

Table 28A

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
FOR OUTSIDE OF THE RANGE ATTRIBUTION CATEGORY¹
Fiscal Year 2007**

	Pursuant to a Plea Agreement										
	TOTAL CASES	§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		n	%	n	%	n	%	n	%	n	%
TOTAL	27,389	7,072	25.8	5,081	18.6	2,237	8.2	1,742	6.4	150	0.5
Above Range	1,060	6	0.6	11	1.0	168	15.8	110	10.4	3	0.3
Upward Departure From Guideline Range	324	0	0.0	3	0.9	73	22.5	45	13.9	1	0.3
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	143	1	0.7	0	0.0	28	19.6	22	15.4	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	491	0	0.0	0	0.0	58	11.8	35	7.1	2	0.4
All Remaining Cases Above Guideline Range	102	5	4.9	8	7.8	9	8.8	8	7.8	0	0.0
Government Sponsored Below Range	17,896	7,066	39.5	5,070	28.3	2,069	11.6	1,632	9.1	147	0.8
§5K1.1 Substantial Assistance Departure	10,049	7,066	70.3	94	0.9	280	2.8	294	2.9	32	0.3
§5K3.1 Early Disposition Program Departure	5,233	0	0.0	4,976	95.1	750	14.3	187	3.6	7	0.1
Other Government Sponsored Below Range	2,614	0	0.0	0	0.0	1,039	39.7	1,151	44.0	108	4.1
Below Range	8,433	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,757	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	1,013	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	4,957	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	706	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	%
TOTAL	2,771	10.1	160	0.6	750	2.7	2,276	8.3	2,407	8.8	3,959	14.5	3,245	11.8
Above Range	4	0.4	0	0.0	110	10.4	20	1.9	5	0.5	511	48.2	225	21.2
Upward Departure From Guideline Range	2	0.6	0	0.0	46	14.2	7	2.2	3	0.9	116	35.8	45	13.9
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	22	15.4	10	7.0	2	1.4	106	74.1	29	20.3
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	35	7.1	3	0.6	0	0.0	278	56.6	85	17.3
All Remaining Cases Above Guideline Range	2	2.0	0	0.0	7	6.9	0	0.0	0	0.0	11	10.8	66	64.7
Government Sponsored Below Range	2,767	15.5	160	0.9	640	3.6	668	3.7	386	2.2	563	3.1	519	2.9
§5K1.1 Substantial Assistance Departure	2,767	27.5	6	0.1	304	3.0	297	3.0	158	1.6	296	2.9	334	3.3
§5K3.1 Early Disposition Program Departure	0	0.0	154	2.9	56	1.1	176	3.4	131	2.5	74	1.4	80	1.5
Other Government Sponsored Below Range	0	0.0	0	0.0	280	10.7	195	7.5	97	3.7	193	7.4	105	4.0
Below Range	0	0.0	0	0.0	0	0.0	1,588	18.8	2,016	23.9	2,885	34.2	2,501	29.7
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	514	29.3	415	23.6	504	28.7	359	20.4
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	280	27.6	386	38.1	592	58.4	208	20.5
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	775	15.6	1,206	24.3	1,768	35.7	1,273	25.7
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	19	2.7	9	1.3	21	3.0	661	93.6

¹Multiple 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, 7,864 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.