

Table 28

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY SENTENCING GUIDELINE<sup>1</sup>  
Fiscal Year 2016**

Guideline	Total	Within Guideline Range	Upward Departure <sup>4</sup>		Above Range		Government Sponsored			Downward Departure <sup>5</sup>		Below Range	
			Gdline Only	With Booker	With Booker	All Others	§5K1.1	§5K3.1	Other Gov't	Gdline Only	With Booker	With Booker	All Others
§2A1.1	224	86	0	0	5	0	77	0	36	2	2	16	0
§2A1.2	52	23	2	0	5	0	6	0	10	0	0	5	1
§2A1.3	27	14	5	1	4	0	0	0	2	0	0	1	0
§2A1.4	41	18	5	0	6	0	0	0	6	0	0	5	1
§2A1.5	38	6	0	1	1	0	7	0	13	0	0	9	1
§2A2.1	80	35	2	0	3	0	11	0	11	2	2	13	1
§2A2.2	365	160	19	6	18	2	6	1	76	14	4	58	1
§2A2.3	77	55	2	2	1	0	0	0	5	3	1	6	2
§2A2.4	178	98	0	1	4	1	1	2	34	1	0	33	3
§2A3.1	147	66	4	2	0	0	12	0	38	0	1	23	1
§2A3.2	33	10	6	1	3	0	0	0	7	1	0	5	0
§2A3.3	12	8	1	0	0	0	0	0	0	0	1	2	0
§2A3.4	34	18	1	0	5	0	0	0	4	0	1	5	0
§2A3.5	427	247	4	1	16	1	3	1	36	10	5	100	3
§2A4.1	73	32	0	0	4	0	14	0	13	0	1	9	0
§2A4.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2A5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2A5.2	32	17	1	0	1	0	0	0	3	0	0	10	0
§2A5.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2A6.1	135	70	1	1	3	1	1	0	17	5	4	30	2
§2A6.2	36	14	0	0	2	0	1	0	10	0	1	8	0
§2B1.1	7,103	3,165	35	17	107	6	1,045	8	682	101	88	1,789	60
§2B1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B1.4	18	2	0	0	0	0	6	0	3	1	1	5	0
§2B1.5	21	9	0	0	1	0	2	0	4	1	0	4	0
§2B1.6 <sup>2</sup>	--	--	--	--	--	--	--	--	--	--	--	--	--
§2B2.1	40	22	0	0	2	0	1	0	2	0	0	13	0
§2B2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B2.3	7	7	0	0	0	0	0	0	0	0	0	0	0
§2B3.1	1,581	715	20	3	74	6	243	0	165	25	21	300	9
§2B3.2	63	17	0	0	2	0	10	0	3	0	3	27	1
§2B3.3	18	6	0	1	1	0	4	0	3	1	0	2	0
§2B4.1	83	34	0	0	0	0	19	0	2	1	5	21	1
§2B5.1	280	163	1	1	6	0	31	0	20	2	1	53	2
§2B5.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B5.3	84	20	0	0	0	0	16	0	14	1	0	32	1
§2B5.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B6.1	2	1	0	0	0	0	0	0	0	0	0	1	0
§2C1.1	260	51	1	0	3	0	84	0	40	4	6	70	1
§2C1.2	24	4	0	0	0	0	13	0	0	0	0	4	3
§2C1.3	4	4	0	0	0	0	0	0	0	0	0	0	0
§2C1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2C1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2C1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2C1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2C1.8	4	0	0	0	0	0	3	0	0	0	0	1	0
§2D1.1	19,197	6,928	69	15	158	19	4,281	1,287	2,000	323	194	3,836	87
§2D1.2	328	217	1	0	2	0	28	1	31	13	1	31	3
§2D1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.4	0	0	0	0	0	0	0	0	0	0	0	0	0

Table 28 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward			
			Departure <sup>4</sup>		Above Range		\$5K1.1	\$5K3.1	Other Gov't	Departure <sup>5</sup>		Below Range	
			Gdline Only	With Booker	With Booker	All Others				Gdline Only	With Booker	With Booker	All Others
§2D1.5	12	3	0	0	0	0	6	0	1	0	0	2	0
§2D1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.7	6	1	0	0	0	0	4	0	0	0	0	1	0
§2D1.8	19	5	0	0	0	0	7	0	0	0	0	6	1
§2D1.9	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.10	12	2	0	0	0	0	1	0	4	0	1	4	0
§2D1.11	76	21	0	0	0	0	17	0	19	1	1	17	0
§2D1.12	6	3	0	0	0	0	0	0	2	0	0	1	0
§2D1.13	2	2	0	0	0	0	0	0	0	0	0	0	0
§2D1.14	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D2.1	229	218	0	0	4	1	1	0	1	0	0	3	1
§2D2.2	53	40	0	0	0	1	6	0	1	0	0	0	5
§2D2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D3.1	2	2	0	0	0	0	0	0	0	0	0	0	0
§2D3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D3.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D3.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D3.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E1.1	56	21	0	0	1	0	15	0	4	0	1	14	0
§2E1.2	2	0	1	0	0	0	0	0	0	0	0	1	0
§2E1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E1.4	11	3	0	0	0	0	3	0	4	0	0	1	0
§2E1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E2.1	11	5	0	0	0	0	3	0	1	0	0	2	0
§2E3.1	80	27	0	0	0	0	10	1	14	2	0	25	1
§2E3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E3.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E4.1	28	5	0	0	0	0	9	0	1	0	0	13	0
§2E5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E5.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E5.3	5	5	0	0	0	0	0	0	0	0	0	0	0
§2E5.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E5.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E5.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2F1.1	2	1	0	0	0	0	0	0	1	0	0	0	0
§2F1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2G1.1	70	34	2	1	7	0	10	0	6	1	0	9	0
§2G1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2G1.3	418	172	3	1	18	0	52	0	72	6	4	87	3
§2G2.1	425	166	0	0	10	1	28	0	102	6	5	98	9
§2G2.2	1,591	429	3	0	27	1	28	0	330	34	16	713	10
§2G2.3	1	1	0	0	0	0	0	0	0	0	0	0	0
§2G2.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2G2.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2G2.6	4	2	0	0	0	0	1	0	1	0	0	0	0
§2G3.1	25	17	2	0	4	0	0	0	0	0	0	2	0
§2G3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H1.1	46	11	0	0	0	0	13	0	5	0	0	17	0
§2H1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H2.1	3	2	0	0	0	0	0	0	0	0	0	1	0
§2H3.1	3	1	0	0	0	0	0	0	0	0	0	2	0
§2H3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H3.3	6	6	0	0	0	0	0	0	0	0	0	0	0

Table 28 (cont.)

Guideline	Total	Within Guideline Range	Upward Departure <sup>4</sup>				Government Sponsored			Downward Departure <sup>5</sup>		Below Range	
			Gdline Only	With Booker	Above Range		\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	With Booker	With Booker	All Others
					With Booker	All Others							
§2H4.1	9	0	2	0	2	0	2	0	1	0	0	2	0
§2H4.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.2	131	43	0	2	7	1	15	1	14	1	2	45	0
§2J1.3	40	10	0	0	1	0	2	0	5	1	1	18	2
§2J1.4	17	14	1	0	1	0	0	0	0	0	0	1	0
§2J1.5	1	0	0	0	1	0	0	0	0	0	0	0	0
§2J1.6	41	26	0	0	1	1	0	0	2	0	0	11	0
§2J1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K1.1	4	4	0	0	0	0	0	0	0	0	0	0	0
§2K1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K1.3	20	9	0	0	1	0	3	0	2	0	0	4	1
§2K1.4	63	32	2	0	0	0	13	0	5	0	0	11	0
§2K1.5	1	1	0	0	0	0	0	0	0	0	0	0	0
§2K1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K2.1	5,706	3,099	30	19	170	5	395	7	537	80	48	1,293	23
§2K2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K2.4 <sup>3</sup>	--	--	--	--	--	--	--	--	--	--	--	--	--
§2K2.5	10	8	0	1	1	0	0	0	0	0	0	0	0
§2K2.6	3	3	0	0	0	0	0	0	0	0	0	0	0
§2K3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L1.1	2,423	1,042	12	3	13	4	142	817	103	39	4	231	13
§2L1.2	15,810	9,352	46	16	199	7	62	3,573	311	547	62	1,553	82
§2L1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L2.1	130	62	0	0	0	0	13	1	12	3	2	36	1
§2L2.2	767	562	0	1	13	1	5	44	16	17	4	92	12
§2L2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L2.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.1	1	0	0	0	0	0	0	0	1	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.3	1	0	0	0	0	0	0	0	0	0	0	1	0
§2M3.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.9	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M5.1	11	1	1	0	0	0	4	0	3	0	1	1	0
§2M5.2	100	30	0	1	1	0	26	4	15	1	4	18	0
§2M5.3	18	4	0	0	0	0	1	0	4	1	1	7	0
§2M6.1	3	2	0	0	0	0	0	0	0	0	0	1	0
§2M6.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N1.1	4	1	0	0	0	0	0	0	2	0	0	1	0
§2N1.2	1	0	0	0	0	0	0	0	0	0	0	1	0

Table 28 (cont.)

Guideline	Total	Within Guideline Range	Upward Departure <sup>4</sup>				Government Sponsored			Downward Departure <sup>5</sup>		Below Range	
			Gdline Only	With Booker	Above Range		§5K1.1	§5K3.1	Other Gov't	Gdline Only	With Booker	With Booker	All Others
					With Booker	All Others							
§2N1.3	1	1	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	43	41	0	0	0	1	0	0	1	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	264	181	0	0	5	1	1	1	23	6	1	44	1
§2P1.2	119	72	1	0	5	0	4	0	30	0	1	6	0
§2P1.3	11	5	0	0	0	0	6	0	0	0	0	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	25	6	0	0	0	0	4	0	8	1	1	5	0
§2Q1.3	24	4	0	0	1	0	5	0	9	2	1	1	1
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	1	0	0	0	0	0	0	0	1	0	0	0	0
§2Q2.1	84	41	0	0	0	0	8	0	12	0	2	20	1
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	19	0	0	0	0	0	16	0	1	0	0	2	0
§2S1.1	1,083	265	2	1	8	0	350	3	179	13	12	247	3
§2S1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	257	92	4	0	1	0	45	6	50	6	5	48	0
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	414	94	0	0	4	0	57	0	58	10	10	172	9
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.4	181	51	1	0	2	0	31	0	20	8	5	63	0
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	47	8	0	0	1	0	2	0	7	2	1	26	0
§2T1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	7	2	0	0	0	0	2	0	2	0	0	1	0
§2T2.1	1	1	0	0	0	0	0	0	0	0	0	0	0
§2T2.2	1	1	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	10	4	1	0	0	0	4	0	1	0	0	0	0
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	13	7	0	0	0	0	2	0	1	1	0	2	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	82	27	0	0	6	0	15	0	12	2	3	17	0
§2X4.1	289	129	3	0	11	2	27	2	39	2	0	71	3
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	177	162	1	1	8	0	0	0	0	0	1	2	2
§2X6.1	1	0	0	0	0	0	1	0	0	0	0	0	0
§2X7.1	2	0	0	0	0	0	0	0	2	0	0	0	0
§2X7.2	4	3	0	0	0	0	0	0	0	0	0	1	0
<b>TOTAL</b>	<b>62,807</b>	<b>29,049</b>	<b>298</b>	<b>100</b>	<b>971</b>	<b>63</b>	<b>7,402</b>	<b>5,760</b>	<b>5,348</b>	<b>1,304</b>	<b>543</b>	<b>11,601</b>	<b>368</b>

<sup>1</sup> Of the 67,742 cases, 4,935 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (781) or missing guideline applied (4,921). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> In 996 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 996 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

<sup>3</sup> In 2,009 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 924(c). By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 2,009 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

<sup>4</sup> See Tables 24-24B for a list of departure reasons comprising these categories.

<sup>5</sup> See Tables 25-25B for a list of departure reasons comprising these categories.