

Use of Guidelines and Specific Offense Characteristics

Fiscal Year 2007



USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS¹
Fiscal Year 2007²

Guideline and SOC	Applied ³	Percent ⁴
Part A - Offenses Against The Person		
All Offenses	68,017	100.0
Chapter 2 Specific Offense Characteristic Adjustments	42,975	63.2
§2A1.1 First Degree Murder	249	0.4
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.2 Second Degree Murder	49	0.1
(a) Base offense level 38	38	77.6
(a) Base offense level 33 ⁵	11	22.4
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.3 Voluntary Manslaughter	25	0.0
(a) Base offense level 29	22	88.0
(a) Base offense level 25 ⁵	3	12.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A1.4 Involuntary Manslaughter	59	0.1
(a)(1) Criminally negligent (Base offense level 12)	5	8.5
(a)(2)(A) Reckless conduct (Base offense level 18)	12	20.3
(a)(2)(B) Reckless operation of a means of transportation (Base offense level 22)	38	64.4
(a)(2) Reckless (Base offense level 14) ⁶	3	5.1
(a)(1) Criminally negligent (Base offense level 10) ⁶	1	1.7

¹ The information in this tables depicts information collected from only those cases in which complete guideline information is available. Of the 72,865 cases received by the Commission, 63,906 contained complete guideline information (87.7 percent). It is possible to have multiple guideline calculations for each case, and this table represents each guideline calculation for cases in which complete information was received. Only values which are allowable according to the sentencing manual(s) are counted.

² Fiscal Year 2007 data represents guideline application from guidelines effective November 1, 2006 unless otherwise specified.

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

⁴ The "Percent" column represents, for each guideline, the portion of all guideline calculations in which the specific guideline was involved. For each Specific Offense Characteristic (SOC), the percent represents the frequency with which the specific was used in the calculations for the specific guideline.

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

⁶ Base offense level value was increased on November 5, 2003.

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Guideline and SOC	Applied	Percent
§2A1.5 Conspiracy or Solicitation to Commit Murder	66	0.1
(a) Base offense level 33	48	72.7
(a) Base offense level 28 ⁵	18	27.3
Chapter 2 Specific Offense Characteristic Adjustments	22	33.3
(b)(1) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels)	22	33.3
§2A2.1 Assault with Intent to Commit Murder: Attempted Murder	99	0.2
(a)(1) Offense would have constituted first degree murder (Base offense level 33)	46	46.5
(a)(1) Offense would have constituted first degree murder (Base offense level 28) ⁵	31	31.3
(a)(2) Otherwise (Base offense level 27)	19	19.2
(a)(2) Otherwise (Base offense level 22) ⁵	3	3.1
Chapter 2 Specific Offense Characteristic Adjustments	57	57.6
(b)(1)(A) Permanent or life-threatening bodily injury (4 levels)	28	28.3
(b)(1)(B) Between permanent/life-threatening and serious bodily injury (3 levels)	5	5.1
(b)(1)(C) Serious bodily injury (2 levels)	21	21.2
(b)(2) Offer/receipt of anything of pecuniary value for undertaking the murder (4 levels)	6	6.1
§2A2.2 Aggravated Assault	349	0.5
(a) Base offense level 14	342	98.0
(a) Base offense level 15 ⁵	7	2.0
Chapter 2 Specific Offense Characteristic Adjustments	338	96.8
(b)(1) More than minimal planning (2 levels)	29	8.3
(b)(2)(A) Firearm discharged (5 levels)	36	10.3
(b)(2)(B) Dangerous weapon otherwise used (4 levels)	178	51.0
(b)(2)(C) Dangerous weapon brandished or threatened (3 levels)	7	2.0
(b)(3)(C) Permanent or life-threatening injury (7 levels)	24	6.9
(b)(3)(C) Permanent or life-threatening injury (6 levels) ⁷	2	0.1
(b)(3)(E) Between permanent/life-threatening and serious bodily injury (6 levels)	31	8.9
(b)(3)(B) Serious bodily injury (5 levels)	125	35.8
(b)(3)(B) Serious bodily injury (4 levels) ⁷	4	0.1
(b)(3)(D) Between serious and "simple" bodily injury (4 levels)	17	4.9
(b)(3)(A) "Simple" bodily injury (3 levels)	74	21.2
(b)(3)(A) "Simple" bodily injury (2 levels) ⁷	1	0.3

⁷ SOC was increased on November 1, 2004.

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Guideline and SOC	Applied	Percent
§2A2.2 Aggravated Assault (continued)	349	0.5
(b)(4) Assault motivated by payment or offer of money or thing of value (2 levels)	1	0.3
(b)(5) Assault involved violation of a court protection order (2 levels)	1	0.3
(b)(6) If the defendant was convicted under 18 U.S.C. § 111(b) or § 115 (2 levels)	31	8.9
§2A2.3 Minor Assault	36	0.0
(a)(1) Physical contact or dangerous weapon possessed/threatened (Base offense level 7)	33	91.7
(a)(1) Physical contact or dangerous weapon possessed/threatened (Base offense level 6) ⁵	1	2.8
(a)(2) Other than the behavior in (a)(1) (Base offense level 4)	2	5.6
Chapter 2 Specific Offense Characteristic Adjustments	16	44.4
(b)(1)(A) Bodily injury to victim (2 levels)	10	27.8
(b)(1)(B) Substantial bodily injury to victim under age of 16 (4 levels)	6	16.7
§2A2.4 Obstructing or Impeding Officers	158	0.2
(a) Base offense level 10	154	97.5
(a) Base offense level 6 ⁵	4	2.5
Chapter 2 Specific Offense Characteristic Adjustments	121	76.6
(b)(1) Physical contact or dangerous weapon possessed/threatened (3 levels)	117	74.0
(b)(2) Victim sustained bodily injury (2 levels)	45	28.5
§2A3.1 Criminal Sexual Abuse (Rape)	143	0.2
(a) Base offense level 30	93	65.0
(a) Base offense level 27 ⁵	50	35.0
Chapter 2 Specific Offense Characteristic Adjustments	125	87.4
(b)(1) Offense committed by means set forth in 18 U.S.C. § 2241(a) or (b) (4 levels)	67	46.8
(b)(2)(A) Victim under age of 12 (4 levels)	52	36.4
(b)(2)(B) Victim between 12 and 16 (2 levels)	33	23.1
(b)(3)(A) Victim in custody, care or control (2 levels)	39	27.3
(b)(3)(B) Victim in a correctional facility (2 levels)	1	0.7
(b)(4)(A) Permanent or life-threatening bodily injury (4 levels)	6	4.2
(b)(4)(B) Between permanent/life-threatening and serious bodily injury (3 levels)	0	0.0
(b)(4)(C) Serious bodily injury (2 levels)	9	6.3

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Guideline and SOC	Applied	Percent
§2A3.1 Criminal Sexual Abuse (Rape) (continued)	143	0.2
(b)(5) Victim abducted (4 levels)	5	3.5
(b)(6)(A) Misrepresentation to persuade a minor (2 levels)	4	2.8
(b)(6)(B) Use of a computer to persuade a minor (2 levels)	10	7.0
§2A3.2 Criminal Sexual Abuse of a Minor (Statutory Rape)	84	0.1
(a) Base offense level 18	60	71.4
(a)(1) Violation of Chapter 117 of Title 18 and the commission of a sex act (BOL 24) ⁸	3	3.6
(a)(2) Violation of Chapter 117 of Title 18 and no sex act or sexual contact (BOL 21) ⁸	7	8.3
(a)(3) Other than (a)(1) or (a)(2) (Base offense level 18) ⁸	13	15.5
(a)(2) Other than a violation of Chapter 117 of Title 18 (Base offense level 15) ⁹	1	1.2
Chapter 2 Specific Offense Characteristic Adjustments	41	48.8
(b)(1) Victim in custody, care or control of the defendant (4 levels)	3	3.6
(b)(1) Victim in custody, care or control of the defendant (2 levels) ⁷	10	11.9
(b)(2)(A)&(B) Misrepresentation of identity or undue influence (4 levels)	17	20.2
(b)(2)(A)&(B) Misrepresentation of identity or undue influence (2 levels) ⁷	8	9.5
(b)(3)(A) Use of a computer to persuade the victim to engage in prohibited sexual conduct (2 levels)	1	1.2
(b)(3)(B) Use of a computer to facilitate travel by the victim/participant to engage in prohibited sexual conduct (2 levels) ¹⁰	10	11.9
§2A3.3 Criminal Sexual Abuse of a Ward	13	0.0
(a) Base offense level 12	8	61.5
(a) Base offense level 9 ⁵	5	38.5
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Misrepresentation of identity (2 levels)	0	0.0
(b)(2) Use of a computer (2 levels)	0	0.0

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	46	0.1
(a)(1) If offense committed by means in 18 U.S.C. § 2241(a) or (b) (BOL 20)	6	13.0
(a)(2) If offense committed by means in 18 U.S.C. § 2242 (Base offense level 16)	3	6.5
(a)(1) If offense committed by means in 18 U.S.C. § 2241(a) or (b) (BOL 16) ⁶	2	4.3
(a)(3) Other than (a)(1) or (a)(2) (Base offense level 12)	25	54.3
(a)(2) If offense committed by means in 18 U.S.C. § 2242 (Base offense level 12) ⁶	1	2.2
(a)(3) Other than (a)(1) or (a)(2) (Base offense level 10) ⁶	9	20.0
Chapter 2 Specific Offense Characteristic Adjustments	36	78.3
(b)(1) Victim under the age of 12 (4 levels or increase to level 20)	14	30.4
(b)(1) Victim under the age of 12 (4 levels or increase to level 16) ⁷	9	19.6
(b)(2) Victim between 12 and 16 (2 levels)	1	2.2
(b)(3) Victim was in custody, care or control (2 levels)	23	50.0
(b)(4) Misrepresentation of identity (2 levels)	0	0.0
(b)(5) Use of a computer (2 levels)	0	0.0
§2A3.5 Failure to Register as a Sex Offender	1	0.0
(a)(1) Defendant required to register as a Tier III offender (Base offense level 16)	1	100.0
(a)(2) Defendant required to register as a Tier II offender (Base offense level 14)	0	0.0
(a)(3) Defendant required to register as a Tier I offender (Base offense level 12)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1)(A) If while in failure to register status, sex offense against non-minor (6 levels)	0	0.0
(b)(1)(B) If while in failure to register status, felony offense against a minor (6 levels)	0	0.0
(b)(1)(C) If while in failure to register status, sex offense against a minor (8 levels)	0	0.0
(b)(2)(A) Defendant voluntarily corrected the failure to register (decrease 3 levels)	0	0.0
(b)(2)(B) Defendant voluntarily attempted to register but was unable to (decrease 3 lvls)	0	0.0

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Guideline and SOC	Applied	Percent
§2A4.1 Kidnapping, Abduction or Unlawful Restraint	187	0.3
(a) Base offense level 32	95	50.8
(a) Base offense level 24 ⁵	92	49.2
Chapter 2 Specific Offense Characteristic Adjustments	143	89.9
(b)(1) Ransom demanded or a demand upon the government (6 levels)	135	72.2
(b)(2)(A) Victim sustained permanent or life-threatening bodily injury (4 levels)	2	1.1
(b)(2)(B) Between permanent or life-threatening and serious bodily injury (3 levels)	2	1.1
(b)(2)(C) Serious bodily injury (2 levels)	23	12.3
(b)(3) Dangerous weapon used (2 levels)	63	33.7
(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)	10	5.4
(b)(4)(C) Victim released before 24 hours (1 level decrease)	2	1.1
(b)(5) Victim sexually exploited (6 levels)	8	4.3
(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)	0	0.0
(b)(7)(B) Abduction in connection with another crime (4 levels)	0	0.0
§2A4.2 Demanding or Receiving Ransom Money	2	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2A5.1 Aircraft Piracy or Attempted Aircraft Piracy	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Death resulting from act (5 levels)	0	0.0
§2A5.2 Interference with Flight Crew Member or Mass Transportation Vehicle or Ferry	15	0.0
(a)(1) Intentionally endangering safety of above stated transportation (BOL 30)	1	6.7
(a)(2) Recklessly endangering safety of above stated transportation (BOL 18)	1	6.7
(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)	13	88.7
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(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

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Guideline and SOC	Applied	Percent
§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	194	0.3
(a)(2) Convicted of 47 U.S.C. § 223(a)(1)(C) - (E) not involving threat to injure (BOL 6)	3	1.6
(a)(1) Conviction other than (a)(1) (Base offense level 12)	191	98.4
Chapter 2 Specific Offense Characteristic Adjustments	113	58.2
(b)(1) Conduct evidencing an intent to carry out such threat (6 levels)	12	6.2
(b)(2) More than two threats (2 levels)	57	29.4
(b)(3) Violation of a court protection order (2 levels)	3	1.6
(b)(4)(A) Disruption of public, governmental, or business functions (4 levels)	31	16.0
(b)(4)(B) Substantial expenditure of funds to clean or decontaminate (4 levels)	3	1.6
(b)(5) If subsection (a)(2) and (b)(1)-(b)(4) do not apply (4 level decrease)	25	12.9
§2A6.2 Stalking or Domestic Violence	8	0.0
Chapter 2 Specific Offense Characteristic Adjustments	7	87.5
(b)(1)(A) Violation of court protection order (2 levels)	0	0.0
(b)(1)(B) Bodily injury (2 levels)	2	25.0
(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)	0	0.0
(b)(1)(A)-(D) Violation of more than one of above (4 levels)	5	62.5

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Guideline and SOC	Applied	Percent
Part B - Basic Economic Offenses		
§2B1.1 Larceny, Embezzlement, Theft, and Fraud	7,920	11.6
(a)(1) Statutory maximum of 20 years or more (Base offense level 7)	2,116	26.7
(a)(2) Otherwise (Base offense level 6)	5,348	67.5
(a)(1) Base offense level 4 ¹¹	87	1.1
(a)(1) Base offense level 6 ¹²	369	4.6
Chapter 2 Specific Offense Characteristic Adjustments	6,437	81.3
(b)(1)(A) \$5,000 or less (0 levels)	1,870	23.6
(b)(1)(A) \$100 or less ¹³ (0 levels)	5	0.1
(b)(1)(B) Between \$100 and \$1,000 ¹³ (1 level)	1	0.0
(b)(1)(B) Between \$5,000 and \$10,000 (2 levels)	578	7.3
(b)(1)(D) Between \$2,000 and \$5,000 ¹³ (3 levels)	2	0.0
(b)(1)(C) Between \$10,000 and \$30,000 (4 levels)	1,297	16.4
(b)(1)(E) Between \$5,000 and \$10,000 ¹³ (4 levels)	1	0.0
(b)(1)(F) Between \$10,000 and \$20,000 ¹³ (5 levels)	4	0.0
(b)(1)(D) Between \$30,000 and \$70,000 (6 levels)	1,120	14.1
(b)(1)(G) Between \$20,000 and \$40,000 ¹³ (6 levels)	8	0.1
(b)(1)(H) Between \$40,000 and \$70,000 ¹³ (7 levels)	6	0.1
(b)(1)(E) Between \$70,000 and \$120,000 (8 levels)	715	9.0
(b)(1)(I) Between \$70,000 and \$120,000 ¹³ (8 levels)	12	0.1
(b)(1)(J) Between \$120,000 and \$200,000 ¹³ (9 levels)	9	0.1
(b)(1)(F) Between \$120,000 and \$200,000 (10 levels)	578	7.3
(b)(1)(K) Between \$200,000 and \$350,000 ¹³ (10 levels)	13	0.1
(b)(1)(G) Between \$200,000 and \$400,000 (12 levels)	567	7.2
(b)(1)(M) Between \$500,000 and \$800,000 ¹³ (12 levels)	4	0.0
(b)(1)(N) Between \$800,000 and \$1,500,000 ¹³ (13 levels)	10	0.1
(b)(1)(H) Between \$400,000 and \$1,000,000 (14 levels)	505	6.4

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¹¹ Base offense level was increased on November 1, 2001.

¹² The alternative base offense level of 7 was added on November 1, 2003.

¹³ 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)	7,920	11.6
(b)(1)(O) Between \$1,500,000 and \$2,500,000 ¹³ (14 levels)	5	0.1
(b)(1)(P) Between \$2,500,000 and \$5,000,000 ¹³ (15 levels)	8	0.1
(b)(1)(I) Between \$1,000,000 and \$2,500,000 (16 levels)	288	3.6
(b)(1)(Q) Between \$5,000,000 and \$10,000,000 ¹³ (16 levels)	1	0.0
(b)(1)(R) Between \$10,000,000 and \$20,000,000 ¹³ (17 levels)	2	0.0
(b)(1)(J) Between \$2,500,000 and \$7,000,000 (18 levels)	201	2.5
(b)(1)(K) Between \$7,000,000 and \$20,000,000 (20 levels)	68	0.9
(b)(1)(R) More than \$80,000,000 ¹³ (20 levels)	1	0.0
(b)(1)(L) Between \$20,000,000 and \$50,000,000 (22 levels)	18	0.2
(b)(1)(M) Between \$50,000,000 and \$100,000,000 (24 levels)	6	0.1
(b)(1)(N) Between \$100,00,000 and \$200,000,000 (26 levels)	5	0.1
(b)(1)(O) Between \$200,000,000 and \$400,000,000 (28 levels)	0	0.0
(b)(1)(P) More than \$400,000,000 (30 levels)	12	0.2
(b)(2)(A) More than 10 but less than 50 victims or mass marketing (2 levels)	809	10.2
(b)(2)(B) More than 50 victims but less than 250 victims (4 levels)	306	3.9
(b)(2)(B) More than 50 victims ¹⁴ (4 levels)	53	0.7
(b)(2)(C) More than 250 victims (6 levels)	105	1.3
(b)(3) Theft was from another person ¹⁵ (2 levels)	44	0.6
(b)(4) Receiving stolen property as a business (2 levels)	87	1.1
(b)(4)(A) More than minimal planning ¹⁶ (2 levels)	45	0.6
(b)(4)(B) Receiving stolen property as a business ¹⁷ (4 levels)	1	0.0

¹⁴ Threshold amounts and levels were changed for this SOC on November 1, 2003.

¹⁵ SOC was changed from §2B1.1(b)(2) on November 1, 2001. The statistics reflect all instances of the application of this SOC.

¹⁶ SOC was eliminated on November 1, 2001.

¹⁷ SOC was redesignated §2B1.1(b)(4) on November 1, 2001 and decreased to a two level enhancement at this time. SOC was formerly §2B1.1(b)(5)(b) and was redesignated to §2B1.1(b)(4)(b) on November 1, 1995. 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)	7,920	11.6
(b)(5) Misappropriation of trade secrets or benefit foreign government ¹⁸ (2 levels)	1	0.0
(b)(6) Theft or damage to a national cemetery (2 levels)	0	0.0
(b)(7) Convicted under (A) 18 U.S.C. §1037 and (B) involved e-mail addresses through improper means (2 levels)	4	0.0
(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) ¹⁹	66	0.8
(b)(8)(B) Misrepresentation during bankruptcy proceeding (2 levels, if less than 10) ¹⁹	79	1.0
(b)(8)(C) Violation of any prior judicial/administrative order (2 levels, if less than 10) ¹⁹	49	0.6
(b)(8)(D) Misrepresentation in financial assistance for higher education (2 levels, if less than 10) ¹⁹	12	0.2
(b)(9)(A) Offender relocated to evade law enforcement (2 levels, increase to 12) ²⁰	84	1.1
(b)(9)(B) Most of scheme committed outside of U.S. (2 levels, increase to 12) ²⁰	55	0.7
(b)(9)(C) Offense otherwise involved sophisticated means (2 levels, increase to 12) ²⁰	343	4.3
(b)(10)(A)(i) Possession or use of any device-making equipment (2 levels, increase to 12) ²¹	244	3.1
(b)(10)(A)(ii) Possession or use of any authentication feature (2 levels, increase to 12) ²¹	34	0.4
(b)(10)(B)(i) Production/trafficking of any unauthorized access device (2 levels, increase to 12) ²¹	131	1.6
(b)(10)(B)(ii) Production/trafficking authentication feature (2 levels, increase to 12) ²¹	13	0.2
(b)(10)(C)(i) Use of means of ID unlawfully to produce/obtain (2 levels, increase to 12) ²¹	404	5.1
(b)(10)(C)(ii) Possession of five or more means of ID (2 levels, increase to 12) ²¹	79	1.0
(b)(11) Organized scheme to steal vehicles (two levels, increase to 14) ²²	8	0.1

¹⁸ SOC was formerly §2B1.1(b)(7) and redesignated §2B1.1(b)(5) on November 1, 2001. The statistics reflect all instances of the application of this SOC.

¹⁹ SOC was formerly §2B1.1(b)(7) and redesignated §2B1.1(b)(8) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁰ SOC was formerly §2B1.1(b)(8) and redesignated §2B1.1(b)(9) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²¹ SOC was formerly §2B1.1(b)(9) and redesignated §2B1.1(b)(10) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²² SOC was formerly §2B1.1(b)(5) and redesignated §2B1.1(b)(10) on November 1, 2001, The SOC was subsequently redesignated §2B1.1(b)(11) 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)	7,920	11.6
(b)(12)(A) Conscious/reckless risk of death/serious bodily injury (2 levels, increase to 14) ²³	67	0.8
(b)(12)(B) Possession of a dangerous weapon (2 levels, increase to 14) ²³	20	0.2
(b)(13)(A) More than \$1,000,000 derived from financial institution (2 levels) ²⁴	49	0.6
(b)(13)(B) Jeopardized the safety and soundness of financial institution (4 or more lev) ²⁵	11	0.1
(b)(14)(A)(i)(I) Convicted of 18 U.S.C. § 1030 and involved computer system/attempt to obtain personal information (2 levels) ²⁶	21	0.2
(b)(14)(A)(ii) Convicted of 18 U.S.C. § 1830(a)(5)(A)(i) (4 levels) ²⁷	9	0.1
(b)(14)(A)(iii) Convicted of 18 U.S.C. § 1380 and substantial disruption of a critical infrastructure (6 levels) ²⁸	0	0.0
(b)(15)(A)(i) Violation of securities law and defendant was an officer of a publicly traded company (4 levels, increase to 24) ²⁹	16	0.2
(b)(15)(A)(ii) Violation of securities law and defendant was a registered broker (4 levels, increase to 24) ²⁹	6	0.1
(b)(15)(A)(iii) Violation of securities law and defendant was an investment advisor (4 levels, increase to 24) ²⁹	5	0.1
(b)(15)(B)(i) Violation of commodities law and defendant was an officer of a futures commission merchant (4 levels, increase to 24) ²⁹	0	0.0
(b)(15)(B)(ii) Violation of commodities law and defendant was a commodities advisor (4 levels, increase to 24) ²⁹	0	0.0
(b)(15)(B)(iii) Violation of commodities law and defendant was a commodity pool operator (4 levels, increase to 24) ²⁹	0	0.0

²³ SOC was formerly §2B1.1(b)(11) and redesignated §2B1.1(b)(12) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁴ SOC was formerly §2B1.1(b)(6)(A) and redesignated §2B1.1(b)(12)(A) on November 1, 2001, The SOC was subsequently redesignated §2B1.1(b)(13)(A) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁵ SOC was formerly §2B1.1(b)(12)(B) and redesignated §2B1.1(b)(13)(B) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁶ SOC was formerly §2B1.1(b)(13)(A)(i) and redesignated §2B1.1(b)(13)(A)(i) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁷ SOC was formerly §2B1.1(b)(13)(A)(ii) and redesignated §2B1.1(b)(13)(A)(ii) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁸ SOC was formerly §2B1.1(b)(13)(A)(iii) and redesignated §2B1.1(b)(13)(A)(iii) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

²⁹ SOC was formerly §2B1.1(b)(14) and redesignated §2B1.1(b)(15) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2B1.3 Property Damage or Destruction ³⁰	1	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	100.0
(b)(1) Loss between \$350,000 and \$500,000 (11 levels)	1	100.0
(b)(2) Undelivered mail destroyed (increase to level 6)	0	0.0
(b)(3) More than minimal planning (2 levels)	1	100.0
(b)(4) National cemetery damaged or destroyed (2 levels)	0	0.0
§2B1.4 Insider Trading	22	0.0
Chapter 2 Specific Offense Characteristic Adjustments	20	90.9
(b)(1) Loss \$5,000 or less (0 levels)	2	9.1
(b)(1) Loss between \$5,000 and \$10,000 (2 levels)	1	4.6
(b)(1) Loss between \$10,000 and \$30,000 (4 levels)	2	9.1
(b)(1) Loss between \$30,000 and \$70,000 (6 levels)	4	18.2
(b)(1) Loss between \$120,000 and \$200,000 (10 levels)	3	13.6
(b)(1) Loss between \$200,000 and \$400,000 (12 levels)	2	9.1
(b)(1) Loss between \$400,000 and \$1,000,000 (14 levels)	2	9.1
(b)(1) Loss between \$1,000,000 and \$2,500,000 (16 levels)	5	22.7
(b)(1) Loss between \$2,500,000 and \$7,000,000 (18 levels)	1	4.6
§2B1.5 Theft or Damage of Cultural Heritage Resources	25	0.0
Chapter 2 Specific Offense Characteristic Adjustments	24	96.0
(b)(1)(A) Loss less than \$2,000 (0 levels)	5	20.0
(b)(1)(A) Loss between \$2,000 and \$5,000 (1 level)	6	24.0
(b)(1)(B) Loss between \$5,000 and \$10,000 (2 levels)	2	8.0
(b)(1)(B) Loss between \$10,000 and \$30,000 (4 levels)	2	8.0
(b)(1)(B) Loss between \$30,000 and \$70,000 (6 levels)	6	24.0
(b)(1)(B) Loss between \$70,000 and \$120,000 (8 levels)	3	12.0
(b)(1)(B) Loss between \$2,500,000 and \$7,000,000 (18 levels)	1	4.0
(b)(2)(A) Offense involved national park system (2 levels)	4	16.0
(b)(2)(B) Offense involved National Historical Landmark (2 levels)	0	0.0

³⁰ Guideline was consolidated with §2B1.1 on November 1, 2001.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007**

Guideline and SOC	Applied	Percent
§2B1.5 Theft or Damage of Cultural Heritage Resources (continued)	25	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	4.0
(b)(2)(G) Offense involved the World Heritage List (2 levels)	0	0.0
(b)(3)(A) Offense involved human remains (2 levels)	9	36.0
(b)(3)(B) Offense involved a funerary object (2 levels)	2	8.0
(b)(3)(C) Offense involved cultural patrimony (2 levels)	1	4.0
(b)(3)(D) Offense involved a sacred object (2 levels)	0	0.0
(b)(3)(E) Offense involved cultural property (2 levels)	1	4.0
(b)(3)(F) Offense involved designated archaeological or ethnological material (2 levels)	5	20.0
(b)(3)(G) Offense involved a pre-Columbian monumental/architectural mural (2 levels)	0	0.0
(b)(4) Committed for pecuniary gain (2 levels)	13	52.0
(b)(5) Pattern of misconduct involving cultural heritage resources (2 levels)	3	12.0
(b)(6) Dangerous weapon brandished/threatened (2 levels or increase to level 14)	0	0.0
§2B1.6 Aggravated Identity Theft	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2B2.1 Burglary of a Residence	142	0.2
(a)(1) Burglary of a residence (Base offense level 17)	37	26.1
(a)(2) Burglary of a structure other than a residence (Base offense level 12)	105	73.9
Chapter 2 Specific Offense Characteristic Adjustments	110	77.5
(b)(1) More than minimal planning (2 levels)	32	22.5
(b)(2)(A) Loss \$2,500 or less (0 levels)	60	42.2
(b)(2)(B) Between \$2,500 and \$10,000 loss (one level)	38	26.8
(b)(2)(C) Between \$10,000 and \$50,000 loss (2 levels)	37	26.1
(b)(2)(D) Between \$50,000 and \$250,000 loss (3 levels)	6	4.2
(b)(2)(E) Between \$250,000 and \$800,000 (4 levels)	1	0.7
(b)(2)(F) Between \$800,000 and \$1,500,000 (5 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2B2.1 Burglary of a Residence (continued)	142	0.2
(b)(2)(G) Between \$1,500,000 and \$2,500,000 (6 levels)	0	0.0
(b)(2)(H) Between \$2,500,000 and \$5,000,000 (7 levels)	0	0.0
(b)(2)(I) More than \$5,000,000 (8 levels)	0	0.0
(b)(3) Firearm, destructive device or controlled substance taken (one level)	35	24.6
(b)(4) Dangerous weapon possessed (2 levels)	27	19.0
§2B2.3 Trespass	3	0.0
Chapter 2 Specific Offense Characteristic Adjustments	3	100.0
(b)(1)(A) Occurred at a secured government facility (2 levels)	2	66.7
(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)	1	33.3
(b)(1)(E) Occurred at a residence (2 levels)	0	0.0
(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)	1	33.3
(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	3,271	4.8
Chapter 2 Specific Offense Characteristic Adjustments	3,138	95.9
(b)(1) Financial institution or post offense subject of offense (2 levels)	2,363	72.2
(b)(2)(A) Firearm discharged (7 levels)	38	1.2
(b)(2)(B) Firearm otherwise used (6 levels)	131	4.0
(b)(2)(C) Firearm brandished or possessed (5 levels)	522	16.0
(b)(2)(D) Dangerous weapon otherwise used (4 levels)	91	2.8
(b)(2)(E) Dangerous weapon brandished or possessed (3 levels)	320	9.8
(b)(2)(F) Threat of death (2 levels)	636	19.4
(b)(3)(A) Bodily injury occurred (2 levels)	173	5.3
(b)(3)(B) Serious bodily injury (4 levels)	39	1.2
(b)(3)(C) Permanent/life-threatening bodily injury (6 levels)	23	0.7

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2B3.1 Robbery (continued)	3,271	4.8
(b)(3)(D) Between bodily and serious bodily injury (3 levels)	14	0.4
(b)(3)(E) Between serious and permanent/life-threatening bodily injury (5 levels)	2	0.1
(b)(4)(A) Person abducted during offense (4 levels)	73	2.2
(b)(4)(B) Person physically restrained during offense (2 levels)	338	10.3
(b)(5) Offense involved carjacking (2 levels)	165	5.0
(b)(6) Obtaining firearm, destructive device or controlled substance object of offense (one level)	126	3.8
(b)(7)(B) Loss between \$10,000 and \$50,000 (one level)	482	14.7
(b)(7)(C) Loss between \$50,000 and \$250,000 (2 levels)	161	4.9
(b)(7)(D) Loss between \$250,000 and \$800,000 (3 levels)	42	1.3
(b)(7)(E) Loss between \$800,000 and \$1,500,000 (4 levels)	6	0.2
(b)(7)(F) Loss between \$1,500,000 and \$2,500,000 (5 levels)	2	0.1
(b)(7)(G) Loss between \$2,500,000 and \$5,000,000 (6 levels)	1	0.0
(b)(7)(H) Loss more than \$5,000,000 (7 levels)	1	0.0
§2B3.2 Extortion by Force	82	0.1
Chapter 2 Specific Offense Characteristic Adjustments	74	90.2
(b)(1) Express or implied threat of death, bodily injury or kidnaping (2 levels)	64	78.0
(b)(2) Amount demanded between \$10,000 and \$50,000 (one level)	12	14.6
(b)(2) Amount demanded between \$50,000 and \$250,000 (2 levels)	10	12.2
(b)(2) Amount demanded between \$250,000 and \$800,000 (3 levels)	7	8.5
(b)(2) Amount demanded between \$800,000 and \$1,500,000 (4 levels)	6	7.3
(b)(2) Amount demanded between \$1,500,000 and \$2,500,000 (5 levels)	1	1.2
(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	1.2
(b)(3)(A)(i) Firearm discharged (7 levels)	3	3.7
(b)(3)(A)(ii) Firearm otherwise used (6 levels)	10	12.2
(b)(3)(A)(iii) Firearm brandished or possessed (5 levels)	1	1.2
(b)(3)(A)(iv) Dangerous weapon otherwise used (4 levels)	2	2.4
(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)	1	1.2
(b)(3)(B)(i)(II) Offense involved preparation to carry out threat of serious bodily injury (3 levels)	2	2.4

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007**

Guideline and SOC	Applied	Percent
§2B3.2 Extortion by Force (continued)	82	0.1
(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)	0	0.0
(b)(4)(A) Bodily injury (2 levels)	16	19.5
(b)(4)(B) Serious bodily injury (4 levels)	1	1.2
(b)(4)(C) Permanent or life-threatening bodily injury (6 levels)	3	3.7
(b)(4)(D) Between bodily injury and serious bodily injury (3 levels)	1	1.2
(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)	1	1.2
(b)(5)(B) Person physically restrained to facilitate offense or escape (2 levels)	1	1.2
§2B3.3 Blackmail and other forms of Extortion	19	0.0
Chapter 2 Specific Offense Characteristic Adjustments	12	63.2
(b)(1)(B) Amount demanded between \$10,000 and \$30,000 (4 levels)	5	26.3
(b)(1)(B) Amount demanded between \$70,000 and \$120,000 (8 levels)	3	16.8
(b)(1)(B) Amount demanded between \$120,000 and \$200,000 (10 levels)	1	5.3
(b)(1)(B) Amount demanded between \$400,000 and \$1,000,000 (14 levels)	1	5.3
(b)(1)(B) Amount demanded between \$1,000,000 and \$2,500,000 (16 levels)	2	10.5
§2B4.1 Bribery in Procurement of Bank Loan and other Commercial Bribery	36	0.0
Chapter 2 Specific Offense Characteristic Adjustments	36	100.0
(b)(1) Bribe between \$2,000 and \$5,000 (one level)	2	5.6
(b)(1) Bribe between \$5,000 and \$10,000 (2 levels)	4	11.1
(b)(1) Bribe between \$10,000 and \$30,000 (4 levels)	5	13.9
(b)(1) Bribe between \$40,000 and \$70,000 ³¹ (5 levels)	1	2.8
(b)(1) Bribe between \$30,000 and \$70,000 (6 levels)	2	5.6
(b)(1) Bribe between \$70,000 and \$120,000 ³¹ (6 levels)	1	2.8

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007**

³¹ Threshold amounts and level increases were changed on November 1, 2001.

Guideline and SOC	Applied	Percent
§2B4.1 Bribery in Procurement of Bank Loan and other Commercial Bribery (continued)	36	0.0
(b)(1) Bribe between \$350,000 and \$500,000 ³¹ (9 levels)	1	2.8
(b)(1) Bribe between \$120,000 and \$200,000 (10 levels)	3	8.3
(b)(1) Bribe between \$200,000 and \$400,000 (12 levels)	2	5.6
(b)(1) Bribe between \$400,000 and \$1,000,000 (14 levels)	7	19.4
(b)(1) Bribe between \$1,000,000 and \$2,500,000 (16 levels)	3	8.3
(b)(1) Bribe between \$2,500,000 and \$7,000,000 (18 levels)	2	5.6
(b)(1) Bribe between \$7,000,000 and \$20,000,000 (20 levels)	3	8.3
(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
§2B5.1 Offenses involving Counterfeit Bearer Obligations	565	0.8
Chapter 2 Specific Offense Characteristic Adjustments	414	73.3
(b)(1) Items valued between \$2,000 and \$5,000 (one level)	128	22.6
(b)(1) Items valued between \$5,000 and \$10,000 (2 levels)	70	12.4
(b)(1) Items valued between \$10,000 and \$30,000 (4 levels)	74	13.1
(b)(1) Items valued between \$30,000 and \$70,000 (6 levels)	22	3.9
(b)(1) Items valued between \$70,000 and \$120,000 (8 levels)	5	0.9
(b)(1) Items valued between \$120,000 and \$200,000 (10 levels)	6	1.1
(b)(1) Items valued between \$200,000 and \$400,000 (12 levels)	3	0.5
(b)(1) Items valued between \$1,500,000 and \$2,500,000 ³¹ (12 levels)	1	0.2
(b)(1) Items valued between \$400,000 and \$1,000,000 (14 levels)	3	0.5
(b)(1) Items valued between \$2,500,000 and \$7,000,000 (18 levels)	1	0.2
(b)(2)(A) Offender manufactured/produced any actual counterfeit material (2 levels, increase to 15)	219	38.8
(b)(2)(B)(i) Offender controlled/possessed counterfeiting paper similar to distinctive paper (2 levels)	5	0.9
(b)(2)(B)(ii) Offender controlled/possessed a device identical to a distinctive counterfeit deterrent (2 levels)	7	1.2
(b)(3) Subsection (b)(2)(A) applies and offense level less than 15, increase to 15	184	32.6
(b)(4) Dangerous weapon possessed (2 levels, if less than 13 increase to 13)	14	2.5
(b)(5) Offense committed outside of United States (2 levels)	12	2.1

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2B5.3 Criminal Infringement of Copyright or Trademark	214	0.3
(a)(1) Base offense level 8	208	97.2
(a)(1) Base offense level 6 ³²	6	2.8
Chapter 2 Specific Offense Characteristic Adjustments	211	98.6
(b)(1) Infringement amount between \$2,000 and \$5,000 (one level)	16	7.5
(b)(1) Infringement amount between \$5,000 and \$10,000 (2 levels)	17	7.9
(b)(1) Infringement amount between \$10,000 and \$20,000 ³¹ (3 levels)	2	0.9
(b)(1) Infringement amount between \$10,000 and \$30,000 (4 levels)	48	22.4
(b)(1) Infringement amount between \$30,000 and \$70,000 (6 levels)	28	13.1
(b)(1) Infringement amount between \$70,000 and \$120,000 ³¹ (6 levels)	1	0.5
(b)(1) Infringement amount between \$120,000 and \$200,000 (10 levels)	11	5.1
(b)(1) Infringement amount between \$500,000 and \$800,000 ³¹ (10 levels)	5	2.3
(b)(1) Infringement amount between \$800,000 and \$1,500,000 ³¹ (11 levels)	5	2.3
(b)(1) Infringement amount between \$200,000 and \$400,000 (12 levels)	11	5.1
(b)(1) Infringement amount between \$1,500,000 and \$2,500,000 ³¹ (12 levels)	2	0.9
(b)(1) Infringement amount between \$2,500,000 and \$5,000,000 ³¹ (13 levels)	2	0.9
(b)(1) Infringement amount between \$400,000 and \$1,000,000 (14 levels)	21	9.8
(b)(1) Infringement amount between \$10,000,000 and \$20,000,000 ³¹ (15 levels)	1	0.5
(b)(1) Infringement amount between \$1,000,000 and \$2,500,000 (16 levels)	7	3.3
(b)(1) Infringement amount between \$2,500,000 and \$7,000,000 (18 levels)	6	2.8
(b)(1) Infringement amount between \$7,000,000 and \$20,000,000 (20 levels)	3	1.4
(b)(1) Infringement amount between \$20,000,000 and \$50,000,000 (22 levels)	3	1.4
(b)(1) Infringement amount between \$50,000,000 and \$100,000,000 (24 levels)	1	0.5
(b)(1) Infringement amount between \$200,000,000 and \$400,000,000 (28 levels)	2	0.9

³² Base offense was increased on November 1, 1999.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007**

Guideline and SOC	Applied	Percent
§2B5.3 Criminal Infringement of Copyright or Trademark (continued)	214	0.3
(b)(2) Display of a work being prepared for commercial distribution (2 levels)	31	14.5
(b)(3) Manufacturing/importation/uploading infringed items (2 levels or increase to 12) ³³	108	50.5
(b)(4) Committed for commercial advantage or private gain (2 level decrease) ³⁴	6	2.8
(b)(5)(A) Conscious/reckless risk of serious bodily injury (2 levels, increase to 13) ³⁵	0	0.0
(b)(5)(B) Possession of a dangerous weapon (2 levels, increase to 13) ³⁵	0	0.0
§2B6.1 Altering or Removing Motor Vehicle ID Numbers	19	0.0
Chapter 2 Specific Offense Characteristic Adjustments	19	100.0
(b)(1) Retail value between \$5,000 and \$10,000 (2 levels)	3	15.8
(b)(1) Retail value between \$30,000 and \$70,000 (6 levels)	4	21.0
(b)(1) Retail value between \$120,000 and \$200,000 ³¹ (7 levels)	1	5.3
(b)(1) Retail value between \$70,000 and \$120,000 (8 levels)	1	5.3
(b)(1) Retail value between \$120,000 and \$200,000 (10 levels)	3	15.8
(b)(1) Retail value between \$200,000 and \$400,000 (12 levels)	5	26.3
(b)(1) Retail value between \$400,000 and \$1,000,000 (14 levels)	1	5.3
(b)(2) Offender in the business of receiving and selling stolen property (2 levels)	5	26.3
(b)(3) Part of organized scheme to steal vehicles or parts (increase to level 14)	1	5.3

³³ SOC was formerly §2B5.3(b)(2) and redesignated §2B5.3(b)(3) on November 1, 2005. The statistics reflect all instances of the application of this SOC.

³⁴ SOC was formerly §2B5.3(b)(3) and redesignated §2B5.3(b)(4) on November 1, 2005. The statistics reflect all instances of the application of this SOC.

³⁵ SOC was formerly §2B5.3(b)(4) and redesignated §2B5.3(b)(5) on November 1, 2005. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
Part C - Offenses Involving Public Officials		
§2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe	254	0.4
(a)(1) If the defendant was a public official (Base offense level 14)	88	34.6
(a)(2) Otherwise (Base offense level 12)	55	21.6
(a) Base offense 10 ³⁶	111	43.7
Chapter 2 Specific Offense Characteristic Adjustments	236	92.9
(b)(1) Offense involved more than one bribe or extortion (2 levels)	168	66.1
(b)(2)(A) Value of payment or loss between \$2,000 and \$5,000 ³⁷ (one level)	2	0.8
(b)(2)(A) Value of payment or loss between \$5,000 and \$10,000 (2 levels)	21	8.3
(b)(2)(A) Value of payment or loss between \$10,000 and \$30,000 (4 levels)	30	11.8
(b)(2)(A) Value of payment or loss between \$20,000 and \$40,000 ³⁷ (4 levels)	2	0.8
(b)(2)(A) Value of payment or loss between \$40,000 and \$70,000 ³⁷ (5 levels)	2	0.8
(b)(2)(A) Value of payment or loss between \$30,000 and \$70,000 (6 levels)	22	8.7
(b)(2)(A) Value of payment or loss between \$70,000 and \$120,000 ³⁷ (6 levels)	2	0.8
(b)(2)(A) Value of payment or loss between \$70,000 and \$120,000 (8 levels)	27	10.6
(b)(2)(A) Value of payment or loss between \$200,000 and \$350,000 ³⁷ (8 levels)	10	3.9
(b)(2)(A) Value of payment or loss between \$350,000 and \$500,000 ³⁷ (9 levels)	4	1.6
(b)(2)(A) Value of payment or loss between \$120,000 and \$200,000 (10 levels)	12	4.7
(b)(2)(A) Value of payment or loss between \$800,000 and \$1,500,000 ³⁷ (11 levels)	1	0.4
(b)(2)(A) Value of payment or loss between \$200,000 and \$400,000 (12 levels)	12	4.7
(b)(2)(A) Value of payment or loss between \$1,500,000 and \$2,500,000 ³⁷ (12 levels)	3	1.2
(b)(2)(A) Value of payment or loss between \$400,000 and \$1,000,000 (14 levels)	14	5.5
(b)(2)(A) Value of payment or loss between \$10,000,000 and \$20,000,000 ³⁷ (15 levels)	3	1.2
(b)(2)(A) Value of payment or loss between \$1,000,000 and \$2,500,000 (16 levels)	12	4.7
(b)(2)(A) Value of payment or loss between \$2,500,000 and \$7,000,000 (18 levels)	10	3.9
(b)(2)(A) Value of payment or loss between \$7,000,000 and \$20,000,000 (20 levels)	1	0.4
(b)(2)(A) Value of payment or loss between \$20,000,000 and \$50,000,000 (22 levels)	2	0.8
(b)(2)(B) Payment used to influence elected official (8 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

³⁶ Base offense level was changed November 1, 2004.

³⁷ Threshold amounts and level increases were changed on November 1, 2001.

Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2C1.1 Offering, Giving, Soliciting, or Receiving a Bribe (continued)	254	0.4
(b)(3) Offense involved an elected public official or one in sensitive position (4 levels, increase to level 18)	58	22.8
(b)(4)(A) Defendant was a public official who facilitated entry into U.S. for a person, vehicle or cargo (2 lev's)	4	1.6
(b)(4)(B) Defendant was a public official who facilitated obtaining a passport or other legal document (2 lev's)	1	0.4
(b)(4)(C) Defendant was a public official who facilitated the obtaining of a government identification (2 lev's)	4	1.6
§2C1.2 Offering, Giving, Soliciting, or Receiving a Gratuity	29	0.0
(a)(2) Defendant was a public official (Base offense level 11)	11	37.9
(a)(2) Otherwise (Base offense level 9)	4	13.8
(a) Base offense level 7 ³⁶	14	48.3
Chapter 2 Specific Offense Characteristic Adjustments	27	93.1
(b)(1) More than one gratuity (2 levels)	23	79.3
(b)(2)(A) Gratuity between \$2,000 and \$5,000 ³⁷ (one level)	2	6.9
(b)(2)(A) Gratuity between \$5,000 and \$10,000 (2 levels)	3	10.3
(b)(2)(A) Gratuity between \$10,000 and \$30,000 (4 levels)	4	13.8
(b)(2)(A) Gratuity between \$30,000 and \$70,000 (6 levels)	6	20.7
(b)(2)(A) Gratuity between \$70,000 and \$120,000 (8 levels)	3	10.3
(b)(2)(A) Gratuity between \$200,000 and \$400,000 (12 levels)	1	3.4
(b)(2)(B) Payment given to elected official (8 levels)	1	3.4
(b)(3) Offense involved an elected public official or one in sensitive position (4 levels, increase to level 18)	2	6.9
(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	10	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	10.0
(b)(1) Actual or planned harm to the government (4 levels)	1	10.0
§2C1.4 Payment or Receipt of Unauthorized Compensation ³⁸	1	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

³⁸ Guideline eliminated and consolidated with §2C1.3 on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2C1.7 Fraud Involving Deprivation of the Intangible Right to the Honest Services Public Officials ³⁹	19	0.0
Chapter 2 Specific Offense Characteristic Adjustments	18	94.7
(b)(1)(A) Loss between \$20,000 and \$40,000 ³⁷ (4 levels)	1	5.3
(b)(2)(A) Loss between \$120,000 and \$200,000 ³⁷ (7 levels)	1	5.3
(b)(1)(A) Loss between \$70,000 and \$120,000 (8 levels)	2	10.5
(b)(1)(A) Loss between \$200,000 and \$350,000 ³⁷ (8 levels)	4	21.0
(b)(1)(A) Loss between \$200,000 and \$400,000 (12 levels)	5	26.3
(b)(1)(A) Loss between \$7,000,000 and \$20,000,000 (20 levels)	1	5.3
(b)(1)(B) Offense involved an elected official (8 levels)	4	21.0
§2C1.8 Making/Receiving/Failure to report a Contribution in Violation of the Federal Election Campaign Act	5	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	100.0
(b)(1) Contribution between \$5,000 and \$10,000 (2 levels)	2	40.0
(b)(1) Contribution between \$10,000 and \$30,000 (4 levels)	2	40.0
(b)(1) Contribution between \$70,000 and \$120,000 (8 levels)	1	20.0
(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

³⁹ Guideline eliminated and consolidated with §2C1.1 on November 1, 2004.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
Part D - Offenses Involving Drugs		
§2D1.1 Drug Trafficking	23,714	34.8
(a)(1) Base offense level 43	3	0.0
(a)(2) or (a)(3) Base offense level 38	1,388	5.8
(a)(3) Base offense level 37 ⁴⁰	2	0.0
(a)(3) Base offense level 36	1,144	4.8
(a)(3) or (a)(3)(B)(iii) Base offense level 34	2,831	11.9
(a)(3)(B)(ii) Base offense level 33	177	0.8
(a)(3) Base offense level 32	3,828	16.1
(a)(3)(B)(ii) Base offense level 31	435	1.8
(a)(3) or (a)(3)(B)(i) Base offense level 30	1,996	8.4
(a)(3) Base offense level 28	1,893	8.0
(a)(3) Base offense level 26	4,657	19.6
(a)(3) Base offense level 24	736	3.1
(a)(3) Base offense level 23 ⁴⁰	1	0.0
(a)(3) Base offense level 22	631	2.7
(a)(3) Base offense level 20	1,207	5.1
(a)(3) Base offense level 18	1,400	5.9
(a)(3) Base offense level 16	538	2.3
(a)(3) Base offense level 14	307	1.3
(a)(3) Base offense level 12	324	1.4
(a)(3) Base offense level 10	71	0.3
(a)(3) Base offense level 8	71	0.3
(a)(3) Base offense level 6	74	0.3
Chapter 2 Specific Offense Characteristic Adjustments	11,796	49.7
(b)(1) Dangerous weapon possessed (two levels)	2,842	12.0
(b)(2)(A) Aircraft used to import or export the controlled substance (2 levels or level 26)	23	0.1
(b)(2)(B) Offender acted as pilot or any operation officer (2 levels or level 26)	42	0.2
(b)(3) Distribution in a prison (2 levels)	43	0.2

⁴⁰ This base offense level is not available under the guidelines, but court documents reflected the court's findings that this was the proper base offense level for the offense.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2D1.1 Drug Trafficking (continued)	23,714	34.8
(b)(4) Importation of methamphetamine from unlawfully imported material (2 levels)	105	0.4
(b)(5) Defendant convicted under 21 U.S.C. § 865 (2 levels)	0	0.0
(b)(6) Defendant distributed through mass marketing (2 levels) ⁴¹	13	0.0
(b)(7) Distribution of an anabolic steroid and a masking agent (2 levels) ⁴²	3	0.0
(b)(8) Distribution of an anabolic steroid to an athlete (2 levels) ⁴³	0	0.0
(b)(9) Defendant convicted under 21 U.S.C. §841(g)(1)(A) (2 levels)	0	0.0
(b)(10)(A)(i) Unlawful discharge of hazardous waste into the environment (2 levels) ⁴⁴	18	0.1
(b)(10)(A)(ii) Unlawful transportation of hazardous waste (2 levels) ⁴⁴	7	0.0
(b)(10)(B)(i) Manufacturing of meth creating substantial risk to humans (3 levels or level 27) ⁴⁴	41	0.2
(b)(10)(B)(ii) Manufacturing of meth creating substantial risk to environment (3 levels or level 27) ⁴⁴	76	0.3
(b)(10)(C) Manufacturing of meth creating substantial risk to minor (6 lvs or level 30) ⁴⁴	40	0.2
(b)(11) Safety Valve (2 level decrease) ⁴⁵	8,736	36.8
§2D1.2 Drug offenses near protected location/involving underage/pregnant individuals	301	0.4
(a)(1) Base offense level 42	1	0.3
(a)(2) Base offense level 41	4	1.3
(a)(1) Base offense level 40	7	2.3
(a)(2) Base offense level 39	17	5.6
(a)(1) Base offense level 38	4	1.3
(a)(2) Base offense level 37	11	3.6

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

⁴¹ SOC was changed from §2D1.1(b)(5) on March 1, 2007. The statistics reflect all instances of the application of this SOC.

⁴² SOC was changed from §2D1.1(b)(6) on March 1, 2007. The statistics reflect all instances of the application of this SOC.

⁴³ SOC was changed from §2D1.1(b)(7) on March 1, 2007. The statistics reflect all instances of the application of this SOC.

⁴⁴ SOC was formerly §2D1.1(b)(8) and redesignated §2D1.1(b)(10) on March 1, 2007. SOC was formerly §2D1.1(b)(6) and redesignated §2D1.1(b)(8) on March 1, 2006. SOC was formerly §2D1.1(b)(5) and redesignated §2D1.1(b)(6) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁴⁵ SOC was formerly §2D1.1(b)(9) and redesignated §2D1.1(b)(11) on March 1, 2007. SOC was formerly §2D1.1(b)(7) and redesignated §2D1.1(b)(9) on March 1, 2006. SOC was formerly §2D1.1(b)(4) and redesignated §2D1.1(b)(7) on November 1, 1996. SOC was formerly §2D1.1(b)(6) and redesignated §2D1.1(b)(4) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2D1.2 Drug offenses near protected location/involving underage/pregnant individuals (cont)	301	0.4
(a)(1) Base offense level 36	9	3.0
(a)(2) Base offense level 35	13	4.3
(a)(1) Base offense level 34	23	7.6
(a)(2) Base offense level 33	16	5.3
(a)(1) Base offense level 32	15	5.0
(a)(2) Base offense level 31	4	1.3
(a)(1) Base offense level 30	12	4.0
(a)(2) Base offense level 29	4	1.3
(a)(1) Base offense level 28	56	18.6
(a)(2) Base offense level 27	19	6.3
(a)(1) or (a)(3) Base offense level 26	19	6.3
(a)(2) Base offense level 25	6	2.0
(a)(1) Base offense level 24	11	3.6
(a)(2) Base offense level 23	1	0.3
(a)(1) Base offense level 22	10	3.3
(a)(2) Base offense level 21	1	0.3
(a)(1) Base offense level 20	10	3.3
(a)(1) Base offense level 18	6	2.0
(a)(1) Base offense level 16	2	0.7
(a)(2) Base offense level 15	1	0.3
(a)(1) Base offense level 14	12	4.0
(a)(2) or (a)(4) Base offense level 13	5	1.7
(a)(1) Base offense level 10 ⁴⁰	1	0.3
(a)(1) Base offense level 8 ⁴⁰	1	0.3
No Specific Characteristics for this guideline	NA	NA

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007**

Guideline and SOC	Applied	Percent
§2D1.5 Continuing Criminal Enterprise	18	0.0
(a)(1) Base offense level 47	1	5.6
(a)(1) Base offense level 44	2	11.1
(a)(1) Base offense level 43 ⁴⁰	1	5.6
(a)(1) Base offense level 42	5	27.8
(a)(1) Base offense level 40	2	11.1
(a)(1) or (a)(2) Base offense level 38	6	33.3
(a)(1) Base offense level 32 ⁴⁰	1	5.6
No Specific Characteristics for this guideline	NA	NA
§2D1.6 Use of Communication Facility in Committing Drug Offense	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.7 Unlawful Sale or Transportation of Drug Paraphernalia	5	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D1.8 Renting or Managing a Drug Establishment	74	0.1
(a)(1) Base offense level 36	1	1.4
(a)(1) Base offense level 32	3	4.0
(a)(1) Base offense level 30	1	1.4
(a)(1) Base offense level 28	1	1.4
(a)(1) or (a)(2) Base offense level 26	24	32.4
(a)(1) or (a)(2) Base offense level 24	7	9.5
(a)(1) or (a)(2) Base offense level 22	10	13.5
(a)(1) or (a)(2) Base offense level 20	3	4.0
(a)(1) or (a)(2) Base offense level 18	3	4.0
(a)(1) or (a)(2) Base offense level 16	6	8.1
(a)(1) or (a)(2) Base offense level 14	2	2.7
(a)(1) or (a)(2) Base offense level 12	4	5.4
(a)(1) Base offense level 10	3	4.0
(a)(1) Base offense level 8	3	4.0
(a)(1) Base offense level 6	3	4.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§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	7	0.0
(a)(1) Base offense level 35	4	57.1
(a)(1) Base offense level 31	2	28.6
(a)(2) Base offense level 19 ⁴⁰	1	14.3
Chapter 2 Specific Offense Characteristic Adjustments	6	85.7
(b)(1)(A) Involving manufacturing of methamphetamine (3 levels, increase to level 27)	2	28.6
(b)(1)(B) Involving manufacturing of meth creating a substantial risk to minor (6 levels, increase to level 30)	4	57.1
§2D1.11 Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical	110	0.2
(a) Base offense level 38	9	8.2
(a) Base offense level 36	2	1.8
(a) Base offense level 34	16	14.6
(a) Base offense level 33 ⁴⁰	1	0.9
(a) Base offense level 32	6	5.4
(a) Base offense level 31	2	1.8
(a) Base offense level 30	13	11.8
(a) Base offense level 28	16	14.6
(a) Base offense level 26	38	34.6
(a) Base offense level 24	2	1.8
(a) Base offense level 22	1	0.9
(a) Base offense level 20	2	1.8
(a) Base offense level 18	1	0.9
(a) Base offense level 12	1	0.9
Chapter 2 Specific Offense Characteristic Adjustments	21	19.1
(b)(1) Dangerous weapon possessed (2 levels)	16	14.6
(b)(2) Convicted of 21 U.S.C. §§841(d)(2),(g)(1), or 960(d)(2) (3 level decrease)	5	4.6
(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)	1	0.9
(b)(4) Defendant distributed through mass marketing (2 levels)	0	0.0

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007**

Guideline and SOC	Applied	Percent
§2D1.12 Unlawful Possession/Manufacturing of Prohibited Equipment	21	0.0
(a)(1) Offender intended to manufacture a controlled substance (Base Offense Level 12)	18	85.7
(a)(2) Reasonable believe equipment to be used for manufacturing (BOL 9)	3	14.3
Chapter 2 Specific Offense Characteristic Adjustments	18	85.7
(b)(1)(A) Offender intended to manufacture methamphetamine (2 levels)	8	38.1
(b)(1)(B) Offender knew material was used to manufacture methamphetamine (2 levels)	10	47.6
(b)(2)(A) Offense involved discharge of a hazardous substance (2 levels)	1	4.8
(b)(2)(B) Unlawful transportation of a hazardous substance (2 levels)	2	9.5
(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	1	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D2.1 Unlawful Possession	363	0.5
(a)(1) Heroin or any Schedule I or II opiate or cocaine base (Base Offense Level 8)	85	23.4
(a)(2) Cocaine, flunitrazepam, LSD, or PCP (Base Offense Level 6)	54	14.9
(a)(3) Any other controlled substance or a list I chemical (Base Offense Level 4)	224	61.7
No Specific Offense Characteristics for this guideline	NA	NA
§2D2.2 Acquiring a Controlled Substance by Forgery, Fraud, Deception, or Subterfuge	54	0.1
No Specific Offense Characteristics for this guideline	NA	NA
§2D2.3 Operating or Directing the Operation of a Common Carrier Under the Influence	1	0.0
(a)(1) Death resulted (Base Offense Level 26)	0	0.0
(a)(2) Serious bodily injury resulted (Base Offense Level 21)	0	0.0
(a)(3) Otherwise (Base Offense Level 13)	1	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D3.1 Regulatory Offenses Involving Registration Numbers	3	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2D3.2 Regulatory Offenses Involving Controlled Substances or Listed Chemicals	2	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
Part E - Offenses Involving Criminal Enterprises and Racketeering		
§2E1.1 Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations	69	0.1
(a)(1) Base offense level 19	38	55.1
(a)(2) Offense level from applicable underlying racketeering offense	31	44.9
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.2 Interstate or Foreign Travel or Transportation in Aid of a Racketeering Enterprise	21	0.0
(a)(1) Base offense level 6	6	28.6
(a)(2) Base offense level applicable to underlying crime of violence	15	71.4
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.3 Violent Crimes in Aid of Racketeering Activity	2	0.0
(a)(1) Base offense level 12	1	50.0
(a)(2) Base offense level applicable to the underlying crime or racketeering activity	1	50.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E1.4 Use of Interstate Commerce Facilities in the Commission of Murder-For-Hire	19	0.0
(a)(1) Base offense level 32	19	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	52	0.1
Chapter 2 Specific Offense Characteristic Adjustments	1	1.9
(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	1.9
(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

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2E3.1 Gambling Offenses	129	0.2
(a)(1) Offense involved a gambling business (Base offense level 12)	129	100.0
(a)(2) Base offense level 6	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2E4.1 Unlawful Conduct Relating to Contraband Cigarettes	62	0.1
(a)(2) Base offense level 6 ⁴⁶	1	1.6
(a)(1) Base offense level 9	12	19.4
(a)(2) Loss between \$5,000 and \$12,500 (Base offense level 10)	6	9.7
(a)(2) Loss between \$12,500 and \$30,000 (Base offense level 12)	5	8.1
(a)(2) Loss between \$30,000 and \$80,000 (Base offense level 14)	16	25.8
(a)(2) Loss between \$80,000 and \$200,000 (Base offense level 16)	7	11.3
(a)(2) Loss between \$200,000 and \$400,000 (Base offense level 18)	1	1.6
(a)(2) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	5	8.1
(a)(2) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	8	12.9
(a)(2) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	1	1.6
No Specific Offense Characteristics for this guideline	NA	NA
§2E5.1 Offering, Accepting, or Soliciting a Bribe Affecting a Pension Benefit	5	0.0
(a)(1) Bribe involved (Base offense level 10)	1	20.0
(a)(2) Gratuity involved (Base offense level 6)	4	80.0
Chapter 2 Specific Offense Characteristic Adjustments	5	100.0
(b)(1) Offender was a fiduciary of the benefit plan or labor organization (2 levels)	1	20.0
(b)(2)(A) Value of prohibited payment between \$5,000 and \$10,000 (2 levels)	1	20.0
(b)(2)(B) Value of prohibited payment between \$30,000 and \$70,000 (6 levels)	1	20.0
(b)(2)(B) Value of prohibited payment between \$70,000 and \$120,000 (8 levels)	2	40.0
§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

⁴⁶ This base offense level is not available under the guidelines, but court documents reflected the court's findings that this was the proper base offense level for the offense.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
Part F - Offenses Involving Fraud and Deceit		
§2F1.1 Fraud and Deceit ⁴⁷	487	0.7
Chapter 2 Specific Offense Characteristic Adjustments	482	99.0
(b)(1)(B) Loss between \$2,000 and \$5,000 (one level)	1	0.2
(b)(1)(C) Loss between \$5,000 and \$10,000 (2 levels)	3	0.6
(b)(1)(D) Loss between \$10,000 and \$20,000 (3 levels)	6	1.2
(b)(1)(E) Loss between \$20,000 and \$40,000 (4 levels)	25	5.1
(b)(1)(F) Loss between \$40,000 and \$70,000 (5 levels)	23	4.7
(b)(1)(G) Loss between \$70,000 and \$120,000 (6 levels)	34	7.0
(b)(1)(H) Loss between \$120,000 and \$200,000 (7 levels)	43	8.8
(b)(1)(I) Loss between \$200,000 and \$350,000 (8 levels)	50	10.3
(b)(1)(J) Loss between \$350,000 and \$500,000 (9 levels)	35	7.2
(b)(1)(K) Loss between \$500,000 and \$800,000 (10 levels)	45	9.2
(b)(1)(L) Loss between \$800,000 and \$1,500,000 (11 levels)	45	9.2
(b)(1)(M) Loss between \$1,500,000 and \$2,500,000 (12 levels)	30	6.2
(b)(1)(N) Loss between \$2,500,000 and \$5,000,000 (13 levels)	41	8.4
(b)(1)(O) Loss between \$5,000,000 and \$10,000,000 (14 levels)	25	5.1
(b)(1)(P) Loss between \$10,000,000 and \$20,000,000 (15 levels)	26	5.3
(b)(1)(Q) Loss between \$20,000,000 and \$40,000,000 (16 levels)	11	2.3
(b)(1)(R) Loss between \$40,000,000 and \$80,000,000 (17 levels)	4	0.8
(b)(1)(S) Loss greater than \$80,000,000 (18 levels)	23	4.7
(b)(2)(A) Offense involved more than minimal planning (2 levels)	356	73.1
(b)(2)(B) Offense involved a scheme to defraud more than one victim (2 levels)	78	16.0
(b)(3) Mass marketing (2 levels)	57	11.7
(b)(4)(A) Offense involved misrepresentation of acting on behalf of charity ⁴⁸ (2 levels)	6	1.2
(b)(4)(B) Offense involved misrepresentation during bankruptcy proceeding ⁴⁸ (2 levels)	4	0.8

⁴⁷ Guideline eliminated and consolidated with §2B1.1 on November 1, 2001.

⁴⁸ SOC redesignated from §2F1.1(b)(3) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2F1.1 Fraud and Deceit (continued)	487	0.7
(b)(4)(C) Offense involved a violation of judicial order ⁴⁸ (2 levels)	1	0.2
(b)(5)(A) Possession/use of any device making equipment (2 levels, increase to 12)	3	0.1
(b)(5)(B) Production/trafficking of unauthorized device (2 levels, increase to 12)	4	0.8
(b)(5)(C)(i) Unauthorized transfer/use of means of ID (2 levels, increase to 12)	8	1.6
(b)(5)(C)(ii) Possession of 5 or more means of ID (2 levels, increase to 12)	1	0.2
(b)(6)(A) Offender relocated to evade law enforcement ⁴⁹ (2 levels or level 12)	8	1.6
(b)(6)(B) Fraud committed outside of U.S. ⁴⁹ (2 levels or level 12)	5	1.0
(b)(6)(C) Offense involved sophisticated means ⁴⁹ (2 levels or level 12)	44	9.0
(b)(7)(A) Offense involve risk of serious bodily injury ⁵⁰ (2 levels or level 13)	2	0.4
(b)(7)(B) Offense involved possession of dangerous weapon ⁵⁰ (2 levels or level 13)	5	1.0
(b)(8)(A) Offense jeopardized the safety of financial institution ⁵¹ (4 levels)	5	1.0
(b)(8)(B) Offense affected a financial institution and derived \$1,000,000 in receipts ⁵¹ (4 levels)	4	0.8
§2F1.2 Insider Trading ⁴⁷	7	0.0
Chapter 2 Specific Offense Characteristic Adjustments	7	100.0
(b)(1) Loss between \$20,000 and \$40,000 (4 levels)	1	14.3
(b)(1) Loss between \$40,000 and \$70,000 (5 levels)	1	14.3
(b)(1) Loss between \$120,000 and \$200,000 (7 levels)	1	14.3
(b)(1) Loss between \$800,000 and \$1,500,000 (11 levels)	1	14.3
(b)(1) Loss between \$1,500,000 and \$2,500,000 (12 levels)	1	14.3
(b)(1) Loss between \$5,000,000 and \$10,000,000 (14 levels)	1	14.3
(b)(1) Loss between \$20,000,000 and \$40,000,000 (16 levels)	1	14.3

⁴⁹ SOC redesignated from §2F1.1(b)(5)(A), (B), and (C) on November 1, 2000. The statistics reflect all instances of the application of this SOC.

⁵⁰ SOC redesignated from §2F1.1(b)(4)(A) and (B) on November 1, 1998. The statistics reflect all instances of the application of this SOC.

⁵¹ SOC redesignated 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
Fiscal Year 2007

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	266	0.4
(a) Base offense level 14	232	87.2
(a)(1) Offense involved a minor (Base offense level 19) ⁵²	9	3.4
(a)(2) Otherwise (Base offense level 14) ⁵³	24	9.0
Chapter 2 Specific Offense Characteristic Adjustments	27	10.2
(b)(1) Offense involved fraud or coercion (4 levels)	18	6.8
(b)(1)(A) Offense involved a commercial sex act (4 levels) ⁵⁴	3	1.1
(b)(1)(B) Offense involved the use of physical force/fraud/coercion (4 levels) ⁵⁵	0	0.0
(b)(2)(A) Victim under the age of 12 (4 levels) ⁵⁴	1	0.4
(b)(2)(B) Victim between 12 and 16 (2 levels) ⁵⁴	7	2.6
(b)(3)(A) Victim under 16 and offender was parent/relative/guardian of victim (2 lev's) ⁵⁴	1	0.4
(b)(3)(B) Victim under 16 and otherwise in custody/care/control of defendant (2 levels) ⁵⁴	1	0.4
(b)(4)(A) Misrepresentation of identity to persuade minor to engage in commercial sex act (2 levels) ⁵⁴	1	0.4
(b)(4)(B) Defendant otherwise unduly influenced a minor to engage in commercial sex act (2 levels) ⁵⁴	1	0.4
(b)(5)(A) Use of computer to persuade a minor to engage in commercial sex act (2 levels) ⁵⁴	2	0.8
(b)(5)(B) Use of a computer to solicit a person to engage in sexual conduct with a minor (2 levels) ⁵⁴	2	0.8

⁵² Alternative base offense level eliminated on November 1, 2004.

⁵³ Base offense level increased on November 1, 2000.

⁵⁴ SOC eliminated on November 1, 2004.

⁵⁵ SOC amended to only include "fraud or coercion" on November 1, 2004.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2G1.3 Transportation of or Travel to Engage in Prohibited Sexual Contact with a Minor	276	0.4
Chapter 2 Specific Offense Characteristic Adjustments	271	98.2
(b)(1)(A) Offender was a parent/relative/guardian of the minor (2 levels)	6	2.2
(b)(1)(B) Offender was in custody, care or control of victim (2 levels)	18	6.5
(b)(2)(A) Misrepresentation of identity to persuade minor to engage in prohibited sexual conduct (2 levels)	31	11.2
(b)(2)(B) Defendant used undue influence on minor to engage in prohibited sexual conduct (2 levels)	76	27.5
(b)(3)(A) Use of a computer to persuade a minor to engage in prohibited sexual conduct (2 levels)	108	39.1
(b)(3)(B) Use of a computer to solicit someone to engage in prohibited sexual conduct with a minor (2 levels)	78	28.3
(b)(4)(A) Offense involved commission of sexual act or contact (2 levels)	60	21.7
(b)(4)(B) Offense involved a commercial sex act (2 levels)	51	18.5
(b)(5) Victim under the age of 12 (8 levels)	13	4.7
§2G2.1 Production of Pornography	292	0.4
(a) Base offense level 32	236	80.8
(a) Base offense level 27 ⁵⁶	56	19.2
Chapter 2 Specific Offense Characteristic Adjustments	286	98.0
(b)(1)(A) Victim under the age of 12 (4 levels)	134	45.9
(b)(1)(B) Victim between 12 and 16 (2 levels)	112	38.4
(b)(2)(A) Offense involved the commission of a sexual act or sexual contact (2 levels)	129	44.2
(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)	25	8.6
(b)(3) Offense involved distribution (2 levels)	55	18.8
(b)(4) Offense involved portrayal of sadistic/masochistic conduct or violence (4 levels)	46	15.8
(b)(5) Offender was a parent/relative/legal guardian or custody/care/control (2 levels) ⁵⁷	152	52.0
(b)(6)(A) Misrepresentation to persuade the travel of a minor to engage in sexually explicit conduct (2 levels) ⁵⁸	38	13.0
(b)(6)(B)(i) Use of a computer to persuade the travel of a minor to engage in sexually explicit conduct (2 levels) ⁵⁸	32	11.0
(b)(6)(B)(ii) Use of a computer to solicit participation with a minor in sexually explicit conduct (2 levels) ⁵⁸	12	4.1

⁵⁶ Base offense level increased on November 1, 2004.

⁵⁷ SOC was redesignated §2G2.1(b)(2) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁵⁸ SOC was redesignated §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
Fiscal Year 2007**

Guideline and SOC	Applied	Percent
§2G2.2 Trafficking in Pornography	1,021	1.5
(a)(1) Offender convicted of 18 U.S.C. §1466(A)(b), §2252(a)(4) or §2252A(a)(5), Base offense level 18	519	50.8
(a)(2) Otherwise, Base offense level 22	363	35.6
(a) Base offense level 17 ⁵⁶	139	13.6
Chapter 2 Specific Offense Characteristic Adjustments	1,019	99.8
(b)(1)(A) If (a)(2) applies (B) offender only received material and (C) did not traffic material (decrease 2 levels)	117	11.5
(b)(2) Victim under the age of 12 (2 levels) ⁵⁹	971	95.1
(b)(3)(A) Done for pecuniary gain or (B) in exchange for thing of value or (C) distribution to a minor (5 levels) ⁶⁰	189	18.5
(b)(3)(D) Distribution to a minor to coerce to facilitate travel of a minor (6 levels)	5	0.5
(b)(3)(E) Distribution to a minor to coerce to engage in sexual behavior (7 levels) ⁶⁰	15	1.5
(b)(3)(F) Distribution other than in (b)(3)(A)-(D) (2 levels) ⁶⁰	200	19.6
(b)(4) Sadistic or masochistic conduct or other forms of violence (4 levels) ⁶¹	697	68.3
(b)(5) Offender engaged in a pattern of activity involving sexual exploitation (5 levels) ⁶²	131	12.8
(b)(6) Use of a computer (2 levels) ⁶³	863	84.5
(b)(7)(A) At least 10 images, but fewer than 150 (2 levels) ⁶⁴	208	20.4
(b)(7)(B) At least 150 images, but fewer than 300 (3 levels) ⁶⁴	95	9.3
(b)(7)(C) At least 300 images, but fewer than 600 (4 levels) ⁶⁴	96	9.4
(b)(7)(D) 600 images or more (5 levels) ⁶⁴	540	52.9
§2G2.3 Selling or Buying Children for use in the Production of Pornography	3	0.0
No Specific Offense Characteristics for this guideline	NA	NA

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

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

⁶¹ SOC was redesignated §2G2.2(b)(3) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶² SOC was redesignated §2G2.2(b)(4) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶³ SOC was redesignated §2G2.2(b)(5) on November 1, 2004. The statistics reflect all instances of the application of this SOC.

⁶⁴ SOC was redesignated §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
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2G2.4 Possession of Pornography ⁶⁵	129	0.2
Chapter 2 Specific Offense Characteristic Adjustments	129	100.0
(b)(1) Minor under the age of 12 depicted (2 levels)	119	92.2
(b)(2) 10 or more items (2 levels)	56	43.4
(b)(3) Use of a computer (2 levels)	123	95.4
(b)(4) Sadistic or masochistic conduct depicted (4 levels)	40	31.0
(b)(5)(A) At least 10 images, but fewer than 150 (2 levels)	30	23.2
(b)(5)(B) At least 150 images, but fewer than 300 (3 levels)	15	11.6
(b)(5)(C) At least 300 images, but fewer than 600 (4 levels)	9	7.0
(b)(5)(D) 600 images or more (5 levels)	26	20.2
§2G2.5 Recordkeeping Offenses Involving the Production of Sexually Explicit Materials	2	0.0
No Specific Offense Characteristics for the guideline	NA	NA
§2G3.1 Importing/Mailing/Transporting Obscene Matter	14	0.0
Chapter 2 Specific Offense Characteristic Adjustments	14	100.0
(b)(1)(A) Distribution for pecuniary gain (5 levels)	4	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)	3	21.4
(b)(1)(D) Distribution to a minor to coerce to engage in illegal activity (6 levels)	1	7.1
(b)(1)(E) Distribution to a minor to coerce to engage in sexual behavior (7 levels) ⁶⁶	4	28.6
(b)(1)(F) Distribution other than in (b)(1)(A)-(E) (2 levels) ⁶⁷	0	0.0
(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)	11	78.6
(b)(4) Sadistic or masochistic conduct or other forms of violence (4 levels) ⁶⁸	2	14.3

⁶⁵ Guideline eliminated and consolidated with §2G2.2 on November 1, 2004.

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

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

⁶⁸ SOC was redesignated §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
Fiscal Year 2007

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

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
Part H - Offenses Involving Individual Rights		
§2H1.1 Offenses Involving Individual Rights	65	0.1
(a)(1) Offense level from the offense guideline applicable to underlying offense	40	61.5
(a)(2) Offense involved two or more participants (Base offense level 12)	15	23.1
(a)(3) Offense involved (A) use/threat of force, or (B) property damage (BOL 10)	10	15.4
(a)(4) Otherwise (Base offense level 6)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	51	78.5
(b)(1)(A) Offender was a public official at the time of the offense(6 levels)	11	16.9
(b)(1)(B) Offense committed under color of law (6 levels)	40	61.5
§2H2.1 Obstructing an Election or Registration	15	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)	13	86.7
(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)	2	13.3
No Specific Offense Characteristics for the guideline	NA	NA
§2H3.1 Interception of Communications	13	0.0
(a)(1) Base offense level 9	3	23.1
(a)(2) Offender convicted of 26 U.S.C. §§7231A or 7216 (Base offense level 6)	10	76.9
Chapter 2 Specific Offense Characteristic Adjustments	1	7.7
(b)(1) Purpose was to obtain direct/indirect commercial advantage (3 levels)	1	7.7
§2H3.2 Manufacturing, Distributing, Advertising Eavesdropping Device	1	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	100.0
(b)(1) Offense committed for pecuniary gain (3 levels)	1	100.0
§2H3.3 Obstructing Correspondence	7	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2H4.1 Peonage, Involuntary Servitude and Slave Trade	14	0.0
(a)(1) Base offense level 22	12	92.3
(a)(2) Offender convicted of 18 U.S.C. § 1592 (Base offense level 18)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	13	92.9
(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)	3	21.4
(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)	4	28.6
(b)(3)(B) Victim held in peonage/involuntary servitude - 180 days to one year (2 levels)	2	14.3
(b)(3)(C) Victim held in peonage/involuntary servitude - 30 days to 180 days (one level)	3	21.4
(b)(4)(A) Other felony committed during offense (2 levels)	8	57.1
(b)(4)(B) Other felony committed during offense (2 levels above applicable offense)	2	14.3
§2H4.2 Willful Violations of the Migrant&Seasonal Agricultural Worker Protection Act	1	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1)(i) Serious bodily injury (4 levels)	0	0.0
(b)(1)(ii) Bodily injury (2 levels)	0	0.0
(b)(2) Offense committed after sustaining civil adjudication for similar act (2 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

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	173	0.2
(a)(1) Base offense level 14	149	86.1
(a)(1) Base offense level 12 ⁶⁹	24	13.9
Chapter 2 Specific Offense Characteristic Adjustments	58	33.5
(b)(1) Causing/threatening to cause physical injury (8 levels)	26	15.0
(b)(2) Offense resulted in substantial influence with the administration of justice (3 levels)	29	16.8
(b)(3)(A) Offense involved destruction of records (2 levels)	3	1.7
(b)(3)(B) Offense involved selection of any essential document to destroy (2 levels)	3	1.7
(b)(3)(C) Offense involved otherwise extensive in scope or planning (2 levels)	4	2.3
§2J1.3 Perjury or Subornation of Perjury	76	0.1
(a) Base offense level 14	64	84.2
(a) Base offense level 12 ⁶⁹	12	15.8
Chapter 2 Specific Offense Characteristic Adjustments	13	17.1
(b)(1) Causing/threatening to cause physical injury (8 levels)	0	0.0
(b)(2) Offense resulted in substantial influence with the administration of justice (3 levels)	13	17.1
§2J1.4 Impersonation	19	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	5.3
(b)(1) Offense committed to conduct an unlawful arrest, detention or search (6 levels)	1	5.3
§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
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Offense resulted in substantial influence with the administration of justice (3 levels)	0	0.0

⁶⁹ Base offense level increased on November 1, 2003

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007**

Guideline and SOC	Applied	Percent
§2J1.6 Failure to Appear by Defendant	77	0.1
(a)(1) Failure to report for service of sentence (Base offense level 11)	33	42.9
(a)(2) Otherwise (Base offense level 6)	44	57.1
Chapter 2 Specific Offense Characteristic Adjustments	44	57.1
(b)(1)(A) (a)(1) applies and voluntarily surrendered within 96 hours (5 level decrease)	0	0.0
(b)(1)(B) (a)(1) applies and ordered to community corrections (2 level decrease)	0	0.0
(b)(2)(A)(a)(2) applies and offense punishable by 15 years to death (9 levels)	26	33.8
(b)(2)(B) (a)(2) applies and offense punishable by 5 to 15 years (6 levels)	17	22.1
(b)(2)(C) (a)(2) applies and offense punishable by less than 5 years (3 levels)	1	1.3
§2J1.7 Commission of Offense While on Release ⁷⁰	51	0.1
Chapter 2 Specific Offense Characteristic Adjustments	4	7.8
If an enhancement under 18 U.S.C. § 3147 applies (3 levels)	4	7.8
§2J1.9 Payment to a Witness	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
Payment made/offered for refusing to testify (4 levels)	0	0.0

⁷⁰ Guideline was deleted from Chapter Two and replaced by §3C1.3 on November 1, 2006.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
Part K - Offenses Involving Public Safety		
§2K1.1 Failure to Report Theft of Explosive Materials	15	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K1.3 Unlawful Receipt/Possession/Transportation of Explosive Materials	37	0.0
(a)(1) Two prior convictions for crime of violence/controlled substance (BOL 24)	3	8.1
(a)(2) One prior convictions for crime of violence/controlled substance (BOL 20)	5	13.5
(a)(3) Defendant convicted under 18 U.S.C. § 842(p)(2) (Base offense level 18)	0	0.0
(a)(4)(A) Prohibited person or (B) knowingly distributed explosive materials to prohibited person (Base offense level 16)	13	35.1
(a)(5) Otherwise (Base offense level 12)	16	43.2
Chapter 2 Specific Offense Characteristic Adjustments	14	37.8
(b)(1)(A) Weight of explosives 25 to 100 pounds (one level)	1	2.7
(b)(1)(B) Weight of explosives 100 to 250 pounds (2 levels)	5	13.5
(b)(1)(C) Weight of explosives 250 to 500 pounds (3 levels)	1	2.7
(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)	5	13.5
(b)(2) Offense involved stolen explosives (2 levels)	8	21.6
(b)(3)(A) Convicted under 18 U.S.C. § 842(p)(2) (4 levels , increase level 18)	0	0.0
(b)(3)(B) Use of explosives in connection with another felony offense (4 levels or level 18)	0	0.0
§2K1.4 Arson	171	0.2
(a)(1)(A) Substantial risk of death/serious bodily injury (B) destruction of dwelling (BOL 24)	99	57.9
(a)(2)(A) Substantial risk of death/serious injury of other participant (B) destruction of structure other than a dwelling, (C) endangered a dwelling (Base offense level 20)	34	19.9
(a)(3) 2 plus the level from §2B1.1	38	22.2
Chapter 2 Specific Offense Characteristic Adjustments	10	5.8
(b)(1) Committed to conceal another offense (2 levels)	10	5.8
(b)(2) Offense not under (a)(3) and occurred on national cemetery (2 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2K1.5 Possessing Dangerous Weapon or Materials While Boarding an Aircraft	8	0.0
Chapter 2 Specific Offense Characteristic Adjustments	4	50.0
(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)	4	50.0
§2K1.6 Licensee Recordkeeping Violations Involving Explosive Materials	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition	6,447	9.5
(a)(1) Two prior convictions & firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) (BOL 26)	90	1.4
(a)(2) Two prior convictions for crime of violence (Base offense level 24)	1,404	21.8
(a)(3) One prior convictions & firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) (BOL 22)	178	2.8
(a)(4)(A) One prior conviction or (B) firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. §921(a)(30) and (i) offender was a prohibited person or (ii) convicted under 18 U.S.C. § 922(d) (Base offense level 20)	2,097	32.5
(a)(5) Firearm described in 26 U.S.C. §5845(a) or 18 U.S.C. 921(a)(30) (BOL 18)	251	3.9
(a)(6)(A) Offender prohibited person or (B) convicted under 18 U.S.C. § 922(d) (BOL 14)	1,956	30.3
(a)(7) Excepted as provided in (a)(8) (Base offense level 12)	442	6.9
(a)(8) Offense convicted under 18 U.S.C. §922 (c), (e), (f), (m), (s), (t) or (x)(1) (BOL 6)	29	0.4
Chapter 2 Specific Offense Characteristic Adjustments	3,333	51.7
(b)(1)(A) 3-7 firearms (two levels)	818	12.7
(b)(1)(C) 8-12 firearms ⁷¹ (3 levels)	2	0.0
(b)(1)(B) 8-24 firearms (4 levels)	385	6.0
(b)(1)(C) 25-99 firearms (6 levels)	114	1.8
(b)(1)(D) 100-199 firearms (8 levels)	20	0.3
(b)(1)(E) 200 or more firearms (10 levels)	12	0.2
(b)(2) Not subject to (a)(1)-(a)(5) and solely for lawful sporting purposes (decrease to level 6)	80	1.2
(b)(3)(A) Destructive device that is a portable rocket or missile (15 levels)	1	0.0
(b)(3)(B) Destructive device (2 levels)	177	2.8
(b)(4)(A) Firearm stolen (2 levels)	671	10.4
(b)(4)(B) Firearm had altered/obliterated serial number (4 levels)	81	1.2

⁷¹ Firearm table changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2K2.1 Unlawful Receipt/Possession/Transportation of Firearms or Ammunition (cont)	6,447	9.5
(b)(4) Firearm stolen or altered/obliterated serial number (2 levels) ⁷²	692	10.7
(b)(5) Defendant engaged in trafficking of firearms (4 levels)	202	3.1
(b)(6) Firearms used in connection with another offense (4 levels/increase to level 18) ⁷³	1,282	19.9
(b)(7) Recordkeeping offense to conceal offense involving firearms (increase to level of underlying offense)	14	0.0
§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	20	0.0
Chapter 2 Specific Offense Characteristic Adjustments	9	45.0
(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)	9	45.0
§2K2.6 Possessing, Purchasing or Owning Body Armor by Violent Felons	13	0.0
Chapter 2 Specific Offense Characteristic Adjustments	1	7.7
(b)(1) Body armor used in connection with another felony (4 levels)	1	7.7
§2K3.2 Feloniously Mailing Injurious Articles	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

⁷² SOC was amended on November 1, 2006 to provide for a four level enhancement for altered/obliterated serial numbers.

⁷³ SOC changed from §2K2.1(b)(5) on November 1, 2006. The statistics reflect all instances of the application of this SOC.

**USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007**

Guideline and SOC	Applied	Percent
Part L - Offenses Involving Immigration, Naturalization, and Passports		
§2L1.1 Smuggling, Transporting or Harboring an Unlawful Alien	3,227	4.7
(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)	3,227	100.0
Chapter 2 Specific Offense Characteristic Adjustments	2,535	78.6
(b)(1)(A) Offense committed for profit and (B) BOL under (a)(2) (3 level decrease)	105	3.2
(b)(2)(A) 6-24 aliens smuggled (3 levels)	1,443	44.7
(b)(2)(B) 25-99 aliens smuggled (6 levels)	241	7.5
(b)(2)(C) 100 or more aliens smuggled (9 levels)	97	3.0
(b)(3)(A) Prior conviction for felony immigration and naturalization offense (2 levels)	103	3.2
(b)(3)(B) Two or more prior convictions for felony immigration offense (4 levels)	12	0.4
(b)(4) Smuggled, transported, or harbored an unaccompanied minor (2 levels)	115	3.6
(b)(5)(A) Firearm discharged (6 levels, increase to 22) ⁷⁴	4	0.0
(b)(5)(B) Weapon brandished or otherwise used (4 levels, increase to 20) ⁷⁴	59	1.8
(b)(5)(C) Weapon possessed (2 levels, increase to 18) ⁷⁴	94	2.9
(b)(6) Reckless creating risk of death or serious bodily injury (2 levels, increase to 18) ⁷⁵	1,285	39.8
(b)(7)(A) Bodily injury (2 levels) ⁷⁶	41	1.3
(b)(7)(B) Serious bodily injury (4 levels) ⁷⁶	17	0.5
(b)(7)(C) Permanent or life-threatening bodily injury (6 levels) ⁷⁶	3	0.0
(b)(7)(D) Death (10 levels)	3	0.0
(b)(7)(D) Death (8 levels) ⁷⁷	45	1.4
(b)(8)(A) Alien involuntarily detained, demand for payment after smuggled into U.S. (2 levels, increase to 18)	26	0.8
(b)(8)(B) Alien involuntarily detained, demand for payment while smuggled into U.S. (2 levels, increase to 18)	11	0.3
(b)(9) Defendant convicted under 8 U.S.C. §1324(a)(4) (2 levels)	1	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

⁷⁴ SOC was redesignated §2L1.1(b)(4) on November 1, 2006. The statistics reflect all instances of the application of the SOC.

⁷⁵ SOC was redesignated §2L1.1(b)(5) on November 1, 2006. The statistics reflect all instances of the application of the SOC.

⁷⁶ SOC was redesignated §2L1.1(b)(6) on November 1, 2006. The statistics reflect all instances of the application of the SOC.

⁷⁷ SOC was redesignated §2L1.1(b)(6) and the enhancement level was increased on November 1, 2006. The statistics reflect all instances of the application of the SOC.

Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2L1.2 Unlawfully Entering or Remaining in the United States	10,824	15.9
Chapter 2 Specific Offense Characteristic Adjustments	8,641	79.8
(b)(1)(A)(i) Previously deported and conviction for drug trafficking offense of greater than 13 months(16 levels)	2,022	18.7
(b)(1)(A)(ii) Previously deported and conviction for crime of violence (16 levels)	1,529	14.1
(b)(1)(A)(iii) Previously deported and conviction for firearms offense (16 levels)	17	0.2
(b)(1)(A)(iv) Previously deported and conviction for a child pornography offense (16 levels)	3	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)	24	0.2
(b)(1)(A)(vii) Previously deported and conviction for an alien smuggling offense (16 levels)	200	1.8
(b)(1)(B) Previously deported, drug offense sentence less than 13 months (12 levels)	739	6.8
(b)(1)(C) Previously deported and aggravated felony conviction (8 levels)	1,286	11.9
(b)(1)(D) Previously deported and any other felony conviction (4 levels)	2,792	25.8
(b)(1)(E) Previously deported and three or more misdemeanor convictions of crimes of violence or drug trafficking (4 levels)	29	0.3
§2L2.1 Trafficking in Documents Relating to Naturalization	421	0.6
Chapter 2 Specific Offense Characteristic Adjustments	290	68.9
(b)(1) Committed other than for profit or only smuggling relative (3 level decrease)	22	5.2
(b)(2)(A) 6-24 Documents/Passports (3 levels)	129	30.6
(b)(2)(B) 25-99 Documents/Passports (6 levels)	66	15.7
(b)(2)(C) 100 or more Documents/Passports (9 levels)	72	17.1
(b)(3) Offender knew passport or visa facilitated a felony offense (4 levels)	5	1.2
(b)(4)(A) Committed instant offense after conviction of immigration offense (2 levels)	3	0.7
(b)(4)(B) Committed instant offense after two or more convictions immigration (4 lvls)	1	0.2
(b)(5)(A) Defendant fraudulently obtained or used a United States passport (4 levels)	0	0.0
(b)(5)(B) Defendant fraudulently obtained or used a foreign passport (2 levels)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2L2.2 Fraudulent Acquiring Documents Relating to Citizenship	1,151	1.7
(a) Base offense level 8	1,144	99.4
(a) Base offense level 6 ⁷⁸	7	0.6
Chapter 2 Specific Offense Characteristic Adjustments	291	25.3
(b)(1) Offender an unlawful alien, previously deported (2 levels)	162	14.1
(b)(2)(A) Prior felony immigration and naturalization offense (2 levels)	9	0.8
(b)(2)(B) Two or more prior felony immigration and naturalization offenses (4 levels)	5	0.4
(b)(3) Offender fraudulently obtained or used a United States passport (4 levels)	88	7.6
(b)(3) Offender fraudulently obtained or used a foreign passport (2 levels)	56	4.9
§2L2.5 Failure to Surrender Canceled Naturalization Certificate	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

⁷⁸ Base offense level was changed on November 1, 1997.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

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 Detective, 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	1	0.0
(a)(1) Top secret information gathered or transmitted (Base offense level 42)	0	0.0
(a)(2) Otherwise (Base offense level 37)	1	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.2 Gathering National Defense Information	1	0.0
(a)(1) Top secret information gathered (Base offense level 35)	0	0.0
(a)(2) Otherwise (Base offense level 30)	1	100.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.3 Transmitting National Defense Information	0	0.0
(a)(1) Top secret information (Base offense level 29)	0	0.0
(a)(2) Otherwise (Base offense level 24)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.4 Losing National Defense Information	0	0.0
(a)(1) Top secret information was lost (Base offense level 18)	0	0.0
(a)(2) Otherwise (Base offense level 13)	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M3.5 Tampering with Restricted Data Concerning Atomic Energy	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

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
Chapter 2 Specific Offense Characteristic Adjustments	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	12	0.0
(a)(1)(A) National security controls (B) offense involved financial transactions with a country supporting terrorism (Base offense level 26)	6	50.0
(a)(2) Otherwise (Base offense level 14)	6	50.0
No Specific Offense Characteristics for this guideline	NA	NA
§2M5.2 Exportation of Arms/Munitions/Military Equipment without Validated Export License	19	0.0
(a)(1) Except as provided in (a)(2) (Base offense level 26)	14	73.7
(a)(2) Involved less than 10 only non-fully automatic small arms (Base offense level 14)	5	26.3
No Specific Offense Characteristics for this guideline	NA	NA
§2M5.3 Providing Material Support/Resources to Designated Foreign Terrorist Organizations	6	0.0
Chapter 2 Specific Offense Characteristic Adjustments	5	83.3
(b)(1)(A) Offense involved the provision of dangerous weapons (2 levels)	2	33.3
(b)(1)(B) Offense involved the provision of firearms (2 levels)	1	16.7
(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)	2	33.3

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2M6.1 Unlawful Production of Nuclear Material	5	0.0
(a)(1)(A) Intent to injure U.S. (B) aid a foreign nation (Base offense level 42)	1	20.0
(a)(2) Subsections (a)(1), (a)(3)-(a)(5) do not apply (Base offense level 28)	3	60.0
(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)	1	20.0
Chapter 2 Specific Offense Characteristic Adjustments	3	60.0
(b)(1)(A) Subsection (a)(2), (a)(4), or (a)(5) applies and (B) threat of biological agent (2 levels)	1	20.0
(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)	2	40.0
§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
Fiscal Year 2007

Guideline and SOC	Applied	Percent
Part N - Offenses Involving Food, Drugs, Agricultural Products and Odometer Laws		
§2N1.1 Tampering or Attempting to Tamper Involving risk of Death or Bodily Injury	2	0.0
Chapter 2 Specific Offense Characteristic Adjustments	0	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	1	0.0
No Specific Offense Characteristics with this guideline	NA	NA
§2N2.1 Violations of Statutes and Regulations Dealing with any Food, Drug, etc	38	0.0
No Specific Offense Characteristics with this guideline	NA	NA
§2N3.1 Odometer Laws and Regulations	0	0.0
No Specific Offense Characteristics with this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
Part P - Offenses Involving Prisons and Correctional Facilities		
§2P1.1 Escape, Instigating or Assisting Escape	209	0.3
(a)(1) Custody is by virtue of an arrest on a felony/conviction of another offense (BOL 13)	204	97.6
(a)(2) Otherwise (Base offense level 8)	5	2.4
Chapter 2 Specific Offense Characteristic Adjustments	134	64.1
(b)(1) Use of threat of force against any person (5 levels)	6	2.9
(b)(2) Escaped from non-secure custody,(a)(1) applies, return in 96 hours (7 level decrease)	11	5.3
(b)(2) Escaped from non-secure custody, (a)(2)applies, return in 96 hours (4 level decrease)	3	1.4
(b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(1) applies (4 level decrease)	111	53.1
(b)(3) Escaped from non-secure custody and (b)(2) does not apply, (a)(2) applies (2 level decrease)	1	0.5
(b)(4) Offender was a law enforcement officer (2 levels)	3	1.4
§2P1.2 Providing or Possessing Contraband in Prison	85	0.1
(a) Base offense level 26 ⁷⁹	8	9.4
(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)	39	45.9
(a)(3) Object was an alcoholic beverage/currency/controlled substance (BOL 6)	38	44.7
(a)(4) Other object threatened order of facility (Base offense level 4)	0	0.0
Chapter 2 Specific Offense Characteristic Adjustments	7	8.2
(b)(1) Offender was a law enforcement officer (2 levels)	7	8.2
§2P1.3 Engaging in a Riot Involving Persons in a Facility	10	0.0
(a)(1) Substantial risk of death or serious bodily injury (Base offense level 22)	10	100.0
(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

⁷⁹ This base offense level is not available under the guidelines, but court documents reflected the court's findings that this was the proper base offense level for the offense.

Fiscal Year 2007

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	38	0.1
Chapter 2 Specific Offense Characteristic Adjustments	31	81.6
(b)(1)(A) Resulted in ongoing emission of a hazardous substance (6 levels)	12	31.6
(b)(1)(B) Otherwise involved discharge of a hazardous substance (4 levels)	11	29.0
(b)(2) Substantial likelihood of death or serious bodily injury (9 levels)	7	18.4
(b)(3) Disruption of public utilities or evacuation (4 levels)	10	26.3
(b)(4) Involved transportation without a permit or violation of a permit (4 levels)	20	52.6
(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)	1	2.6
(b)(7) Convicted under 49 U.S.C. § 5124 or § 46312 (2 levels)	0	0.0
§2Q1.3 Mishandling of Other Environmental Pollutants	30	0.0
Chapter 2 Specific Offense Characteristic Adjustments	25	83.3
(b)(1)(A) Ongoing/repetitive discharge of a pollutant (6 levels)	13	43.3
(b)(1)(B) Otherwise discharge of pollutant (4 levels)	11	36.7
(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)	22	73.3
(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
Chapter 2 Specific Offense Characteristic Adjustments	81	91.0
(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
Fiscal Year 2007

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	89	0.1
Chapter 2 Specific Offense Characteristic Adjustments	81	91.0
(b)(1)(A) Offense committed for pecuniary gain (2 levels)	62	69.7
(b)(1)(B) Offense involved a pattern of similar violations (2 levels)	6	6.7
(b)(2)(A) Offense involved wildlife not quarantined (2 levels)	2	2.2
(b)(2)(B) Offense involved significant risk of infestation/disease to human/wildlife (2 levels)	1	1.1
(b)(3)(A) Value of wildlife between \$2,000 and \$5,000 (one level)	10	11.2
(b)(3)(A) Value of wildlife between \$5,000 and \$10,000 (2 levels)	6	6.7
(b)(3)(A) Value of wildlife between \$10,000 and \$30,000 (4 levels)	16	18.0
(b)(3)(A) Value of wildlife between \$20,000 and \$40,000 ⁸⁰ (4 levels)	1	1.1
(b)(3)(A) Value of wildlife between \$40,000 and \$70,000 ⁸⁰ (5 levels)	1	1.1
(b)(3)(A) Value of wildlife between \$30,000 and \$70,000 (6 levels)	10	11.2
(b)(3)(A) Value of wildlife between \$120,000 and \$200,000 ⁸⁰ (7 levels)	2	2.2
(b)(3)(A) Value of wildlife between \$120,000 and \$200,000 (10 levels)	1	1.1
(b)(3)(A) Value of wildlife between \$200,000 and \$400,000 (12 levels)	4	4.5
(b)(3)(A) Value of wildlife between \$400,000 and \$1,000,000 (14 levels)	1	1.1
(b)(3)(B)(i) Offense involved protected marine mammals (4 levels)	2	2.2
(b)(3)(B)(ii) Offense involved fish/wildlife/plants listed as endangered (4 levels)	11	12.4
(b)(3)(B)(iii) Offense involved fish/wildlife/plants endangered internationally (4 levels)	2	2.2

⁸⁰ Threshold amounts and level increases were changed on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
Part R - Antitrust Offenses		
§2R1.1 Bid-Rigging, Price-Fixing or Market-Allocation Agreements Among Competitors	16	0.0
(a) Base offense level 12	4	25.0
(a) Base offense level 10 ⁸¹	12	75.0
Chapter 2 Specific Offense Characteristic Adjustments	16	100.0
(b)(1) Involved participation in agreement to submit non-competitive bid (one level)	8	50.0
(b)(2)(A) Volume of commerce between \$1,000,000 and \$10,000,000 (2 levels)	0	0.0
(b)(2)(A) Volume of commerce between \$400,000 and \$1,000,000 ⁸² (one level)	1	6.2
(b)(2)(B) Volume of commerce between \$10,000,000 and \$40,000,000 (4 levels)	1	6.2
(b)(2)(B) Volume of commerce between \$1,000,000 and \$2,500,000 ⁸² (2 levels)	5	31.2
(b)(2)(C) Volume of commerce between \$40,000,000 and \$100,000,000 (6 levels)	2	12.5
(b)(2)(D) Volume of commerce between \$100,000,000 and \$250,000,000 (8 levels)	0	0.0
(b)(2)(E) Volume of commerce between \$250,000,000 and \$500,000,000 (10 levels)	0	0.0
(b)(2)(E) Volume of commerce between \$15,000,000 and \$37,500,000 ⁸² (5 levels)	1	6.2
(b)(2)(F) Volume of commerce between \$500,000,000 and \$1,000,000,000 (12 levels)	0	0.0
(b)(2)(F) Volume of commerce between \$37,500,000 and \$100,000,000 ⁸² (6 levels)	4	25.0
(b)(2)(G) Volume of commerce between \$1,000,000,000 and \$1,500,000,000 (14 levels)	0	0.0
(b)(2)(H) Volume of commerce more than \$1,500,000,000 (16 levels)	0	0.0

⁸¹ Base offense level was increased on November 1, 2006.

⁸² SOC enhancement level and threshold amounts were increased on November 1, 2006.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
Part S - Money Laundering and Monetary Transactions Reporting		
§2S1.1 Laundering of Monetary Instruments	952	1.4
(a) Base offense level 0 ⁸³	4	0.4
(a)(1) Base offense level 6	1	0.1
(a)(1) Base offense level 8	8	0.8
(a)(1) Base offense level 9	2	0.2
(a)(1)&(2) Base offense level 10	21	2.2
(a)(1)&(2) Base offense level 12	50	5.2
(a)(1)&(2) Base offense level 13	1	0.1
(a)(1)&(2) Base offense level 14	66	6.9
(a)(1)&(2) Base offense level 15	9	1.0
(a)(1)&(2) Base offense level 16	59	6.2
(a)(1)&(2) Base offense level 17	8	0.8
(a)(1)&(2) Base offense level 18	83	8.7
(a)(1)&(2) Base offense level 19	9	1.0
(a)(1)&(2) Base offense level 20	100	10.5
(a)(1)&(2) Base offense level 20 ⁸⁴	22	2.3
(a)(1)&(2) Base offense level 21	26	2.7
(a)(1)&(2) Base offense level 22	99	10.4
(a)(1)&(2) Base offense level 23	16	1.7
(a)(1)&(2) Base offense level 23 ⁸⁴	19	2.0
(a)(1)&(2) Base offense level 24	55	5.8
(a)(1)&(2) Base offense level 25	14	1.5
(a)(1)&(2) Base offense level 26	58	6.1
(a)(1)&(2) Base offense level 27	3	0.3
(a)(1)&(2) Base offense level 28	28	2.9

⁸³ This base offense level is not available under the guidelines, but court documents reflected the court's findings that this was the proper base offense level for the offense.

⁸⁴ Base offense levels were expanded to incorporate the value of the laundered funds on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2S1.1 Laundering of Monetary Instruments (continued)	952	1.4
(a)(1)&(2) Base offense level 29	7	0.7
(a)(1)&(2) Base offense level 30	31	3.3
(a)(1)&(2) Base offense level 31	5	0.5
(a)(1)&(2) Base offense level 32	36	3.8
(a)(1)&(2) Base offense level 33	3	0.3
(a)(1)&(2) Base offense level 34	30	3.2
(a)(1)&(2) Base offense level 35	3	0.3
(a)(1)&(2) Base offense level 36	25	2.6
(a)(1)&(2) Base offense level 37	2	0.2
(a)(1)&(2) Base offense level 38	29	3.0
(a)(1)&(2) Base offense level 39	4	0.4
(a)(1)&(2) Base offense level 40	13	1.4
(a)(1)&(2) Base offense level 42	2	0.2
(a)(1)&(2) Base offense level 43	1	0.1
Chapter 2 Specific Offense Characteristic Adjustments	918	96.4
(b)(1)(B)(i) Subsection (a)(2) applies and offender knew proceeds intended for distribution of a controlled substance (6 levels)	235	24.7
(b)(1)(B)(ii) Subsection (a)(2) applies and offender knew proceeds were intended for a crime of violence (6 levels)	19	2.0
(b)(1)(B)(iii) Subsection (a)(2) applies and offender knew proceeds intended for firearms explosives (6 levels)	4	0.4
(b)(1) Proceeds intended for unlawful controlled substance offense ⁸⁵ (3 levels)	17	1.8
(b)(2)(A) Offender convicted under 18 U.S.C. §1957 (one level)	119	12.5
(b)(2)(B) Offender convicted under 18 U.S.C. §1956 (2 levels)	726	76.2
(b)(2)(C) Subsection (a)(1) applies and offender in business of laundering money (4 levels)	20	2.1
(b)(2)(B) Value of funds laundered between \$100,000 and \$200,000 ⁸⁶ (one level)	6	0.6
(b)(2)(C) Value of funds laundered between \$200,000 and \$350,000 ⁸⁶ (2 levels)	4	0.4
(b)(2)(D) Value of funds laundered between \$350,000 and \$600,000 ⁸⁶ (3 levels)	6	0.6
(b)(2)(E) Value of funds laundered between \$600,000 and \$1,000,000 ⁸⁶ (4 levels)	4	0.4

⁸⁵ SOC was expanded and level enhanced on November 1, 2001.

⁸⁶ SOC eliminated on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2S1.1 Laundering of Monetary Instruments (continued)	952	1.4
(b)(2)(F) Value of funds laundered between \$1,000,000 and \$2,000,000 ⁸⁶ (5 levels)	2	0.2
(b)(2)(G) Value of funds laundered between \$2,000,000 and \$3,500,000 ⁸⁶ (6 levels)	6	0.6
(b)(2)(H) Value of funds laundered between \$3,500,000 and \$6,000,000 ⁸⁶ (7 levels)	3	0.3
(b)(2)(I) Value of funds laundered between \$6,000,000 and \$10,000,000 ⁸⁶ (8 levels)	4	0.4
(b)(2)(J) Value of funds laundered between \$10,000,000 and \$20,000,000 ⁸⁶ (9 levels)	2	0.2
(b)(2)(K) Value of funds laundered between \$20,000,000 and \$35,000,000 ⁸⁶ (10 levels)	2	0.2
(b)(3) Subsection (b)(2)(B) applies and sophisticated laundering involved (2 levels)	54	5.7
§2S1.2 Engaging in Monetary Transactions in Property Derived from Unlawful Activity ⁸⁷	17	0.0
Chapter 2 Specific Offense Characteristic Adjustments	17	100.0
(b)(1)(A) Unlawful activity involved a controlled substance (5 levels)	3	17.6
(b)(1)(B) Any other specified unlawful activity (2 levels)	6	35.3
(b)(2) Value of funds laundered between \$200,000 and \$350,000 (2 levels)	4	23.5
(b)(2) Value of funds laundered between \$350,000 and \$600,000 (3 levels)	1	5.9
(b)(2) Value of funds laundered between \$1,000,000 and \$2,000,000 (5 levels)	2	11.8
(b)(2) Value of funds laundered between \$2,000,000 and \$3,500,000 (6 levels)	4	23.5
(b)(2) Value of funds laundered between \$10,000,000 and \$20,000,000 (9 levels)	1	5.9
(b)(2) Value of funds laundered between \$20,000,000 and \$35,000,000 (10 levels)	1	5.9
(b)(2) Value of funds laundered more than \$100,000,000 (13 levels)	4	23.5

⁸⁷ Guideline was eliminated and consolidated with §2S1.1 on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2S1.3 Structuring Transactions to Evade Reporting Requirements	247	0.4
(a)(1) Offender convicted under 31 U.S.C. §§ 5318 or 5318A (Base offense level 8)	5	2.0
(a)(2) Loss less than \$5,000 (Base offense level 6)	3	1.2
(a)(2) Loss between \$2,000 ⁸⁸ (Base offense level 6)	1	0.4
(a)(2) Loss between \$10,000 and \$20,000 ⁸⁸ (Base offense level 9)	2	0.8
(a)(2) Loss between \$10,000 and \$30,000 (Base offense level 10)	38	15.4
(a)(2) Loss between \$20,000 and \$40,000 ⁸⁸ (Base offense level 10)	1	0.4
(a)(2) Loss between \$40,000 and \$70,000 ⁸⁸ (Base offense level 11)	2	0.8
(a)(2) Loss between \$30,000 and \$70,000 (Base offense level 12)	41	16.6
(a)(2) Loss between \$70,000 and \$120,000 ⁸⁸ (Base offense level 12)	3	1.2
(a)(2) Loss between \$70,000 and \$120,000 (Base offense level 14)	36	14.6
(a)(2) Loss between \$200,000 and \$350,000 ⁸⁸ (Base offense level 14)	2	0.8
(a)(2) Loss between \$350,000 and \$500,000 ⁸⁸ (Base offense level 15)	1	0.4
(a)(2) Loss between \$120,000 and \$200,000 (Base offense level 16)	29	11.7
(a)(2) Loss between \$500,000 and \$800,000 ⁸⁸ (Base offense level 16)	2	0.8
(a)(2) Loss between \$800,000 and \$1,500,000 ⁸⁸ (Base offense level 17)	1	0.4
(a)(2) Loss between \$200,000 and \$400,000 (Base offense level 18)	25	10.1
(a)(2) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	14	5.7
(a)(2) Loss between \$5,000,000 and \$10,000,000 ⁸⁸ (Base offense level 20)	1	0.4
(a)(2) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	19	7.7
(a)(2) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	9	3.6
(a)(2) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	6	2.4
(a)(2) Loss between \$20,000,000 and \$50,000,000 (Base offense level 28)	5	2.0
(a)(2) Loss between \$200,000,000 and \$400,000,000 (Base offense level 34)	1	0.4
Chapter 2 Specific Offense Characteristic Adjustments	188	76.1
(b)(1)(A) Offender knew proceeds were for unlawful activity (2 levels)	83	33.6
(b)(1)(B) Offense involved bulk cash smuggling (2 levels)	77	31.2
(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)	46	18.6
(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 ⁸⁹ (decrease to level 6)	15	6.1

⁸⁸ Base offense levels thresholds amounts and levels were changed on November 1, 2001.

⁸⁹ SOC was redesignated §2S1.3(b)(2) on November 1, 2001.

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
Part T - Offenses Involving Taxation		
§2T1.1 Tax Evasion	617	0.9
(a)(2) No tax loss or loss less than \$2,000 (Base offense level 6)	16	2.6
(a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8)	4	0.6
(a)(1) Loss between \$5,000 and \$8,000 ⁹⁰ (Base offense level 9)	1	0.2
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	28	4.5
(a)(1) Loss between \$8,000 and \$13,500 ⁹⁰ (Base offense level 10)	4	0.6
(a)(1) Loss between \$13,500 and \$23,500 ⁹⁰ (Base offense level 11)	8	1.3
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	45	7.3
(a)(1) Loss between \$23,500 and \$40,000 ⁹⁰ (Base offense level 12)	13	2.1
(a)(1) Loss between \$40,000 and \$70,000 ⁹⁰ (Base offense level 13)	23	3.7
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	114	18.5
(a)(1) Loss between \$70,000 and \$120,000 ⁹⁰ (Base offense level 14)	28	4.5
(a)(1) Loss between \$120,000 and \$200,000 ⁹⁰ (Base offense level 15)	25	4.0
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	111	18.0
(a)(1) Loss between \$200,000 and \$325,000 ⁹⁰ (Base offense level 16)	28	4.5
(a)(1) Loss between \$325,000 and \$550,000 ⁹⁰ (Base offense level 17)	14	2.3
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	70	11.3
(a)(1) Loss between \$550,000 and \$950,000 ⁹⁰ (Base offense level 18)	4	0.6
(a)(1) Loss between \$950,000 and \$1,500,000 ⁹⁰ (Base offense level 19)	3	0.5
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	41	6.6
(a)(1) Loss between \$1,500,000 and \$2,500,000 ⁹⁰ (Base offense level 20)	1	0.2
(a)(1) Loss between \$2,500,000 and \$5,000,000 ⁹⁰ (Base offense level 21)	3	0.5
(a)(1) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	17	2.8
(a)(1) Loss between \$5,000,000 and \$10,000,000 ⁹⁰ (Base offense level 22)	3	0.5
(a)(1) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	7	1.1
(a)(1) Loss between \$20,000,000 and \$40,000,000 ⁹⁰ (Base offense level 24)	2	0.3
(a)(1) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	2	0.3

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS

⁹⁰ Base offense level thresholds amounts and levels changed on November 1, 2001.

Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2T1.1 Tax Evasion (continued)	617	0.9
(a)(1) Loss between \$20,000,000 and \$50,000,000 (Base offense level 28)	1	0.2
(a)(1) Loss between \$100,000,000 and \$200,000,000 (Base offense level 32)	1	0.2
Chapter 2 Specific Offense Characteristic Adjustments	217	35.2
(b)(1) Failed to report exceeding \$10,000 from criminal activity (2 levels, level 12)	145	23.5
(b)(2) Sophisticated means (2 levels, increase to level 12)	90	14.6
§2T1.4 Aiding, Assisting, Procuring, Counseling or Advising Tax Fraud	105	0.2
(a)(2) No tax loss or loss less than \$2,000 (Base offense level 6)	0	0.0
(a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8)	1	1.0
(a)(1) Loss between \$13,500 and \$23,500 ⁹⁰ (Base offense level 11)	1	1.0
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	3	2.9
(a)(1) Loss between \$23,500 and \$40,000 ⁹⁰ (Base offense level 12)	1	1.0
(a)(1) Loss between \$40,000 and \$70,000 ⁹⁰ (Base offense level 13)	3	2.9
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	10	9.5
(a)(1) Loss between \$70,000 and \$120,000 ⁹⁰ (Base offense level 14)	2	1.9
(a)(1) Loss between \$120,000 and \$200,000 ⁹⁰ (Base offense level 15)	1	1.0
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	42	40.0
(a)(1) Loss between \$200,000 and \$325,000 ⁹⁰ (Base offense level 16)	3	2.9
(a)(1) Loss between \$325,000 and \$550,000 ⁹⁰ (Base offense level 17)	3	2.9
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	9	8.6
(a)(1) Loss between \$950,000 and \$1,500,000 ⁹⁰ (Base offense level 19)	2	1.9
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	11	10.5
(a)(1) Loss between \$1,500,000 and \$2,500,000 ⁹⁰ (Base offense level 20)	1	1.0
(a)(1) Loss between \$2,500,000 and \$5,000,000 ⁹⁰ (Base offense level 21)	2	1.9
(a)(1) Loss between \$1,000,000 and \$2,500,000 (Base offense level 22)	5	4.8
(a)(1) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	5	4.8
(a)(1) Loss between \$20,000,000 and \$40,000,000 ⁹⁰ (Base offense level 24)	1	0.8
Chapter 2 Specific Offense Characteristic Adjustments	85	81.0
(b)(1)(A) As part of scheme, offender derived substantial portion of income (2 levels)	23	21.9
(b)(1)(B) Defendant was in business of preparing tax returns (2 levels)	58	55.2
(b)(2) Sophisticated means (2 levels, increase to level 12)	12	11.4

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2T1.6 Failing to Collect or Truthfully Account for and Pay Over Tax	10	0.0
(a) Loss between \$30,000 and \$80,000 (Base offense level 14)	2	20.0
(a) Loss between \$200,000 and \$400,000 (Base offense level 18)	1	10.0
(a) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	5	50.0
(a) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	1	10.0
(a) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	1	10.0
No Specific Offense Characteristics for this guideline	NA	NA
§2T1.7 Failing to Deposit Collected Taxes in Trust Account as Required After Notice	1	0.0
(a) Loss between \$80,000 and \$200,000 (Base offense level 11)	1	100.0
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	27	0.0
(a)(2) Loss less than \$12,500 (Base offense level 10)	0	0.0
(a)(1) Loss between \$12,500 and \$30,000 (Base offense level 12)	2	7.4
(a)(1) Loss between \$40,000 and \$70,000 ⁹⁰ (Base offense level 13)	1	3.7
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	1	3.7
(a)(1) Loss between \$120,000 and \$200,000 ⁹⁰ (Base offense level 15)	3	11.1
(a)(1) Loss between \$80,000 and \$200,000 (Base offense level 16)	1	3.7
(a)(1) Loss between \$200,000 and \$325,000 ⁹⁰ (Base offense level 16)	1	3.7
(a)(1) Loss between \$325,000 and \$550,000 ⁹⁰ (Base offense level 17)	6	22.2
(a)(1) Loss between \$200,000 and \$400,000 (Base offense level 18)	1	3.7
(a)(1) Loss between \$400,000 and \$1,000,000 (Base offense level 20)	2	7.4
(a)(1) Loss between \$1,500,000 and \$2,500,000 ⁹⁰ (Base offense level 20)	1	3.7
(a)(1) Loss between \$10,000,000 and \$20,000,000 ⁹⁰ (Base offense level 23)	1	3.7
(a)(1) Loss between \$2,500,000 and \$7,000,000 (Base offense level 24)	3	11.1
(a)(1) Loss between \$7,000,000 and \$20,000,000 (Base offense level 26)	2	7.4
(a)(1) Loss more than \$80,000,000 ⁹⁰ (Base offense level 26)	1	3.7
(a)(1) Loss between \$50,000,000 and \$100,000,000 (Base offense level 30)	1	3.7
Chapter 2 Specific Offense Characteristic Adjustments	10	37.0
(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)	10	37.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2T2.1 Non-payment of Taxes	1	0.0
(a) Loss between \$120,000 and \$200,000 ⁹⁰ (Base offense level 15)	1	100.0
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)	9	0.0
(a)(3) Loss less than \$100 (Base offense level 4)	3	33.3
(a)(2) Loss between \$100 and \$1,000 (Base offense level 5)	0	0.0
(a)(1) Loss between \$2,000 and \$5,000 (Base offense level 8)	1	11.1
(a)(1) Loss between \$5,000 and \$12,500 (Base offense level 10)	1	11.1
(a)(1) Loss between \$30,000 and \$80,000 (Base offense level 14)	3	33.3
(a)(1) Loss between \$325,000 and \$550,000 ⁹⁰ (Base offense level 17)	1	11.1
Chapter 2 Specific Offense Characteristic Adjustments	0	0.0
(b)(1) Sophisticated means (2 levels, increase to level 12)	0	0.0

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
Part X - Other Offenses		
§2X1.1 Attempt, Solicitation, or Conspiracy	47	0.1
(a) Base offense level 10	3	6.4
(a) Base offense level 11	2	4.3
(a) Base offense level 12	1	2.1
(a) Base offense level 14	2	4.3
(a) Base offense level 15	1	2.1
(a) Base offense level 18	4	8.5
(a) Base offense level 19	1	2.1
(a) Base offense level 20	7	14.9
(a) Base offense level 22	5	10.6
(a) Base offense level 23	1	2.1
(a) Base offense level 24	4	8.5
(a) Base offense level 25	1	2.1
(a) Base offense level 26	3	6.4
(a) Base offense level 28	1	2.1
(a) Base offense level 30	1	2.1
(a) Base offense level 31	1	2.1
(a) Base offense level 32	2	4.3
(a) Base offense level 33	1	2.1
(a) Base offense level 34	2	4.3
(a) Base offense level 36	1	2.1
(a) Base offense level 38	1	2.1
(a) Base offense level 43	2	4.3
Chapter 2 Specific Offense Characteristic Adjustments	36	76.6
(b)(1) If an attempt (3 level decrease)	40	85.1
(b)(2) If a conspiracy (3 level decrease)	27	57.4
(b)(3)(A) Solicitation (3 level decrease)	2	4.3

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2X2.1 Aiding and Abetting	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X3.1 Accessory After the Fact	128	0.2
(a) Base offense level 4	4	3.1
(a) Base offense level 5	1	0.8
(a) Base offense level 6	2	1.6
(a) Base offense level 7	1	0.8
(a) Base offense level 8	4	3.1
(a) Base offense level 9	3	2.3
(a) Base offense level 10	1	0.8
(a) Base offense level 11	2	1.6
(a) Base offense level 12	2	1.6
(a) Base offense level 14	2	1.6
(a) Base offense level 15	2	1.6
(a) Base offense level 16	5	3.9
(a) Base offense level 17	2	1.6
(a) Base offense level 18	8	6.2
(a) Base offense level 19	6	4.7
(a) Base offense level 20	24	18.8
(a) Base offense level 21	2	1.6
(a) Base offense level 22	7	5.5
(a) Base offense level 24	2	1.6
(a) Base offense level 25	1	0.8
(a) Base offense level 26	12	9.4
(a) Base offense level 27	1	0.8
(a) Base offense level 28	4	3.1
(a) Base offense level 30	30	23.4
No Specific Offense Characteristics for this guideline	NA	NA

USE OF GUIDELINES AND SPECIFIC OFFENSE CHARACTERISTICS
Fiscal Year 2007

Guideline and SOC	Applied	Percent
§2X4.1 Misprision of a Felony	440	0.6
(a) Base offense level 3 or less ⁹¹	2	0.4
(a) Base offense level 4	47	10.7
(a) Base offense level 5	18	4.1
(a) Base offense level 6	13	3.0
(a) Base offense level 7	15	3.4
(a) Base offense level 8	4	0.9
(a) Base offense level 9	41	9.3
(a) Base offense level 10	5	1.1
(a) Base offense level 11	48	10.9
(a) Base offense level 12	7	1.6
(a) Base offense level 13	9	2.0
(a) Base offense level 14	2	0.4
(a) Base offense level 15	22	5.0
(a) Base offense level 16	5	1.1
(a) Base offense level 17	55	12.5
(a) Base offense level 18	4	0.9
(a) Base offense level 19	140	31.8
(a) Base offense level 23 ⁹¹	3	0.7
No Specific Offense Characteristics for this guideline	NA	NA
§2X5.1 Other Felony Offenses	1	0.0
No Specific Offense Characteristics for this guideline	NA	NA
§2X5.2 Other Class A Misdemeanors	82	0.1
No Specific Offense Characteristics for this guideline	NA	NA
§2X6.1 Use of a Minor in Crime of Violence	0	0.0
No Specific Offense Characteristics for this guideline	NA	NA

⁹¹ This base offense level is not available under the guidelines, but court documents reflected the court's findings that this was the proper base offense level for the offense.