

Table 33

ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2024

	TOTAL CASES	§5K1.1 Substantial Assistance ²		§5K3.1 Early Disposition ²		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	%
TOTAL	33,293	6,120	18.4	4,440	13.3	5,233	15.7	6,213	18.7	368	1.1
Departures	13,038	6,099	46.8	4,436	34.0	3,023	23.2	4,366	33.5	206	1.6
Upward Departure	326	0	0.0	0	0.0	86	26.4	61	18.7	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	6,099	6,099	100.0	62	1.0	225	3.7	1,354	22.2	30	0.5
§5K3.1 Early Disposition Program	4,374	0	0.0	4,374	100.0	2,236	51.1	2,466	56.4	161	3.7
Other Government Motion	1,145	0	0.0	0	0.0	476	41.6	485	42.4	15	1.3
Non-Government Departure	1,094	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Variances	20,255	21	0.1	4	0.0	2,210	10.9	1,847	9.1	162	0.8
Upward Variance	2,108	21	1.0	4	0.2	263	12.5	142	6.7	1	0.0
Downward Variance											
Government Motion	6,269	0	0.0	0	0.0	1,947	31.1	1,705	27.2	161	2.6
Non-Government Variance	11,878	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 33 (cont.)

	Pursuant to a Motion Not in a Plea Agreement											
	Other Government Motion		Defense Motion/Gov't Did Not Object		Defense Motion/Gov't Did Object		Joint Motion		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	5,646	17.0	5,162	15.5	7,112	21.4	2,318	7.0	5,289	15.9	2,138	6.4
Departures	4,696	36.0	2,025	15.5	1,549	11.9	964	7.4	1,091	8.4	161	1.2
Upward Departure	86	26.4	0	0.0	2	0.6	11	3.4	83	25.5	33	10.1
Downward Departure												
§5K1.1 Substantial Assistance	4,189	68.7	750	12.3	751	12.3	457	7.5	535	8.8	0	0.0
§5K3.1 Early Disposition Program	272	6.2	584	13.4	462	10.6	337	7.7	172	3.9	0	0.0
Other Government Motion	149	13.0	121	10.6	88	7.7	159	13.9	49	4.3	13	1.1
Non-Government Departure	0	0.0	570	52.1	246	22.5	0	0.0	252	23.0	115	10.5
Variations	950	4.7	3,137	15.5	5,563	27.5	1,354	6.7	4,198	20.7	1,977	9.8
Upward Variance	359	17.0	4	0.2	13	0.6	23	1.1	1,102	52.3	255	12.1
Downward Variance												
Government Motion	591	9.4	477	7.6	267	4.3	1,331	21.2	494	7.9	169	2.7
Non-Government Variance	0	0.0	2,656	22.4	5,283	44.5	0	0.0	2,602	21.9	1,553	13.1

¹ 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, 12,419 cases indicated more than one attribution. Only sentenced individuals whose sentence is outside the guideline range are included in this table. Descriptions of variables used in this table are provided in Appendix A.

² 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.