

Table 32

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE<sup>1</sup>**  
**Fiscal Year 2019**

Guideline	Total	Within Guideline		Departure				Variance	Guideline	Total	Within Guideline		Departure				Variance
		Range	Up	§5K1.1	§5K3.1	Down	§5K1.1				§5K3.1	Down	Range	Up	§5K1.1	§5K3.1	
§2A1.1	260	99	0	70	0	18	73	§2D1.8	12	4	0	3	0	0	5		
§2A1.2	45	16	4	5	0	4	16	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	27	15	3	0	0	2	7	§2D1.10	7	0	0	1	0	0	6		
§2A1.4	47	24	4	0	0	3	16	§2D1.11	27	0	0	6	0	0	21		
§2A1.5	46	20	0	4	0	8	14	§2D1.12	0	0	0	0	0	0	0		
§2A2.1	169	72	1	26	0	5	65	§2D1.13	3	3	0	0	0	0	0		
§2A2.2	413	185	15	10	1	39	163	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	111	79	1	0	0	4	27	§2D2.1	172	149	2	2	0	2	17		
§2A2.4	206	113	4	2	4	17	66	§2D2.2	111	94	0	1	0	1	15		
§2A3.1	137	60	2	3	0	17	55	§2D2.3	0	0	0	0	0	0	0		
§2A3.2	40	26	2	0	0	1	11	§2D3.1	5	5	0	0	0	0	0		
§2A3.3	6	3	2	1	0	0	0	§2D3.2	0	0	0	0	0	0	0		
§2A3.4	44	24	1	0	0	3	16	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	360	222	2	0	1	12	123	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	93	29	2	18	0	9	35	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	1	1	0	0	0	0	0	§2E1.1	62	30	1	7	0	6	18		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	1	0	0	0	0	0	1		
§2A5.2	27	16	1	0	0	2	8	§2E1.3	1	0	0	0	0	0	1		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	6	4	0	1	0	0	1		
§2A6.1	137	73	1	2	0	7	54	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	80	38	3	0	0	7	32	§2E2.1	16	4	0	1	0	3	8		
§2B1.1	5,706	2,503	19	819	10	198	2,157	§2E3.1	29	10	0	1	0	4	14		
§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	35	0	0	7	0	2	26	§2E4.1	25	9	0	5	0	0	11		
§2B1.5	12	4	0	0	0	0	8	§2E5.1	7	4	0	2	0	0	1		
§2B1.6 <sup>2</sup>	138	134	0	4	0	0	0	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	48	27	1	1	0	2	17	§2E5.3	1	1	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	9	7	0	0	0	0	2	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	1,805	707	29	258	0	99	712	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	45	22	1	5	0	0	17	§2F1.1	2	0	0	0	0	1	1		
§2B3.3	11	7	0	0	0	0	4	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	78	14	0	32	0	1	31	§2G1.1	82	28	1	9	0	6	38		
§2B5.1	229	123	1	21	0	5	79	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	375	174	5	34	0	13	149		
§2B5.3	47	12	0	8	0	6	21	§2G2.1	521	161	2	17	0	39	302		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,363	411	10	29	0	94	819		
§2B6.1	1	0	0	0	0	0	1	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	245	40	0	86	0	25	94	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	7	3	0	0	0	1	3	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	7	5	0	0	0	0	2	§2G2.6	18	2	0	2	0	0	14		
§2C1.4	0	0	0	0	0	0	0	§2G3.1	25	8	1	0	0	0	16		
§2C1.5	0	0	0	0	0	0	0	§2G3.2	1	0	0	0	0	0	1		
§2C1.6	0	0	0	0	0	0	0	§2H1.1	26	7	0	5	0	3	11		
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0		
§2C1.8	2	0	0	0	0	0	2	§2H1.3	0	0	0	0	0	0	0		
§2D1.1	19,460	6,574	63	4,403	1,220	821	6,379	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	281	145	1	48	0	16	71	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	17	15	0	0	0	0	2		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	7	5	0	1	0	0	1		
§2D1.5	2	0	0	2	0	0	0	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	3	3	0	0	0	0	0		
§2D1.7	1	1	0	0	0	0	0	§2H4.1	7	1	0	1	0	0	5		

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	141	31	0	31	0	19	60
§2J1.1	0	0	0	0	0	0	0	§2M5.3	17	4	0	2	0	3	8
§2J1.2	131	29	3	16	1	11	71	§2M6.1	6	3	0	0	0	0	3
§2J1.3	21	10	0	0	0	3	8	§2M6.2	0	0	0	0	0	0	0
§2J1.4	13	12	0	0	0	0	1	§2N1.1	11	0	1	0	0	1	9
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	34	21	0	0	0	2	11	§2N1.3	1	1	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	28	27	0	0	0	0	1
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	298	196	3	5	3	16	75
§2K1.1	1	1	0	0	0	0	0	§2P1.2	238	158	0	6	0	11	63
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	27	5	0	6	0	4	12	§2P1.4	0	0	0	0	0	0	0
§2K1.4	66	34	2	9	0	2	19	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	0	0	0	0	0	0	0	§2Q1.2	31	11	0	1	0	6	13
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	20	6	0	4	0	4	6
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	7,952	4,247	48	511	8	296	2,842	§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	82	40	0	4	0	2	36
§2K2.4 <sup>3</sup>	413	327	8	39	0	0	39	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	17	14	0	0	0	0	3	§2R1.1	20	2	0	15	0	0	3
§2K2.6	0	0	0	0	0	0	0	§2S1.1	990	211	3	324	4	44	404
§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	177	72	1	9	3	23	69
§2L1.1	3,487	1,412	4	151	1,208	90	622	§2S1.4	0	0	0	0	0	0	0
§2L1.2	22,071	15,191	96	29	3,990	977	1,788	§2T1.1	328	86	0	41	0	6	195
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	104	51	0	18	0	5	30	§2T1.3	0	0	0	0	0	0	0
§2L2.2	961	697	2	3	54	31	174	§2T1.4	166	36	0	25	0	7	98
§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	40	10	0	2	0	2	26
§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	1	1	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	2	1	0	1	0	0	0
§2M2.2	0	0	0	0	0	0	0	§2T2.1	3	1	0	0	0	1	1
§2M2.3	0	0	0	0	0	0	0	§2T2.2	2	2	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	3	2	0	0	0	0	1
§2M3.1	2	0	0	1	0	0	1	§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	2	2	0	0	0	0	0	§2X1.1	16	9	0	0	0	0	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	88	28	3	17	0	6	34
§2M3.6	0	0	0	0	0	0	0	§2X4.1	268	162	4	18	1	8	75
§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	214	169	0	0	0	0	45
§2M3.9	0	0	0	0	0	0	0	§2X6.1	1	1	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	1	0	0	0	0	0	1
§2M5.1	14	3	0	6	0	1	4	§2X7.2	0	0	0	0	0	0	0
<b>TOTAL</b>									<b>71,859</b>	<b>35,901</b>	<b>363</b>	<b>7,257</b>	<b>6,508</b>	<b>3,087</b>	<b>18,743</b>

<sup>1</sup> Of the 76,538 cases, 4,679 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 (504) or missing guideline applied (4,652). 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.