Table N

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE[1]
Fiscal Year 2008**

	N	%
TOTAL CASES	**74,493**	**100.0**
CASES SENTENCED WITHIN GUIDELINE RANGE	**44,263**	**59.4**
CASES SENTENCED ABOVE GUIDELINE RANGE	**1,195**	**1.5**
DEPARTURE ABOVE GUIDELINE RANGE	**473**	**0.6**
Upward Departure From Guideline Range[2]	326	0.4
Upward Departure With *Booker*/18 U.S.C. § 3553[3]	147	0.2
OTHERWISE ABOVE GUIDELINE RANGE	**722**	**0.9**
Above Guideline Range With *Booker*/18 U.S.C. § 3553[4]	622	0.8
All Remaining Cases Above Guideline Range[5]	100	0.1
GOVERNMENT SPONSORED BELOW RANGE[6]	**19,063**	**25.6**
§5K1.1 Substantial Assistance Departure	10,048	13.5
§5K3.1 Early Disposition Program Departure	5,894	7.9
Other Government Sponsored Below Range	3,121	4.2
NON-GOVERNMENT SPONSORED BELOW RANGE	**9,972**	**13.4**
DEPARTURE BELOW GUIDELINE RANGE	**2,459**	**3.3**
Downward Departure From Guideline Range[2]	1,544	2.1
Downward Departure With *Booker*/18 U.S.C. § 3553[3]	915	1.2
OTHERWISE BELOW GUIDELINE RANGE	**7,513**	**10.1**
Below Guideline Range With *Booker*/18 U.S.C. § 3553[4]	6,678	9.0
All Remaining Cases Below Guideline Range[5]	835	1.1

[1]This table reflects the 76,478 cases sentenced in Fiscal Year 2008. Of these, 1,985 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

[2]All cases with departures in which the court did not indicate as a reason either *United States v. Booker,* 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual.*

[3]All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *United States v. Booker,* 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

[4]All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *United States v. Booker,* 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

[5]All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

[6]Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: U.S. Sentencing Commission, 2008 Datafile, USSCFY08.