

**Table 29**

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2018**

	<u>N</u>	<u>%</u>
<b>TOTAL CASES</b>	<b>68,902</b>	<b>100.0</b>
<b>SENTENCES UNDER THE GUIDELINES MANUAL</b>	<b>51,702</b>	<b>75.0</b>
Within Guideline Range	35,127	51.0
Upward Departure <sup>2</sup>	396	0.6
Downward Departure		
§5K1.1 Substantial Assistance	6,948	10.1
§5K3.1 Early Disposition Program	6,259	9.1
Other Government Motion <sup>3</sup>	1,272	1.8
Non-Government Departure <sup>4</sup>	1,700	2.5
<b>VARIANCES</b>	<b>17,200</b>	<b>25.0</b>
Upward Variance <sup>5</sup>	1,404	2.0
Downward Variance		
Government Motion <sup>6</sup>	3,795	5.5
Non-Government Variance <sup>7</sup>	12,001	17.4

<sup>1</sup> Of the 69,425 cases, 523 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1.

<sup>3</sup> Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution initiated, proposed, or stipulated to the sentence.

<sup>4</sup> Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution did not initiate, propose, or stipulate to the sentence.

<sup>5</sup> Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form.

<sup>6</sup> Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

<sup>7</sup> Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, or where no reason was given, and where the prosecution did not initiate, propose, or stipulate to the sentence.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.