

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS<sup>1</sup>**  
**Fiscal Year 2002<sup>2</sup>**

Guideline and SOC	Applied <sup>3</sup>	Percent <sup>4</sup>
<b>Part A - Offenses Against Person</b>		
§2A1.1 First Degree Murder	220	0.4
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.2 Second Degree Murder	42	0.1
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.3 Voluntary Manslaughter	22	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.4 Involuntary Manslaughter	48	0.1
(a)(1) Criminally negligent (Base offense level 10)	1	2.1
(a)(2) Reckless (Base offense level 14)	47	97.9
§2A1.5 Conspiracy or Solicitation to Commit Murder	20	0.0
(b)(1) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels)	9	45.0
§2A2.1 Assault with Intent to Commit Murder: Attempted Murder	91	0.2
(b)(1)(A) Permanent or life-threatening bodily injury (4 levels)	17	18.7
(b)(1)(B) Between permanent/life-threatening and serious bodily injury (3 levels)	2	2.2
(b)(1)(C) Serious bodily injury (2 levels)	35	38.5
(b)(2) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels)	2	2.2

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<sup>1</sup> The information in this tables depicts information collected from only those cases in which complete guideline information is available. Of the 64,366 cases in which the Commission received, 52,340 contained complete guideline information (81.3 percent). It is possible for multiple guideline calculations for each case, and this table represents each guideline calculation for cases in which complete information was received.

<sup>2</sup> Fiscal Year 2002 data represents guideline application from guidelines effective November 1, 2001 unless otherwise specified.

<sup>3</sup> This column represents the number of times each guideline or Specific Offense Characteristic is applied.

<sup>4</sup> The “Percent” column represents, for each guideline, the percent of all guideline calculations in which the specific guideline was involved. For each Specific Offense Characteristic (SOC), the percent represents the percentage that the specific (SOC) was used in the calculations for the specific guideline.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A2.2 Aggravated Assault	302	0.5
(b)(1) More than minimal planning (2 levels)	36	11.9
(b)(2)(A) Firearm discharged (5 levels)	51	16.9
(b)(2)(B) Dangerous weapon otherwise used (4 levels)	155	51.3
(b)(2)(C) Dangerous weapon brandished or threatened (3 levels)	30	9.9
(b)(3)(C) Permanent or life-threatening injury (6 levels)	17	5.6
(b)(3)(E) Between permanent/life-threatening and serious bodily injury (5 levels)	30	9.9
(b)(3)(B) Serious bodily injury (4 levels)	116	38.4
(b)(3)(D) Between serious and "simple" bodily injury (3 levels)	8	2.6
(b)(3)(A) "Simple" bodily injury (2 levels)	75	24.8
(b)(4) Assault motivated by payment or offer of money or thing of value (2 levels)	0	0.0
(b)(5) Assault involved violation of a court protection order (2 levels)	3	1.0
§2A2.3 Minor Assault	26	0.0
(a)(1) Physical contact or dangerous weapon possessed/threatened (Base offense level 6)	25	96.2
(a)(2) Other than the behavior in (a)(1) (Base offense level 3)	1	3.8
(b)(1) Substantial bodily injury to victim under age of 16 (4 levels)	9	34.6
§2A2.4 Obstructing or Impeding Officers	129	0.2
(b)(1) Physical contact or dangerous weapon possessed/threatened (3 levels)	100	77.5
§2A3.1 Criminal Sexual Abuse (Rape)	87	0.2
(b)(1) Offense committed by means set forth in 18 U.S.C. § 2241(a) or (b) (4 levels)	41	47.1
(b)(2)(A) Victim under age of 12 (4 levels)	33	37.9
(b)(2)(B) Victim between 12 and 16 (2 levels)	16	18.4
(b)(3)(A)& (B) Victim in custody, care or control or in a correctional facility (2 levels)	31	35.6
(b)(4)(A) Permanent or life-threatening bodily injury (4 levels)	1	1.2
(b)(4)(B) Between permanent/life-threatening and serious bodily injury (3 levels)	0	0.0
(b)(4)(C) Serious bodily injury (2 levels)	6	6.9
(b)(5) Victim abducted	12	13.8
(b)(6)(A)&(B) Misrepresentation or use of a computer to persuade a minor (2 levels)	0	0.0

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A3.2 Criminal Sexual Abuse of a Minor (Statutory Rape)	154	0.3
(a)(1) Violation of Chapter 117 of Title 18 and the commission of a sex act (BOL 24)	4	2.6
(a)(1) Violation of Chapter 117 of Title 18 (Base offense level 18) <sup>5</sup>	56	36.4
(a)(2) Other than a violation of Chapter 117 of Title 18 (Base offense level 15) <sup>6</sup>	61	39.6
(a)(2) Violation of Chapter 117 of Title 18 and no sex act or sexual contact (BOL 21)	17	11.0
(a)(3) Other than (a)(1) or (a)(2) (Base offense level 18)	16	10.4
(b)(1) Victim in custody, care or control of the defendant (2 levels)	14	9.1
(b)(2)(A)&(B) Misrepresentation of identity or undue influence (2 levels)	26	22.0
(b)(3)(A)&(B) Use of a computer (2 levels)	81	68.6
(b)(4) If subsection (a)(1) applies and (b)(1),(2) and (3) do not apply (3 level decrease)	4	3.4
§2A3.3 Criminal Sexual Abuse of a Ward	10	0.0
(b)(1)(A)&(B) Misrepresentation of identity (2 levels)	1	10.0
(b)(2) Use of a computer (2 levels)	0	0.0
§2A3.4 Abuse Sexual Contact	53	0.1
(a) Base offense level 6 <sup>7</sup>	1	1.9
(a)(1) If offense committed by means in 18 U.S.C. § 2241(a) or (b) (BOL 16)	11	20.8
(a)(2) If offense committed by means in 18 U.S.C. § 2242 (Base offense level 12)	9	17.0
(a)(3) Other than (a)(1) or (a)(2) (Base offense level 10)	32	60.4
(b)(1) Victim under the age of 12 (4 levels or increase to level 16)	25	47.2
(b)(2) Victim between 12 and 16 (2 levels)	11	20.8
(b)(2) If offense committed by means in 18 U.S.C. § 2242 (4 levels) <sup>8</sup>	1	1.9
(b)(3) Victim was in custody, care or control (2 levels)	20	37.7
(b)(4) Misrepresentation of identity (2 levels)	1	2.0
(b)(5) Use of a computer (2 levels)	6	11.8
(b)(6) Violation of Chapter 117 of Title 18 (3 levels)	1	2.6

<sup>5</sup> This base offense level was increased to 24 beginning on November 1, 2001.

<sup>6</sup> This base offense level was increased to 18 beginning on November 1, 2001.

<sup>7</sup> §2A3.4 had a base offense level of 6 for all offenders until November 1, 1989.

<sup>8</sup> This SOC was changed to an alternate base offense level on November 1, 1989.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A4.1 Kidnapping, Abduction or Unlawful Restraint	117	0.2
(b)(1) Ransom demanded or a demand upon the government (6 levels)	72	61.5
(b)(2)(A) Victim sustained permanent or life-threatening bodily injury (4 levels)	2	1.7
(b)(2)(B) Between permanent or life-threatening and serious bodily injury (3 levels)	1	0.8
(b)(2)(C) Serious bodily injury (2 levels)	8	6.8
(b)(3) Dangerous weapon used (2 levels)	40	34.2
(b)(4)(A) Victim not released before 30 days (2 levels)	3	2.6
(b)(4)(B) Victim not release before seven days (1 level)	9	7.7
(b)(4)(C) Victim released before 24 hours (1 level decrease)	12	10.3
(b)(5) Victim sexually exploited (3 levels)	4	3.4
(b)(6) Victim was a minor, and in exchange for money, in custody, care or control (3 lev)	2	1.7
(b)(7)(A) Abduction in connection with another crime (increase to applicable g'line)	2	1.7
(b)(7)(B) Abduction in connection with another crime (4 levels)	3	2.6
§2A4.2 Demanding or Receiving Ransom Money	1	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A5.1 Aircraft Piracy or Attempted Aircraft Piracy	0	0.0
(b)(1) Death resulting from act (5 levels)	0	0.0
§2A5.2 Interference with Flight Crew Member or Mass Transportation Vehicle or Ferry	19	0.0
(a)(1) Intentionally endangering safety of above stated transportation (BOL 30)	0	0.0
(a)(2) Recklessly endangering safety of above stated transportation (BOL 18)	4	21.0
(a)(3) If an assault occurred, most analogous BOL from §§ 2A2.1-2A2.4	0	0.0
(a)(4) Other than behavior in (a)(1)-(a)(3) (Base offense level 9)	15	79.0
(b)(1)(i) Subsection (a)(1) or (a)(2) applies, firearm discharged (5 levels)	0	0.0
(b)(1)(ii) Subsection (a)(1) or (a)(2) applies, dangerous weapon otherwise used (4 levels)	0	0.0
(b)(1)(iii) Subsection (a)(1) or (a)(2) applies, weapon brandished/threatened (3 levels)	0	0.0
§2A5.3 Committing Certain Crimes Aboard Aircraft	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2A6.1 Threatening or Harassing Communication	227	0.4
(a)(2) Convicted of 47 U.S.C. § 223(a)(1)(C) - (E) not involving threat to injure (BOL 6)	6	2.6
(a)(1) Conviction other than (a)(1) (Base offense level 12)	221	97.4
(b)(1) Conduct evidencing an intent to carry out such threat (6 levels)	17	7.5
(b)(2) More than two threats (2 levels)	76	33.5
(b)(3) Violation of a court protection order (2 levels)	4	1.8
(b)(4) Disruption in functions or substantial expenditure of funds to clean (4 levels)	0	0.0
(b)(5) If subsection (a)(2) and (b)(1)-(b)(4) do not apply (4 level decrease)	56	25.0
§2A6.2 Stalking or Domestic Violence	9	0.0
(b)(1)(A)-(D) Violation of court order, bodily injury, weapon or pattern (2 levels)	4	44.4
(b)(1)(A)-(D) Violation of more than one of above (4 levels)	5	55.6

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Guideline and SOC	Applied	Percent
<b>Part B - Basic Economic Offenses</b>		
§2B1.1 Larceny, Embezzlement, Theft, and Fraud	5,189	9.2
(b)(1)(A) \$100 or less <sup>9</sup> (0 levels)	93	1.8
(b)(1)(A) \$5,000 or less (0 levels)	1,075	20.7
(b)(1)(B) Between \$100 and \$1,000 <sup>9</sup> (1 level)	78	1.5
(b)(1)(B) Between \$5,000 and \$10,000 (2 levels)	494	9.5
(b)(1)(C) Between \$1,000 and \$2,000 <sup>9</sup> (2 levels)	40	0.8
(b)(1)(C) Between \$10,000 and \$30,000 (4 levels)	1,081	20.8
(b)(1)(D) Between \$2,000 and \$5,000 <sup>9</sup> (3 levels)	57	1.1
(b)(1)(D) Between \$30,000 and \$70,000 (6 levels)	836	16.1
(b)(1)(E) Between \$5,000 and \$10,000 <sup>9</sup> (4 levels)	85	1.6
(b)(1)(E) Between \$70,000 and \$120,000 (8 levels)	361	7.0
(b)(1)(F) Between \$10,000 and \$20,000 <sup>9</sup> (5 levels)	118	2.3
(b)(1)(F) Between \$120,000 and \$200,000 (10 levels)	92	1.8
(b)(1)(G) Between \$20,000 and \$40,000 <sup>9</sup> (6 levels)	128	2.5
(b)(1)(G) Between \$200,000 and \$400,000 (12 levels)	32	0.6
(b)(1)(H) Between \$40,000 and \$70,000 <sup>9</sup> (7 levels)	81	1.6
(b)(1)(H) Between \$400,000 and \$1,000,000 (14 levels)	29	0.6
(b)(1)(I) Between \$70,000 and \$120,000 <sup>9</sup> (8 levels)	104	2.0
(b)(1)(I) Between \$1,000,000 and \$2,500,000 (16 levels)	22	0.4
(b)(1)(J) Between \$120,000 and \$200,000 <sup>9</sup> (9 levels)	88	1.7
(b)(1)(J) Between \$2,500,000 and \$7,000,000 (18 levels)	6	0.1
(b)(1)(K) Between \$200,000 and \$350,000 <sup>9</sup> (10 levels)	113	2.2
(b)(1)(K) Between \$7,000,000 and \$20,000,000 (20 levels)	5	0.2
(b)(1)(L) Between \$350,000 and \$500,000 <sup>9</sup> (11 levels)	47	0.9
(b)(1)(L) Between \$20,000,000 and \$50,000,000 (22 levels)	0	0.0

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<sup>9</sup> Dollar amount and offense levels for this Specific Offense Characteristic changed on November 1, 2001.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	5,189	9.2
(b)(1)(M) Between \$500,000 and \$800,000 <sup>9</sup> (12 levels)	44	0.8
(b)(1)(M) Between \$50,000,000 and \$100,000,000 (24 levels)	0	0.0
(b)(1)(N) Between \$800,000 and \$1,500,000 <sup>9</sup> (13 levels)	45	0.9
(b)(1)(N) More than \$100,00,000 (26 levels)	0	0.0
(b)(1)(O) Between \$1,500,000 and \$2,500,000 <sup>9</sup> (14 levels)	16	0.3
(b)(1)(P) Between \$2,500,000 and \$5,000,000 <sup>9</sup> (15 levels)	12	0.2
(b)(1)(Q) Between \$5,000,000 and \$10,000,000 <sup>9</sup> (16 levels)	6	0.1
(b)(1)(R) Between \$10,000,000 and \$20,000,000 <sup>9</sup> (17 levels)	1	0.0
(b)(1)(S) Between \$20,000,000 and \$40,000,000 <sup>9</sup> (18 levels)	0	0.0
(b)(1)(T) Between \$40,000,000 and \$80,000,000 <sup>9</sup> (19 levels)	0	0.0
(b)(1)(U) More than \$80,000,000 <sup>9</sup> (20 levels)	1	0.0
(b)(2) Theft was from another person <sup>10</sup> (2 levels)	23	0.4
(b)(2)(A) More than 10 but less than 50 victims or mass marketing (2 levels)	193	3.7
(b)(2)(B) More than 50 victims (4 levels)	44	0.8
(b)(3) Theft of mail <sup>11</sup> (increase to level 6 if less than level 6)	49	0.9
(b)(3) Theft was from another person (2 levels)	24	0.5
(b)(4)(A) More than minimal planning <sup>11</sup> (2 levels)	667	12.8
(b)(4)(B) Receiving stolen property as a business <sup>12</sup> (4 levels)	44	0.8
(b)(5) Organized scheme to steal vehicles <sup>13</sup> (increase to level 14 if less than 14)	18	0.3
(b)(5) Misappropriation of trade secrets or benefit foreign government <sup>14</sup> (2 levels)	1	0.0

<sup>10</sup> This Specific Offense Characteristic (SOC) was changed to §2B1.1(b)(3) on November 1, 2001.

<sup>11</sup> This SOC was deleted on November 1, 2001.

<sup>12</sup> This SOC was changed to §2B1.1(b)(4) on November 1, 2001. The statistics reflect all instances of the application of this SOC

<sup>13</sup> This SOC was changed to §2B1.1(b)(10) on November 1, 2001. The statistics reflect all instances of the application of this SOC.

<sup>14</sup> This SOC was formally §2B1.1(b)(7). The statistics reflect all instances of the application of this SOC.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued)	5,189	9.2
(b)(6)(A)&(B) Jeopardized the safety of a financial institution <sup>15</sup> (4 levels or to level 24)	4	0.1
(b)(6) Theft or damage to a national cemetery (2 levels)	0	0.0
(b)(7) Misappropriation of a trade secret (2 levels) ( <i>see</i> (b)(5) above for statistics)	-	-
(b)(7) Misrepresentation in several ways (2 levels, if less than 10)	74	1.4
(b)(8) Theft or damage to a national cemetery <sup>16</sup> (2 levels)	1	0.0
(b)(8)(A)-(C) Offender relocated/committed crime outside U.S./sophisticated means (2 levels, increase to 12)	43	0.8
(b)(9)(A)-(C) Possession/production or trafficking in devices (2 levels, increase to 12)	278	5.4
(b)(10) Organized scheme to steal vehicles ( <i>see</i> (b)(5) above)	-	-
(b)(11) Conscious/reckless risk of injury/possession of weapon (2 levels, increase to 14)	15	0.3
(b)(12)(A) More than \$1,000,000 derived from financial institution (2 levels)	4	0.1
(b)(12)(B) Jeopardized the safety and soundness of financial institution (4 levels)	1	0.0
§2B1.3 Property Damage or Destruction <sup>17</sup>	30	0.0
(b)(1) Loss between \$1,000 and \$2,000 (2 levels)	3	10.0
(b)(1) Loss between \$2,000 and \$5,000 (3 levels)	4	13.3
(b)(1) Loss between \$5,000 and \$10,000 (4 levels)	7	23.3
(b)(1) Loss between \$10,000 and \$20,000 (5 levels)	2	6.7
(b)(1) Loss between \$70,000 and \$120,000 (8 levels)	2	6.7
(b)(1) Loss between \$2,500,000 and \$5,000,000 (15 levels)	1	3.3
(b)(2) Undelivered mail destroyed (increase to level 6)	9	30.0
(b)(3) More than minimal planning (2 levels)	8	26.7
(b)(4) National cemetery damaged or destroyed (2 levels)	0	0.0
§2B1.4 Insider Trading	2	0.0
(b)(1) Loss between \$10,000 and \$30,000 (4 levels)	1	50.0

<sup>15</sup> This SOC was changed to §2B1.1(b)(12)(A) and (B) on November 1, 2001, becoming a two and a four level enhancement instead of a single four level enhancement.

<sup>16</sup> This Specific Offense Characteristic (SOC) was changed to §2B1.1(b)(6) on November 1, 2001.

<sup>17</sup> This guideline was consolidated with §2B1.1 on November 1, 2001.

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B1.4 Insider Trading	2	0.0
(b)(1) Loss between \$10,000 and \$30,000 (4 levels)	1	50.0
(b)(1) Loss between \$30,000 and \$70,000 (6 levels)	1	50.0
§2B1.5 Theft or Damage of Cultural Heritage Resources	0	0.0
No cases have been sentenced under this guidelines, therefore no SOC's used	NA	NA
§2B2.1 Burglary of a Residence	96	0.2
(a)(1) Burglary of a residence (Base offense level 17)	15	15.6
(a)(2) Burglary of a structure other than a residence (Base offense level 12)	81	84.4
(b)(1) More than minimal planning (2 levels)	46	47.9
(b)(2)(B) Between \$2,500 and \$10,000 loss (one level)	12	12.5
(b)(2)(C) Between \$10,000 and \$50,000 loss (2 levels)	20	20.8
(b)(2)(D) Between \$50,000 and \$250,000 loss (3 levels)	9	9.4
(b)(2)(E) Between \$250,000 and \$800,000 (4 levels)	8	8.3
(b)(2)(F) Between \$800,000 and \$1,500,000 (5 levels)	1	1.0
(b)(2)(G) Between \$1,500,000 and \$2,500,000 (6 levels)	3	3.1
(b)(2)(H) Between \$2,500,000 and \$5,000,000 (7 levels)	0	0.0
(b)(2)(I) More than \$5,000,000 (8 levels)	0	0.0
(b)(3) Firearm, destructive device or controlled substance taken (one level)	5	5.2
(b)(4) Dangerous weapon possessed (2 levels)	6	6.2
§2B2.3 Trespass	13	0.0
(b)(1)(A)-(E) Occurred at government or nuclear facility, vessel of U.S., secured airport area or a residence (2 levels)	11	84.6
(b)(2) Dangerous weapon possessed (2 levels)	0	0.0
(b)(3) Invasion of a computer, loss between \$5,000 and \$10,000 (2 levels)	1	7.7
(b)(3) Invasion of a computer, loss between \$30,000 and \$70,000 (6 levels)	1	7.7

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.1 Robbery	3,112	5.5
(b)(1) Financial institution or post offense subject of offense (2 levels)	2,480	79.7
(b)(2)(A) Firearm discharged (7 levels)	63	2.0
(b)(2)(B) Firearm otherwise used (6 levels)	120	3.9
(b)(2)(C) Firearm brandished or possessed (5 levels)	464	14.9
(b)(2)(D) Dangerous weapon otherwise used (4 levels)	69	2.2
(b)(2)(E) Dangerous weapon brandished or possessed (3 levels)	327	10.5
(b)(2)(F) Threat of death (2 levels)	525	16.9
(b)(3)(A) Bodily injury occurred (2 levels)	142	4.6
(b)(3)(B) Serious bodily injury (4 levels)	54	1.7
(b)(3)(C) Permanent/life-threatening bodily injury (6 levels)	29	0.9
(b)(3)(D) Between bodily and serious bodily injury (3 levels)	11	0.4
(b)(3)(E) Between serious and permanent/life-threatening bodily injury (5 levels)	6	0.2
(b)(4)(A) Person abducted during offense (4 levels)	111	3.6
(b)(4)(B) Person physically restrained during offense (2 levels)	255	8.2
(b)(5) Obtaining firearm, destructive device or controlled substance object of offense <sup>18</sup> (one level)	2	0.1
(b)(5) Offense involved carjacking (2 levels)	146	4.7
(b)(6)(B) Loss between \$10,000 and \$50,000 <sup>19</sup> (one level)	694	22.3
(b)(6)(C) Loss between \$50,000 and \$250,000 <sup>19</sup> (2 levels)	184	5.9
(b)(6)(D) Loss between \$250,000 and \$800,000 <sup>19</sup> (3 levels)	43	1.4
(b)(6)(E) Loss between \$800,000 and \$1,500,000 <sup>19</sup> (4 levels)	28	0.9
(b)(6)(F) Loss between \$1,500,000 and \$2,500,000 <sup>19</sup> (5 levels)	4	0.0
(b)(6)(G) Loss between \$2,500,000 and \$5,000,000 <sup>19</sup> (6 levels)	12	0.0
(b)(6)(H) Loss more than \$5,000,000 <sup>19</sup> (7 levels)	1	0.0
(b)(6) Obtaining firearm, destructive device or controlled substance object of offense (one level) ( <i>see</i> (b)(5) for statistics)	-	-

<sup>18</sup> This Specific Offense Characteristic (SOC) was changed to §2B3.1(b)(6) on November 1, 1997. The statistics reflect all instances of the application of this SOC

<sup>19</sup> SOC's §2B3.1(b)(6)(A)-(H) were changed to §2B3.1(b)(7)(A)-(H) on November 1, 1997. The statistics reflect all instances of the application of this SOC

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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.1 Robbery (continued)	3,112	5.5
(b)(7)(B)-(H) Loss over \$10,000 ( <i>see</i> (b)(6)(B)-(H) for statistics)	-	-
§2B3.2 Extortion by Force	106	0.2
(b)(1) Express or implied threat of death, bodily injury or kidnapping (2 levels)	77	72.6
(b)(2) Amount demanded between \$10,000 and \$50,000 (one level)	15	14.2
(b)(2) Amount demanded between \$50,000 and \$250,000 (2 levels)	19	17.9
(b)(2) Amount demanded between \$250,000 and \$800,000 (3 levels)	19	17.9
(b)(3)(A)(i) Firearm discharged (7 levels)	0	0.0
(b)(3)(A)(ii) Firearm otherwise used (6 levels)	1	0.9
(b)(3)(A)(iii) Firearm brandished or possessed (5 levels)	7	6.6
(b)(3)(A)(iv) Dangerous weapon otherwise used (4 levels)	17	16.0
(b)(3)(A)(v)&(B)(i)-(iv) Dangerous weapon brandished or possessed or preparation to carry out threat of death, bodily injury, kidnapping or product tampering (3 levels)	7	6.6
(b)(4)(A) Bodily injury (2 levels)	14	13.2
(b)(4)(B) Serious bodily injury (4 levels)	7	6.6
(b)(4)(C) Permanent or life-threatening bodily injury (6 levels)	1	0.9
(b)(4)(D) Between bodily injury and serious bodily injury (3 levels)	2	1.9
(b)(4)(E) Between serious and permanent/life-threatening bodily injury (5 levels)	0	0.0
(b)(5)(A) Person abducted to facilitate offense or escape (4 levels)	12	11.3
(b)(5)(B) Person physically restrained to facilitate offense or escape (2 levels)	3	2.8

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B3.3 Blackmail and other forms of Extortion	17	0.0
(b)(1)(A) Amount demanded between \$2,000 and \$5,000 (one level)	0	0.0
(b)(1)(B) Amount demanded between \$5,000 and \$10,000 (2 levels)	5	29.4
(b)(1)(B) Amount demanded between \$10,000 and \$20,000 <sup>20</sup> (3 levels)	2	11.8
(b)(1)(B) Amount demanded between \$40,000 and \$70,000 <sup>20</sup> (5 levels)	2	11.8
(b)(1)(B) Amount demanded between \$30,000 and \$70,000 (6 levels)	1	5.9
(b)(1)(B) Amount demanded between \$120,000 and \$200,000 <sup>20</sup> (7 levels)	1	5.9
(b)(1)(B) Amount demanded between \$800,000 and \$1,500,000 <sup>20</sup> (11 levels)	1	5.9
(b)(1)(B) Amount demanded between \$200,000 and \$400,000 (12 levels)	1	5.9
(b)(1)(B) Amount demanded between \$10,000,000 and \$20,000,000 <sup>20</sup> (15 levels)	1	5.9
§2B4.1 Bribery in Procurement of Bank Loan and other Commercial Bribery	67	0.1
(b)(1) Bribe between \$2,000 and \$5,000 (one level)	3	4.5
(b)(1) Bribe between \$5,000 and \$10,000 (2 levels)	4	6.0
(b)(1) Bribe between \$10,000 and \$20,000 <sup>20</sup> (3 levels)	10	14.9
(b)(1) Bribe between \$10,000 and \$30,000 (4 levels)	1	1.5
(b)(1) Bribe between \$20,000 and \$40,000 <sup>20</sup> (4 levels)	5	7.5
(b)(1) Bribe between \$40,000 and \$70,000 <sup>20</sup> (5 levels)	2	3.0
(b)(1) Bribe between \$30,000 and \$70,000 (6 levels)	1	1.5
(b)(1) Bribe between \$70,000 and \$120,000 <sup>20</sup> (6 levels)	6	9.0
(b)(1) Bribe between \$120,000 and \$200,000 <sup>20</sup> (7 levels)	4	6.0
(b)(1) Bribe between \$70,000 and \$120,000 (8 levels)	0	0.0
(b)(1) Bribe between \$200,000 and \$350,000 <sup>20</sup> (8 levels)	2	3.0
(b)(1) Bribe between \$350,000 and \$500,000 <sup>20</sup> (9 levels)	3	4.5
(b)(1) Bribe between \$500,000 and \$800,000 <sup>20</sup> (10 levels)	7	10.5
(b)(1) Bribe between \$800,000 and \$1,500,000 <sup>20</sup> (11 levels)	6	9.0
(b)(1) Bribe between \$1,500,000 and \$2,500,000 <sup>20</sup> (12 levels)	2	3.0
(b)(1) Bribe between \$2,500,000 and \$5,000,000 <sup>20</sup> (13 levels)	4	6.0
(b)(1) Bribe between \$10,000,000 and \$20,000,000 <sup>20</sup> (15 levels)	1	1.5

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<sup>20</sup> Threshold amounts and level increases were changed on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B4.1 Bribery in Procurement of Bank Loan & other Commercial Bribery	67	0.1
(b)(2)(A) Offender derived more than \$1,000,000 from financial institution (2 levels)	0	0.0
(b)(2)(B) Jeopardized safety and soundness of a financial institution (4 levels)	0	0.0
§2B5.1 Offenses involving Counterfeit Bearer Obligations	756	1.3
(b)(1) Items valued between \$2,000 and \$5,000 (one level)	155	20.5
(b)(1) Items valued between \$5,000 and \$10,000 (2 levels)	87	11.5
(b)(1) Bribe between \$10,000 and \$20,000 <sup>20</sup> (3 levels)	42	5.6
(b)(1) Bribe between \$10,000 and \$30,000 (4 levels)	30	4.0
(b)(1) Bribe between \$20,000 and \$40,000 <sup>20</sup> (4 levels)	15	2.0
(b)(1) Bribe between \$40,000 and \$70,000 <sup>20</sup> (5 levels)	23	3.0
(b)(1) Bribe between \$30,000 and \$70,000 (6 levels)	11	1.5
(b)(1) Bribe between \$70,000 and \$120,000 <sup>20</sup> (6 levels)	13	1.7
(b)(1) Bribe between \$120,000 and \$200,000 <sup>20</sup> (7 levels)	11	1.5
(b)(1) Bribe between \$70,000 and \$120,000 (8 levels)	2	0.3
(b)(1) Bribe between \$200,000 and \$350,000 <sup>20</sup> (8 levels)	6	0.8
(b)(1) Bribe between \$120,000 and \$200,000 (10 levels)	2	0.3
(b)(1) Bribe between \$500,000 and \$800,000 <sup>20</sup> (10 levels)	7	0.9
(b)(1) Bribe between \$800,000 and \$1,500,000 <sup>20</sup> (11 levels)	3	0.4
(b)(1) Bribe between \$2,500,000 and \$5,000,000 <sup>20</sup> (13 levels)	1	0.1
(b)(1) Bribe between \$20,000,000 and \$40,000,000 <sup>20</sup> (15 levels)	1	0.1
(b)(2) Offender manufactured/produced counterfeit material <sup>21</sup> (increase to level 15)	61	8.1
(b)(2) Offender manufactured/produced counterfeit material (2 levels)	128	16.9
(b)(3) Offense not committed for commercial advantage/private gain <sup>22</sup> (2 level decrease)	0	0.0
(b)(3) Subsection (b)(2)(A) applies and offense level less than 15, increase to 15	121	16.0
(b)(4) Risk of bodily injury or possession of dangerous weapon <sup>22</sup> (increase to level 13)	33	4.4
(b)(4) Dangerous weapon possessed (2 levels, if less than 13 increase to 13)	16	2.1
(b)(5) Offense committed outside of United States (2 levels)	11	1.5

<sup>21</sup> Enhancement level changed on November 1, 2001.

<sup>22</sup> Enhancement deleted on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B5.3 Criminal Infringement of Copyright or Trademark	113	0.2
(b)(1) Infringement amount between \$2,000 and \$5,000 (one level)	4	3.5
(b)(1) Infringement amount between \$5,000 and \$10,000 (2 levels)	13	11.5
(b)(1) Infringement amount between \$10,000 and \$20,000 <sup>21</sup> (3 levels)	8	7.1
(b)(1) Infringement amount between \$10,000 and \$30,000 (4 levels)	3	2.6
(b)(1) Infringement amount between \$20,000 and \$40,000 <sup>21</sup> (4 levels)	12	10.6
(b)(1) Infringement amount between \$40,000 and \$70,000 <sup>21</sup> (5 levels)	9	8.0
(b)(1) Infringement amount between \$30,000 and \$70,000 (6 levels)	2	1.8
(b)(1) Infringement amount between \$70,000 and \$120,000 <sup>21</sup> (6 levels)	5	4.4
(b)(1) Infringement amount between \$120,000 and \$200,000 <sup>21</sup> (7 levels)	8	7.1
(b)(1) Infringement amount between \$200,000 and \$350,000 <sup>21</sup> (8 levels)	7	6.2
(b)(1) Infringement amount between \$350,000 and \$500,000 <sup>21</sup> (9 levels)	1	0.9
(b)(1) Infringement amount between \$120,000 and \$200,000 (10 levels)	1	0.9
(b)(1) Infringement amount between \$500,000 and \$800,000 <sup>21</sup> (10 levels)	3	2.6
(b)(1) Infringement amount between \$800,000 and \$1,500,000 <sup>21</sup> (11 levels)	20	17.7
(b)(1) Infringement amount between \$200,000 and \$400,000 (12 levels)	1	0.9
(b)(1) Infringement amount between \$2,500,000 and \$5,000,000 <sup>21</sup> (13 levels)	7	6.2
(b)(1) Infringement amount between \$400,000 and \$1,000,000 (14 levels)	1	0.9
(b)(1) Infringement amount between \$10,000,000 and \$20,000,000 <sup>21</sup> (15 levels)	2	1.8
(b)(1) Infringement amount between \$20,000,000 and \$40,000,000 <sup>21</sup> (16 levels)	1	0.9
(b)(2) Manufacturing/importation/uploading infringed items (2 levels or increase to 12)	30	26.5
(b)(3) Committed for commercial advantage or private gain (2 level decrease)	0	0.0
(b)(4) Conscious/reckless risk of serious bodily injury or possession of weapon (2 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2B6.1 Altering or Removing Motor Vehicle ID Numbers	64	0.1
(b)(1) Retail value between \$5,000 and \$10,000 (2 levels)	1	1.6
(b)(1) Retail value between \$10,000 and \$20,000 <sup>21</sup> (3 levels)	2	3.1
(b)(1) Retail value between \$10,000 and \$30,000 (4 levels)	3	4.7
(b)(1) Retail value between \$20,000 and \$40,000 <sup>21</sup> (4 levels)	2	3.1
(b)(1) Retail value between \$40,000 and \$70,000 <sup>21</sup> (5 levels)	5	7.8
(b)(1) Retail value between \$30,000 and \$70,000 (6 levels)	2	3.1
(b)(1) Retail value between \$70,000 and \$120,000 <sup>21</sup> (6 levels)	9	14.1
(b)(1) Retail value between \$120,000 and \$200,000 <sup>21</sup> (7 levels)	2	3.1
(b)(1) Retail value between \$70,000 and \$120,000 (8 levels)	1	1.6
(b)(1) Retail value between \$200,000 and \$350,000 <sup>21</sup> (8 levels)	12	18.8
(b)(1) Retail value between \$350,000 and \$500,000 <sup>21</sup> (9 levels)	5	7.8
(b)(1) Retail value between \$120,000 and \$200,000 (10 levels)	1	1.6
(b)(1) Retail value between \$500,000 and \$800,000 <sup>21</sup> (10 levels)	1	1.6
(b)(1) Retail value between \$800,000 and \$1,500,000 <sup>21</sup> (11 levels)	6	9.4
(b)(1) Retail value between \$200,000 and \$400,000 (12 levels)	1	1.6
(b)(1) Retail value between \$1,500,000 and \$2,500,000 <sup>21</sup> (12 levels)	3	4.7
(b)(1) Retail value between \$2,500,000 and \$5,000,000 <sup>21</sup> (13 levels)	1	1.6
(b)(1) Retail value between \$400,000 and \$1,000,000 (14 levels)	1	1.6
(b)(1) Retail value between \$5,000,000 and \$10,000,000 <sup>21</sup> (14 levels)	2	3.1
(b)(1) Retail value between \$10,000,000 and \$20,000,000 <sup>21</sup> (15 levels)	2	3.1
(b)(1) Retail value between \$1,000,000 and \$2,500,000 (16 levels)	1	1.6
(b)(2) Offender in the business of receiving and selling stolen property (2 levels)	46	71.9
(b)(3) Part of organized scheme to steal vehicles or parts (increase to level 14)	2	3.1

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part C - Offenses Involving Public Officials</b>		
§2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe	134	0.2
(b)(1) Offense involved more than one bribe or extortion (2 levels)	91	67.9
(b)(2)(A) Value of payment or loss between \$2,000 and \$5,000 (one level)	10	7.5
(b)(2)(A) Value of payment or loss between \$5,000 and \$10,000 (2 levels)	12	9.0
(b)(2)(A) Value of payment or loss between \$10,000 and \$20,000 <sup>21</sup> (3 levels)	14	10.4
(b)(2)(A) Value of payment or loss between \$10,000 and \$30,000 (4 levels)	7	5.2
(b)(2)(A) Value of payment or loss between \$20,000 and \$40,000 <sup>21</sup> (4 levels)	6	4.5
(b)(2)(A) Value of payment or loss between \$40,000 and \$70,000 <sup>21</sup> (5 levels)	8	6.0
(b)(2)(A) Value of payment or loss between \$70,000 and \$120,000 <sup>21</sup> (6 levels)	3	2.2
(b)(2)(A) Value of payment or loss between \$120,000 and \$200,000 <sup>21</sup> (7 levels)	2	1.5
(b)(2)(A) Value of payment or loss between \$70,000 and \$120,000 or (b)(2)(B) payment used to influence elected official (8 levels)	20	14.9
(b)(2)(A) Value of payment or loss between \$200,000 and \$350,000 <sup>21</sup> or (b)(2)(B) payment used to influence elected official (8 levels)	14	10.4
(b)(2)(A) Value of payment or loss between \$350,000 and \$500,000 <sup>21</sup> (9 levels)	5	3.7
(b)(2)(A) Value of payment or loss between \$120,000 and \$200,000 (10 levels)	2	1.5
(b)(2)(A) Value of payment or loss between \$800,000 and \$1,500,000 <sup>21</sup> (11 levels)	1	0.8
(b)(2)(A) Value of payment or loss between \$200,000 and \$400,000 (12 levels)	1	0.8
(b)(2)(A) Value of payment or loss between \$2,500,000 and \$5,000,000 <sup>21</sup> (13 levels)	1	0.8
(b)(2)(A) Value of payment or loss between \$5,000,000 and \$10,000,000 <sup>21</sup> (14 levels)	1	0.8
(b)(2)(A) Value of payment or loss between \$10,000,000 and \$20,000,000 <sup>21</sup> (15 levels)	2	1.5
§2C1.2 Offering, Giving, Soliciting, or Receiving a Gratuity	15	0.0
(b)(1) More than one gratuity (2 levels)	10	66.7
(b)(2)(A) Gratuity between \$2,000 and \$5,000 (one level)	1	6.7
(b)(2)(A) Gratuity between \$5,000 and \$10,000 (2 levels)	3	20.0
(b)(2)(A) Gratuity between \$10,000 and \$30,000 (4 levels)	2	13.3
(b)(2)(A) Gratuity between \$70,000 and \$120,000 or (b)(2)(B) payment given to elected official (8 levels)	3	20.0
(b)(2)(A) Gratuity between \$120,000 and \$200,000 (2 levels)	1	6.7

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2C1.3 Conflict of Interest: Payment or Receipt of Unauthorized Compensation	11	0.0
(b)(1) Actual or planned harm to the government (4 levels)	2	18.2
§2C1.4 Payment or Receipt of Unauthorized Compensation <sup>23</sup>	4	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2C1.5 Payments to Obtain Public Office	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2C1.6 Loan or Gratuity to Bank Examiner or Adjustment of Farm Indebtedness	2	0.0
(b)(1) Gratuity between \$2,000 and \$5,000 (one level)	1	50.0
(b)(1) Gratuity between \$10,000 and \$30,000 (4 levels)	1	50.0
§2C1.7 Fraud Involving Deprivation of the Intangible Right to the Honest Services Public Officials	17	0.0
(b)(1)(A) Loss between \$5,000 and \$10,000 (2 levels)	2	11.8
(b)(1)(A) Loss between \$10,000 and \$20,000 <sup>21</sup> (3 levels)	1	5.9
(b)(1)(A) Loss between \$10,000 and \$30,000 (4 levels)	1	5.9
(b)(1)(A) Loss between \$20,000 and \$40,000 <sup>21</sup> (4 levels)	4	23.5
(b)(1)(A) Loss between \$40,000 and \$70,000 <sup>21</sup> (5 levels)	1	5.9
(b)(1)(A) Loss between \$120,000 and \$200,000 <sup>21</sup> (7 levels)	1	5.9
(b)(1)(A) Loss between \$200,000 and \$350,000 <sup>21</sup> or (b)(1)(B) involving an elected official (8 levels)	4	23.5
(b)(1)(A) Loss between \$70,000 and \$120,000 or (b)(1)(B) involving an elected official (8 levels)	1	5.9
(b)(1)(A) Loss between \$350,000 and \$500,000 <sup>21</sup> (9 levels)	1	5.9

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<sup>23</sup> Deleted and consolidated with §2C1.3 on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part D - Offenses Involving Drugs</b>		
§2D1.1 Drug Trafficking	22,513	40.0
(a)(1) Base offense level 43	5	0.0
(a)(1) Base offense level 40	2	0.0
(a)(1) Base offense level 38	1,297	5.8
(a)(1) Base offense level 36	1,092	4.8
(a)(1) Base offense level 34	2,311	10.3
(a)(1) Base offense level 32	3,620	16.1
(a)(1) Base offense level 30	1,343	6.0
(a)(1) Base offense level 28	1,794	8.0
(a)(1) Base offense level 26	4,270	19.0
(a)(1) Base offense level 24	753	3.3
(a)(1) Base offense level 22	791	3.5
(a)(1) Base offense level 20	1,414	6.3
(a)(1) Base offense level 18	2,080	9.2
(a)(1) Base offense level 16	853	3.8
(a)(1) Base offense level 14	294	1.3
(a)(1) Base offense level 12	389	1.7
(a)(1) Base offense level 10	60	0.3
(a)(1) Base offense level 8	56	0.2
(a)(1) Base offense level 6	82	0.4
(b)(1) Dangerous weapon possessed (two levels)	2,332	10.4
(b)(2)(A) Aircraft used or (b)(2)(B) offender acted as pilot (2 levels or level 26)	24	0.1
(b)(3) Distribution in a prison (2 levels)	50	0.2
(b)(4) Safety Valve <sup>24</sup> (2 level decrease)	8,038	36.8
(b)(4) Importation of methamphetamine from unlawfully imported material (2 levels)	38	0.0

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<sup>24</sup> This Specific Offense Characteristic was changed to §2D1.1(b)(6) on November 1, 1996. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.1 Drug Trafficking (continued)	22,513	40.0
(b)(5)(A) Unlawful discharge or transportation of hazardous waste (2 levels)	88	0.4
(b)(5)(B) Manufacturing of meth creating substantial risk (3 levels or level 27)	63	0.3
(b)(5)(C) Manufacturing of meth creating substantial risk to minor (6 levels or level 30)	34	0.0
(b)(6) Safety Valve (2 level decrease) ( <i>see</i> (b)(4) for statistics)	-	-
§2D1.2 Drug offenses near protected location/involving underage/pregnant individuals	302	0.5
(a)(1) Base offense level 45	1	0.3
(a)(1) Base offense level 44	1	0.3
(a)(1) Base offense level 43	1	0.3
(a)(1) Base offense level 42	1	0.3
(a)(1) Base offense level 41	7	2.3
(a)(1) Base offense level 40	5	1.7
(a)(1) Base offense level 39	7	2.3
(a)(1) Base offense level 38	14	4.6
(a)(1) Base offense level 37	9	3.0
(a)(1) Base offense level 36	19	6.3
(a)(1) Base offense level 35	20	6.6
(a)(1) Base offense level 34	19	6.3
(a)(1) Base offense level 33	19	6.3
(a)(1) Base offense level 32	9	3.0
(a)(1) Base offense level 31	6	2.0
(a)(1) Base offense level 30	14	4.6
(a)(1) Base offense level 29	4	1.3
(a)(1) Base offense level 28	34	11.3
(a)(1) Base offense level 27	4	1.3
(a)(1) Base offense level 26	27	8.9
(a)(1) Base offense level 25	3	1.0
(a)(1) Base offense level 24	4	1.3
(a)(1) Base offense level 23	1	0.3
(a)(1) Base offense level 22	12	4.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.2 Drug offenses near protected location/involving underage/pregnant individuals (cont)	302	0.5
(a)(1) Base offense level 20	10	3.3
(a)(1) Base offense level 19	2	0.7
(a)(1) Base offense level 18	13	4.3
(a)(1) Base offense level 17	1	0.3
(a)(1) Base offense level 16	5	1.7
(a)(1) Base offense level 15	2	0.7
(a)(1) Base offense level 14	23	7.6
(a)(4) Base offense level 13	2	0.7
(a)(1) Base offense level 12	1	0.3
(a)(1) Base offense level 11	1	0.3
(a)(1) Base offense level 10	1	0.3
No Specific Characteristics for this guideline	NA	NA
§2D1.5 Continuing Criminal Enterprise	35	0.1
(a)(1) Base offense level 47	1	2.9
(a)(1) Base offense level 44	7	20.0
(a)(1) Base offense level 42	8	22.9
(a)(1) Base offense level 40	4	11.4
(a)(1) Base offense level 38	12	34.3
(a)(1) Base offense level 36	1	2.9
(a)(1) Base offense level 30	2	5.7
No Specific Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.6 Use of Communication Facility in Committing Drug Offense	25	0.0
(a)(1) Base offense level 38	2	8.0
(a)(1) Base offense level 36	1	4.0
(a)(1) Base offense level 34	2	8.0
(a)(1) Base offense level 32	2	8.0
(a)(1) Base offense level 30	3	12.0
(a)(1) Base offense level 28	2	2.0
(a)(1) Base offense level 26	2	8.0
(a)(1) Base offense level 20	1	4.0
(a)(1) Base offense level 16	1	4.0
(a)(1) Base offense level 14	2	8.0
(a)(1) Base offense level 12	5	20.0
(a)(1) Base offense level 8	1	4.0
(a)(1) Base offense level 6	1	4.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.7 Unlawful Sale or Transportation of Drug Paraphernalia	9	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.8 Renting or Managing a Drug Establishment	59	0.1
(a)(1) Base offense level 34	1	1.7
(a)(1) Base offense level 20	1	1.7
(a)(1) Base offense level 18	1	1.7
(a)(1) Base offense level 16	44	74.6
(a)(1) Base offense level 14	4	6.8
(a)(1) Base offense level 12	3	5.1
(a)(1) Base offense level 10	3	5.1
(a)(1) Base offense level 8	2	3.4
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.9 Placing or Maintaining Dangerous Devices on Federal Property to Protect Unlawful Production of a Controlled Substance	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.10 Endangering Human Life While Illegally Manufacturing a Controlled Substance	19	0.0
(a)(1) Base offense level 39	2	10.5
(a)(1) Base offense level 37	4	21.0
(a)(1) Base offense level 35	7	36.8
(a)(1) Base offense level 33	1	5.3
(a)(1) Base offense level 31	1	5.3
(a)(1) Base offense level 30	1	5.3
(a)(1) Base offense level 29	3	15.8
(b)(1)(A) Involving manufacturing of methamphetamine (3 levels)	4	21.0
(b)(1)(B) Involving manufacturing of meth creating a substantial risk to minor (6 levels)	1	5.3
§2D1.11 Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical	95	0.2
(a)(1) Base offense level 38	3	3.2
(a)(1) Base offense level 36	1	1.0
(a)(1) Base offense level 34	1	1.0
(a)(1) Base offense level 32	8	8.4
(a)(1) Base offense level 30	29	30.5
(a)(1) Base offense level 28	17	17.9
(a)(1) Base offense level 26	13	13.7
(a)(1) Base offense level 24	4	4.2
(a)(1) Base offense level 22	3	3.2
(a)(1) Base offense level 20	5	5.3
(a)(1) Base offense level 18	2	2.1
(a)(1) Base offense level 16	2	2.1
(a)(1) Base offense level 14	1	1.0
(a)(1) Base offense level 12	6	6.3
(b)(1) Dangerous weapon possessed (2 levels)	6	6.3
(b)(2) Convicted of 21 U.S.C. §§841(d)(2),(g)(1), or 960(d)(2) (3 level decrease)	12	12.6
(b)(3)(A)&(B) Unlawful discharge/emission/release into environment of hazardous substance (2 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2D1.12 Unlawful Possession/Manufacturing of Prohibited Equipment	51	0.1
(a)(1) Offender intended to manufacture a controlled substance (Base Offense Level 12)	44	86.3
(a)(2) Reasonable believe equipment to be used for manufacturing (BOL 9)	7	13.7
(b)(1) Offender intended to manufacture methamphetamine (2 levels)	45	88.2
(b)(2) Offense involved discharge of hazardous substance (2 levels)	0	0.0
§2D1.13 Structuring Chemical Transactions to Evade Recordkeeping Requirements	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D2.1 Unlawful Possession	342	0.6
(a)(1) Heroin or any Schedule I or II opiate or cocaine base (Base Offense Level 8)	64	18.7
(a)(2) Cocaine, flunitrazepam, LSD, or PCP (Base Offense Level 6)	43	12.6
(a)(3) Any other controlled substance or a list I chemical (Base Offense Level 4)	234	68.4
§2D2.2 Acquiring a Controlled Substance by Forgery, Fraud, Deception, or Subterfuge	47	0.1
No Specific Offense Characteristics for this guideline	NA	NA
§2D2.3 Operating or Directing the Operation of a Common Carrier Under the Influence	0	0.0
(a)(1) Death resulting (Base offense level 26)	0	0.0
§2D3.1 Regulatory Offenses Involving Registration Numbers	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D3.2 Regulatory Offenses Involving Controlled Substances or Listed Chemicals	2	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part E - Offenses Involving Criminal Enterprises and Racketeering</b>		
§2E1.1 Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations	65	0.1
(a)(1) Base offense level 19	62	95.4
(a)(2) Offense level from applicable underlying racketeering offense	3	4.6
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.2 Interstate or Foreign Travel or Transportation in Aid of a Racketeering Enterprise	8	0.0
(a)(1) Base offense level 6	4	50.0
(a)(2) Base offense level applicable to underlying crime of violence	4	50.0
§2E1.3 Violent Crimes in Aid of Racketeering Activity	1	0.0
(a)(1) Base offense level 12	0	0.0
(a)(2) Base offense level applicable to the underlying crime or racketeering activity	1	100.0
§2E1.4 Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire	16	0.0
(a)(1) Base offense level 32	16	100.0
(a)(2) Base offense level applicable to the underlying unlawful conduct	0	0.0
§2E2.1 Making or Financing an Extortionate Extension of Credit	55	0.1
(b)(1)(A) Firearm discharged (5 levels)	1	1.8
(b)(1)(B) Dangerous weapon otherwise used (4 levels)	2	3.6
(b)(1)(C) Dangerous weapon brandished or possessed (3 levels)	3	5.4
(b)(2)(A) Bodily injury (2 levels)	4	7.3
(b)(2)(B) Serious bodily injury (4 level)	0	0.0
(b)(2)(C) Permanent or life-threatening bodily injury (6 levels)	0	0.0
(b)(2)(D) Between bodily injury and serious bodily injury (3 levels)	0	0.0
(b)(2)(E) Between serious bodily injury and permanent/life-threatening injury (5 levels)	0	0.0
(b)(3)(A) Person abducted to facilitate commission of the offense (4 levels)	0	0.0
(b)(3)(B) Person physically restrained to facilitate commission (2 levels)	1	1.8
§2E3.1 Gambling Offenses	109	0.2
(a)(1) Offense involved a gambling business (Base offense level 12)	109	100.0
(a)(2) Base offense level 6	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
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<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2E4.1 Unlawful Conduct Relating to Contraband Cigarettes	5	0.0
(a)(1) Base offense level 9	2	40.0
(a)(2) Loss between \$12,500 and \$30,000 (Base offense level 12)	1	20.0
(a)(2) Loss between \$120,000 and \$200,000 <sup>25</sup> (Base offense level 15)	1	20.0
(a)(2) Loss between \$200,000 and \$400,000 (Base offense level 18)	1	20.0
§2E5.1 Offering, Accepting, or Soliciting a Bribe Affecting a Pension Benefit	6	0.0
(a)(1) Bribe involved (Base offense level 10)	2	33.3
(a)(2) Gratuity involved (Base offense level 6)	4	66.7
(b)(1) Offender was a fiduciary of the benefit plan or labor organization (2 levels)	3	50.0
(b)(2) Value of prohibited payment \$10,000 and \$30,000 ( 4 levels)	1	16.7
(b)(2) Value of prohibited payment \$120,000 and \$200,000 <sup>26</sup> (7 levels)	1	16.7
(b)(2) Value of prohibited payment \$200,000 and \$350,000 <sup>26</sup> (8 levels)	1	16.7
(b)(2) Value of prohibited payment \$1,500,000 and \$2,500,000 <sup>26</sup> (12 levels)	1	16.7
(b)(2) Value of prohibited payment \$5,000,000 and \$10,000,000 <sup>26</sup> (14 levels)	2	33.3
§2E5.3 False Statements in Relation to Documents Required by Employee Retirement Security Act	5	0.0
(a)(1) Base offense level 6	5	100.0
(a)(2) Theft or embezzlement concealed (base offense level applicable from §§2B1.1 or 2E5.1)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

<sup>25</sup> Base offense level thresholds amounts and levels changed on November 1, 2001.

<sup>26</sup> Threshold amounts and level increases were changed on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part F - Offenses Involving Fraud and Deceit</b>		
§2F1.1 Fraud and Deceit <sup>27</sup>	3,402	6.0
(b)(1)(B) Loss between \$2,000 and \$5,000 (one level)	54	1.6
(b)(1)(C) Loss between \$5,000 and \$10,000 (2 levels)	88	2.6
(b)(1)(D) Loss between \$10,000 and \$20,000 (3 levels)	171	5.0
(b)(1)(E) Loss between \$20,000 and \$40,000 (4 levels)	266	7.8
(b)(1)(F) Loss between \$40,000 and \$70,000 (5 levels)	231	6.8
(b)(1)(G) Loss between \$70,000 and \$120,000 (6 levels)	399	11.7
(b)(1)(H) Loss between \$120,000 and \$200,000 (7 levels)	416	12.2
(b)(1)(I) Loss between \$200,000 and \$350,000 (8 levels)	448	13.2
(b)(1)(J) Loss between \$350,000 and \$500,000 (9 levels)	236	6.9
(b)(1)(K) Loss between \$500,000 and \$800,000 (10 levels)	243	7.1
(b)(1)(L) Loss between \$800,000 and \$1,500,000 (11 levels)	235	6.9
(b)(1)(M) Loss between \$1,500,000 and \$2,500,000 (12 levels)	124	3.6
(b)(1)(N) Loss between \$2,500,000 and \$5,000,000 (13 levels)	126	3.7
(b)(1)(O) Loss between \$5,000,000 and \$10,000,000 (14 levels)	96	2.8
(b)(1)(P) Loss between \$10,000,000 and \$20,000,000 (15 levels)	54	1.6
(b)(1)(Q) Loss between \$20,000,000 and \$40,000,000 (16 levels)	23	0.7
(b)(1)(R) Loss between \$40,000,000 and \$80,000,000 (17 levels)	9	0.3
(b)(1)(S) Loss greater than \$80,000,000 (18 levels)	28	0.8
(b)(2)(A) More than minimal planning or (B) scheme to defraud more than one victim (2 levels)	2,999	88.2
(b)(3) Mass marketing <sup>28</sup> (2 levels)	93	2.8
(b)(3)(A) Misrepresentation, (B) violation of judicial order <sup>29</sup> (2 levels)	55	1.6
(b)(4)(A)&(B) Misrepresentation, (C) violation of judicial order ( <i>see</i> (b)(3) for statistics)	-	-

<sup>27</sup> Deleted and consolidated with §2B1.1 on November 1, 2001.

<sup>28</sup> Specific Offense Characteristic (SOC) in effect on November 1, 1998.

<sup>29</sup> SOC changed to §2F1.1(b)(4) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2F1.1 Fraud and Deceit (continued)	3,402	6.0
(b)(4)(A) Risk of bodily injury (B) possession of dangerous weapon <sup>30</sup> (2 levels)	87	2.6
(b)(5)(A)&(B) Possession/production of device making equipment (C) transfer means of ID (2 levels)	263	7.7
(b)(5) Foreign bank accounts for concealment <sup>31</sup> (Increase to level 12)	32	0.1
(b)(6)(A) Offender relocated to evade law enforcement, (B) fraud committed outside of U.S. or (C) sophisticated means used (2 levels or level 12)	117	3.4
(b)(6)(A) Jeopardized the safety of financial institution or (B) \$1,000,000 derived <sup>32</sup> (4 levels)	37	1.2
(b)(7) Risk of bodily injury (B) possession of dangerous weapon ( <i>see</i> (b)(4) for statistics)	-	-
(b)(8) Jeopardized the safety of financial institution or (B) \$1,000,000 derived ( <i>see</i> (b)(6) for statistics)	-	-
§2F1.2 Insider Trading <sup>27</sup>	17	0.0
(b)(1) Loss between \$10,000 and \$20,000 (3 levels)	1	5.9
(b)(1) Loss between \$40,000 and \$70,000 (5 levels)	1	5.9
(b)(1) Loss between \$70,000 and \$120,000 (6 levels)	3	17.6
(b)(1) Loss between \$120,000 and \$200,000 (7 levels)	1	5.9
(b)(1) Loss between \$200,000 and \$350,000 (8 levels)	2	11.8
(b)(1) Loss between \$350,000 and \$500,000 (9 levels)	2	11.8
(b)(1) Loss between \$500,000 and \$800,000 (10 levels)	1	5.9
(b)(1) Loss between \$800,000 and \$1,500,000 (11 levels)	1	5.9
(b)(1) Loss between \$1,500,000 and \$2,500,000 (12 levels)	3	17.6
(b)(1) Loss between \$2,500,000 and \$5,000,000 (13 levels)	2	11.8

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<sup>30</sup> Specific Offense Characteristic (SOC) changed to §2F1.1(b)(7) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

<sup>31</sup> SOC deleted on November 1, 2000.

<sup>32</sup> SOC changed to §2F1.1(b)(8) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part G - Offenses Involving Commercial Sex Acts, Sexual Exploitation of Minors and Obscenity</b>		
§2G1.1 Promoting A Commercial Sex Act or Prohibited Sexual Contact	206	0.4
(a)(1) Offense involved a minor (Base offense level 19)	83	40.3
(a)(2) Otherwise (Base offense level 14)	123	59.7
(b)(1)(A) Commercial sex act and (B) the use of physical force/fraud/coercion (4 levels)	50	24.3
(b)(2)(A) Victim under the age of 12 (4 levels)	1	0.5
(b)(2)(B) Victim between 12 and 16 (2 levels)	52	25.4
(b)(3) Victim under 16 and (A) offender was parent/guardian or (B) otherwise custody care or control (2 levels)	2	1.0
(b)(4)(A) Misrepresentation or (B) undue influence and (b)(3) does not apply (2 levels)	31	15.9
(b)(5) Use of a computer (2 levels)	10	5.1
§2G1.2 Transportation of a Minor for the Purpose of Prostitution <sup>33</sup>	2	0.0
(b)(1) Physical force or coercion by threats or drugs (4 levels)	0	0.0
(b)(2) Transportation of a minor under the age of 12 (4 levels)	0	0.0
(b)(3) Transportation of a minor between 12 and 16 (2 levels)	2	100.0
(b)(4) Offender was a parent/relative/legal guardian or custody, care or control (2 levels)	2	100.0
§2G2.1 Production of Pornography	130	0.2
(b)(1)(A) Victim under the age of 12 (4 levels)	66	50.8
(b)(1)(B) Victim between 12 and 16 (2 levels)	43	33.1
(b)(2) Offender was a parent/relative/legal guardian or custody, care or control (2 levels)	77	59.2
(b)(3)(A) Misrepresentation or (B) use of a computer (2 levels)	22	17.6

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<sup>33</sup> Guideline deleted and consolidated with §2G1.1 on November 1, 1996.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2G2.2 Trafficking in Pornography	246	0.4
(b)(1) Victim under the age of 12 (2 levels)	223	90.6
(b)(2)(A) Done for pecuniary gain or (B) in exchange for thing of value or (C) distribution to a minor (5 levels)	77	31.3
(b)(2)(D) Distribution to a minor to coerce to engage in sexual behavior (7 levels)	8	3.2
(b)(2)(E) Distribution other than in (b)(2)(A)-(D) (2 levels)	41	16.7
(b)(3) Sadistic or masochistic conduct or other forms of violence (4 levels)	104	42.3
(b)(4) Offender engaged in a pattern of activity involving sexual exploitation (5 levels)	36	14.6
(b)(5) Use of a computer (2 levels)	218	89.3
§2G2.3 Selling or Buying Children for use in the Production of Pornography	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2G2.4 Possession of Pornography	203	0.4
(b)(1) Minor under the age of 12 depicted (2 levels)	172	84.7
(b)(2) 10 or more items (2 levels)	145	71.4
(b)(3) Use of a computer (2 levels)	185	91.1
§2G2.5 Recordkeeping Offenses Involving the Production of Sexually Explicit Materials	0	0.0
No Specific Offense Characteristics for the guideline	NA	NA
§2G3.1 Importing/Mailing/Transporting Obscene Matter	12	0.0
(b)(1) (A) Done for pecuniary gain or (B) in exchange for thing of value or (C) distribution to a minor (5 levels)	1	8.3
(b)(1)(D) Distribution to a minor to coerce to engage in sexual behavior (7 levels)	2	16.7
(b)(1)(E) Distribution other than in (b)(1)(A)-(D) (2 levels)	1	8.3
(b)(2) Sadistic or masochistic conduct or other forms of violence (4 levels)	2	16.7
§2G2.3 Obscene Telephone Communication for Commercial Purposes	0	0.0
(b)(1) Victim under 18 and broadcast between 6AM and 11PM (4 levels)	0	0.0
(b)(2) Six plus the level in §2B1.1	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part H - Offenses Involving Individual Rights</b>		
§2H1.1 Offenses Involving Individual Rights	100	0.2
(a)(1) Offense level from the offense guideline applicable to underlying offense	52	52.0
(a)(2) Offense involved two or more participants (Base offense level 12)	39	39.0
(a)(3) Offense involved (A) use/threat of force, or (B) property damage (BOL 10)	7	7.0
(a)(4) Otherwise (Base offense level 6)	2	2.0
(b)(1)(A) Offender was a public official or (B) committed under color of law (6 levels)	90	90.0
§2H2.1 Obstructing an Election or Registration	1	0.0
(a)(1) Obstruction occurred by use of force or threat against property (BOL 18)	0	0.0
(a)(2) Obstruction occurred by forgery/fraud/theft/bribery (Base offense level 12)	0	0.0
(a)(3)(A) Solicited or accepted value to vote, refrain from, (B) false information to establish eligibility to vote, (C) voted more than once in federal election (BOL 6)	1	1.0
§2H3.1 Interception of Communications	8	0.0
(a)(1) Base offense level 9	7	87.5
(a)(2) Offender convicted of 26 U.S.C. §§7231A or 7216 (Base offense level 6)	1	12.5
(b)(1) Purpose was to obtain direct/indirect commercial advantage (3 levels)	2	25.0
§2H3.2 Manufacturing, Distributing, Advertising Eavesdropping Device	10	0.0
(b)(1) Offense committed for pecuniary gain (3 levels)	10	100.0
§2H3.3 Obstructing Correspondence	6	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2H4.1 Peonage, Involuntary Servitude and Slave Trade	22	0.0
(a)(1) Base offense level 22	14	63.6
(a)(2) Offender convicted of 18 U.S.C. § 1592 (Base offense level 18)	6	27.3
(b)(1)(A) Victim sustained permanent or life-threatening bodily injury (4 levels)	0	0.0
(b)(1)(B) Victim sustained bodily injury (2 levels)	8	36.4
(b)(2)(A) Dangerous weapon used (4 levels)	0	0.0
(b)(2)(B) Dangerous weapon brandished or threatened (2 levels)	7	31.8
(b)(3)(A) Victim held in peonage/involuntary servitude for more than one year (3 levels)	6	27.3
(b)(3)(B) Victim held in peonage/involuntary servitude - 180 days to one year (2 levels)	7	31.8
(b)(3)(C) Victim held in peonage/involuntary servitude - 30 days to 180 days (one level)	0	0.0
(b)(4)(A) Other felony committed during offense (2 levels)	12	54.6
§2H4.2 Willful Violations of the Migrant&Seasonal Agricultural Worker Protection Act	0	0.0
(b)(1)(i) Serious bodily injury (4 levels)	0	0.0
(b)(1)(ii) Bodily injury (2 levels)	0	0.0
(b)(2) Offense committed after sustaining civil adjudication for similar act (2 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part J - Offenses Involving the Administration of Justice</b>		
§2J1.1 Contempt	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2J1.2 Obstruction of Justice	131	0.2
(b)(1) Causing/threatening to cause physical injury (8 levels)	16	12.2
(b)(2) Offense resulted in substantial influence with the administration of justice (3 levels)	29	22.1
§2J1.3 Perjury or Subornation of Perjury	80	0.1
(b)(1) Causing/threatening to cause physical injury (8 levels)	0	0.0
(b)(2) Offense resulted in substantial influence with the administration of justice (3 levels)	11	13.8
§2J1.4 Impersonation	23	0.0
(b)(1) Offense committed to conduct an unlawful arrest, detention or search (6 levels)	3	13.0
§2J1.5 Failure to Appear by Material Witness	1	0.0
(a)(1) In respect to a felony (Base offense level 6)	1	0.0
(a)(2) In respect to a misdemeanor (Base offense level 4)	0	0.0
(b)(1) Offense resulted in substantial influence with the administration of justice (3 levels)	0	0.0
§2J1.6 Failure to Appear by Defendant	111	0.2
(a)(1) Failure to report for service of sentence (Base offense level 11)	41	36.9
(a)(2) Otherwise (Base offense level 6)	70	63.1
(b)(1)(A) (a)(1) applies and voluntarily surrendered within 96 hours (5 level decrease)	0	0.0
(b)(1)(B) (a)(1) applies and ordered to community corrections (2 level decrease)	1	0.9
(b)(2)(A)(a)(2) applies and offense punishable by 15 years to death (9 levels)	30	27.0
(b)(2)(B) (a)(2) applies and offense punishable by 5 to 15 years (6 levels)	27	24.3
(b)(2)(C) (a)(2) applies and offense punishable by less than 5 years (3 levels)	1	0.9
§2J1.7 Commission of Offense While on Release	105	0.2
No Specific Offense Characteristics for this guideline	NA	NA
§2J1.9 Payment to a Witness	1	0.0
(b)(1) Payment made/offered for refusing to testify (4 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part K - Offenses Involving Public Safety</b>		
§2K1.1 Failure to Report Theft of Explosive Materials	5	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K1.3 Unlawful Receipt/Possession/Transportation of Explosive Materials	45	0.1
(a)(1) Two prior convictions for crime of violence/controlled substance (BOL 24)	2	4.4
(a)(2) One prior convictions for crime of violence/controlled substance (BOL 20)	3	6.7
(a)(3)(A) Prohibited person or (B) knowingly distributed explosive materials to prohibited person (Base offense level 16)	20	44.4
(a)(4) Otherwise (Base offense level 12)	20	44.4
(b)(1)(A) Weight of explosives 25 to 100 pounds (one level)	3	6.7
(b)(1)(B) Weight of explosives 100 to 250 pounds (2 levels)	10	22.2
(b)(1)(C) Weight of explosives 250 to 500 pounds (3 levels)	1	2.2
(b)(1)(D) Weight of explosives 500 to 1,000 pounds (4 levels)	7	15.6
(b)(1)(E) Weight of explosives more than 1,000 pounds (5 levels)	3	6.7
(b)(2) Offense involved stolen explosives (2 levels)	14	31.1
(b)(3) Use of explosives in connection with another felony offense (4 levels or level 18)	13	28.9
§2K1.4 Arson	93	0.2
(a)(1)(A) Substantial risk of death/serious bodily injury (B) destruction of dwelling (BOL 24)	38	40.9
(a)(2)(A) Substantial risk of death/serious injury of other participant (B) destruction of structure other than a dwelling, (C) endangered a dwelling (Base offense level 20)	46	49.5
(a)(3) 2 plus the level from §2B1.1	9	9.7
(b)(1) Committed to conceal another offense (2 levels)	13	14.0
(b)(2) Offense not under (a)(3) and occurred on national cemetery (2 levels)	1	1.1
§2K1.5 Possessing Dangerous Weapon or Materials While Boarding an Aircraft	13	0.0
(b)(1) Committed without regard for safety of human life (15 levels)	0	0.0
(b)(2) Offender prohibited under federal law from possession weapon (2 levels)	1	7.7
(b)(3) Offender's possession lawful but for 49 U.S.C. §46505 (3 level decrease)	5	38.5
§2K1.6 Licensee Recordkeeping Violations Involving Explosive Materials	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition	4,284	7.6
(a)(1) Two prior convictions & firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) (BOL 26)	88	2.0
(a)(2) Two prior convictions for crime of violence (Base offense level 24)	786	18.4
(a)(3) One prior convictions & firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) (BOL 22)	164	3.8
(a)(4)(A) One prior conviction or (B) firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) and (i) offender was a prohibited person or (ii) convicted under 18 U.S.C. § 922(d) (Base offense level 20)	1,363	31.8
(a)(5) Firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. 921(a)(30) (BOL 18)	244	5.7
(a)(6)(A) Offender prohibited person or (B) convicted under 18 U.S.C. § 922(d) (BOL 14)	1,236	28.8
(a)(7) Excepted as provided in (a)(8) (Base offense level 12)	368	8.6
(a)(8) Offense convicted under 18 U.S.C. §922 (c), (e), (f), (m), (s), (t) or (x)(1) (BOL 6)	29	0.7
(b)(1)(A) 3-4 firearms <sup>34</sup> (one level)	248	5.8
(b)(1)(A) 3-7 firearms (two levels)	302	7.0
(b)(1)(B) 5-7 firearms <sup>34</sup> (two levels)	88	2.0
(b)(1)(B) 8-24 firearms (4 levels)	182	4.2
(b)(1)(C) 8-12 firearms <sup>34</sup> (3 levels)	109	2.5
(b)(1)(C) 25-99 firearms (6 levels)	42	1.0
(b)(1)(D) 13-24 firearms <sup>34</sup> (4 levels)	49	1.1
(b)(1)(D) 100-199 firearms (8 levels)	3	0.1
(b)(1)(E) 25-49 firearms <sup>34</sup> (5 levels)	88	2.0
(b)(1)(E) 200 or more firearms (10 levels)	1	0.0
(b)(1)(F) 50 or more firearms <sup>34</sup> (6 levels)	37	0.9
(b)(2) Not subject to (a)(1)-(a)(5) and solely for lawful sporting purposes (decrease to level 6)	89	2.1
(b)(3) Destructive device (2 levels)	106	2.5
(b)(4) Firearm stolen or altered/obliterated serial number (2 levels)	937	21.9
(b)(5) Firearms used in connection with another offense (4 levels/increase to level 18)	862	20.1
(b)(6) Recordkeeping offense to conceal offense involving firearms (increase to level of underlying offense)	5	0.1

<sup>34</sup> Firearm table changed on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2K2.4 Use of Firearm/Armor-Piercing Ammunition or Explosive	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K2.5 Possession of Firearm or Dangerous Weapon in Federal Facility	14	0.0
(b)(1)(A) Unlawful possession of firearm (B) firearm in school zone (2 levels)	7	50.0
§2K3.2 Feloniously Mailing Injurious Articles	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part L - Offenses Involving Immigration, Naturalization, and Passports</b>		
§2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien	1,658	2.9
(a)(1) Convicted under 8 U.S.C. §1327 after being previously deported (BOL 23)	2	0.1
(a)(2) Otherwise (Base offense level 12)	1,653	99.7
(a)(2) Otherwise <sup>35</sup> (Base offense level 9)	3	0.2
(b)(1)(A) Offense committed for profit and (B) BOL under (a)(2) (3 level decrease)	110	6.6
(b)(2)(A) 6-24 aliens smuggled (3 levels)	884	53.3
(b)(2)(B) 25-99 aliens smuggled (6 levels)	146	8.8
(b)(2)(C) 100 or more aliens smuggled (9 levels)	40	2.4
(b)(3)(A) Prior conviction for felony immigration and naturalization offense (2 levels)	32	1.9
(b)(3)(B) Two or more prior convictions for felony immigration offense (4 levels)	4	0.2
(b)(4)(A) Firearm discharged (6 levels, increase to 22)	10	0.6
(b)(4)(B) Weapon brandished or otherwise used (4 levels, increase to 20)	11	0.7
(b)(4)(C) Weapon possessed (2 levels, increase to 18)	19	1.1
(b)(5) Reckless creating risk of death or serious bodily injury (2 levels, increase to 18)	575	34.7
(b)(6)(1) Bodily injury (2 levels)	33	2.0
(b)(6)(2) Serious bodily injury (4 levels)	4	0.2
(b)(6)(3) Permanent or life-threatening bodily injury (6 levels)	6	0.4
(b)(6)(4) Death (8 levels)	27	1.6
§2L1.2 Unlawfully Entering or Remaining in the United States	6,570	11.6
(b)(1)(A) Previously deported, conviction of (i) drug trafficking offense (ii) crime of violence (iii) firearms offense (iv) child pornography (v) national security (vi) human trafficking (vii) alien smuggling (16 levels)	2,747	41.8
(b)(2)(B) Previously deported, drug offense sentence less than 13 months (12 levels)	683	10.4
(b)(2)(C) Previously deported, aggravated felony conviction (8 levels)	1,208	18.4
(b)(2)(D) Previously deported, any other felony conviction (E) three or more misdemeanor convictions of crimes of violence or drug trafficking (4 levels)	835	12.7

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<sup>35</sup> This base offense level was changed on November 1, 1997.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS  
Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2L2.1 Trafficking in Documents Relating to Naturalization	249	0.4
(b)(1) Committed other than for profit or only smuggling relative (3 level decrease)	14	5.6
(b)(2)(A) 6-24 Documents/Passports (3 levels)	70	28.1
(b)(2)(B) 25-99 Documents/Passports (6 levels)	28	11.2
(b)(2)(C) 100 or more Documents/Passports (9 levels)	80	32.1
§2L2.1 Trafficking in Documents Relating to Naturalization	249	0.4
(a) Base offense level 11	243	97.6
(a) Base offense level 9 <sup>35</sup>	6	2.4
(b)(3) Offender knew passport or visa used to facilitate felony offense (4 levels)	9	3.6
(b)(4)(A) Prior felony immigration and naturalization offense (2 levels)	1	0.4
(b)(4)(B) Two or more prior felony immigration and naturalization offenses (4 levels)	9	3.6
§2L2.2 Fraudulent Acquiring Documents Relating to Citizenship	637	1.1
(a) Base offense level 8	625	98.1
(a) Base offense level 6 <sup>35</sup>	12	1.9
(b)(1) Offender an unlawful alien, previously deported (2 levels)	147	23.1
(b)(2)(A) Prior felony immigration and naturalization offense (2 levels)	14	2.2
(b)(2)(B) Two or more prior felony immigration and naturalization offenses (4 levels)	4	0.6
§2L2.5 Failure to Surrender Canceled Naturalization Certificate	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part M - Offenses Involving National Defense and Weapons of Mass Destruction</b>		
§2M1.1 Treason	0	0.0
(a)(1) Conduct tantamount to waging war against the United States (Base offense level 43)	0	0.0
(a)(2) Offense level applicable to most analogous offense	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M2.1 Destruction of, or Production of Defective War Material	0	0
No Specific Offense Characteristics for this guideline	NA	NA
§2M2.3 Destruction of, or Production of Detective, National Defense Material	0	0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.1 Gathering/Transmitting National Defense Information to Aid Foreign Gov't	2	0.0
(a)(1) Top secret information gathered or transmitted (Base offense level 42)	2	100.0
(a)(2) Otherwise (Base offense level 37)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.2 Gathering National Defense Information	0	0.0
(a)(1) Top secret information gathered (Base offense level 35)	0	0.0
(a)(2) Otherwise (Base offense level 30)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.3 Transmitting National Defense Information	0	0.0
(a)(1) Top secret information (Base offense level 29)	0	0.0
(a)(2) Otherwise (Base offense level 24)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.4 Losing National Defense Information	0	0.0
(a)(1) Top secret information was lost (Base offense level 18)	0	0.0
(a)(2) Otherwise (Base offense level 13)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.5 Tampering with Restricted Data Concerning Atomic Energy	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2M3.9 Disclosure of Information Identifying a Covert Agent	0	0.0
(a)(1) Information disclosed by person with access to classified material identifying a covert agent (BOL 30)	0	0.0
(a)(2) Information disclosed by person with access to classified material (BOL 25)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M4.1 Failure to Register and Evasion of Military Service	0	0.0
(b)(1) Occurred by person being inducted for compulsory military service (6 levels)	0	0.0
§2M5.1 Evasion of Export Controls	0	0.0
(a)(1)(A) National security controls (B) offense involved financial transactions with a country supporting terrorism (Base offense level 26)	0	0.0
(a)(2) Otherwise (Base offense level 14)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M5.2 Exportation of Arms/Munitions/Military Equipment without Validated Export License	5	0.0
(a)(1) Except as provided in (a)(2) <sup>36</sup> (Base offense level 22)	4	80.0
(a)(2) Involved less than 10 only non-fully automatic small arms (Base offense level 14)	1	20.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M5.3 Providing Material Support/Resources to Designated Foreign Terrorist Organizations	0	0.0
(b)(1)(A) Dangerous weapons involved (B) firearms (C) explosives (D) funds to purchase (A)-(C) (2 levels)	0	0.0
§2M6.1 Unlawful Production of Nuclear Material	3	0.0
(a)(1)(A) Intent to injure U.S. (B) aid a foreign nation (Base offense level 42)	0	0.0
(a)(2) Subsections (a)(1), (a)(3)-(a)(5) do not apply (Base offense level 28)	0	0.0
(a)(3) Convicted under 18 U.S.C. § 175b (Base offense level 22)	0	0.0
(a)(4) Convicted under 18 U.S.C. §175(b) (a)(5)(A) Involved a threat to use nuclear weapon but (B) did not intend to carry out threat (Base offense level 20)	3	100.0
(b)(1)(A) Subsection (a)(2), (a)(4), or (a)(5) applies and (B) threat of biological agent	2	66.7
(b)(2)(A) Subsections (a)(2)-(a)(4) applies and (B)(i) victim died or permanent life-threatening bodily injury (4 levels)	0	0.0
(b)(2)(A) Subsection (a)(2)-(a)(4) applies and (ii) serious bodily injury (2 levels)	0	0.0
(b)(2)(A) Subsection (a)(2)-(a)(4) applies and (iii) injury between (i) and (ii) (3 levels)	0	0.0
(b)(3)(A) Subsection (a)(2)-(a)(5) applies and (B) disruption of government services (4 levels)	0	0.0

<sup>36</sup> This base offense level was raised to 26 on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2M6.2 Violation of Other Federal Atomic Energy Agency Statutes, Rules or Regulation	0	0.0
(a)(1) Committed with intent to injure the United States (Base offense level 30)	0	0.0
(a)(2) Otherwise (Base offense level 6)	0	0.0
No Specific Offense Characteristic for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part N - Offenses Involving Food, Drugs, Agricultural Products and Odometer Laws</b>		
§2N1.1 Tampering or Attempting to Tamper Involving risk of Death or Bodily Injury	5	0.0
(b)(1)(A) Permanent or life-threatening bodily injury (4 levels)	0	0.0
(b)(2)(B) Serious bodily injury (2 levels)	0	0.0
(b)(1)(C) Degree of injury between serious and permanent/life-threatening (3 levels)	0	0.0
§2N1.2 Providing False Information or Threatening to Tamper with Consumer Products	0	0.0
No Specific Offense Characteristics with this guideline	NA	NA
§2N1.3 Tampering with Intent to Injure Business	2	0.0
No Specific Offense Characteristics with this guideline	NA	NA
§2N2.1 Violations of Statutes and Regulations Dealing with any Food, Drug, etc	23	0.0
No Specific Offense Characteristics with this guideline	0	0.0
§2N3.1 Odometer Laws and Regulations	1	0.0
No Specific Offense Characteristics with this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part P - Offenses Involving Prisons and Correctional Facilities</b>		
§2P1.1 Escape, Instigating or Assisting Escape	202	0.4
(a)(1) Custody is by virtue of an arrest on a felony/conviction of another offense (BOL 13)	197	97.5
(a)(2) Otherwise (Base offense level 8)	5	2.5
(b)(1) Use of threat of force against any person (5 levels)	5	2.5
(b)(2) Escaped from non-secure custody,(a)(1) applies, return in 96 hours (7 level decrease)	7	3.5
(b)(2) Escaped from non-secure custody, (a)(2)applies, return in 96 hours (4 level decrease)	5	2.5
(b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(1) applies (4 level decrease)	87	43.1
(b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(2) applies (2 level decrease)	0	0.0
(b)(4) Offender was a law enforcement officer (2 levels)	2	1.0
§2P1.2 Providing or Possessing Contraband in Prison	71	0.1
(a)(1) Object was a firearm or destructive device (Base offense level 23)	6	8.4
(a)(2) Object was a weapon, ammunition, LSD, or a narcotic drug (Base offense level 13)	42	59.2
(a)(3) Object was an alcoholic beverage/currency/controlled substance (BOL 6)	21	29.6
(a)(4) Other object threatened order of facility (Base offense level 4)	1	1.4
(b)(1) Offender was a law enforcement officer (2 levels)	4	5.6
§2P1.3 Engaging in a Riot Involving Persons in a Facility	1	0.0
(a)(1) Substantial risk of death or serious bodily injury (Base offense level 22)	0	0.0
(a)(2) Caused a major disruption to the operation of an institution (Base offense level 16)	1	100.0
(a)(3) Otherwise (Base offense level 10)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part Q -Offenses Involving the Environment</b>		
§2Q1.1 Knowing Endangerment Resulting from Mishandling Hazardous Substances	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2Q1.2 Mishandling of Hazardous Substances	48	0.1
(b)(1)(A) Resulted in ongoing emission of a hazardous substance (6 levels)	20	41.7
(b)(1)(B) Otherwise involved discharge of a hazardous substance (4 levels)	13	27.1
(b)(2) Substantial likelihood of death or serious bodily injury (9 levels)	1	2.1
(b)(3) Disruption of public utilities or evacuation (4 levels)	2	4.2
(b)(4) Involved transportation without a permit or violation of a permit (4 levels)	20	41.7
(b)(5) Recordkeeping reflected an effort to conceal offense (Offense level of underlying offense)	0	0.0
(b)(6) Simple recordkeeping or reporting violation (2 level decrease)	1	2.1
§2Q1.3 Mishandling of Other Environmental Pollutants	36	0.1
(b)(1)(A) Ongoing/repetitive discharge of a pollutant (6 levels)	16	44.4
(b)(1)(B) Otherwise discharge of pollutant (4 levels)	14	38.9
(b)(2) Substantial likelihood of death or serious bodily injury (11 levels)	0	0.0
(b)(3) Resulted in disruption of public utilities or evacuation (4 levels)	2	5.6
(b)(4) Discharge without permit or in violation of a permit (4 levels)	24	66.7
(b)(5) Recordkeeping reflected an effort to conceal offense (Offense level of underlying offense)	0	0.0
§2Q1.4 Tampering or Attempted Tampering with Public Water System	0	0.0
(b)(1) Risk of death or serious bodily injury (6 levels)	0	0.0
(b)(2) Disruption of a public water system or evacuation (4 levels)	0	0.0
(b)(3) Ongoing release of contaminant into public water system (2 levels)	0	0.0
(b)(4) Purpose was to influence government action or extort money (6 levels)	0	0.0
§2Q1.5 Threatened Tampering with Public Water System	0	0.0
(b)(1) Disruption of a public water system or evacuation (4 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2Q1.6 Hazardous or Injurious Devices on Federal Lands	2	0.0
(a)(1) Intent was to violate Controlled Substance Act (apply §2D1.9)	0	0.0
(a)(2) Obstruct harvesting of timber and property destruction (apply §2B1.1)	0	0.0
(a)(3) Reckless disregard to risk to another person (apply §2A2.2)	0	0.0
(a)(4) Otherwise (Base offense level 6)	2	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2Q2.1 Offenses Involving Fish, Wildlife and Plants	78	0.1
(b)(1)(A) Committed for pecuniary gain (B) pattern of similar violations (2 levels)	59	75.6
(b)(2)(A) Involved wildlife not quarantined (B) significant risk to human/wildlife (2 levels)	5	6.4
(b)(3)(A) Value of wildlife between \$2,000 and \$5,000 (one level)	4	5.1
(b)(3)(A) Value of wildlife between \$5,000 and \$10,000 (2 levels)	11	14.1
(b)(3)(A) Value of wildlife between \$10,000 and \$30,000 (4 levels)	11	14.1
(b)(3)(A) Value of wildlife between \$10,000 and \$20,000 <sup>37</sup> (3 levels)	2	2.6
(b)(3)(A) Value of wildlife between \$30,000 and \$70,000 (6 levels)	1	1.3
(b)(3)(A) Value of wildlife between \$20,000 and \$40,000 <sup>37</sup> (4 levels)	7	9.0
(b)(3)(A) Value of wildlife between \$40,000 and \$70,000 <sup>37</sup> (5 levels)	4	5.1
(b)(3)(A) Value of wildlife between \$70,000 and \$120,000 <sup>37</sup> (6 levels)	5	6.4
(b)(3)(A) Value of wildlife between \$120,000 and \$200,000 <sup>37</sup> (7 levels)	2	2.6
(b)(3)(A) Value of wildlife between \$200,000 and \$350,000 <sup>37</sup> (8 levels)	3	3.8
(b)(3)(A) Value of wildlife between \$350,000 and \$500,000 <sup>37</sup> (9 levels)	1	1.3

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<sup>37</sup> Threshold amounts and level increases were changed on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part R - Antitrust Offenses</b>		
§2R1.1 Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors	24	0.0
(b)(1) Involved participation in agreement to submit non-competitive bid (one level)	21	87.5
(b)(2)(A) Volume of commerce between \$400,000 and \$1,000,000 (one level)	1	4.2
(b)(2)(B) Volume of commerce between \$1,000,000 and \$2,500,000 (2 levels)	4	16.7
(b)(2)(C) Volume of commerce between \$2,500,000 and \$6,250,000 (3 levels)	3	12.5
(b)(2)(D) Volume of commerce between \$6,250,000 and \$15,000,000 (4 levels)	2	8.3
(b)(2)(E) Volume of commerce between \$15,000,000 and \$37,500,000 (5 levels)	8	33.3
(b)(2)(F) Volume of commerce between \$37,500,000 and \$100,000,000 (6 levels)	2	8.3
(b)(2)(G) Volume of commerce more than \$100,000,000 (7 levels)	2	8.3

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part S - Money Laundering and Monetary Transactions Reporting</b>		
§2S1.1 Laundering of Monetary Instruments	691	1.2
(a)(1)&(2) Base offense level 6	3	0.4
(a)(1)&(2) Base offense level 8	9	1.3
(a)(1)&(2) Base offense level 9	1	0.1
(a)(1)&(2) Base offense level 10	6	0.9
(a)(1)&(2) Base offense level 12	42	6.1
(a)(1)&(2) Base offense level 14	34	4.9
(a)(1)&(2) Base offense level 15	6	0.9
(a)(1)&(2) Base offense level 16	25	3.6
(a)(1)&(2) Base offense level 17	4	0.6
(a)(1)&(2) Base offense level 18	17	2.5
(a)(1)&(2) Base offense level 20 <sup>38</sup>	242	35.0
(a)(1)&(2) Base offense level 20	27	3.9
(a)(1)&(2) Base offense level 21	2	0.3
(a)(1)&(2) Base offense level 22	19	2.8
(a)(1)&(2) Base offense level 23 <sup>38</sup>	209	30.2
(a)(1)&(2) Base offense level 23	4	0.6
(a)(1)&(2) Base offense level 24	19	2.8
(a)(1)&(2) Base offense level 26	7	1.0
(a)(1)&(2) Base offense level 27	1	0.1
(a)(1)&(2) Base offense level 28	4	0.6
(a)(1)&(2) Base offense level 30	1	0.1
(a)(1)&(2) Base offense level 32	2	0.3
(a)(1)&(2) Base offense level 34	3	0.4
(a)(1)&(2) Base offense level 36	4	0.6

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<sup>38</sup> Base offense levels were changed on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2S1.1 Laundering of Monetary Instruments (continued)	691	1.2
(b)(1) Subsection (a)(2) applies and (B) offender knew proceeds were intended for (i) distribution of a controlled substance (ii) crime of violence (iii) firearms explosives (6 levels)	73	10.6
(b)(1) Proceeds intended for unlawful controlled substance offense <sup>39</sup> (3 levels)	290	42.0
(b)(2)(A) Offender convicted under 18 U.S.C. §1957 (one level)	33	4.8
(b)(2)(B) Offender convicted under 18 U.S.C. §1956 (2 levels)	171	24.7
(b)(2)(C) Subsection (a)(1) applies and offender in business of laundering money (4 levels)	5	0.7
(b)(2)(B) Value of funds laundered between \$100,000 and \$200,000 <sup>40</sup> (one level)	52	7.5
(b)(2)(B) Value of funds laundered between \$200,000 and \$350,000 <sup>37</sup> (2 levels)	42	6.1
(b)(2)(B) Value of funds laundered between \$350,000 and \$600,000 <sup>37</sup> (3 levels)	46	6.7
(b)(2)(B) Value of funds laundered between \$600,000 and \$1,000,000 <sup>37</sup> (4 levels)	35	5.1
(b)(2)(B) Value of funds laundered between \$1,000,000 and \$2,000,000 <sup>37</sup> (5 levels)	56	8.1
(b)(2)(B) Value of funds laundered between \$2,000,000 and \$3,500,000 <sup>37</sup> (6 levels)	17	2.5
(b)(2)(B) Value of funds laundered between \$3,500,000 and \$6,000,000 <sup>37</sup> (7 levels)	19	2.8
(b)(2)(B) Value of funds laundered between \$6,000,000 and \$10,000,000 <sup>37</sup> (8 levels)	15	2.2
(b)(2)(B) Value of funds laundered between \$10,000,000 and \$20,000,000 <sup>37</sup> (9 levels)	15	2.2
(b)(2)(B) Value of funds laundered between \$20,000,000 and \$35,000,000 <sup>37</sup> (10 levels)	9	1.3
(b)(2)(B) Value of funds laundered between \$35,000,000 and \$60,000,000 <sup>37</sup> (11 levels)	4	0.6
(b)(2)(B) Value of funds laundered between \$60,000,000 and \$100,000,000 <sup>37</sup> (12 levels)	3	0.4
(b)(2)(B) Value of funds laundered more than \$100,000,000 <sup>37</sup> (13 levels)	2	0.3
(b)(3) Subsection (b)(2)(B) applies and sophisticated laundering involved (2 levels)	12	1.7

<sup>39</sup> Specific Offense Characteristic (SOC) was expanded and level enhanced on November 1, 2001.

<sup>40</sup> SOC deleted on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2S1.2 Engaging in Monetary Transactions in Property Derived from Unlawful Activity <sup>41</sup>	113	0.2
(b)(1)(A) Unlawful activity involved a controlled substance (5 levels)	20	17.7
(b)(1)(B) Any other specified unlawful activity (2 levels)	66	58.4
(b)(2)(B) Value of funds laundered between \$100,000 and \$200,000 (one level)	18	15.9
(b)(2)(B) Value of funds laundered between \$200,000 and \$350,000 (2 levels)	10	8.8
(b)(2)(B) Value of funds laundered between \$350,000 and \$600,000 (3 levels)	13	11.5
(b)(2)(B) Value of funds laundered between \$600,000 and \$1,000,000 (4 levels)	11	9.7
(b)(2)(B) Value of funds laundered between \$1,000,000 and \$2,000,000 (5 levels)	23	20.4
(b)(2)(B) Value of funds laundered between \$2,000,000 and \$3,500,000 (6 levels)	11	9.7
(b)(2)(B) Value of funds laundered between \$3,500,000 and \$6,000,000 (7 levels)	2	1.8
(b)(2)(B) Value of funds laundered between \$6,000,000 and \$10,000,000 (8 levels)	2	1.8
(b)(2)(B) Value of funds laundered between \$10,000,000 and \$20,000,000 (9 levels)	2	1.8
(b)(2)(B) Value of funds laundered between \$20,000,000 and \$35,000,000 (10 levels)	4	3.5

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<sup>41</sup> Guideline was deleted and consolidated with §2S1.1 on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
§2S1.3 Structuring Transactions to Evade Reporting Requirements	199	0.4
(a)(1) Offender convicted under 31 U.S.C. §§ 5318 or 5318A (Base offense level 8)	1	0.5
(a)(2) Loss less than \$5,000 (Base offense level 6)	1	0.5
(a)(2) Loss less than \$2,000 <sup>42</sup> (Base offense level 6)	3	1.5
(a)(2) Loss between \$5,000 and \$10,000 (Base offense level 8)	1	0.5
(a)(2) Loss between \$10,000 and \$20,000 <sup>42</sup> (Base offense level 9)	13	6.5
(a)(2) Loss between \$10,000 and \$30,000 (Base offense level 10)	23	11.6
(a)(2) Loss between \$20,000 and \$40,000 <sup>42</sup> (Base offense level 10)	19	9.6
(a)(2) Loss between \$40,000 and \$70,000 <sup>42</sup> (Base offense level 11)	19	9.6
(a)(2) Loss between \$30,000 and \$70,000 (Base offense level 12)	15	7.5
(a)(2) Loss between \$70,000 and \$120,000 <sup>42</sup> (Base offense level 12)	21	10.6
(a)(2) Loss between \$120,000 and \$200,000 <sup>42</sup> (Base offense level 13)	15	7.5
(a)(2) Loss between \$70,000 and \$120,000 (Base offense level 14)	6	3.0
(a)(2) Loss between \$200,000 and \$350,000 <sup>42</sup> (Base offense level 14)	19	9.6
(a)(2) Loss between \$350,000 and \$500,000 <sup>42</sup> (Base offense level 15)	10	5.0
(a)(2) Loss between \$120,000 and \$200,000 (Base offense level 16)	3	1.5
(a)(2) Loss between \$500,000 and \$800,000 <sup>42</sup> (Base offense level 16)	6	3.0
(a)(2) Loss between \$800,000 and \$1,500,000 <sup>42</sup> (Base offense level 17)	8	4.0
(a)(2) Loss between \$200,000 and \$400,000 (Base offense level 18)	3	1.5
(a)(2) Loss between \$1,500,000 and \$2,500,000 <sup>42</sup> (Base offense level 18)	6	3.0
(a)(2) Loss between \$2,500,000 and \$5,000,000 <sup>42</sup> (Base offense level 19)	2	1.0
(a)(2) Loss between \$5,000,000 and \$10,000,000 <sup>42</sup> (Base offense level 20)	1	0.5
(a)(2) Loss between \$10,000,000 and \$20,000,000 <sup>42</sup> (Base offense level 21)	2	1.0
(a)(2) Loss between \$40,000,000 and \$80,000,000 <sup>42</sup> (Base offense level 23)	1	0.5
(a)(2) Loss more than \$80,000,000 <sup>42</sup> (Base offense level 24)	1	0.5
(b)(1) Offender knew proceeds were for unlawful activity or bulk cash smuggling (2 levels)	89	44.7
(b)(2) Convicted under subchapter II of chapter 53 of title 31 & offense involved more than \$100,000 over a 12 month period (two levels)	0	0.0

<sup>42</sup> Base offense level thresholds amounts and levels changed on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2S1.3 Structuring Transactions to Evade Reporting Requirements (continued)	199	0.4
(b)(3) Subsection (b)(1) does not apply (B) offender did not act with reckless disregard of source of funds (C) funds were from lawful activity (D) funds used for legal purposes <sup>43</sup> (decrease to level 6)	27	13.6

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<sup>43</sup> Specific Offense Characteristic deleted on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

Guideline and SOC	Applied	Percent
<b>Part T - Offenses Involving Taxation</b>		
§2T1.1 Tax Evasion	553	1.0
(a)(2) No tax loss or loss less than \$2,000 (Base offense level 6)	10	1.8
(a)(2) No tax loss or loss less than \$1,700 <sup>44</sup> (Base offense level 6)	11	2.0
(a)(1) Loss between \$1,700 and \$3,000 <sup>44</sup> (Base offense level 7)	6	1.1
(a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8)	5	0.9
(a)(1) Loss between \$3,000 and \$5,000 <sup>44</sup> (Base offense level 8)	3	0.5
(a)(1) Loss between \$5,000 and \$8,000 <sup>44</sup> (Base offense level 9)	10	1.8
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	14	2.5
(a)(1) Loss between \$8,000 and \$13,500 <sup>44</sup> (Base offense level 10)	14	2.5
(a)(1) Loss between \$13,500 and \$23,500 <sup>44</sup> (Base offense level 11)	43	7.8
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	13	2.4
(a)(1) Loss between \$23,500 and \$40,000 <sup>44</sup> (Base offense level 12)	56	10.1
(a)(1) Loss between \$40,000 and \$70,000 <sup>44</sup> (Base offense level 13)	76	13.7
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	21	3.8
(a)(1) Loss between \$70,000 and \$120,000 <sup>44</sup> (Base offense level 14)	63	11.4
(a)(1) Loss between \$120,000 and \$200,000 <sup>44</sup> (Base offense level 15)	63	11.4
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	4	0.7
(a)(1) Loss between \$200,000 and \$325,000 <sup>44</sup> (Base offense level 16)	41	7.4
(a)(1) Loss between \$325,000 and \$550,000 <sup>44</sup> (Base offense level 17)	29	5.2
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	2	0.4
(a)(1) Loss between \$550,000 and \$950,000 <sup>44</sup> (Base offense level 18)	29	5.2
(a)(1) Loss between \$950,000 and \$1,500,000 <sup>44</sup> (Base offense level 19)	17	3.1
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	1	0.2
(a)(1) Loss between \$1,500,000 and \$2,500,000 <sup>44</sup> (Base offense level 20)	8	1.4
(a)(1) Loss between \$2,500,000 and \$5,000,000 <sup>44</sup> (Base offense level 21)	11	2.0
(a)(1) Loss between \$5,000,000 and \$10,000,000 <sup>44</sup> (Base offense level 22)	3	0.5
(b)(1) Failed to report exceeding \$10,000 from criminal activity (2 levels, level 12)	175	31.6
(b)(2) Sophisticated means (2 levels, increase to level 12)	95	17.2

<sup>44</sup> Base offense level thresholds amounts and levels changed on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud	92	0.2
(a)(2) No tax loss or loss less than \$2,000 (Base offense level 6)	3	3.3
(a)(2) No tax loss or loss less than \$1,700 <sup>45</sup> (Base offense level 6)	1	1.1
(a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8)	1	1.1
(a)(1) Loss between \$3,000 and \$5,000 <sup>45</sup> (Base offense level 8)	1	1.1
(a)(1) Loss between \$5,000 and \$8,000 <sup>45</sup> (Base offense level 9)	3	3.3
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	1	1.1
(a)(1) Loss between \$8,000 and \$13,500 <sup>45</sup> (Base offense level 10)	3	3.3
(a)(1) Loss between \$13,500 and \$23,500 <sup>45</sup> (Base offense level 11)	4	4.4
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	3	3.3
(a)(1) Loss between \$23,500 and \$40,000 <sup>45</sup> (Base offense level 12)	3	3.3
(a)(1) Loss between \$40,000 and \$70,000 <sup>45</sup> (Base offense level 13)	9	9.8
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	3	3.3
(a)(1) Loss between \$70,000 and \$120,000 <sup>45</sup> (Base offense level 14)	14	18.5
(a)(1) Loss between \$120,000 and \$200,000 <sup>45</sup> (Base offense level 15)	11	12.0
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	2	2.2
(a)(1) Loss between \$200,000 and \$325,000 <sup>45</sup> (Base offense level 16)	5	5.4
(a)(1) Loss between \$325,000 and \$550,000 <sup>45</sup> (Base offense level 17)	5	5.4
(a)(1) Loss between \$550,000 and \$950,000 <sup>45</sup> (Base offense level 18)	5	5.4
(a)(1) Loss between \$950,000 and \$1,500,000 <sup>45</sup> (Base offense level 19)	5	5.4
(a)(1) Loss between \$1,500,000 and \$2,500,000 <sup>45</sup> (Base offense level 20)	6	6.5
(a)(1) Loss between \$2,500,000 and \$5,000,000 <sup>45</sup> (Base offense level 21)	2	2.2
(a)(1) Loss between \$5,000,000 and \$10,000,000 <sup>45</sup> (Base offense level 22)	2	2.2
(b)(1)(A) Part of scheme, offender derived substantial portion of income (B) in business of preparing tax returns (2 levels)	63	68.5
(b)(2) Sophisticated means (2 levels, increase to level 12)	12	13.0

<sup>45</sup> Base offense level thresholds amounts and levels changed on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T1.6 Failing to Collect or Truthfully Account for and Pay Over Tax	3	0.0
(a) Loss between \$120,000 and \$200,000 <sup>46</sup> (Base offense level 15)	1	33.3
(a) Loss between \$80,000 and \$200,000 (Base offense level 16)	1	33.3
(a) Loss between \$325,000 and \$550,000 <sup>46</sup> (Base offense level 17)	1	33.3
No Specific Offense Characteristics for this guideline	NA	NA
§2T1.7 Failing to Deposit Collected Taxes in Trust Account as Required After Notice	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T1.8 Offenses Relating to Withholding Statements	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T1.9 Conspiracy to Impede, Impair, Obstruct	16	0.0
(a)(1)&(2) Loss \$13,500 and less <sup>46</sup> (Base offense level 10)	1	6.2
(a)(1) Loss between \$13,500 and \$23,500 <sup>46</sup> (Base offense level 11)	1	6.2
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	1	6.2
(a)(1) Loss between \$40,000 and \$70,000 <sup>46</sup> (Base offense level 13)	1	6.2
(a)(1) Loss between \$70,000 and \$120,000 <sup>46</sup> (Base offense level 14)	1	6.2
(a)(1) Loss between \$120,000 and \$200,000 <sup>46</sup> (Base offense level 15)	3	18.8
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	1	6.2
(a)(1) Loss between \$200,000 and \$325,000 <sup>46</sup> (Base offense level 16)	2	12.5
(a)(1) Loss between \$325,000 and \$550,000 <sup>46</sup> (Base offense level 17)	1	6.2
(a)(1) Loss between \$1,500,000 and \$2,500,000 <sup>46</sup> (Base offense level 20)	1	6.2
(a)(1) Loss between \$5,000,000 and \$10,000,000 <sup>46</sup> (Base offense level 22)	1	6.2
(a)(1) Loss between \$10,000,000 and \$20,000,000 <sup>46</sup> (Base offense level 23)	1	6.2
(a)(1) Loss between \$40,000,000 and \$80,000,000 <sup>46</sup> (Base offense level 25)	1	6.2
(b)(1) Planned or threat of violence to impede the collection of revenue (4 levels)	1	6.2
(b)(2) Conduct was to encourage others to impede collection of revenue (2 levels)	6	37.5

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<sup>46</sup> Base offense level thresholds amounts and levels changed on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**  
**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
§2T2.1 Non-payment of Taxes	14	0.0
(a) Loss between \$5,000 and \$8,000 <sup>47</sup> (Base offense level 9)	2	14.3
(a) Loss \$13,500 and less <sup>47</sup> (Base offense level 10)	1	7.1
(a) Loss between \$40,000 and \$70,000 <sup>47</sup> (Base offense level 13)	2	14.3
(a) Loss between \$70,000 and \$120,000 <sup>47</sup> (Base offense level 14)	3	21.4
(a) Loss between \$325,000 and \$550,000 <sup>47</sup> (Base offense level 17)	1	7.1
(a) Loss between \$950,000 and \$1,500,000 <sup>47</sup> (Base offense level 19)	1	7.1
(a) Loss between \$2,500,000 and \$5,000,000 <sup>47</sup> (Base offense level 21)	3	21.4
(a) Loss between \$10,000,000 and \$20,000,000 <sup>47</sup> (Base offense level 23)	1	7.1
No Specific Offense Characteristics for this guideline	NA	NA
§2T2.2 Regulatory Offenses	2	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T3.1 Evading Import Duties or Restrictions (Smuggling)	29	0.0
(a)(3) Loss less than \$100 (Base offense level 4)	8	27.6
(a)(2) Loss between \$100 and \$1,000 (Base offense level 5)	4	13.8
(a)(1) Loss between \$1,000 and \$2,000 (Base offense level 6)	1	3.4
(a)(1) Loss between \$1,000 and \$1,700 <sup>47</sup> (Base offense level 6)	1	3.4
(a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8)	2	6.9
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	2	6.9
(a)(1) Loss between \$8,000 and \$13,500 <sup>47</sup> (Base offense level 10)	2	6.9
(a)(1) Loss between \$13,500 and \$23,500 <sup>47</sup> (Base offense level 11)	1	3.4
(a)(1) Loss between \$40,000 and \$70,000 <sup>47</sup> (Base offense level 13)	1	3.4
(a)(1) Loss between \$70,000 and \$120,000 <sup>47</sup> (Base offense level 14)	2	6.9
(a)(1) Loss between \$120,000 and \$200,000 <sup>47</sup> (Base offense level 15)	1	3.4
(a)(1) Loss between \$325,000 and \$550,000 <sup>47</sup> (Base offense level 17)	2	6.9
(a)(1) Loss between \$2,500,000 and \$5,000,000 <sup>47</sup> (Base offense level 21)	1	3.4
(a)(1) Loss between \$5,000,000 and \$10,000,000 <sup>47</sup> (Base offense level 22)	1	3.4
(b)(1) Sophisticated means (2 levels, increase to level 12)	3	10.3

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS**

<sup>47</sup> Base offense level thresholds amounts and levels changed on November 1, 2001.

**Fiscal Year 2002**

<b>Guideline and SOC</b>	<b>Applied</b>	<b>Percent</b>
<b>Part X - Other Offenses</b>		
§2X1.1 Attempt, Solicitation, or Conspiracy	152	0.3
(b)(1) If an attempt (3 level decrease)	17	11.2
(b)(2) If a conspiracy (3 level decrease)	12	7.9
(b)(3)(A) Solicitation (3 level decrease)	1	0.7
§2X2.1 Aiding and Abetting	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X3.1 Accessory After the Fact	114	0.2
No Specific Offense Characteristics for this guideline	NA	NA
§2X4.1 Misprision of a Felony	514	0.9
No Specific Offense Characteristics for this guideline	NA	NA
§2X1.5 Other Offenses	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA