

Table 29

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2022

	<u>N</u>	<u>%</u>
TOTAL CASES	63,896	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	43,351	67.8
Within Guideline Range	26,785	41.9
Upward Departure ²	361	0.6
Downward Departure		
§5K1.1 Substantial Assistance	6,626	10.4
§5K3.1 Early Disposition Program	6,623	10.4
Other Government Motion ³	1,452	2.3
Non-Government Departure ⁴	1,504	2.4
VARIANCES	20,545	32.2
Upward Variance ⁵	1,477	2.3
Downward Variance		
Government Motion ⁶	6,138	9.6
Non-Government Variance ⁷	12,930	20.2

¹ Of the 64,142 cases, 246 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.

² 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.

³ 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.

⁴ 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.

⁵ 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.

⁶ 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.

⁷ 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, 2022 Datafile, USSCFY22.