

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS¹
Pre-Booker 2005²

| Guideline and SOC | Applied³ | Percent⁴ |
|---|----------------------------|----------------------------|
| Part A - Offenses Against Person | | |
| §2A1.1 First Degree Murder | 44 | 0.3 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2A1.2 Second Degree Murder | 11 | 0.1 |
| (a) Base offense level 38 | 0 | 0.0 |
| (a) Base offense level 33 ⁵ | 11 | 100.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2A1.3 Voluntary Manslaughter | 1 | 0.0 |
| (a) Base offense level 29 | 0 | 0.0 |
| (a) Base offense level 25 ⁵ | 1 | 100.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2A1.4 Involuntary Manslaughter | 8 | 0.0 |
| (a)(1) Criminally negligent (Base offense level 12) | 0 | 0.0 |
| (a)(2)(A) Reckless conduct (Base offense level 18) | 3 | 37.5 |
| (a)(2)(B) Reckless operation of a means of transportation (Base offense level 22) | 0 | 0.0 |
| (a)(2) Reckless (Base offense level 14) ⁵ | 5 | 62.5 |
| §2A1.5 Conspiracy or Solicitation to Commit Murder | 4 | 0.0 |
| (a) Base offense level 33 | 0 | 0.0 |
| (a) Base offense level 28 ⁵ | 4 | 100.0 |
| (b)(1) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels) | 1 | 25.0 |

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¹ The information in this tables depicts information collected from only those cases in which complete guideline information is available. Of the 72,462 cases the Commission received, 18,788 were sentenced before the United States Supreme Court decision in *United States v Booker and Fan Fan* (decision date: January 12, 2005) during fiscal year 2005. Of the 18,788 cases, 15,212 contained complete guideline information (81.0 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 Pre-Booker 2005 data represents guideline application from guidelines effective November 1, 2004 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 Specific Offense Characteristic (SOC), the percent represents the percentage that the specific was used in the calculations for the specific guideline.

⁵ Base offense level value was increased on November 1, 2004.

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2A2.1 Assault with Intent to Commit Murder: Attempted Murder | 28 | 0.2 |
| (a)(1) Offense would have constituted first degree murder (Base offense level 33) | 1 | 3.6 |
| (a)(1) Offense would have constituted first degree murder (Base offense level 28) ⁵ | 25 | 89.3 |
| (a)(2) Otherwise (Base offense level 27) | 0 | 0.0 |
| (a)(2) Otherwise (Base offense level 22) ⁵ | 2 | 7.1 |
| (b)(1)(A) Permanent or life-threatening bodily injury (4 levels) | 3 | 10.7 |
| (b)(1)(B) Between permanent/life-threatening and serious bodily injury (3 levels) | 2 | 7.1 |
| (b)(1)(C) Serious bodily injury (2 levels) | 5 | 17.9 |
| (b)(2) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels) | 1 | 3.6 |
| §2A2.2 Aggravated Assault | 69 | 0.4 |
| (a) Base offense level 14 | 4 | 5.8 |
| (a) Base offense level 15 ⁶ | 65 | 94.2 |
| (b)(1) More than minimal planning (2 levels) | 5 | 7.2 |
| (b)(2)(A) Firearm discharged (5 levels) | 9 | 13.0 |
| (b)(2)(B) Dangerous weapon otherwise used (4 levels) | 33 | 47.8 |
| (b)(2)(C) Dangerous weapon brandished or threatened (3 levels) | 6 | 8.7 |
| (b)(3)(C) Permanent or life-threatening injury (7 levels) | 0 | 0.0 |
| (b)(3)(C) Permanent or life-threatening injury (6 levels) ⁷ | 2 | 2.9 |
| (b)(3)(E) Between permanent/life-threatening and serious bodily injury (6 levels) | 0 | 0.0 |
| (b)(3)(E) Between permanent/life-threatening and serious bodily injury (5 levels) ⁷ | 3 | 4.3 |
| (b)(3)(B) Serious bodily injury (5 levels) | 2 | 2.9 |
| (b)(3)(B) Serious bodily injury (4 levels) ⁷ | 18 | 26.1 |
| (b)(3)(D) Between serious and "simple" bodily injury (4 levels) | 1 | 1.4 |
| (b)(3)(D) Between serious and "simple" bodily injury (3 levels) ⁷ | 1 | 1.4 |
| (b)(3)(A) "Simple" bodily injury (3 levels) | 0 | 0.0 |
| (b)(3)(A) "Simple" bodily injury (2 levels) ⁷ | 20 | 29.0 |
| (b)(4) Assault motivated by payment or offer of money or thing of value (2 levels) | 0 | 0.0 |
| (b)(5) Assault involved violation of a court protection order (2 levels) | 0 | 0.0 |
| (b)(6) If the defendant was convicted under 18 U.S.C. § 111(b) or § 115 (2 levels) | 0 | 0.0 |

⁶ Base offense level was decreased on November 1, 2004.

⁷ SOC was increased on November 1, 2004.

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| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2A2.3 Minor Assault | 6 | 0.0 |
| (a)(1) Physical contact or dangerous weapon possessed/threatened (Base offense level 7) | 0 | 0.0 |
| (a)(1) Physical contact or dangerous weapon possessed/threatened (Base offense level 6) ⁵ | 5 | 83.3 |
| (a)(2) Other than the behavior in (a)(1) (Base offense level 4) | 0 | 0.0 |
| (a)(2) Other than the behavior in (a)(1) (Base offense level 3) ⁵ | 1 | 16.7 |
| (b)(1)(A) Bodily injury to victim (2 levels) | 0 | 0.0 |
| (b)(1)(B) Substantial bodily injury to victim under age of 16 (4 levels) | 0 | 0.0 |
| §2A2.4 Obstructing or Impeding Officers | 34 | 0.2 |
| (a) Base offense level 10 | 0 | 0.0 |
| (a) Base offense level 6 ⁵ | 34 | 100.0 |
| (b)(1) Physical contact or dangerous weapon possessed/threatened (3 levels) | 22 | 64.7 |
| (b)(2) Victim sustained bodily injury (2 levels) | 0 | 0.0 |
| §2A3.1 Criminal Sexual Abuse (Rape) | 59 | 0.4 |
| (a) Base offense level 30 | 0 | 0.0 |
| (a) Base offense level 27 ⁵ | 59 | 100.0 |
| (b)(1) Offense committed by means set forth in 18 U.S.C. § 2241(a) or (b) (4 levels) | 9 | 15.2 |
| (b)(2)(A) Victim under age of 12 (4 levels) | 25 | 42.4 |
| (b)(2)(B) Victim between 12 and 16 (2 levels) | 17 | 28.8 |
| (b)(3)(A) Victim in custody, care or control (2 levels) | 25 | 42.4 |
| (b)(3)(B) Victim in a correctional facility (2 levels) | 2 | 3.4 |
| (b)(4)(A) Permanent or life-threatening bodily injury (4 levels) | 1 | 1.7 |
| (b)(4)(B) Between permanent/life-threatening and serious bodily injury (3 levels) | 0 | 0.0 |
| (b)(4)(C) Serious bodily injury (2 levels) | 1 | 1.7 |
| (b)(5) Victim abducted (4 levels) | 2 | 3.4 |
| (b)(6)(A) Misrepresentation to persuade a minor (2 levels) | 2 | 3.4 |
| (b)(6)(B) Use of a computer to persuade a minor (2 levels) | 7 | 11.9 |

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| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2A3.2 Criminal Sexual Abuse of a Minor (Statutory Rape) | 56 | 0.4 |
| (a) Base offense level 18 | 2 | 3.6 |
| (a)(1) Violation of Chapter 117 of Title 18 and the commission of a sex act (BOL 24) ⁸ | 4 | 7.1 |
| (a)(2) Violation of Chapter 117 of Title 18 and no sex act or sexual contact (BOL 21) ⁸ | 30 | 53.6 |
| (a)(3) Other than (a)(1) or (a)(2) (Base offense level 18) ⁸ | 15 | 26.8 |
| (a)(2) Other than a violation of Chapter 117 of Title 18 (Base offense level 15) ⁹ | 5 | 8.9 |
| (b)(1) Victim in custody, care or control of the defendant (4 levels) | 0 | 0.0 |
| (b)(1) Victim in custody, care or control of the defendant (2 levels) ⁷ | 6 | 10.7 |
| (b)(2)(A)&(B) Misrepresentation of identity or undue influence (4 levels) | 0 | 0.0 |
| (b)(2)(A)&(B) Misrepresentation of identity or undue influence (2 levels) ⁷ | 14 | 27.4 |
| (b)(3)(A) Use of a computer to persuade the victim to engage in prohibited sexual conduct (2 levels) | 23 | 41.1 |
| (b)(3)(B) Use of a computer to facilitate travel by the victim/participant to engage in prohibited sexual conduct (2 levels) ¹⁰ | 10 | 17.9 |
| (b)(4) If subsection (a)(1) applies and (b)(1),(2) and (3) do not apply (6 level decrease) ¹⁰ | 0 | 0.0 |
| §2A3.3 Criminal Sexual Abuse of a Ward | 2 | 0.0 |
| (a) Base offense level 12 | 0 | 0.0 |
| (a) Base offense level 9 ⁵ | 2 | 100.0 |
| (b)(1) Misrepresentation of identity (2 levels) | 0 | 0.0 |
| (b)(2) Use of a computer (2 levels) | 0 | 0.0 |
| §2A3.4 Abuse Sexual Contact | 24 | 0.2 |
| (a)(1) If offense committed by means in 18 U.S.C. § 2241(a) or (b) (BOL 20) | 0 | 0.0 |
| (a)(2) If offense committed by means in 18 U.S.C. § 2242 (Base offense level 16) | 0 | 0.0 |
| (a)(1) If offense committed by means in 18 U.S.C. § 2241(a) or (b) (BOL 16) ⁵ | 1 | 4.2 |
| (a)(3) Other than (a)(1) or (a)(2) (Base offense level 12) | 0 | 0.0 |
| (a)(2) If offense committed by means in 18 U.S.C. § 2242 (Base offense level 12) ⁵ | 2 | 8.3 |
| (a)(3) Other than (a)(1) or (a)(2) (Base offense level 10) ⁵ | 21 | 87.5 |
| (b)(1) Victim under the age of 12 (4 levels or increase to level 20) | 0 | 0.0 |
| (b)(1) Victim under the age of 12 (4 levels or increase to level 16) ⁷ | 18 | 75.0 |
| (b)(2) Victim between 12 and 16 (2 levels) | 1 | 4.2 |

⁸ Base offense level was eliminated on November 1, 2004.

⁹ Base offense level was increased on November 1, 2001.

¹⁰ SOC was eliminated on November 1, 2004.

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| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2A3.4 Abuse Sexual Contact (continued) | 24 | 0.2 |
| (b)(3) Victim was in custody, care or control (2 levels) | 19 | 79.2 |
| (b)(4) Misrepresentation of identity (2 levels) | 0 | 0.0 |
| (b)(5) Use of a computer (2 levels) | 0 | 0.0 |
| (b)(6) Violation of Chapter 117 of Title 18 (3 levels) ¹⁰ | 1 | 4.2 |
| §2A4.1 Kidnapping, Abduction or Unlawful Restraint | 94 | 0.6 |
| (a) Base offense level 32 | 9 | 9.6 |
| (a) Base offense level 24 ¹¹ | 84 | 89.4 |
| (b)(1) Ransom demanded or a demand upon the government (6 levels) | 82 | 87.2 |
| (b)(2)(A) Victim sustained permanent or life-threatening bodily injury (4 levels) | 0 | 0.0 |
| (b)(2)(B) Between permanent or life-threatening and serious bodily injury (3 levels) | 0 | 0.0 |
| (b)(2)(C) Serious bodily injury (2 levels) | 1 | 1.1 |
| (b)(3) Dangerous weapon used (2 levels) | 85 | 90.4 |
| (b)(4)(A) Victim not released before 30 days (2 levels) | 0 | 0.0 |
| (b)(4)(B) Victim not release before seven days (1 level) | 1 | 1.1 |
| (b)(4)(C) Victim released before 24 hours (1 level decrease) | 1 | 1.1 |
| (b)(5) Victim sexually exploited (6 levels) | 3 | 3.2 |
| (b)(5) Victim sexually exploited (3 levels) ¹² | 0 | 0.0 |
| (b)(6) Victim was a minor, and in exchange for money, in custody, care or control (3 lev) | 0 | 0.0 |
| (b)(7)(A) Abduction in connection with another crime (increase to applicable g'line) | 2 | 2.1 |
| (b)(7)(B) Abduction in connection with another crime (4 levels) | 0 | 0.0 |
| §2A4.2 Demanding or Receiving Ransom Money | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2A5.1 Aircraft Piracy or Attempted Aircraft Piracy | 0 | 0.0 |
| (b)(1) Death resulting from act (5 levels) | 0 | 0.0 |

¹¹ Base offense level was increased on November 1, 2003.

¹² SOC was increased on November 1, 2003.

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| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2A5.2 Interference with Flight Crew Member or Mass Transportation Vehicle or Ferry | 1 | 0.0 |
| (a)(1) Intentionally endangering safety of above stated transportation (BOL 30) | 0 | 0.0 |
| (a)(2) Recklessly endangering safety of above stated transportation (BOL 18) | 0 | 0.0 |
| (a)(3) If an assault occurred, most analogous BOL from §§ 2A2.1-2A2.4 | 0 | 0.0 |
| (a)(4) Other than behavior in (a)(1)-(a)(3) (Base offense level 9) | 1 | 100.0 |
| (b)(1)(i) Subsection (a)(1) or (a)(2) applies, firearm discharged (5 levels) | 0 | 0.0 |
| (b)(1)(ii) Subsection (a)(1) or (a)(2) applies, dangerous weapon otherwise used (4 levels) | 0 | 0.0 |
| (b)(1)(iii) Subsection (a)(1) or (a)(2) applies, weapon brandished/threatened (3 levels) | 0 | 0.0 |
| §2A5.3 Committing Certain Crimes Aboard Aircraft | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2A6.1 Threatening or Harassing Communication | 50 | 0.3 |
| (a)(2) Convicted of 47 U.S.C. § 223(a)(1)(C) - (E) not involving threat to injure (BOL 6) | 3 | 6.0 |
| (a)(1) Conviction other than (a)(1) (Base offense level 12) | 47 | 94.0 |
| (b)(1) Conduct evidencing an intent to carry out such threat (6 levels) | 6 | 12.0 |
| (b)(2) More than two threats (2 levels) | 15 | 30.0 |
| (b)(3) Violation of a court protection order (2 levels) | 6 | 12.0 |
| (b)(4)(A) Disruption of public, governmental, or business functions (4 levels) | 4 | 8.0 |
| (b)(4)(B) Substantial expenditure of funds to clean or decontaminate (4 levels) | 1 | 2.0 |
| (b)(5) If subsection (a)(2) and (b)(1)-(b)(4) do not apply (4 level decrease) ¹³ | 11 | 22.0 |
| §2A6.2 Stalking or Domestic Violence | 1 | 0.0 |
| (b)(1)(A) Violation of court protection order (2 levels) | 0 | 0.0 |
| (b)(1)(B) Bodily injury (2 levels) | 0 | 0.0 |
| (b)(1)(C) Possession , or threatened use of a dangerous weapon (2 levels) | 0 | 0.0 |
| (b)(1)(D) Pattern of activity stalking, threatening, or assaulting same victim (2 levels) | 1 | 100.0 |
| (b)(1)(A)-(D) Violation of more than one of above (4 levels) | 0 | 0.0 |

¹³ SOC was changed from §2A6.1(b)(4) on November 1, 2002.

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| Guideline and SOC | Applied | Percent |
|---|---------|---------|
| Part B - Basic Economic Offenses | | |
| §2B1.1 Larceny, Embezzlement, Theft, and Fraud | 1,709 | 10.6 |
| (a)(1) Base offense level 4 ¹⁴ | 48 | 2.8 |
| (a)(1) Base offense level 6 ¹⁵ | 288 | 16.8 |
| (a)(1) Base offense level 7 (Statutory maximum of 20 years or more) | 140 | 8.2 |
| (a)(2) Otherwise Base offense level 6 | 1,233 | 72.1 |
| (b)(1)(A) \$5,000 or less (0 levels) | 448 | 26.2 |
| (b)(1)(A) \$100 or less ¹⁶ (0 levels) | 5 | 0.3 |
| (b)(1)(B) Between \$100 and \$1,000 ¹⁶ (1 level) | 2 | 0.1 |
| (b)(1)(B) Between \$5,000 and \$10,000 (2 levels) | 137 | 8.0 |
| (b)(1)(D) Between \$2,000 and \$5,000 ¹⁶ (3 levels) | 3 | 0.2 |
| (b)(1)(C) Between \$10,000 and \$30,000 (4 levels) | 333 | 19.5 |
| (b)(1)(E) Between \$5,000 and \$10,000 ¹⁶ (4 levels) | 1 | 0.1 |
| (b)(1)(F) Between \$10,000 and \$20,000 ¹⁶ (5 levels) | 3 | 0.2 |
| (b)(1)(D) Between \$30,000 and \$70,000 (6 levels) | 259 | 15.2 |
| (b)(1)(G) Between \$20,000 and \$40,000 ¹⁶ (6 levels) | 4 | 0.2 |
| (b)(1)(H) Between \$40,000 and \$70,000 ¹⁶ (7 levels) | 9 | 0.5 |
| (b)(1)(E) Between \$70,000 and \$120,000 (8 levels) | 145 | 8.5 |
| (b)(1)(I) Between \$70,000 and \$120,000 ¹⁶ (8 levels) | 6 | 0.4 |
| (b)(1)(J) Between \$120,000 and \$200,000 ¹⁶ (9 levels) | 3 | 0.2 |
| (b)(1)(F) Between \$120,000 and \$200,000 (10 levels) | 84 | 4.9 |
| (b)(1)(K) Between \$200,000 and \$350,000 ¹⁶ (10 levels) | 5 | 0.3 |
| (b)(1)(L) Between \$350,000 and \$500,000 ¹⁶ (11 levels) | 5 | 0.3 |
| (b)(1)(G) Between \$200,000 and \$400,000 (12 levels) | 87 | 5.1 |
| (b)(1)(M) Between \$500,000 and \$800,000 ¹⁶ (12 levels) | 2 | 0.1 |
| (b)(1)(N) Between \$800,000 and \$1,500,000 ¹⁶ (13 levels) | 3 | 0.2 |

¹⁴ Base offense level was increased on November 1, 2001.

¹⁵ Base offense level was altered on November 1, 2003.

¹⁶ Dollar amount and offense levels for this SOC changed on November 1, 2001.

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| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued) | 1,709 | 10.6 |
| (b)(1)(H) Between \$400,000 and \$1,000,000 (14 levels) | 83 | 4.9 |
| (b)(1)(O) Between \$1,500,000 and \$2,500,000 ¹⁶ (14 levels) | 1 | 0.1 |
| (b)(1)(I) Between \$1,000,000 and \$2,500,000 (16 levels) | 37 | 2.2 |
| (b)(1)(Q) Between \$5,000,000 and \$10,000,000 ¹⁶ (16 levels) | 2 | 0.1 |
| (b)(1)(J) Between \$2,500,000 and \$7,000,000 (18 levels) | 27 | 1.6 |
| (b)(1)(K) Between \$7,000,000 and \$20,000,000 (20 levels) | 7 | 0.4 |
| (b)(1)(L) Between \$20,000,000 and \$50,000,000 (22 levels) | 2 | 0.1 |
| (b)(1)(M) Between \$50,000,000 and \$100,000,000 (24 levels) | 6 | 0.4 |
| (b)(1)(N) Between \$100,00,000 and \$200,000,000 (26 levels) | 0 | 0.0 |
| (b)(1)(O) Between \$200,00,000 and \$400,000,000 (28 levels) | 0 | 0.0 |
| (b)(2)(A) More than 10 but less than 50 victims or mass marketing (2 levels) | 178 | 10.4 |
| (b)(2)(B) More than 50 victims but less than 250 victims (4 levels) | 53 | 3.1 |
| (b)(2)(B) More than 50 victims ¹⁷ (4 levels) | 17 | 1.0 |
| (b)(2)(C) More than 250 victims (6 levels) | 11 | 0.6 |
| (b)(3) Theft was from another person ¹⁸ (2 levels) | 11 | 0.6 |
| (b)(4) Receiving stolen property as a business (2 levels) | 11 | 0.6 |
| (b)(4)(A) More than minimal planning ¹⁹ (2 levels) | 24 | 1.4 |
| (b)(4)(B) Receiving stolen property as a business ²⁰ (4 levels) | 4 | 0.2 |
| (b)(5) Misappropriation of trade secrets or benefit foreign government ²¹ (2 levels) | 2 | 0.1 |
| (b)(6) Theft or damage to a national cemetery (2 levels) | 0 | 0.0 |

¹⁷ Threshold amounts and levels were changed for this SOC on November 1, 2003.

¹⁸ SOC was changed from §2B1.1(b)(2) on November 1, 2001.

¹⁹ SOC was eliminated on November 1, 2001.

²⁰ SOC was changed to §2B1.1(b)(4) on November 1, 2001 and decreased to a two level enhancement at this time.

²¹ SOC was formerly §2B1.1(b)(7) and changed on November 1, 2001. The statistics reflect all instances of the application of this SOC.

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| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued) | 1,709 | 10.6 |
| (b)(7) Convicted under (A) 18 U.S.C. §1037 and (B) involved e-mail addresses through improper means (2 levels) | 1 | 0.1 |
| (b)(8)(A) Misrepresentation of acting on behalf of charitable, educational, religious or political organization or a government agency (2 levels, if less than 10) ²² | 11 | 0.6 |
| (b)(8)(B) Misrepresentation during bankruptcy proceeding (2 levels, if less than 10) ²² | 8 | 0.5 |
| (b)(8)(C) Violation of any prior judicial/administrative order (2 levels, if less than 10) ²² | 15 | 0.9 |
| (b)(8)(D) Misrepresentation in financial assistance for higher education (2 levels, if less than 10) ²² | 0 | 0.0 |
| (b)(9)(A) Offender relocated to evade law enforcement (2 levels, increase to 12) ²³ | 15 | 0.9 |
| (b)(9)(B) Most of scheme committed outside of U.S. (2 levels, increase to 12) ²³ | 9 | 0.5 |
| (b)(9)(C) Offense otherwise involved sophisticated means (2 levels, increase to 12) ²³ | 41 | 2.4 |
| (b)(10)(A)(i) Possession or use of any device-making equipment (2 levels, increase to 12) ²⁴ | 58 | 3.4 |
| (b)(10)(A)(ii) Possession or use of any authentication feature (2 levels, increase to 12) ²⁴ | 0 | 0.0 |
| (b)(10)(B)(i) Production/trafficking of any unauthorized access device (2 levels, increase to 12) ²⁴ | 22 | 1.3 |
| (b)(10)(B)(ii) Production/trafficking authentication feature (2 levels, increase to 12) ²⁴ | 0 | 0.0 |
| (b)(10)(C)(i) Use of means of ID unlawfully to produce/obtain (2 levels, increase to 12) ²⁴ | 90 | 5.3 |
| (b)(10)(C)(ii) Possession of five or more means of ID (2 levels, increase to 12) ²⁴ | 19 | 1.1 |
| (b)(11) Organized scheme to steal vehicles (two levels) ²⁵ | 2 | 0.1 |
| (b)(12)(A) Conscious/reckless risk of death/serious bodily injury (2 levels, increase to 14) ²⁶ | 6 | 0.4 |
| (b)(12)(B) Possession of a dangerous weapon (2 levels, increase to 14) ²⁶ | 2 | 0.1 |

²² SOC was formerly §2B1.1(b)(7) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²³ SOC was formerly §2B1.1(b)(8) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁴ SOC was formerly §2B1.1(b)(9) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁵ SOC was formerly §2B1.1(b)(5) and was changed on November 1, 2001. SOC was also §2B1.1(b)(10) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁶ SOC was formerly §2B1.1(b)(11) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

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| §2B1.1 Larceny, Embezzlement, Theft, and Fraud (continued) | 1,709 | 10.6 |
| (b)(13)(A) More than \$1,000,000 derived from financial institution (2 levels) ²⁷ | 9 | 0.5 |
| (b)(13)(B) Jeopardized the safety and soundness of financial institution (4 or more lev) ²⁸ | 1 | 0.1 |
| (b)(14)(A)(i)(I) Convicted of 18 U.S.C. §1030 and involved computer system (2 levels) ²⁹ | 5 | 0.3 |
| (b)(14)(A)(i)(II) Convicted of 18 U.S.C. §1030 and involved attempt to obtain personal information (2 levels) ²⁹ | 1 | 0.1 |
| (b)(14)(A)(ii) Convicted of 18 U.S.C. §1830(a)(5)(A)(i) (4 levels) ³⁰ | 0 | 0.0 |
| (b)(14)(A)(iii) Convicted of 18 U.S.C. §1380 and substantial disruption of a critical infrastructure (6 levels) ³¹ | 0 | 0.0 |
| (b)(14)(B) if (A)(iii) applies and less than level 24, increase to level 24 ³² | 0 | 0.0 |
| (b)(15)(A) Violation of securities law (4 levels, increase to 24) ³³ | 1 | 0.1 |
| (b)(15)(B) Violation of commodities law (4 levels, increase to 24) ³³ | 0 | 0.0 |
| §2B1.3 Property Damage or Destruction ³⁴ | 3 | 0.0 |
| (b)(1) Loss between \$40,000 and \$70,000 (7 levels) | 1 | 33.3 |
| (b)(1) Loss between \$120,000 and \$200,000 (9 levels) | 1 | 33.3 |
| (b)(2) Undelivered mail destroyed (increase to level 6) | 0 | 0.0 |
| (b)(3) More than minimal planning (2 levels) | 1 | 33.3 |
| (b)(4) National cemetery damaged or destroyed (2 levels) | 0 | 0.0 |

²⁷ SOC was formerly §2B1.1(b)(12)(A) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁸ SOC was formerly §2B1.1(b)(12)(B) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁹ SOC was formerly §2B1.1(b)(13)(A)(i) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

³⁰ SOC was formerly §2B1.1(b)(13)(A)(ii) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

³¹ SOC was formerly §2B1.1(b)(13)(A)(iii) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

³² SOC was formerly §2B1.1(b)(13)(B) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

³³ SOC was formerly §2B1.1(b)(14) and was changed on November 1, 2004. The statistics reflect all instances of the application of this SOC.

³⁴ Guideline was consolidated with §2B1.1 on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2B1.4 Insider Trading | 0 | 0.0 |
| §2B1.5 Theft or Damage of Cultural Heritage Resources | 3 | 0.0 |
| (b)(1)(A) Loss less than \$2,000 (0 levels) | 1 | 33.3 |
| (b)(1)(B) Loss between \$5,000 and \$10,000 (2 levels) | 2 | 66.7 |
| (b)(2)(A) Offense involved national park system (2 levels) | 1 | 33.3 |
| (b)(2)(B) Offense involved National Historical Landmark (2 levels) | 0 | 0.0 |
| (b)(2)(C) Offense involved national monument or national memorial (2 levels) | 0 | 0.0 |
| (b)(2)(D) Offense involved a national marine sanctuary (2 levels) | 0 | 0.0 |
| (b)(2)(E) Offense involved a national cemetery (2 levels) | 0 | 0.0 |
| (b)(2)(F) Offense involved a museum (2 levels) | 1 | 33.3 |
| (b)(2)(G) Offense involved the World Heritage List (2 levels) | 0 | 0.0 |
| (b)(3)(A) Offense involved human remains (2 levels) | 0 | 0.0 |
| (b)(3)(B) Offense involved a funerary object (2 levels) | 0 | 0.0 |
| (b)(3)(C) Offense involved cultural patrimony (2 levels) | 0 | 0.0 |
| (b)(3)(D) Offense involved a sacred object (2 levels) | 0 | 0.0 |
| (b)(3)(E) Offense involved cultural property (2 levels) | 0 | 0.0 |
| (b)(3)(F) Offense involved designated archaeological or ethnological material (2 levels) | 1 | 33.3 |
| (b)(3)(G) Offense involved a pre-Columbian monumental/architectural mural (2 levels) | 0 | 0.0 |
| (b)(4) Committed for pecuniary gain (2 levels) | 2 | 66.7 |
| (b)(5) Pattern of misconduct involving cultural heritage resources (2 levels) | 0 | 0.0 |
| (b)(6) Dangerous weapon brandished/threatened (2 levels or increase to level 14) | 0 | 0.0 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2B2.1 Burglary of a Residence | 22 | 0.1 |
| (a)(1) Burglary of a residence (Base offense level 17) | 3 | 13.6 |
| (a)(2) Burglary of a structure other than a residence (Base offense level 12) | 19 | 86.4 |
| (b)(1) More than minimal planning (2 levels) | 8 | 36.4 |
| (b)(2)(B) Between \$2,500 and \$10,000 loss (one level) | 4 | 18.2 |
| (b)(2)(D) Between \$50,000 and \$250,000 loss (3 levels) | 5 | 22.7 |
| (b)(3) Firearm, destructive device or controlled substance taken (one level) | 2 | 9.1 |
| (b)(4) Dangerous weapon possessed (2 levels) | 0 | 0.0 |
| §2B2.3 Trespass | 1 | 0.0 |
| (b)(1)(A) Occurred at a secured government facility (2 levels) | 0 | 0.0 |
| (b)(1)(B) Occurred at a nuclear energy facility (2 levels) | 0 | 0.0 |
| (b)(1)(C) Occurred on a vessel or aircraft of the United States (2 levels) | 0 | 0.0 |
| (b)(1)(D) Occurred in a secured area of an airport (2 levels) | 0 | 0.0 |
| (b)(1)(E) Occurred at a residence (2 levels) | 1 | 100.0 |
| (b)(1)(F) Occurred on a computer system used to (i) maintain/operate infrastructure or (ii) by or for a government entity in the administration of justice/national defense/ national security (2 levels) | 0 | 0.0 |
| (b)(2) Dangerous weapon possessed (2 levels) | 0 | 0.0 |
| (b)(3)(A)(B)(i) Invasion of a computer, loss between \$2,000 and \$5,000 (1 level) | 0 | 0.0 |
| (b)(3) Invasion of a computer, loss according to §2B1.1 loss table (between 2 and 26 lev) | 0 | 0.0 |
| §2B3.1 Robbery | 728 | 4.5 |
| (b)(1) Financial institution or post offense subject of offense (2 levels) | 555 | 76.2 |
| (b)(2)(A) Firearm discharged (7 levels) | 8 | 1.1 |
| (b)(2)(B) Firearm otherwise used (6 levels) | 33 | 4.5 |
| (b)(2)(C) Firearm brandished or possessed (5 levels) | 117 | 16.1 |
| (b)(2)(D) Dangerous weapon otherwise used (4 levels) | 24 | 3.3 |
| (b)(2)(E) Dangerous weapon brandished or possessed (3 levels) | 59 | 8.1 |
| (b)(2)(F) Threat of death (2 levels) | 126 | 17.3 |
| (b)(3)(A) Bodily injury occurred (2 levels) | 22 | 3.0 |
| (b)(3)(B) Serious bodily injury (4 levels) | 15 | 2.1 |
| (b)(3)(C) Permanent/life-threatening bodily injury (6 levels) | 5 | 0.7 |
| (b)(3)(D) Between bodily and serious bodily injury (3 levels) | 2 | 0.3 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2B3.1 Robbery (continued) | 728 | 4.5 |
| (b)(3)(E) Between serious and permanent/life-threatening bodily injury (5 levels) | 0 | 0.0 |
| (b)(4)(A) Person abducted during offense (4 levels) | 9 | 1.2 |
| (b)(4)(B) Person physically restrained during offense (2 levels) | 84 | 11.5 |
| (b)(5) Offense involved carjacking (2 levels) | 22 | 3.0 |
| (b)(6) Obtaining firearm, destructive device or controlled substance object of offense (one level) | 23 | 3.2 |
| (b)(7)(B) Loss between \$10,000 and \$50,000 (one level) | 109 | 15.0 |
| (b)(7)(C) Loss between \$50,000 and \$250,000 (2 levels) | 41 | 5.6 |
| (b)(7)(D) Loss between \$250,000 and \$800,000 (3 levels) | 8 | 1.1 |
| §2B3.2 Extortion by Force | 38 | 0.2 |
| (b)(1) Express or implied threat of death, bodily injury or kidnaping (2 levels) | 21 | 55.3 |
| (b)(2) Amount demanded between \$10,000 and \$50,000 (one level) | 3 | 7.9 |
| (b)(2) Amount demanded between \$50,000 and \$250,000 (2 levels) | 3 | 7.9 |
| (b)(2) Amount demanded between \$250,000 and \$800,000 (3 levels) | 2 | 5.3 |
| (b)(2) Amount demanded between \$800,000 and \$1,500,000 (4 levels) | 2 | 5.3 |
| (b)(2) Amount demanded between \$1,500,000 and \$2,500,000 (5 levels) | 2 | 5.3 |
| (b)(2) Amount demanded between \$2,500,000 and \$5,000,000 (6 levels) | 0 | 0.0 |
| (b)(2) Amount demanded more than \$5,000,000 (7 levels) | 1 | 2.6 |
| (b)(3)(A)(i) Firearm discharged (7 levels) | 0 | 0.0 |
| (b)(3)(A)(ii) Firearm otherwise used (6 levels) | 1 | 2.6 |
| (b)(3)(A)(iii) Firearm brandished or possessed (5 levels) | 1 | 2.6 |
| (b)(3)(A)(iv) Dangerous weapon otherwise used (4 levels) | 0 | 0.0 |
| (b)(3)(A)(v) Dangerous weapon brandished or possessed (3 levels) | 0 | 0.0 |
| (b)(3)(B)(i)(I) Offense involved preparation to carry out threat of death (3 levels) | 0 | 0.0 |
| (b)(3)(B)(i)(II) Offense involved preparation to carry out threat of serious bodily injury (3 levels) | 0 | 0.0 |
| (b)(3)(B)(i)(III) Offense involved preparation to carry out threat of kidnaping (3 levels) | 0 | 0.0 |
| (b)(3)(B)(i)(IV) Offense involved preparation to carry out threat of product tampering (3 levels) | 0 | 0.0 |
| (b)(3)(B)(i)(V) Offense involved preparation to carry out threat of damage to a computer system used on maintain critical infrastructure (3 levels) | 0 | 0.0 |
| (b)(3)(B)(ii) Offender demonstrated ability to carry out a threat described in (i)(I) through (i)(V)(3 levels) | 1 | 2.6 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2B3.2 Extortion by Force (continued) | 38 | 0.2 |
| (b)(4)(A) Bodily injury (2 levels) | 1 | 2.6 |
| (b)(4)(B) Serious bodily injury (4 levels) | 0 | 0.0 |
| (b)(4)(C) Permanent or life-threatening bodily injury (6 levels) | 0 | 0.0 |
| (b)(4)(D) Between bodily injury and serious bodily injury (3 levels) | 0 | 0.0 |
| (b)(4)(E) Between serious and permanent/life-threatening bodily injury (5 levels) | 0 | 0.0 |
| (b)(5)(A) Person abducted to facilitate offense or escape (4 levels) | 2 | 5.3 |
| (b)(5)(B) Person physically restrained to facilitate offense or escape (2 levels) | 0 | 0.0 |
| §2B3.3 Blackmail and other forms of Extortion | 12 | 0.1 |
| (b)(1)(A) Amount demanded between \$2,000 and \$5,000 (one level) | 3 | 25.0 |
| (b)(1)(B) Amount demanded between \$5,000 and \$10,000 (2 levels) | 2 | 16.7 |
| (b)(1)(B) Amount demanded between \$10,000 and \$30,000 (4 levels) | 1 | 8.3 |
| (b)(1)(B) Amount demanded between \$400,000 and \$1,000,000 (14 levels) | 1 | 8.3 |
| (b)(1)(B) Amount demanded between \$7,000,000 and \$20,000,000 (20 levels) | 1 | 8.3 |
| §2B4.1 Bribery in Procurement of Bank Loan and other Commercial Bribery | 17 | 0.1 |
| (b)(1) Bribe between \$2,000 and \$5,000 (one level) | 4 | 23.5 |
| (b)(1) Bribe between \$5,000 and \$10,000 (2 levels) | 1 | 5.9 |
| (b)(1) Bribe between \$10,000 and \$20,000 ³⁵ (3 levels) | 2 | 11.8 |
| (b)(1) Bribe between \$10,000 and \$30,000 (4 levels) | 5 | 29.4 |
| (b)(1) Bribe between \$40,000 and \$70,000 ³⁵ (5 levels) | 1 | 5.9 |
| (b)(1) Bribe between \$30,000 and \$70,000 (6 levels) | 1 | 5.9 |
| (b)(1) Bribe between \$70,000 and \$120,000 ³⁵ (6 levels) | 1 | 5.9 |
| (b)(2)(A) Offender derived more than \$1,000,000 from financial institution (2 levels) | 0 | 0.0 |
| (b)(2)(B) Jeopardized safety and soundness of a financial institution (4 levels or level 24) | 0 | 0.0 |

³⁵ Threshold amounts and level increases were changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2B5.1 Offenses involving Counterfeit Bearer Obligations | 125 | 0.8 |
| (b)(1) Items valued between \$2,000 and \$5,000 (one level) | 17 | 13.6 |
| (b)(1) Items valued between \$5,000 and \$10,000 (2 levels) | 8 | 6.4 |
| (b)(1) Items valued between \$10,000 and \$20,000 ³⁵ (3 levels) | 1 | 0.8 |
| (b)(1) Items valued between \$10,000 and \$30,000 (4 levels) | 14 | 11.2 |
| (b)(1) Items valued between \$30,000 and \$70,000 (6 levels) | 7 | 5.6 |
| (b)(1) Items valued between \$70,000 and \$120,000 (8 levels) | 2 | 1.5 |
| (b)(1) Items valued between \$400,000 and \$1,000,000 (14 levels) | 1 | 0.8 |
| (b)(2)(A) Offender manufactured/produced any actual counterfeit material (2 levels) | 57 | 45.6 |
| (b)(2)(B)(i) Offender controlled/possessed counterfeiting paper similar to distinctive paper (2 levels) | 0 | 0.0 |
| (b)(2)(B)(ii) Offender controlled/possessed a device identical to a distinctive counterfeit deterrent (2 levels) | 2 | 1.5 |
| (b)(2) Offender manufactured/produced counterfeit material ³⁶ (increase to level 15) | 0 | 0.0 |
| (b)(3) Subsection (b)(2)(A) applies and offense level less than 15, increase to 15 | 47 | 37.6 |
| (b)(4) Dangerous weapon possessed (2 levels, if less than 13 increase to 13) | 2 | 1.6 |
| (b)(5) Offense committed outside of United States (2 levels) | 5 | 4.0 |
| §2B5.3 Criminal Infringement of Copyright or Trademark | 41 | 0.3 |
| (a)(1) Base offense level 8 | 38 | 92.7 |
| (a)(1) Base offense level 6 ³⁷ | 3 | 7.3 |
| (b)(1) Infringement amount between \$2,000 and \$5,000 (one level) | 6 | 14.6 |
| (b)(1) Infringement amount between \$5,000 and \$10,000 (2 levels) | 8 | 19.5 |
| (b)(1) Infringement amount between \$10,000 and \$30,000 (4 levels) | 4 | 9.8 |
| (b)(1) Infringement amount between \$40,000 and \$70,000 ³⁵ (5 levels) | 3 | 7.3 |
| (b)(1) Infringement amount between \$30,000 and \$70,000 (6 levels) | 4 | 19.5 |
| (b)(1) Infringement amount between \$70,000 and \$120,000 (8 levels) | 2 | 4.9 |
| (b)(1) Infringement amount between \$200,000 and \$350,000 ³⁵ (8 levels) | 1 | 2.4 |
| (b)(1) Infringement amount between \$120,000 and \$200,000 (10 levels) | 2 | 4.9 |
| (b)(1) Infringement amount between \$500,000 and \$850,000 ³⁵ (10 levels) | 1 | 2.4 |
| (b)(1) Infringement amount between \$200,000 and \$400,000 (12 levels) | 2 | 4.9 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

³⁶ Enhancement level changed on November 1, 2001.

³⁷ Base offense was increased on November 1, 1999.

Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2B5.3 Criminal Infringement of Copyright or Trademark (continued) | 41 | 0.3 |
| (b)(1) Infringement amount between \$400,000 and \$1,000,000 (14 levels) | 1 | 2.4 |
| (b)(1) Infringement amount between \$1,000,000 and \$2,500,000 (16 levels) | 1 | 2.4 |
| (b)(1) Infringement amount between \$20,000,000 and \$50,000,000 (22 levels) | 1 | 2.4 |
| (b)(2) Manufacturing/importation/uploading infringed items (2 levels or increase to 12) | 17 | 41.5 |
| (b)(3) Committed for commercial advantage or private gain (2 level decrease) | 1 | 2.4 |
| (b)(4)(A) Conscious/reckless risk of serious bodily injury (2 levels, increase to 13) | 0 | 0.0 |
| (b)(4)(B) Possession of a dangerous weapon (2 levels, increase to 13) | 0 | 0.0 |
| §2B6.1 Altering or Removing Motor Vehicle ID Numbers | 5 | 0.0 |
| (b)(1) Retail value between \$5,000 and \$10,000 (2 levels) | 1 | 20.0 |
| (b)(1) Retail value between \$70,000 and \$120,000 (8 levels) | 1 | 20.0 |
| (b)(1) Retail value between \$200,000 and \$350,000 ³⁵ (8 levels) | 1 | 20.0 |
| (b)(1) Retail value between \$120,000 and \$200,000 (10 levels) | 1 | 20.0 |
| (b)(2) Offender in the business of receiving and selling stolen property (2 levels) | 2 | 40.0 |
| (b)(3) Part of organized scheme to steal vehicles or parts (increase to level 14) | 2 | 40.0 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part C - Offenses Involving Public Officials | | |
| §2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe | 36 | 0.2 |
| (a)(1) If the defendant was a public official (Base offense level 14) | 0 | 0.0 |
| (a)(2) Otherwise (Base offense level 12) | 0 | 0.0 |
| (a) Base offense 10 ³⁸ | 36 | 100.0 |
| (b)(1) Offense involved more than one bribe or extortion (2 levels) | 25 | 69.4 |
| (b)(2)(A) Value of payment or loss between \$2,000 and \$5,000 ³⁹ (one level) | 4 | 11.1 |
| (b)(2)(A) Value of payment or loss between \$5,000 and \$10,000 (2 levels) | 3 | 8.3 |
| (b)(2)(A) Value of payment or loss between \$10,000 and \$30,000 (4 levels) | 2 | 5.6 |
| (b)(2)(A) Value of payment or loss between \$40,000 and \$70,000 ³⁹ (5 levels) | 1 | 2.8 |
| (b)(2)(A) Value of payment or loss between \$30,000 and \$70,000 (6 levels) | 2 | 5.6 |
| (b)(2)(A) Value of payment or loss between \$120,000 and \$200,000 ³⁹ (7 levels) | 1 | 2.8 |
| (b)(2)(A) Value of payment or loss between \$70,000 and \$120,000 (8 levels) | 5 | 13.9 |
| (b)(2)(A) Value of payment or loss between \$200,000 and \$350,000 ³⁹ (8 levels) | 1 | 2.8 |
| (b)(2)(A) Value of payment or loss between \$350,000 and \$500,000 ³⁹ (9 levels) | 1 | 2.8 |
| (b)(2)(A) Value of payment or loss between \$120,000 and \$200,000 (10 levels) | 4 | 11.1 |
| (b)(2)(A) Value of payment or loss between \$500,000 and \$800,000 ³⁹ (10 levels) | 1 | 2.8 |
| (b)(2)(A) Value of payment or loss between \$800,000 and \$1,500,000 ³⁹ (11 levels) | 2 | 5.6 |
| (b)(2)(A) Value of payment or loss between \$400,000 and \$1,000,000 (14 levels) | 2 | 5.6 |
| (b)(2)(A) Value of payment or loss between \$1,000,000 and \$2,500,000 (16 levels) | 1 | 2.8 |
| (b)(2)(B) Payment used to influence elected official (8 levels) | 0 | 0.0 |
| (b)(3) Offense involved an elected public official or one in sensitive position (4 levels, increase to level 18) | 0 | 0.0 |
| (b)(4)(A) Defendant was a public official who facilitated entry into U.S. for a person, vehicle or cargo (2 lev's) | 0 | 0.0 |
| (b)(4)(B) Defendant was a public official who facilitated obtaining a passport or other legal document (2 lev's) | 0 | 0.0 |
| (b)(4)(C) Defendant was a public official who facilitated the obtaining of a government identification (2 lev's) | 0 | 0.0 |

³⁸ Base offense level was changed November 1, 2004.

³⁹ Threshold amounts and level increases were changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2C1.2 Offering, Giving, Soliciting, or Receiving a Gratuity | 4 | 0.0 |
| (a)(2) Defendant was a public official (Base offense level 11) | 0 | 0.0 |
| (a)(2) Otherwise (Base offense level 9) | 0 | 0.0 |
| (a) Base offense level 7 ³⁸ | 4 | 100.0 |
| (b)(1) More than one gratuity (2 levels) | 3 | 75.0 |
| (b)(2)(A) Gratuity between \$2,000 and \$5,000 ³⁹ (one level) | 1 | 25.0 |
| (b)(2)(A) Gratuity between \$10,000 and \$30,000 (4 levels) | 1 | 25.0 |
| (b)(2)(A) Gratuity between \$70,000 and \$120,000 (8 levels) | 1 | 25.0 |
| (b)(2)(B) Payment given to elected official (8 levels) | 0 | 0.0 |
| (b)(3) Offense involved an elected public official or one in sensitive position (4 levels, increase to level 18) | 0 | 0.0 |
| (b)(4)(A) Defendant was a public official who facilitated entry into U.S. for a person, vehicle or cargo (2 lev's) | 0 | 0.0 |
| (b)(4)(B) Defendant was a public official who facilitated obtaining a passport or other legal document (2 lev's) | 0 | 0.0 |
| (b)(4)(C) Defendant was a public official who facilitated the obtaining of a government identification (2 lev's) | 0 | 0.0 |
| §2C1.3 Conflict of Interest: Payment or Receipt of Unauthorized Compensation | 1 | 0.0 |
| (b)(1) Actual or planned harm to the government (4 levels) | 0 | 0.0 |
| §2C1.4 Payment or Receipt of Unauthorized Compensation ⁴⁰ | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2C1.5 Payments to Obtain Public Office | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2C1.7 Fraud Involving Deprivation of the Intangible Right to the Honest Services Public Officials ⁴¹ | 1 | 0.0 |
| (b)(1)(A) Loss between \$2,000 and \$5,000 ³⁹ (one level) | 0 | 0.0 |
| (b)(1)(B) Offense involved an elected official (8 levels) | 0 | 0.0 |

⁴⁰ Guideline eliminated and consolidated with §2C1.3 on November 1, 2001.

⁴¹ Guideline eliminated and consolidated with §2C1.1 on November 1, 2004.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2C1.8 Making/Receiving/Failure to report a Contribution in Violation of the Federal Election Campaign Act | 0 | 0.0 |
| (b)(1) Loss amount | 0 | 0.0 |
| (b)(2)(A) Offense involved an illegal transaction made/received by/from a foreign national (2 levels) | 0 | 0.0 |
| (b)(2)(B) Offense involved an illegal transaction made/received by/from a government of a foreign country (4 levels) | 0 | 0.0 |
| (b)(3)(A) Offense involved contribution/donation/receipt of government funds (2 levels) | 0 | 0.0 |
| (b)(3)(B) Defendant committed the offense for the purpose of receiving non-monetary Federal benefit (2 levels) | 0 | 0.0 |
| (b)(4) Defendant engaged in 30 or more transactions (2 levels) | 0 | 0.0 |
| (b)(5) Offense involved contribution/donation made/obtained through intimidation/coercion (4 levels) | 0 | 0.0 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|---------|---------|
| Part D - Offenses Involving Drugs | | |
| §2D1.1 Drug Trafficking | 5,405 | 33.6 |
| (a)(1) Base offense level 43 | 0 | 0.0 |
| (a)(2) or (a)(3) Base offense level 38 | 263 | 4.9 |
| (a)(3) Base offense level 36 | 228 | 4.2 |
| (a)(3) or (a)(3)(B)(iii) Base offense level 34 | 475 | 8.8 |
| (a)(3)(B)(ii) Base offense level 33 | 2 | 0.0 |
| (a)(3) Base offense level 32 | 808 | 15.0 |
| (a)(3)(B)(ii) Base offense level 31 | 4 | 0.0 |
| (a)(3) or (a)(3)(B)(i) Base offense level 30 | 661 | 12.2 |
| (a)(3) Base offense level 28 | 464 | 8.6 |
| (a)(3) Base offense level 26 | 1,046 | 19.4 |
| (a)(3) Base offense level 24 | 191 | 3.5 |
| (a)(3) Base offense level 22 | 169 | 3.1 |
| (a)(3) Base offense level 20 | 287 | 5.3 |
| (a)(3) Base offense level 18 | 406 | 7.5 |
| (a)(3) Base offense level 16 | 146 | 2.7 |
| (a)(3) Base offense level 14 | 90 | 1.7 |
| (a)(3) Base offense level 12 | 93 | 1.7 |
| (a)(3) Base offense level 10 | 27 | 0.5 |
| (a)(3) Base offense level 8 | 16 | 0.3 |
| (a)(3) Base offense level 6 | 25 | 0.5 |
| (b)(1) Dangerous weapon possessed (two levels) | 525 | 9.7 |
| (b)(2)(A) Aircraft used to import or export the controlled substance (2 levels or level 26) | 3 | 0.0 |
| (b)(2)(B) Offender acted as pilot or any operation officer (2 levels or level 26) | 10 | 0.2 |
| (b)(3) Distribution in a prison (2 levels) | 13 | 0.2 |
| (b)(4) Importation of methamphetamine from unlawfully imported material (2 levels) | 15 | 0.3 |
| (b)(5) Defendant distributed through mass marketing (2 levels) | 3 | 0.0 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2D1.1 Drug Trafficking (continued) | 5,405 | 33.6 |
| (b)(6)(A)(i) Unlawful discharge of hazardous waste into the environment (2 levels) ⁴² | 31 | 0.6 |
| (b)(6)(A)(ii) Unlawful transportation of hazardous waste (2 levels) ⁴² | 3 | 0.0 |
| (b)(6)(B) Manufacturing of meth creating substantial risk (3 levels or level 27) ⁴² | 13 | 0.2 |
| (b)(6)(C) Manufacturing of meth creating substantial risk to minor (6 levels or level 30) ⁴² | 14 | 0.3 |
| (b)(7) Safety Valve (2 level decrease) ⁴³ | 2,045 | 37.8 |
| §2D1.2 Drug offenses near protected location/involving underage/pregnant individuals | 84 | 0.5 |
| (a)(1) Base offense level 40 | 4 | 4.8 |
| (a)(2) Base offense level 39 | 1 | 1.2 |
| (a)(1) Base offense level 36 | 3 | 3.6 |
| (a)(2) Base offense level 35 | 5 | 6.0 |
| (a)(1) Base offense level 34 | 7 | 8.3 |
| (a)(2) Base offense level 33 | 6 | 7.1 |
| (a)(1) Base offense level 32 | 3 | 3.6 |
| (a)(2) Base offense level 31 | 2 | 2.4 |
| (a)(1) Base offense level 30 | 8 | 9.5 |
| (a)(2) Base offense level 29 | 2 | 2.4 |
| (a)(1) Base offense level 28 | 10 | 11.9 |
| (a)(2) Base offense level 27 | 1 | 1.2 |
| (a)(1) or (a)(3) Base offense level 26 | 4 | 4.8 |
| (a)(2) Base offense level 25 | 2 | 2.4 |
| (a)(1) Base offense level 24 | 2 | 2.4 |
| (a)(1) Base offense level 22 | 3 | 3.6 |
| (a)(1) Base offense level 20 | 1 | 1.2 |
| (a)(1) Base offense level 18 | 6 | 7.1 |
| (a)(2) Base offense level 17 | 1 | 1.2 |

⁴² SOC was changed from §2D1.1(b)(5) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁴³ SOC was changed from §2D1.1(b)(4) on November 1, 1996, and from §2D1.1(b)(6) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
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| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2D1.2 Drug offenses near protected location/involving underage/pregnant individuals (cont) | 84 | 0.5 |
| (a)(2) Base offense level 17 | 1 | 1.2 |
| (a)(1) Base offense level 16 | 1 | 1.2 |
| (a)(1) Base offense level 14 | 7 | 8.3 |
| (a)(2) or (a)(4) Base offense level 13 | 4 | 4.8 |
| (a)(1) Base offense level 8 | 1 | 1.2 |
| No Specific Characteristics for this guideline | NA | NA |
| §2D1.5 Continuing Criminal Enterprise | 11 | 0.1 |
| (a)(1) Base offense level 44 | 0 | 0.0 |
| (a)(1) Base offense level 42 | 9 | 81.8 |
| (a)(1) Base offense level 40 | 0 | 0.0 |
| (a)(1) or (a)(2) Base offense level 38 | 1 | 9.1 |
| No Specific Characteristics for this guideline | NA | NA |
| §2D1.6 Use of Communication Facility in Committing Drug Offense | 6 | 0.0 |
| (a)(1) Base offense level 30 | 1 | 16.7 |
| (a)(1) Base offense level 28 | 1 | 16.7 |
| (a)(1) Base offense level 26 | 2 | 33.3 |
| (a)(1) Base offense level 14 | 2 | 33.3 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2D1.7 Unlawful Sale or Transportation of Drug Paraphernalia | 7 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
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| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2D1.8 Renting or Managing a Drug Establishment | 12 | 0.1 |
| (a)(1) Base offense level 32 | 1 | 8.3 |
| (a)(1) or (a)(2) Base offense level 26 | 4 | 33.3 |
| (a)(1) or (a)(2) Base offense level 24 | 1 | 8.3 |
| (a)(1) or (a)(2) Base offense level 22 | 1 | 8.3 |
| (a)(1) or (a)(2) Base offense level 16 | 1 | 8.3 |
| (a)(1) Base offense level 10 | 1 | 8.3 |
| (a)(1) Base offense level 8 | 3 | 25.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2D1.9 Placing or Maintaining Dangerous Devices on Federal Property to Protect Unlawful Production of a Controlled Substance | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2D1.10 Endangering Human Life While Illegally Manufacturing a Controlled Substance | 3 | 0.0 |
| (a)(1) Base offense level 41 | 1 | 33.3 |
| (a)(1) Base offense level 35 | 1 | 33.3 |
| (a)(1) Base offense level 29 | 1 | 33.3 |
| (b)(1)(A) Involving manufacturing of methamphetamine (3 levels) | 3 | 100.0 |
| (b)(1)(B) Involving manufacturing of meth creating a substantial risk to minor (6 levels) | 0 | 0.0 |
| §2D1.11 Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical | 34 | 0.2 |
| (a)(1) Base offense level 38 | 4 | 11.8 |
| (a)(1) Base offense level 36 | 1 | 2.9 |
| (a)(1) Base offense level 34 | 1 | 2.9 |
| (a)(1) Base offense level 32 | 4 | 11.8 |
| (a)(1) Base offense level 30 | 6 | 17.6 |
| (a)(1) Base offense level 28 | 7 | 20.6 |
| (a)(1) Base offense level 26 | 6 | 17.6 |
| (a)(1) Base offense level 24 | 1 | 2.9 |
| (a)(1) Base offense level 20 | 1 | 2.9 |
| (a)(1) Base offense level 12 | 3 | 8.3 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
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| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2D1.11 Unlawfully Distributing, Importing, Exporting, or Possessing a Listed Chemical (cont) | 34 | 0.2 |
| (b)(1) Dangerous weapon possessed (2 levels) | 2 | 5.9 |
| (b)(2) Convicted of 21 U.S.C. §§841(d)(2),(g)(1), or 960(d)(2) (3 level decrease) | 1 | 2.9 |
| (b)(3)(A) Unlawful discharge/emission/release into environment of hazardous substance (2 levels) | 0 | 0.0 |
| (b)(3)(B) Unlawful transportation of hazardous substance (2 levels) | 0 | 0.0 |
| (b)(4) Defendant distributed through mass marketing (2 levels) | 0 | 0.0 |
| §2D1.12 Unlawful Possession/Manufacturing of Prohibited Equipment | 19 | 0.1 |
| (a)(1) Offender intended to manufacture a controlled substance (Base Offense Level 12) | 14 | 73.7 |
| (a)(2) Reasonable believe equipment to be used for manufacturing (BOL 9) | 5 | 26.3 |
| (b)(1)(A) Offender intended to manufacture methamphetamine (2 levels) | 4 | 21.0 |
| (b)(1)(B) Offender knew material was used to manufacture methamphetamine (2 levels) | 10 | 52.6 |
| (b)(2)(A) Offense involved discharge of a hazardous substance (2 levels) | 1 | 5.3 |
| (b)(2)(B) Unlawful transportation of a hazardous substance (2 levels) | 2 | 10.5 |
| (b)(3) Defendant distributed through mass marketing (2 levels) | 0 | 0.0 |
| (b)(4) Offense involved stealing or transporting stolen anhydrous ammonia (6 levels) | 0 | 0.0 |
| §2D1.13 Structuring Chemical Transactions to Evade Recordkeeping Requirements | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2D2.1 Unlawful Possession | 121 | 0.8 |
| (a)(1) Heroin or any Schedule I or II opiate or cocaine base (Base Offense Level 8) | 28 | 23.1 |
| (a)(2) Cocaine, flunitrazepam, LSD, or PCP (Base Offense Level 6) | 12 | 9.9 |
| (a)(3) Any other controlled substance or a list I chemical (Base Offense Level 4) | 81 | 66.9 |
| §2D2.2 Acquiring a Controlled Substance by Forgery, Fraud, Deception, or Subterfuge | 6 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2D2.3 Operating or Directing the Operation of a Common Carrier Under the Influence | 1 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2D3.1 Regulatory Offenses Involving Registration Numbers | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2D3.2 Regulatory Offenses Involving Controlled Substances or Listed Chemicals | 1 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
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| Guideline and SOC | Applied | Percent |
|---|---------|---------|
| Part E - Offenses Involving Criminal Enterprises and Racketeering | | |
| §2E1.1 Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations | 9 | 0.1 |
| (a)(1) Base offense level 19 | 6 | 66.7 |
| (a)(2) Offense level from applicable underlying racketeering offense | 3 | 33.3 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2E1.2 Interstate or Foreign Travel or Transportation in Aid of a Racketeering Enterprise | 5 | 0.0 |
| (a)(1) Base offense level 6 | 2 | 40.0 |
| (a)(2) Base offense level applicable to underlying crime of violence | 3 | 60.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2E1.3 Violent Crimes in Aid of Racketeering Activity | 3 | 0.0 |
| (a)(1) Base offense level 12 | 3 | 100.0 |
| (a)(2) Base offense level applicable to the underlying crime or racketeering activity | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2E1.4 Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire | 7 | 0.0 |
| (a)(1) Base offense level 32 | 7 | 100.0 |
| (a)(2) Base offense level applicable to the underlying unlawful conduct | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2E2.1 Making or Financing an Extortionate Extension of Credit | 7 | 0.0 |
| (b)(1)(A) Firearm discharged (5 levels) | 0 | 0.0 |
| (b)(1)(B) Dangerous weapon otherwise used (4 levels) | 0 | 0.0 |
| (b)(1)(C) Dangerous weapon brandished or possessed (3 levels) | 0 | 0.0 |
| (b)(2)(A) Bodily injury (2 levels) | 1 | 14.3 |
| (b)(2)(B) Serious bodily injury (4 level) | 0 | 0.0 |
| (b)(2)(C) Permanent or life-threatening bodily injury (6 levels) | 0 | 0.0 |
| (b)(2)(D) Between bodily injury and serious bodily injury (3 levels) | 0 | 0.0 |
| (b)(2)(E) Between serious bodily injury and permanent/life-threatening injury (5 levels) | 0 | 0.0 |
| (b)(3)(A) Person abducted to facilitate commission of the offense (4 levels) | 0 | 0.0 |
| (b)(3)(B) Person physically restrained to facilitate commission (2 levels) | 0 | 0.0 |
| §2E3.1 Gambling Offenses | 23 | 0.1 |
| (a)(1) Offense involved a gambling business (Base offense level 12) | 23 | 100.0 |
| (a)(2) Base offense level 6 | 0 | 0.0 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2E4.1 Unlawful Conduct Relating to Contraband Cigarettes | 9 | 0.1 |
| (a)(1) Base offense level 9 | 2 | 22.2 |
| (a)(2) Loss between \$5,000 and \$12,500 (Base offense level 10) | 1 | 11.1 |
| (a)(2) Loss between \$12,500 and \$30,000 (Base offense level 12) | 1 | 11.1 |
| (a)(2) Loss between \$30,000 and \$80,000 (Base offense level 14) | 1 | 11.1 |
| (a)(2) Loss between \$80,000 and \$200,000 (Base offense level 16) | 4 | 44.4 |
| §2E5.1 Offering, Accepting, or Soliciting a Bribe Affecting a Pension Benefit | 2 | 0.0 |
| (a)(1) Bribe involved (Base offense level 10) | 1 | 50.0 |
| (a)(2) Gratuity involved (Base offense level 6) | 1 | 50.0 |
| (b)(1) Offender was a fiduciary of the benefit plan or labor organization (2 levels) | 1 | 50.0 |
| (b)(2)(B) Value of prohibited payment between \$5,000 and \$10,000 (2 levels) | 1 | 50.0 |
| (b)(2)(B) Value of prohibited payment between \$200,000 and \$400,000 (12 levels) | 1 | 50.0 |
| §2E5.3 False Statements in Relation to Documents Required by Employee Retirement Security Act | 1 | 0.0 |
| (a)(1) Base offense level 6 | 1 | 100.0 |
| (a)(2) Theft or embezzlement concealed (base offense level applicable from §§2B1.1 or 2E5.1) | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
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| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part F - Offenses Involving Fraud and Deceit | | |
| §2F1.1 Fraud and Deceit ⁴⁴ | 277 | 1.7 |
| (b)(1)(B) Loss between \$2,000 and \$5,000 (one level) | 1 | 0.4 |
| (b)(1)(C) Loss between \$5,000 and \$10,000 (2 levels) | 3 | 1.1 |
| (b)(1)(D) Loss between \$10,000 and \$20,000 (3 levels) | 11 | 4.0 |
| (b)(1)(E) Loss between \$20,000 and \$40,000 (4 levels) | 25 | 9.0 |
| (b)(1)(F) Loss between \$40,000 and \$70,000 (5 levels) | 13 | 4.7 |
| (b)(1)(G) Loss between \$70,000 and \$120,000 (6 levels) | 23 | 8.3 |
| (b)(1)(H) Loss between \$120,000 and \$200,000 (7 levels) | 27 | 9.8 |
| (b)(1)(I) Loss between \$200,000 and \$350,000 (8 levels) | 37 | 13.4 |
| (b)(1)(J) Loss between \$350,000 and \$500,000 (9 levels) | 30 | 10.8 |
| (b)(1)(K) Loss between \$500,000 and \$800,000 (10 levels) | 25 | 9.0 |
| (b)(1)(L) Loss between \$800,000 and \$1,500,000 (11 levels) | 22 | 7.9 |
| (b)(1)(M) Loss between \$1,500,000 and \$2,500,000 (12 levels) | 14 | 5.0 |
| (b)(1)(N) Loss between \$2,500,000 and \$5,000,000 (13 levels) | 12 | 4.3 |
| (b)(1)(O) Loss between \$5,000,000 and \$10,000,000 (14 levels) | 5 | 1.8 |
| (b)(1)(P) Loss between \$10,000,000 and \$20,000,000 (15 levels) | 4 | 1.4 |
| (b)(1)(Q) Loss between \$20,000,000 and \$40,000,000 (16 levels) | 1 | 0.4 |
| (b)(1)(R) Loss between \$40,000,000 and \$80,000,000 (17 levels) | 4 | 1.4 |
| (b)(1)(S) Loss greater than \$80,000,000 (18 levels) | 2 | 0.8 |
| (b)(2)(A) Offense involved more than minimal planning (2 levels) | 190 | 68.6 |
| (b)(2)(B) Offense involved a scheme to defraud more than one victim (2 levels) | 37 | 13.4 |
| (b)(3) Mass marketing (2 levels) | 18 | 6.5 |

⁴⁴ Guideline eliminated and consolidated with §2B1.1 on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2F1.1 Fraud and Deceit (continued) | 277 | 1.7 |
| (b)(4)(A) Offense involved misrepresentation of acting on behalf of charity ⁴⁵ (2 levels) | 4 | 1.4 |
| (b)(4)(B) Offense involved misrepresentation during bankruptcy proceeding ⁴⁵ (2 levels) | 2 | 0.7 |
| (b)(4)(C) Offense involved a violation of judicial order ⁴⁵ (2 levels) | 1 | 0.4 |
| (b)(5)(A) Possession/use of any device making equipment (2 levels, increase to 12) | 1 | 0.4 |
| (b)(5)(B) Production/trafficking of unauthorized device (2 levels, increase to 12) | 2 | 0.7 |
| (b)(5)(C)(i) Unauthorized transfer/use of means of ID (2 levels, increase to 12) | 9 | 3.2 |
| (b)(5)(C)(ii) Possession of 5 or more means of ID (2 levels, increase to 12) | 1 | 0.4 |
| (b)(5) Foreign bank accounts for concealment ⁴⁶ (Increase to level 12) | 13 | 4.7 |
| (b)(6)(A) Offender relocated to evade law enforcement (2 levels or level 12) | 2 | 0.7 |
| (b)(6)(B) Fraud committed outside of U.S. (2 levels or level 12) | 1 | 0.4 |
| (b)(6)(C) Offense involved sophisticated means (2 levels or level 12) | 3 | 1.1 |
| (b)(7)(A) Offense involve risk of serious bodily injury ⁴⁷ (2 levels or level 13) | 5 | 1.8 |
| (b)(7)(B) Offense involved possession of dangerous weapon ⁴⁷ (2 levels or level 13) | 3 | 1.1 |
| (b)(8)(A) Offense jeopardized the safety of financial institution ⁴⁸ (4 levels) | 1 | 0.4 |
| (b)(8)(B) Offense affected a financial institution and derived \$1,000,000 in receipts ⁴⁸ (4 levels) | 0 | 0.0 |
| §2F1.2 Insider Trading ⁴⁴ | 4 | 0.0 |
| (b)(1) Loss between \$200,000 and \$350,000 (8 levels) | 3 | 75.0 |
| (b)(1) Loss between \$500,000 and \$800,000 (10 levels) | 1 | 25.0 |

⁴⁵ SOC changed from §2F1.1(b)(3) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

⁴⁶SOC eliminated on November 1, 2000.

⁴⁷ SOC changed from §2F1.1(b)(4)(A) and (B) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

⁴⁸ SOC changed from §2F1.1(b)(6)(A) and (B) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| 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 | 48 | 0.3 |
| (a) Base offense level 14 | 4 | 8.3 |
| (a)(1) Offense involved a minor (Base offense level 19) ⁴⁹ | 18 | 37.5 |
| (b) Offense involved fraud or coercion (4 levels) | 26 | 54.2 |
| (b)(1)(A) Offense involved a commercial sex act (4 levels) ⁵⁰ | 16 | 33.3 |
| (b)(1)(B) Offense involved the use of physical force/fraud/coercion (4 levels) ⁵⁰ | 3 | 6.2 |
| (b)(2)(A) Victim under the age of 12 (4 levels) ⁵¹ | 0 | 0.0 |
| (b)(2)(B) Victim between 12 and 16 (2 levels) ⁵¹ | 14 | 29.2 |
| (b)(2)(B) Victim between 12 and 16 (7 levels) ⁵² | 0 | 0.0 |
| (b)(2)(C) Victim between 16 and 18 (5 levels) ⁵² | 0 | 0.0 |
| (b)(3)(A) Victim under 16 and offender was parent/relative/guardian of victim (2 lev's) ⁵¹ | 0 | 0.0 |
| (b)(3)(B) Victim under 16 and otherwise in custody/care/control of defendant (2 levels) ⁵¹ | 1 | 2.1 |
| (b)(4)(A) Misrepresentation of identity to persuade minor to engage in commercial sex act (2 levels) ⁵¹ | 1 | 2.1 |
| (b)(4)(B) Defendant otherwise unduly influenced a minor to engage in commercial sex act (2 levels) ⁵¹ | 2 | 4.2 |
| (b)(5)(A) Use of computer to persuade a minor to engage in commercial sex act (2 levels) ⁵¹ | 2 | 4.2 |
| (b)(5)(B) Use of a computer to solicit a person to engage in sexual conduct with a minor (2 levels) ⁵¹ | 4 | 8.3 |
| §2G1.2 Transportation of a Minor for Prostitution or Prohibited Sexual Contact ⁵³ | 1 | 0.0 |
| (b)(1) Offense involved physical force or coercion by threats or drugs (4 levels) | 0 | 0.0 |
| (b)(2) Victim under the age of 12 (4 levels) | 0 | 0.0 |
| (b)(3) Victim between 12 and 16 (2 levels) | 1 | 100.0 |
| (b)(4) Offender in custody, care or control (2 levels) | 0 | 0.0 |

⁴⁹ Alternative base offense level eliminated on November 1, 2004.

⁵⁰ SOC changed on November 1, 2004.

⁵¹ SOC eliminated on November 1, 2004.

⁵² SOC levels decreased on November 1, 2000 and SOC eliminated on November 1, 2004.

⁵³ Guideline consolidated with §2G1.1 on November 1, 1996.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2G1.3 Transportation of or Travel to Engage in Prohibited Sexual Contact with a Minor | 1 | 0.0 |
| (b)(1)(A) Offender was a parent/relative/guardian of the minor (2 levels) | 0 | 0.0 |
| (b)(1)(B) Offender was in custody, care or control of victim (2 levels) | 0 | 0.0 |
| (b)(2)(A) Misrepresentation of identity to persuade minor to engage in prohibited sexual conduct (2 levels) | 0 | 0.0 |
| (b)(2)(B) Defendant used undue influence on minor to engage in prohibited sexual conduct (2 levels) | 0 | 0.0 |
| (b)(3)(A) Use of a computer to persuade a minor to engage in prohibited sexual conduct (2 levels) | 1 | 100.0 |
| (b)(3)(B) Use of a computer to solicit someone to engage in prohibited sexual conduct with a minor (2 levels) | 0 | 0.0 |
| (b)(4)(A) Offense involved commission of sexual act or contact (2 levels) | 1 | 100.0 |
| (b)(4)(B) Offense involved a commercial sex act (2 levels) | 0 | 0.0 |
| (b)(5) Victim under the age of 12 (8 levels) | 0 | 0.0 |
| §2G2.1 Production of Pornography | 49 | 0.3 |
| (a) Base offense level 32 | 0 | 0.0 |
| (a) Base offense level 27 ⁵⁴ | 49 | 100.0 |
| (b)(1)(A) Victim under the age of 12 (4 levels) | 29 | 59.2 |
| (b)(1)(B) Victim between 12 and 16 (2 levels) | 14 | 28.6 |
| (b)(2)(A) Offense involved the commission of a sexual act or sexual contact (2 levels) | 0 | 0.0 |
| (b)(2)(B) Offense involved (I) the commission of a sexual act and (ii) conduct as described in 18 U.S.C. § 2241(a) or (b) (4 levels) | 0 | 0.0 |
| (b)(3) Offense involved distribution (2 levels) | 0 | 0.0 |
| (b)(4) Offense involved portrayal of sadistic/masochistic conduct or violence (4 levels) | 0 | 0.0 |
| (b)(5) Offender was a parent/relative/legal guardian or custody/care/control (2 levels) ⁵⁵ | 34 | 69.4 |
| (b)(6)(A) Misrepresentation to persuade the travel of a minor to engage in sexually explicit conduct (2 levels) ⁵⁶ | 3 | 6.1 |
| (b)(6)(B)(i) Use of a computer to persuade the travel of a minor to engage in sexually explicit conduct (2 levels) ⁵⁶ | 1 | 2.0 |
| (b)(6)(B)(ii) Use of a computer to solicit participation with a minor in sexually explicit conduct (2 levels) ⁵⁶ | 2 | 4.1 |

⁵⁴ Base offense level increased on November 1, 2004.

⁵⁵ SOC was changed from §2G2.1(b)(2) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁵⁶ SOC was changed from §2G2.1(b)(3) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2G2.2 Trafficking in Pornography | 107 | 0.7 |
| (a)(1) Offender convicted of 18 U.S.C. §1466(A)(b), §2252(a)(4) or §2252A(a)(5), Base offense level 18 | 0 | 0.0 |
| (a)(2) Otherwise, Base offense level 22 | 0 | 0.0 |
| (a) Base offense level 17 ⁵⁷ | 107 | 100.0 |
| (b)(1)(A) If (a)(2) applies (B) offender only received material and (C) did not traffic material (decrease 2 levels) | 0 | 0.0 |
| (b)(2) Victim under the age of 12 (2 levels) ⁵⁸ | 95 | 88.8 |
| (b)(3)(A) Done for pecuniary gain or (B) in exchange for thing of value or (C) distribution to a minor (5 levels) ⁵⁹ | 33 | 30.8 |
| (b)(3)(D) Distribution to a minor to coerce to facilitate travel of a minor (6 levels) | 0 | 0.0 |
| (b)(3)(E) Distribution to a minor to coerce to engage in sexual behavior (7 levels) ⁵⁹ | 0 | 0.0 |
| (b)(3)(F) Distribution other than in (b)(3)(A)-(D) (2 levels) ⁵⁹ | 34 | 31.8 |
| (b)(4) Sadistic or masochistic conduct or other forms of violence (4 levels) ⁶⁰ | 60 | 56.1 |
| (b)(5) Offender engaged in a pattern of activity involving sexual exploitation (5 levels) ⁶¹ | 13 | 12.2 |
| (b)(6) Use of a computer (2 levels) ⁶² | 97 | 90.6 |
| (b)(7)(A) At least 10 images, but fewer than 150 (2 levels) ⁶³ | 18 | 19.2 |
| (b)(7)(B) At least 150 images, but fewer than 300 (3 levels) ⁶³ | 3 | 3.2 |
| (b)(7)(C) At least 300 images, but fewer than 600 (4 levels) ⁶³ | 10 | 10.6 |
| (b)(7)(D) 600 images or more (5 levels) ⁶³ | 21 | 22.3 |

⁵⁷ Base offense level increased on November 1, 2004.

⁵⁸ SOC was changed from §2G2.2(b)(1) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁵⁹ SOC was changed from §2G2.2(b)(2) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶⁰ SOC was changed from §2G2.2(b)(3) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶¹ SOC was changed from §2G2.2(b)(4) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶² SOC was changed from §2G2.2(b)(5) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶³ SOC was changed from §2G2.2(b)(6) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2G2.3 Selling or Buying Children for use in the Production of Pornography | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2G2.4 Possession of Pornography ⁶⁴ | 108 | 0.7 |
| (b)(1) Minor under the age of 12 depicted (2 levels) | 92 | 85.2 |
| (b)(2) 10 or more items (2 levels) | 47 | 43.5 |
| (b)(3) Use of a computer (2 levels) | 97 | 89.8 |
| (b)(4) Sadistic or masochistic conduct depicted (4 levels) | 24 | 22.2 |
| (b)(5)(A) At least 10 images, but fewer than 150 (2 levels) | 24 | 22.2 |
| (b)(5)(B) At least 150 images, but fewer than 300 (3 levels) | 15 | 13.9 |
| (b)(5)(C) At least 300 images, but fewer than 600 (4 levels) | 10 | 9.2 |
| (b)(5)(D) 600 images or more (5 levels) | 13 | 12.0 |
| §2G2.5 Recordkeeping Offenses Involving the Production of Sexually Explicit Materials | 0 | 0.0 |
| No Specific Offense Characteristics for the guideline | NA | NA |
| §2G3.1 Importing/Mailing/Transporting Obscene Matter | 7 | 0.0 |
| (b)(1)(A) Distribution for pecuniary gain (5 levels) | 2 | 28.6 |
| (b)(1)(B) Distribution in exchange for thing of value (5 levels) | 0 | 0.0 |
| (b)(1)(C) Distribution to a minor (5 levels) | 0 | 0.0 |
| (b)(1)(D) Distribution to a minor to coerce to engage in illegal activity (6 levels) | 0 | 0.0 |
| (b)(1)(E) Distribution to a minor to coerce to engage in sexual behavior (7 levels) ⁶⁵ | 2 | 28.6 |
| (b)(1)(F) Distribution other than in (b)(1)(A)-(E) (2 levels) ⁶⁶ | 2 | 28.6 |
| (b)(2) Offense involved misleading domain name on the Internet (2 levels) | 0 | 0.0 |
| (b)(3) Offense involved use of a computer (2 levels) | 0 | 0.0 |
| (b)(4) Sadistic or masochistic conduct or other forms of violence (4 levels) ⁶⁷ | 1 | 14.3 |

⁶⁴ Guideline eliminated and consolidated with §2G2.2 on November 1, 2004.

⁶⁵ SOC was changed from §2G3.1(b)(1)(D) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶⁶ SOC was changed from §2G3.1(b)(1)(E) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶⁷ SOC was changed from §2G3.1(b)(2) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2G3.2 Obscene Telephone Communication for Commercial Purposes | 0 | 0.0 |
| (b)(1) Victim under 18 and broadcast between 6AM and 11PM (4 levels) | 0 | 0.0 |
| (b)(2) Six plus the level in §2B1.1 | 0 | 0.0 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|---------|---------|
| Part H - Offenses Involving Individual Rights | | |
| §2H1.1 Offenses Involving Individual Rights | 15 | 0.1 |
| (a)(1) Offense level from the offense guideline applicable to underlying offense | 3 | 20.0 |
| (a)(2) Offense involved two or more participants (Base offense level 12) | 10 | 66.7 |
| (a)(3) Offense involved (A) use/threat of force, or (B) property damage (BOL 10) | 2 | 13.3 |
| (a)(4) Otherwise (Base offense level 6) | 0 | 0.0 |
| (b)(1)(A) Offender was a public official at the time of the offense(6 levels) | 1 | 6.7 |
| (b)(1)(B) Offense committed under color of law (6 levels) | 6 | 40.0 |
| §2H2.1 Obstructing an Election or Registration | 8 | 0.0 |
| (a)(1) Obstruction occurred by use of force or threat against property (BOL 18) | 0 | 0.0 |
| (a)(2) Obstruction occurred by forgery/fraud/theft/bribery (Base offense level 12) | 5 | 62.5 |
| (a)(3)(A) Solicited or accepted value to vote, refrain from, (B) false information to establish eligibility to vote, (C) voted more than once in federal election (BOL 6) | 3 | 37.5 |
| §2H3.1 Interception of Communications | 6 | 0.0 |
| (a)(1) Base offense level 9 | 2 | 33.3 |
| (a)(2) Offender convicted of 26 U.S.C. §§7231A or 7216 (Base offense level 6) | 4 | 66.7 |
| (b)(1) Purpose was to obtain direct/indirect commercial advantage (3 levels) | 1 | 16.7 |
| §2H3.2 Manufacturing, Distributing, Advertising Eavesdropping Device | 0 | 0.0 |
| (b)(1) Offense committed for pecuniary gain (3 levels) | 0 | 0.0 |
| §2H3.3 Obstructing Correspondence | 1 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

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

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part J - Offenses Involving the Administration of Justice | | |
| §2J1.1 Contempt | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2J1.2 Obstruction of Justice | 39 | 0.2 |
| (a)(1) Base offense level 14 | 15 | 38.5 |
| (a)(1) Base offense level 12 ⁶⁸ | 24 | 61.5 |
| (b)(1) Causing/threatening to cause physical injury (8 levels) | 3 | 7.7 |
| (b)(2) Offense resulted in substantial influence with the administration of justice (3 levels) | 10 | 25.6 |
| (b)(3)(A) Offense involved destruction of records (2 levels) | 2 | 5.1 |
| (b)(3)(B) Offense involved selection of any essential document to destroy (2 levels) | 0 | 0.0 |
| (b)(3)(C) Offense involved otherwise extensive in scope or planning (2 levels) | 2 | 5.1 |
| §2J1.3 Perjury or Subornation of Perjury | 11 | 0.1 |
| (a) Base offense level 14 | 4 | 36.4 |
| (a) Base offense level 12 ⁶⁸ | 6 | 54.6 |
| (b)(1) Causing/threatening to cause physical injury (8 levels) | 0 | 0.0 |
| (b)(2) Offense resulted in substantial influence with the administration of justice (3 levels) | 2 | 18.2 |
| §2J1.4 Impersonation | 4 | 0.0 |
| (b)(1) Offense committed to conduct an unlawful arrest, detention or search (6 levels) | 0 | 0.0 |
| §2J1.5 Failure to Appear by Material Witness | 1 | 0.0 |
| (a)(1) In respect to a felony (Base offense level 6) | 1 | 100.0 |
| (a)(2) In respect to a misdemeanor (Base offense level 4) | 0 | 0.0 |
| (b)(1) Offense resulted in substantial influence with the administration of justice (3 levels) | 0 | 0.0 |

⁶⁸ Base offense level increased on November 1, 2003

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2J1.6 Failure to Appear by Defendant | 24 | 0.2 |
| (a)(1) Failure to report for service of sentence (Base offense level 11) | 12 | 50.0 |
| (a)(2) Otherwise (Base offense level 6) | 12 | 50.0 |
| (b)(1)(A) (a)(1) applies and voluntarily surrendered within 96 hours (5 level decrease) | 0 | 0.0 |
| (b)(1)(B) (a)(1) applies and ordered to community corrections (2 level decrease) | 0 | 0.0 |
| (b)(2)(A)(a)(2) applies and offense punishable by 15 years to death (9 levels) | 4 | 16.7 |
| (b)(2)(B) (a)(2) applies and offense punishable by 5 to 15 years (6 levels) | 6 | 25.0 |
| (b)(2)(C) (a)(2) applies and offense punishable by less than 5 years (3 levels) | 1 | 4.2 |
| §2J1.7 Commission of Offense While on Release | 25 | 0.2 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2J1.9 Payment to a Witness | 1 | 0.0 |
| Payment made/offered for refusing to testify (4 levels) | 1 | 100.0 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|---------|---------|
| Part K - Offenses Involving Public Safety | | |
| §2K1.1 Failure to Report Theft of Explosive Materials | 1 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2K1.3 Unlawful Receipt/Possession/Transportation of Explosive Materials | 12 | 0.1 |
| (a)(1) Two prior convictions for crime of violence/controlled substance (BOL 24) | 1 | 8.3 |
| (a)(2) One prior convictions for crime of violence/controlled substance (BOL 20) | 3 | 25.0 |
| (a)(3)(A) Prohibited person or (B) knowingly distributed explosive materials to prohibited person (Base offense level 16) | 4 | 33.3 |
| (a)(4) Otherwise (Base offense level 12) | 4 | 33.3 |
| (b)(1)(A) Weight of explosives 25 to 100 pounds (one level) | 0 | 0.0 |
| (b)(1)(B) Weight of explosives 100 to 250 pounds (2 levels) | 3 | 25.0 |
| (b)(1)(C) Weight of explosives 250 to 500 pounds (3 levels) | 0 | 0.0 |
| (b)(1)(D) Weight of explosives 500 to 1,000 pounds (4 levels) | 0 | 0.0 |
| (b)(1)(E) Weight of explosives more than 1,000 pounds (5 levels) | 0 | 0.0 |
| (b)(2) Offense involved stolen explosives (2 levels) | 2 | 16.7 |
| (b)(3)(A) Convicted under 18 U.S.C. § 842(p)(2) (4 levels , increase level 18) | 4 | 33.3 |
| (b)(3)(B) Use of explosives in connection with another felony offense (4 levels or level 18) | 0 | 0.0 |
| §2K1.4 Arson | 13 | 0.1 |
| (a)(1)(A) Substantial risk of death/serious bodily injury (B) destruction of dwelling (BOL 24) | 6 | 46.2 |
| (a)(2)(A) Substantial risk of death/serious injury of other participant (B) destruction of structure other than a dwelling, (C) endangered a dwelling (Base offense level 20) | 6 | 46.2 |
| (a)(3) 2 plus the level from §2B1.1 | 1 | 7.7 |
| (b)(1) Committed to conceal another offense (2 levels) | 0 | 0.0 |
| (b)(2) Offense not under (a)(3) and occurred on national cemetery (2 levels) | 0 | 0.0 |
| §2K1.5 Possessing Dangerous Weapon or Materials While Boarding an Aircraft | 3 | 0.0 |
| (b)(1) Committed without regard for safety of human life (15 levels) | 0 | 0.0 |
| (b)(2) Offender prohibited under federal law from possession weapon (2 levels) | 0 | 0.0 |
| (b)(3) Offender's possession lawful but for 49 U.S.C. §46505 (3 level decrease) | 2 | 66.7 |
| §2K1.6 Licensee Recordkeeping Violations Involving Explosive Materials | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition | 1,731 | 10.8 |
| (a)(1) Two prior convictions & firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) (BOL 26) | 24 | 1.4 |
| (a)(2) Two prior convictions for crime of violence (Base offense level 24) | 359 | 20.7 |
| (a)(3) One prior convictions & firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) (BOL 22) | 38 | 2.2 |
| (a)(4)(A) One prior conviction or (B) firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) and (i) offender was a prohibited person or (ii) convicted under 18 U.S.C. § 922(d) (Base offense level 20) | 592 | 34.2 |
| (a)(5) Firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. 921(a)(30) (BOL 18) | 81 | 4.7 |
| (a)(6)(A) Offender prohibited person or (B) convicted under 18 U.S.C. § 922(d) (BOL 14) | 503 | 29.1 |
| (a)(7) Excepted as provided in (a)(8) (Base offense level 12) | 124 | 7.2 |
| (a)(8) Offense convicted under 18 U.S.C. §922 (c), (e), (f), (m), (s), (t) or (x)(1) (BOL 6) | 9 | 0.5 |
| (b)(1)(A) 3-4 firearms ⁶⁹ (one level) | 5 | 0.3 |
| (b)(1)(A) 3-7 firearms (two levels) | 223 | 12.9 |
| (b)(1)(C) 8-12 firearms ⁶⁹ (3 levels) | 3 | 0.2 |
| (b)(1)(B) 8-24 firearms (4 levels) | 85 | 4.9 |
| (b)(1)(D) 13-24 firearms ⁶⁹ (4 levels) | 1 | 0.1 |
| (b)(1)(E) 25-49 firearms ⁶⁹ (5 levels) | 2 | 0.1 |
| (b)(1)(C) 25-99 firearms (6 levels) | 32 | 1.8 |
| (b)(1)(D) 100-199 firearms (8 levels) | 3 | 0.2 |
| (b)(1)(E) 200 or more firearms (10 levels) | 1 | 0.1 |
| (b)(2) Not subject to (a)(1)-(a)(5) and solely for lawful sporting purposes (decrease to level 6) | 22 | 1.3 |
| (b)(3) Destructive device (2 levels) | 38 | 2.2 |
| (b)(4) Firearm stolen or altered/obliterated serial number (2 levels) | 345 | 19.9 |
| (b)(5) Firearms used in connection with another offense (4 levels/increase to level 18) | 337 | 19.5 |
| (b)(6) Recordkeeping offense to conceal offense involving firearms (increase to level of underlying offense) | 0 | 0.0 |

⁶⁹ Firearm table changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2K2.4 Use of Firearm/Armor-Piercing Ammunition or Explosive | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2K2.5 Possession of Firearm or Dangerous Weapon in Federal Facility | 4 | 0.0 |
| (b)(1)(A) Unlawful possession of firearm in a federal court facility (2 levels) | 0 | 0.0 |
| (b)(1)(B) Firearm in school zone (2 levels) | 1 | 25.0 |
| §2K2.6 Possessing, Purchasing or Owning Body Armor by Violent Felons | 0 | 0.0 |
| (b)(1) Body armor used in connection with another felony (4 levels) | 0 | 0.0 |
| §2K3.2 Feloniously Mailing Injurious Articles | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|---------|---------|
| Part L - Offenses Involving Immigration, Naturalization, and Passports | | |
| §2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien | 801 | 5.0 |
| (a)(1) Convicted under 8 U.S.C. §1327 after being previously deported (BOL 23) | 0 | 0.0 |
| (a)(2) Otherwise (Base offense level 12) | 800 | 99.9 |
| (a)(2) Otherwise (Base offense level 9) ⁷⁰ | 0 | 0.0 |
| (b)(1)(A) Offense committed for profit and (B) BOL under (a)(2) (3 level decrease) | 49 | 6.1 |
| (b)(2)(A) 6-24 aliens smuggled (3 levels) | 370 | 46.2 |
| (b)(2)(B) 25-99 aliens smuggled (6 levels) | 54 | 6.7 |
| (b)(2)(C) 100 or more aliens smuggled (9 levels) | 6 | 0.8 |
| (b)(3)(A) Prior conviction for felony immigration and naturalization offense (2 levels) | 15 | 1.9 |
| (b)(3)(B) Two or more prior convictions for felony immigration offense (4 levels) | 1 | 0.1 |
| (b)(4)(A) Firearm discharged (6 levels, increase to 22) | 0 | 0.0 |
| (b)(4)(B) Weapon brandished or otherwise used (4 levels, increase to 20) | 3 | 0.4 |
| (b)(4)(C) Weapon possessed (2 levels, increase to 18) | 15 | 1.9 |
| (b)(5) Reckless creating risk of death or serious bodily injury (2 levels, increase to 18) | 293 | 36.6 |
| (b)(6)(1) Bodily injury (2 levels) | 14 | 1.8 |
| (b)(6)(2) Serious bodily injury (4 levels) | 1 | 0.1 |
| (b)(6)(3) Permanent or life-threatening bodily injury (6 levels) | 1 | 0.1 |
| (b)(6)(4) Death (8 levels) | 6 | 0.8 |
| §2L1.2 Unlawfully Entering or Remaining in the United States | 2,653 | 16.5 |
| (b)(1)(A)(i) Previously deported and conviction for drug trafficking offense of greater than 13 months(16 levels) | 556 | 21.0 |
| (b)(1)(A)(ii) Previously deported and conviction for crime of violence (16 levels) | 379 | 14.3 |
| (b)(1)(A)(iii) Previously deported and conviction for firearms offense (16 levels) | 8 | 0.3 |
| (b)(1)(A)(iv) Previously deported and conviction for a child pornography offense (16 levels) | 0 | 0.0 |
| (b)(1)(A)(v) Previously deported and conviction for a national security/terrorism offense (16 levels) | 0 | 0.0 |
| (b)(1)(A)(vi) Previously deported and conviction for a human trafficking offense (16 levels) | 7 | 0.3 |
| (b)(1)(A)(vii) Previously deported and conviction for an alien smuggling offense (16 levels) | 34 | 1.3 |
| (b)(1)(B) Previously deported, drug offense sentence less than 13 months (12 levels) | 229 | 8.6 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

⁷⁰ Base offense level was changed on November 1, 1997.

Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2L1.2 Unlawfully Entering or Remaining in the United States (continued) | 2,653 | 16.5 |
| (b)(1)(C) Previously deported and aggravated felony conviction (8 levels) | 520 | 19.6 |
| (b)(1)(D) Previously deported and any other felony conviction (4 levels) | 379 | 14.1 |
| (b)(1)(E) Previously deported and three or more misdemeanor convictions of crimes of violence or drug trafficking (4 levels) | 10 | 0.4 |
| §2L2.1 Trafficking in Documents Relating to Naturalization | 107 | 0.7 |
| (a) Base offense level 11 | 107 | 100.0 |
| (b)(1) Committed other than for profit or only smuggling relative (3 level decrease) | 2 | 1.9 |
| (b)(2)(A) 6-24 Documents/Passports (3 levels) | 24 | 22.4 |
| (b)(2)(B) 25-99 Documents/Passports (6 levels) | 13 | 12.2 |
| (b)(2)(C) 100 or more Documents/Passports (9 levels) | 23 | 21.5 |
| (b)(3) Offender knew passport or visa facilitated a felony offense (4 levels) | 5 | 4.7 |
| (b)(4)(A) Committed instant offense after conviction of immigration offense (2 levels) | 0 | 0.0 |
| (b)(4)(B) Committed instant offense after two or more convictions immigration (4 lvls) | 1 | 0.9 |
| §2L2.2 Fraudulent Acquiring Documents Relating to Citizenship | 271 | 1.7 |
| (a) Base offense level 8 | 270 | 99.6 |
| (a) Base offense level 6 ⁷⁰ | 1 | 0.4 |
| (b)(1) Offender an unlawful alien, previously deported (2 levels) | 31 | 11.4 |
| (b)(2)(A) Prior felony immigration and naturalization offense (2 levels) | 4 | 1.5 |
| (b)(2)(B) Two or more prior felony immigration and naturalization offenses (4 levels) | 0 | 0.0 |
| (b)(3) Offender fraudulently obtained or used a United States passport (4 levels) | 0 | 0.0 |
| §2L2.5 Failure to Surrender Canceled Naturalization Certificate | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

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

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2M3.9 Disclosure of Information Identifying a Covert Agent | 0 | 0.0 |
| (a)(1) Information disclosed by person with access to classified material identifying a covert agent (BOL 30) | 0 | 0.0 |
| (a)(2) Information disclosed by person with access to classified material (BOL 25) | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2M4.1 Failure to Register and Evasion of Military Service | 0 | 0.0 |
| (b)(1) Occurred by person being inducted for compulsory military service (6 levels) | 0 | 0.0 |
| §2M5.1 Evasion of Export Controls | 1 | 0.0 |
| (a)(1)(A) National security controls (B) offense involved financial transactions with a country supporting terrorism (Base offense level 26) | 1 | 100.0 |
| (a)(2) Otherwise (Base offense level 14) | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2M5.2 Exportation of Arms/Munitions/Military Equipment without Validated Export License | 1 | 0.0 |
| (a)(1) Except as provided in (a)(2) (Base offense level 26) | 0 | 0.0 |
| (a)(1) Except as provided in (a)(2) ⁷¹ (Base offense level 22) | 1 | 100.0 |
| (a)(2) Involved less than 10 only non-fully automatic small arms (Base offense level 14) | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2M5.3 Providing Material Support/Resources to Designated Foreign Terrorist Organizations | 0 | 0.0 |
| (b)(1)(A) Offense involved the provision of dangerous weapons (2 levels) | 0 | 0.0 |
| (b)(1)(B) Offense involved the provision of firearms (2 levels) | 0 | 0.0 |
| (b)(1)(C) Offense involved the provision of explosives (2 levels) | 0 | 0.0 |
| (b)(1)(D) Offense involved the provisions of funds to purchase (A)-(C) (2 levels) | 0 | 0.0 |
| (b)(1)(E) Offense involved the provisions of funds used with the intent to commit a violent act (2 levels) | 0 | 0.0 |

⁷¹ Base offense level was raised on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2M6.1 Unlawful Production of Nuclear Material | 4 | 0.0 |
| (a)(1)(A) Intent to injure U.S. (B) aid a foreign nation (Base offense level 42) | 0 | 0.0 |
| (a)(2) Subsections (a)(1), (a)(3)-(a)(5) do not apply (Base offense level 28) | 0 | 0.0 |
| (a)(3) Convicted under 18 U.S.C. § 175b (Base offense level 22) | 0 | 0.0 |
| (a)(4) Convicted under 18 U.S.C. §175(b) (a)(5)(A) Involved a threat to use nuclear weapon but (B) did not intend to carry out threat (Base offense level 20) | 4 | 100.0 |
| (b)(1)(A) Subsection (a)(2), (a)(4), or (a)(5) applies and (B) threat of biological agent (2 levels) | 2 | 50.0 |
| (b)(2)(A) Subsections (a)(2)-(a)(4) applies and (B)(i) victim died or permanent life-threatening bodily injury (4 levels) | 0 | 0.0 |
| (b)(2)(A) Subsection (a)(2)-(a)(4) applies and (ii) serious bodily injury (2 levels) | 0 | 0.0 |
| (b)(2)(A) Subsection (a)(2)-(a)(4) applies and (iii) injury between (i) and (ii) (3 levels) | 0 | 0.0 |
| (b)(3)(A) Subsection (a)(2)-(a)(5) applies and (B) disruption of government services (4 levels) | 1 | 25.0 |
| §2M6.2 Violation of Other Federal Atomic Energy Agency Statutes, Rules or Regulation | 0 | 0.0 |
| (a)(1) Committed with intent to injure the United States (Base offense level 30) | 0 | 0.0 |
| (a)(2) Otherwise (Base offense level 6) | 0 | 0.0 |
| No Specific Offense Characteristic for this guideline | NA | NA |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| 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 | 3 | 0.0 |
| (b)(1)(A) Permanent or life-threatening bodily injury (4 levels) | 0 | 0.0 |
| (b)(1)(B) Serious bodily injury (2 levels) | 0 | 0.0 |
| (b)(1)(C) Degree of injury between serious and permanent/life-threatening (3 levels) | 0 | 0.0 |
| §2N1.2 Providing False Information or Threatening to Tamper with Consumer Products | 1 | 0.0 |
| No Specific Offense Characteristics with this guideline | NA | NA |
| §2N1.3 Tampering with Intent to Injure Business | 0 | 0.0 |
| No Specific Offense Characteristics with this guideline | NA | NA |
| §2N2.1 Violations of Statutes and Regulations Dealing with any Food, Drug, etc | 8 | 0.0 |
| No Specific Offense Characteristics with this guideline | NA | NA |
| §2N3.1 Odometer Laws and Regulations | 1 | 0.0 |
| No Specific Offense Characteristics with this guideline | NA | NA |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|---------|---------|
| Part P - Offenses Involving Prisons and Correctional Facilities | | |
| §2P1.1 Escape, Instigating or Assisting Escape | 46 | 0.3 |
| (a)(1) Custody is by virtue of an arrest on a felony/conviction of another offense (BOL 13) | 43 | 93.5 |
| (a)(2) Otherwise (Base offense level 8) | 3 | 6.5 |
| (b)(1) Use of threat of force against any person (5 levels) | 1 | 2.2 |
| (b)(2) Escaped from non-secure custody,(a)(1) applies, return in 96 hours (7 level decrease) | 1 | 2.2 |
| (b)(2) Escaped from non-secure custody, (a)(2)applies, return in 96 hours (4 level decrease) | 1 | 2.2 |
| (b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(1) applies (4 level decrease) | 14 | 30.4 |
| (b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(2) applies (2 level decrease) | 2 | 4.4 |
| (b)(4) Offender was a law enforcement officer (2 levels) | 1 | 2.2 |
| §2P1.2 Providing or Possessing Contraband in Prison | 28 | 0.2 |
| (a)(1) Object was a firearm or destructive device (Base offense level 23) | 0 | 0.0 |
| (a)(2) Object was a weapon, ammunition, LSD, or a narcotic drug (Base offense level 13) | 12 | 42.9 |
| (a)(3) Object was an alcoholic beverage/currency/controlled substance (BOL 6) | 14 | 50.0 |
| (a)(4) Other object threatened order of facility (Base offense level 4) | 0 | 0.0 |
| (b)(1) Offender was a law enforcement officer (2 levels) | 0 | 0.0 |
| §2P1.3 Engaging in a Riot Involving Persons in a Facility | 0 | 0.0 |
| (a)(1) Substantial risk of death or serious bodily injury (Base offense level 22) | 0 | 0.0 |
| (a)(2) Caused a major disruption to the operation of an institution (Base offense level 16) | 0 | 0.0 |
| (a)(3) Otherwise (Base offense level 10) | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|---------|---------|
| Part Q -Offenses Involving the Environment | | |
| §2Q1.1 Knowing Endangerment Resulting from Mishandling Hazardous Substances | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2Q1.2 Mishandling of Hazardous Substances | 9 | 0.1 |
| (b)(1)(A) Resulted in ongoing emission of a hazardous substance (6 levels) | 7 | 77.8 |
| (b)(1)(B) Otherwise involved discharge of a hazardous substance (4 levels) | 0 | 0.0 |
| (b)(2) Substantial likelihood of death or serious bodily injury (9 levels) | 0 | 0.0 |
| (b)(3) Disruption of public utilities or evacuation (4 levels) | 1 | 11.1 |
| (b)(4) Involved transportation without a permit or violation of a permit (4 levels) | 5 | 55.6 |
| (b)(5) Recordkeeping reflected an effort to conceal offense (Offense level of underlying offense) | 0 | 0.0 |
| (b)(6) Simple recordkeeping or reporting violation (2 level decrease) | 0 | 0.0 |
| (b)(7) Convicted under 49 U.S.C. § 5124 or § 46312 (2 levels) | 0 | 0.0 |
| §2Q1.3 Mishandling of Other Environmental Pollutants | 6 | 0.0 |
| (b)(1)(A) Ongoing/repetitive discharge of a pollutant (6 levels) | 2 | 33.3 |
| (b)(1)(B) Otherwise discharge of pollutant (4 levels) | 2 | 33.3 |
| (b)(2) Substantial likelihood of death or serious bodily injury (11 levels) | 0 | 0.0 |
| (b)(3) Resulted in disruption of public utilities or evacuation (4 levels) | 0 | 0.0 |
| (b)(4) Discharge without permit or in violation of a permit (4 levels) | 4 | 66.7 |
| (b)(5) Recordkeeping reflected an effort to conceal offense (Offense level of underlying offense) | 0 | 0.0 |
| §2Q1.4 Tampering or Attempted Tampering with Public Water System | 0 | 0.0 |
| (b)(1)(A) Victim sustained permanent/life threatening bodily injury (4 levels) | 0 | 0.0 |
| (b)(1)(B) Victim sustained serious bodily injury (2 levels) | 0 | 0.0 |
| (b)(1)(C) The degree of injury is between subdivisions (A) and (B) (3 levels) | 0 | 0.0 |
| (b)(2)(A) Offense resulted in disruption of public functions/services (4 levels) | 0 | 0.0 |
| (b)(2)(B) Disruption resulted in expenditure of funds to clean up in response to offense (4 levels) | 0 | 0.0 |
| (b)(3) Ongoing release of contaminant into public water system (2 levels) | 0 | 0.0 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2Q1.6 Hazardous or Injurious Devices on Federal Lands | 0 | 0.0 |
| (a)(1) Intent was to violate Controlled Substance Act (apply §2D1.9) | 0 | 0.0 |
| (a)(2) Obstruct harvesting of timber and property destruction (apply §2B1.1) | 0 | 0.0 |
| (a)(3) Reckless disregard to risk to another person (apply §2A2.2) | 0 | 0.0 |
| (a)(4) Otherwise (Base offense level 6) | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2Q2.1 Offenses Involving Fish, Wildlife and Plants | 28 | 0.2 |
| (b)(1)(A) Offense committed for pecuniary gain (2 levels) | 14 | 50.0 |
| (b)(1)(B) Offense involved a pattern of similar violations (2 levels) | 1 | 3.6 |
| (b)(2)(A) Offense involved wildlife not quarantined (2 levels) | 0 | 0.0 |
| (b)(2)(B) Offense involved significant risk of infestation/disease to human/wildlife (2 levels) | 2 | 7.1 |
| (b)(3)(A) Value of wildlife between \$2,000 and \$5,000 (one level) | 6 | 21.4 |
| (b)(3)(A) Value of wildlife between \$5,000 and \$10,000 (2 levels) | 3 | 10.7 |
| (b)(3)(A) Value of wildlife between \$10,000 and \$20,000 ⁷² (3 levels) | 1 | 3.6 |
| (b)(3)(A) Value of wildlife between \$10,000 and \$30,000 (4 levels) | 3 | 10.7 |
| (b)(3)(A) Value of wildlife between \$40,000 and \$70,000 ⁷² (5 levels) | 1 | 3.6 |
| (b)(3)(A) Value of wildlife between \$70,000 and \$120,000 ⁷² (6 levels) | 1 | 3.6 |
| (b)(3)(A) Value of wildlife between \$70,000 and \$120,000 (8 levels) | 1 | 3.6 |
| (b)(3)(B)(i) Offense involved protected marine mammals (4 levels) | 1 | 3.6 |
| (b)(3)(B)(ii) Offense involved fish/wildlife/plants listed as endangered (4 levels) | 0 | 0.0 |
| (b)(3)(B)(iii) Offense involved fish/wildlife/plants endangered internationally (4 levels) | 1 | 3.6 |

⁷² Threshold amounts and level increases were changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part R - Antitrust Offenses | | |
| §2R1.1 Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors | 2 | 0.0 |
| (b)(1) Involved participation in agreement to submit non-competitive bid (one level) | 1 | 50.0 |
| (b)(2)(A) Volume of commerce between \$400,000 and \$1,000,000 (one level) | 0 | 0.0 |
| (b)(2)(B) Volume of commerce between \$1,000,000 and \$2,500,000 (2 levels) | 0 | 0.0 |
| (b)(2)(C) Volume of commerce between \$2,500,000 and \$6,250,000 (3 levels) | 0 | 0.0 |
| (b)(2)(D) Volume of commerce between \$6,250,000 and \$15,000,000 (4 levels) | 0 | 0.0 |
| (b)(2)(E) Volume of commerce between \$15,000,000 and \$37,500,000 (5 levels) | 0 | 0.0 |
| (b)(2)(F) Volume of commerce between \$37,500,000 and \$100,000,000 (6 levels) | 1 | 50.0 |
| (b)(2)(G) Volume of commerce more than \$100,000,000 (7 levels) | 1 | 50.0 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part S - Money Laundering and Monetary Transactions Reporting | | |
| §2S1.1 Laundering of Monetary Instruments | 193 | 1.2 |
| (a)(1) Base offense level 8 | 5 | 2.6 |
| (a)(1)&(2) Base offense level 12 | 15 | 7.8 |
| (a)(1)&(2) Base offense level 14 | 25 | 13.0 |
| (a)(1)&(2) Base offense level 15 | 2 | 1.0 |
| (a)(1)&(2) Base offense level 16 | 17 | 8.8 |
| (a)(1)&(2) Base offense level 17 | 1 | 0.5 |
| (a)(1)&(2) Base offense level 18 | 14 | 7.3 |
| (a)(1)&(2) Base offense level 19 | 1 | 0.5 |
| (a)(1)&(2) Base offense level 20 | 24 | 12.4 |
| (a)(1)&(2) Base offense level 20 ⁷³ | 14 | 7.3 |
| (a)(1)&(2) Base offense level 22 | 13 | 6.7 |
| (a)(1)&(2) Base offense level 23 ⁷³ | 8 | 4.2 |
| (a)(1)&(2) Base offense level 24 | 10 | 5.2 |
| (a)(1)&(2) Base offense level 25 | 1 | 0.5 |
| (a)(1)&(2) Base offense level 26 | 8 | 4.2 |
| (a)(1)&(2) Base offense level 28 | 3 | 1.6 |
| (a)(1)&(2) Base offense level 30 | 7 | 3.6 |
| (a)(1)&(2) Base offense level 31 | 1 | 0.5 |
| (a)(1)&(2) Base offense level 32 | 3 | 1.6 |
| (a)(1)&(2) Base offense level 34 | 8 | 4.2 |
| (a)(1)&(2) Base offense level 35 | 1 | 0.5 |
| (a)(1)&(2) Base offense level 36 | 4 | 2.1 |
| (a)(1)&(2) Base offense level 38 | 5 | 2.6 |
| (a)(1)&(2) Base offense level 40 | 2 | 1.0 |
| (a)(1)&(2) Base offense level 44 | 1 | 0.5 |

⁷³ Base offense levels were changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2S1.1 Laundering of Monetary Instruments (continued) | 193 | 1.2 |
| (b)(1)(B)(i) Subsection (a)(2) applies and offender knew proceeds intended for distribution of a controlled substance (6 levels) | 56 | 29.0 |
| (b)(1)(B)(ii) Subsection (a)(2) applies and offender knew proceeds were intended for a crime of violence (6 levels) | 7 | 3.6 |
| (b)(1)(B)(iii) Subsection (a)(2) applies and offender knew proceeds intended for firearms explosives (6 levels) | 0 | 0.0 |
| (b)(1) Proceeds intended for unlawful controlled substance offense ⁷⁴ (3 levels) | 5 | 2.6 |
| (b)(2)(A) Offender convicted under 18 U.S.C. §1957 (one level) | 12 | 6.2 |
| (b)(2)(B) Offender convicted under 18 U.S.C. §1956 (2 levels) | 145 | 75.1 |
| (b)(2)(C) Subsection (a)(1) applies and offender in business of laundering money (4 levels) | 6 | 3.1 |
| (b)(2)(B) Value of funds laundered between \$100,000 and \$200,000 ⁷⁵ (one level) | 2 | 1.0 |
| (b)(2)(C) Value of funds laundered between \$200,000 and \$350,000 ⁷⁵ (2 levels) | 3 | 1.6 |
| (b)(2)(D) Value of funds laundered between \$350,000 and \$600,000 ⁷⁵ (3 levels) | 2 | 1.0 |
| (b)(2)(E) Value of funds laundered between \$600,000 and \$1,000,000 ⁷⁵ (4 levels) | 1 | 0.5 |
| (b)(2)(F) Value of funds laundered between \$1,000,000 and \$2,000,000 ⁷⁵ (5 levels) | 3 | 1.6 |
| (b)(2)(H) Value of funds laundered between \$3,500,000 and \$6,000,000 ⁷⁵ (7 levels) | 3 | 1.6 |
| (b)(2)(I) Value of funds laundered between \$6,000,000 and \$10,000,000 ⁷⁵ (8 levels) | 2 | 1.0 |
| (b)(2)(J) Value of funds laundered between \$10,000,000 and \$20,000,000 ⁷⁵ (9 levels) | 2 | 1.0 |
| (b)(2)(L) Value of funds laundered between \$35,000,000 and \$60,000,000 ⁷⁵ (11 levels) | 2 | 1.0 |
| (b)(2)(N) Value of funds laundered more than \$100,000,000 ⁷⁵ (13 levels) | 1 | 0.5 |
| (b)(3) Subsection (b)(2)(B) applies and sophisticated laundering involved (2 levels) | 5 | 2.6 |
| §2S1.2 Engaging in Monetary Transactions in Property Derived from Unlawful Activity ⁷⁶ | 4 | 0.0 |
| (b)(1)(A) Unlawful activity involved a controlled substance (5 levels) | 0 | 0.0 |
| (b)(1)(B) Any other specified unlawful activity (2 levels) | 2 | 50.0 |
| (b)(2) Value of funds laundered between \$200,000 and \$350,000 (2 levels) | 1 | 25.0 |
| (b)(2) Value of funds laundered between \$1,000,000 and \$2,000,000 (5 levels) | 1 | 25.0 |
| (b)(2) Value of funds laundered between \$60,000,000 and \$100,000,000 (12 levels) | 1 | 25.0 |

⁷⁴ SOC was expanded and level enhanced on November 1, 2001.

⁷⁵ SOC eliminated on November 1, 2001.

⁷⁶ Guideline was eliminated and consolidated with §2S1.1 on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2S1.3 Structuring Transactions to Evade Reporting Requirements | 78 | 0.5 |
| (a)(1) Offender convicted under 31 U.S.C. §§ 5318 or 5318A (Base offense level 8) | 1 | 1.3 |
| (a)(2) Loss less than \$5,000 (Base offense level 6) | 3 | 3.8 |
| (a)(2) Loss between \$10,000 and \$20,000 ⁷⁷ (Base offense level 9) | 2 | 2.6 |
| (a)(2) Loss between \$10,000 and \$30,000 (Base offense level 10) | 17 | 21.8 |
| (a)(2) Loss between \$40,000 and \$70,000 ⁷⁷ (Base offense level 11) | 1 | 1.3 |
| (a)(2) Loss between \$30,000 and \$70,000 (Base offense level 12) | 13 | 16.7 |
| (a)(2) Loss between \$70,000 and \$120,000 ⁷⁷ (Base offense level 12) | 1 | 1.3 |
| (a)(2) Loss between \$120,000 and \$200,000 ⁷⁷ (Base offense level 13) | 2 | 2.6 |
| (a)(2) Loss between \$70,000 and \$120,000 (Base offense level 14) | 8 | 10.2 |
| (a)(2) Loss between \$200,000 and \$350,000 ⁷⁷ (Base offense level 14) | 3 | 3.8 |
| (a)(2) Loss between \$350,000 and \$500,000 ⁷⁷ (Base offense level 15) | 2 | 2.6 |
| (a)(2) Loss between \$120,000 and \$200,000 (Base offense level 16) | 7 | 9.0 |
| (a)(2) Loss between \$500,000 and \$800,000 ⁷⁷ (Base offense level 16) | 2 | 2.6 |
| (a)(2) Loss between \$200,000 and \$400,000 (Base offense level 18) | 9 | 11.5 |
| (a)(2) Loss between \$400,000 and \$1,000,000 (Base offense level 20) | 3 | 3.8 |
| (a)(2) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22) | 1 | 1.3 |
| (a)(2) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24) | 1 | 1.3 |
| (a)(2) Loss between \$20,000,000 and \$50,000,000 (Base offense level 28) | 2 | 2.6 |
| (b)(1)(A) Offender knew proceeds were for unlawful activity (2 levels) | 25 | 32.0 |
| (b)(1)(B) Offense involved bulk cash smuggling (2 levels) | 26 | 33.3 |
| (b)(2) Convicted under subchapter II of chapter 53 of title 31 & offense involved more than \$100,000 over a 12 month period (two levels) | 2 | 2.6 |
| (b)(3) Subsection (b)(1) does not apply (B) offender did not act with reckless disregard of source of funds (C) funds were from lawful activity (D) funds used for legal purposes ⁷⁸ (decrease to level 6) | 6 | 7.7 |

⁷⁷ Base offense level thresholds amounts and levels changed on November 1, 2001.

⁷⁸ SOC was changed from §2S1.3(b)(2) on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part T - Offenses Involving Taxation | | |
| §2T1.1 Tax Evasion | 104 | 0.6 |
| (a)(2) No tax loss or loss less than \$2,000 (Base offense level 6) | 3 | 2.9 |
| (a)(1) Loss between \$1,700 and \$3,000 ⁷⁹ (Base offense level 7) | 1 | 1.0 |
| (a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8) | 1 | 1.0 |
| (a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10) | 2 | 1.9 |
| (a)(1) Loss between \$13,500 and \$23,500 ⁷⁹ (Base offense level 11) | 5 | 4.8 |
| (a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12) | 7 | 6.7 |
| (a)(1) Loss between \$23,500 and \$40,000 ⁷⁹ (Base offense level 12) | 11 | 10.6 |
| (a)(1) Loss between \$40,000 and \$70,000 ⁷⁹ (Base offense level 13) | 10 | 9.6 |
| (a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14) | 10 | 9.6 |
| (a)(1) Loss between \$70,000 and \$120,000 ⁷⁹ (Base offense level 14) | 9 | 8.6 |
| (a)(1) Loss between \$120,000 and \$200,000 ⁷⁹ (Base offense level 15) | 12 | 11.5 |
| (a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16) | 4 | 3.8 |
| (a)(1) Loss between \$200,000 and \$325,000 ⁷⁹ (Base offense level 16) | 8 | 7.7 |
| (a)(1) Loss between \$325,000 and \$550,000 ⁷⁹ (Base offense level 17) | 5 | 4.8 |
| (a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18) | 6 | 5.8 |
| (a)(1) Loss between \$550,000 and \$950,000 ⁷⁹ (Base offense level 18) | 2 | 1.9 |
| (a)(1) Loss between \$950,000 and \$1,500,000 ⁷⁹ (Base offense level 19) | 2 | 1.9 |
| (a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20) | 3 | 2.9 |
| (a)(1) Loss between \$1,500,000 and \$2,500,000 ⁷⁹ (Base offense level 20) | 1 | 1.0 |
| (a)(1) Loss between \$2,500,000 and \$5,000,000 ⁷⁹ (Base offense level 21) | 1 | 1.0 |
| (a)(1) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22) | 1 | 1.0 |
| (b)(1) Failed to report exceeding \$10,000 from criminal activity (2 levels, level 12) | 25 | 24.0 |
| (b)(2) Sophisticated means (2 levels, increase to level 12) | 14 | 13.5 |

⁷⁹ Base offense level thresholds amounts and levels changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2T1.3 Fraud and False Statements Under Penalty of Perjury ⁸⁰ | 0 | 0.0 |
| (a)(1) Base offense level from Tax Table (Base offense level 10) | 0 | 0.0 |
| (a)(2) otherwise (Base offense level 6) | 0 | 0.0 |
| (b)(1) Failed to report source of income exceeding \$10,000 (2 levels, increase to 12) | 0 | 0.0 |
| (b)(2) Sophisticated means (2 levels) | 0 | 0.0 |
| §2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud | 26 | 0.2 |
| (a)(2) No tax loss or loss less than \$2,000 (Base offense level 6) | 0 | 0.0 |
| (a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10) | 1 | 3.8 |
| (a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12) | 1 | 3.8 |
| (a)(1) Loss between \$23,500 and \$40,000 ⁷⁹ (Base offense level 12) | 1 | 3.8 |
| (a)(1) Loss between \$40,000 and \$70,000 ⁷⁹ (Base offense level 13) | 2 | 7.7 |
| (a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14) | 5 | 19.2 |
| (a)(1) Loss between \$120,000 and \$200,000 ⁷⁹ (Base offense level 15) | 5 | 19.2 |
| (a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16) | 1 | 3.8 |
| (a)(1) Loss between \$200,000 and \$325,000 ⁷⁹ (Base offense level 16) | 2 | 7.7 |
| (a)(1) Loss between \$325,000 and \$550,000 ⁷⁹ (Base offense level 17) | 2 | 7.7 |
| (a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18) | 2 | 7.7 |
| (a)(1) Loss between \$550,000 and \$950,000 ⁷⁹ (Base offense level 18) | 2 | 7.7 |
| (a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20) | 2 | 7.7 |
| (b)(1)(A) As part of scheme, offender derived substantial portion of income (2 levels) | 8 | 30.8 |
| (b)(1)(B) Defendant was in business of preparing tax returns (2 levels) | 13 | 50.0 |
| (b)(2) Sophisticated means (2 levels, increase to level 12) | 3 | 11.5 |

⁸⁰ Guideline eliminated and consolidated with §2T1.1 on November 1, 1993.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Pre-Booker 2005

| Guideline and SOC | Applied | Percent |
|---|----------------|----------------|
| §2T1.6 Failing to Collect or Truthfully Account for and Pay Over Tax | 4 | 0.0 |
| (a) Loss between \$200,000 and \$325,000 ⁷⁹ (Base offense level 16) | 1 | 25.0 |
| (a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18) | 1 | 25.0 |
| (a) Loss between \$950,000 and \$1,500,000 ⁷⁹ (Base offense level 19) | 1 | 25.0 |
| (a)(1) Loss between \$80,000 and \$200,000 (Base offense level 22) | 1 | 25.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2T1.7 Failing to Deposit Collected Taxes in Trust Account as Required After Notice | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2T1.8 Offenses Relating to Withholding Statements | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2T1.9 Conspiracy to Impede, Impair, Obstruct | 6 | 0.0 |
| (a)(1) Loss less than \$12,500 (Base offense level 10) | 1 | 16.7 |
| (a)(1)&(2) Loss \$13,500 and less ⁷⁹ (Base offense level 10) | 1 | 16.7 |
| (a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12) | 1 | 16.7 |
| (a)(1) Loss between \$120,000 and \$200,000 ⁷⁹ (Base offense level 15) | 2 | 33.3 |
| (a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16) | 1 | 16.7 |
| (b)(1) Planned or threat of violence to impede the collection of revenue (4 levels) | 0 | 0.0 |
| (b)(2) Conduct was to encourage others to impede collection of revenue (2 levels) | 1 | 16.7 |
| §2T2.1 Non-payment of Taxes | 0 | 0.0 |
| (a) Loss of less than \$2,000 (Base offense level 6) | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2T2.2 Regulatory Offenses | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2T3.1 Evading Import Duties or Restrictions (Smuggling) | 7 | 0.0 |
| (a)(3) Loss less than \$100 (Base offense level 4) | 4 | 57.1 |
| (a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10) | 1 | 14.3 |
| (a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12) | 1 | 14.3 |
| (a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16) | 1 | 14.3 |
| (b)(1) Sophisticated means (2 levels, increase to level 12) | 1 | 14.3 |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
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| Guideline and SOC | Applied | Percent |
|--|---------|---------|
| Part X - Other Offenses | | |
| §2X1.1 Attempt, Solicitation, or Conspiracy | 27 | 0.2 |
| (a) Base offense level 8 | 1 | 3.7 |
| (a) Base offense level 9 | 1 | 3.7 |
| (a) Base offense level 10 | 2 | 7.4 |
| (a) Base offense level 12 | 5 | 18.5 |
| (a) Base offense level 14 | 1 | 3.7 |
| (a) Base offense level 15 | 2 | 7.4 |
| (a) Base offense level 16 | 1 | 3.7 |
| (a) Base offense level 18 | 3 | 11.1 |
| (a) Base offense level 20 | 4 | 14.8 |
| (a) Base offense level 21 | 1 | 3.7 |
| (a) Base offense level 22 | 1 | 3.7 |
| (a) Base offense level 25 | 1 | 3.7 |
| (a) Base offense level 26 | 1 | 3.7 |
| (a) Base offense level 27 | 2 | 7.4 |
| (a) Base offense level 34 | 1 | 3.7 |
| (b)(1) If an attempt (3 level decrease) | 4 | 14.8 |
| (b)(2) If a conspiracy (3 level decrease) | 5 | 18.5 |
| (b)(3)(A) Solicitation (3 level decrease) | 0 | 0.0 |
| §2X2.1 Aiding and Abetting | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |

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| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2X3.1 Accessory After the Fact | 32 | 0.2 |
| (a) Base offense level 4 | 2 | 6.2 |
| (a) Base offense level 5 | 1 | 3.1 |
| (a) Base offense level 7 | 3 | 9.4 |
| (a) Base offense level 8 | 1 | 3.1 |
| (a) Base offense level 10 | 2 | 6.2 |
| (a) Base offense level 12 | 3 | 9.4 |
| (a) Base offense level 13 | 1 | 3.1 |
| (a) Base offense level 14 | 1 | 3.1 |
| (a) Base offense level 16 | 1 | 3.1 |
| (a) Base offense level 19 | 3 | 9.4 |
| (a) Base offense level 20 | 1 | 3.1 |
| (a) Base offense level 21 | 1 | 3.1 |
| (a) Base offense level 22 | 2 | 6.2 |
| (a) Base offense level 24 | 1 | 3.1 |
| (a) Base offense level 25 | 1 | 3.1 |
| (a) Base offense level 26 | 2 | 6.2 |
| (a) Base offense level 28 | 1 | 3.1 |
| (a) Base offense level 29 | 3 | 9.4 |
| (a) Base offense level 30 | 2 | 6.2 |
| No Specific Offense Characteristics for this guideline | NA | NA |

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
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| Guideline and SOC | Applied | Percent |
|--|----------------|----------------|
| §2X4.1 Misprision of a Felony | 110 | 0.7 |
| (a) Base offense level 4 | 16 | 14.6 |
| (a) Base offense level 5 | 6 | 5.4 |
| (a) Base offense level 6 | 4 | 3.6 |
| (a) Base offense level 7 | 4 | 3.6 |
| (a) Base offense level 9 | 9 | 8.2 |
| (a) Base offense level 10 | 1 | 0.9 |
| (a) Base offense level 11 | 14 | 12.7 |
| (a) Base offense level 13 | 9 | 8.2 |
| (a) Base offense level 15 | 5 | 4.6 |
| (a) Base offense level 16 | 1 | 0.9 |
| (a) Base offense level 17 | 9 | 8.2 |
| (a) Base offense level 19 | 32 | 29.1 |
| No Specific Offense Characteristics for this guideline | NA | NA |
| §2X5.1 Other Offenses | 0 | 0.0 |
| No Specific Offense Characteristics for this guideline | NA | NA |