

Table A-6

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE  
IN ORIGINAL SENTENCE APPEALS<sup>1</sup>  
Fiscal Year 2024**

	N	%
<b>TOTAL CASES</b>	<b>2,887</b>	<b>100.0</b>
<b>SENTENCES UNDER THE GUIDELINES MANUAL</b>	<b>1,706</b>	<b>59.1</b>
Within Guideline Range	1,470	50.9
Upward Departure <sup>2</sup>	57	2.0
Downward Departure		
§5K1.1 Substantial Assistance	120	4.2
§5K3.1 Early Disposition Program	8	0.3
Other Government Motion <sup>3</sup>	18	0.6
Non-Government Departure <sup>4</sup>	33	1.1
<b>VARIANCES</b>	<b>1,181</b>	<b>40.9</b>
Upward Variance <sup>5</sup>	367	12.7
Downward Variance		
Government Motion <sup>6</sup>	126	4.4
Non-Government Variance <sup>7</sup>	688	23.8

<sup>1</sup> Based on 4,251 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 4,251 cases, 2,930 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Individual Datafiles from 1989 - 2024 (MONFY89, MONFY90, USSCFY91 - USSCFY24). Of the 2,930 cases, three could not be matched with its original case. Of the 2,927 matched cases, 40 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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, 2024 Appeals Datafile, APPFY24.