

# Use of Guidelines and Specific Offense Characteristics Offender Based

Fiscal Year 2012



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS<sup>1</sup>**  
**Fiscal Year 2012<sup>2</sup>**

Guideline and SOC	Applied <sup>3</sup>	Percent <sup>4</sup>
<b>Part A - Offenses Against The Person</b>		
<b>All Offenses</b>	<b>74,458</b>	<b>100.0</b>
Chapter 2 Specific Offense Characteristic Adjustments	48,869	65.6
§2A1.1 First Degree Murder	187	0.2
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.2 Second Degree Murder	39	0.0
(a) Base offense level 38	37	94.9
(a) Base offense level 33 <sup>5</sup>	2	5.1
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.3 Voluntary Manslaughter	22	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.4 Involuntary Manslaughter	37	0.0
(a)(1) Criminally negligent (Base offense level 12)	0	0.0
(a)(2)(A) Reckless conduct (Base offense level 18)	8	21.6
(a)(2)(B) Reckless operation of a means of transportation (Base offense level 22)	29	78.4
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.5 Conspiracy or Solicitation to Commit Murder	73	0.1
Chapter 2 Specific Offense Characteristic Adjustments	22	30.1
(b)(1) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels)	22	30.1

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<sup>1</sup> The information in this tables depicts information collected from only those cases in which complete guideline information is available. Of the 84,173 cases received by the Commission, 74,495 contained complete guideline information (88.5 percent), and an additional 37 cases were excluded due to missing information on the sentencing guideline used at sentencing

<sup>2</sup> Fiscal Year 2012 data represents guideline application from guidelines effective November 1, 2011 unless otherwise specified.

<sup>3</sup> This column represents the number of times each guideline or Specific Offense Characteristic (SOC) was applied.

<sup>4</sup> The "Percent" column represents, for each guideline, the portion of all guideline calculations in which the specific guideline was involved. For each SOC, the percent represents the frequency with which the SOC was used in the calculations for the specific guideline.

<sup>5</sup> Base offense level value was increased on November 1, 2004.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A2.1 Assault with Intent to Commit Murder: Attempted Murder	85	0.1
(a)(1) Offense would have constituted first degree murder (Base offense level 33)	58	68.2
(a)(2) Otherwise (Base offense level 27)	27	31.8
Chapter 2 Specific Offense Characteristic Adjustments	45	52.9
(b)(1)(A) Permanent or life-threatening bodily injury (4 levels)	19	22.4
(b)(1)(B) Between permanent/life-threatening and serious bodily injury (3 levels)	3	3.5
(b)(1)(C) Serious bodily injury (2 levels)	22	25.9
(b)(2) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels)	4	4.7
§2A2.2 Aggravated Assault	384	0.5
Chapter 2 Specific Offense Characteristic Adjustments	380	99.0
(b)(1) More than minimal planning (2 levels)	31	8.1
(b)(2)(A) Firearm discharged (5 levels)	32	8.3
(b)(2)(B) Dangerous weapon otherwise used (4 levels)	213	55.5
(b)(2)(C) Dangerous weapon brandished or threatened (3 levels)	9	2.3
(b)(3)(C) Permanent or life-threatening injury (7 levels)	25	6.5
(b)(3)(E) Between permanent/life-threatening and serious bodily injury (6 levels)	63	16.4
(b)(3)(B) Serious bodily injury (5 levels)	175	45.6
(b)(3)(D) Between serious and "simple" bodily injury (4 levels)	10	2.6
(b)(3)(A) "Simple" bodily injury (3 levels)	71	18.5
(b)(3)(A) "Simple" bodily injury (2 levels) <sup>6</sup>	2	0.5
(b)(4) Assault motivated by payment or offer of money or thing of value (2 levels)	5	1.3
(b)(5) Assault involved violation of a court protection order (2 levels)	0	0.0
(b)(6) If the defendant was convicted under 18 U.S.C. § 111(b) or § 115 (2 levels)	31	8.1

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<sup>6</sup> This SOC is not available under the guidelines, but court documents reflected the court's findings that this was the proper level for this offense.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A2.3 Minor Assault	40	0.0
(a)(1) Physical contact or dangerous weapon possessed/threatened (Base offense level 7)	35	87.5
(a)(1) Physical contact or dangerous weapon possessed/threatened (Base offense level 6) <sup>5</sup>	1	2.5
(a)(2) Other than the behavior in (a)(1) (Base offense level 4)	4	10.0
Chapter 2 Specific Offense Characteristic Adjustments	21	52.5
(b)(1)(A) Bodily injury to victim (2 levels)	14	35.0
(b)(1)(B) Substantial bodily injury to victim under age of 16 (4 levels)	7	17.5
§2A2.4 Obstructing or Impeding Officers	159	0.2
Chapter 2 Specific Offense Characteristic Adjustments	128	80.5
(b)(1)(a) Physical contact (3 levels)	108	67.9
(b)(1)(a) Physical contact (2 levels) <sup>6</sup>	1	0.6
(b)(1)(b) Dangerous weapon possessed/threatened (3 levels)	16	10.1
(b)(2) Victim sustained bodily injury (2 levels)	47	29.6
§2A3.1 Criminal Sexual Abuse (Rape)	116	0.2
(a)(1) Conviction under 18 U.S.C. § 2241(c) (Base offense level 38)	12	10.3
(a)(2) Otherwise (Base offense level 30)	90	77.6
(a) Base offense level 27 <sup>5</sup>	14	12.1
Chapter 2 Specific Offense Characteristic Adjustments	95	81.9
(b)(1) Offense committed by means set forth in 18 U.S.C. § 2241(a) or (b) (4 levels)	52	44.8
(b)(2)(A) Victim under age of 12 (4 levels)	34	29.3
(b)(2)(B) Victim between 12 and 16 (2 levels)	21	19.1
(b)(3)(A) Victim in custody, care or control (3 levels) <sup>6</sup>	1	0.9
(b)(3)(A) Victim in custody, care or control (2 levels)	24	20.7
(b)(3)(B) Victim in a correctional facility (2 levels)	3	2.6
(b)(4)(A) Permanent or life-threatening bodily injury (4 levels)	2	1.7
(b)(4)(B) Between permanent/life-threatening and serious bodily injury (3 levels)	0	0.0
(b)(4)(C) Serious bodily injury (2 levels)	8	6.9
(b)(5) Victim abducted (4 levels)	9	7.8
(b)(6)(A) Misrepresentation to persuade a minor (2 levels)	5	4.3
(b)(6)(B) Use of a computer to persuade a minor (2 levels)	10	8.6

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A3.2 Criminal Sexual Abuse of a Minor (Statutory Rape)	38	0.0
(a) Base offense level 18	37	97.4
(a)(1) Violation of Chapter 117 of Title 18 and the commission of a sex act (BOL 24) <sup>7</sup>	1	2.6
Chapter 2 Specific Offense Characteristic Adjustments	11	29.0
(b)(1) Victim in custody, care or control of the defendant (4 levels)	5	13.2
(b)(1) Victim in custody, care or control of the defendant (2 level) <sup>8</sup>	1	2.6
(b)(2)(A) Misrepresentation of identity (4 levels)	1	2.6
(b)(2)(B) Undue influence (4 levels)	4	10.5
(b)(3) Use of a computer to persuade the victim to engage in prohibited sexual conduct (2 levels)	0	0.0
§2A3.3 Criminal Sexual Abuse of a Ward	9	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Misrepresentation of identity (2 levels)	0	0.0
(b)(2) Use of a computer (2 levels)	0	0.0
§2A3.4 Abuse Sexual Contact	48	0.1
(a)(1) If offense committed by means in 18 U.S.C. § 2241(a) or (b) (BOL 20)	2	4.2
(a)(2) If offense committed by means in 18 U.S.C. § 2242 (Base offense level 16)	8	16.7
(a)(3) Other than (a)(1) or (a)(2) (Base offense level 12)	37	77.1
(a)(3) Other than (a)(1) or (a)(2) (Base offense level 10) <sup>5</sup>	1	2.1
Chapter 2 Specific Offense Characteristic Adjustments	27	56.2
(b)(1) Victim under the age of 12 (4 levels or increase to level 22)	12	25.0
(b)(1) Victim under the age of 12 (4 levels or increase to level 20) <sup>9</sup>	7	7.4
(b)(2) Victim between 12 and 16 (2 levels)	2	4.2
(b)(3) Victim was in custody, care or control (2 levels)	15	31.2
(b)(4) Misrepresentation of identity (2 levels)	0	0.0
(b)(5) Use of a computer (2 levels)	0	0.0

<sup>7</sup> Base offense level was eliminated on November 1, 2004.

<sup>8</sup> SOC was increased on November 1, 2004.

<sup>9</sup> Floor level on SOC was increased to level 22 on November 1, 2007.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A3.5 Failure to Register as a Sex Offender	557	0.8
(a)(1) Defendant required to register as a Tier III offender (Base offense level 16)	316	56.7
(a)(2) Defendant required to register as a Tier II offender (Base offense level 14)	145	26.0
(a)(3) Defendant required to register as a Tier I offender (Base offense level 12)	96	17.2
Chapter 2 Specific Offense Characteristic Adjustments	23	4.1
(b)(1)(A) If while in failure to register status, sex offense against non-minor (6 levels)	0	0.0
(b)(1)(B) If while in failure to register status, felony offense against a minor (6 levels)	2	0.4
(b)(1)(C) If while in failure to register status, sex offense against a minor (8 levels)	11	2.0
(b)(2)(A) Defendant voluntarily corrected the failure to register (decrease 3 levels)	9	1.6
(b)(2)(B) Defendant voluntarily attempted to register but was unable to (decrease 3 lvls)	1	0.2
§2A3.6 Aggravated Offenses Relating to Registration as a Sex Offender	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A4.1 Kidnapping, Abduction or Unlawful Restraint	75	0.1
(a) Base offense level 32	74	98.7
(a) Base offense level 24 <sup>5</sup>	1	1.3
Chapter 2 Specific Offense Characteristic Adjustments	63	84.0
(b)(1) Ransom demanded or a demand upon the government (6 levels)	39	52.0
(b)(2)(A) Victim sustained permanent or life-threatening bodily injury (4 levels)	4	5.3
(b)(2)(B) Between permanent or life-threatening and serious bodily injury (3 levels)	1	1.3
(b)(2)(C) Serious bodily injury (2 levels)	9	12.0
(b)(3) Dangerous weapon used (2 levels)	46	61.3
(b)(4)(A) Victim not released before 30 days (2 levels)	6	8.0
(b)(4)(B) Victim not release before seven days (1 level)	1	1.3
(b)(4)(C) Victim released before 24 hours (1 level decrease)	0	0.0
(b)(5) Victim sexually exploited (6 levels)	4	5.3
(b)(6) Victim was a minor, and in exchange for money, in custody, care or control (3 lev)	3	4.0
(b)(7)(A) Abduction in connection with another crime (increase to applicable g'line)	0	0.0
(b)(7)(B) Abduction in connection with another crime (4 levels)	0	0.0

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A4.2 Demanding or Receiving Ransom Money	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A5.1 Aircraft Piracy or Attempted Aircraft Piracy	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Death resulting from act (5 levels)	0	0.0
§2A5.2 Interference with Flight Crew Member or Mass Transportation Vehicle or Ferry	14	0.0
(a)(1) Intentionally endangering safety of above stated transportation (BOL 30)	1	7.2
(a)(2) Recklessly endangering safety of above stated transportation (BOL 18)	3	21.4
(a)(3) If an assault occurred, most analogous BOL from §§ 2A2.1-2A2.4	0	0.0
(a)(4) Other than behavior in (a)(1)-(a)(3) (Base offense level 9)	10	71.4
Chapter 2 Specific Offense Characteristic Adjustments	2	14.3
(b)(1)(i) Subsection (a)(1) or (a)(2) applies, firearm discharged (5 levels)	0	0.0
(b)(1)(ii) Subsection (a)(1) or (a)(2) applies, dangerous weapon otherwise used (4 levels)	2	14.3
(b)(1)(iii) Subsection (a)(1) or (a)(2) applies, weapon brandished/threatened (3 levels)	0	0.0
§2A5.3 Committing Certain Crimes Aboard Aircraft	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A6.1 Threatening or Harassing Communication	158	0.2
(a)(2) Convicted of 47 U.S.C. § 223(a)(1)(C) - (E) not involving threat to injure (BOL 6)	2	1.3
(a)(1) Conviction other than (a)(1) (Base offense level 12)	156	98.7
Chapter 2 Specific Offense Characteristic Adjustments	110	69.6
(b)(1) Conduct evidencing an intent to carry out such threat (6 levels)	7	4.4
(b)(2)(A) More than two threats (2 levels)	53	33.5
(b)(2)(B) Convicted under 18 U.S.C. § 1521 and more than 2 false liens (2 levels)	1	0.6
(b)(3) Violation of a court protection order (2 levels)	3	1.9
(b)(4)(A) Disruption of public, governmental, or business functions (4 levels)	26	16.4
(b)(4)(B) Substantial expenditure of funds to clean or decontaminate (4 levels)	4	2.5
(b)(5)(A) Convicted under 18 U.S.C. § 115 (2 levels)	1	0.6
(b)(5)(B) Made a public threatening communication (2 levels)	0	0.0
(b)(5)(C) Knew that public threatening communication created a substantial risk of inciting others to violate 18 U.S.C. § 115 (2 levels)	0	0.0
(b)(6) If subsection (a)(2) and (b)(1)-(b)(4) do not apply (4 level decrease) <sup>10</sup>	33	20.9
§2A6.2 Stalking or Domestic Violence	24	0.0
Chapter 2 Specific Offense Characteristic Adjustments	22	91.7
(b)(1)(A) Violation of court protection order (2 levels)	0	0.0
(b)(1)(B) Bodily injury (2 levels)	3	12.5
(b)(1)(C) Possession , or threatened use of a dangerous weapon (2 levels)	2	8.3
(b)(1)(D) Pattern of activity stalking, threatening, or assaulting same victim (2 levels)	2	8.3
(b)(1)(A)-(D) Violation of more than one of above (4 levels)	15	62.5

<sup>10</sup> SOC was formerly §2A6.1(b)(5) and was redesignated §2A6.1(b)(6) on November 1, 2009. The statistics reflect all instances of the application of this SOC.



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
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Guideline and SOC	Applied	Percent
<b>Part B - Basic Economic Offenses</b>		
§2B1.1 Larceny, Embezzlement, Theft, and Fraud	8,510	11.4
(a)(1) Statutory maximum of 20 years or more (Base offense level 7)	3,334	39.2
(a)(2) Otherwise (Base offense level 6)	5,164	60.7
(a)(1) Base offense level 6 <sup>11</sup>	12	0.1
Chapter 2 Specific Offense Characteristic Adjustments	7,638	89.8
(b)(1)(A) \$100 or less (0 levels) <sup>12</sup>	1	0.0
(b)(1)(A) \$5,000 or less (0 levels)	1,247	14.7
(b)(1)(B) Between \$5,000 and \$10,000 (2 levels)	380	4.5
(b)(1)(C) Between \$10,000 and \$30,000 (4 levels)	1,163	13.7
(b)(1)(D) Between \$30,000 and \$70,000 (6 levels)	1,071	12.6
(b)(1)(E) Between \$70,000 and \$120,000 (7 levels) <sup>13</sup>	1	0.0
(b)(1)(E) Between \$70,000 and \$120,000 (8 levels)	723	8.5
(b)(1)(F) Between \$120,000 and \$200,000 (10 levels)	694	8.2
(b)(1)(G) Between \$200,000 and \$400,000 (12 levels)	810	9.5
(b)(1)(H) Between \$400,000 and \$1,000,000 (14 levels)	974	11.4
(b)(1)(I) Between \$1,000,000 and \$2,500,000 (16 levels)	728	8.6
(b)(1)(J) Between \$2,500,000 and \$7,000,000 (18 levels)	426	5.0
(b)(1)(K) Between \$7,000,000 and \$20,000,000 (20 levels)	168	2.0
(b)(1)(L) Between \$20,000,000 and \$50,000,000 (22 levels)	68	0.8
(b)(1)(M) Between \$50,000,000 and \$100,000,000 (24 levels)	42	0.5
(b)(1)(N) Between \$100,00,000 and \$200,000,000 (26 levels)	2	0.0
(b)(1)(O) Between \$200,000,000 and \$400,000,000 (28 levels)	3	0.0
(b)(1)(P) More than \$400,000,000 (30 levels)	9	0.1

<sup>11</sup> The alternative base offense level of 7 was added on November 1, 2003.

<sup>12</sup> Threshold amount was changed for this SOC on November 1, 2001.

<sup>13</sup> This SOC is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	8,510	11.4
(b)(2)(A) More than 10 but less than 50 victims or mass marketing (2 levels)	19	0.2
(b)(2)(A)(i) More than 10 but less than 50 victims (2 levels)	1,043	12.2
(b)(2)(A)(ii) Mass marketing (2 levels)	60	0.7
(b)(2)(B) More than 50 victims but less than 250 victims (4 levels)	521	6.1
(b)(2)(C) More than 250 victims (6 levels)	296	3.5
(b)(3) Theft was from another person (2 levels) <sup>14</sup>	27	0.3
(b)(4) Receiving stolen property as a business (2 levels)	81	1.0
(b)(5) Misappropriation of trade secrets or benefit foreign government (2 levels) <sup>15</sup>	4	0.0
(b)(6) Theft or damage to a national cemetery (2 levels)	1	0.0
(b)(7) Convicted under (A) 18 U.S.C. §1037 and (B) involved e-mail addresses through improper means (2 levels)	8	0.1
(b)(8)(A)(i) Federal health care offense and loss to the Government was more than \$1,000,000 (2 levels)	17	0.2
(b)(8)(A)(ii) Federal health care offense and loss to the Government was more than \$20,000,000 (4 levels)	1	0.0
(b)(9)(A) Misrepresentation of acting on behalf of charitable, educational, religious or political organization or a government agency (2 levels, if less than 10) <sup>16</sup>	54	0.6
(b)(9)(B) Misrepresentation during bankruptcy proceeding (2 levels, if less than 10) <sup>16</sup>	82	1.0
(b)(9)(C) Violation of any prior judicial/administrative order (2 levels, if less than 10) <sup>16</sup>	109	1.3
(b)(9)(D) Misrepresentation in financial assistance for higher education (2 levels, if less than 10) <sup>16</sup>	3	0.0
(b)(10)(A) Offender relocated to evade law enforcement (2 levels, increase to 12) <sup>17</sup>	107	1.2
(b)(10)(B) Most of scheme committed outside of U.S. (2 levels, increase to 12) <sup>17</sup>	139	1.6
(b)(10)(C) Offense otherwise involved sophisticated means (2 levels, increase to 12) <sup>17</sup>	830	9.8

<sup>14</sup> SOC was formerly §2B1.1(b)(2) and redesignated §2B1.1(b)(3) on November 1, 2001. The statistics reflect all instances of the application of this SOC.

<sup>15</sup> SOC was formerly §2B1.1(b)(7) and redesignated §2B1.1(b)(5) on November 1, 2001. The statistics reflect all instances of the application of this SOC.

<sup>16</sup> SOC was formerly §2B1.1(b)(7) and redesignated §2B1.1(b)(8) on November 1, 2004, and subsequently redesignated §2B1.1(b)(9) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>17</sup> SOC was formerly §2B1.1(b)(8) and redesignated §2B1.1(b)(9) on November 1, 2004, and subsequently redesignated §2B1.1(b)(10) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	8,510	11.4
(b)(11)(A)(i) Possession or use of any device-making equipment (2 levels, increase to 12) <sup>18</sup>	190	2.2
(b)(11)(A)(ii) Possession or use of any authentication feature (2 levels, increase to 12) <sup>18</sup>	120	1.4
(b)(11)(B)(i) Production/trafficking of any unauthorized access device (2 levels, increase to 12) <sup>18</sup>	201	2.4
(b)(11)(B)(ii) Production/trafficking authentication feature (2 levels, increase to 12) <sup>18</sup>	26	0.3
(b)(11)(C)(i) Use of means of ID unlawfully to produce/obtain (2 levels, increase to 12) <sup>18</sup>	349	4.1
(b)(11)(C)(ii) Possession of five or more means of ID (2 levels, increase to 12) <sup>18</sup>	99	1.2
(b)(12) Conduct described in 18 U.S.C. § 1040 (2 levels, increase to 12) <sup>19</sup>	39	0.5
(b)(13)(A) Organized scheme to steal vehicles or parts (two levels, increase to 14) <sup>20</sup>	61	0.7
(b)(13)(B) Organized scheme to steal goods that are part of a cargo shipment (2 levels, increase to 14) <sup>21</sup>	14	0.2
(b)(14)(A) Conscious/reckless risk of death/serious bodily injury (2 levels, increase to 14) <sup>22</sup>	52	0.6
(b)(14)(B) Possession of a dangerous weapon (2 levels, increase to 14) <sup>22</sup>	8	0.1

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<sup>18</sup> SOC was formerly §2B1.1(b)(9) and redesignated §2B1.1(b)(10) on November 1, 2004, and subsequently redesignated §2B1.1(b)(11) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>19</sup> SOC was promulgated under as an “Emergency Amendment” on May 1, 2008 as §2B1.1(b)(16) and redesignated §2B1.1(b)(11) on November 1, 2008, and subsequently redesignated §2B1.1(b)(12) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>20</sup> SOC was formerly §2B1.1(b)(5) and redesignated §2B1.1(b)(10) on November 1, 2001, subsequently redesignated §2B1.1(b)(11) on November 1, 2004, §2B1.1(b)(11)(A) on November 1, 2007, §2B1.1(b)(12)(A) on November 1, 2008, and §2B1.1(b)(13)(A) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>21</sup> The SOC was formerly §2B1.1(b)(11)(B) and redesignated §2B1.1(b)(12)(B) on November 1, 2008, and subsequently redesignated §2B1.1(b)(13)(B) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>22</sup> SOC was formerly §2B1.1(b)(11) and redesignated §2B1.1(b)(12) on November 1, 2004, subsequently redesignated §2B1.1(b)(13) on November 1, 2008, and §2B1.1(b)(14) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	8,510	11.4
(b)(15)(A) More than \$1,000,000 derived from financial institution (2 levels) <sup>23</sup>	110	1.3
(b)(15)(B)(i) Jeopardized the safety and soundness of financial institution (4 levels or more) <sup>24</sup>	21	0.2
(b)(15)(B)(ii) Substantially endangered solvency or financial security, publicly traded or had 1,000 or more employees (4 levels or more) <sup>24</sup>	2	0.0
(b)(15)(B)(iii) Substantially endangered solvency or financial security of 100 or more victims (4 levels or more) <sup>24</sup>	5	0.1
(b)(16)(A) Convicted of 18 U.S.C. § 1030 and involved an intent to obtain personal information (2 levels) <sup>25</sup>	26	0.3
(b)(16)(B) Involved unauthorized public dissemination of personal information (2 levels) <sup>25</sup>	4	0.0
(b)(17)(A)(i) Convicted of 18 U.S.C. § 1030 and involved a computer system used to maintain an infrastructure (2 levels) <sup>26</sup>	9	0.1
(b)(17)(A)(ii) Convicted of 18 U.S.C. § 1030(a)(5)(A) (4 levels) <sup>27</sup>	16	0.2
(b)(17)(A)(iii) Convicted of 18 U.S.C. § 1030 and substantial disruption of a critical infrastructure (6 levels) <sup>28</sup>	0	0.0

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<sup>23</sup> SOC was formerly §2B1.1(b)(6)(A) and redesignated §2B1.1(b)(12)(A) on November 1, 2001, subsequently redesignated §2B1.1(b)(13)(A) on November 1, 2004, §2B1.1(b)(14)(A) on November 1, 2008, and §2B1.1(b)(15)(A) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>24</sup> SOC was formerly §2B1.1(b)(12)(B) and redesignated §2B1.1(b)(13)(B) on November 1, 2004, subsequently redesignated §2B1.1(b)(14)(B) on November 1, 2008, and §2B1.1(b)(15)(B) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>25</sup> The SOC was formerly §2B1.1(b)(15) and redesignated §2B1.1(b)(16) on November 1, 2011.

<sup>26</sup> The SOC was formerly §2B1.1(b)(16)(A)(i) and redesignated §2B1.1(b)(17)(A)(i) on November 1, 2011.

<sup>27</sup> SOC was formerly §2B1.1(b)(13)(A)(ii) and redesignated §2B1.1(b)(14)(A)(ii) on November 1, 2004, subsequently redesignated §2B1.1(b)(15)(A)(ii) on November 1, 2008, §2B1.1(b)(16)(A)(ii) on November 1, 2009, and §2B1.1(b)(17)(A)(ii) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>28</sup> SOC was formerly §2B1.1(b)(13)(A)(iii) and redesignated §2B1.1(b)(14)(A)(iii) on November 1, 2004, subsequently redesignated §2B1.1(b)(15)(A)(iii), §2B1.1(b)(16)(A)(iii) on November 1, 2009, and §2B1.1(b)(17)(A)(iii) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	8,510	11.4
(b)(18)(A)(i) Violation of securities law and defendant was an officer of a publicly traded company (4 levels, increase to 24) <sup>29</sup>	10	0.1
(b)(18)(A)(ii) Violation of securities law and defendant was a registered broker (4 levels, increase to 24) <sup>29</sup>	19	0.2
(b)(18)(A)(iii) Violation of securities law and defendant was an investment advisor (4 levels, increase to 24) <sup>29</sup>	28	0.3
(b)(18)(B)(i) Violation of commodities law and defendant was an officer of a futures commission merchant (4 levels, increase to 24) <sup>29</sup>	3	0.0
(b)(18)(B)(ii) Violation of commodities law and defendant was a commodities advisor (4 levels, increase to 24) <sup>29</sup>	4	0.0
(b)(18)(B)(iii) Violation of commodities law and defendant was a commodity pool operator (4 levels, increase to 24) <sup>29</sup>	1	0.0
§2B1.4 Insider Trading	33	0.0
Chapter 2 Specific Offense Characteristic Adjustments	32	97.0
(b)(1) Loss less than \$5,000 (0 levels)	1	3.0
(b)(1) Between \$5,000 and \$10,000 (2 levels)	2	6.1
(b)(1) Between \$10,000 and \$30,000 (4 levels)	2	6.1
(b)(1) Loss between \$30,000 and \$70,000 (6 levels)	1	3.0
(b)(1) Loss between \$200,000 and \$400,000 (12 levels)	4	12.1
(b)(1) Loss between \$400,000 and \$1,000,000 (14 levels)	9	27.3
(b)(1) Loss between \$1,000,000 and \$2,500,000 (16 levels)	4	12.1
(b)(1) Loss between \$2,500,000 and \$7,000,000 (18 levels)	4	12.1
(b)(1) Loss between \$7,000,000 and \$20,000,000 (20 levels)	1	3.0
(b)(1) Between \$20,000,000 and \$50,000,000 (22 levels)	4	12.1
(b)(1) Between \$50,000,000 and \$100,000,000 (24 levels)	1	3.0

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<sup>29</sup> SOC was formerly §2B1.1(b)(14) and redesignated §2B1.1(b)(15) on November 1, 2004, subsequently redesignated §2B1.1(b)(16) on November 1, 2008, and §2B1.1(b)(17) on November 1, 2009. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.5 Theft or Damage of Cultural Heritage Resources	15	0.0
Chapter 2 Specific Offense Characteristic Adjustments	15	100.0
(b)(1)(A) Loss less than \$2,000 (0 levels)	2	13.3
(b)(1)(A) Loss between \$2,000 and \$5,000 (1 level)	4	26.7
(b)(1)(B) Loss between \$5,000 and \$10,000 (2 levels)	1	6.7
(b)(1)(B) Loss between \$10,000 and \$30,000 (4 levels)	1	6.7
(b)(1)(B) Loss between \$30,000 and \$70,000 (6 levels)	1	6.7
(b)(1)(B) Between \$70,000 and \$120,000 (8 levels)	4	26.7
(b)(1)(B) Loss between \$400,000 and \$1,000,000 (14 levels)	1	6.7
(b)(1)(B) Loss between \$1,000,000 and \$2,500,000 (16 levels)	1	6.7
(b)(2)(A) Offense involved national park system (2 levels)	5	33.3
(b)(2)(B) Offense involved National Historical Landmark (2 levels)	0	0.0
(b)(2)(C) Offense involved national monument or national memorial (2 levels)	0	0.0
(b)(2)(D) Offense involved a national marine sanctuary (2 levels)	0	0.0
(b)(2)(E) Offense involved a national cemetery (2 levels)	0	0.0
(b)(2)(F) Offense involved a museum (2 levels)	2	13.3
(b)(2)(G) Offense involved the World Heritage List (2 levels)	0	0.0
(b)(3)(A) Offense involved human remains (2 levels)	0	0.0
(b)(3)(B) Offense involved a funerary object (2 levels)	2	13.3
(b)(3)(C) Offense involved cultural patrimony (2 levels)	2	13.3
(b)(3)(D) Offense involved a sacred object (2 levels)	0	0.0
(b)(3)(E) Offense involved cultural property (2 levels)	3	20.0
(b)(3)(F) Offense involved designated archaeological or ethnological material (2 levels)	1	6.7
(b)(3)(G) Offense involved a pre-Columbian monumental/architectural mural (2 levels)	0	0.0
(b)(4) Committed for pecuniary gain (2 levels)	8	53.3
(b)(5) Pattern of misconduct involving cultural heritage resources (2 levels)	3	20.0
(b)(6) Dangerous weapon brandished/threatened (2 levels or increase to level 14)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.6 Aggravated Identity Theft	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2B2.1 Burglary of a Residence	68	0.1
(a)(1) Burglary of a residence (Base offense level 17)	33	48.5
(a)(2) Burglary of a structure other than a residence (Base offense level 12)	35	51.5
Chapter 2 Specific Offense Characteristic Adjustments	44	64.7
(b)(1) More than minimal planning (2 levels)	8	11.8
(b)(2)(A) Loss \$2,500 or less (0 levels)	48	70.6
(b)(2)(B) Between \$2,500 and \$10,000 loss (one level)	12	17.6
(b)(2)(C) Between \$10,000 and \$50,000 loss (2 levels)	4	5.9
(b)(2)(D) Between \$50,000 and \$250,000 loss (3 levels)	4	5.9
(b)(2)(E) Between \$250,000 and \$800,000 (4 levels)	0	0.0
(b)(2)(F) Between \$800,000 and \$1,500,000 (5 levels)	0	0.0
(b)(2)(G) Between \$1,500,000 and \$2,500,000 (6 levels)	0	0.0
(b)(2)(H) Between \$2,500,000 and \$5,000,000 (7 levels)	0	0.0
(b)(2)(I) More than \$5,000,000 (8 levels)	0	0.0
(b)(3) Firearm, destructive device or controlled substance taken (one level)	12	17.6
(b)(4) Dangerous weapon possessed (2 levels)	12	17.6
§2B2.3 Trespass	2	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	100.0
(b)(1)(A) Occurred at a secured government facility (2 levels)	0	0.0
(b)(1)(B) Occurred at a nuclear energy facility (2 levels)	1	50.0
(b)(1)(C) Occurred on a vessel or aircraft of the United States (2 levels)	0	0.0
(b)(1)(D) Occurred in a secured area of an airport (2 levels)	1	50.0
(b)(1)(E) Occurred at a residence (2 levels)	0	0.0
(b)(1)(F) Occurred on a computer system used to (i) maintain/operate infrastructure or (ii) by or for a government entity in the administration of justice/national defense/ national security (2 levels)	0	0.0
(b)(2) Dangerous weapon possessed (2 levels)	0	0.0
(b)(3)(A)(B)(i) Invasion of a computer, loss between \$2,000 and \$5,000 (1 level)	0	0.0
(b)(3) Invasion of a computer, loss according to §2B1.1 loss table (between 2 and 26 lev)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.1 Robbery	1,599	2.2
Chapter 2 Specific Offense Characteristic Adjustments	1,521	95.1
(b)(1) Financial institution or post offense subject of offense (2 levels)	924	57.8
(b)(2)(A) Firearm discharged (7 levels)	43	2.7
(b)(2)(B) Firearm otherwise used (6 levels)	140	8.8
(b)(2)(C) Firearm brandished or possessed (5 levels)	261	16.3
(b)(2)(D) Dangerous weapon otherwise used (4 levels)	84	5.2
(b)(2)(E) Dangerous weapon brandished or possessed (3 levels)	174	10.9
(b)(2)(F) Threat of death (2 levels)	206	12.9
(b)(3)(A) Bodily injury occurred (2 levels)	90	5.6
(b)(3)(B) Serious bodily injury (4 levels)	30	1.9
(b)(3)(C) Permanent/life-threatening bodily injury (6 levels)	22	1.4
(b)(3)(D) Between bodily and serious bodily injury (3 levels)	9	0.6
(b)(3)(E) Between serious and permanent/life-threatening bodily injury (5 levels)	1	0.1
(b)(4)(A) Person abducted during offense (4 levels)	67	4.2
(b)(4)(B) Person physically restrained during offense (2 levels)	223	14.0
(b)(5) Offense involved carjacking (2 levels)	112	7.0
(b)(6) Obtaining firearm, destructive device or controlled substance object of offense (one level)	175	10.9
(b)(7)(A) Loss less than \$10,000 (0 levels)	1,211	75.7
(b)(7)(B) Loss between \$10,000 and \$50,000 (one level)	245	15.3
(b)(7)(C) Loss between \$50,000 and \$250,000 (2 levels)	94	5.9
(b)(7)(D) Loss between \$250,000 and \$800,000 (3 levels)	46	2.9
(b)(7)(E) Loss between \$800,000 and \$1,500,000 (4 levels)	0	0.0
(b)(7)(F) Loss between \$1,500,000 and \$2,500,000 (5 levels)	1	0.1
(b)(7)(G) Loss between \$2,500,000 and \$5,000,000 (6 levels)	0	0.0
(b)(7)(H) Loss more than \$5,000,000 (7 levels)	2	0.1



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.2 Extortion by Force	67	0.1
Chapter 2 Specific Offense Characteristic Adjustments	60	89.6
(b)(1) Express or implied threat of death, bodily injury or kidnaping (2 levels)	56	83.6
(b)(2) Amount less than \$10,000 (0 levels)	27	40.3
(b)(2) Amount demanded between \$10,000 and \$50,000 (one level)	15	22.4
(b)(2) Amount demanded between \$50,000 and \$250,000 (2 levels)	16	23.9
(b)(2) Amount demanded between \$250,000 and \$800,000 (3 levels)	3	4.5
(b)(2) Amount demanded between \$800,000 and \$1,500,000 (4 levels)	5	7.5
(b)(2) Amount demanded more than \$5,000,000 (7 levels)	1	1.5
(b)(3)(A)(i) Firearm discharged (7 levels)	0	0.0
(b)(3)(A)(ii) Firearm otherwise used (6 levels)	0	0.0
(b)(3)(A)(iii) Firearm brandished or possessed (5 levels)	6	9.0
(b)(3)(A)(iv) Dangerous weapon otherwise used (4 levels)	1	1.5
(b)(3)(A)(v) Dangerous weapon brandished or possessed (3 levels)	1	1.5
(b)(3)(B)(i)(I) Offense involved preparation to carry out threat of death (3 levels)	0	0.0
(b)(3)(B)(i)(II) Offense involved preparation to carry out threat of serious bodily injury (3 levels)	3	4.5
(b)(3)(B)(i)(III) Offense involved preparation to carry out threat of kidnaping (3 levels)	1	1.5
(b)(3)(B)(i)(IV) Offense involved preparation to carry out threat of product tampering (3 levels)	0	0.0
(b)(3)(B)(i)(V) Offense involved preparation to carry out threat of damage to a computer system used on maintain critical infrastructure (3 levels)	0	0.0
(b)(3)(B)(ii) Offender demonstrated ability to carry out a threat described in (i)(I) through (i)(V)(3 levels)	2	3.0
(b)(4)(A) Bodily injury (2 levels)	8	11.9
(b)(4)(B) Serious bodily injury (4 levels)	0	0.0
(b)(4)(C) Permanent or life-threatening bodily injury (6 levels)	0	0.0
(b)(4)(D) Between bodily injury and serious bodily injury (3 levels)	0	0.0
(b)(4)(E) Between serious and permanent/life-threatening bodily injury (5 levels)	0	0.0
(b)(5)(A) Person abducted to facilitate offense or escape (4 levels)	3	4.5
(b)(5)(B) Person physically restrained to facilitate offense or escape (2 levels)	3	4.5

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.3 Blackmail and other forms of Extortion	22	0.0
Chapter 2 Specific Offense Characteristic Adjustments	15	68.2
(b)(1)(B) Amount demanded less than \$2,000 (0 levels)	7	31.8
(b)(1)(B) Amount demanded between \$5,000 and \$10,000 (2 levels)	1	4.6
(b)(1)(B) Amount demanded between \$10,000 and \$30,000 (4 levels)	7	31.8
(b)(1)(B) Amount demanded between \$30,000 and \$70,000 (6 levels)	5	22.7
(b)(1)(B) Amount demanded between \$120,000 and \$200,000 (10 levels)	1	4.6
(b)(1)(B) Amount demanded between \$400,000 and \$1,000,000 (14 levels)	1	4.6
§2B4.1 Bribery in Procurement of Bank Loan and other Commercial Bribery	76	0.1
Chapter 2 Specific Offense Characteristic Adjustments	73	96.0
(b)(1) Bribe less than \$2,000 (0 levels)	3	4.0
(b)(1) Bribe between \$2,000 and \$5,000 (one level)	1	1.3
(b)(1) Bribe between \$5,000 and \$10,000 (2 levels)	4	5.3
(b)(1) Bribe between \$10,000 and \$30,000 (4 levels)	8	10.5
(b)(1) Bribe between \$30,000 and \$70,000 (6 levels)	5	6.6
(b)(1) Bribe between \$70,000 and \$120,000 (8 levels)	4	5.3
(b)(1) Bribe between \$120,000 and \$200,000 (10 levels)	7	9.2
(b)(1) Bribe between \$200,000 and \$400,000 (12 levels)	7	9.2
(b)(1) Bribe between \$400,000 and \$1,000,000 (14 levels)	19	25.0
(b)(1) Bribe between \$1,000,000 and \$2,500,000 (16 levels)	9	11.8
(b)(1) Bribe between \$2,500,000 and \$7,000,000 (18 levels)	5	6.6
(b)(1) Bribe between \$7,000,000 and \$20,000,000 (20 levels)	2	2.6
(b)(1) Bribe between \$20,000,000 and \$50,000,000 (22 levels)	2	2.6
(b)(2)(A) Offender derived more than \$1,000,000 from financial institution (2 levels)	1	1.3
(b)(2)(B) Jeopardized safety and soundness of a financial institution (4 levels or level 24)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B5.1 Offenses involving Counterfeit Bearer Obligations	495	0.7
Chapter 2 Specific Offense Characteristic Adjustments	390	78.8
(b)(1) Items valued less than \$2,000 (0 levels)	215	43.4
(b)(1) Items valued between \$2,000 and \$5,000 (one level)	93	18.8
(b)(1) Items valued between \$5,000 and \$10,000 (2 levels)	71	14.3
(b)(1) Items valued between \$10,000 and \$30,000 (4 levels)	65	13.1
(b)(1) Items valued between \$30,000 and \$70,000 (6 levels)	23	4.6
(b)(1) Items valued between \$70,000 and \$120,000 (8 levels)	7	1.4
(b)(1) Items valued between \$120,000 and \$200,000 (10 levels)	7	1.4
(b)(1) Items valued between \$200,000 and \$400,000 (12 levels)	6	1.2
(b)(1) Items valued between \$1,000,000 and \$2,500,000 (16 levels)	3	0.6
(b)(1) Items valued between \$7,000,000 and \$20,000,000 (20 levels)	1	0.2
(b)(2)(A) Offender manufactured/produced any actual counterfeit material (2 levels)	62	12.5
(b)(2)(B)(i) Offender controlled/possessed counterfeiting paper similar to distinctive paper (2 levels)	8	1.6
(b)(2)(B)(ii) Offender controlled/possessed genuine United States currency paper from which the ink has been completely or partially removed (2 levels)	20	4.0
(b)(2)(B)(iii) Offender controlled/possessed a device identical to a distinctive counterfeit deterrent (2 levels) <sup>30</sup>	1	0.2
(b)(3) Subsection (b)(2)(A) applies and offense level less than 15, increase to 15	186	37.6
(b)(4) Dangerous weapon possessed (2 levels, if less than 13 increase to 13)	13	2.6
(b)(5) Offense committed outside of United States (2 levels)	20	4.0

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<sup>30</sup> SOC was formerly §2B5.1(b)(2)(B)(ii) and redesignated §2B5.1(b)(2)(B)(iii) on November 1, 2009. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B5.3 Criminal Infringement of Copyright or Trademark	197	0.3
Chapter 2 Specific Offense Characteristic Adjustments	196	99.5
(b)(1) Infringement less than \$2,000 (0 levels)	7	3.6
(b)(1) Infringement amount between \$2,000 and \$5,000 (one level)	3	1.5
(b)(1) Infringement amount between \$5,000 and \$10,000 (2 levels)	8	4.1
(b)(1) Infringement amount between \$10,000 and \$30,000 (4 levels)	27	13.7
(b)(1) Infringement amount between \$30,000 and \$70,000 (6 levels)	31	15.7
(b)(1) Infringement amount between \$70,000 and \$120,000 (8 levels)	27	13.7
(b)(1) Infringement amount between \$120,000 and \$200,000 (10 levels)	17	8.6
(b)(1) Infringement amount between \$200,000 and \$400,000 (12 levels)	18	9.1
(b)(1) Infringement amount between \$400,000 and \$1,000,000 (14 levels)	35	17.8
(b)(1) Infringement amount between \$1,000,000 and \$2,500,000 (16 levels)	18	9.1
(b)(1) Infringement amount between \$2,500,000 and \$7,000,000 (18 levels)	4	2.0
(b)(1) Infringement amount between \$7,000,000 and \$20,000,000 (20 levels)	1	0.5
(b)(1) Infringement amount between \$100,00,000 and \$200,000,000 (26 levels)	1	0.5
(b)(2) Display of a work being prepared for commercial distribution (2 levels)	35	17.8
(b)(3)(A) Manufacturing/importation/uploading infringed items (2 levels or increase to 12) <sup>31</sup>	88	44.7
(b)(3)(B) Convicted under 17 U.S.C. §§ 1201 and 1204 for trafficking in circumvention devices (2 levels or increase to 12)	4	2.0
(b)(4) Not committed for commercial advantage or private gain (2 level decrease) <sup>32</sup>	2	1.0
(b)(5)(A) Conscious/reckless risk of serious bodily injury (2 levels, increase to 14) <sup>33</sup>	4	2.0
(b)(5)(B) Possession of a dangerous weapon (2 levels, increase to 14) <sup>34</sup>	0	0.0

<sup>31</sup> SOC was formerly §2B5.3(b)(2) and redesignated §2B5.3(b)(3) on November 1, 2005, and subsequently redesignated §2B5.3(b)(3)(A) on November 1, 2007. The statistics reflect all instances of the application of this SOC.

<sup>32</sup> SOC was formerly §2B5.3(b)(3) and redesignated §2B5.3(b)(4) on November 1, 2005. The statistics reflect all instances of the application of this SOC.

<sup>33</sup> SOC was formerly §2B5.3(b)(4) and redesignated §2B5.3(b)(5) on November 1, 2005. The statistics reflect all instances of the application of this SOC. The floor was increased from level 13 to level 14 on November 1, 2010.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B6.1 Altering or Removing Motor Vehicle ID Numbers	9	0.0
Chapter 2 Specific Offense Characteristic Adjustments	9	100.0
(b)(1) Retail value less than \$2,000 (0 levels)	0	0.0
(b)(1) Retail value between \$10,000 and \$30,000 (4 levels)	3	33.3
(b)(1) Retail value between \$30,000 and \$70,000 (6 levels)	2	22.2
(b)(1) Retail value between \$70,000 and \$120,000 (8 levels)	1	11.1
(b)(1) Retail value between \$120,000 and \$200,000 (10 levels)	1	11.1
(b)(1) Retail value between \$200,000 and \$400,000 (12 levels)	2	22.2
(b)(2) Offender in the business of receiving and selling stolen property (2 levels)	2	22.2
(b)(3) Part of organized scheme to steal vehicles or parts (increase to level 14)	2	22.2

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part C - Offenses Involving Public Officials</b>		
§2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe	287	0.4
(a)(1) If the defendant was a public official (Base offense level 14)	150	52.3
(a)(2) Otherwise (Base offense level 12)	132	46.0
(a) Base offense 10 <sup>34</sup>	5	1.7
Chapter 2 Specific Offense Characteristic Adjustments	273	95.1
(b)(1) Offense involved more than one bribe or extortion (2 levels)	194	67.6
(b)(2) Value of payment or loss less than \$5,000 (0 levels)	61	21.2
(b)(2) Value of payment or loss between \$5,000 and \$10,000 (2 levels)	33	11.5
(b)(2) Value of payment or loss between \$10,000 and \$30,000 (4 levels)	49	17.1
(b)(2) Value of payment or loss between \$30,000 and \$70,000 (6 levels)	22	7.7
(b)(2) Value of payment or loss between \$70,000 and \$120,000 (8 levels)	20	7.0
(b)(2) Value of payment or loss between \$120,000 and \$200,000 (10 levels)	20	7.0
(b)(2) Value of payment or loss between \$200,000 and \$400,000 (12 levels)	18	6.3
(b)(2) Value of payment or loss between \$400,000 and \$1,000,000 (14 levels)	28	9.8
(b)(2) Value of payment or loss between \$1,000,000 and \$2,500,000 (16 levels)	15	5.2
(b)(2) Value of payment or loss between \$2,500,000 and \$7,000,000 (18 levels)	15	5.2
(b)(2) Value of payment or loss between \$7,000,000 and \$20,000,000 (20 levels)	2	0.7
(b)(2) Value of payment or loss between \$20,000,000 and \$50,000,000 (22 levels)	1	0.4
(b)(2) Value of payment or loss between \$200,000,000 and \$400,000,000 (28 levels)	2	0.7
(b)(2) Value of payment or loss more than \$400,000,000 (30 levels)	1	0.4
(b)(2)(B) Payment used to influence elected official (8 levels) <sup>35</sup>	0	0.0
(b)(3) Offense involved an elected public official or one in sensitive position (4 levels, increase to level 18)	139	48.4
(b)(4)(A) Defendant was a public official who facilitated entry into U.S. for a person, vehicle or cargo (2 lev's)	1	0.4
(b)(4)(B) Defendant was a public official who facilitated obtaining a passport or other legal document (2 lev's)	2	0.7
(b)(4)(C) Defendant was a public official who facilitated the obtaining of a government identification (2 lev's)	5	1.7

<sup>34</sup> Base offense level was changed November 1, 2004.

<sup>35</sup> SOC was formerly §2C1.1(b)(3), the level was adjusted and it was redesignated §2C1.1(b)(2)(B) on November 1, 2004. The statistic only reflects the eight level adjustment.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2C1.2 Offering, Giving, Soliciting, or Receiving a Gratuity	26	0.0
(a)(2) Defendant was a public official (Base offense level 11)	12	46.2
(a)(2) Otherwise (Base offense level 9)	14	53.8
Chapter 2 Specific Offense Characteristic Adjustments	24	92.3
(b)(1) More than one gratuity (2 levels)	19	73.1
(b)(2)(A) Gratuity less than \$5,000 (0 levels)	4	15.4
(b)(2)(A) Gratuity between \$5,000 and \$10,000 (2 levels)	2	7.7
(b)(2)(A) Gratuity between \$10,000 and \$30,000 (4 levels)	5	19.2
(b)(2)(A) Gratuity between \$30,000 and \$70,000 (6 levels)	7	26.9
(b)(2)(A) Gratuity between \$70,000 and \$120,000 (8 levels)	3	11.5
(b)(2)(A) Gratuity between \$120,000 and \$200,000 (10 levels)	2	7.7
(b)(2)(A) Gratuity between \$200,000 and \$400,000 (12 levels)	3	11.5
(b)(3) Offense involved an elected public official or one in sensitive position (4 levels, increase to level 15)	5	19.2
(b)(4)(A) Defendant was a public official who facilitated entry into U.S. for a person, vehicle or cargo (2 lev's)	0	0.0
(b)(4)(B) Defendant was a public official who facilitated obtaining a passport or other legal document (2 lev's)	0	0.0
(b)(4)(C) Defendant was a public official who facilitated the obtaining of a government identification (2 lev's)	0	0.0
§2C1.3 Conflict of Interest: Payment or Receipt of Unauthorized Compensation	6	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Actual or planned harm to the government (4 levels)	0	0.0
§2C1.5 Payments to Obtain Public Office	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2C1.7 Fraud Involving Deprivation of the Intangible Right to the Honest Services Public Officials <sup>36</sup>	4	0.0
Chapter 2 Specific Offense Characteristic Adjustments	4	100.0
(b)(1)(A) Loss between \$2,000 and \$5,000 (1 level)	1	25.0
(b)(1)(A) Loss between \$70,000 and \$120,000 (8 levels)	1	25.0
(b)(1)(A) Loss between \$200,000 and \$400,000 (12 levels)	1	25.0
(b)(1)(B) Offense involved an elected official (8 levels)	1	25.0

<sup>36</sup> Guideline eliminated and consolidated with §2C1.1 on November 1, 2004.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2C1.8 Making/Receiving/Failure to report a Contribution in Violation of the Federal Election Campaign Act	6	0.0
<b>Chapter 2 Specific Offense Characteristic Adjustments</b>	<b>5</b>	<b>83.3</b>
(b)(1) Contribution less than \$5,000 (0 levels)	1	16.7
(b)(1) Contribution between \$10,000 and \$30,000 (4 levels)	3	50.0
(b)(1) Contribution between \$400,000 and \$1,000,000 (14 levels)	2	33.3
(b)(2)(A) Offense involved an illegal transaction made/received by/from a foreign national (2 levels)	0	0.0
(b)(2)(B) Offense involved an illegal transaction made/received by/from a government of a foreign country (4 levels)	0	0.0
(b)(3)(A) Offense involved contribution/donation/receipt of government funds (2 levels)	0	0.0
(b)(3)(B) Defendant committed the offense for the purpose of receiving non-monetary Federal benefit (2 levels)	0	0.0
(b)(4) Defendant engaged in 30 or more transactions (2 levels)	0	0.0
(b)(5) Offense involved contribution/donation made/obtained through intimidation/coercion (4 levels)	0	0.0



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part D - Offenses Involving Drugs</b>		
§2D1.1 Drug Trafficking	23,758	31.9
(a)(1) Convicted under 21 U.S.C. § 841(b)(1)(A), (b)(1)(B), (b)(1)(C) or 21 U.S.C. § 960(b)(1), (b)(2), or (b)(3) and death/serious bodily injury after more than one prior conviction for similar offense (Base offense level 43)	4	0.0
(a)(2) Convicted under 21 U.S.C. § 841(b)(1)(A), (b)(1)(B), (b)(1)(C) or 21 U.S.C. § 960(b)(1), (b)(2), or (b)(3) and death/serious bodily injury (Base offense level 38)	30	0.1
(a)(3) Convicted under 21 U.S.C. § 841(b)(1)(E) or 21 U.S.C. § 960(b)(5) and death/serious bodily injury after more than one prior conviction for similar offense (Base offense level 30)	6	0.0
(a)(4) Convicted under 21 U.S.C. §§ 841(b)(1)(E) or 960(b)(5) and death/serious bodily injury resulted from use of substance (Base offense level 26)	34	0.1
(a)(5) Base offense level 38	1,050	4.4
(a)(5) Base offense level 36	956	4.0
(a)(5) Base offense level 34	1,842	7.8
(a)(5)(B)(iii) Mitigating role received and base offense level is 38, decrease by four levels to base offense level 34	494	2.1
(a)(5)(B)(ii) Mitigating role received and base offense level is 36, decrease by three levels to base offense level 33	251	1.1
(a)(5) Base offense level 32	3,041	12.8
(a)(5)(B)(iv) Minimal participant role received, decrease base offense level 32	44	0.2
(a)(5)(B)(ii) Mitigating role received and base offense level is 34, decrease by three levels to base offense level 31	453	1.9
(a)(5) Base offense level 30	1,220	5.1
(a)(5)(B)(i) Mitigating role received and base offense level is 32, decrease by two levels to base offense level 30	593	2.5
(a)(5) Base offense level 29 <sup>37</sup>	1	0.0
(a)(5) Base offense level 28	1,765	7.4
(a)(5) Base offense level 26	5,040	21.2
(a)(5) Base offense level 25 <sup>37</sup>	1	0.0
(a)(5) Base offense level 24	841	3.5
(a)(5) Base offense level 22	733	3.1

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<sup>37</sup> This base offense level is not available under the guidelines, but the court documents reflected the court's findings that this was the proper base offense level for this offense.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.1 Drug Trafficking (continued)	23,758	31.9
(a)(5) Base offense level 20	1,119	4.7
(a)(5) Base offense level 18	2,211	9.3
(a)(5) Base offense level 16	937	3.9
(a)(5) Base offense level 14	388	1.6
(a)(5) Base offense level 12	464	2.0
(a)(5) Base offense level 10	77	0.3
(a)(5) Base offense level 8	67	0.3
(a)(5) Base offense level 6	96	0.4
Chapter 2 Specific Offense Characteristic Adjustments	12,725	53.6
(b)(1) Dangerous weapon possessed (two levels)	2,570	10.8
(b)(2) Offender used violence, threat of violence or directed violence (2 levels)	88	0.4
(b)(3)(A) Aircraft used to import or export the controlled substance (2 levels or level 26) <sup>38</sup>	10	0.0
(b)(3)(B) A submersible/semi-submersible vessel was used (2 levels or level 26) <sup>38</sup>	12	0.0
(b)(3)(C) Offender acted as pilot or any operation officer (2 levels or level 26) <sup>39</sup>	39	0.2
(b)(4) Distribution in a prison (2 levels) <sup>40</sup>	76	0.3
(b)(5) Importation of methamphetamine from unlawfully imported material (2 levels) <sup>41</sup>	264	1.1
(b)(6) Defendant convicted under 21 U.S.C. § 865 (2 levels) <sup>42</sup>	1	0.0

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<sup>38</sup> SOC was formerly §2D1.1(b)(2) and redesignated §2D1.1(b)(3) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>39</sup> SOC was formerly §2D1.1(b)(2)(B) and redesignated §2D1.1(b)(2)(C) on November 1, 2009 and subsequently redesignated §2D1.1(b)(3)(C) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>40</sup> SOC was formerly §2D1.1(b)(3) and redesignated §2D1.1(b)(4) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>41</sup> SOC was formerly §2D1.1(b)(4) and redesignated §2D1.1(b)(5) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>42</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.1 Drug Trafficking (continued)	23,758	31.9
(b)(7) Defendant distributed through mass marketing (2 levels) <sup>43</sup>	16	0.1
(b)(8) Distribution of an anabolic steroid and a masking agent (2 levels) <sup>44</sup>	0	0.0
(b)(9) Distribution of an anabolic steroid to an athlete (2 levels) <sup>45</sup>	1	0.0
(b)(10) Defendant convicted under 21 U.S.C. §841(g)(1)(A) (2 levels) <sup>46</sup>	0	0.0
(b)(11) Bribed or attempted to bribe law enforcement to facilitate offense (2 levels) <sup>47</sup>	4	0.0
(b)(12) Maintained a premises to manufacture/distribute controlled substance (2 levels)	476	2.0
(b)(13)(A)(i) Unlawful discharge of hazardous waste into the environment (2 levels) <sup>48</sup>	9	0.0
(b)(13)(A)(ii) Unlawful transportation of hazardous waste (2 levels) <sup>48</sup>	5	0.0
(b)(13)(B) Convicted under 21 U.S.C. § 860a with minor present (2 levels or level 14)	7	0.0
(b)(13)(C)(i) Convicted of meth under 21 U.S.C. § 860a with minor present (3 levels or level 27)	1	0.0
(b)(13)(C)(ii) Manufacturing of meth creating substantial risk to humans/environment (3 levels or level 27) <sup>49</sup>	99	0.4
(b)(13)(D) Manufacturing of meth creating substantial risk to minor (6 lvs or level 30) <sup>50</sup>	55	0.2
(b)(14)(A) Aggravating Role and defendant used fear, received little compensation and had minimal knowledge (2 levels)	8	0.0

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<sup>43</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on March 1, 2007, and subsequently redesignated §2D1.1(b)(7) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>44</sup> SOC was formerly §2D1.1(b)(6) and redesignated §2D1.1(b)(7) on March 1, 2007, and subsequently redesignated §2D1.1(b)(8) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>45</sup> SOC was formerly §2D1.1(b)(7) and redesignated §2D1.1(b)(8) on March 1, 2007, and subsequently redesignated §2D1.1(b)(9) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>46</sup> SOC was formerly §2D1.1(b)(9) and redesignated §2D1.1(b)(10) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>47</sup> SOC was formerly §2D1.1(b)(10) and redesignated §2D1.1(b)(11) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>48</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on November 1, 2004, subsequently redesignated §2D1.1(b)(8) on March 1, 2006, §2D1.1(b)(10) on March 1, 2007, and §2D1.1(b)(13) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>49</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on November 1, 2004, subsequently redesignated §2D1.1(b)(8) on March 1, 2006, §2D1.1(b)(10)(C)(ii) on March 1, 2007, and §2D1.1(b)(13)(C)(ii) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

<sup>50</sup> SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on November 1, 2004, subsequently redesignated §2D1.1(b)(8) on March 1, 2006, §2D1.1(b)(10)(C) on March 1, 2007, §2D1.1(b)(10)(D) on November 1, 2007, and §2D1.1(b)(13)(D) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.1 Drug Trafficking (continued)	23,758	31.9
(b)(14)(A) Aggravating Role and defendant used fear, received little compensation and had minimal knowledge (4 levels) <sup>51</sup>	1	0.0
(b)(14)(B)(i) Aggravating Role and defendant knew an individual was less than 18 (2 levels)	18	0.1
(b)(14)(B)(ii) Aggravating Role and defendant knew an individual was 65 or more year of age (2 levels)	3	0.0
(b)(14)(B)(iii) Aggravating Role and defendant knew an individual was pregnant (2 levels)	0	0.0
(b)(14)(B)(iii) Aggravating Role and defendant knew an individual was unusually vulnerable (2 levels)	0	0.0
(b)(14)(C) Aggravating Role and defendant directly imported substance (2 levels)	39	0.2
(b)(14)(D) Aggravating Role and defendant engaged in witness intimidation (2 levels)	8	0.0
(b)(14)(E) Aggravating Role and defendant committed the offense as part of a pattern of criminal conduct as a livelihood (2 levels)	24	0.1
(b)(15)(A) Minimal Participant and defendant was motivated by familial relationships and received no compensation and had minimal knowledge (decrease by two levels)	42	0.2
(b)(16) Safety Valve (2 level decrease) <sup>52</sup>	9,326	39.2
§2D1.2 Drug offenses near protected location/involving underage/pregnant individuals	761	1.0
(a)(1) Base offense level 42	8	1.0
(a)(1) Base offense level 40	3	0.4
(a)(2) Base offense level 39	2	0.3
(a)(1) Base offense level 38	8	1.0
(a)(2) Base offense level 37	5	0.7
(a)(1) Base offense level 36	15	2.0
(a)(2) Base offense level 35	19	2.5
(a)(1) Base offense level 34	41	5.4
(a)(2) Base offense level 33	28	3.6
(a)(1) Base offense level 32	76	10.0
(a)(2) Base offense level 31	14	1.8
(a)(1) Base offense level 30	92	12.1
(a)(2) Base offense level 29	16	2.1

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<sup>51</sup> This SOC is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense

<sup>52</sup> SOC was formerly §2D1.1(b)(6) and redesignated §2D1.1(b)(4) on November 1, 2004, subsequently redesignated §2D1.1(b)(7) on November 1, 1996, §2D1.1(b)(9) on March 1, 2006, §2D1.1(b)(11) on March 1, 2007, and §2D1.1(b)(16) on November 1, 2010. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.2 Drug offenses near protected location/involving underage/pregnant individuals (continued)	761	1.0
(a)(1) Base offense level 28	217	28.5
(a)(2) Base offense level 27	26	3.4
(a)(1) Base offense level 26	55	7.2
(a)(3) Offense involved a person less than 18 years of age (Base offense level 26)	5	0.6
(a)(2) Base offense level 25	3	0.4
(a)(1) Base offense level 24	8	1.0
(a)(2) Base offense level 23	7	0.9
(a)(1) Base offense level 22	13	1.7
(a)(2) Base offense level 21	4	0.5
(a)(1) Base offense level 20	9	1.2
(a)(2) Base offense level 19	2	0.3
(a)(1) Base offense level 18	18	2.4
(a)(2) Base offense level 17	6	0.8
(a)(1) Base offense level 16	15	2.0
(a)(1) Base offense level 15	4	0.5
(a)(1) Base offense level 14	29	3.8
(a)(2) Base offense level 13	4	0.5
(a)(4) Otherwise (Base offense level 13)	2	0.3
(a)(1) Base offense level 12 <sup>37</sup>	6	0.8
(a)(1) Base offense level 7 <sup>37</sup>	1	0.1
§2D1.5 Continuing Criminal Enterprise	7	0.0
(a)(1) Base offense level 42	2	28.6
(a)(1) Base offense level 40	2	28.6
(a)(1) Base offense level 38	2	28.6
(a)(2) Base offense level 38	1	14.3
No Specific Characteristics for this guideline	NA	NA
§2D1.6 Use of Communication Facility in Committing Drug Offense	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.7 Unlawful Sale or Transportation of Drug Paraphernalia	3	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.8 Renting or Managing a Drug Establishment	31	0.0
(a)(1) Base offense level 28	2	6.4
(a)(1) Base offense level 27	1	3.2
(a)(1) Base offense level 26	2	6.4
(a)(2) Base offense level 26	11	35.5
(a)(2) Base offense level 24	2	6.4
(a)(1) Base offense level 22	1	3.2
(a)(2) Base offense level 22	3	9.7
(a)(2) Base offense level 21	1	3.2
(a)(1) Base offense level 20	1	3.2
(a)(2) Base offense level 20	1	3.2
(a)(2) Base offense level 16	2	6.4
(a)(2) Base offense level 12	3	9.7
(a)(2) Base offense level 6	1	3.2
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.9 Placing or Maintaining Dangerous Devices on Federal Property to Protect Unlawful Production of a Controlled Substance	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.10 Endangering Human Life While Illegally Manufacturing a Controlled Substance	6	0.0
(a)(1) Base offense level 35	1	16.7
(a)(1) Base offense level 33	1	16.7
(a)(2) Base offense level 20	4	66.7
Chapter 2 Specific Offense Characteristic Adjustments	6	100.0
(b)(1)(A) Involving manufacturing of methamphetamine (3 levels, increase to level 27)	1	16.7
(b)(1)(B) Involving manufacturing of meth creating a substantial risk to minor (6 levels, increase to level 30)	5	83.3

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.11 Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical	256	0.3
(a) Base offense level 38	4	1.6
(a) Base offense level 36	3	1.2
(a) Base offense level 34	24	9.4
(a)(B)(iii) Mitigating role received and base offense level is 38, decrease by four levels to base offense level 34	1	0.4
(a) Base offense level 32	88	34.4
(a)(B)(ii) Mitigating role received and base offense level is 34, decrease by three levels to base offense level 31	3	1.2
(a) Base offense level 30	26	10.2
(a)(B)(ii) Mitigating role received and base offense level is 32, decrease by two levels to base offense level 30	13	5.1
(a) Base offense level 28	31	12.1
(a) Base offense level 26	47	18.4
(a) Base offense level 24	4	1.6
(a) Base offense level 22	5	2.0
(a) Base offense level 20	3	1.2
(a) Base offense level 18	4	1.6
Chapter 2 Specific Offense Characteristic Adjustments	14	5.5
(b)(1) Dangerous weapon possessed (2 levels)	9	3.5
(b)(2) Convicted of 21 U.S.C. §§841(d)(2),(g)(1), or 960(d)(2) (3 level decrease)	2	0.8
(b)(3)(A) Unlawful discharge/emission/release into environment of hazardous substance (2 levels)	2	0.8
(b)(3)(B) Unlawful transportation of hazardous substance (2 levels)	1	0.4
(b)(4) Defendant distributed through mass marketing (2 levels)	0	0.0
(b)(5) Convicted under 21 U.S.C. § 865 (2 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.12 Unlawful Possession/Manufacturing of Prohibited Equipment	5	0.0
(a)(1) Offender intended to manufacture a controlled substance (Base Offense Level 12)	3	60.0
(a)(2) Reasonable believe equipment to be used for manufacturing (BOL 9)	2	40.0
Chapter 2 Specific Offense Characteristic Adjustments	3	60.0
(b)(1)(A) Offender intended to manufacture methamphetamine (2 levels)	0	0.0
(b)(1)(B) Offender knew material was used to manufacture methamphetamine (2 levels)	3	60.0
(b)(2)(A) Offense involved discharge of a hazardous substance (2 levels)	0	0.0
(b)(2)(B) Unlawful transportation of a hazardous substance (2 levels)	0	0.0
(b)(3) Defendant distributed through mass marketing (2 levels)	0	0.0
(b)(4) Offense involved stealing or transporting stolen anhydrous ammonia (6 levels)	0	0.0
§2D1.13 Structuring Chemical Transactions to Evade Recordkeeping Requirements	1	0.0
(a)(3) Otherwise (Base offense level 6)	1	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.14 Narco-Terrorism	0	0.0
(a)(1) Base offense level 42	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) if §3A1.4 (Terrorism) does not apply (6 levels)	0	0.0
§2D2.1 Unlawful Possession	219	0.3
(a)(1) Heroin or any Schedule I or II opiate or cocaine base (Base Offense Level 8)	62	28.3
(a)(2) Cocaine, flunitrazepam, LSD, or PCP (Base Offense Level 6)	29	13.2
(a)(3) Any other controlled substance or a list I chemical (Base Offense Level 4)	128	58.4
No Specific Offense Characteristics for this guideline	NA	NA
§2D2.2 Acquiring a Controlled Substance by Forgery, Fraud, Deception, or Subterfuge	64	0.1
No Specific Offense Characteristics for this guideline	NA	NA



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D2.3 Operating or Directing the Operation of a Common Carrier Under the Influence	1	0.0
(a)(1) Death resulted (Base Offense Level 26)	0	0.0
(a)(2) Serious bodily injury resulted (Base Offense Level 21)	0	0.0
(a)(3) Otherwise (Base Offense Level 13)	1	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D3.1 Regulatory Offenses Involving Registration Numbers	5	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D3.2 Regulatory Offenses Involving Controlled Substances or Listed Chemicals	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part E - Offenses Involving Criminal Enterprises and Racketeering</b>		
§2E1.1 Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations	64	0.1
(a)(1) Base offense level 19	63	98.4
(a)(2) Base 19 - Offense level from applicable underlying racketeering offense	1	1.6
(a)(2) Other Base Offense level based on applicable underlying racketeering offense	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.2 Interstate or Foreign Travel or Transportation in Aid of a Racketeering Enterprise	7	0.0
(a)(1) Base offense level 6	7	100.0
(a)(2) Base offense level applicable to underlying crime of violence	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.3 Violent Crimes in Aid of Racketeering Activity	1	0.0
(a)(1) Base offense level 12	1	100.0
(a)(2) Base offense level applicable to the underlying crime or racketeering activity	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.4 Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire	6	0.0
(a)(1) Base offense level 32	6	100.0
(a)(2) Base offense level applicable to the underlying unlawful conduct	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E2.1 Making or Financing an Extortionate Extension of Credit	34	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	14.7
(b)(1)(A) Firearm discharged (5 levels)	0	0.0
(b)(1)(B) Dangerous weapon otherwise used (4 levels)	1	2.9
(b)(1)(C) Dangerous weapon brandished or possessed (3 levels)	2	5.9
(b)(2)(A) Bodily injury (2 levels)	2	5.9
(b)(2)(B) Serious bodily injury (4 level)	0	0.0
(b)(2)(C) Permanent or life-threatening bodily injury (6 levels)	0	0.0
(b)(2)(D) Between bodily injury and serious bodily injury (3 levels)	1	2.9
(b)(2)(E) Between serious bodily injury and permanent/life-threatening injury (5 levels)	1	2.9
(b)(3)(A) Person abducted to facilitate commission of the offense (4 levels)	0	0.0
(b)(3)(B) Person physically restrained to facilitate commission (2 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2E3.1 Gambling Offenses	47	0.1
(a)(1) Offense involved a gambling business (Base offense level 12)	43	91.5
(a)(2) Offense involved an animal fighting venture (Base offense level 10)	4	8.5
(a)(3) Otherwise (Base offense level 6)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E4.1 Unlawful Conduct Relating to Contraband Cigarettes	49	0.1
(a)(1) Base offense level 9	0	0.0
(a)(2) Loss between \$5,000 and \$12,500 (Base offense level 10)	6	12.2
(a)(2) Loss between \$12,500 and \$30,000 (Base offense level 12)	4	8.2
(a)(2) Loss between \$30,000 and \$80,000 (Base offense level 14)	7	14.3
(a)(2) Loss between \$80,000 and \$200,000 (Base offense level 16)	8	16.3
(a)(2) Loss between \$200,000 and \$400,000 (Base offense level 18)	3	6.1
(a)(2) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	5	10.2
(a)(2) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	6	12.2
(a)(2) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	8	16.3
(a)(2) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	2	4.1
No Specific Offense Characteristics for this guideline	NA	NA
§2E5.1 Offering, Accepting, or Soliciting a Bribe Affecting a Pension Benefit	7	0.0
(a)(1) Bribe involved (Base offense level 10)	5	71.4
(a)(2) Gratuity involved (Base offense level 6)	2	28.6
Chapter 2 Specific Offense Characteristic Adjustments	6	85.7
(b)(1) Offender was a fiduciary of the benefit plan or labor organization (2 levels)	5	71.4
(b)(2)(A) Value of prohibited payment less than \$2,000 (0 levels)	1	14.3
(b)(2)(A) Value of prohibited payment between \$5,000 and \$10,000 (2 level)	2	28.6
(b)(2)(B) Value of prohibited payment between \$70,000 and \$120,000 (8 levels)	1	14.3
(b)(2)(B) Value of prohibited payment between \$2,500,000 and \$7,000,000 (18 levels)	3	42.9
§2E5.3 False Statements in Relation to Documents Required by Employee Retirement Security Act	2	0.0
(a)(1) Base offense level 6	2	100.0
(a)(2) Theft or embezzlement concealed (base offense level applicable from §§2B1.1 or 2E5.1)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part F - Offenses Involving Fraud and Deceit</b>		
§2F1.1 Fraud and Deceit <sup>53</sup>	18	0.0
Chapter 2 Specific Offense Characteristic Adjustments	18	100.0
(b)(1)(A) Loss less than \$2,000 (0 levels)	1	5.6
(b)(1)(C) Loss between \$5,000 and \$10,000 (2 levels)	1	5.6
(b)(1)(F) Loss between \$40,000 and \$70,000 (5 levels)	1	5.6
(b)(1)(G) Loss between \$120,000 and \$200,000 (6 levels)	1	5.6
(b)(1)(H) Loss between \$120,000 and \$200,000 (7 levels)	1	5.6
(b)(1)(K) Loss between \$500,000 and \$800,000 (10 levels)	2	11.1
(b)(1)(L) Loss between \$800,000 and \$1,500,000 (11 levels)	2	11.1
(b)(1)(N) Loss between \$2,500,000 and \$5,000,000 (13 levels)	5	27.8
(b)(1)(O) Loss between \$5,000,000 and \$10,000,000 (14 levels)	2	11.1
(b)(1)(Q) Loss between \$20,000,000 and \$40,000,000 (16 levels)	2	11.1
(b)(2)(A) Offense involved more than minimal planning (2 levels)	15	83.3
(b)(2)(B) Offense involved a scheme to defraud more than one victim (2 levels)	0	0.0
(b)(3) Mass marketing (2 levels)	4	22.2
(b)(4)(A) Offense involved misrepresentation of acting on behalf of charity (2 levels) <sup>54</sup>	0	0.0
(b)(4)(B) Offense involved misrepresentation during bankruptcy proceedings (2 levels) <sup>54</sup>	0	0.0
(b)(4)(C) Offense involved a violation of judicial order (2 levels) <sup>54</sup>	0	0.0
(b)(5)(A) Possession/use of any device making equipment (2 levels, increase to 12)	0	0.0
(b)(5)(B) Production/trafficking of unauthorized device (2 levels, increase to 12)	0	0.0
(b)(5)(C)(i) Unauthorized transfer/use of means of ID (2 levels, increase to 12)	0	0.0
(b)(5)(C)(ii) Possession of 5 or more means of ID (2 levels, increase to 12)	0	0.0

<sup>53</sup> Guideline eliminated and consolidated with §2B1.1 on November 1, 2001.

<sup>54</sup> SOC was formerly §2F1.1(b)(3) and redesignated §2F1.1(b)(4) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

Guideline and SOC	Applied	Percent
§2F1.1 Fraud and Deceit (continued)	18	0.1
(b)(6)(A) Offender relocated to evade law enforcement(2 levels or level 12) <sup>55</sup>	0	0.0
(b)(6)(B) Fraud committed outside of U.S. (2 levels or level 12) <sup>55</sup>	2	11.1
(b)(6)(C) Offense involved sophisticated means (2 levels or level 12) <sup>55</sup>	1	5.6
(b)(7)(A) Offense involve risk of serious bodily injury (2 levels or 13) <sup>56</sup>	0	0.0
(b)(7)(B) Offense involved possession of dangerous weapon (2 levels or level 13) <sup>56</sup>	1	5.6
(b)(8)(A) Offense jeopardized the safety of financial institution (4 levels or level 24) <sup>57</sup>	0	0.0
(b)(8)(B) Offense affected a financial institution and derived \$1,000,000 in receipts (4 levels or level 24) <sup>57</sup>	1	5.6

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<sup>55</sup> SOC was formerly §2F1.1(b)(5)(A), (B), and (C) and redesignated §2F1.1(b)(6)(A), (B), and (C) on November 1, 2000. The statistics reflect all instances of the application of this SOC.

<sup>56</sup> SOC was formerly §2F1.1(b)(4)(A) and (B) and redesignated §2F1.1(b)(7)(A) and (B) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

<sup>57</sup> SOC was formerly §2F1.1(b)(6)(A) and (B) and redesignated §2F1.1(b)(8)(A) and (B) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part G - Offenses Involving Commercial Sex Acts, Sexual Exploitation of Minors and Obscenity</b>		
§2G1.1 Promoting A Commercial Sex Act or Prohibited Sexual Contact	77	0.1
(a)(1) Offense of conviction for 18 U.S.C. § 1591(b)(1) (Base offense level 34)	6	7.8
(a)(2) Otherwise (Base offense level 14)	71	92.2
Chapter 2 Specific Offense Characteristic Adjustments	21	27.3
(b)(1) Offense involved fraud or coercion (4 levels)	21	27.3
§2G1.2 Transportation of a Minor for the Purpose of Prostitution or Prohibited Sexual Conduct <sup>58</sup>	1	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	100.0
(b)(1) Offense involved physical force, or coercion by threat of drugs (4 levels)	0	0.0
(b)(2) Offense involved transportation of a minor under the age of 12 (4 levels)	0	0.0
(b)(3) Offense involved transportation of a minor at least 12 years of age but under 16 (2 levels)	1	100.0
(b)(4) Defendant was a parent, relative, or guardian of the minor, or minor was in custody care or supervisory control of the defendant (2 levels)	1	100.0

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<sup>58</sup> Guideline eliminated and consolidated with §2G1.1 on November 1, 1996.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G1.3 Transportation of or Travel to Engage in Prohibited Sexual Contact with a Minor	247	0.3
(a)(1) Conviction under 18 U.S.C. § 1591(b)(1) (Base offense level 34)	15	6.1
(a)(2) Conviction under 18 U.S.C. § 1591(b)(2) (Base offense level 30)	43	17.4
(a)(3) Conviction under 18 U.S.C. § 2422(b) or § 2423(a) (Base offense level 28)	121	49.0
(a)(4) Otherwise (Base offense level 24)	67	27.1
(a) Base offense level 24 <sup>59</sup>	1	0.3
Chapter 2 Specific Offense Characteristic Adjustments	235	95.1
(b)(1)(A) Offender was a parent/relative/guardian of the minor (2 levels)	6	2.4
(b)(1)(B) Offender was in custody, care or control of victim (2 levels)	12	4.9
(b)(2)(A) Misrepresentation of identity to persuade minor to engage in prohibited sexual conduct (2 levels)	17	6.9
(b)(2)(B) Defendant used undue influence on minor to engage in prohibited sexual conduct (2 levels)	54	21.9
(b)(3)(A) Use of a computer to persuade a minor to engage in prohibited sexual conduct (2 levels)	92	37.2
(b)(3)(B) Use of a computer to solicit someone to engage in prohibited sexual conduct with a minor (2 levels)	83	33.6
(b)(4)(A) Offense involved commission of sexual act or contact (2 levels)	102	41.3
(b)(4)(B) Offense involved a commercial sex act (2 levels)	25	10.1
(b)(5) Victim under the age of 12 (8 levels)	20	8.1
§2G2.1 Production of Pornography	287	0.4
(a) Base offense level 32	279	97.2
(a) Base offense level 27 <sup>60</sup>	8	2.8
Chapter 2 Specific Offense Characteristic Adjustments	285	99.3
(b)(1)(A) Victim under the age of 12 (4 levels)	160	55.8
(b)(1)(B) Victim between 12 and 16 (2 levels)	104	36.2
(b)(2)(A) Offense involved the commission of a sexual act or sexual contact (2 levels)	177	61.7
(b)(2)(B) Offense involved (i) the commission of a sexual act and (ii) conduct as described in 18 U.S.C. § 2241(a) or (b) (4 levels)	10	3.5
(b)(3) Offense involved distribution (2 levels)	73	25.4
(b)(4) Offense involved portrayal of sadistic/masochistic conduct or violence (4 levels)	54	18.8
(b)(5) Offender was a parent/relative/legal guardian or custody/care/control (2 levels) <sup>61</sup>	175	61.0

<sup>59</sup> Alternative base offenses levels were introduced on November 1, 2007.

<sup>60</sup> Base offense level increased on November 1, 2004.

<sup>61</sup> SOC was formerly §2G2.1(b)(2) and redesignated §2G2.1(b)(5) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G2.1 Production of Pornography (continued)	287	0.4
(b)(6)(A) Misrepresentation to persuade the travel of a minor to engage in sexually explicit conduct (2 levels) <sup>62</sup>	10	3.5
(b)(6)(B)(i) Use of a computer to persuade the travel of a minor to engage in sexually explicit conduct (2 levels) <sup>62</sup>	30	10.4
(b)(6)(B)(ii) Use of a computer to solicit participation with a minor in sexually explicit conduct (2 levels) <sup>62</sup>	29	10.1
§2G2.2 Trafficking in Pornography	1,735	2.3
(a)(1) Offender convicted of 18 U.S.C. §1466(A)(b), §2252(a)(4) or §2252A(a)(5), Base offense level 18	833	48.0
(a)(2) Otherwise, Base offense level 22	899	51.8
(a) Base offense level 17 <sup>60</sup>	3	0.2
Chapter 2 Specific Offense Characteristic Adjustments	1,733	99.9
(b)(1)(A) If (a)(2) applies (B) offender only received material and (C) did not traffic material (decrease 2 levels)	210	12.1
(b)(2) Victim under the age of 12 (2 levels) <sup>63</sup>	1,682	96.9
(b)(3)(A) Done for pecuniary gain (5 levels) <sup>64</sup>	15	0.9
(b)(3)(A) Done for pecuniary gain (2 levels) <sup>65</sup>	7	0.4
(b)(3)(B) In exchange for thing of value (5 levels) <sup>64</sup>	302	17.4
(b)(3)(B) In exchange for thing of value (2 levels) <sup>65</sup>	10	0.6
(b)(3)(C) Distribution to a minor (5 levels) <sup>64</sup>	14	0.8
(b)(3)(C) Distribution to a minor (2 levels) <sup>65</sup>	1	0.1
(b)(3)(D) Distribution to a minor to coerce to facilitate travel of a minor (6 levels)	5	0.3
(b)(3)(D) Distribution to a minor to coerce to facilitate travel of a minor (2 levels) <sup>65</sup>	1	0.1
(b)(3)(D) Distribution to a minor to coerce to facilitate travel of a minor (5 levels) <sup>65</sup>	1	0.1
(b)(3)(E) Distribution to a minor to coerce to engage in sexual behavior (7 levels) <sup>64</sup>	7	0.4
(b)(3)(E) Distribution to a minor to coerce to engage in sexual behavior (2 levels) <sup>65</sup>	5	0.3

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<sup>62</sup> SOC was formerly §2G2.1(b)(3) and redesignated §2G2.1(b)(6) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>63</sup> SOC was formerly §2G2.2(b)(1) and redesignated §2G2.2(b)(2) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>64</sup> SOC was formerly §G2.2(b)(2) and redesignated §2G2.2(b)(3) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>65</sup> SOC level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G2.2 Trafficking in Pornography (continued)	1,735	2.3
(b)(3)(F) Distribution other than in (b)(3)(A)-(D) (2 levels) <sup>64</sup>	562	32.4
(b)(3)(F) Distribution other than in (b)(3)(A)-(D) (5 levels) <sup>65</sup>	3	0.2
(b)(4) Sadistic or masochistic conduct or other forms of violence (4 levels) <sup>66</sup>	1,401	80.7
(b)(5) Offender engaged in a pattern of activity involving sexual exploitation (5 levels) <sup>67</sup>	189	10.9
(b)(6) Use of a computer (2 levels) <sup>68</sup>	1,673	96.4
(b)(7)(A) At least 10 images, but fewer than 150 (2 levels) <sup>69</sup>	171	9.9
(b)(7)(B) At least 150 images, but fewer than 300 (3 levels) <sup>69</sup>	104	6.0
(b)(7)(C) At least 300 images, but fewer than 600 (4 levels) <sup>69</sup>	96	5.5
(b)(7)(D) 600 images or more (5 levels) <sup>69</sup>	1,322	76.2
(b)(7)(D) 600 images or more (4 levels) <sup>65</sup>	1	0.1
§2G2.3 Selling or Buying Children for use in the Production of Pornography	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2G2.5 Recordkeeping Offenses Involving the Production of Sexually Explicit Materials	1	0.0
No Specific Offense Characteristics for the guideline	NA	NA
§2G2.6 Child Exploitation Enterprises	18	0.0
Chapter 2 Specific Offense Characteristic Adjustments	18	100.0
(b)(1)(A) Victim not attained the age of 12 years (4 levels)	18	100.0
(b)(1)(B) Victim between the ages of 12 and 16 (2 levels)	0	0.0
(b)(2)(A) Defendant was parent, relative, or legal guardian (2 levels)	0	0.0
(b)(2)(B) Minor was otherwise in custody, care, or supervisory control (2 levels)	0	0.0
(b)(3) Offense involved conduct described in 18 U.S.C. § 2241(a) or (b) (2 levels)	0	0.0
(b)(4) Computer or interactive computer service used (2 levels)	18	100.0

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<sup>66</sup> SOC was formerly §2G2.2(b)(3) and redesignated §2G2.2(b)(4) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>67</sup> SOC was formerly §2G2.2(b)(4) and redesignated §2G2.2(b)(5) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>68</sup> SOC was formerly §2G2.2(b)(5) and redesignated §2G2.2(b)(6) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

<sup>69</sup> SOC was formerly §2G2.2(b)(6) and redesignated §2G2.2(b)(7) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G3.1 Importing/Mailing/Transporting Obscene Matter	24	0.0
Chapter 2 Specific Offense Characteristic Adjustments	24	100.0
(b)(1)(A) Distribution for pecuniary gain (5 levels)	0	0.0
(b)(1)(B) Distribution in exchange for thing of value (5 levels)	0	0.0
(b)(1)(C) Distribution to a minor (5 levels)	10	41.7
(b)(1)(D) Distribution to a minor to coerce to engage in illegal activity (6 levels)	0	0.0
(b)(1)(E) Distribution to a minor to coerce to engage in sexual behavior (7 levels)	10	41.7
(b)(1)(F) Distribution other than in (b)(1)(A)-(E) (2 levels)	1	4.2
(b)(2)(A) Offense involved misleading domain name on the Internet (2 levels)	0	0.0
(b)(2)(B) Offense involved embedded words or digital images in source code or website (2 levels)	0	0.0
(b)(3) Offense involved use of a computer (2 levels)	24	100.0
(b)(4) Sadistic or masochistic conduct or other forms of violence (4 levels)	2	8.3
§2G3.2 Obscene Telephone Communication for Commercial Purposes	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Victim under 18 and broadcast between 6AM and 11PM (4 levels)	0	0.0
(b)(2) Six plus the level in §2B1.1	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part H - Offenses Involving Individual Rights</b>		
§2H1.1 Offenses Involving Individual Rights	53	0.1
(a)(1) Base offense level 6 based on offense guideline applicable to underlying offense	1	1.9
(a)(1) Other Offense level from the offense guideline applicable to underlying offense	18	34.0
(a)(2) Offense involved two or more participants (Base offense level 12)	23	43.4
(a)(3)(A) Offense involved use/threat of force (Base Offense Level 10)	8	15.1
(a)(3)(B) Offense involved property damage (Base Offense Level 10)	1	1.0
(a)(4) Otherwise (Base offense level 6)	2	3.8
Chapter 2 Specific Offense Characteristic Adjustments	38	71.7
(b)(1)(A) Offender was a public official at the time of the offense (6 levels)	11	20.8
(b)(1)(B) Offense committed under color of law (6 levels)	27	50.9
§2H2.1 Obstructing an Election or Registration	18	0.0
(a)(1) Obstruction occurred by use of force or threat against property (BOL 18)	0	0.0
(a)(2) Obstruction occurred by forgery/fraud/theft/bribery (Base offense level 12)	18	100.0
(a)(3)(A) Solicited or accepted value to vote, refrain from, (B) false information to establish eligibility to vote, (C) voted more than once in federal election (BOL 6)	0	0.0
No Specific Offense Characteristics for the guideline	NA	NA
§2H3.1 Interception of Communications	7	0.0
(a)(1) Base offense level 9	5	71.4
(a)(2) Offender convicted of 26 U.S.C. §§7231A or 7216 (Base offense level 6)	2	28.6
Chapter 2 Specific Offense Characteristic Adjustments	3	42.9
(b)(1)(A) Convicted under 18 U.S.C. § 1039(d) or (e) (3 levels)	0	0.0
(b)(1)(B) Purpose was to obtain direct/indirect commercial advantage (3 levels)	3	42.9
(b)(2)(A) Convicted under 18 U.S.C. § 119 (8 levels)	0	0.0
(b)(2)(B) Convicted under 18 U.S.C. § 119 and involved the use of a computer to make restricted personal information of a covered person public (10 levels)	0	0.0
§2H3.2 Manufacturing, Distributing, Advertising Eavesdropping Device	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Offense committed for pecuniary gain (3 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2H3.3 Obstructing Correspondence	5	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2H4.1 Peonage, Involuntary Servitude and Slave Trade	15	0.0
(a)(1) Base offense level 22	13	86.7
(a)(2)(A) Offender convicted of 18 U.S.C. § 1592 (Base offense level 18)	2	13.3
(a)(2)(B) Offender convicted of 18 U.S.C. § 1593A based on violation of 18 U.S.C. § 1592 (Base offense level 18)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	13	86.7
(b)(1)(A) Victim sustained permanent or life-threatening bodily injury (4 levels)	0	0.0
(b)(1)(B) Victim sustained bodily injury (2 levels)	2	13.3
(b)(2)(A) Dangerous weapon used (4 levels)	0	0.0
(b)(2)(B) Dangerous weapon brandished or threatened (2 levels)	4	26.7
(b)(3)(A) Victim held in peonage/involuntary servitude for more than one year (3 levels)	2	13.3
(b)(3)(B) Victim held in peonage/involuntary servitude - 180 days to one year (2 levels)	2	13.3
(b)(3)(C) Victim held in peonage/involuntary servitude - 30 days to 180 days (one level)	3	20.0
(b)(4)(A) Other felony committed during offense (2 levels)	9	60.0
(b)(4)(B) Other felony committed during offense (2 levels above applicable offense)	2	13.3
§2H4.2 Willful Violations of the Migrant&Seasonal Agricultural Worker Protection Act	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1)(i) Serious bodily injury (4 levels)	0	0.0
(b)(1)(ii) Bodily injury (2 levels)	0	0.0
(b)(2) Offense committed after sustaining civil adjudication for similar act (2 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part J - Offenses Involving the Administration of Justice</b>		
§2J1.1 Contempt	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2J1.2 Obstruction of Justice	142	0.2
(a)(1) Base offense level 14	141	99.3
(a)(1) Base offense level 12 <sup>70</sup>	1	0.7
Chapter 2 Specific Offense Characteristic Adjustments	55	38.7
(b)(1)(A) Convicted under 18 U.S.C. § 1001, and stat max of 8 years because of sex offense (4 levels)	2	1.4
(b)(1)(B) Causing/threatening to cause physical injury (8 levels) <sup>71</sup>	17	12.0
(b)(1)(C) Convicted under 18 U.S.C. § 1001 or § 1505 and stat max of 8 years because of terrorism (12 levels)	0	0.0
(b)(2) Offense resulted in substantial influence with the administration of justice (3 levels)	28	19.7
(b)(3)(A) Offense involved destruction of records (2 levels)	9	6.3
(b)(3)(B) Offense involved selection of any essential document to destroy (2 levels)	3	2.1
(b)(3)(C) Offense involved otherwise extensive in scope or planning (2 levels)	5	3.5
§2J1.3 Perjury or Subornation of Perjury	44	0.1
(a) Base offense level 14	43	97.7
(a) Base offense level 12 <sup>70</sup>	1	2.3
Chapter 2 Specific Offense Characteristic Adjustments	6	13.6
(b)(1) Causing/threatening to cause physical injury (8 levels)	0	0.0
(b)(2) Offense resulted in substantial influence with the administration of justice (3 levels)	6	13.6
§2J1.4 Impersonation	17	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Offense committed to conduct an unlawful arrest, detention or search (6 levels)	0	0.0

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<sup>70</sup> Base offense level increased on November 1, 2003

<sup>71</sup> SOC was formerly §2J1.2(b)(1) and was redesignated on November 1, 2007. The statistics reflect all instances of the application of the SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2J1.5 Failure to Appear by Material Witness	0	0.0
(a)(1) In respect to a felony (Base offense level 6)	0	0.0
(a)(2) In respect to a misdemeanor (Base offense level 4)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Offense resulted in substantial influence with the administration of justice (3 levels)	0	0.0
§2J1.6 Failure to Appear by Defendant	58	0.1
(a)(1) Failure to report for service of sentence (Base offense level 11)	32	55.2
(a)(2) Otherwise (Base offense level 6)	26	44.8
Chapter 2 Specific Offense Characteristic Adjustments	25	43.1
(b)(1)(A) (a)(1) applies and voluntarily surrendered within 96 hours (5 level decrease)	0	0.0
(b)(1)(B) (a)(1) applies and ordered to community corrections (2 level decrease)	0	0.0
(b)(2)(A)(a)(2) applies and offense punishable by 15 years to death (9 levels)	18	31.0
(b)(2)(B) (a)(2) applies and offense punishable by 5 to 15 years (6 levels)	7	12.1
(b)(2)(C) (a)(2) applies and offense punishable by less than 5 years (3 levels)	0	0.0
§2J1.9 Payment to a Witness	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
Payment made/offered for refusing to testify (4 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part K - Offenses Involving Public Safety</b>		
§2K1.1 Failure to Report Theft of Explosive Materials	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K1.3 Unlawful Receipt/Possession/Transportation of Explosive Materials	23	0.0
(a)(1) Two prior convictions for crime of violence/controlled substance (BOL 24)	1	4.4
(a)(2) One prior convictions for crime of violence/controlled substance (BOL 20)	5	21.7
(a)(3) Defendant convicted under 18 U.S.C. § 842(p)(2) (Base offense level 18)	0	0.0
(a)(4)(A) Prohibited person (Base offense level 16)	6	26.1
(a)(4)(B) Knowingly distributed explosive materials to prohibited person (BOL 16)	0	0.0
(a)(5) Otherwise (Base offense level 12)	11	47.8
Chapter 2 Specific Offense Characteristic Adjustments	13	56.5
(b)(1)(A) Weight of explosives 25 to 100 pounds (one level)	1	4.4
(b)(1)(B) Weight of explosives 100 to 250 pounds (2 levels)	0	0.0
(b)(1)(C) Weight of explosives 250 to 500 pounds (3 levels)	1	4.4
(b)(1)(D) Weight of explosives 500 to 1,000 pounds (4 levels)	3	13.0
(b)(1)(E) Weight of explosives more than 1,000 pounds (5 levels)	1	4.4
(b)(2) Offense involved stolen explosives (2 levels)	6	26.1
(b)(3)(A) Convicted under 18 U.S.C. § 842(p)(2) (4 levels , increase level 18)	1	4.4
(b)(3)(B) Use of explosives in connection with another felony offense (4 levels or level 18)	2	8.7
§2K1.4 Arson	71	0.1
(a)(1)(A) Substantial risk of death/serious bodily injury (Base offense Level 24)	34	47.9
(a)(1)(B) Destruction of dwelling (Base offense Level 24)	17	23.9
(a)(2)(A) Substantial risk of death/serious injury of other participant (BOL 20)	5	7.0
(a)(2)(B) Destruction of structure other than a dwelling (Base offense level 20)	6	8.4
(a)(2)(C) Endangered a dwelling (Base offense level 20)	0	0.0
(a)(3) Involved the destruction of or tampering with aids to maritime navigation (Base offense level 16)	0	0.0
(a)(4) Base offense Level 16 based on 2 plus the level from §2B1.1	0	0.0
(a)(4) Other, 2 plus the level from §2B1.1	9	12.8
Chapter 2 Specific Offense Characteristic Adjustments	5	7.0
(b)(1) Committed to conceal another offense (2 levels)	5	7.0
(b)(2) Offense not under (a)(3) and occurred on national cemetery (2 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K1.5 Possessing Dangerous Weapon or Materials While Boarding an Aircraft	5	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	40.0
(b)(1) Committed without regard for safety of human life (15 levels)	0	0.0
(b)(2) Offender prohibited under federal law from possession weapon (2 levels)	1	20.0
(b)(3) Offender's possession lawful but for 49 U.S.C. §46505 (3 level decrease)	1	20.0
§2K1.6 Licensee Recordkeeping Violations Involving Explosive Materials	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition	6,226	8.4
(a)(1)(A) Two prior convictions and a semiautomatic firearm capable of accepting a large capacity magazine (Base Offense Level 26)	114	1.8
(a)(1)(B) Two prior convictions and firearm described in 26 U.S.C. §5845(a) (BOL 26)	37	0.6
(a)(2) Two prior convictions for crime of violence (Base offense level 24)	1,173	18.8
(a)(3)(A)(i) One prior convictions and a semiautomatic firearm capable of accepting a large capacity magazine (Base Offense Level 22)	189	3.0
(a)(3)(A)(ii) One prior convictions and firearm described in 26 U.S.C. §5845(a) (BOL 22)	87	1.4
(a)(4)(A) Offense committed after a felony conviction for a crime of violence or a controlled substance offense (Base offense level 20)	1,893	30.4
(a)(4)(B)(I)(i) Offense involved a semiautomatic firearm capable of accepting a large capacity magazine and was a prohibited person (Base offense level 20)	156	2.5
(a)(4)(B)(I)(ii) Offense involved a semiautomatic firearm capable of accepting a large capacity magazine and convicted under 18 U.S.C. § 922(d) (Base offense level 20)	20	0.3
(a)(4)(B)(I)(iii) Offense involved a semiautomatic firearm capable of accepting a large capacity magazine and was convicted under 18 U.S.C. § 922(a)(6) or § 924(a)(1)(A) and committed offense with knowledge/intent/reason to believe a transfer in firearm/ammunition to a prohibited person (Base offense level 20)	2	0.0
(a)(4)(B)(II)(i) Offense involved a firearm described in 26 U.S.C. § 5845(a) and was a prohibited person (Base offense level 20)	74	1.9
(a)(4)(B)(II)(ii) Offense involved a firearm described in 26 U.S.C. § 5845(a) and convicted under 18 U.S.C. § 922(d) (Base offense level 20)	5	0.1
(a)(4)(B)(II)(iii) Offense involved a firearm described in 26 U.S.C. § 5845(a) and was convicted under 18 U.S.C. § 922(a)(6) or § 924(a)(1)(A) and committed offense with knowledge/intent/reason to believe a transfer in firearm/ammunition to a prohibited person (Base offense level 20)	1	0.0
(a)(5) Firearm described in 26 U.S.C. §5845(a) (Base offense level 18)	227	3.6
(a)(6)(A) Offender prohibited person (Base offense level 14)	1,637	26.3
(a)(6)(B) Offender convicted under 18 U.S.C. § 922(d) (Base offense level 14)	27	0.4
(a)(6)(C) Offender convicted under 18 U.S.C. § 922(a)(6) or § 924(a)(1)(A) and committed offense with knowledge/intent/reason to believe a transfer in firearm/ammunition to a prohibited person (Base offense level 14)	6	0.1
(a)(7) Except as provided in (a)(8) (Base offense level 12)	558	9.0



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition (cont)	6,226	8.4
(a)(8) Offense convicted under 18 U.S.C. §922 (c), (e), (f), (m), (s), (t) or (x)(1) (BOL 6)	20	0.3
Chapter 2 Specific Offense Characteristic Adjustments	3,621	58.2
(b)(1)(A) 3-7 firearms (two levels)	913	14.7
(b)(1)(B) 8-24 firearms (four levels)	423	6.8
(b)(1)(C) 25-99 firearms (six levels)	160	2.6
(b)(1)(D) 100-199 firearms (eight levels)	29	0.5
(b)(1)(E) 200 or more firearms (10 levels)	16	0.3
(b)(2) Not subject to (a)(1)-(a)(5) and solely for lawful sporting purposes (decrease to level 6)	28	0.5
(b)(3)(A) Destructive device that is a portable rocket or missile (15 levels)	7	0.1
(b)(3)(B) Destructive device (2 levels)	133	2.1
(b)(4)(A) Firearm stolen (2 levels)	1,313	21.1
(b)(4)(B) Firearm had altered/obliterated serial number (4 levels)	521	8.4
(b)(4)(B) Firearm had altered/obliterated serial number (5 levels) <sup>72</sup>	1	0.0
(b)(4)(B) Firearm had altered/obliterated serial number (6 levels) <sup>72</sup>	3	0.0
(b)(5) Defendant engaged in trafficking of firearms (4 levels)	408	6.6
(b)(6)(A) Firearms possessed while leaving or attempting to leave the United States (4 levels/increase to level 18)	44	0.7
(b)(6)(B) Firearms used in connection with another offense (4 levels/increase to level 18) <sup>73</sup>	1,547	24.8
(b)(7) Recordkeeping offense to conceal offense involving firearms (increase to level of underlying offense) <sup>74</sup>	0	0.0

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<sup>72</sup> SOC level is not available under the guidelines, but court documentation reflected the court's findings that this was the proper level for this offense.

<sup>73</sup> SOC was formerly §2K2.1(b)(5) and redesignated §2K2.1(b)(6) on November 1, 2006, and subsequently redesignated §2K2.1(b)(6)(B) on November 1, 2011. The statistics reflect all instances of the application of this SOC.

<sup>74</sup> SOC was formerly §2K2.1(b)(6) and redesignated §2K2.1(b)(7) on November 1, 2006. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K2.4 Use of Firearm/Armor-Piercing Ammunition or Explosive	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K2.5 Possession of Firearm or Dangerous Weapon in Federal Facility	9	0.0
Chapter 2 Specific Offense Characteristic Adjustments	8	88.9
(b)(1)(A) Unlawful possession of firearm in a federal court facility (2 levels)	2	22.2
(b)(1)(B) Firearm in school zone (2 levels)	6	66.7
§2K2.6 Possessing, Purchasing or Owning Body Armor by Violent Felons	7	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Body armor used in connection with another felony (4 levels)	0	0.0
§2K3.2 Feloniously Mailing Injurious Articles	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part L - Offenses Involving Immigration, Naturalization, and Passports</b>		
§2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien	2,231	3.0
(a)(1) Convicted under 8 U.S.C. § 1327 for inadmissible alien under 8 U.S.C. § 1182(a)(3) (Base offense level 25)	0	0.0
(a)(1) Convicted under 8 U.S.C. § 1327 after being previously deported (BOL 23)	8	0.4
(a)(2) Otherwise (Base offense level 12)	2,223	99.6
Chapter 2 Specific Offense Characteristic Adjustments	1,610	72.2
(b)(1)(A) Offense committed for profit and (B) BOL under (a)(2) (3 level decrease)	63	2.8
(b)(2) 6-24 aliens smuggled (1 level) <sup>75</sup>	1	0.0
(b)(2) 6-24 aliens smuggled (2 levels) <sup>75</sup>	1	0.0
(b)(2)(A) 6-24 aliens smuggled (3 levels)	839	37.6
(b)(2)(B) 25-99 aliens smuggled (6 levels)	185	8.3
(b)(2)(C) 100 or more aliens smuggled (9 levels)	102	4.6
(b)(3)(A) Prior conviction for felony immigration and naturalization offense (2 levels)	131	5.9
(b)(3)(B) Two or more prior convictions for felony immigration offense (4 levels)	31	1.4
(b)(4) Smuggled, transported, or harbored an unaccompanied minor (2 levels)	315	14.1
(b)(5)(A) Firearm discharged (6 levels, increase to 22) <sup>76</sup>	0	0.0
(b)(5)(B) Weapon brandished or otherwise used (4 levels, increase to 20) <sup>76</sup>	40	1.8
(b)(5)(C) Weapon possessed (2 levels, increase to 18) <sup>76</sup>	24	1.1
(b)(6) Reckless creating risk of death or serious bodily injury (2 levels, increase to 18) <sup>77</sup>	574	25.7

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<sup>75</sup> This SOC level is not available under the guidelines, but court documents reflected the court's findings that this was the proper level for the offense.

<sup>76</sup> SOC was formerly §2L1.1(b)(4) and redesignated §2L1.1(b)(5) on November 1, 2006. The statistics reflect all instances of the application of the SOC.

<sup>77</sup> SOC was formerly §2L1.1(b)(5) and redesignated §2L1.1(b)(6) on November 1, 2006. The statistics reflect all instances of the application of the SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien (continued)	2,231	3.0
(b)(7)(A) Bodily injury (2 levels) <sup>78</sup>	38	1.7
(b)(7)(B) Serious bodily injury (4 levels) <sup>78</sup>	8	0.4
(b)(7)(C) Permanent or life-threatening bodily injury (6 levels) <sup>78</sup>	4	0.2
(b)(7)(D) Death (10 levels)	36	1.6
(b)(7)(D) Death (8 levels) <sup>79</sup>	2	0.1
(b)(8)(A)(i) Alien involuntarily detained, demand for payment after smuggled into U.S. (2 levels, increase to 18) <sup>80</sup>	53	2.4
(b)(8)(A)(ii) Alien involuntarily detained, demand for payment while smuggled into U.S. (2 levels, increase to 18) <sup>81</sup>	17	0.8
(b)(8)(B)(i) Convicted of alien harboring for the purpose of prostitution (2 levels)	2	0.1
(b)(8)(B)(ii) Convicted of alien harboring for the purposes of prostitution, alien under 18 (6 levels)	3	0.1
(b)(9) Defendant convicted under 8 U.S.C. §1324(a)(4) (2 levels)	0	0.0
§2L1.2 Unlawfully Entering or Remaining in the United States	19,257	25.9
Chapter 2 Specific Offense Characteristic Adjustments	14,382	74.7
(b)(1)(A)(i) Previously deported and conviction for drug trafficking offense of greater than 13 months (16 levels)	2,190	11.4
(b)(1)(A)(ii) Previously deported and conviction for crime of violence (16 levels)	2,265	11.8
(b)(1)(A)(iii) Previously deported and conviction for firearms offense (16 levels)	34	0.2
(b)(1)(A)(iv) Previously deported and conviction for a child pornography offense (16 levels)	3	0.0
(b)(1)(A)(v) Previously deported and conviction for a national security/terrorism offense (16 levels)	1	0.0
(b)(1)(A)(vi) Previously deported and conviction for a human trafficking offense (16 levels)	10	0.0
(b)(1)(A)(vii) Previously deported and conviction for an alien smuggling offense (16 levels)	273	1.4
(b)(1)(B) Previously deported, drug offense sentence less than 13 months (12 levels)	1,633	8.5

<sup>78</sup> SOC was formerly §2L1.1(b)(6) and redesignated §2L1.1(b)(7) on November 1, 2006. The statistics reflect all instances of the application of the SOC.

<sup>79</sup> SOC was formerly §2L1.1(b)(6) and redesignated §2L1.1(b)(7) and the enhancement level was increased on November 1, 2006. The statistics reflect all instances of the application of the SOC.

<sup>80</sup> SOC was formerly §2L1.1(b)(8)(A) and redesignated §2L1.1(b)(8)(A)(i) on November 1, 2009. The statistics reflect all instances of the application of the SOC.

<sup>81</sup> SOC was formerly §2L1.1(b)(8)(B) and redesignated §2L1.1(b)(8)(A)(ii) on November 1, 2009. The statistics reflect all instances of the application of the SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2L1.2 Unlawfully Entering or Remaining in the United States (continued)	19,257	25.9
(b)(1)(C) Previously deported and aggravated felony conviction (8 levels)	1,938	10.1
(b)(1)(D) Previously deported and any other felony conviction (4 levels)	6,028	31.3
(b)(1)(E) Previously deported and three or more misdemeanor convictions of crimes of violence or drug trafficking (4 levels)	7	0.0
§2L2.1 Trafficking in Documents Relating to Naturalization	295	0.4
(a) Base offense level 11	294	99.7
(a) Base offense level 9 <sup>82</sup>	1	0.3
Chapter 2 Specific Offense Characteristic Adjustments	194	65.8
(b)(1) Committed other than for profit or only smuggling relative (3 level decrease)	17	5.8
(b)(2)(A) 6-24 Documents/Passports (3 levels)	53	18.0
(b)(2)(B) 25-99 Documents/Passports (6 levels)	40	13.6
(b)(2)(C) 100 or more Documents/Passports (9 levels)	82	27.8
(b)(3) Offender knew passport or visa facilitated a felony offense (4 levels)	8	2.7
(b)(4)(A) Committed instant offense after conviction of immigration offense (2 levels)	4	1.4
(b)(4)(B) Committed instant offense after two or more convictions immigration (4 lvls)	2	0.7
(b)(5)(A) Defendant fraudulently obtained or used a United States passport (4 levels)	7	2.4
(b)(5)(B) Defendant fraudulently obtained or used a foreign passport (2 levels)	8	2.7
§2L2.2 Fraudulent Acquiring Documents Relating to Citizenship	1,188	1.6
Chapter 2 Specific Offense Characteristic Adjustments	574	48.3
(b)(1) Offender an unlawful alien, previously deported (2 levels)	286	24.1
(b)(2)(A) Prior felony immigration and naturalization offense (2 levels)	21	1.8
(b)(2)(B) Two or more prior felony immigration and naturalization offenses (4 levels)	5	0.4
(b)(3)(A) Offender fraudulently obtained or used a United States passport (4 levels)	299	25.2
(b)(3)(B) Offender fraudulently obtained or used a foreign passport (2 levels)	99	8.3
§2L2.5 Failure to Surrender Canceled Naturalization Certificate	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

<sup>82</sup> Base offense level increased on November 1, 1997.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part M - Offenses Involving National Defense and Weapons of Mass Destruction</b>		
§2M1.1 Treason	0	0.0
(a)(1) Conduct tantamount to waging war against the United States (Base offense level 43)	0	0.0
(a)(2) Offense level applicable to most analogous offense	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M2.1 Destruction of, or Production of Defective War Material	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M2.3 Destruction of, or Production of Detective, National Defense Material	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.1 Gathering/Transmitting National Defense Information to Aid Foreign Gov't	1	0.0
(a)(1) Top secret information gathered or transmitted (Base offense level 42)	1	100.0
(a)(2) Otherwise (Base offense level 37)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.2 Gathering National Defense Information	0	0.0
(a)(1) Top secret information gathered (Base offense level 35)	0	0.0
(a)(2) Otherwise (Base offense level 30)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.3 Transmitting National Defense Information	0	0.0
(a)(1) Top secret information (Base offense level 29)	0	0.0
(a)(2) Otherwise (Base offense level 24)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.4 Losing National Defense Information	0	0.0
(a)(1) Top secret information was lost (Base offense level 18)	0	0.0
(a)(2) Otherwise (Base offense level 13)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.5 Tampering with Restricted Data Concerning Atomic Energy	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2M3.9 Disclosure of Information Identifying a Covert Agent	0	0.0
(a)(1) Information disclosed by person with access to classified material identifying a covert agent (BOL 30)	0	0.0
(a)(2) Information disclosed by person with access to classified material (BOL 25)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M4.1 Failure to Register and Evasion of Military Service	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Occurred by person being inducted for compulsory military service (6 levels)	0	0.0
§2M5.1 Evasion of Export Controls	19	0.0
(a)(1)(A) National security controls relating to the proliferation of nuclear, biological, or chemical weapons were evaded (Base offense level 26)	11	57.9
(a)(1)(B) Offense involved financial transactions with a country supporting terrorism (Base offense level 26)	7	36.8
(a)(2) Otherwise (Base offense level 14)	1	5.3
No Specific Offense Characteristics for this guideline	NA	NA
§2M5.2 Exportation of Arms/Munitions/Military Equipment without Validated Export License	177	0.2
(a)(1) Except as provided in (a)(2) (Base offense level 26)	151	85.3
(a)(2) Involved less than 10 only non-fully automatic small arms (Base offense level 14)	26	14.7
No Specific Offense Characteristics for this guideline	NA	NA
§2M5.3 Providing Material Support/Resources to Designated Foreign Terrorist Organizations	16	0.0
Chapter 2 Specific Offense Characteristic Adjustments	7	43.8
(b)(1)(A) Offense involved the provision of dangerous weapons (2 levels)	0	0.0
(b)(1)(B) Offense involved the provision of firearms (2 levels)	0	0.0
(b)(1)(C) Offense involved the provision of explosives (2 levels)	1	6.2
(b)(1)(D) Offense involved the provisions of funds to purchase (A)-(C) (2 levels)	2	12.5
(b)(1)(E) Offense involved the provisions of funds used with the intent to commit a violent act (2 levels)	4	25.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2M6.1 Unlawful Production of Nuclear Material	4	0.0
(a)(1)(A) Offense committed with the intent to injure the United States (BOL 42)	3	75.0
(a)(1)(B) Offense committed to aid a foreign nation (Base offense level 42)	0	0.0
(a)(2) Subsections (a)(1), (a)(3)-(a)(5) do not apply (Base offense level 28)	1	25.0
(a)(3) Convicted under 18 U.S.C. § 175b (Base offense level 22)	0	0.0
(a)(4)(A) Convicted under 18 U.S.C. § 175(b) but did not intend to carry out threat (Base offense level 20)	0	0.0
(a)(4)(B) Offense involved a threat to use nuclear weapon but did not intend to carry out threat (Base offense level 20)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	25.0
(b)(1)(A) Subsection (a)(2), (a)(4), or (a)(5) applies and (B) threat of biological agent (2 levels)	1	25.0
(b)(2)(A) Subsections (a)(2)-(a)(4) applies and (B)(i) victim died or permanent life-threatening bodily injury (4 levels)	0	0.0
(b)(2)(A) Subsection (a)(2)-(a)(4) applies and (ii) serious bodily injury (2 levels)	0	0.0
(b)(2)(A) Subsection (a)(2)-(a)(4) applies and (iii) injury between (i) and (ii) (3 levels)	0	0.0
(b)(3)(A) Subsection (a)(2)-(a)(5) applies and (B) disruption of government services (4 levels)	1	25.0
§2M6.2 Violation of Other Federal Atomic Energy Agency Statutes, Rules or Regulation	1	0.0
(a)(1) Committed with intent to injure the United States (Base offense level 30)	0	0.0
(a)(2) Otherwise (Base offense level 6)	1	100.0
No Specific Offense Characteristic for this guideline	NA	NA



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part N - Offenses Involving Food, Drugs, Agricultural Products and Odometer Laws</b>		
§2N1.1 Tampering or Attempting to Tamper Involving risk of Death or Bodily Injury	6	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	16.7
(b)(1)(A) Permanent or life-threatening bodily injury (4 levels)	0	0.0
(b)(1)(B) Serious bodily injury (2 levels)	1	16.7
(b)(1)(C) Degree of injury between serious and permanent/life-threatening (3 levels)	0	0.0
§2N1.2 Providing False Information or Threatening to Tamper with Consumer Products	1	0.0
No Specific Offense Characteristics with this guideline	NA	NA
§2N1.3 Tampering with Intent to Injure Business	0	0.0
No Specific Offense Characteristics with this guideline	NA	NA
§2N2.1 Violations of Statutes and Regulations Dealing with any Food, Drug, etc	32	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Convicted under 21 § U.S.C. 331 after prior conviction under 21 § U.S.C. 331 (4 lvls)	0	0
§2N3.1 Odometer Laws and Regulations	0	0.0
No Specific Offense Characteristics with this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part P - Offenses Involving Prisons and Correctional Facilities</b>		
§2P1.1 Escape, Instigating or Assisting Escape	225	0.3
(a)(1) Custody is by virtue of an arrest on a felony/conviction of another offense (BOL 13)	222	98.7
(a)(2) Otherwise (Base offense level 8)	3	1.3
Chapter 2 Specific Offense Characteristic Adjustments	172	76.4
(b)(1) Use of threat of force against any person (5 levels)	2	0.9
(b)(2) Escaped from non-secure custody,(a)(1) applies, return in 96 hours (7 level decrease)	15	6.7
(b)(2) Escaped from non-secure custody, (a)(2)applies, return in 96 hours (4 level decrease)	5	2.2
(b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(1) applies (4 level decrease)	148	65.8
(b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(2) applies (2 level decrease)	3	1.3
(b)(4) Offender was a law enforcement officer (2 levels)	0	0.0
§2P1.2 Providing or Possessing Contraband in Prison	126	0.2
(a) Base offense level 26 <sup>83</sup>	6	4.8
(a)(1) Object was a firearm or destructive device (Base offense level 23)	0	0.0
(a)(2) Object was a weapon, ammunition, LSD, or a narcotic drug (Base offense level 13)	65	51.6
(a)(3) Object was an alcoholic beverage/currency/controlled substance (BOL 6)	36	28.6
(a)(4) Other object threatened order of facility (Base offense level 4)	19	15.1
Chapter 2 Specific Offense Characteristic Adjustments	4	3.2
(b)(1) Offender was a law enforcement officer (2 levels)	4	3.2
§2P1.3 Engaging in a Riot Involving Persons in a Facility	6	0.0
(a)(1) Substantial risk of death or serious bodily injury (Base offense level 22)	1	16.7
(a)(2) Caused a major disruption to the operation of an institution (Base offense level 16)	0	0.0
(a)(3) Otherwise (Base offense level 10)	5	83.3
No Specific Offense Characteristics for this guideline	NA	NA

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<sup>83</sup> This base offense level is not available under the guidelines, but court documents reflect the court's findings that this was the proper base offense level for this offense.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part Q -Offenses Involving the Environment</b>		
§2Q1.1 Knowing Endangerment Resulting from Mishandling Hazardous Substances	1	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2Q1.2 Mishandling of Hazardous Substances	52	0.1
Chapter 2 Specific Offense Characteristic Adjustments	47	90.4
(b)(1)(A) Resulted in ongoing emission of a hazardous substance (6 levels)	16	30.8
(b)(1)(B) Otherwise involved discharge of a hazardous substance (4 levels)	20	38.5
(b)(2) Substantial likelihood of death or serious bodily injury (9 levels)	5	9.6
(b)(3) Disruption of public utilities or evacuation (4 levels)	9	17.3
(b)(4) Involved transportation without a permit or violation of a permit (4 levels)	23	44.2
(b)(5) Recordkeeping reflected an effort to conceal offense (Offense level of underlying offense)	0	0.0
(b)(6) Simple recordkeeping or reporting violation (2 level decrease)	0	0.0
(b)(7) Convicted under 49 U.S.C. § 5124 or § 46312 (2 levels)	0	0.0
§2Q1.3 Mishandling of Other Environmental Pollutants	38	0.0
Chapter 2 Specific Offense Characteristic Adjustments	34	89.5
(b)(1)(A) Ongoing/repetitive discharge of a pollutant (6 levels)	19	50.0
(b)(1)(B) Otherwise discharge of pollutant (4 levels)	12	31.6
(b)(2) Substantial likelihood of death or serious bodily injury (11 levels)	0	0.0
(b)(3) Resulted in disruption of public utilities or evacuation (4 levels)	2	5.3
(b)(4) Discharge without permit or in violation of a permit (4 levels)	20	52.6
(b)(5) Recordkeeping reflected an effort to conceal offense (Offense level of underlying offense)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2Q1.4 Tampering or Attempted Tampering with Public Water System	1	0.0
(a)(1) Base offense level 26	1	100.0
(a)(2) Threat with intent to carry out tampering with public water (Base offense level 22)	0	0.0
(a)(3) Threat without intent to carry out tampering with public water (BOL 16)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1)(A) Victim sustained permanent/life threatening bodily injury (4 levels)	0	0.0
(b)(1)(B) Victim sustained serious bodily injury (2 levels)	0	0.0
(b)(1)(C) The degree of injury is between subdivisions (A) and (B) (3 levels)	0	0.0
(b)(2)(A) Offense resulted in disruption of public functions/services (4 levels)	0	0.0
(b)(2)(B) Disruption resulted in expenditure of funds to clean up in response to offense (4 levels)	0	0.0
(b)(3) Ongoing release of contaminant into public water system (2 levels)	0	0.0
§2Q1.6 Hazardous or Injurious Devices on Federal Lands	0	0.0
(a)(1) Intent was to violate Controlled Substance Act (apply §2D1.9)	0	0.0
(a)(2) Obstruct harvesting of timber and property destruction (apply §2B1.1)	0	0.0
(a)(3) Reckless disregard to risk to another person (apply §2A2.2)	0	0.0
(a)(4) Otherwise (Base offense level 6)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2Q2.1 Offenses Involving Fish, Wildlife and Plants	97	0.1
Chapter 2 Specific Offense Characteristic Adjustments	92	94.8
(b)(1)(A) Offense committed for pecuniary gain (2 levels)	68	70.1
(b)(1)(B) Offense involved a pattern of similar violations (2 levels)	9	9.3
(b)(2)(A) Offense involved wildlife not quarantined (2 levels)	5	5.2
(b)(2)(B) Offense involved significant risk of infestation/disease to human/wildlife (2 levels)	1	1.0
(b)(3)(A) Value of wildlife less than \$2,000 (0 levels)	20	20.6
(b)(3)(A) Value of wildlife between \$2,000 and \$5,000 (one level)	8	8.2
(b)(3)(A) Value of wildlife between \$5,000 and \$10,000 (2 levels)	7	7.2
(b)(3)(A) Value of wildlife between \$10,000 and \$30,000 (4 levels)	14	14.4
(b)(3)(A) Value of wildlife between \$30,000 and \$70,000 (6 levels)	9	9.3
(b)(3)(A) Value of wildlife between \$70,000 and \$120,000 (8 levels)	10	10.3
(b)(3)(A) Value of wildlife between \$120,000 and \$200,000 (10 levels)	6	6.2
(b)(3)(A) Value of wildlife between \$200,000 and \$400,000 (12 levels)	9	9.3
(b)(3)(A) Value of wildlife between \$400,000 and \$1,000,000 (14 levels)	3	3.1
(b)(3)(A) Value of wildlife between \$1,000,000 and \$2,500,000 (16 levels)	1	1.0
(b)(3)(B)(i) Offense involved protected marine mammals (4 levels)	0	0.0
(b)(3)(B)(ii) Offense involved fish/wildlife/plants listed as endangered (4 levels)	9	9.3
(b)(3)(B)(iii) Offense involved fish/wildlife/plants endangered internationally (4 levels)	1	1.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part R - Antitrust Offenses</b>		
§2R1.1 Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors	14	0.0
Chapter 2 Specific Offense Characteristic Adjustments	14	100.0
(b)(1) Involved participation in agreement to submit non-competitive bid (one level)	7	50.0
(b)(2)(A) Volume of commerce between \$1,000,000 and \$10,000,000 (2 levels)	4	28.6
(b)(2)(B) Volume of commerce between \$10,000,000 and \$40,000,000 (4 levels)	0	0.0
(b)(2)(C) Volume of commerce between \$40,000,000 and \$100,000,000 (6 levels)	3	21.4
(b)(2)(D) Volume of commerce between \$100,000,000 and \$250,000,000 (8 levels)	3	21.4
(b)(2)(E) Volume of commerce between \$250,000,000 and \$500,000,000 (10 levels)	2	14.3
(b)(2)(F) Volume of commerce between \$500,000,000 and \$1,000,000,000 (12 levels)	0	0.0
(b)(2)(G) Volume of commerce between \$1,000,000,000 and \$1,500,000,000 (14 levels)	0	0.0
(b)(2)(H) Volume of commerce more than \$1,500,000,000 (16 levels)	2	14.3

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part S - Money Laundering and Monetary Transactions Reporting</b>		
§2S1.1 Laundering of Monetary Instruments	1,062	1.4
(a)(1) Underlying offense - Base offense level 7	2	0.2
(a)(1) Underlying offense - Base offense level 8	1	0.1
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 8	18	1.7
(a)(1) Underlying offense - Base offense level 10	1	0.1
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 10	16	1.5
(a)(1) Underlying offense - Base offense level 11	1	0.1
(a)(1) Underlying offense - Base offense level 12	12	1.1
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 12	39	3.7
(a)(1) Underlying offense - Base offense level 13	1	0.1
(a)(1) Underlying offense - Base offense level 14	15	1.4
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 14	36	3.4
(a)(1) Underlying offense - Base offense level 15	4	0.4
(a)(1) Underlying offense - Base offense level 16	11	1.0
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 16	29	2.7
(a)(1) Underlying offense - Base offense level 17	5	0.5
(a)(1) Underlying offense - Base offense level 18	25	2.4
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 18	38	3.6
(a)(1) Underlying offense - Base offense level 19	15	1.4
(a)(1) Underlying offense - Base offense level 20	33	3.1
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 20	48	4.5
(a)(2) Otherwise, Base offense level 20 <sup>84</sup>	1	0.1
(a)(1) Underlying offense - Base offense level 21	20	1.9
(a)(1) Underlying offense - Base offense level 22	17	1.6

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<sup>84</sup> Base offense levels were expanded to incorporate the value of the laundered funds on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2S1.1 Laundering of Monetary Instruments (continued)	1,062	1.4
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 22	51	4.8
(a)(1) Underlying offense - Base offense level 23	42	4.0
(a)(1) Underlying offense - Base offense level 24	32	3.0
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 24	52	4.9
(a)(1) Underlying offense - Base offense level 25	33	3.1
(a)(1) Underlying offense - Base offense level 26	49	4.6
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 26	16	1.5
(a)(1) Underlying offense - Base offense level 27	20	1.9
(a)(1) Underlying offense - Base offense level 28	37	3.5
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 28	6	0.6
(a)(1) Underlying offense - Base offense level 29	18	1.7
(a)(1) Underlying offense - Base offense level 30	33	3.1
(a)(1) Underlying offense - Base offense level 31	18	1.7
(a)(1) Underlying offense - Base offense level 32	62	5.8
(a)(2) Offense level from loss table in §2B1.1 plus eight levels - Base offense level 32	1	0.1
(a)(1) Underlying offense - Base offense level 33	11	1.0
(a)(1) Underlying offense - Base offense level 34	46	4.3
(a)(1) Underlying offense - Base offense level 35	2	0.2
(a)(1) Underlying offense - Base offense level 36	55	5.2
(a)(1) Underlying offense - Base offense level 37	3	0.3
(a)(1) Underlying offense - Base offense level 38	54	5.1
(a)(1) Underlying offense - Base offense level 39	2	0.2
(a)(1) Underlying offense - Base offense level 40	21	2.0
(a)(1) Underlying offense - Base offense level 41	1	0.1
(a)(1) Underlying offense - Base offense level 42	3	0.3



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

Guideline and SOC	Applied	Percent
§2S1.1 Laundering of Monetary Instruments (continued)	1,062	1.4
(a)(1) Underlying offense - Base offense level 43	1	0.1
(a)(1) Underlying offense - Base offense level 44	2	0.2
(a)(1) Underlying offense - Base offense level 46	4	0.4
<b>Chapter 2 Specific Offense Characteristic Adjustments</b>	<b>1,046</b>	<b>98.5</b>
(b)(1)(B)(i) Subsection (a)(2) applies and offender knew proceeds intended for distribution of a controlled substance (6 levels)	214	20.2
(b)(1)(B)(i) Subsection (a)(2) applies and offender knew proceeds intended for distribution of a controlled substance (2 levels) <sup>85</sup>	1	0.1
(b)(1)(B)(ii) Subsection (a)(2) applies and offender knew proceeds were intended for a crime of violence (6 levels)	10	0.9
(b)(1)(B)(iii) Subsection (a)(2) applies and offender knew proceeds intended for firearms explosives (6 levels)	3	0.3
(b)(1) Proceeds intended for unlawful controlled substance offense (3 levels) <sup>86</sup>	1	0.1
(b)(2)(A) Offender convicted under 18 U.S.C. §1957 (one level)	243	22.9
(b)(2)(B) Offender convicted under 18 U.S.C. §1956 (2 levels)	772	72.7
(b)(2)(C) Subsection (a)(1) applies and offender in business of laundering money (4 levels)	19	1.8
(b)(2)(C) Subsection (a)(1) applies and offender in business of laundering money (6 levels) <sup>85</sup>	2	0.2
(b)(3) Subsection (b)(2)(B) applies and sophisticated laundering involved (2 levels)	52	4.9

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<sup>85</sup> This SOC level is not available under the guidelines, but court documents reflect the court's findings that this was the proper base offense level for this offense..

<sup>86</sup> SOC was expanded and level enhanced on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2S1.3 Structuring Transactions to Evade Reporting Requirements	278	0.4
(a)(1) Offender convicted under 31 U.S.C. §§ 5318 or 5318A (Base offense level 8)	1	0.4
(a)(2) Loss less than \$5,000 (Base offense level 6)	1	0.4
(a)(2) Loss between \$5,000 and \$10,000 (Base offense level 8)	1	0.4
(a)(2) Loss between \$10,000 and \$30,000 (Base offense level 10)	42	14.7
(a)(2) Loss between \$30,000 and \$70,000 (Base offense level 12)	47	16.9
(a)(2) Loss between \$70,000 and \$120,000 (Base offense level 14)	38	13.7
(a)(2) Loss between \$120,000 and \$200,000 (Base offense level 16)	31	11.2
(a)(2) Loss between \$200,000 and \$400,000 (Base offense level 18)	48	17.3
(a)(2) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	42	15.2
(a)(2) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	17	6.1
(a)(2) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	7	2.5
(a)(2) Loss between \$20,000,000 and \$50,000,000 (Base offense level 28)	3	1.1
Chapter 2 Specific Offense Characteristic Adjustments	231	83.1
(b)(1)(A) Offender knew proceeds were for unlawful activity (2 levels)	65	23.4
(b)(1)(B) Offense involved bulk cash smuggling (2 levels)	136	48.9
(b)(2) Convicted under subchapter II of chapter 53 of title 31 & offense involved more than \$100,000 over a 12 month period (two levels)	49	17.6
(b)(3) Subsection (b)(1) does not apply (B) offender did not act with reckless disregard of source of funds (C) funds were from lawful activity (D) funds used for legal purposes (decrease to level 6)	12	4.3

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part T - Offenses Involving Taxation</b>		
§2T1.1 Tax Evasion	499	0.7
(a)(1) Loss less than \$2,000 (Base offense level 6)	1	0.2
(a)(2) No tax loss (Base offense level 6)	5	1.0
(a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8)	5	1.0
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	19	3.8
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	42	8.4
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	86	17.2
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	105	21.0
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	103	20.6
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	61	12.2
(a)(1) Loss between \$1,500,000 and \$2,500,000 (Base offense level 20) <sup>87</sup>	2	0.4
(a)(1) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	44	8.8
(a)(1) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	14	2.8
(a)(1) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	7	1.4
(a)(1) Loss between \$20,000,000 and \$50,000,000 (Base offense level 28)	2	0.4
(a)(1) Loss between \$50,000,000 and \$100,000,000 (Base offense level 30)	1	0.2
(a)(1) Loss between \$100,000,000 and \$200,000,000 (Base offense level 32)	1	0.2
(a)(1) Loss greater than \$400,000,000 (Base offense level 36)	1	0.2
Chapter 2 Specific Offense Characteristic Adjustments	176	35.3
(b)(1) Failed to report exceeding \$10,000 from criminal activity (2 levels, level 12)	96	19.2
(b)(2) Sophisticated means (2 levels, increase to level 12)	91	18.2

<sup>87</sup> Base offense level thresholds amounts and levels changed on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud	139	0.2
(a)(2) No tax loss or loss less than \$2,000 (Base offense level 6)	0	0.0
(a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8)	1	0.7
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	3	2.2
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	6	4.3
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	17	12.2
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	35	25.2
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	29	20.9
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	25	18.0
(a)(1) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	12	8.6
(a)(1) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	8	5.7
(a)(1) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	3	2.2
Chapter 2 Specific Offense Characteristic Adjustments	117	84.2
(b)(1)(A) As part of scheme, offender derived substantial portion of income (2 levels)	18	12.9
(b)(1)(B) Defendant was in business of preparing tax returns (2 levels)	94	67.6
(b)(2) Sophisticated means (2 levels, increase to level 12)	18	12.9
§2T1.6 Failing to Collect or Truthfully Account for and Pay Over Tax	42	0.1
(a) Loss between \$30,000 and \$80,000 (Base offense level 14)	1	2.4
(a) Loss between \$80,000 and \$200,000 (Base offense level 16)	9	21.4
(a) Loss between \$200,000 and \$400,000 (Base offense level 18)	10	23.8
(a) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	11	26.2
(a) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	7	16.7
(a) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	4	9.5
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T1.7 Failing to Deposit Collected Taxes in Trust Account as Required After Notice	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T1.8 Offenses Relating to Withholding Statements	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T1.9 Conspiracy to Impede, Impair, Obstruct	8	0.0
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	3	37.5
(a)(2) Loss between \$325,000 and \$550,000 (Base offense level 17) <sup>87</sup>	1	12.5
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	2	25.0
(a)(1) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	1	12.5
(a)(1) Loss between \$20,000,000 and \$50,000,000 (Base offense level 28)	1	12.5
Chapter 2 Specific Offense Characteristic Adjustments	3	37.5
(b)(1) Planned or threat of violence to impede the collection of revenue (4 levels)	0	0.0
(b)(2) Conduct was to encourage others to impede collection of revenue (2 levels)	3	37.5
§2T2.1 Non-payment of Taxes	1	0.0
(a) Loss between \$30,000 and \$80,000 (Base offense level 14)	1	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T2.2 Regulatory Offenses	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T3.1 Evading Import Duties or Restrictions (Smuggling)	17	0.0
(a)(3) Loss less than \$100 (Base offense level 4)	1	5.9
(a)(2) Loss between \$100 and \$1,000 (Base offense level 5)	3	17.6
(a)(1) Loss between \$1,000 and \$2,000 (Base offense level 6)	2	11.8
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	4	23.5
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	3	17.6
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	1	5.9
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	1	5.9
(a)(1) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	1	5.9
(a)(1) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	1	5.9
Chapter 2 Specific Offense Characteristic Adjustments	3	17.6
(b)(1) Sophisticated means (2 levels, increase to level 12)	3	17.6

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

Guideline and SOC	Applied	Percent
<b>Part X - Other Offenses</b>		
§2X1.1 Attempt, Solicitation, or Conspiracy	28	0.0
(a) Base offense level 10	1	3.6
(a) Base offense level 13	1	3.6
(a) Base offense level 14	1	3.6
(a) Base offense level 17	1	3.6
(a) Base offense level 20	2	7.1
(a) Base offense level 21	1	3.6
(a) Base offense level 22	2	7.1
(a) Base offense level 23	1	3.6
(a) Base offense level 24	6	21.4
(a) Base offense level 26	1	3.6
(a) Base offense level 30	1	3.6
(a) Base offense level 32	3	10.7
(a) Base offense level 37	1	3.6
(a) Base offense level 38	4	14.3
(a) Base offense level 39	1	3.6
(a) Base offense level 42	1	3.6
Chapter 2 Specific Offense Characteristic Adjustments	28	100.0
(b)(1) If an attempt (3 level decrease)	7	25.0
(b)(2) If a conspiracy (3 level decrease)	18	64.3
(b)(3)(A) Solicitation (3 level decrease)	3	10.7

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2X2.1 Aiding and Abetting	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X3.1 Accessory After the Fact	88	0.1
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 4	1	1.1
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 6	4	4.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 7	2	2.3
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 12	2	2.3
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 13	2	2.3
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 14	5	5.7
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 15	2	2.3
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 16	5	5.7
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 17	1	1.1
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 18	10	11.4
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 19	1	1.1
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 20	7	8.0
(a)(3) Conduct limited to harboring a fugitive and offender convicted of 18 U.S.C. § 2339 or §2339(A), or harboring a fugitive who committed an offense listed in the above statutes or who committed any offense involving or intending to promote a federal crime of terrorism as defined in 18 U.S.C. § 2332b(g)(5) - Base offense level 20	6	6.8
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 21	1	1.1
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 22	2	2.3
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 24	4	4.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 26	7	8.0
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 27	1	1.1
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 28	3	3.4
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 29	4	4.6
(a)(1) Six levels lower than offense level for underlying offense - Base offense level 30	3	3.4
(a)(2) Conduct limited to harboring a fugitive - Base offense level 30	3	3.4
(a)(3) Conduct limited to harboring a fugitive and offender convicted of 18 U.S.C. § 2339 or §2339(A), or harboring a fugitive who committed an offense listed in the above statutes or who committed any offense involving or intending to promote a federal crime of terrorism as defined in 18 U.S.C. § 2332b(g)(5) - Base offense level 30	12	13.6
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2X4.1 Misprision of a Felony	353	0.5
(a) Base offense level 4	41	11.6
(a) Base offense level 5	24	6.8
(a) Base offense level 6	6	1.7
(a) Base offense level 7	13	3.7
(a) Base offense level 8	1	0.3
(a) Base offense level 9	26	7.4
(a) Base offense level 10	4	1.1
(a) Base offense level 11	22	6.2
(a) Base offense level 12	9	2.6
(a) Base offense level 13	17	4.8
(a) Base offense level 14	1	0.3
(a) Base offense level 15	26	7.4
(a) Base offense level 16	2	0.6
(a) Base offense level 17	49	13.9
(a) Base offense level 18	2	0.6
(a) Base offense level 19	109	30.9
(a) Base offense level 28 <sup>88</sup>	1	0.3
No Specific Offense Characteristics for this guideline	NA	NA
§2X5.1 Other Felony Offenses	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X5.2 Other Class A Misdemeanors	225	0.3
No Specific Offense Characteristics for this guideline	NA	NA

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<sup>88</sup> This base offense level is not available under the guidelines, but court documents reflect the court's findings that this was the proper base offense level for this offense.



**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2012**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2X6.1 Use of a Minor in Crime of Violence	1	0.0
(a) Base offense level 6	1	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X7.1 Border Tunnels and Subterranean Passages	0	0.0
(a)(1) Convicted under 18 U.S.C. § 555(c) (4 plus underlying smuggling offense, increase to 16)	0	0.0
(a)(2) Convicted under 18 U.S.C. § 555(a) (Base offense level 16)	0	0.0
(a)(3) Convicted under 18 U.S.C. § 555(b) (Base offense level 8)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X7.2 Submersible and Semi-Submersible Vessels	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1)(A) Failure to heave to when directed by law enforcement (2 levels)	0	0.0
(b)(1)(B) Attempt to sink the vessel (4 levels)	0	0.0
(b)(1)(C) Sinking of the vessel (8 levels)	0	0.0