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AO 345 SOR (Rev. 11/25) Adjudgment in a Criminal Case
Attachment (Page 1) – Statement of Reasons

DEFENDANT:
CASE NUMBER:
DISTRICT:

STATEMENT OF REASONS
(Not for Public Disclosure)
Sections I, II, III, IV, V, and VII of the Statement of Reasons form must be completed in all felony and Class A misdemeanor cases.

I. COURT FINDINGS ON PRESENTENCE INVESTIGATION REPORT

A. ☐ The court adopts the presentence investigation report without change.

B. ☐ The court adopts the presentence investigation report with the following changes. (Use Section VIII if necessary.)
(Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report.)

1. ☐ Chapter Two of the United States Sentencing Commission Guidelines Manual determinations by court:
(Briefly summarize the changes, including changes to base offense level, or specific offense characteristics.)

2. ☐ Chapter Three of the United States Sentencing Commission Guidelines Manual determinations by court:
(Briefly summarize the changes, including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, acceptance of responsibility, or Early Disposition Program.)

3. ☐ Chapter Four of the United States Sentencing Commission Guidelines Manual determinations by court:
(Briefly summarize the changes, including changes to criminal history category or status, career offender status, criminal livelihood determinations, or two-point offender status.)

4. ☐ Additional Comments or Findings (Include comments or factual findings concerning any information in the presentence report, including information that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions; any other rulings on disputed portions of the presentence investigation report; identification of those portions of the report to which a court determination is unnecessary because the matter will not affect sentencing or the court will not consider it.)

C. ☐ The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.
(Applicable Sentencing Guideline: _____; the guideline prescribing the highest offense level: _____)

II. COURT FINDINGS ON MANDATORY MINIMUM SENTENCE (Check all that apply)

A. ☐ One or more counts of conviction carry a mandatory minimum term of imprisonment and the sentence imposed is at or above the applicable mandatory minimum term.

B. ☐ One or more counts of conviction carry a mandatory minimum term of imprisonment, but the sentence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum term does not apply based on:

☐ findings of fact in this case: (Specify) _____

☐ substantial assistance (18 U.S.C. § 3553(e))

☐ the statutory safety valve (18 U.S.C. § 3553(f))

C. ☐ No count of conviction carries a mandatory minimum sentence.

In **Section II**, the court must state its findings regarding whether any mandatory minimum penalty applied in this case.

There are three options.

II. COURT FINDINGS ON MANDATORY MINIMUM SENTENCE (Check all that apply)

- A. ☐ One or more counts of conviction carry a mandatory minimum term of imprisonment and the sentence imposed is at or above the applicable mandatory minimum term.
- B. ☐ One or more counts of conviction carry a mandatory minimum term of imprisonment, but the sentence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum term does not apply based on:
- ☐ findings of fact in this case: (Specify) _____
- ☐ substantial assistance (18 U.S.C. § 3553(e))
- ☐ the statutory safety valve (18 U.S.C. § 3553(f))
- C. ☐ No count of conviction carries a mandatory minimum sentence.

Check Option A if a mandatory minimum penalty applied in the case and the sentence imposed is equal to or greater than the mandatory minimum penalty.

Check Option B if any count of conviction carried a mandatory minimum penalty but the court has determined that the mandatory minimum penalty does not apply at sentencing. The court must also specify the reason why it made that determination by selecting from the following options:

- findings of fact in this case (the court should briefly specify the facts supporting its findings that no mandatory minimum penalty applied at sentencing)
- substantial assistance (18 U.S.C. § 3553(e))
- the statutory safety valve (18 U.S.C. § 3553(f))

Check Option C if no count of conviction carries a mandatory minimum penalty.

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Attachment (Page 2) – Statement of Reasons

DEFENDANT:
CASE NUMBER:
DISTRICT:

STATEMENT OF REASONS

III. PLEA AGREEMENT DETERMINATION (Check only one)

A. ☐ There is a non-binding plea agreement in this case (Rule 11(c)(1)(A); oral or written)

B. ☐ There is a binding plea agreement accepted by the court in this case (Rule 11(c)(1)(C); oral or written)

C. ☐ There is no plea agreement in this case (conviction after trial; plea without agreement)

IV. COURT DETERMINATION OF GUIDELINE RANGE; BEFORE APPLICATION OF § 361.1 OR VARIANCES

(a) Offense Level: _____

Guideline range (application of §§ 361.1 and 361.2): _____ months

Supervised Release Range: _____ to _____

Fine Range: \$ _____ to \$ _____

☐ Fine waived or below the guideline range because of inability to pay

V. GUIDELINE SENTENCING DETERMINATION (Check all that apply)

A. ☐ The sentence is within the guideline range (If the difference between the maximum and minimum guideline range exceeds 24 months, state the reason(s) the sentence was imposed as required by 18 U.S.C. § 3553(b). Use Section VIII if necessary.)

B. ☐ The sentence is below the guideline range. (Also complete Section IV)

☐ The government sought a sentence below the guideline range and the sentence imposed was not below the government's recommendation.

☐ The government sought a sentence below the guideline range and the sentence imposed was below the government's recommendation.

☐ The government did not oppose a sentence below the guideline range.

☐ The government opposed a sentence below the guideline range.

C. ☐ The sentence is above the guideline range. (Also complete Section IV)

☐ The government sought a sentence above the guideline range.

☐ The government did not seek a sentence above the guideline range.

☐ The government opposed a sentence above the guideline range.

In **Section III**, the court must state whether the parties entered into a plea agreement.

There are three options and only one should be checked.

III. PLEA AGREEMENT DETERMINATION (Check only one)

- A. ☐ There is a non-binding plea agreement in this case (Rule 11(c)(1)(A); oral or written)
- B. ☐ There is a binding plea agreement accepted by the court in this case (Rule 11(c)(1)(C); oral or written)
- C. ☐ There is no plea agreement in this case (conviction after trial; plea without agreement)

Check Option A if the parties entered into a plea agreement but it was not binding on the court.

Check Option B if the parties entered into a binding plea agreement pursuant to Rule 11(c)(1)(C) that the court accepted.

Check Option C if there was no plea agreement between the parties.

In Section IV, the court must state its determination of the guideline range that applied in the case, including the total offense level, criminal history category, guideline range in months, supervised release range in years, and fine range. If the court adopts the presentence report without change, enter this information as recorded in the presentence report. If the court makes other determinations or findings, record those as determined by the court. The guideline range should be determined after application of §5G1.1 and §5G1.2 of the *Guidelines Manual*, and before application of 5K1.1 or variances, if any.

- If the court waives or imposes a fine below the guideline range because of an inability to pay, check the box provided.

IV. COURT DETERMINATION OF GUIDELINE RANGE: (BEFORE APPLICATION OF §5K1.1 OR VARIANCES)

Total Offense Level: _____
 Criminal History Category: _____
 Guideline Range: (after application of §5G1.1 and §5G1.2) _____ to _____ months
 Supervised Release Range: _____ to _____ years
 Fine Range: \$ _____ to \$ _____
☐ Fine waived or below the guideline range because of inability to pay.

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In Section V, the court must state whether the sentence imposed is within or outside the applicable guideline range. If the sentence imposed is not within the guideline range, the court must also state whether the government sought or opposed a sentence outside the guideline range.

One of Option A, B, or C must be selected.

V. GUIDELINE SENTENCING DETERMINATION (Check all that apply)

- A. ☒ The sentence is within the guideline range (If the difference between the maximum and minimum of the guideline range exceeds 24 months, state the reason(s) the sentence was imposed as required by 18 U.S.C. §3553(c). Use Section VIII if necessary.)
- B. ☒ The sentence is below the guideline range. (Also complete Section VI)
- ☐ The government sought a sentence below the guideline range and the sentence imposed was not below the government's recommendation.
 - ☐ The government sought a sentence below the guideline range and the sentence imposed was below the government's recommendation.
 - ☐ The government did not oppose a sentence below the guideline range.
 - ☐ The government opposed a sentence below the guideline range.
- C. ☐ The sentence is above the guideline range. (Also complete Section VI)
- ☐ The government sought a sentence above the guideline range.
 - ☐ The government did not seek a sentence above the guideline range.
 - ☐ The government opposed a sentence above the guideline range.

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Check Option A if the sentence is within the guideline range. If the difference between the maximum and minimum of the guideline range exceeds 24 months, the court must also state the reasons why the sentence was imposed at the particular point within the range.

Check Option B if the sentence is below the guideline range and also check the subbox corresponding to the position of the government regarding a sentence below the guideline range.

- Check the first subbox if the government recommended a sentence below the guideline range and the sentence the court imposed was either at or higher than the sentence recommended by the government.
- Check the second subbox if the government sought a sentence below the guideline range and the sentence the court imposed was lower than the sentence recommended by the government.
- Check the third subbox if the government did not recommend a sentence below the guideline range but also did not oppose the sentence either through a filing prior to sentencing or in open court at sentencing.
- Check the fourth subbox if the government opposed the imposition of a sentence below the guideline range either through a filing prior to sentencing or in open court at sentencing.

Check Option C if the sentence is above the guideline range and also check the subbox corresponding to the position of the government regarding a sentence above the guideline range.

- Check the first subbox if the government recommended a sentence above the guideline range.
- Check the second subbox if the government did not recommend a sentence above the guideline range but also did not oppose a sentence above the guideline range either through a filing prior to sentencing or in open court at sentencing.
- Check the third subbox if the government opposed a sentence above the guideline range either through a filing prior to sentencing or in open court at sentencing.

Section VI must be completed in cases where the sentence imposed is outside the applicable guideline range.

Section VI contains two parts, Part A and Part B, which are not mutually exclusive; both can apply in a case. Check all boxes in Parts A and B the court finds applicable.

Check **Option A** if the sentence is outside the guideline range, in whole or in part, due to the defendant's **substantial assistance** to authorities.

If the sentence is outside of the guideline range for **any other reason**, check the box(es) corresponding to the specific reason(s) listed under **Option B**.

- If the sentence is outside of the guideline range for a reason not listed, check the "Other" box under Option B and specify the reason on the lines provided.

VI. COURT REASONS FOR IMPOSING A SENTENCE OUTSIDE THE GUIDELINE RANGE: (§5K1.1 OR VARIANCES) (If applicable, check all that apply)

- A. ☒ The defendant's substantial assistance (§5K1.1)
- B. ☒ The nature and circumstances of the offense pursuant to 18 U.S.C. § 3553(a)(1):
- | | | |
|--|--|--|
| <input type="checkbox"/> Dismissed/Uncharged Conduct | <input type="checkbox"/> Mens Rea | <input type="checkbox"/> Victim Impact |
| <input type="checkbox"/> Extreme Conduct | <input type="checkbox"/> Role in the Offense | |
| <input type="checkbox"/> Other Aggravating or Mitigating Factors: (Specify) _____ | | |
| <input type="checkbox"/> Chapter Two Offense Level overstates or understates the seriousness of the offense: (Specify) _____ | | |
- ☐ The history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1):
- | | |
|--|--|
| <input type="checkbox"/> Aberrant Behavior | <input type="checkbox"/> Family Ties and Responsibilities |
| <input type="checkbox"/> Advanced Age | <input type="checkbox"/> Lack of Youthful Guidance/Troubled Childhood |
| <input type="checkbox"/> Application of §4B1.1 (Career Offender) | <input type="checkbox"/> Mental and Emotional Conditions |
| <input type="checkbox"/> Charitable Service/Good Works | <input type="checkbox"/> Military Service |
| <input type="checkbox"/> Child Abuse Victim | <input type="checkbox"/> Non-Violent Offender |
| <input type="checkbox"/> Community Ties | <input type="checkbox"/> Physical Condition |
| <input type="checkbox"/> Diminished Capacity | <input type="checkbox"/> Pre-sentence Rehabilitation/Potential for Future Rehabilitation |
| <input type="checkbox"/> Drug or Alcohol Dependence | <input type="checkbox"/> Remorse/Lack of Remorse |
| <input type="checkbox"/> Education or Vocational Skills | <input type="checkbox"/> Youthfulness of Defendant |
| <input type="checkbox"/> Employment Record | <input type="checkbox"/> Other: (Specify) _____ |

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(example of reasons).

In **Section VII**, the court must state its determinations of whether restitution is to be made, including the total amount of that restitution.

VII. COURT DETERMINATIONS OF RESTITUTION

- A. ☒ **Restitution Not Applicable.**
- B. **Total Amount of Restitution:** \$
- C. **Restitution not ordered:** (Check only one)
- ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
 - ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
 - ☐ For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).
 - ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or 3663A, restitution is not ordered because the victim(s)' losses were not ascertainable (18 U.S.C. § 3664(d)(5)).
 - ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or 3663A, restitution is not ordered because the victim(s) elected to not participate in any phase of determining the restitution order (18 U.S.C. § 3664(g)(1)).
 - ☐ Restitution is not ordered for other reasons. (Explain) _____
- D. ☐ **Partial restitution is ordered for these reasons (18 U.S.C. § 3553(c)):** _____

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Check **Option A** if restitution is not applicable.

Under **Option B**, enter the total amount of restitution ordered to be paid.

The Statement of Reasons form includes all current statutory explanations as to why full restitution may not have been ordered by the court. Check the applicable statutory reasons (Options 1-6) under **Option C** if the court does not order restitution to be made. Check only one.

Check **Option D** if the court orders partial restitution and state the reason.

Use **Section VIII** to include additional information, if any, that did not fit on prior pages or to include additional bases for the sentence imposed in the case.

Defendant Information

At the end of the form, the court should provide the defendant's:

- Social Security Number (if any),
- Date of birth,
- Residence address, and
- Mailing address.
 - *The residence address should be the last known residence before arrest or surrender for sentencing. Do not list a BOP facility as the residence address.*
 - *If the defendant's residence address is also the mailing address, write "same" on the mailing address line.*

Court Information

The court should also provide the:

- Name and title (e.g., USDJ, USMJ) of the judge imposing sentence.
- Date of imposition of sentence, which is the date on which the sentence was pronounced in court.
 - *The "date signed" is the date on which the completed SOR form is signed by the judge imposing the sentence and may be different from the date of imposition of sentence.*

For questions on how to fill out the SOR, please contact AskORD@ussc.gov.

AO 245 SOR (Rev. 11/25) Judgment in a Criminal Case
Attachment (Page 4) — Statement of Reasons

DEFENDANT:
CASE NUMBER:
DISTRICT:

STATEMENT OF REASONS

VII. COURT DETERMINATIONS OF RESTITUTION

A. ☐ **Restitution Not Applicable.**

B. **Total Amount of Restitution:** \$ _____

C. **Restitution not ordered:** (Check only one)

- ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
- ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
- ☐ For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).
- ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or 3663A, restitution is not ordered because the victim(s)' losses were not ascertainable (18 U.S.C. § 3664(d)(5)).
- ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or 3663A, restitution is not ordered because the victim(s) elected to not participate in any phase of determining the amount of restitution.

D. ☐ **Partial restitution is ordered for these reasons (18 U.S.C. § 3663A(c)(3)(C)):**

VIII. ADDITIONAL BASIS FOR THE SENTENCE IN THIS CASE (If applicable, attach additional pages):

Defendant's Soc. Sec. No.: _____ Date of Imposition of Judgment: _____

Defendant's Date of Birth: _____ Signature of Judge: _____

Defendant's Residence Address: _____ Name and Title of Court: _____

Defendant's Mailing Address: _____ Date Signed: _____

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United States Sentencing Commission
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