b)(2)(D) Distribution to a minor to coerce to engage in sexual behavior (7 levels)	1	0.4
(b)(2)(E) Distribution other than in (b)(2)(A)-(D) (2 levels)	48	19.8
(b)(3) Sadistic or masochistic conduct or other forms of violence (4 levels)	133	54.7
(b)(4) Offender engaged in a pattern of activity involving sexual exploitation (5 levels)	49	20.2
(b)(5) Use of a computer (2 levels)	230	94.6
(b)(6)(A) At least 10 images, but fewer than 150 (2 levels)	7	2.9
(b)(6)(B) At least 150 images, but fewer than 300 (3 levels)	2	0.8
(b)(6)(C) At least 300 images, but fewer than 600 (4 levels)	3	1.2
(b)(6)(D) 600 images or more (5 levels)	14	5.8
§2G2.3 Selling or Buying Children for use in the Production of Pornography	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2G2.4 Possession of Pornography	215	0.5
(a) Base offense level 15	214	99.5
(a) Base offense level 13 ³⁷	1	0.5
(b)(1) Minor under the age of 12 depicted (2 levels)	196	91.2
(b)(2) 10 or more items (2 levels)	163	75.8
(b)(3) Use of a computer (2 levels)	201	93.5
(b)(4) Sadistic or masochistic conduct depicted (4 levels)	21	9.8
(b)(5)(A) At least 10 images, but fewer than 150 (2 levels)	13	6.0
(b)(5)(B) At least 150 images, but fewer than 300 (3 levels)	0	0.0
(b)(5)(C) At least 300 images, but fewer than 600 (4 levels)	6	2.8
(b)(5)(D) 600 images or more (5 levels)	9	4.2
§2G2.5 Recordkeeping Offenses Involving the Production of Sexually Explicit Materials	0	0.0
No Specific Offense Characteristics for the guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2G3.1 Importing/Mailing/Transporting Obscene Matter	17	0.0
(b)(1) (A) Done for pecuniary gain or (B) in exchange for thing of value or (C) distribution to a minor (5 levels)	7	41.2
(b)(1)(D) Distribution to a minor to coerce to engage in sexual behavior (7 levels)	2	11.8
(b)(1)(E) Distribution other than in (b)(1)(A)-(D) (2 levels)	1	5.9
(b)(2) Sadistic or masochistic conduct or other forms of violence (4 levels)	4	23.5
§2G3.2 Obscene Telephone Communication for Commercial Purposes	0	0.0
(b)(1) Victim under 18 and broadcast between 6AM and 11PM (4 levels)	0	0.0
(b)(2) Six plus the level in §2B1.1	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part H - Offenses Involving Individual Rights		
§2H1.1 Offenses Involving Individual Rights	39	0.1
(a)(1) Offense level from the offense guideline applicable to underlying offense	10	25.6
(a)(2) Offense involved two or more participants (Base offense level 12)	18	46.2
(a)(3) Offense involved (A) use/threat of force, or (B) property damage (BOL 10)	6	15.4
(a)(4) Otherwise (Base offense level 6)	5	12.8
(b)(1)(A) Offender was a public official or (B) committed under color of law (6 levels)	29	74.4
§2H2.1 Obstructing an Election or Registration	6	0.0
(a)(1) Obstruction occurred by use of force or threat against property (BOL 18)	0	0.0
(a)(2) Obstruction occurred by forgery/fraud/theft/bribery (Base offense level 12)	6	100.0
(a)(3)(A) Solicited or accepted value to vote, refrain from, (B) false information to establish eligibility to vote, (C) voted more than once in federal election (BOL 6)	0	0.0
§2H3.1 Interception of Communications	9	0.0
(a)(1) Base offense level 9	6	66.7
(a)(2) Offender convicted of 26 U.S.C. §§7231A or 7216 (Base offense level 6)	3	33.3
(b)(1) Purpose was to obtain direct/indirect commercial advantage (3 levels)	1	11.1
§2H3.2 Manufacturing, Distributing, Advertising Eavesdropping Device	3	0.0
(b)(1) Offense committed for pecuniary gain (3 levels)	2	66.7
§2H3.3 Obstructing Correspondence	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2H4.1 Peonage, Involuntary Servitude and Slave Trade	15	0.0
(a)(1) Base offense level 22	11	73.3
(a)(2) Offender convicted of 18 U.S.C. § 1592 (Base offense level 18)	4	26.7
(b)(1)(A) Victim sustained permanent or life-threatening bodily injury (4 levels)	2	13.3
(b)(1)(B) Victim sustained bodily injury (2 levels)	4	26.7
(b)(2)(A) Dangerous weapon used (4 levels)	4	26.7
(b)(2)(B) Dangerous weapon brandished or threatened (2 levels)	2	13.3
(b)(3)(A) Victim held in peonage/involuntary servitude for more than one year (3 levels)	1	6.7
(b)(3)(B) Victim held in peonage/involuntary servitude - 180 days to one year (2 levels)	1	6.7
(b)(3)(C) Victim held in peonage/involuntary servitude - 30 days to 180 days (one level)	12	80.0
(b)(4)(A) Other felony committed during offense (2 levels)	13	86.7
§2H4.2 Willful Violations of the Migrant&Seasonal Agricultural Worker Protection Act	0	0.0
(b)(1)(i) Serious bodily injury (4 levels)	0	0.0
(b)(1)(ii) Bodily injury (2 levels)	0	0.0
(b)(2) Offense committed after sustaining civil adjudication for similar act (2 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part J - Offenses Involving the Administration of Justice		
§2J1.1 Contempt	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2J1.2 Obstruction of Justice	106	0.2
(a)(1) Base offense level 14	21	19.8
(a)(1) Base offense level 12 ³⁸	84	79.2
(b)(1) Causing/threatening to cause physical injury (8 levels)	17	16.0
(b)(2) Offense resulted in substantial influence with the administration of justice (3 levels)	17	16.0
(b)(3) Offense involved (A) destruction of records, (B) selection of any essential document to destroy, or (C) otherwise extensive in scope or planning (2 levels)	0	0.0
§2J1.3 Perjury or Subornation of Perjury	42	0.1
(a) Base offense level 14	3	7.1
(a) Base offense level 12 ³⁸	38	90.5
(b)(1) Causing/threatening to cause physical injury (8 levels)	0	0.0
(b)(2) Offense resulted in substantial influence with the administration of justice (3 levels)	7	16.7
§2J1.4 Impersonation	15	0.0
(b)(1) Offense committed to conduct an unlawful arrest, detention or search (6 levels)	3	20.0
§2J1.5 Failure to Appear by Material Witness	0	0.0
(a)(1) In respect to a felony (Base offense level 6)	0	0.0
(a)(2) In respect to a misdemeanor (Base offense level 4)	0	0.0
(b)(1) Offense resulted in substantial influence with the administration of justice (3 levels)	0	0.0

³⁸ Base offense level increased on November 1, 2003

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2J1.6 Failure to Appear by Defendant	65	0.1
(a)(1) Failure to report for service of sentence (Base offense level 11)	32	49.2
(a)(2) Otherwise (Base offense level 6)	33	50.8
(b)(1)(A) (a)(1) applies and voluntarily surrendered within 96 hours (5 level decrease)	2	3.1
(b)(1)(B) (a)(1) applies and ordered to community corrections (2 level decrease)	0	0.0
(b)(2)(A)(a)(2) applies and offense punishable by 15 years to death (9 levels)	18	27.7
(b)(2)(B) (a)(2) applies and offense punishable by 5 to 15 years (6 levels)	9	13.8
(b)(2)(C) (a)(2) applies and offense punishable by less than 5 years (3 levels)	3	4.6
§2J1.7 Commission of Offense While on Release	82	0.2
No Specific Offense Characteristics for this guideline	NA	NA
§2J1.9 Payment to a Witness	0	0.0
Payment made/offered for refusing to testify (4 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part K - Offenses Involving Public Safety		
§2K1.1 Failure to Report Theft of Explosive Materials	9	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K1.3 Unlawful Receipt/Possession/Transportation of Explosive Materials	29	0.1
(a)(1) Two prior convictions for crime of violence/controlled substance (BOL 24)	2	6.9
(a)(2) One prior convictions for crime of violence/controlled substance (BOL 20)	4	13.8
(a)(3)(A) Prohibited person or (B) knowingly distributed explosive materials to prohibited person (Base offense level 16)	13	44.8
(a)(4) Otherwise (Base offense level 12)	10	34.5
(b)(1)(A) Weight of explosives 25 to 100 pounds (one level)	5	17.2
(b)(1)(B) Weight of explosives 100 to 250 pounds (2 levels)	2	6.9
(b)(1)(C) Weight of explosives 250 to 500 pounds (3 levels)	1	3.4
(b)(1)(D) Weight of explosives 500 to 1,000 pounds (4 levels)	1	3.4
(b)(1)(E) Weight of explosives more than 1,000 pounds (5 levels)	4	13.8
(b)(2) Offense involved stolen explosives (2 levels)	5	17.2
(b)(3) Use of explosives in connection with another felony offense (4 levels or level 18)	0	0.0
§2K1.4 Arson	100	0.2
(a)(1)(A) Substantial risk of death/serious bodily injury (B) destruction of dwelling (BOL 24)	42	42.0
(a)(2)(A) Substantial risk of death/serious injury of other participant (B) destruction of structure other than a dwelling, (C) endangered a dwelling (Base offense level 20)	31	31.0
(a)(3) 2 plus the level from §2B1.1	27	27.0
(b)(1) Committed to conceal another offense (2 levels)	10	10.0
(b)(2) Offense not under (a)(3) and occurred on national cemetery (2 levels)	1	1.0
§2K1.5 Possessing Dangerous Weapon or Materials While Boarding an Aircraft	19	0.0
(b)(1) Committed without regard for safety of human life (15 levels)	2	10.5
(b)(2) Offender prohibited under federal law from possession weapon (2 levels)	0	0.0
(b)(3) Offender's possession lawful but for 49 U.S.C. §46505 (3 level decrease)	7	36.8
§2K1.6 Licensee Recordkeeping Violations Involving Explosive Materials	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition	4,777	10.6
(a)(1) Two prior convictions & firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) (BOL 26)	85	1.8
(a)(2) Two prior convictions for crime of violence (Base offense level 24)	956	20.0
(a)(3) One prior convictions & firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) (BOL 22)	149	3.1
(a)(4)(A) One prior conviction or (B) firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) and (i) offender was a prohibited person or (ii) convicted under 18 U.S.C. § 922(d) (Base offense level 20)	1,520	31.8
(a)(5) Firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. 921(a)(30) (BOL 18)	255	5.3
(a)(6)(A) Offender prohibited person or (B) convicted under 18 U.S.C. § 922(d) (BOL 14)	1,394	29.2
(a)(7) Excepted as provided in (a)(8) (Base offense level 12)	385	8.1
(a)(8) Offense convicted under 18 U.S.C. §922 (c), (e), (f), (m), (s), (t) or (x)(1) (BOL 6)	30	0.6
(b)(1)(A) 3-4 firearms ³⁹ (one level)	27	0.6
(b)(1)(A) 3-7 firearms (two levels)	631	13.2
(b)(1)(B) 5-7 firearms ³⁹ (two levels)	5	0.1
(b)(1)(C) 8-12 firearms ³⁹ (3 levels)	13	0.3
(b)(1)(B) 8-24 firearms (4 levels)	277	5.8
(b)(1)(D) 13-24 firearms ³⁹ (4 levels)	1	0.0
(b)(1)(E) 25-49 firearms ³⁹ (5 levels)	9	0.2
(b)(1)(C) 25-99 firearms (6 levels)	104	2.2
(b)(1)(F) 50 or more firearms ³⁹ (6 levels)	3	0.1
(b)(1)(D) 100-199 firearms (8 levels)	5	0.1
(b)(1)(E) 200 or more firearms (10 levels)	7	0.2
(b)(2) Not subject to (a)(1)-(a)(5) and solely for lawful sporting purposes (decrease to level 6)	92	1.9
(b)(3) Destructive device (2 levels)	125	2.6
(b)(4) Firearm stolen or altered/obliterated serial number (2 levels)	1,010	21.1
(b)(5) Firearms used in connection with another offense (4 levels/increase to level 18)	1,018	21.3
(b)(6) Recordkeeping offense to conceal offense involving firearms (increase to level of underlying offense)	6	0.1

³⁹ Firearm table changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2K2.4 Use of Firearm/Armor-Piercing Ammunition or Explosive	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K2.5 Possession of Firearm or Dangerous Weapon in Federal Facility	15	0.0
(b)(1)(A) Unlawful possession of firearm (B) firearm in school zone (2 levels)	8	53.3
§2K2.6 Possessing, Purchasing or Owning Body Armor by Violent Felons	1	0.0
(b)(1) Body armor used in connection with another felony (4 levels)	0	0.0
§2K3.2 Feloniously Mailing Injurious Articles	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part L - Offenses Involving Immigration, Naturalization, and Passports		
§2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien	1,452	3.2
(a)(1) Convicted under 8 U.S.C. §1327 after being previously deported (BOL 23)	2	0.1
(a)(2) Otherwise (Base offense level 12)	1,449	99.8
(a)(2) Otherwise (Base offense level 9) ⁴⁰	0	0.0
(b)(1)(A) Offense committed for profit and (B) BOL under (a)(2) (3 level decrease)	79	5.4
(b)(2)(A) 6-24 aliens smuggled (3 levels)	685	47.2
(b)(2)(B) 25-99 aliens smuggled (6 levels)	100	6.9
(b)(2)(C) 100 or more aliens smuggled (9 levels)	39	2.7
(b)(3)(A) Prior conviction for felony immigration and naturalization offense (2 levels)	39	2.7
(b)(3)(B) Two or more prior convictions for felony immigration offense (4 levels)	2	0.1
(b)(4)(A) Firearm discharged (6 levels, increase to 22)	12	0.8
(b)(4)(B) Weapon brandished or otherwise used (4 levels, increase to 20)	19	1.3
(b)(4)(C) Weapon possessed (2 levels, increase to 18)	25	1.7
(b)(5) Reckless creating risk of death or serious bodily injury (2 levels, increase to 18)	586	40.4
(b)(6)(1) Bodily injury (2 levels)	11	0.8
(b)(6)(2) Serious bodily injury (4 levels)	9	0.6
(b)(6)(3) Permanent or life-threatening bodily injury (6 levels)	5	0.3
(b)(6)(4) Death (8 levels)	16	1.1
§2L1.2 Unlawfully Entering or Remaining in the United States	6,633	14.6
(b)(1)(A) Previously deported, conviction of (i) drug trafficking offense (ii) crime of violence (iii) firearms offense (iv) child pornography (v) national security (vi) human trafficking (vii) alien smuggling (16 levels)	2,624	39.6
(b)(2)(B) Previously deported, drug offense sentence less than 13 months (12 levels)	576	8.7
(b)(2)(C) Previously deported, aggravated felony conviction (8 levels)	1,210	18.2
(b)(2)(D) Previously deported, any other felony conviction (E) three or more misdemeanor convictions of crimes of violence or drug trafficking (4 levels)	923	13.9

⁴⁰ This base offense level was changed on November 1, 1997.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2L2.1 Trafficking in Documents Relating to Naturalization	229	0.5
(a) Base offense level 11	226	98.7
(a) Base offense level 9 ⁴⁰	3	1.3
(b)(1) Committed other than for profit or only smuggling relative (3 level decrease)	14	6.1
(b)(2)(A) 6-24 Documents/Passports ⁴¹ (2 levels)	1	0.4
(b)(2)(A) 6-24 Documents/Passports (3 levels)	57	24.9
(b)(2)(B) 25-99 Documents/Passports (6 levels)	49	21.4
(b)(2)(C) 100 or more Documents/Passports ⁴¹ (6 levels)	1	0.4
(b)(2)(C) 100 or more Documents/Passports (9 levels)	53	23.2
(b)(3) Offender knew passport or visa facilitated a felony offense (4 levels)	9	3.9
(b)(4)(A) Committed instant offense after conviction of immigration offense (2 levels)	1	0.4
(b)(4)(B) Committed instant offense after two or more convictions immigration (4 lvls)	0	0.0
§2L2.2 Fraudulent Acquiring Documents Relating to Citizenship	633	1.4
(a) Base offense level 8	624	98.6
(a) Base offense level 6 ⁴⁰	9	1.4
(b)(1) Offender an unlawful alien, previously deported (2 levels)	110	17.4
(b)(2)(A) Prior felony immigration and naturalization offense (2 levels)	13	2.0
(b)(2)(B) Two or more prior felony immigration and naturalization offenses (4 levels)	3	0.5
§2L2.5 Failure to Surrender Canceled Naturalization Certificate	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

⁴¹ Enhancement level was changed on November 1, 1997.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part M - Offenses Involving National Defense and Weapons of Mass Destruction		
§2M1.1 Treason	0	0.0
(a)(1) Conduct tantamount to waging war against the United States (Base offense level 43)	0	0.0
(a)(2) Offense level applicable to most analogous offense	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M2.1 Destruction of, or Production of Defective War Material	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M2.3 Destruction of, or Production of Detective, National Defense Material	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.1 Gathering/Transmitting National Defense Information to Aid Foreign Gov't	0	0.0
(a)(1) Top secret information gathered or transmitted (Base offense level 42)	0	0.0
(a)(2) Otherwise (Base offense level 37)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.2 Gathering National Defense Information	0	0.0
(a)(1) Top secret information gathered (Base offense level 35)	0	0.0
(a)(2) Otherwise (Base offense level 30)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.3 Transmitting National Defense Information	0	0.0
(a)(1) Top secret information (Base offense level 29)	0	0.0
(a)(2) Otherwise (Base offense level 24)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.4 Losing National Defense Information	0	0.0
(a)(1) Top secret information was lost (Base offense level 18)	0	0.0
(a)(2) Otherwise (Base offense level 13)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.5 Tampering with Restricted Data Concerning Atomic Energy	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2M3.9 Disclosure of Information Identifying a Covert Agent	0	0.0
(a)(1) Information disclosed by person with access to classified material identifying a covert agent (BOL 30)	0	0.0
(a)(2) Information disclosed by person with access to classified material (BOL 25)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M4.1 Failure to Register and Evasion of Military Service	0	0.0
(b)(1) Occurred by person being inducted for compulsory military service (6 levels)	0	0.0
§2M5.1 Evasion of Export Controls	1	0.0
(a)(1)(A) National security controls (B) offense involved financial transactions with a country supporting terrorism (Base offense level 26)	0	0.0
(a)(2) Otherwise (Base offense level 14)	1	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M5.2 Exportation of Arms/Munitions/Military Equipment without Validated Export License	19	0.0
(a)(1) Except as provided in (a)(2) (Base offense level 26)	9	47.4
(a)(1) Except as provided in (a)(2) ⁴² (Base offense level 22)	9	47.4
(a)(2) Involved less than 10 only non-fully automatic small arms (Base offense level 14)	1	5.3
No Specific Offense Characteristics for this guideline	NA	NA
§2M5.3 Providing Material Support/Resources to Designated Foreign Terrorist Organizations	3	0.0
(b)(1)(A) Dangerous weapons involved (B) firearms (C) explosives (D) funds to purchase (A)-(C) (2 levels)	0	0.0
§2M6.1 Unlawful Production of Nuclear Material	26	0.1
(a)(1)(A) Intent to injure U.S. (B) aid a foreign nation (Base offense level 42)	0	0.0
(a)(2) Subsections (a)(1), (a)(3)-(a)(5) do not apply (Base offense level 28)	2	7.7
(a)(3) Convicted under 18 U.S.C. § 175b (Base offense level 22)	0	0.0
(a)(4) Convicted under 18 U.S.C. § 175(b) (a)(5)(A) Involved a threat to use nuclear weapon but (B) did not intend to carry out threat (Base offense level 20)	24	92.3
(b)(1)(A) Subsection (a)(2), (a)(4), or (a)(5) applies and (B) threat of biological agent (2 levels)	16	61.5
(b)(2)(A) Subsections (a)(2)-(a)(4) applies and (B)(i) victim died or permanent life-threatening bodily injury (4 levels)	0	0.0
(b)(2)(A) Subsection (a)(2)-(a)(4) applies and (ii) serious bodily injury (2 levels)	1	3.8
(b)(2)(A) Subsection (a)(2)-(a)(4) applies and (iii) injury between (i) and (ii) (3 levels)	1	3.8
(b)(3)(A) Subsection (a)(2)-(a)(5) applies and (B) disruption of government services (4 levels)	17	65.4

⁴² This base offense level was raised on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2M6.2 Violation of Other Federal Atomic Energy Agency Statutes, Rules or Regulation	0	0.0
(a)(1) Committed with intent to injure the United States (Base offense level 30)	0	0.0
(a)(2) Otherwise (Base offense level 6)	0	0.0
No Specific Offense Characteristic for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part N - Offenses Involving Food, Drugs, Agricultural Products and Odometer Laws		
§2N1.1 Tampering or Attempting to Tamper Involving risk of Death or Bodily Injury	4	0.0
(b)(1)(A) Permanent or life-threatening bodily injury (4 levels)	0	0.0
(b)(1)(B) Serious bodily injury (2 levels)	0	0.0
(b)(1)(C) Degree of injury between serious and permanent/life-threatening (3 levels)	0	0.0
§2N1.2 Providing False Information or Threatening to Tamper with Consumer Products	0	0.0
No Specific Offense Characteristics with this guideline	NA	NA
§2N1.3 Tampering with Intent to Injure Business	1	0.0
No Specific Offense Characteristics with this guideline	NA	NA
§2N2.1 Violations of Statutes and Regulations Dealing with any Food, Drug, etc	27	0.1
No Specific Offense Characteristics with this guideline	0	0.0
§2N3.1 Odometer Laws and Regulations	1	0.0
No Specific Offense Characteristics with this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part P - Offenses Involving Prisons and Correctional Facilities		
§2P1.1 Escape, Instigating or Assisting Escape	162	0.4
(a)(1) Custody is by virtue of an arrest on a felony/conviction of another offense (BOL 13)	160	98.8
(a)(2) Otherwise (Base offense level 8)	2	1.2
(b)(1) Use of threat of force against any person (5 levels)	4	2.5
(b)(2) Escaped from non-secure custody,(a)(1) applies, return in 96 hours (7 level decrease)	8	4.9
(b)(2) Escaped from non-secure custody, (a)(2)applies, return in 96 hours (4 level decrease)	4	2.5
(b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(1) applies (4 level decrease)	78	48.2
(b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(2) applies (2 level decrease)	1	0.6
(b)(4) Offender was a law enforcement officer (2 levels)	1	0.6
§2P1.2 Providing or Possessing Contraband in Prison	75	0.2
(a)(1) Object was a firearm or destructive device (Base offense level 23)	1	1.3
(a)(2) Object was a weapon, ammunition, LSD, or a narcotic drug (Base offense level 13)	36	48.0
(a)(3) Object was an alcoholic beverage/currency/controlled substance (BOL 6)	34	45.3
(a)(4) Other object threatened order of facility (Base offense level 4)	1	1.3
(b)(1) Offender was a law enforcement officer (2 levels)	3	4.0
§2P1.3 Engaging in a Riot Involving Persons in a Facility	0	0.0
(a)(1) Substantial risk of death or serious bodily injury (Base offense level 22)	0	0.0
(a)(2) Caused a major disruption to the operation of an institution (Base offense level 16)	0	0.0
(a)(3) Otherwise (Base offense level 10)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part Q -Offenses Involving the Environment		
§2Q1.1 Knowing Endangerment Resulting from Mishandling Hazardous Substances	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2Q1.2 Mishandling of Hazardous Substances	33	0.1
(b)(1)(A) Resulted in ongoing emission of a hazardous substance (6 levels)	10	30.3
(b)(1)(B) Otherwise involved discharge of a hazardous substance (4 levels)	5	15.2
(b)(2) Substantial likelihood of death or serious bodily injury (9 levels)	1	3.0
(b)(3) Disruption of public utilities or evacuation (4 levels)	2	6.1
(b)(4) Involved transportation without a permit or violation of a permit (4 levels)	9	27.3
(b)(5) Recordkeeping reflected an effort to conceal offense (Offense level of underlying offense)	0	0.0
(b)(6) Simple recordkeeping or reporting violation (2 level decrease)	2	6.1
§2Q1.3 Mishandling of Other Environmental Pollutants	11	0.0
(b)(1)(A) Ongoing/repetitive discharge of a pollutant (6 levels)	4	36.4
(b)(1)(B) Otherwise discharge of pollutant (4 levels)	3	27.3
(b)(2) Substantial likelihood of death or serious bodily injury (11 levels)	0	0.0
(b)(3) Resulted in disruption of public utilities or evacuation (4 levels)	1	9.1
(b)(4) Discharge without permit or in violation of a permit (4 levels)	8	72.7
(b)(5) Recordkeeping reflected an effort to conceal offense (Offense level of underlying offense)	0	0.0
§2Q1.4 Tampering or Attempted Tampering with Public Water System	0	0.0
(b)(1) Risk of death or serious bodily injury (6 levels)	0	0.0
(b)(2) Disruption of a public water system or evacuation (4 levels)	0	0.0
(b)(3) Ongoing release of contaminant into public water system (2 levels)	0	0.0
(b)(4) Purpose was to influence government action or extort money (6 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2Q1.6 Hazardous or Injurious Devices on Federal Lands	0	0.0
(a)(1) Intent was to violate Controlled Substance Act (apply §2D1.9)	0	0.0
(a)(2) Obstruct harvesting of timber and property destruction (apply §2B1.1)	0	0.0
(a)(3) Reckless disregard to risk to another person (apply §2A2.2)	0	0.0
(a)(4) Otherwise (Base offense level 6)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2Q2.1 Offenses Involving Fish, Wildlife and Plants	62	0.1
(b)(1)(A) Committed for pecuniary gain (B) pattern of similar violations (2 levels)	36	58.1
(b)(2)(A) Involved wildlife not quarantined (B) significant risk to human/wildlife (2 levels)	6	9.7
(b)(3)(A) Value of wildlife between \$2,000 and \$5,000 (one level)	8	12.9
(b)(3)(A) Value of wildlife between \$5,000 and \$10,000 (2 levels)	6	9.7
(b)(3)(A) Value of wildlife between \$10,000 and \$20,000 ⁴³ (3 levels)	2	3.2
(b)(3)(A) Value of wildlife between \$10,000 and \$30,000 or (B) offense involved protected marine mammals (4 levels)	10	13.4
(b)(3)(A) Value of wildlife between \$20,000 and \$40,000 ⁴³ (4 levels)	2	3.2
(b)(3)(A) Value of wildlife between \$30,000 and \$70,000 (6 levels)	3	4.8
(b)(3)(A) Value of wildlife between \$70,000 and \$120,000 ⁴³ (6 levels)	1	1.6
(b)(3)(A) Value of wildlife between \$200,000 and \$350,000 ⁴³ (8 levels)	1	1.6
(b)(3)(A) Value of wildlife between \$800,000 and \$1,500,000 ⁴³ (11 levels)	2	3.2
(b)(3)(A) Value of wildlife between \$200,000 and \$400,000 (12 levels)	2	3.2
(b)(3)(A) Value of wildlife between \$2,500,000 and \$5,000,000 ⁴³ (13 levels)	3	4.8

⁴³ Threshold amounts and level increases were changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part R - Antitrust Offenses		
§2R1.1 Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors	4	0.0
(b)(1) Involved participation in agreement to submit non-competitive bid (one level)	4	100.0
(b)(2)(A) Volume of commerce between \$400,000 and \$1,000,000 (one level)	0	0.0
(b)(2)(B) Volume of commerce between \$1,000,000 and \$2,500,000 (2 levels)	1	25.0
(b)(2)(C) Volume of commerce between \$2,500,000 and \$6,250,000 (3 levels)	0	0.0
(b)(2)(D) Volume of commerce between \$6,250,000 and \$15,000,000 (4 levels)	1	25.0
(b)(2)(E) Volume of commerce between \$15,000,000 and \$37,500,000 (5 levels)	1	25.0
(b)(2)(F) Volume of commerce between \$37,500,000 and \$100,000,000 (6 levels)	0	0.0
(b)(2)(G) Volume of commerce more than \$100,000,000 (7 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part S - Money Laundering and Monetary Transactions Reporting		
§2S1.1 Laundering of Monetary Instruments	531	1.2
(a)(1)&(2) Base offense level 7	1	0.2
(a)(1)&(2) Base offense level 8	15	2.8
(a)(1)&(2) Base offense level 9	3	0.6
(a)(1)&(2) Base offense level 10	9	1.7
(a)(1)&(2) Base offense level 12	41	7.7
(a)(1)&(2) Base offense level 14	42	7.9
(a)(1)&(2) Base offense level 15	1	0.2
(a)(1)&(2) Base offense level 16	24	4.5
(a)(1)&(2) Base offense level 17	3	0.6
(a)(1)&(2) Base offense level 18	27	5.1
(a)(1)&(2) Base offense level 19	8	1.5
(a)(1)&(2) Base offense level 20 ⁴⁴	89	16.8
(a)(1)&(2) Base offense level 20	53	10.0
(a)(1)&(2) Base offense level 21	1	0.2
(a)(1)&(2) Base offense level 22	31	5.8
(a)(1)&(2) Base offense level 23 ⁴⁴	43	8.1
(a)(1)&(2) Base offense level 23	3	0.6
(a)(1)&(2) Base offense level 24	22	4.1
(a)(1)&(2) Base offense level 25	1	0.2
(a)(1)&(2) Base offense level 26	23	4.3
(a)(1)&(2) Base offense level 28	18	3.4
(a)(1)&(2) Base offense level 29	1	0.2

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

⁴⁴ Base offense levels were changed on November 1, 2001. This row represents pre-November 1, 2001 statistics.

Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2S1.1 Laundering of Monetary Instruments (continued)	531	1.2
(a)(1)&(2) Base offense level 30	15	2.8
(a)(1)&(2) Base offense level 32	14	2.6
(a)(1)&(2) Base offense level 33	1	0.2
(a)(1)&(2) Base offense level 34	12	2.3
(a)(1)&(2) Base offense level 36	12	2.3
(a)(1)&(2) Base offense level 38	14	2.6
(a)(1)&(2) Base offense level 39	1	0.2
(a)(1)&(2) Base offense level 40	2	0.4
(a)(1)&(2) Base offense level 41	1	0.2
(b)(1) Subsection (a)(2) applies and (B) offender knew proceeds were intended for (i) distribution of a controlled substance (ii) crime of violence (iii) firearms explosives (6 levels)	111	20.9
(b)(1) Proceeds intended for unlawful controlled substance offense ⁴⁵ (3 levels)	65	12.2
(b)(2)(A) Offender convicted under 18 U.S.C. §1957 (one level)	49	9.2
(b)(2)(B) Offender convicted under 18 U.S.C. §1956 (2 levels)	311	58.6
(b)(2)(C) Subsection (a)(1) applies and offender in business of laundering money (4 levels)	5	0.9
(b)(2)(B) Value of funds laundered between \$100,000 and \$200,000 ⁴⁶ (one level)	5	0.9
(b)(2)(C) Value of funds laundered between \$200,000 and \$350,000 ⁴⁶ (2 levels)	13	2.4
(b)(2)(D) Value of funds laundered between \$350,000 and \$600,000 ⁴⁶ (3 levels)	10	1.9
(b)(2)(E) Value of funds laundered between \$600,000 and \$1,000,000 ⁴⁶ (4 levels)	14	2.6
(b)(2)(F) Value of funds laundered between \$1,000,000 and \$2,000,000 ⁴⁶ (5 levels)	31	5.8
(b)(2)(G) Value of funds laundered between \$2,000,000 and \$3,500,000 ⁴⁶ (6 levels)	5	0.9
(b)(2)(H) Value of funds laundered between \$3,500,000 and \$6,000,000 ⁴⁶ (7 levels)	11	2.1
(b)(2)(I) Value of funds laundered between \$6,000,000 and \$10,000,000 ⁴⁶ (8 levels)	2	0.4

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004**

⁴⁵ Specific Offense Characteristic (SOC) was expanded and level enhanced on November 1, 2001.

⁴⁶ SOC deleted on November 1, 2001.

Guideline and SOC	Applied	Percent
§2S1.1 Laundering of Monetary Instruments (continued)	531	1.2
(b)(2)(J) Value of funds laundered between \$10,000,000 and \$20,000,000 ⁴⁶ (9 levels)	6	1.1
(b)(2)(K) Value of funds laundered between \$20,000,000 and \$35,000,000 ⁴⁶ (10 levels)	5	0.9
(b)(2)(L) Value of funds laundered between \$35,000,000 and \$60,000,000 ⁴⁶ (11 levels)	2	0.4
(b)(2)(M) Value of funds laundered between \$60,000,000 and \$100,000,000 ⁴⁶ (12 levels)	1	0.2
(b)(3) Subsection (b)(2)(B) applies and sophisticated laundering involved (2 levels)	23	4.3
§2S1.2 Engaging in Monetary Transactions in Property Derived from Unlawful Activity ⁴⁷	15	0.0
(b)(1)(A) Unlawful activity involved a controlled substance (5 levels)	3	20.0
(b)(1)(B) Any other specified unlawful activity (2 levels)	11	73.3
(b)(2) Value of funds laundered between \$100,000 and \$200,000 (one level)	1	6.7
(b)(2) Value of funds laundered between \$200,000 and \$350,000 (2 levels)	2	13.3
(b)(2) Value of funds laundered between \$350,000 and \$600,000 (3 levels)	3	20.0
(b)(2) Value of funds laundered between \$600,000 and \$1,000,000 (4 levels)	2	13.3
(b)(2) Value of funds laundered between \$1,000,000 and \$2,000,000 (5 levels)	1	6.7
(b)(2) Value of funds laundered between \$2,000,000 and \$3,500,000 (6 levels)	3	20.0

⁴⁷ Guideline was deleted and consolidated with §2S1.1 on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2S1.3 Structuring Transactions to Evade Reporting Requirements	157	0.4
(a)(1) Offender convicted under 31 U.S.C. §§ 5318 or 5318A (Base offense level 8)	2	1.3
(a)(2) Loss less than \$5,000 (Base offense level 6)	6	3.8
(a)(2) Loss between \$5,000 and \$10,000 ⁴⁸ (Base offense level 8)	1	0.6
(a)(2) Loss between \$10,000 and \$20,000 ⁴⁸ (Base offense level 9)	2	1.3
(a)(2) Loss between \$10,000 and \$30,000 (Base offense level 10)	29	18.5
(a)(2) Loss between \$20,000 and \$40,000 ⁴⁸ (Base offense level 10)	1	0.6
(a)(2) Loss between \$40,000 and \$70,000 ⁴⁸ (Base offense level 11)	10	6.4
(a)(2) Loss between \$30,000 and \$70,000 (Base offense level 12)	33	21.0
(a)(2) Loss between \$70,000 and \$120,000 ⁴⁸ (Base offense level 12)	3	1.9
(a)(2) Loss between \$120,000 and \$200,000 ⁴⁸ (Base offense level 13)	3	1.9
(a)(2) Loss between \$70,000 and \$120,000 (Base offense level 14)	16	10.2
(a)(2) Loss between \$200,000 and \$350,000 ⁴⁸ (Base offense level 14)	8	5.1
(a)(2) Loss between \$350,000 and \$500,000 ⁴⁸ (Base offense level 15)	1	0.6
(a)(2) Loss between \$120,000 and \$200,000 (Base offense level 16)	6	3.8
(a)(2) Loss between \$500,000 and \$800,000 ⁴⁸ (Base offense level 16)	2	1.3
(a)(2) Loss between \$800,000 and \$1,500,000 ⁴⁸ (Base offense level 17)	1	0.6
(a)(2) Loss between \$200,000 and \$400,000 (Base offense level 18)	12	7.6
(a)(2) Loss between \$1,500,000 and \$2,500,000 ⁴⁸ (Base offense level 18)	1	0.6
(a)(2) Loss between \$2,500,000 and \$5,000,000 ⁴⁸ (Base offense level 19)	2	1.3
(a)(2) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	9	5.7
(a)(2) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	4	2.6
(a)(2) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	4	2.6
(a)(2) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	1	0.6

⁴⁸ Base offense level thresholds amounts and levels changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2S1.3 Structuring Transactions to Evade Reporting Requirements (continued)	157	0.4
(b)(1) Offender knew proceeds were for unlawful activity or bulk cash smuggling (2 levels)	100	63.7
(b)(2) Convicted under subchapter II of chapter 53 of title 31 & offense involved more than \$100,000 over a 12 month period (two levels)	10	6.4
(b)(3) Subsection (b)(1) does not apply (B) offender did not act with reckless disregard of source of funds (C) funds were from lawful activity (D) funds used for legal purposes ⁴⁹ (decrease to level 6)	4	2.5

⁴⁹ Specific Offense Characteristic changed from §2S1.3(b)(2) on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part T - Offenses Involving Taxation		
§2T1.1 Tax Evasion	327	0.7
(a)(2) No tax loss or loss less than \$2,000 (Base offense level 6)	9	2.8
(a)(2) No tax loss or loss less than \$1,700 ⁵⁰ (Base offense level 6)	3	0.9
(a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8)	4	1.2
(a)(1) Loss between \$3,000 and \$5,000 ⁵⁰ (Base offense level 8)	1	0.3
(a)(1) Loss between \$5,000 and \$8,000 ⁵⁰ (Base offense level 9)	3	0.9
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	8	2.4
(a)(1) Loss between \$8,000 and \$13,500 ⁵⁰ (Base offense level 10)	3	0.9
(a)(1) Loss between \$13,500 and \$23,500 ⁵⁰ (Base offense level 11)	24	7.3
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	13	4.0
(a)(1) Loss between \$23,500 and \$40,000 ⁵⁰ (Base offense level 12)	17	5.2
(a)(1) Loss between \$40,000 and \$70,000 ⁵⁰ (Base offense level 13)	44	13.5
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	24	7.3
(a)(1) Loss between \$70,000 and \$120,000 ⁵⁰ (Base offense level 14)	42	12.8
(a)(1) Loss between \$120,000 and \$200,000 ⁵⁰ (Base offense level 15)	25	7.6
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	12	3.7
(a)(1) Loss between \$200,000 and \$325,000 ⁵⁰ (Base offense level 16)	28	8.6
(a)(1) Loss between \$325,000 and \$550,000 ⁵⁰ (Base offense level 17)	24	7.3
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	8	2.4
(a)(1) Loss between \$550,000 and \$950,000 ⁵⁰ (Base offense level 18)	12	3.7
(a)(1) Loss between \$950,000 and \$1,500,000 ⁵⁰ (Base offense level 19)	4	1.2
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	6	1.8
(a)(1) Loss between \$1,500,000 and \$2,500,000 ⁵⁰ (Base offense level 20)	4	1.2

⁵⁰ Base offense level thresholds amounts and levels changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2T1.1 Tax Evasion (continued)	327	0.7
(a)(1) Loss between \$2,500,000 and \$5,000,000 ⁵⁰ (Base offense level 21)	3	0.9
(a)(1) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	1	0.3
(a)(1) Loss between \$5,000,000 and \$10,000,000 ⁵⁰ (Base offense level 22)	3	0.9
(a)(1) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	1	0.3
(a)(1) Loss between \$20,000,000 and \$40,000,000 ⁵⁰ (Base offense level 24)	1	0.3
(b)(1) Failed to report exceeding \$10,000 from criminal activity (2 levels, level 12)	106	32.4
(b)(2) Sophisticated means (2 levels, increase to level 12)	45	13.8
§2T1.3 Fraud and False Statements Under Penalty of Perjury ⁵¹	0	0.0
(a)(1) Base offense level from Tax Table (Base offense level 9)	0	0.0
(a)(2) otherwise (Base offense level 6)	0	0.0
(b)(1) Failed to report source of income exceeding \$10,000 (2 levels, increase to 12)	0	0.0
(b)(2) Sophisticated means (2 levels)	0	0.0
§2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud	62	0.1
(a)(2) No tax loss or loss less than \$2,000 (Base offense level 6)	1	1.6
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	1	1.6
(a)(1) Loss between \$8,000 and \$13,500 ⁵² (Base offense level 10)	1	1.6
(a)(1) Loss between \$13,500 and \$23,500 ⁵² (Base offense level 11)	3	4.8
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	2	3.2
(a)(1) Loss between \$23,500 and \$40,000 ⁵² (Base offense level 12)	2	3.2
(a)(1) Loss between \$40,000 and \$70,000 ⁵² (Base offense level 13)	4	6.4
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	2	3.2
(a)(1) Loss between \$70,000 and \$120,000 ⁵² (Base offense level 14)	10	16.1
(a)(1) Loss between \$120,000 and \$200,000 ⁵² (Base offense level 15)	5	8.1
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	1	1.6
(a)(1) Loss between \$200,000 and \$325,000 ⁵² (Base offense level 16)	6	9.7
(a)(1) Loss between \$325,000 and \$550,000 ⁵² (Base offense level 17)	5	8.1
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	1	1.6
(a)(1) Loss between \$550,000 and \$950,000 ⁵² (Base offense level 18)	8	12.9

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

⁵¹ Deleted and consolidated with §2T1.1 on November 1, 1993.

⁵² Base offense level thresholds amounts and levels changed on November 1, 2001.

Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud (continued)	62	0.1
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	1	1.6
(a)(1) Loss between \$1,500,000 and \$2,500,000 ⁵³ (Base offense level 20)	1	1.6
(a)(1) Loss between \$2,500,000 and \$5,000,000 ⁵³ (Base offense level 21)	1	1.6
(a)(1) Loss between \$10,000,000 and \$20,000,000 ⁵² (Base offense level 22)	1	1.6
(a)(1) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	1	1.6
(b)(1)(A) Part of scheme, offender derived substantial portion of income (B) in business of preparing tax returns (2 levels)	43	69.4
(b)(2) Sophisticated means (2 levels, increase to level 12)	6	9.7
§2T1.6 Failing to Collect or Truthfully Account for and Pay Over Tax	11	0.0
(a) Loss between \$40,000 and \$70,000 ⁵³ (Base offense level 13)	5	45.4
(a) Loss between \$200,000 and \$325,000 ⁵³ (Base offense level 16)	2	18.2
(a) Loss between \$325,000 and \$550,000 ⁵³ (Base offense level 17)	1	9.1
(a) Loss between \$550,000 and \$950,000 ⁵³ (Base offense level 18)	2	18.2
(a) Loss between \$950,000 and \$1,500,000 ⁵³ (Base offense level 19)	1	9.1
No Specific Offense Characteristics for this guideline	NA	NA
§2T1.7 Failing to Deposit Collected Taxes in Trust Account as Required After Notice	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T1.8 Offenses Relating to Withholding Statements	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T1.9 Conspiracy to Impede, Impair, Obstruct	16	0.0
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	2	12.5
(a)(1)&(2) Loss \$13,500 and less ⁵³ (Base offense level 10)	1	6.2
(a)(1) Loss between \$13,500 and \$23,500 ⁵³ (Base offense level 11)	1	6.2
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	1	6.2
(a)(1) Loss between \$70,000 and \$120,000 ⁵³ (Base offense level 14)	1	6.2

⁵³ Base offense level thresholds amounts and levels changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2T1.9 Conspiracy to Impede, Impair, Obstruct (continued)	16	0.0
(a)(1) Loss between \$120,000 and \$200,000 ⁵³ (Base offense level 15)	3	18.8
(a)(1) Loss between \$200,000 and \$325,000 ⁵³ (Base offense level 16)	2	12.5
(a)(1) Loss between \$325,000 and \$550,000 ⁵³ (Base offense level 17)	2	12.5
(a)(1) Loss between \$550,000 and \$950,000 ⁵³ (Base offense level 18)	2	12.5
(a)(1) Loss between \$10,000,000 and \$20,000,000 ⁵³ (Base offense level 23)	1	6.2
(b)(1) Planned or threat of violence to impede the collection of revenue (4 levels)	0	0.0
(b)(2) Conduct was to encourage others to impede collection of revenue (2 levels)	3	18.8
§2T2.1 Non-payment of Taxes	0	0.0
(a) Loss between \$5,000 and \$12,500 (Base offense level 10)	0	0.0
(a) Loss between \$12,500 and \$30,000 (Base offense level 12)	0	0.0
(a) Loss between \$2,500,000 and \$5,000,000 ⁵³ (Base offense level 21)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T2.2 Regulatory Offenses	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T3.1 Evading Import Duties or Restrictions (Smuggling)	20	0.0
(a)(3) Loss less than \$100 (Base offense level 4)	2	10.0
(a)(2) Loss between \$100 and \$1,000 (Base offense level 5)	1	5.0
(a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8)	3	15.0
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	2	10.0
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	3	15.0
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	2	10.0
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	4	20.0
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	1	5.0
(a)(1) Loss between \$1,500,000 and \$2,500,000 ⁵³ (Base offense level 19)	1	5.0
(a)(1) Loss more than \$400,000,000 (Base offense level 36)	1	5.0
(b)(1) Sophisticated means (2 levels, increase to level 12)	2	10.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
Part X - Other Offenses		
§2X1.1 Attempt, Solicitation, or Conspiracy	64	0.1
(a) Base offense level 0	1	1.6
(a) Base offense level 6	3	4.7
(a) Base offense level 9	2	3.1
(a) Base offense level 10	3	4.7
(a) Base offense level 11	2	3.1
(a) Base offense level 12	6	9.4
(a) Base offense level 14	4	6.2
(a) Base offense level 15	2	3.1
(a) Base offense level 16	3	4.7
(a) Base offense level 17	4	6.2
(a) Base offense level 18	2	3.1
(a) Base offense level 19	2	3.1
(a) Base offense level 20	4	6.2
(a) Base offense level 21	5	7.8
(a) Base offense level 22	3	4.7
(a) Base offense level 23	1	1.6
(a) Base offense level 24	2	3.1
(a) Base offense level 25	2	3.1
(a) Base offense level 26	5	7.8
(a) Base offense level 28	1	1.6
(a) Base offense level 29	1	1.6
(a) Base offense level 30	2	3.1
(a) Base offense level 31	1	1.6
(a) Base offense level 33	1	1.6
(a) Base offense level 40	1	1.6
(a) Base offense level 43	1	1.6
(b)(1) If an attempt (3 level decrease)	9	14.1
(b)(2) If a conspiracy (3 level decrease)	9	14.1
(b)(3)(A) Solicitation (3 level decrease)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2X2.1 Aiding and Abetting	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X3.1 Accessory After the Fact	101	0.2
(a) Base offense level 4	6	5.9
(a) Base offense level 5	1	1.0
(a) Base offense level 6	3	3.0
(a) Base offense level 7	3	3.0
(a) Base offense level 8	7	6.9
(a) Base offense level 9	1	1.0
(a) Base offense level 12	7	6.9
(a) Base offense level 13	1	1.0
(a) Base offense level 14	7	6.9
(a) Base offense level 15	1	1.0
(a) Base offense level 16	5	5.0
(a) Base offense level 17	3	3.0
(a) Base offense level 18	4	4.0
(a) Base offense level 19	1	1.0
(a) Base offense level 20	11	10.9
(a) Base offense level 21	2	2.0
(a) Base offense level 22	9	8.9
(a) Base offense level 23	1	1.0
(a) Base offense level 24	5	5.0
(a) Base offense level 25	1	1.0
(a) Base offense level 26	5	5.0
(a) Base offense level 28	4	4.0
(a) Base offense level 30	13	12.9
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Blakely 2004

Guideline and SOC	Applied	Percent
§2X4.1 Misprision of a Felony	314	0.7
(a) Base offense level 3	1	0.3
(a) Base offense level 4	46	14.6
(a) Base offense level 5	21	6.7
(a) Base offense level 6	9	2.9
(a) Base offense level 7	19	6.0
(a) Base offense level 8	8	2.6
(a) Base offense level 9	26	8.3
(a) Base offense level 10	2	0.6
(a) Base offense level 11	22	7.0
(a) Base offense level 12	2	0.6
(a) Base offense level 13	8	2.6
(a) Base offense level 15	15	4.8
(a) Base offense level 16	1	0.3
(a) Base offense level 17	34	10.8
(a) Base offense level 19	98	31.2
No Specific Offense Characteristics for this guideline	NA	NA
§2X5.1 Other Offenses	1	0.0
No Specific Offense Characteristics for this guideline	NA	NA