

**Table 33**

**ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2018**

	TOTAL CASES	§5K1.1 Substantial Assistance <sup>2</sup>		§5K3.1 Early Disposition <sup>2</sup>		Pursuant to a Plea Agreement					
		N	%	N	%	Binding Plea Accepted by Court		Plea with Departure Court Finds Reasonable		Plea States Gov't Will Not Oppose	
						N	%	N	%	N	%
<b>TOTAL</b>	<b>33,775</b>	<b>6,975</b>	<b>20.7</b>	<b>6,412</b>	<b>19.0</b>	<b>5,009</b>	<b>14.8</b>	<b>7,469</b>	<b>22.1</b>	<b>671</b>	<b>2.0</b>
<b>Departures</b>	<b>16,575</b>	<b>6,948</b>	<b>41.9</b>	<b>6,391</b>	<b>38.6</b>	<b>3,533</b>	<b>21.3</b>	<b>6,393</b>	<b>38.6</b>	<b>470</b>	<b>2.8</b>
Upward Departure	396	0	0.0	0	0.0	104	26.3	53	13.4	4	1.0
Downward Departure											
§5K1.1 Substantial Assistance	6,948	6,948	100.0	132	1.9	306	4.4	2,102	30.3	21	0.3
§5K3.1 Early Disposition Program	6,259	0	0.0	6,259	100.0	2,521	40.3	3,832	61.2	417	6.7
Other Government Motion	1,272	0	0.0	0	0.0	602	47.3	406	31.9	28	2.2
Non-Government Departure	1,700	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Variances</b>	<b>17,200</b>	<b>27</b>	<b>0.2</b>	<b>21</b>	<b>0.1</b>	<b>1,476</b>	<b>8.6</b>	<b>1,076</b>	<b>6.3</b>	<b>201</b>	<b>1.2</b>
Upward Variance	1,404	27	1.9	21	1.5	204	14.5	113	8.0	1	0.1
Downward Variance											
Government Motion	3,795	0	0.0	0	0.0	1,272	33.5	963	25.4	200	5.3
Non-Government Variance	12,001	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

**Table 33 (cont.)**

	<b>Pursuant to a Motion Not in a Plea Agreement</b>											
	<b>Other Government Motion</b>		<b>Defense Motion/Gov't Did Not Object</b>		<b>Defense Motion/Gov't Did Object</b>		<b>Joint Motion</b>		<b>Other than a Plea/Motion by Parties</b>		<b>No Information Available</b>	
	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>5,248</b>	<b>15.5</b>	<b>5,193</b>	<b>15.4</b>	<b>6,698</b>	<b>19.8</b>	<b>1,214</b>	<b>3.6</b>	<b>4,790</b>	<b>14.2</b>	<b>2,516</b>	<b>7.4</b>
<b>Departures</b>	<b>4,540</b>	<b>27.4</b>	<b>1,940</b>	<b>11.7</b>	<b>1,718</b>	<b>10.4</b>	<b>514</b>	<b>3.1</b>	<b>1,367</b>	<b>8.2</b>	<b>272</b>	<b>1.6</b>
Upward Departure	128	32.3	2	0.5	2	0.5	6	1.5	111	28.0	32	8.1
Downward Departure												
§5K1.1 Substantial Assistance	4,018	57.8	652	9.4	565	8.1	315	4.5	634	0.0	0	0.0
§5K3.1 Early Disposition Program	193	3.1	381	6.1	698	11.2	81	1.3	197	3.1	0	0.0
Other Government Motion	201	15.8	86	6.8	57	4.5	112	8.8	78	6.1	26	2.0
Non-Government Departure	0	0.0	819	48.2	396	23.3	0	0.0	347	20.4	214	12.6
<b>Variations</b>	<b>708</b>	<b>4.1</b>	<b>3,253</b>	<b>18.9</b>	<b>4,980</b>	<b>29.0</b>	<b>700</b>	<b>4.1</b>	<b>3,423</b>	<b>19.9</b>	<b>2,244</b>	<b>13.0</b>
Upward Variance	234	16.7	11	0.8	5	0.4	22	1.6	590	42.0	261	18.6
Downward Variance												
Government Motion	474	12.5	282	7.4	168	4.4	678	17.9	179	4.7	164	4.3
Non-Government Variance	0	0.0	2,960	24.7	4,807	40.1	0	0.0	2,654	22.1	1,819	15.2

<sup>1</sup> Multiple attributions may be made on the Statement of Reasons (SOR). Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 14,461 cases indicated more than one attribution. Only offenders whose sentence is outside the guideline range 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 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 the prior version of the SOR form, the information was taken from Part V.B. of the SOR form.