

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 scores, career offender status, criminal livelihood determinations, or zero-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 in dispute but for 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: *(If more than one guideline applies, list the guideline producing 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.

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), Rule 11(c)(1)(B); 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 §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.

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.

DEFENDANT:
CASE NUMBER:
DISTRICT:

STATEMENT OF REASONS

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) _____ | | |
- ☐ 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) _____ |
- ☐ Criminal history category overrepresents or underrepresents the seriousness of the defendant's criminal history: (Specify) _____
- ☐ To reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A))
- ☐ To afford adequate deterrence to criminal conduct (18 U.S.C. § 3553(a)(2)(B))
- ☐ To protect the public from further crimes of the defendant (18 U.S.C. § 3553(a)(2)(C))
- ☐ To provide the defendant with needed educational or vocational training (18 U.S.C. § 3553(a)(2)(D))
- ☐ To provide the defendant with medical care (18 U.S.C. § 3553(a)(2)(D))
- ☐ To provide the defendant with other correctional treatment in the most effective manner (18 U.S.C. § 3553(a)(2)(D))
- ☐ To avoid unwarranted sentencing disparities among defendants (18 U.S.C. § 3553(a)(6))
- ☐ To provide restitution to any victims of the offense (18 U.S.C. § 3553(a)(7))
- ☐ Acceptance of Responsibility
- ☐ Conditions of Confinement
- ☐ Conduct Pre-trial/On Bond
- ☐ Cooperation Without Government Motion for Departure
- ☐ Deportable Status
- ☐ Early Plea Agreement
- ☐ Global Plea Agreement
- ☐ Time Served Not Counted in Sentence
- ☐ Waiver of Appeal
- ☐ Waiver of Indictment
- ☐ Policy Disagreement with the Guidelines: (Specify) _____
- ☐ Other: (Specify, using Section VIII if necessary.) _____

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)*

1. ☐ 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).
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)).
6. ☐ Restitution is not ordered for other reasons. *(Explain)*

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

VIII. ADDITIONAL BASIS FOR THE SENTENCE IN THIS CASE *(If applicable)*

Defendant's Soc. Sec. No.: _____

Date of Imposition of Judgment: _____

Defendant's Date of Birth: _____

Defendant's Residence Address:

Signature of Judge

Defendant's Mailing Address:

Name and Title of Judge

Date Signed: _____