

**Table 33**

**ATTRIBUTION CATEGORY FOR SENTENCES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2025**

	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>32,057</b>	<b>5,441</b>	<b>17.0</b>	<b>4,066</b>	<b>12.7</b>	<b>4,649</b>	<b>14.5</b>	<b>5,692</b>	<b>17.8</b>	<b>380</b>	<b>1.2</b>
<b>Departures</b>	<b>11,480</b>	<b>5,423</b>	<b>47.2</b>	<b>4,059</b>	<b>35.4</b>	<b>2,559</b>	<b>22.3</b>	<b>3,783</b>	<b>33.0</b>	<b>176</b>	<b>1.5</b>
Upward Departure	249	0	0.0	0	0.0	68	27.3	40	16.1	0	0.0
Downward Departure											
§5K1.1 Substantial Assistance	5,423	5,423	100.0	47	0.9	159	2.9	1,171	21.6	17	0.3
§5K3.1 Early Disposition Program	4,012	0	0.0	4,012	100.0	2,007	50.0	2,195	54.7	139	3.5
Other Government Motion	863	0	0.0	0	0.0	325	37.7	377	43.7	20	2.3
Non-Government Departure	933	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Variances</b>	<b>20,577</b>	<b>18</b>	<b>0.1</b>	<b>7</b>	<b>0.0</b>	<b>2,090</b>	<b>10.2</b>	<b>1,909</b>	<b>9.3</b>	<b>204</b>	<b>1.0</b>
Upward Variance	2,890	18	0.6	7	0.2	245	8.5	149	5.2	0	0.0
Downward Variance											
Government Motion	6,338	0	0.0	0	0.0	1,845	29.1	1,760	27.8	204	3.2
Non-Government Variance	11,349	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>5,081</b>	<b>15.8</b>	<b>4,474</b>	<b>14.0</b>	<b>7,327</b>	<b>22.9</b>	<b>2,134</b>	<b>6.7</b>	<b>5,506</b>	<b>17.2</b>	<b>2,046</b>	<b>6.4</b>
<b>Departures</b>	<b>4,071</b>	<b>35.5</b>	<b>1,643</b>	<b>14.3</b>	<b>1,455</b>	<b>12.7</b>	<b>795</b>	<b>6.9</b>	<b>877</b>	<b>7.6</b>	<b>174</b>	<b>1.5</b>
Upward Departure	70	28.1	2	0.8	3	1.2	8	3.2	64	25.7	20	8.0
Downward Departure												
§5K1.1 Substantial Assistance	3,726	68.7	663	12.2	742	13.7	434	8.0	452	8.3	0	0.0
§5K3.1 Early Disposition Program	194	4.8	454	11.3	399	9.9	215	5.4	101	2.5	0	0.0
Other Government Motion	81	9.4	75	8.7	86	10.0	138	16.0	57	6.6	26	3.0
Non-Government Departure	0	0.0	449	48.1	225	24.1	0	0.0	203	21.8	128	13.7
<b>Variations</b>	<b>1,010</b>	<b>4.9</b>	<b>2,831</b>	<b>13.8</b>	<b>5,872</b>	<b>28.5</b>	<b>1,339</b>	<b>6.5</b>	<b>4,629</b>	<b>22.5</b>	<b>1,872</b>	<b>9.1</b>
Upward Variance	400	13.8	8	0.3	9	0.3	23	0.8	1,792	62.0	308	10.7
Downward Variance												
Government Motion	610	9.6	465	7.3	317	5.0	1,316	20.8	559	8.8	172	2.7
Non-Government Variance	0	0.0	2,358	20.8	5,546	48.9	0	0.0	2,278	20.1	1,392	12.3

<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, 11,553 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.

<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.