

Table 28A

**ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2016**

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1 Substantial Assistance <sup>2</sup>		§5K3.1 Early Disposition <sup>2</sup>		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>34,442</b>	<b>7,459</b>	<b>21.7</b>	<b>6,117</b>	<b>17.8</b>	<b>5,458</b>	<b>15.8</b>	<b>6,391</b>	<b>18.6</b>	<b>781</b>	<b>2.3</b>
<b>Above Range</b>	<b>1,617</b>	<b>16</b>	<b>1.0</b>	<b>10</b>	<b>0.6</b>	<b>310</b>	<b>19.2</b>	<b>139</b>	<b>8.6</b>	<b>7</b>	<b>0.4</b>
Upward Departure From Guideline Range	317	0	0.0	0	0.0	126	39.7	53	16.7	1	0.3
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	102	0	0.0	0	0.0	11	10.8	8	7.8	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	1,131	0	0.0	0	0.0	163	14.4	72	6.4	6	0.5
All Remaining Cases Above Guideline Range	67	16	23.9	10	14.9	10	14.9	6	9.0	0	0.0
<b>Government Sponsored Below Range</b>	<b>18,882</b>	<b>7,443</b>	<b>39.4</b>	<b>6,107</b>	<b>32.3</b>	<b>5,148</b>	<b>27.3</b>	<b>6,252</b>	<b>33.1</b>	<b>774</b>	<b>4.1</b>
§5K1.1 Substantial Assistance Departure	7,443	7,443	100.0	147	2.0	354	4.8	2,101	28.2	38	0.5
§5K3.1 Early Disposition Program Departure	5,960	0	0.0	5,960	100.0	2,747	46.1	2,608	43.8	373	6.3
Other Government Sponsored Below Range	5,479	0	0.0	0	0.0	2,047	37.4	1,543	28.2	363	6.6
<b>Non-Government Sponsored Below Range</b>	<b>13,943</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Downward Departure From Guideline Range	1,321	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	547	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	11,684	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	391	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											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>4,860</b>	<b>14.1</b>	<b>5,819</b>	<b>16.9</b>	<b>5,705</b>	<b>16.6</b>	<b>966</b>	<b>2.8</b>	<b>5,008</b>	<b>14.5</b>	<b>2,841</b>	<b>8.2</b>
<b>Above Range</b>	<b>250</b>	<b>15.5</b>	<b>10</b>	<b>0.6</b>	<b>10</b>	<b>0.6</b>	<b>15</b>	<b>0.9</b>	<b>583</b>	<b>36.1</b>	<b>364</b>	<b>22.5</b>
Upward Departure From Guideline Range	48	15.1	1	0.3	2	0.6	5	1.6	76	24.0	35	11.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	36	35.3	1	1.0	3	2.9	1	1.0	53	52.0	6	5.9
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	161	14.2	6	0.5	5	0.4	9	0.8	447	39.5	285	25.2
All Remaining Cases Above Guideline Range	5	7.5	2	3.0	0	0.0	0	0.0	7	10.4	38	56.7
<b>Government Sponsored Below Range</b>	<b>4,610</b>	<b>24.4</b>	<b>1,647</b>	<b>8.7</b>	<b>1,182</b>	<b>6.3</b>	<b>951</b>	<b>5.0</b>	<b>1,155</b>	<b>6.1</b>	<b>176</b>	<b>0.9</b>
§5K1.1 Substantial Assistance Departure	3,573	48.0	715	9.6	478	6.4	242	3.3	567	7.6	0	0.0
§5K3.1 Early Disposition Program Departure	178	3.0	428	7.2	462	7.8	68	1.1	360	6.0	0	0.0
Other Government Sponsored Below Range	859	15.7	504	9.2	242	4.4	641	11.7	228	4.2	176	3.2
<b>Non-Government Sponsored Below Range</b>	<b>0</b>	<b>0.0</b>	<b>4,162</b>	<b>29.9</b>	<b>4,513</b>	<b>32.4</b>	<b>0</b>	<b>0.0</b>	<b>3,270</b>	<b>23.5</b>	<b>2,301</b>	<b>16.5</b>
Downward Departure From Guideline Range	0	0.0	630	47.7	257	19.5	0	0.0	263	19.9	191	14.5
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	174	31.8	210	38.4	0	0.0	180	32.9	68	12.4
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	3,358	28.7	4,043	34.6	0	0.0	2,818	24.1	1,663	14.2
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	3	0.8	0	0.0	9	2.3	379	96.9

<sup>1</sup> 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, 13,392 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.

<sup>2</sup> For cases in which the court submitted a Statement of Reasons (SOR) form with a revision date of 11/15 or later, information for these categories was taken from Part V.C. of the SOR. For cases in which the court submitted a prior version of the SOR form, the information was taken from Part V.B. of the SOR form.