

Table 32

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE BY PRIMARY SENTENCING GUIDELINE¹
Fiscal Year 2022

Guideline	Within Guideline							Variance	Guideline	Within Guideline						
	Total	Range	Up	§5K1.1	§5K3.1	Down	Departure			Total	Range	Up	§5K1.1	§5K3.1	Down	Departure
§2A1.1	286	84	1	91	0	14	96	§2D1.8	22	5	0	3	0	1	13	
§2A1.2	80	38	8	4	0	4	26	§2D1.9	0	0	0	0	0	0	0	
§2A1.3	40	17	6	0	0	1	16	§2D1.10	1	0	0	1	0	0	0	
§2A1.4	39	16	3	1	0	3	16	§2D1.11	1	0	0	0	0	0	1	
§2A1.5	27	8	0	8	0	0	11	§2D1.12	3	1	0	0	0	0	2	
§2A2.1	182	63	2	23	0	7	87	§2D1.13	0	0	0	0	0	0	0	
§2A2.2	524	232	22	9	3	61	197	§2D1.14	0	0	0	0	0	0	0	
§2A2.3	68	53	1	0	0	3	11	§2D2.1	129	105	1	1	0	0	22	
§2A2.4	247	134	1	1	2	23	86	§2D2.2	51	41	0	3	0	1	6	
§2A3.1	139	61	1	0	0	19	58	§2D2.3	1	0	0	0	0	0	1	
§2A3.2	45	30	2	0	0	2	11	§2D3.1	1	1	0	0	0	0	0	
§2A3.3	6	2	1	0	0	0	3	§2D3.2	0	0	0	0	0	0	0	
§2A3.4	48	29	1	0	0	2	16	§2D3.3	0	0	0	0	0	0	0	
§2A3.5	307	157	3	0	0	12	135	§2D3.4	0	0	0	0	0	0	0	
§2A4.1	120	39	0	23	0	6	52	§2D3.5	0	0	0	0	0	0	0	
§2A4.2	2	2	0	0	0	0	0	§2E1.1	48	16	0	9	0	6	17	
§2A5.1	0	0	0	0	0	0	0	§2E1.2	2	2	0	0	0	0	0	
§2A5.2	27	14	0	0	0	1	12	§2E1.3	0	0	0	0	0	0	0	
§2A5.3	0	0	0	0	0	0	0	§2E1.4	9	4	0	0	0	0	5	
§2A6.1	183	79	3	1	0	10	90	§2E1.5	0	0	0	0	0	0	0	
§2A6.2	78	31	1	1	1	9	35	§2E2.1	4	0	0	0	0	2	2	
§2B1.1	5,206	2,086	61	703	7	174	2,175	§2E3.1	39	15	4	3	0	6	11	
§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	17	1	0	1	0	1	14	§2E4.1	12	1	0	2	0	0	9	
§2B1.5	7	1	0	0	0	1	5	§2E5.1	1	0	0	0	0	0	1	
§2B1.6 ²	90	81	0	9	0	0	0	§2E5.2	0	0	0	0	0	0	0	
§2B2.1	69	39	5	5	0	6	14	§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	39	39	0	0	0	0	0	§2E5.5	0	0	0	0	0	0	0	
§2B3.1	1,424	536	8	179	0	75	626	§2E5.6	0	0	0	0	0	0	0	
§2B3.2	23	6	0	3	1	1	12	§2F1.1	0	0	0	0	0	0	0	
§2B3.3	5	1	0	0	0	0	4	§2F1.2	0	0	0	0	0	0	0	
§2B4.1	119	15	0	56	0	4	44	§2G1.1	68	26	4	11	0	5	22	
§2B5.1	86	49	1	5	0	4	27	§2G1.2	0	0	0	0	0	0	0	
§2B5.2	0	0	0	0	0	0	0	§2G1.3	475	212	7	42	0	18	196	
§2B5.3	24	3	0	7	0	0	14	§2G2.1	746	265	3	38	0	28	412	
§2B5.4	0	0	0	0	0	0	0	§2G2.2	1,432	489	10	28	3	68	834	
§2B6.1	3	1	0	1	0	0	1	§2G2.3	0	0	0	0	0	0	0	
§2C1.1	213	41	0	45	0	12	115	§2G2.4	0	0	0	0	0	0	0	
§2C1.2	15	2	0	4	0	0	9	§2G2.5	0	0	0	0	0	0	0	
§2C1.3	4	3	0	0	0	0	1	§2G2.6	1	0	0	0	0	0	1	
§2C1.4	0	0	0	0	0	0	0	§2G3.1	33	8	1	0	0	0	24	
§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	63	20	0	12	0	4	27	
§2C1.7	0	0	0	0	0	0	0	§2H1.2	0	0	0	0	0	0	0	
§2C1.8	7	2	0	1	0	0	4	§2H1.3	0	0	0	0	0	0	0	
§2D1.1	19,603	5,337	66	4,072	1,634	938	7,556	§2H1.4	0	0	0	0	0	0	0	
§2D1.2	208	102	2	18	0	26	60	§2H1.5	0	0	0	0	0	0	0	
§2D1.3	0	0	0	0	0	0	0	§2H2.1	3	2	0	0	0	0	1	
§2D1.4	0	0	0	0	0	0	0	§2H3.1	4	2	0	2	0	0	0	
§2D1.5	8	1	0	4	0	2	1	§2H3.2	0	0	0	0	0	0	0	
§2D1.6	0	0	0	0	0	0	0	§2H3.3	11	10	0	0	0	0	1	
§2D1.7	0	0	0	0	0	0	0	§2H4.1	9	4	0	1	0	1	3	

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	118	38	0	14	4	14	48
§2J1.1	0	0	0	0	0	0	0	§2M5.3	19	8	0	5	0	1	5
§2J1.2	111	39	3	7	0	4	58	§2M6.1	0	0	0	0	0	0	0
§2J1.3	13	6	0	1	0	0	6	§2M6.2	0	0	0	0	0	0	0
§2J1.4	8	7	0	0	0	0	1	§2N1.1	14	2	0	0	0	0	12
§2J1.5	0	0	0	0	0	0	0	§2N1.2	0	0	0	0	0	0	0
§2J1.6	27	15	0	0	0	1	11	§2N1.3	1	0	0	0	0	0	1
§2J1.7	0	0	0	0	0	0	0	§2N2.1	21	19	0	0	0	1	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	280	186	2	2	0	5	85
§2K1.1	1	1	0	0	0	0	0	§2P1.2	143	95	1	4	0	8	35
§2K1.2	0	0	0	0	0	0	0	§2P1.3	2	1	0	0	0	0	1
§2K1.3	6	3	0	1	0	0	2	§2P1.4	0	0	0	0	0	0	0
§2K1.4	103	44	2	14	0	5	38	§2Q1.1	2	0	0	0	0	0	2
§2K1.5	0	0	0	0	0	0	0	§2Q1.2	48	23	0	10	0	3	12
§2K1.6	0	0	0	0	0	0	0	§2Q1.3	13	4	0	1	0	1	7
§2K1.7	0	0	0	0	0	0	0	§2Q1.4	1	0	0	0	0	0	1
§2K2.1	8,872	4,436	65	454	9	343	3,565	§2Q1.5	0	0	0	0	0	0	0
§2K2.2	0	0	0	0	0	0	0	§2Q1.6	0	0	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	§2Q2.1	69	35	0	6	1	1	26
§2K2.4 ³	361	284	6	25	0	1	45	§2Q2.2	0	0	0	0	0	0	0
§2K2.5	12	7	2	0	0	0	3	§2R1.1	8	0	0	3	0	0	5
§2K2.6	1	1	0	0	0	0	0	§2S1.1	1,001	226	1	299	7	46	422
§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	185	81	11	16	4	11	62
§2L1.1	4,052	1,559	1	126	1,634	106	626	§2S1.4	0	0	0	0	0	0	0
§2L1.2	11,963	6,631	22	34	3,123	747	1,406	§2T1.1	262	54	0	46	0	10	152
§2L1.3	0	0	0	0	0	0	0	§2T1.2	0	0	0	0	0	0	0
§2L2.1	84	22	0	41	0	0	21	§2T1.3	1	1	0	0	0	0	0
§2L2.2	660	546	0	2	6	23	83	§2T1.4	139	26	0	30	0	3	80
§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	69	12	0	2	0	4	51
§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	7	2	1	0	0	0	4
§2M2.2	0	0	0	0	0	0	0	§2T2.1	1	1	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	§2T2.2	1	1	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	§2T3.1	14	7	5	0	1	0	1
§2M3.1	0	0	0	0	0	0	0	§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	0	0	0	0	0	0	0	§2X1.1	15	2	0	0	0	1	12
§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	97	27	2	22	0	2	44
§2M3.6	0	0	0	0	0	0	0	§2X4.1	213	99	5	17	4	4	84
§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	214	178	0	0	0	0	36
§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	17	5	0	7	0	1	4	§2X7.2	0	0	0	0	0	0	0
TOTAL									62,036	25,398	358	6,620	6,444	2,907	20,309

¹ Of the 64,142 cases, 2,106 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 (2,068). 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.