

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES¹
Post-Blakely 2004²

Guideline and SOC	Applied ³	Percent ⁴
ALL OFFENSES		
All Offenses	15,462	100.0
Decided by Trial	637	4.1
Upward Departures	109	0.7
Chapter 2 Specific Offense Characteristic Adjustments	9,419	60.9
§3A1.1(a) Hate Crime Adjustment (three levels)	8	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	84	0.5
§3A1.2 Official Victim Adjustment (three levels)	44	0.3
§3A1.3 Restraint of Victim Adjustment (two levels)	12	0.1
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	537	3.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1,560	7.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	254	1.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	57	0.4
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	382	2.5
§3C1.2 Reckless Endangerment During Flight (two levels)	59	0.4

¹ The information in this tables depicts information collected from only those cases in which complete guideline information is available. Of the 70,068 cases in which the Commission received, 18,203 were sentenced after the United States Supreme Court decision in *Washington v Blakely* (decision date: June 24, 2004) during fiscal year 2004. Of the 18,203 cases, 14,734 contained complete guideline information (80.9 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.

² Post-*Blakely* 2004 data represents guideline application from guidelines effective November 1, 2003 unless otherwise specified.

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

⁴ The “Percent” column represents, for each guideline, the percent of all guideline calculations in which the specific guideline was involved. For each Chapter 3 Adjustment, the percent represents the percentage that the adjustment was used in the calculations for the specific guideline.

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
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Guideline and SOC	Applied	Percent
Part A - Offenses Against Person		
§2A1.1 First Degree Murder	29	0.2
Decided by Trial	16	55.2
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA ⁵	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	3.4
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	7	24.1
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	3.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	5	17.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

⁵ NA (not applicable) denotes the guideline in question has no Specific Offense Characteristics.

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Guideline and SOC	Applied	Percent
§2A1.2 Second Degree Murder	11	0.1
Decided by Trial	0	0.0
Upward Departures	5	45.4
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	18.2
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	9.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A1.3 Voluntary Manslaughter	5	0.0
Decided by Trial	0	0.0
Upward Departures	2	40.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
§2A1.4 Involuntary Manslaughter	13	0.1
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A1.5 Conspiracy or Solicitation to Commit Murder	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
§2A2.1 Assault with Intent to Commit Murder: Attempted Murder	19	0.1
Decided by Trial	2	10.5
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	26.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	15.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A2.2 Aggravated Assault	85	0.6
Decided by Trial	8	9.4
Upward Departures	2	2.4
Chapter 2 Specific Offense Characteristic Adjustments	84	98.8
§3A1.1(a) Hate Crime Adjustment (three levels)	5	5.9
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	2.4
§3A1.2 Official Victim Adjustment (three levels)	9	10.6
§3A1.3 Restraint of Victim Adjustment (two levels)	1	1.2
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	2.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	2.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	1.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	2.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
§2A2.3 Minor Assault	3	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	66.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A2.4 Obstructing or Impeding Officers	44	0.3
Decided by Trial	6	13.6
Upward Departures	2	4.6
Chapter 2 Specific Offense Characteristic Adjustments	32	72.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	1	2.3
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	2.3
§3C1.2 Reckless Endangerment During Flight (two levels)	1	2.3

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Guideline and SOC	Applied	Percent
§2A3.1 Criminal Sexual Abuse (Rape)	42	0.3
Decided by Trial	10	23.8
Upward Departures	2	4.8
Chapter 2 Specific Offense Characteristic Adjustments	36	85.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	5	11.9
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	9.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A3.2 Criminal Sexual Abuse of a Minor (Statutory Rape)	43	0.3
Decided by Trial	4	9.3
Upward Departures	2	4.6
Chapter 2 Specific Offense Characteristic Adjustments	32	74.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
§2A3.3 Criminal Sexual Abuse of a Ward	2	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A3.4 Abuse Sexual Contact	5	0.0
Decided by Trial	1	20.0
Upward Departures	1	20.0
Chapter 2 Specific Offense Characteristic Adjustments	45	80.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	20.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

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Guideline and SOC	Applied	Percent
§2A4.1 Kidnaping, Abduction or Unlawful Restraint	36	0.2
Decided by Trial	5	13.9
Upward Departures	3	8.3
Chapter 2 Specific Offense Characteristic Adjustments	34	94.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	22	61.1
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	5.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	5.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	2.8
§3C1.2 Reckless Endangerment During Flight (two levels)	1	2.8
§2A4.2 Demanding or Receiving Ransom Money	0	0.0
§2A5.1 Aircraft Piracy or Attempted Aircraft Piracy	0	0.0

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Guideline and SOC	Applied	Percent
§2A5.2 Interference with Flight Crew Member or Mass Transportation Vehicle or Ferry	2	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A5.3 Committing Certain Crimes Aboard Aircraft	0	0.0

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Guideline and SOC	Applied	Percent
§2A6.1 Threatening or Harassing Communication	37	0.2
Decided by Trial	4	10.8
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	22	59.5
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	2.7
§3A1.2 Official Victim Adjustment (three levels)	9	24.3
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	2.7
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2A6.2 Stalking or Domestic Violence	3	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	66.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
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Guideline and SOC	Applied	Percent
Part B - Basic Economic Offenses		
§2B1.1 Larceny, Embezzlement, Theft, and Fraud	1,697	11.0
Decided by Trial	49	2.9
Upward Departures	10	0.6
Chapter 2 Specific Offense Characteristic Adjustments	1,316	77.6
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	25	1.5
§3A1.2 Official Victim Adjustment (three levels)	1	0.1
§3A1.3 Restraint of Victim Adjustment (two levels)	2	0.2
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	101	6.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	66	3.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	172	10.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	5	0.3
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	49	4.9
§3C1.2 Reckless Endangerment During Flight (two levels)	1	0.1

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Guideline and SOC	Applied	Percent
§2B1.3 Property Damage or Destruction ⁶	2	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

⁶ This guideline was consolidated with §2B1.1 on November 1, 2001.

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Guideline and SOC	Applied	Percent
§2B1.4 Insider Trading	0	0.0
§2B1.5 Theft or Damage of Cultural Heritage Resources	2	0.0
Decided by Trial	2	100.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2B2.1 Burglary of a Residence	39	0.2
Decided by Trial	1	2.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	28	71.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	2.6
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	7.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	5.1
§3C1.2 Reckless Endangerment During Flight (two levels)	1	2.6
§2B2.3 Trespass	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2B3.1 Robbery	765	5.0
Decided by Trial	50	6.5
Upward Departures	20	2.6
Chapter 2 Specific Offense Characteristic Adjustments	717	93.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	3	0.4
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	4	0.5
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	9	1.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	13	1.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	9	1.2
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	23	3.0
§3C1.2 Reckless Endangerment During Flight (two levels)	9	1.2
§2B3.2 Extortion by Force	11	0.1
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	11	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	18.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	18.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	9.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2B3.3 Blackmail and other forms of Extortion	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2B4.1 Bribery in Procurement of Bank Loan and other Commercial Bribery	17	0.1
Decided by Trial	1	5.9
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	16	94.1
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	5.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	5.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	17.6
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	5.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2B5.1 Offenses involving Counterfeit Bearer Obligations	119	0.8
Decided by Trial	2	1.7
Upward Departures	2	1.7
Chapter 2 Specific Offense Characteristic Adjustments	86	72.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	0.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	9	7.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	4	3.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2B5.3 Criminal Infringement of Copyright or Trademark	24	0.2
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	23	95.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	12.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	8.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2B6.1 Altering or Removing Motor Vehicle ID Numbers	7	0.0
Decided by Trial	1	14.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	7	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	28.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part C - Offenses Involving Public Officials		
§2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe	43	0.3
Decided by Trial	9	20.9
Upward Departures	1	2.3
Chapter 2 Specific Offense Characteristic Adjustments	39	90.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	5	11.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	2.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	2.3
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	4	9.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2C1.2 Offering, Giving, Soliciting, or Receiving a Gratuity	4	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	4	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.4
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2C1.3 Conflict of Interest: Payment or Receipt of Unauthorized Compensation	4	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	25.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2C1.4 Payment or Receipt of Unauthorized Compensation ⁷	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2C1.5 Payments to Obtain Public Office	0	0.0
§2C1.6 Loan or Gratuity to Bank Examiner or Adjustment of Farm Indebtedness	0	0.0

⁷ Deleted and consolidated with §2C1.3 on November 1, 2001.

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2C1.7 Fraud Involving Deprivation of the Intangible Right to the Honest Services Public Officials	10	0.1
Decided by Trial	4	40.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	8	80.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	10.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	5	50.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part D - Offenses Involving Drugs		
§2D1.1 Drug Trafficking	5,420	35.0
Decided by Trial	199	3.7
Upward Departures	6	0.1
Chapter 2 Specific Offense Characteristic Adjustments	2,671	49.3
§3A1.1(a) Hate Crime Adjustment (three levels)	1	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	0.0
§3A1.2 Official Victim Adjustment (three levels)	6	0.1
§3A1.3 Restraint of Victim Adjustment (two levels)	2	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	225	4.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1,233	22.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	13	0.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	34	0.6
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	142	2.6
§3C1.2 Reckless Endangerment During Flight (two levels)	21	0.4

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2D1.2 Drug offenses near protected location/involving underage/pregnant individuals	123	0.8
Decided by Trial	11	8.9
Upward Departures	1	0.8
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	2.4
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	10	8.1
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.8
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	1.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D1.5 Continuing Criminal Enterprise	8	0.0
Decided by Trial	1	12.5
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2D1.6 Use of Communication Facility in Committing Drug Offense	12	0.1
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	8.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D1.7 Unlawful Sale or Transportation of Drug Paraphernalia	6	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	50.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2D1.8 Renting or Managing a Drug Establishment	17	0.1
Decided by Trial	1	5.9
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	5.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	5.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D1.9 Placing or Maintaining Dangerous Devices on Federal Property to Protect Unlawful Production of a Controlled Substance	0	0.0
§2D1.10 Endangering Human Life While Illegally Manufacturing a Controlled Substance	1	0.0
Decided by Trial	1	100.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2D1.11 Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical	38	0.2
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	7.9
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	5.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	7.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D1.12 Unlawful Possession/Manufacturing of Prohibited Equipment	10	0.1
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	10	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	10.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	10.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2D1.13 Structuring Chemical Transactions to Evade Recordkeeping Requirements	0	0.0
§2D2.1 Unlawful Possession	104	0.7
Decided by Trial	4	3.8
Upward Departures	2	1.9
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	1	1.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	1.9
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	1.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	1.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	4	3.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D2.2 Acquiring a Controlled Substance by Forgery, Fraud, Deception, or Subterfuge	4	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	50.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2D2.3 Operating or Directing the Operation of a Common Carrier Under the Influence	0	0.0
§2D3.1 Regulatory Offenses Involving Registration Numbers	2	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2D3.2 Regulatory Offenses Involving Controlled Substances or Listed Chemicals	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part E - Offenses Involving Criminal Enterprises and Racketeering		
§2E1.1 Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations	8	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	12.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	3	37.5
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	25.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	12.5
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2E1.2 Interstate or Foreign Travel or Transportation in Aid of a Racketeering Enterprise	4	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2E1.3 Violent Crimes in Aid of Racketeering Activity	0	0.0
§2E1.4 Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire	3	0.0
Decided by Trial	1	33.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2E2.1 Making or Financing an Extortionate Extension of Credit	12	0.1
Decided by Trial	3	25.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	16.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	3	25.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	8.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2E3.1 Gambling Offenses	25	0.2
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	5	20.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	4.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	4.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2E4.1 Unlawful Conduct Relating to Contraband Cigarettes	2	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	50.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2E5.1 Offering, Accepting, or Soliciting a Bribe Affecting a Pension Benefit	3	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2E5.3 False Statements in Relation to Documents Required by Employee Retirement Security Act	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part F - Offenses Involving Fraud and Deceit		
§2F1.1 Fraud and Deceit ⁸	265	1.7
Decided by Trial	17	6.4
Upward Departures	6	2.3
Chapter 2 Specific Offense Characteristic Adjustments	254	95.8
§3A1.1(a) Hate Crime Adjustment (three levels)	2	0.8
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	6	2.3
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	39	14.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	10	3.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	33	12.4
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.4
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	10	3.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2F1.2 Insider Trading ²⁷	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	1	100.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

⁸ Deleted and consolidated with §2B1.1 on November 1, 2001.

Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part G - Offenses Involving Commercial Sex Acts, Sexual Exploitation of Minors and Obscenity		
§2G1.1 Promoting A Commercial Sex Act or Prohibited Sexual Contact	36	0.2
Decided by Trial	3	8.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	25	69.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	17	47.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5	13.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	2.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2G2.1 Production of Pornography	36	0.2
Decided by Trial	3	8.3
Upward Departures	1	2.8
Chapter 2 Specific Offense Characteristic Adjustments	36	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	5	13.9
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	8	22.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	2.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2G2.2 Trafficking in Pornography	89	0.6
Decided by Trial	4	4.5
Upward Departures	4	4.5
Chapter 2 Specific Offense Characteristic Adjustments	86	96.6
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	4	4.5
§3A1.2 Official Victim Adjustment (three levels)	1	1.1
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	2.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	1.1
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	2.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2G2.3 Selling or Buying Children for use in the Production of Pornography	0	0.0
§2G2.4 Possession of Pornography	81	0.5
Decided by Trial	1	1.2
Upward Departures	2	2.5
Chapter 2 Specific Offense Characteristic Adjustments	80	98.8
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.4
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	2.5
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2G2.5 Recordkeeping Offenses Involving the Production of Sexually Explicit Materials	0	0.0
§2G3.1 Importing/Mailing/Transporting Obscene Matter	6	0.0
Decided by Trial	2	33.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	4	66.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2G3.2 Obscene Telephone Communication for Commercial Purposes	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part H - Offenses Involving Individual Rights		
§2H1.1 Offenses Involving Individual Rights	4	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	4	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	25.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2H1.3 Use of Force or Threat of Force to Deny Benefits or Rights in Furtherance of Discrimination: Damage to Religious Real Property ⁹	0	0.0
§2H2.1 Obstructing an Election or Registration	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	100.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

⁹ Deleted and consolidated with §2H1.1 on November 1, 1995

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2H3.1 Interception of Communications	4	0.0
Decided by Trial	1	25.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	25.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	25.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2H3.2 Manufacturing, Distributing, Advertising Eavesdropping Device	0	0.0
§2H3.3 Obstructing Correspondence	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2H4.1 Peonage, Involuntary Servitude and Slave Trade	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part J - Offenses Involving the Administration of Justice		
§2J1.1 Contempt	0	0.0
§2J1.2 Obstruction of Justice	32	0.2
Decided by Trial	8	25.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	9	28.1
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	2	6.2
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	6.2
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	6.2
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	6.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2J1.3 Perjury or Subornation of Perjury	17	0.1
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	5.9
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	5.9
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	5.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2J1.4 Impersonation	4	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	2	50.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2J1.5 Failure to Appear by Material Witness	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2J1.6 Failure to Appear by Defendant	23	0.2
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	13	56.5
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2J1.7 Commission of Offense While on Release	35	0.2
Decided by Trial	3	8.6
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	11	31.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	5.7
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	2.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	4	11.4
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2J1.9 Payment to a Witness	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part K - Offenses Involving Public Safety		
§2K1.1 Failure to Report Theft of Explosive Materials	4	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2K1.3 Unlawful Receipt/Possession/Transportation of Explosive Materials	5	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	60.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	20.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2K1.4 Arson	16	0.1
Decided by Trial	1	6.2
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	12.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	6.2
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2K1.5 Possessing Dangerous Weapon or Materials While Boarding an Aircraft	10	0.1
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	30.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	1	10.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2K1.6 Licensee Recordkeeping Violations Involving Explosive Materials	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition	1,642	10.6
Decided by Trial	118	7.2
Upward Departures	13	0.8
Chapter 2 Specific Offense Characteristic Adjustments	758	46.2
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	10	0.6
§3A1.3 Restraint of Victim Adjustment (two levels)	1	0.1
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	14	0.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	16	1.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	1	0.1
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	55	3.4
§3C1.2 Reckless Endangerment During Flight (two levels)	15	0.9

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2K2.4 Use of Firearm/Armor-Piercing Ammunition or Explosive	0	0.0
§2K2.5 Possession of Firearm or Dangerous Weapon in Federal Facility	6	0.0
Decided by Trial	0	0.0
Upward Departures	1	16.7
Chapter 2 Specific Offense Characteristic Adjustments	5	83.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2K2.6 Possessing, Purchasing, or Owning Body Armor by Violent Felons	2	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	50.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2K3.2 Feloniously Mailing Injurious Articles	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part L - Offenses Involving Immigration, Naturalization, and Passports		
§2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien	674	4.4
Decided by Trial	8	1.2
Upward Departures	5	0.7
Chapter 2 Specific Offense Characteristic Adjustments	510	75.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	0.3
§3A1.2 Official Victim Adjustment (three levels)	2	0.3
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	22	3.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	112	16.6
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.2
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	2	0.3
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	9	1.3
§3C1.2 Reckless Endangerment During Flight (two levels)	6	0.9
§2L1.2 Unlawfully Entering or Remaining in the United States	2,473	16.0
Decided by Trial	22	0.9
Upward Departures	6	0.2
Chapter 2 Specific Offense Characteristic Adjustments	1,977	79.9
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	6	0.2
§3C1.2 Reckless Endangerment During Flight (two levels)	4	0.2

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2L2.1 Trafficking in Documents Relating to Naturalization	67	0.4
Decided by Trial	4	6.0
Upward Departures	1	1.5
Chapter 2 Specific Offense Characteristic Adjustments	46	68.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	2	3.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	5	7.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	5	7.5
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	3	4.5
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	1.5
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2L2.2 Fraudulent Acquiring Documents Relating to Citizenship	246	1.6
Decided by Trial	6	2.4
Upward Departures	2	0.8
Chapter 2 Specific Offense Characteristic Adjustments	32	13.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	0.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2L2.5 Failure to Surrender Canceled Naturalization Certificate	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part M - Offenses Involving National Defense and Weapons of Mass Destruction		
§2M1.1 Treason	0	0.0
§2M2.1 Destruction of, or Production of Defective War Material	0	0
§2M2.3 Destruction of , or Production of Detective, National Defense Material	0	0
§2M3.1 Gathering/Transmitting National Defense Information to Aid Foreign Gov't	0	0.0
§2M3.2 Gathering National Defense Information	0	0.0
§2M3.3 Transmitting National Defense Information	0	0.0
§2M3.4 Losing National Defense Information	0	0.0
§2M3.5 Tampering with Restricted Data Concerning Atomic Energy	0	0.0
§2M3.9 Disclosure of Information Identifying a Covert Agent	0	0.0
§2M4.1 Failure to Register and Evasion of Military Service	0	0.0
§2M5.1 Evasion of Export Controls; Financial Transactions with Countries Supporting Terrorism	1	0.0
Decided by Trial	1	100.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	100.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2M5.2 Exportation of Arms/Munitions/Military Equipment without Validated Export License	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2M5.3 Providing Material Support/Resources to Designated Foreign Terrorist Organizations	0	0.0
§2M6.1 Unlawful Production of Nuclear Material	2	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2M6.2 Violation of Other Federal Atomic Energy Agency Statutes, Rules or Regulation	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part N - Offenses Involving Food, Drugs, Agricultural Products and Odometer Laws		
§2N1.1 Tampering or Attempting to Tamper Involving risk of Death or Bodily Injury	2	0.0
Decided by Trial	1	50.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	50.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	50.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	2	100.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	50.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2N1.2 Providing False Information or Threatening to Tamper with Consumer Products	0	0.0
§2N1.3 Tampering with Intent to Injure Business	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2N2.1 Violations of Statutes and Regulations Dealing with any Food, Drug, etc	6	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2N3.1 Odometer Laws and Regulations	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part P - Offenses Involving Prisons and Correctional Facilities		
§2P1.1 Escape, Instigating or Assisting Escape	57	0.4
Decided by Trial	0	0.0
Upward Departures	1	1.8
Chapter 2 Specific Offense Characteristic Adjustments	31	54.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	1.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	1.8
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2P1.2 Providing or Possessing Contraband in Prison	37	0.2
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2P1.3 Engaging in a Riot Involving Persons in a Facility	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part Q -Offenses Involving the Environment		
§2Q1.1 Knowing Endangerment Resulting from Mishandling Hazardous Substances	0	0.0
§2Q1.2 Mishandling of Hazardous Substances	17	0.1
Decided by Trial	2	11.8
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	14	82.4
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	4	23.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	5.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2Q1.3 Mishandling of Other Environmental Pollutants	7	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	6	85.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	28.6
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	14.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2Q1.4 Tampering or Attempted Tampering with Public Water System	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2Q1.6 Hazardous or Injurious Devices on Federal Lands	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2Q2.1 Offenses Involving Fish, Wildlife and Plants	20	0.1
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	11	55.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	5.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	5.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part R - Antitrust Offenses		
§2R1.1 Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors	3	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part S - Money Laundering and Monetary Transactions Reporting		
§2S1.1 Laundering of Monetary Instruments	162	1.0
Decided by Trial	13	8.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	156	96.3
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	0.6
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	26	16.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	29	17.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	5	3.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	9	5.6
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2S1.2 Engaging in Monetary Transactions in Property Derived from Unlawful Activity ¹⁰	9	0.1
Decided by Trial	2	22.2
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	9	100.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	11.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	11.1
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2S1.3 Structuring Transactions to Evade Reporting Requirements	75	0.5
Decided by Trial	2	2.7
Upward Departures	1	1.3
Chapter 2 Specific Offense Characteristic Adjustments	56	74.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	1.3
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	8	10.7
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	1.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

¹⁰ Guideline was deleted and consolidated with §2S1.1 on November 1, 2001.

Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part T - Offenses Involving Taxation		
§2T1.1 Tax Evasion	130	0.8
Decided by Trial	12	9.2
Upward Departures	2	1.6
Chapter 2 Specific Offense Characteristic Adjustments	49	37.7
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	5	3.8
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.8
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	4	3.1
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	2	1.6
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	13	10.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2T1.3 Fraud and False Statements Under Penalty of Perjury ¹¹	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud	19	0.1
Decided by Trial	2	10.5
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	12	63.2
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	2	10.5
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	2	10.5
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	2	10.5
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES

¹¹ This guideline was consolidated with §2T1.1 on November 1, 1993

Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2T1.6 Failing to Collect or Truthfully Account for and Pay Over Tax	1	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	100.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2T1.7 Failing to Deposit Collected Taxes in Trust Account as Required After Notice	0	0.0
§2T1.8 Offenses Relating to Withholding Statements	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2T1.9 Conspiracy to Impede, Impair, Obstruct	4	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2T2.1 Non-payment of Taxes	5	0.0
Decided by Trial	1	20.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	1	20.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2T2.2 Regulatory Offenses	0	0.0
§2T3.1 Evading Import Duties or Restrictions (Smuggling)	5	0.0
Decided by Trial	0	0.0
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	2	40.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
Part X - Other Offenses		
§2X1.1 Attempt, Solicitation, or Conspiracy	50	0.3
Decided by Trial	3	6.0
Upward Departures	1	2.0
Chapter 2 Specific Offense Characteristic Adjustments	9	18.0
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	0	0.0
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	0	0.0
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2X2.1 Aiding and Abetting	0	0.0

CHAPTER 3 ADJUSTMENTS AND PLEA/TRIAL RATES
Post-Blakely 2004

Guideline and SOC	Applied	Percent
§2X3.1 Accessory After the Fact	30	0.2
Decided by Trial	1	3.3
Upward Departures	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	1	3.3
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	3.3
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	0	0.0
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	3.3
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2X4.1 Misprision of a Felony	106	0.7
Decided by Trial	0	0.0
Upward Departures	2	1.9
Chapter 2 Specific Offense Characteristic Adjustments	NA	NA
§3A1.1(a) Hate Crime Adjustment (three levels)	0	0.0
§3A1.1(b)(1)&(2) Vulnerable Victim Adjustment (two or four levels)	0	0.0
§3A1.2 Official Victim Adjustment (three levels)	0	0.0
§3A1.3 Restraint of Victim Adjustment (two levels)	0	0.0
§3A1.4 Terrorism Adjustment (12 levels, or increase to level 32)	0	0.0
§3B1.1 Aggravating Role Adjustment (two, three or four levels)	0	0.0
§3B1.2 Mitigating Role Adjustment (two, three or four level decrease)	1	0.9
§3B1.3 Abuse of Position of Trust Adjustment (two levels)	1	0.9
§3B1.4 Use of a Minor to Commit a Crime Adjustment (two levels)	0	0.0
§3C1.1 Obstructing or Impeding the Administration of Justice Adjustment (two levels)	1	0.9
§3C1.2 Reckless Endangerment During Flight (two levels)	0	0.0
§2X5.1 Other Offenses	1	0.0