

Table 32

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE<sup>1</sup>**  
**Fiscal Year 2020**

Guideline	Total	Within Guideline		Departure				Variance	Guideline	Total	Within Guideline		Departure				Variance
		Range	Up	§5K1.1	§5K3.1	Down	§5K1.1				§5K3.1	Down	Range	Up	§5K1.1	§5K3.1	
§2A1.1	226	81	0	58	1	18	68	§2D1.8	17	3	0	5	0	0	9		
§2A1.2	27	17	2	0	0	2	6	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	12	8	0	1	0	2	1	§2D1.10	2	0	0	2	0	0	0		
§2A1.4	26	14	3	1	0	1	7	§2D1.11	5	0	0	0	0	0	5		
§2A1.5	34	8	0	4	0	3	19	§2D1.12	3	2	0	0	0	0	1		
§2A2.1	126	49	0	19	0	8	50	§2D1.13	0	0	0	0	0	0	0		
§2A2.2	341	157	8	7	2	31	136	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	78	61	1	0	0	4	12	§2D2.1	140	118	1	2	0	0	19		
§2A2.4	183	105	1	0	2	18	57	§2D2.2	63	54	0	1	0	1	7		
§2A3.1	92	41	2	5	0	9	35	§2D2.3	0	0	0	0	0	0	0		
§2A3.2	28	18	0	0	0	2	8	§2D3.1	3	2	0	0	0	0	1		
§2A3.3	2	1	0	0	0	0	1	§2D3.2	0	0	0	0	0	0	0		
§2A3.4	25	13	0	0	0	1	11	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	291	152	2	3	0	17	117	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	64	25	1	6	0	7	25	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	0	0	0	0	0	0	0	§2E1.1	25	9	0	3	0	1	12		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	2	2	0	0	0	0	0		
§2A5.2	16	11	0	0	0	0	5	§2E1.3	1	0	0	0	0	0	1		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	6	3	0	1	0	0	2		
§2A6.1	154	80	5	1	0	13	55	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	63	32	0	2	0	4	25	§2E2.1	7	0	0	0	0	2	5		
§2B1.1	4,353	1,930	18	502	3	151	1,749	§2E3.1	22	6	0	2	0	0	14		
§2B1.2	0	0	0	0	0	0	0	§2E3.2	0	0	0	0	0	0	0		
§2B1.3	0	0	0	0	0	0	0	§2E3.3	0	0	0	0	0	0	0		
§2B1.4	10	1	0	1	0	1	7	§2E4.1	28	2	0	17	0	0	9		
§2B1.5	8	1	0	0	0	0	7	§2E5.1	3	2	0	1	0	0	0		
§2B1.6 <sup>2</sup>	81	77	0	4	0	0	0	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	36	16	0	3	0	2	15	§2E5.3	1	1	0	0	0	0	0		
§2B2.2	0	0	0	0	0	0	0	§2E5.4	0	0	0	0	0	0	0		
§2B2.3	2	1	0	0	0	0	1	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	1,296	551	9	152	0	68	516	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	23	7	0	3	0	0	13	§2F1.1	0	0	0	0	0	0	0		
§2B3.3	13	7	0	1	0	1	4	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	78	12	0	32	0	4	30	§2G1.1	38	16	0	6	1	1	14		
§2B5.1	160	98	2	11	0	2	47	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	305	153	1	25	0	12	114		
§2B5.3	37	5	0	6	0	1	25	§2G2.1	415	145	1	22	0	25	222		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,020	313	11	22	0	55	619		
§2B6.1	2	0	0	2	0	0	0	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	139	13	0	45	0	10	71	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	8	0	0	1	0	0	7	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	5	5	0	0	0	0	0	§2G2.6	5	0	0	2	0	0	3		
§2C1.4	0	0	0	0	0	0	0	§2G3.1	21	9	3	0	0	0	9		
§2C1.5	0	0	0	0	0	0	0	§2G3.2	0	0	0	0	0	0	0		
§2C1.6	0	0	0	0	0	0	0	§2H1.1	50	11	0	9	0	6	24		
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0		
§2C1.8	9	1	0	3	0	2	3	§2H1.3	0	0	0	0	0	0	0		
§2D1.1	15,960	5,104	53	3,250	1,163	710	5,680	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	297	167	3	34	0	20	73	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	4	2	0	0	0	1	1		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	4	3	0	0	0	0	1		
§2D1.5	6	0	0	2	0	0	4	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	4	4	0	0	0	0	0		
§2D1.7	0	0	0	0	0	0	0	§2H4.1	8	6	0	1	0	0	1		

Table 32 (cont.)

Guideline	Within Guideline							Guideline	Within Guideline						
	Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance		Total	Range	Up	\$5K1.1	\$5K3.1	Down	Variance
§2H4.2	0	0	0	0	0	0	0	§2M5.2	119	42	0	15	1	10	51
§2J1.1	0	0	0	0	0	0	0	§2M5.3	11	3	0	1	0	1	6
§2J1.2	107	29	0	16	1	4	57	§2M6.1	2	1	0	0	0	0	1
§2J1.3	20	9	0	1	0	2	8	§2M6.2	0	0	0	0	0	0	0
§2J1.4	13	10	0	0	0	0	3	§2N1.1	13	1	0	0	0	2	10
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	24	14	2	0	0	2	6	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	17	14	2	0	0	0	1
§2J1.8	0	0	0	0	0	0	0	§2N3.1	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	§2P1.1	234	147	2	3	0	8	74
§2K1.1	4	4	0	0	0	0	0	§2P1.2	162	95	0	1	0	4	62
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	19	5	1	2	0	0	11	§2P1.4	0	0	0	0	0	0	0
§2K1.4	47	21	2	3	0	1	20	§2Q1.1	1	0	0	0	0	0	1
§2K1.5	2	2	0	0	0	0	0	§2Q1.2	18	5	0	1	0	4	8
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	13	6	0	2	0	1	4
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	7,090	3,578	48	382	4	295	2,783	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	1	1	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	80	32	0	5	0	7	36
§2K2.4 <sup>3</sup>	330	272	2	21	0	0	35	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	17	11	3	0	0	0	3	§2R1.1	9	0	0	5	0	0	4
§2K2.6	3	2	0	0	0	0	1	§2S1.1	754	156	3	262	5	38	290
§2K3.1	0	0	0	0	0	0	0	§2S1.2	0	0	0	0	0	0	0
§2K3.2	0	0	0	0	0	0	0	§2S1.3	113	42	11	6	1	8	45
§2L1.1	3,391	1,405	15	109	1,109	113	640	§2S1.4	0	0	0	0	0	0	0
§2L1.2	19,643	13,017	32	38	3,952	690	1,914	§2T1.1	203	59	0	26	0	5	113
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	71	28	1	17	0	1	24	§2T1.3	0	0	0	0	0	0	0
§2L2.2	642	478	1	5	29	17	112	§2T1.4	121	32	0	15	0	9	65
§2L2.3	0	0	0	0	0	0	0	§2T1.5	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	§2T1.6	28	1	0	1	0	0	26
§2L2.5	0	0	0	0	0	0	0	§2T1.7	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	§2T1.8	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	§2T1.9	1	1	0	0	0	0	0
§2M2.2	0	0	0	0	0	0	0	§2T2.1	0	0	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	9	6	0	3	0	0	0
§2M3.1	1	0	0	0	0	0	1	§2T3.2	0	0	0	0	0	0	0
§2M3.2	1	0	0	0	0	0	1	§2T4.1	0	0	0	0	0	0	0
§2M3.3	1	0	0	0	0	0	1	§2X1.1	13	7	0	1	0	2	3
§2M3.4	0	0	0	0	0	0	0	§2X2.1	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	§2X3.1	55	20	0	11	0	5	19
§2M3.6	0	0	0	0	0	0	0	§2X4.1	155	73	1	19	0	9	53
§2M3.7	0	0	0	0	0	0	0	§2X5.1	0	0	0	0	0	0	0
§2M3.8	0	0	0	0	0	0	0	§2X5.2	142	114	1	0	0	0	27
§2M3.9	0	0	0	0	0	0	0	§2X6.1	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	§2X7.1	1	1	0	0	0	0	0
§2M5.1	16	2	0	5	0	2	7	§2X7.2	0	0	0	0	0	0	0
<b>TOTAL</b>									<b>60,230</b>	<b>29,481</b>	<b>254</b>	<b>5,256</b>	<b>6,274</b>	<b>2,456</b>	<b>16,509</b>

<sup>1</sup> Of the 64,565 cases, 4,335 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 (332) or missing guideline applied (4,305). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> In these cases, the offender was convicted of violating 18 U.S.C. § 1028A (Aggravated Identity Theft) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2B1.6.

<sup>3</sup> In these cases, the offender was convicted of violating 18 U.S.C. § 924(c) (Use of Firearm, Armor-Piercing Ammunition, or Explosives During or in Relation to Certain Crimes) as the only count or counts of conviction. The *Guidelines Manual* provides punishment for this type of offense under §2K2.4.