

Table 32

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
Fiscal Year 2021

Guideline	Total	Within Guideline		Departure				Variance	Guideline	Total	Within Guideline		Departure				Variance
		Range	Up	§5K1.1	§5K3.1	Down	Down				Range	Up	§5K1.1	§5K3.1	Down	Down	
§2A1.1	176	58	0	50	0	12	56	§2D1.8	22	6	0	3	0	2	11		
§2A1.2	45	16	5	4	0	6	14	§2D1.9	0	0	0	0	0	0	0		
§2A1.3	28	10	7	1	0	3	7	§2D1.10	1	0	0	0	0	0	1		
§2A1.4	28	12	3	0	0	5	8	§2D1.11	2	0	0	0	0	0	2		
§2A1.5	22	6	0	2	0	3	11	§2D1.12	4	2	0	0	0	0	2		
§2A2.1	115	48	0	13	0	10	44	§2D1.13	1	1	0	0	0	0	0		
§2A2.2	404	183	12	7	0	42	160	§2D1.14	0	0	0	0	0	0	0		
§2A2.3	76	53	3	0	0	1	19	§2D2.1	112	91	0	1	0	2	18		
§2A2.4	177	107	0	0	3	9	58	§2D2.2	48	38	0	1	0	0	9		
§2A3.1	108	40	0	3	1	15	49	§2D2.3	0	0	0	0	0	0	0		
§2A3.2	39	23	2	0	0	2	12	§2D3.1	2	1	0	0	0	0	1		
§2A3.3	2	0	1	0	0	0	1	§2D3.2	0	0	0	0	0	0	0		
§2A3.4	26	11	3	0	0	3	9	§2D3.3	0	0	0	0	0	0	0		
§2A3.5	257	133	2	1	1	16	104	§2D3.4	0	0	0	0	0	0	0		
§2A4.1	88	21	0	18	0	9	40	§2D3.5	0	0	0	0	0	0	0		
§2A4.2	0	0	0	0	0	0	0	§2E1.1	31	13	0	2	0	0	16		
§2A5.1	0	0	0	0	0	0	0	§2E1.2	3	1	0	1	0	0	1		
§2A5.2	25	17	0	0	0	0	8	§2E1.3	0	0	0	0	0	0	0		
§2A5.3	0	0	0	0	0	0	0	§2E1.4	7	3	0	1	0	0	3		
§2A6.1	159	73	6	2	1	13	64	§2E1.5	0	0	0	0	0	0	0		
§2A6.2	55	21	1	0	0	3	30	§2E2.1	9	2	0	2	0	1	4		
§2B1.1	4,230	1,698	44	544	8	166	1,770	§2E3.1	59	25	0	10	0	5	19		
§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	7	2	0	3	0	0	2	§2E4.1	21	4	0	10	0	0	7		
§2B1.5	7	2	0	0	0	0	5	§2E5.1	2	0	0	2	0	0	0		
§2B1.6 ²	77	69	0	7	0	1	0	§2E5.2	0	0	0	0	0	0	0		
§2B2.1	54	25	3	4	0	6	16	§2E5.3	0	0	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	3	2	0	0	0	1	0	§2E5.5	0	0	0	0	0	0	0		
§2B3.1	1,290	500	10	156	1	62	561	§2E5.6	0	0	0	0	0	0	0		
§2B3.2	28	8	0	2	0	4	14	§2F1.1	2	0	0	0	0	0	2		
§2B3.3	10	3	1	1	0	0	5	§2F1.2	0	0	0	0	0	0	0		
§2B4.1	86	13	0	38	0	2	33	§2G1.1	58	23	0	6	0	1	28		
§2B5.1	98	61	0	7	0	3	27	§2G1.2	0	0	0	0	0	0	0		
§2B5.2	0	0	0	0	0	0	0	§2G1.3	335	149	3	27	0	8	148		
§2B5.3	36	7	0	2	0	1	26	§2G2.1	523	186	2	27	0	28	280		
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,214	400	7	16	2	59	730		
§2B6.1	2	0	0	1	0	0	1	§2G2.3	0	0	0	0	0	0	0		
§2C1.1	143	31	1	38	0	6	67	§2G2.4	0	0	0	0	0	0	0		
§2C1.2	13	2	0	5	0	1	5	§2G2.5	0	0	0	0	0	0	0		
§2C1.3	1	1	0	0	0	0	0	§2G2.6	2	0	0	0	0	0	2		
§2C1.4	0	0	0	0	0	0	0	§2G3.1	37	14	4	0	0	1	18		
§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	30	5	0	6	0	0	19		
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0		
§2C1.8	1	0	0	0	0	0	1	§2H1.3	0	0	0	0	0	0	0		
§2D1.1	17,237	4,824	54	3,452	1,732	803	6,372	§2H1.4	0	0	0	0	0	0	0		
§2D1.2	252	139	2	24	0	22	65	§2H1.5	0	0	0	0	0	0	0		
§2D1.3	0	0	0	0	0	0	0	§2H2.1	14	12	0	2	0	0	0		
§2D1.4	0	0	0	0	0	0	0	§2H3.1	6	6	0	0	0	0	0		
§2D1.5	4	1	0	3	0	0	0	§2H3.2	0	0	0	0	0	0	0		
§2D1.6	0	0	0	0	0	0	0	§2H3.3	5	4	0	0	0	0	1		
§2D1.7	2	2	0	0	0	0	0	§2H4.1	7	4	0	2	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	159	70	0	19	2	14	54
§2J1.1	0	0	0	0	0	0	0	§2M5.3	10	2	0	2	0	1	5
§2J1.2	85	22	0	8	0	3	52	§2M6.1	4	1	1	1	0	0	1
§2J1.3	18	6	0	3	0	1	8	§2M6.2	0	0	0	0	0	0	0
§2J1.4	13	10	0	0	0	1	2	§2N1.1	15	0	0	0	0	0	15
§2J1.5	1	1	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	24	20	0	0	0	0	4	§2N1.3	0	0	0	0	0	0	0
§2J1.7	0	0	0	0	0	0	0	§2N2.1	26	24	0	0	0	0	2
§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	263	173	0	6	0	9	75
§2K1.1	1	1	0	0	0	0	0	§2P1.2	195	130	1	2	0	4	58
§2K1.2	0	0	0	0	0	0	0	§2P1.3	0	0	0	0	0	0	0
§2K1.3	17	8	0	0	0	1	8	§2P1.4	0	0	0	0	0	0	0
§2K1.4	78	36	2	10	0	6	24	§2Q1.1	0	0	0	0	0	0	0
§2K1.5	2	2	0	0	0	0	0	§2Q1.2	54	31	0	8	0	2	13
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	11	1	0	2	0	1	7
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	0	0	0	0	0	0	0
§2K2.1	7,732	3,827	58	386	12	334	3,115	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	1	0	0	0	0	0	1
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	72	35	0	8	0	4	25
§2K2.4 ³	324	260	6	24	0	1	33	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	10	9	0	0	0	0	1	§2R1.1	6	0	0	4	0	0	2
§2K2.6	1	1	0	0	0	0	0	§2S1.1	831	165	0	256	6	40	364
§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	190	73	12	18	2	16	69
§2L1.1	3,550	1,536	6	111	1,202	120	575	§2S1.4	0	0	0	0	0	0	0
§2L1.2	11,559	6,227	26	27	3,122	737	1,420	§2T1.1	232	50	0	20	0	17	145
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	57	22	0	9	0	4	22	§2T1.3	0	0	0	0	0	0	0
§2L2.2	582	443	1	0	5	26	107	§2T1.4	138	31	0	20	0	4	83
§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	39	12	0	1	0	1	25
§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	3	1	0	1	0	0	1
§2M2.2	0	0	0	0	0	0	0	§2T2.1	2	0	0	0	0	0	2
§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	6	4	0	0	0	0	2
§2M3.1	2	1	0	0	0	0	1	§2T3.2	0	0	0	0	0	0	0
§2M3.2	0	0	0	0	0	0	0	§2T4.1	0	0	0	0	0	0	0
§2M3.3	2	1	0	0	0	1	0	§2X1.1	16	6	1	3	0	2	4
§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	71	17	1	10	0	6	37
§2M3.6	0	0	0	0	0	0	0	§2X4.1	173	85	0	13	0	14	61
§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	175	159	0	0	0	1	15
§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	0	0	0	0	0	0	0
§2M5.1	22	5	0	4	0	3	10	§2X7.2	0	0	0	0	0	0	0
TOTAL									54,740	22,720	291	5,483	6,100	2,711	17,435

¹ Of the 57,287 cases, 2,547 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 (246) or missing guideline applied (2,512). Descriptions of variables used in this table are provided in Appendix A.

² 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.

³ 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.