

Table 33

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2023

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		Pursuant to a Plea Agreement					
						Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	36,725	6,514	17.7	6,465	17.6	6,171	16.8	7,632	20.8	516	1.4
Departures	15,597	6,499	41.7	6,462	41.4	3,967	25.4	5,746	36.8	310	2.0
Upward Departure	314	0	0.0	0	0.0	86	27.4	38	12.1	1	0.3
Downward Departure											
§5K1.1 Substantial Assistance	6,499	6,499	100.0	99	1.5	271	4.2	1,506	23.2	27	0.4
§5K3.1 Early Disposition Program	6,363	0	0.0	6,363	100.0	3,084	48.5	3,658	57.5	270	4.2
Other Government Motion	1,310	0	0.0	0	0.0	526	40.2	544	41.5	12	0.9
Non-Government Departure	1,111	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	21,128	15	0.1	3	0.0	2,204	10.4	1,886	8.9	206	1.0
Upward Variance	1,896	15	0.8	3	0.2	229	12.1	133	7.0	2	0.1
Downward Variance											
Government Motion	6,384	0	0.0	0	0.0	1,975	30.9	1,753	27.5	204	3.2
Non-Government Variance	12,848	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 33 (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	5,986	16.3	5,939	16.2	7,547	20.6	2,459	6.7	5,291	14.4	2,567	7.0
Departures	5,006	32.1	2,352	15.1	1,745	11.2	1,063	6.8	1,294	8.3	223	1.4
Upward Departure	73	23.2	2	0.6	9	2.9	5	1.6	89	28.3	34	10.8
Downward Departure												
§5K1.1 Substantial Assistance	4,347	66.9	886	13.6	761	11.7	458	7.0	601	9.2	0	0.0
§5K3.1 Early Disposition Program	400	6.3	821	12.9	630	9.9	428	6.7	271	4.3	0	0.0
Other Government Motion	186	14.2	102	7.8	97	7.4	172	13.1	79	6.0	30	2.3
Non-Government Departure	0	0.0	541	48.7	248	22.3	0	0.0	254	22.9	159	14.3
Variances	980	4.6	3,587	17.0	5,802	27.5	1,396	6.6	3,997	18.9	2,344	11.1
Upward Variance	303	16.0	3	0.2	8	0.4	36	1.9	920	48.5	316	16.7
Downward Variance												
Government Motion	677	10.6	594	9.3	305	4.8	1,360	21.3	290	4.5	177	2.8
Non-Government Variance	0	0.0	2,990	23.3	5,489	42.7	0	0.0	2,787	21.7	1,851	14.4

¹ Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 14,945 cases indicated more than one attribution. Only sentenced individuals whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

² For cases in which the court submitted a SOR form with a revision date of 11/15 or later, information for these categories was taken from Part V.C. of the SOR. For cases in which the court submitted the prior version of the SOR form, the information was taken from Part V.B. of the SOR form.