

Table 28A

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
IN EACH OUTSIDE OF THE RANGE ATTRIBUTION CATEGORY<sup>1</sup>  
Fiscal Year 2006**

	<b>Pursuant to a Plea Agreement</b>										
	<b>TOTAL CASES</b>	<b>§5K1.1 Plea Agreement</b>		<b>§5K3.1 Plea Agreement</b>		<b>Binding Plea Accepted by Court</b>		<b>Plea w/ Departure Court Finds Reasonable</b>		<b>Plea Agreement States Gov't Will Not Oppose</b>	
		n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>26,880</b>	<b>6,850</b>	<b>25.5</b>	<b>4,081</b>	<b>15.2</b>	<b>1,726</b>	<b>6.4</b>	<b>1,191</b>	<b>4.4</b>	<b>166</b>	<b>0.6</b>
<b>Above Range</b>	<b>1,129</b>	<b>2</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>167</b>	<b>14.8</b>	<b>60</b>	<b>5.3</b>	<b>1</b>	<b>0.1</b>
Upward Departure From Guideline Range	412	0	0.0	0	0.0	85	20.6	34	8.3	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	177	0	0.0	0	0.0	24	13.6	16	9.0	1	0.6
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	455	1	0.2	0	0.0	46	10.1	10	2.2	0	0.0
All Remaining Cases Above Guideline Range	85	1	1.2	0	0.0	12	14.1	0	0.0	0	0.0
<b>Government Sponsored Below Range</b>	<b>17,244</b>	<b>6,848</b>	<b>39.7</b>	<b>4,081</b>	<b>23.7</b>	<b>1,559</b>	<b>9.0</b>	<b>1,131</b>	<b>6.6</b>	<b>165</b>	<b>1.0</b>
§5K1.1 Substantial Assistance Departure	10,139	6,848	67.5	65	0.6	192	1.9	223	2.2	30	0.3
§5K3.1 Early Disposition Program Departure	5,166	0	0.0	4,016	77.7	457	8.8	294	5.7	31	0.6
Other Government Sponsored Below Range	1,939	0	0.0	0	0.0	910	46.9	614	31.7	104	5.4
<b>Below Range</b>	<b>8,507</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Downward Departure From Guideline Range	1,903	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	1,432	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	4,243	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	929	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 28A (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>2,433</b>	<b>9.1</b>	<b>129</b>	<b>0.5</b>	<b>653</b>	<b>2.4</b>	<b>1,691</b>	<b>6.3</b>	<b>1,909</b>	<b>7.1</b>	<b>3,442</b>	<b>12.8</b>	<b>5,940</b>	<b>22.1</b>
<b>Above Range</b>	<b>3</b>	<b>0.3</b>	<b>0</b>	<b>0.0</b>	<b>116</b>	<b>10.3</b>	<b>11</b>	<b>1.0</b>	<b>12</b>	<b>1.1</b>	<b>475</b>	<b>42.1</b>	<b>379</b>	<b>33.6</b>
Upward Departure From Guideline Range	1	0.2	0	0.0	46	11.2	4	1.0	0	0.0	140	34.0	118	28.6
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	30	16.9	4	2.3	4	2.3	113	63.8	53	29.9
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	2	0.4	0	0.0	39	8.6	2	0.4	7	1.5	220	48.4	139	30.5
All Remaining Cases Above Guideline Range	0	0.0	0	0.0	1	1.2	1	1.2	1	1.2	2	2.4	69	81.2
<b>Government Sponsored Below Range</b>	<b>2,430</b>	<b>14.1</b>	<b>129</b>	<b>0.7</b>	<b>537</b>	<b>3.1</b>	<b>473</b>	<b>2.7</b>	<b>248</b>	<b>1.4</b>	<b>415</b>	<b>2.4</b>	<b>1,945</b>	<b>11.3</b>
§5K1.1 Substantial Assistance Departure	2,430	24.0	6	0.1	299	2.9	179	1.8	123	1.2	209	2.1	912	9.0
§5K3.1 Early Disposition Program Departure	0	0.0	123	2.4	43	0.8	155	3.0	77	1.5	71	1.4	799	15.5
Other Government Sponsored Below Range	0	0.0	0	0.0	195	10.1	139	7.2	48	2.5	135	7.0	234	12.1
<b>Below Range</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>1,207</b>	<b>14.2</b>	<b>1,649</b>	<b>19.4</b>	<b>2,552</b>	<b>30.0</b>	<b>3,616</b>	<b>42.5</b>
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	404	21.2	402	21.1	460	24.2	662	34.8
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	253	17.7	403	28.1	614	42.9	561	39.2
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	497	11.7	816	19.2	1,437	33.9	1,578	37.2
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	53	5.7	28	3.0	41	4.4	815	87.7

<sup>1</sup>Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 5,914 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.