

Table 28A

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2015

	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	36,008	4,879	13.5	5,989	16.6	4,119	11.4	2,643	7.3	591	1.6
Above Range	1,506	5	0.3	12	0.8	340	22.6	148	9.8	3	0.2
Upward Departure From Guideline Range	349	0	0.0	0	0.0	138	39.5	51	14.6	2	0.6
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	95	0	0.0	0	0.0	13	13.7	5	5.3	1	1.1
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	1,002	0	0.0	0	0.0	183	18.3	85	8.5	0	0.0
All Remaining Cases Above Guideline Range	60	5	8.3	12	20.0	6	10.0	7	11.7	0	0.0
Government Sponsored Below Range	19,988	4,874	24.4	5,977	29.9	3,779	18.9	2,495	12.5	588	2.9
§5K1.1 Substantial Assistance Departure	8,470	4,874	57.5	154	1.8	167	2.0	235	2.8	47	0.6
§5K3.1 Early Disposition Program Departure	6,294	0	0.0	5,823	92.5	1,381	21.9	706	11.2	111	1.8
Other Government Sponsored Below Range	5,224	0	0.0	0	0.0	2,231	42.7	1,554	29.7	430	8.2
Non-Government Sponsored Below Range	14,514	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,521	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	583	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	12,032	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	378	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													
	§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		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	3,456	9.6	113	0.3	1,989	5.5	5,961	16.6	5,106	14.2	5,883	16.3	3,269	9.1
Above Range	3	0.2	1	0.1	237	15.7	19	1.3	8	0.5	639	42.4	214	14.2
Upward Departure From Guideline Range	0	0.0	0	0.0	55	15.8	2	0.6	1	0.3	109	31.2	38	10.9
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	31	32.6	3	3.2	1	1.1	52	54.7	5	5.3
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	147	14.7	12	1.2	6	0.6	471	47.0	136	13.6
All Remaining Cases Above Guideline Range	3	5.0	1	1.7	4	6.7	2	3.3	0	0.0	7	11.7	35	58.3
Government Sponsored Below Range	3,453	17.3	112	0.6	1,752	8.8	1,625	8.1	1,133	5.7	1,070	5.4	473	2.4
§5K1.1 Substantial Assistance Departure	3,453	40.8	14	0.2	464	5.5	734	8.7	424	5.0	572	6.8	141	1.7
§5K3.1 Early Disposition Program Departure	0	0.0	98	1.6	153	2.4	315	5.0	456	7.2	182	2.9	182	2.9
Other Government Sponsored Below Range	0	0.0	0	0.0	1,135	21.7	576	11.0	253	4.8	316	6.0	150	2.9
Non-Government Sponsored Below Range	0	0.0	0	0.0	0	0.0	4,317	29.7	3,965	27.3	4,174	28.8	2,582	17.8
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	761	50.0	262	17.2	357	23.5	179	11.8
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	171	29.3	208	35.7	224	38.4	84	14.4
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	3,385	28.1	3,491	29.0	3,582	29.8	1,956	16.3
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	0	0.0	4	1.1	11	2.9	363	96.0

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, 6,809 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.