

**Table 33**

**ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2021**

	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>32,607</b>	<b>5,505</b>	<b>16.9</b>	<b>6,502</b>	<b>19.9</b>	<b>5,113</b>	<b>15.7</b>	<b>7,764</b>	<b>23.8</b>	<b>498</b>	<b>1.5</b>
<b>Departures</b>	<b>14,938</b>	<b>5,493</b>	<b>36.8</b>	<b>6,497</b>	<b>43.5</b>	<b>3,520</b>	<b>23.6</b>	<b>6,187</b>	<b>41.4</b>	<b>313</b>	<b>2.1</b>
Upward Departure	296	0	0.0	0	0.0	82	27.7	61	20.6	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	5,493	5,493	100.0	110	2.0	218	4.0	1,443	26.3	23	0.4
§5K3.1 Early Disposition Program	6,387	0	0.0	6,387	100.0	2,574	40.3	4,238	66.4	274	4.3
Other Government Motion	1,294	0	0.0	0	0.0	646	49.9	445	34.4	16	1.2
Non-Government Departure	1,468	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Variances</b>	<b>17,669</b>	<b>12</b>	<b>0.1</b>	<b>5</b>	<b>0.0</b>	<b>1,593</b>	<b>9.0</b>	<b>1,577</b>	<b>8.9</b>	<b>185</b>	<b>1.0</b>
Upward Variance	1,203	12	1.0	5	0.4	206	17.1	132	11.0	0	0.0
Downward Variance											
Government Motion	4,804	0	0.0	0	0.0	1,387	28.9	1,445	30.1	185	3.9
Non-Government Variance	11,662	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>5,024</b>	<b>15.4</b>	<b>5,659</b>	<b>17.4</b>	<b>6,589</b>	<b>20.2</b>	<b>1,748</b>	<b>5.4</b>	<b>4,432</b>	<b>13.6</b>	<b>1,978</b>	<b>6.1</b>
<b>Departures</b>	<b>4,251</b>	<b>28.5</b>	<b>2,172</b>	<b>14.5</b>	<b>1,458</b>	<b>9.8</b>	<b>787</b>	<b>5.3</b>	<b>1,266</b>	<b>8.5</b>	<b>180</b>	<b>1.2</b>
Upward Departure	69	23.3	1	0.3	7	2.4	14	4.7	74	25.0	22	7.4
Downward Departure												
§5K1.1 Substantial Assistance	3,491	63.6	636	11.6	633	11.5	288	5.2	569	0.0	0	0.0
§5K3.1 Early Disposition Program	494	7.7	620	9.7	480	7.5	376	5.9	253	4.0	0	0.0
Other Government Motion	197	15.2	86	6.6	58	4.5	109	8.4	72	5.6	25	1.9
Non-Government Departure	0	0.0	829	56.5	280	19.1	0	0.0	298	20.3	133	9.1
<b>Variations</b>	<b>773</b>	<b>4.4</b>	<b>3,487</b>	<b>19.7</b>	<b>5,131</b>	<b>29.0</b>	<b>961</b>	<b>5.4</b>	<b>3,166</b>	<b>17.9</b>	<b>1,798</b>	<b>10.2</b>
Upward Variance	219	18.2	3	0.2	11	0.9	34	2.8	479	39.8	161	13.4
Downward Variance												
Government Motion	554	11.5	440	9.2	250	5.2	927	19.3	221	4.6	166	3.5
Non-Government Variance	0	0.0	3,044	26.1	4,870	41.8	0	0.0	2,466	21.1	1,471	12.6

<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, 13,530 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.