

Table 29

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2023

	<u>N</u>	<u>%</u>
TOTAL CASES	63,812	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	42,684	66.9
Within Guideline Range	27,087	42.4
Upward Departure ²	314	0.5
Downward Departure		
§5K1.1 Substantial Assistance	6,499	10.2
§5K3.1 Early Disposition Program	6,363	10.0
Other Government Motion ³	1,310	2.1
Non-Government Departure ⁴	1,111	1.7
VARIANCES	21,128	33.1
Upward Variance ⁵	1,896	3.0
Downward Variance		
Government Motion ⁶	6,384	10.0
Non-Government Variance ⁷	12,848	20.1

¹ Of the 64,124 cases, 312 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, 2023 Datafile, USSCFY23.