

Table 32

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE<sup>1</sup>  
Fiscal Year 2018

Guideline	Total	Within Guideline		Departure				Variance	Guideline	Total	Within Guideline		Departure			
		Range	Up	§5K1.1	§5K3.1	Down	Variance				Range	Up	§5K1.1	§5K3.1	Down	Variance
§2A1.1	234	91	0	66	0	16	61	§2D1.8	21	8	0	8	0	0	5	
§2A1.2	47	24	6	6	0	2	9	§2D1.9	0	0	0	0	0	0	0	
§2A1.3	23	10	3	0	0	5	5	§2D1.10	9	1	0	0	0	0	8	
§2A1.4	38	23	2	0	0	1	12	§2D1.11	43	5	0	14	0	0	24	
§2A1.5	24	12	0	3	0	4	5	§2D1.12	4	3	0	0	0	0	1	
§2A2.1	111	41	0	15	0	11	44	§2D1.13	1	1	0	0	0	0	0	
§2A2.2	398	200	15	13	1	34	135	§2D1.14	0	0	0	0	0	0	0	
§2A2.3	81	53	4	0	0	2	22	§2D2.1	191	177	0	5	0	0	9	
§2A2.4	238	129	6	0	6	21	76	§2D2.2	58	48	1	0	0	1	8	
§2A3.1	91	34	2	6	1	14	34	§2D2.3	3	3	0	0	0	0	0	
§2A3.2	39	18	0	0	0	4	17	§2D3.1	2	2	0	0	0	0	0	
§2A3.3	6	5	0	0	0	0	1	§2D3.2	0	0	0	0	0	0	0	
§2A3.4	41	18	1	0	0	5	17	§2D3.3	0	0	0	0	0	0	0	
§2A3.5	360	204	1	2	0	18	135	§2D3.4	0	0	0	0	0	0	0	
§2A4.1	102	39	1	23	0	6	33	§2D3.5	0	0	0	0	0	0	0	
§2A4.2	0	0	0	0	0	0	0	§2E1.1	142	72	1	22	1	8	38	
§2A5.1	0	0	0	0	0	0	0	§2E1.2	3	3	0	0	0	0	0	
§2A5.2	18	13	1	0	0	1	3	§2E1.3	0	0	0	0	0	0	0	
§2A5.3	0	0	0	0	0	0	0	§2E1.4	11	2	0	4	0	0	5	
§2A6.1	146	78	2	1	0	8	57	§2E1.5	0	0	0	0	0	0	0	
§2A6.2	63	30	4	1	0	5	23	§2E2.1	18	5	3	1	0	1	8	
§2B1.1	5,942	2,552	29	888	4	235	2,234	§2E3.1	79	22	1	14	0	1	41	
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0	
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0	
§2B1.4	31	1	0	10	0	3	17	§2E4.1	45	19	0	4	0	0	22	
§2B1.5	9	3	0	1	0	0	5	§2E5.1	4	1	0	3	0	0	0	
§2B1.6 <sup>2</sup>	126	115	0	11	0	0	0	§2E5.2	0	0	0	0	0	0	0	
§2B2.1	34	20	1	2	0	2	9	§2E5.3	0	0	0	0	0	0	0	
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0	
§2B2.3	7	7	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0	
§2B3.1	1,691	648	25	261	3	120	634	§2E5.6	0	0	0	0	0	0	0	
§2B3.2	41	18	0	1	0	3	19	§2F1.1	1	1	0	0	0	0	0	
§2B3.3	16	8	1	1	0	0	6	§2F1.2	0	0	0	0	0	0	0	
§2B4.1	91	19	0	33	0	3	36	§2G1.1	80	35	2	12	0	3	28	
§2B5.1	228	135	0	21	0	4	68	§2G1.2	0	0	0	0	0	0	0	
§2B5.2	0	0	0	0	0	0	0	§2G1.3	408	189	0	49	0	16	154	
§2B5.3	70	8	0	14	0	6	42	§2G2.1	455	155	0	23	0	35	242	
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,414	402	9	27	0	88	888	
§2B6.1	2	0	0	0	0	0	2	§2G2.3	0	0	0	0	0	0	0	
§2C1.1	204	51	0	60	1	13	79	§2G2.4	0	0	0	0	0	0	0	
§2C1.2	10	2	0	3	0	1	4	§2G2.5	0	0	0	0	0	0	0	
§2C1.3	2	2	0	0	0	0	0	§2G2.6	9	1	0	0	0	0	8	
§2C1.4	0	0	0	0	0	0	0	§2G3.1	22	12	2	0	0	0	8	
§2C1.5	0	0	0	0	0	0	0	§2G3.2	0	0	0	0	0	0	0	
§2C1.6	0	0	0	0	0	0	0	§2H1.1	45	13	0	2	0	5	25	
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0	
§2C1.8	5	1	0	1	0	1	2	§2H1.3	0	0	0	0	0	0	0	
§2D1.1	18,398	6,622	66	3,974	1,320	914	5,502	§2H1.4	0	0	0	0	0	0	0	
§2D1.2	218	129	2	25	0	7	55	§2H1.5	0	0	0	0	0	0	0	
§2D1.3	0	0	0	0	0	0	0	§2H2.1	6	5	0	1	0	0	0	
§2D1.4	0	0	0	0	0	0	0	§2H3.1	1	1	0	0	0	0	0	
§2D1.5	7	2	0	3	0	1	1	§2H3.2	0	0	0	0	0	0	0	
§2D1.6	0	0	0	0	0	0	0	§2H3.3	6	6	0	0	0	0	0	
§2D1.7	3	2	0	0	0	0	1	§2H4.1	8	3	0	0	0	1	4	

Table 32 (cont.)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance		Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	131	35	1	13	0	22	60
§2J1.1	0	0	0	0	0	0	0	§2M5.3	28	6	0	7	0	2	13
§2J1.2	136	50	0	14	0	11	61	§2M6.1	10	5	0	1	0	0	4
§2J1.3	29	7	2	4	0	1	15	§2M6.2	0	0	0	0	0	0	0
§2J1.4	14	10	1	0	0	1	2	§2N1.1	10	1	0	0	0	0	9
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	30	19	0	0	0	0	11	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	28	26	0	0	0	0	2
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	1	1	0	0	0	0	0	§2P1.1	301	186	1	5	2	9	98
§2K1.1	4	3	0	0	0	0	1	§2P1.2	205	142	1	2	0	14	46
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	17	7	0	4	0	0	6	§2P1.4	0	0	0	0	0	0	0
§2K1.4	52	21	3	5	0	5	18	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	1	0	0	1	0	0	0	§2Q1.2	26	9	0	3	0	1	13
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	18	5	0	3	0	2	8
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	7,032	3,839	58	476	2	306	2,351	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	0	0	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	120	56	0	16	0	7	41
§2K2.4 <sup>3</sup>	354	289	5	26	0	0	34	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	12	9	1	0	0	1	1	§2R1.1	53	6	0	43	0	1	3
§2K2.6	1	1	0	0	0	0	0	§2S1.1	1,137	260	1	362	2	65	447
§2K3.1	0	0	0	0	0	0	0	§2S1.2	0	0	0	0	0	0	0
§2K3.2	0	0	0	0	0	0	0	§2S1.3	152	65	1	18	0	20	48
§2L1.1	2,843	1,114	16	108	1,057	74	474	§2S1.4	0	0	0	0	0	0	0
§2L1.2	18,240	12,641	99	36	3,234	649	1,581	§2T1.1	321	70	0	50	0	27	174
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	117	56	0	24	0	8	29	§2T1.3	0	0	0	0	0	0	0
§2L2.2	935	666	5	5	97	27	135	§2T1.4	195	55	0	26	1	9	104
§2L2.3	0	0	0	0	0	0	0	§2T1.5	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	§2T1.6	39	5	1	2	0	3	28
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	4	2	0	0	0	0	2
§2M2.2	0	0	0	0	0	0	0	§2T2.1	6	2	0	1	0	0	3
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	8	2	0	4	0	0	2
§2M3.1	0	0	0	0	0	0	0	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	3	1	0	0	0	0	2	§2X1.1	23	11	1	1	0	3	7
§2M3.4	0	0	0	0	0	0	0	§2X2.1	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	§2X3.1	90	37	3	9	0	5	36
§2M3.6	0	0	0	0	0	0	0	§2X4.1	233	96	3	26	1	14	93
§2M3.7	0	0	0	0	0	0	0	§2X5.1	0	0	0	0	0	0	0
§2M3.8	0	0	0	0	0	0	0	§2X5.2	189	181	1	0	0	1	6
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	2	0	0	1	0	1	0
§2M5.1	17	1	0	5	0	1	10	§2X7.2	0	0	0	0	0	0	0
<b>TOTAL</b>									<b>65,451</b>	<b>32,560</b>	<b>395</b>	<b>6,935</b>	<b>5,733</b>	<b>2,919</b>	<b>16,909</b>

<sup>1</sup> Of the 69,425 cases, 3,974 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (523) or missing guideline applied (3,952). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> In these cases, the offender was convicted of violating 18 U.S.C. § 1028A (Aggravated Identity Theft) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2B1.6.

<sup>3</sup> In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.