

Table 29

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2019

	<u>N</u>	<u>%</u>
TOTAL CASES	76,034	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	56,995	75.0
Within Guideline Range	39,078	51.4
Upward Departure ²	364	0.5
Downward Departure		
§5K1.1 Substantial Assistance	7,272	9.6
§5K3.1 Early Disposition Program	7,119	9.4
Other Government Motion ³	1,410	1.9
Non-Government Departure ⁴	1,752	2.3
VARIANCES	19,039	25.0
Upward Variance ⁵	1,431	1.9
Downward Variance		
Government Motion ⁶	4,083	5.4
Non-Government Variance ⁷	13,525	17.8

¹ Of the 76,538 cases, 504 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

² Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1.

³ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution initiated, proposed, or stipulated to the sentence.

⁴ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution did not initiate, propose, or stipulate to the sentence.

⁵ Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form.

⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

⁷ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, or where no reason was given, and where the prosecution did not initiate, propose, or stipulate to the sentence.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.