

Table A-6

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN ORIGINAL SENTENCE APPEALS¹
Fiscal Year 2025**

	<u>N</u>	<u>%</u>
TOTAL CASES	2,787	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	1,615	57.9
Within Guideline Range	1,408	50.5
Upward Departure ²	49	1.8
Downward Departure		
§5K1.1 Substantial Assistance	100	3.6
§5K3.1 Early Disposition Program	2	0.1
Other Government Motion ³	18	0.6
Non-Government Departure ⁴	38	1.4
VARIANCES	1,172	42.1
Upward Variance ⁵	379	13.6
Downward Variance		
Government Motion ⁶	158	5.7
Non-Government Variance ⁷	635	22.8

¹ Based on 4,216 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 4,216 cases, 2,825 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Individual Datafiles from 1989 - 2025 (MONFY89, MONFY90, USSCFY91 - USSCFY25). Of the 2,825 cases, two could not be matched with its original case. Of the 2,823 matched cases, 36 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.