

Table 28

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY SENTENCING GUIDELINE<sup>1</sup>  
Fiscal Year 2005, Post-Booker (January 12, 2005, through September 30, 2005)**

Guideline	Total	Within Guideline Range	Departure Above Range <sup>2</sup>		Otherwise Above Range <sup>2</sup>		Government Sponsored			Departure Below Range <sup>3</sup>		Otherwise Below Range <sup>3</sup>	
			Gdline Only	with Booker	with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2A1.1	120	69	0	0	0	0	34	0	6	0	0	8	3
§2A1.2	27	12	1	2	1	4	1	0	1	1	0	2	2
§2A1.3	14	6	3	1	0	1	0	0	0	2	0	1	0
§2A1.4	27	20	0	0	0	4	0	0	0	2	0	1	0
§2A1.5	12	8	0	0	0	1	1	0	1	0	0	1	0
§2A2.1	34	21	0	0	2	2	2	0	2	1	0	3	1
§2A2.2	262	192	1	2	3	10	2	1	20	17	2	9	3
§2A2.3	27	21	1	0	1	0	1	0	0	1	0	2	0
§2A2.4	104	77	0	0	5	1	0	0	5	2	3	6	5
§2A3.1	111	79	0	0	5	5	0	0	12	2	1	5	2
§2A3.2	114	83	0	2	2	1	5	0	6	3	0	9	3
§2A3.3	5	5	0	0	0	0	0	0	0	0	0	0	0
§2A3.4	27	16	1	0	3	1	1	0	1	1	0	1	2
§2A4.1	46	27	0	0	1	0	9	1	3	1	0	1	3
§2A4.2	1	0	0	0	0	0	0	1	0	0	0	0	0
§2A5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2A5.2	9	7	0	0	0	0	0	0	1	0	0	0	1
§2A5.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2A6.1	107	73	0	0	3	5	1	0	6	9	2	5	3
§2A6.2	5	3	0	0	0	0	0	0	0	0	1	0	1
§2B1.1	5,272	3,697	12	6	57	64	533	7	94	128	56	343	275
§2B1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B1.3	5	2	0	0	0	0	0	0	0	0	0	3	0
§2B1.4	2	2	0	0	0	0	0	0	0	0	0	0	0
§2B1.5	9	4	0	0	0	0	0	0	1	1	0	2	1
§2B2.1	45	29	0	0	1	0	3	0	1	2	1	5	3
§2B2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B2.3	3	3	0	0	0	0	0	0	0	0	0	0	0
§2B3.1	1,403	878	6	2	15	16	230	0	35	35	20	97	69
§2B3.2	35	14	0	0	1	0	8	0	3	2	1	3	3
§2B3.3	11	6	0	0	0	0	0	0	2	0	0	1	2
§2B4.1	49	33	0	0	0	0	4	0	2	2	0	5	3
§2B5.1	381	276	1	0	2	1	41	0	4	8	6	33	9
§2B5.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B5.3	108	56	0	0	0	0	24	0	10	8	1	6	3
§2B5.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B6.1	12	3	0	0	0	0	6	0	0	0	0	3	0
§2C1.1	183	77	2	0	3	0	65	0	7	2	2	14	11
§2C1.2	17	8	0	0	0	0	3	0	2	1	1	1	1
§2C1.3	5	5	0	0	0	0	0	0	0	0	0	0	0
§2C1.4	2	2	0	0	0	0	0	0	0	0	0	0	0
§2C1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2C1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2C1.7	31	16	0	0	2	0	10	0	0	0	0	3	0
§2C1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.1	17,595	9,324	12	2	52	52	4,617	711	523	383	163	1,179	577
§2D1.2	249	125	2	1	2	0	69	1	7	5	3	27	7
§2D1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.5	14	5	0	0	0	1	7	0	0	0	0	1	0





Table 28 (cont.)

Guideline	Total	Within Guideline Range	Departure Above Range <sup>2</sup>		Otherwise Above Range <sup>2</sup>		Government Sponsored			Departure Below Range <sup>3</sup>		Otherwise Below Range <sup>3</sup>	
			Gdline Only	with Booker	with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2N3.1	1	1	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	171	136	0	2	1	1	2	3	4	5	0	13	4
§2P1.2	59	48	0	0	1	1	3	0	0	1	0	3	2
§2P1.3	10	10	0	0	0	0	0	0	0	0	0	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	33	14	0	0	0	0	10	0	2	3	0	1	3
§2Q1.3	32	15	0	0	0	0	10	0	3	2	0	1	1
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	78	59	0	0	1	0	5	1	1	2	0	4	5
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	13	5	0	0	0	0	7	0	0	0	1	0	0
§2S1.1	735	325	0	2	3	2	249	1	22	10	10	75	36
§2S1.2	16	10	0	0	0	0	6	0	0	0	0	0	0
§2S1.3	206	122	0	0	2	0	20	6	7	9	3	21	16
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	389	191	0	0	5	1	66	0	11	21	9	49	36
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	1	1	0	0	0	0	0	0	0	0	0	0	0
§2T1.4	85	39	0	0	4	1	11	0	4	6	0	12	8
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	10	5	0	0	0	0	1	0	0	1	0	2	1
§2T1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	12	5	0	0	0	0	2	0	0	0	1	2	2
§2T2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	24	12	0	0	0	0	4	1	5	0	1	0	1
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	95	60	0	0	0	0	20	0	5	3	0	5	2
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	91	50	0	0	2	0	14	0	5	3	2	7	8
§2X4.1	335	209	2	1	5	2	51	3	14	8	5	18	17
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>48,161</b>	<b>28,800</b>	<b>96</b>	<b>36</b>	<b>340</b>	<b>323</b>	<b>7,422</b>	<b>3,180</b>	<b>1,432</b>	<b>1,171</b>	<b>483</b>	<b>3,121</b>	<b>1,757</b>

<sup>1</sup>Of the 53,674 cases, 5,513 were excluded due to one or both of the following reasons: missing information needed to determine the relationship between the sentence imposed and the guideline range (2,328) or missing guideline applied (4,693). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup>See Tables 24-24C for a list of departure reasons comprising these categories.

<sup>3</sup>See Tables 25-25C for a list of departure reasons comprising these categories.

SOURCE: U.S. Sentencing Commission, 2005 Datafile, USSCFY05, Post-Booker Only Cases (January 12, 2005, through September 30, 2005).