

Table 28A

**ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2017**

	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>33,714</b>	<b>7,149</b>	<b>21.2</b>	<b>5,971</b>	<b>17.7</b>	<b>5,226</b>	<b>15.5</b>	<b>6,917</b>	<b>20.5</b>	<b>732</b>	<b>2.2</b>
<b>Above Range</b>	<b>1,950</b>	<b>21</b>	<b>1.1</b>	<b>14</b>	<b>0.7</b>	<b>295</b>	<b>15.1</b>	<b>159</b>	<b>8.2</b>	<b>6</b>	<b>0.3</b>
Upward Departure From Guideline Range	352	0	0.0	0	0.0	105	29.8	51	14.5	3	0.9
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	104	0	0.0	0	0.0	9	8.7	12	11.5	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	1,411	0	0.0	0	0.0	175	12.4	84	6.0	1	0.1
All Remaining Cases Above Guideline Range	83	21	25.3	14	16.9	6	7.2	12	14.5	2	2.4
<b>Government Sponsored Below Range</b>	<b>18,417</b>	<b>7,128</b>	<b>38.7</b>	<b>5,957</b>	<b>32.3</b>	<b>4,931</b>	<b>26.8</b>	<b>6,758</b>	<b>36.7</b>	<b>726</b>	<b>3.9</b>
§5K1.1 Substantial Assistance Departure	7,128	7,128	100.0	129	1.8	301	4.2	2,172	30.5	27	0.4
§5K3.1 Early Disposition Program Departure	5,828	0	0.0	5,828	100.0	2,625	45.0	3,179	54.5	394	6.8
Other Government Sponsored Below Range	5,461	0	0.0	0	0.0	2,005	36.7	1,407	25.8	305	5.6
<b>Non-Government Sponsored Below Range</b>	<b>13,347</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	1,142	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	421	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	11,457	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	327	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	
	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			
	N	%	N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>5,323</b>	<b>15.8</b>	<b>5,153</b>	<b>15.3</b>	<b>5,856</b>	<b>17.4</b>	<b>1,213</b>	<b>3.6</b>	<b>4,955</b>	<b>14.7</b>	<b>2,605</b>	<b>7.7</b>
<b>Above Range</b>	<b>364</b>	<b>18.7</b>	<b>6</b>	<b>0.3</b>	<b>9</b>	<b>0.5</b>	<b>18</b>	<b>0.9</b>	<b>794</b>	<b>40.7</b>	<b>392</b>	<b>20.1</b>
Upward Departure From Guideline Range	83	23.6	1	0.3	1	0.3	4	1.1	114	32.4	27	7.7
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	47	45.2	1	1.0	1	1.0	1	1.0	39	37.5	10	9.6
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	221	15.7	4	0.3	6	0.4	12	0.9	624	44.2	312	22.1
All Remaining Cases Above Guideline Range	13	15.7	0	0.0	1	1.2	1	1.2	17	20.5	43	51.8
<b>Government Sponsored Below Range</b>	<b>4,959</b>	<b>26.9</b>	<b>1,380</b>	<b>7.5</b>	<b>1,168</b>	<b>6.3</b>	<b>1,195</b>	<b>6.5</b>	<b>1,029</b>	<b>5.6</b>	<b>180</b>	<b>1.0</b>
§5K1.1 Substantial Assistance Departure	3,953	55.5	682	9.6	495	6.9	247	3.5	593	8.3	0	0.0
§5K3.1 Early Disposition Program Departure	190	3.3	333	5.7	442	7.6	109	1.9	175	3.0	0	0.0
Other Government Sponsored Below Range	816	14.9	365	6.7	231	4.2	839	15.4	261	4.8	180	3.3
<b>Non-Government Sponsored Below Range</b>	<b>0</b>	<b>0.0</b>	<b>3,767</b>	<b>28.2</b>	<b>4,679</b>	<b>35.1</b>	<b>0</b>	<b>0.0</b>	<b>3,132</b>	<b>23.5</b>	<b>2,033</b>	<b>15.2</b>
Downward Departure From Guideline Range	0	0.0	556	48.7	196	17.2	0	0.0	277	24.3	122	10.7
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	124	29.5	160	38.0	0	0.0	141	33.5	60	14.3
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	0	0.0	3,087	26.9	4,323	37.7	0	0.0	2,699	23.6	1,539	13.4
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	0	0.0	15	4.6	312	95.4

<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, 14,004 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.