

Table 28A

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2014

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	40,009	5,809	14.5	6,519	16.3	3,854	9.6	2,926	7.3	554	1.4
Above Range	1,645	10	0.6	12	0.7	295	17.9	144	8.8	2	0.1
Upward Departure From Guideline Range	343	0	0.0	0	0.0	118	34.4	56	16.3	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	123	0	0.0	0	0.0	14	11.4	8	6.5	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	1,104	0	0.0	0	0.0	151	13.7	71	6.4	1	0.1
All Remaining Cases Above Guideline Range	75	10	13.3	12	16.0	12	16.0	9	12.0	1	1.3
Government Sponsored Below Range	22,494	5,799	25.8	6,507	28.9	3,559	15.8	2,782	12.4	552	2.5
§5K1.1 Substantial Assistance Departure	9,482	5,799	61.2	194	2.0	190	2.0	318	3.4	50	0.5
§5K3.1 Early Disposition Program Departure	6,944	0	0.0	6,313	90.9	1,328	19.1	714	10.3	78	1.1
Other Government Sponsored Below Range	6,068	0	0.0	0	0.0	2,041	33.6	1,750	28.8	424	7.0
Non-Government Sponsored Below Range	15,870	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,757	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	807	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	12,894	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	412	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 28A (cont.)

	Pursuant to a Motion Not in a Plea Agreement												No Information Available	
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties			
	N	%	N	%	N	%	N	%	N	%	N	%		
TOTAL	3,475	8.7	151	0.4	3,281	8.2	6,804	17.0	5,047	12.6	6,448	16.1	4,114	10.3
Above Range	4	0.2	0	0.0	217	13.2	15	0.9	6	0.4	638	38.8	414	25.2
Upward Departure From Guideline Range	0	0.0	0	0.0	50	14.6	4	1.2	0	0.0	105	30.6	37	10.8
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	37	30.1	1	0.8	2	1.6	77	62.6	8	6.5
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	125	11.3	10	0.9	4	0.4	442	40.0	328	29.7
All Remaining Cases Above Guideline Range	4	5.3	0	0.0	5	6.7	0	0.0	0	0.0	14	18.7	41	54.7
Government Sponsored Below Range	3,471	15.4	151	0.7	3,064	13.6	2,000	8.9	1,058	4.7	1,279	5.7	539	2.4
§5K1.1 Substantial Assistance Departure	3,471	36.6	11	0.1	793	8.4	967	10.2	390	4.1	747	7.9	153	1.6
§5K3.1 Early Disposition Program Departure	0	0.0	140	2.0	281	4.0	315	4.5	370	5.3	212	3.1	238	3.4
Other Government Sponsored Below Range	0	0.0	0	0.0	1,990	32.8	718	11.8	298	4.9	320	5.3	148	2.4
Non-Government Sponsored Below Range	0	0.0	0	0.0	0	0.0	4,789	30.2	3,983	25.1	4,531	28.6	3,161	19.9
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	859	48.9	244	13.9	464	26.4	247	14.1
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	242	30.0	243	30.1	318	39.4	128	15.9
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	3,688	28.6	3,492	27.1	3,738	29.0	2,389	18.5
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	0	0.0	4	1.0	11	2.7	397	96.4

¹ Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 7,632 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.