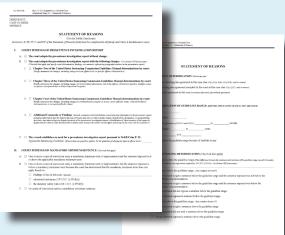
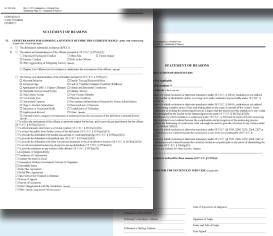


Statement of Reasons

A Step-by-Step Guide to Completing the SOR Form

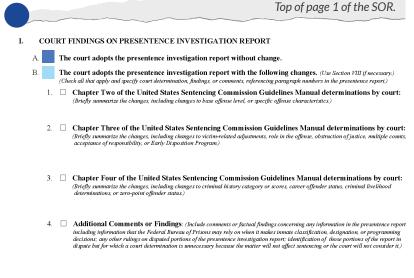




In Section I, the court must state its findings regarding the presentence investigation report.

The court must either:

- adopt the report without change,
- adopt the report with changes and specify those changes,
- or state that it has waived the preparation of the report.



Sometimes at the sentencing hearing the court may make determinations or findings about matters contained in the presentence investigation report.

C. The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.

Applicable Sentencing Guideline: (If more than one guideline applies, list the guideline producing the highest offense level.)

Check Option A if the court adopts the report without change.

Check Option B if the court makes determinations or findings on information contained in the report that are different from those contained in the report as prepared by the Probation Office. Specify the changes made to the report using **subsections B1 through B4** provided on the form.

- Use subsection B1 to specify changes about guideline provisions found in Chapter Two of the Guidelines Manual, including changes to base offense levels or specific offense characteristics.
- Use **subsection B2** to specify changes about guideline provisions found in Chapter Three of the Guidelines Manual, including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, acceptance of responsibility, or participation in an Early Disposition Program.
- Use subsection B3 to specify changes about guideline provisions found in Chapter Four of the Guidelines Manual, including changes to criminal history category or score, career offender status, criminal livelihood determination, or zero-point offender status.
- Rule 32(i) of the Federal Rules of Criminal Procedure requires the judge to rule on any disputed portion of the presentence investigation report or other controverted matter. The court may include additional comments or findings related to facts in the presentence investigation report in subsection B4.

Rule 32(c) requires that a presentence investigation report be made unless the defendant waives it or the court finds that the record contains sufficient information to exercise its sentencing authority without a presentence report. **Check Option C** if the court waives the preparation of the presentence investigation report and list the sentencing guideline that applied in the case. If more than one guideline applied, state the guideline producing the highest offense level.

Bottom of page 1 of the SOR.

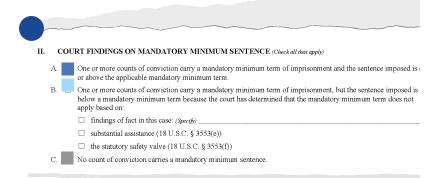
| AO 245 | 5 80 | R | (Rev. 11/25) Judgment in a Criminal Case Attachment (Puge 1) — Statement of Reasons |
|-----------------------|-------|------|--|
| FENE SE N STRIC | UM | | Ŀ |
| | | | STATEMENT OF REASONS |
| Section | 18 I. | n. i | (Not for Public Disclosure) II. IV, V, and VII of the Statement of Reasons form must be completed in all felons and Class A misdemeanor cases. |
| I. | | or | RT HINDINGS ON PRESENTENCE INVESTIGATION REPORT |
| | | | The court adopts the presentence investigation report without change. |
| | | | The court adopts the presentence investigation report with the following changes, (Upe Section VIII if necessary) |
| | | , | (Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report) Chapter Two of the United States Sentencing Commission Guidelines Manual determinations by court: |
| | | 1. | Chapter 1 wo of the United States Sentencing Commission Guidelines Manual determinations by court: (Briefly assumarize the charges, including charges to base offense level, or specific offense characteristics.) |
| | | 2. | Chapter Three of the United States Sentencing Commission Guidelines Manual determinations by court: (Intelly nonvaries the changes, including changes in visitor-related adjustments, rele in the offense, characterise of pastice, multiple counts, acceptance of responsibility, or Early Department Program.) |
| | | 3. | Chapter Four of the United States Sentencing Commission Guidelines Manual determinations by court: (Belgh sunswarize the changes, including changes in criminal history category or scores, curver offender status, criminal livelihood determinations or surveyont offender status) |
| | | 4. | Additional Comments or Findings (Include comment or fixed findings concerning any information in the presentence report including information that the Indust Boron of Present mere they neven be the industrial configuration or programming decisions, on all the Industrial Presents in the Industrial Presents in the Industrial Research Industrial Industr |
| | œ. | | The record establishes no necessary contents investigation report pursuant to Fed.R.Crim.P. 32. |
| | | | Applicable Sentencing Guideline: (5. Septimber 2014) Applicable Sentencing (the highest offense level.) |
| II. | c | OU | RT FINDINGS ON MANDATORY MINE ENTENCE (Check all that apply) |
| | A. | | One or more counts of conviction carry a many nimum 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 mandati mum term of imprisonment, but the sentence imposed is below a mandatory minimum term because the cot apply based on: findings of fact in this case: (89e8) |
| | | | □ substantial assistance (18 U.S.C. § 3553(e)) |
| | | | ☐ the statutory safety valve (18 U.S.C. § 35530 |
| | C. | | No count of conviction carries a mandatory min mence. |
| | | | |

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| CAS | | UM | | | | | 7 | | | | | | |
|-----|----------|---------------------|---------|--|---|--|--|--|--|----------------|------------|-------------------|------------|
| | | | | | 5 | STATE! | MENT | EASC | ONS | | | | |
| Ш | F | LE | A | REEMENT I | DETERMIN | NATION (| Clarck only | | | | | | |
| | A. | | The | re is a non-bin | ling plea ag | reement in | this case | 9(D(4), B | ule 11(c)(1)(| i); onal er wi | SEE(19) | | |
| | В. | | The | re is a binding | plea agreem | ent accepto | ed by th | n this cas | C (Rule II(c) | D(C); onal o | r written) | | |
| | C. | | The | re is no plea ag | reement in t | this case (co | oneisti | l; plea withou | t agreement) | | | | |
| IV. | (| OU | RTI | DETERMINA | TION OF | GUIDY | NGI | E: (BEFORE A | PPLIC4TIO | N OF §5K1.1 | OR VARLU | NCES) | |
| | 1 | al O | ffens | e Level: | | | | _ | | | | | |
| • | | | | | | | | | | | | | |
| | Gui | idelii | R IN | | union of §5G1. | .1 and §5G1.2 | , | | | nonths | | | |
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| v. | | | | | | ninge beci | ause of inab | | ply) | | | | |
| v. | (| GUII | DEL. | ved or below to | CING DET | range beca FERMINA deline range | tuse of imab TION (Che | ock all that ap | nardmun an | | , and | range exceeds 2 | d months |
| v. | (| GUII | DEL. | ved or below t | CING DET | range beca FERMINA deline range | tuse of imab TION (Che | ock all that ap | nardmun an | | | e range exceeds 2 | f months |
| v. | Α. | GUII | The | ved or below to | CING DET | range beci FERMINA deline range | TION (Che Of the differe by 18 U.S.C. 5. | ock all that app mee between the i 3553(c). Use Sec | nardmun an | | | range exceeds 2 | f months |
| v. | Α. | GUII | The The | INE SENTEN sentence is wi | CING DET thin the guid or was imposed low the guid ant sought a | range becarrence becarrence becarrence be | TION (Che C (If the differe by 18 U.S.C. 5. | ock all that app noce between the 3553(c). Use Sec ste Section VI) | naodmum an tion VIII if ne | emp) | | | l months |
| v. | Α. | GUII | The The | NE SENTEN sentence is wi sentence is be The government | CING DET thin the guid ce was imposed low the guid ent sought a recommend ent sought a | range becarring the range data repaired deline range sentence be lation. | TION (Che (If the differe by 18 U.S.C. §. (Also comple ellow the gui | ock all that app more between the i 3553(c). Use Sec- nte Section VI) ideline range | nandmum on tion VIII if no and the ser | tence imp | osed was n | sot below the | d monatica |
| v. | Α. | GUII | The The | NE SENTEN sentence is wi sentence is be sentence is be The government's: The government's | CING DET thin the guid ce was imposed low the guid ant sought a recommend ant sought a recommend | range becarring the range description of the range of the | TION (Che c (I) the differe ty 18 U.S.C. 5. 2. (Also couple elow the gui | nce between the i 3551(c). Use Sec- nte Section VI) ideline range | and the ser | tence imp | osed was n | sot below the | l months |
| v. | A. | GUII | The The | NE SENTEN sentence is wi sentence is be sentence is be The government's: The governmengovernment's | CING DET thin the guid low the guid low the guid ent sought a recommend ent sought a recommend ent did not o | FERMINA' deline range de as required de sentence be lation. sentence be dation. sppose a ser | TION (Che c (If the differe by 18 U.S.C. 5. 2. (Also couple elow the gui- elow the gui- | ock all that app mee between the i 3553/(c). Use Sec- ote Section VI) ideline range: ideline range: | and the ser and the ser and the ser | tence imp | osed was n | sot below the | of months |
| v. | A. B. | GUII stork | The | NE SENTEN sentence is wi sentence is be sentence is be The government's The government's The government's | cing DET thin the guide consult imposed low the guident sought a recommender recommender that sought a recommender int did not of ent opposed. | FERMINA' deline range das regained deline range sentence be lation. sentence be dation. seppose a ser a sentence | TION (Che to (If the difference to It is U.S.C. f. to (Line comple clow the gui- telow the gui- telow the gui- telow the gui- telow the gui- | nck all that app mee between the 1353%, Use See the Section VI) ideline range ideline range w the guideline auideline range | and the ser and the ser and the ser | tence imp | osed was n | sot below the | d months |
| v. | A. B. | GUII stork | The The | INE SENTEN sentence is wi sentence is wi sentence is be sentence is be The government's The government's The government's The government's | CING DET thin the guide over leapose low the guide ent sought a recommend ent sought a recommend ent did not o ent opposed over the guide | FERMINA' deline range des required deline range sentence be lation. sentence be dation. sppose a ser a sentence eleline range | TION (Che c (If the difference) by 18 U.S.C. 5. c. (Also comple elow the gui attence below below the g c. (Also comple | nce between the assistance of the Section VI) idealine range ideline range with guideline range and the guideline range and the Section VI) | and the ser and the ser and the ser | tence imp | osed was n | sot below the | d months |
| v. | A. B. | GUII storic — | The The | NE SENTEN sentence is wi ne sentence is wi ne government's The governme government's The governme The government's The government's | CING DET thin the guid over the guid over the guid that sought a recommend ant sought a recommend ant did not o over the guid over the guid ant sought a | FERMINA' deline range des required deline range sentence be lation. sentence be destion. seppose a ser a sentence beline range sentence al | TION (Che e (If the differe to It I U.S.C. §. 2. (Also comple elow the gui attence belov below the g 5. (Also comple comple to the g 6. (Also comp | nce between the assistance of the Section PT) ideline range is deline range in the guideline range in the guideline range in the Section PT ideline range in the Section PT ideline range. | mandenum can state VIII if no and the sea and the sea e range. | tence imp | osed was n | sot below the | d montha |

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

There are three options.



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.

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.



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.

| COURT DETERMINATION OF GUIDELINE RANGE: (BEFORE APPLICATION OF §SKL1 OR VARIANCES) |
|--|
| Total Offense Level: |
| Criminal History Category: |
| Guideline Range: (after application of §5G1.1 and §5G1.2)to |
| Supervised Release Range: to years |
| Fine Range: \$ to \$ |
| Fine waived or below the guideline range because of inability to pay. |
| |

Middle of page 2 of the SOR.

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. GU | UIDELINE 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, tate the reason(s) the sentence was imposed as required by 18 U.S.C. §3553(c). Use Section VIII if necessary.) |
| В. | 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. |
| | \square 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. |

Bottom of page 2 of the SOR.

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.

| | must be completed in cases where the sentence imposed is outside the applion ontains two parts, Part A and Part B, which are not mutually exclusive; both can | |
|--|---|--|
| Check Opti | Parts A and B the court finds applicable. on A if the sentence is outside the guideline range, in whole or in part, due to the assistance to authorities. | e defendant's |
| If the senter specific reas • If the ser | nce is outside of the guideline range for any other reason , check the box(es) corr son(s) listed under Option B . Intence is outside of the guideline range for a reason not listed, check the "Other" box ur on on the lines provided. | |
| | VI. COURT REASONS FOR IMPOSING A SENTENCE OUTSIDE THE GUIDELINE RANGE: (§SK1.1 OR VARIANCES) (If applicable, check all that apply) A. The defendant's substantial assistance (§SK1.1) B. The nature and circumstances of the offense pursuant to 18 U.S.C. § 3553(a)(1): Dismissed/Uncharged Conduct | Page 3 of the SOR (example of reasons). |
| | II, the court must state its determinations of whether restitution is to be made, hat restitution. VII. COURT DETERMINATIONS OF RESTITUTION A. Restitution Not Applicable. B. Total Amount of Restitution: S C. Restitution not ordered: (Check only one) 1. For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered | including the total Top of page 4 of the SOR. |
| | because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A). 2. □ 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). 3. □ 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). 4. □ 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)'(s) losses were not ascertainable (18 U.S.C. § 3664(d)(5)). 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)). | |

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

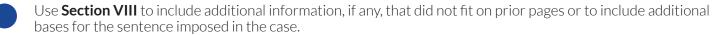
Under **Option B**, enter the total amount of restitution ordered to be paid.

D. Partial restitution is ordered for these reasons (18 U.S.C. § 3553(c)):

6. Restitution is not ordered for other reasons. (Explain)

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.



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.

| DEFENDANT: CASE NUMBER: DISTRICT: | |
|---|---|
| STATEM | ENT OF REASONS |
| VII. COURT DETERMINATIONS OF RES | TITUTION |
| A. Restitution Not Applicable. | |
| B. Total Amount of Restitution: \$ | |
| C. Restitution not ordered: (Check only one) | |
| because the number of identifial 3663A(c)(3)(A). | on is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered ble victims is so large as to make restitution impracticable under 18 U.S.C. § on is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered |
| because determining complex is would complicate or prolong th would be outweighed by the bu | ssues of fact and relating them to the cause or amount of the victims' losses e sentencing process to a degree that the need to provide restitution to any victing right on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B). |
| guidelines, restitution is not ord | stitution is authorized under $18 \mathrm{U.s.c.} \S 3663$ and/or required by the sentencing tered because the complication and prolongation of the sentencing process a restitution order outweigh the need to provide restitution to any victims under the provided restitution to the p |
| For offenses for which restitution | on is otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or d because the victim(s)/(s) losses were not ascertainable (18 U.S.C. § |
| 3664(d)(5)). | is otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or |
| 3664(d)(5)). | is otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or evictim(s) elected to not participate in any phase of determining the |
| S | is otherwise mandatory under I8 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or crictim(s) elected to not participate in any phase of determining the victim(s) elected to not participate in any phase of determining the victim(s) elected to not participate in any phase of determining the victim(s) elected to not participate in any phase of determining the victim (s). |
| 5. Partial restitution is ordered for the | is otherwise mandatory under I8 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or crictim(s) elected to not participate in any phase of determining the victim(s) elected to not participate in any phase of determining the victim(s) elected to not participate in any phase of determining the victim(s) elected to not participate in any phase of determining the victim (s). |
| 5. Partial restitution is ordered for the | the otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or the victim(s) elected to not participate in any phase of determining the victim(s) elected to not participate in any phase of determining the victim(s) elected to not participate in any phase of determining the victim(s) elected to not participate in any phase of determining the victim (s). |
| D. Partial restitution is ordered for the VIII. ADDITIONAL BASIS FOR THE SENT | the otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or the victim(s) elected to not participate in any phase of determining the victim(s) elected to not participate in any phase of determining the victim(s) elected to not participate in any phase of determining the victim(s) elected to not participate in any phase of determining the victim (s). |
| D. Partial restitution is ordered for the VIII. ADDITIONAL BASIS FOR THE SENT | the otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or the victim(s) elected to not participate in any phase of determining the victim(s) elected to not participate in any phase of determining the hese reasons (18 12): EENCE IN THIS CASE (1/4) Date of Imposition of Ju |

Bottom of page 4 of the SOR.

United States Sentencing Commission www.ussc.gov askORD@ussc.gov

