

# Glossary of Sentencing Terms

**Appendix A:** This index specifies the offense guideline in Chapter Two applicable to the statute of conviction. The Chapter Two guideline is then used to establish the offense severity level, which is reflected on the vertical axis of the sentencing table and in part determines the guidelines range.

**Application Note:** Commentary following a guideline that provides additional guidance about how a particular guideline provision should be applied. Application notes define terms used in the guideline and provide examples and other clarifying information.

**Base Offense Level (“BOL”):** Found in all Chapter Two guidelines, the base offense level is the starting point for determining the offense-severity level for an offense. Specified aggravating and mitigating facts may increase or decrease the offense-severity level.

**Criminal History Category (“CHC”):** The category assigned to the defendant based on the defendant’s prior criminal history. Criminal history category is determined according to rules contained in Chapter 4 of the Guidelines Manual. The criminal history category is reflected in the horizontal axis of the sentencing table. A higher criminal history category increases the guidelines range.

**Cross Reference:** A provision in some Chapter Two guidelines that directs the Court, under certain circumstances, to apply a different guideline than the one referenced in Appendix A.

**Departure:** A sentence either above or below the guideline range based upon one or more factors in the Guidelines Manual. The most commonly applied departure is the downward departure based on the defendant’s substantial assistance to the government in the investigation or prosecution of others. The substantial assistance departure is found at USSG §5K1.1. Other departures are located throughout the Guidelines Manual.

**Good Time Credit:** Refers to the reduction of up to 54 days per year a defendant may earn for good conduct in

prison. The Bureau of Prisons awards the credit, which applies to sentences greater than 12 months.

**Grouping:** Term used to describe the rules that apply when a defendant is being sentenced for multiple counts of conviction. For certain offenses, multiple counts are treated as one count of conviction when determining the guidelines range. (e.g., drugs offenses, fraud) For other offenses, a separate guidelines range is calculated for each count of conviction, and the grouping rules determine the incremental increase in punishment for each additional count. (e.g., robbery, assault) (See Chapter 3, Part D of the Guidelines Manual).

**Historical Note:** Historical notes to each guideline provision list each time the guideline was amended. The text of each amendment is located in Appendix C of the Guidelines Manual.

**Mandatory Minimum:** The minimum sentence, as mandated by statute, that must be imposed for an offense. The most frequently encountered offenses with mandatory minimums are drug trafficking offenses. Two mechanisms allowing a sentence below the mandatory minimum include a government motion for substantial assistance, and the safety valve, both of which are codified in statutes.

**Offense Level:** The severity-level of an offense, determined in Chapters 2 and 3 of the Guidelines Manual and reflected on the vertical axis of the sentencing table.

**Presentence Report (“PSR”):** A report, filed under seal by a probation officer, which contains information about the offense and offender, the statutory range of punishment, and the guidelines calculation, as well as any bases for

imposing a sentence above or below the guideline range.

**Relevant Conduct:** This provision, located at §1B1.3, specifies the conduct for which a defendant may be held accountable in the determination of the offense level. The conduct need not have been formally charged or proved at trial, so long as the sentencing court finds the facts by a preponderance of the evidence. Relevant conduct may include the defendant’s conduct as well as the conduct of others under certain circumstances.

**Safety Valve:** Codified at 18 U.S.C. § 3553(f), this provision allows the court to sentence a defendant without regard to an otherwise applicable mandatory minimum term of imprisonment. The corresponding guidelines provision is USSG §5C1.2.

**Sentencing Table:** Found in Chapter 5 of the Guidelines Manual and reprinted on the back cover, the table contains the guidelines ranges that correspond to the offense level and criminal history category determined by the court.

**Specific Offense Characteristic (“SOC”):** Aggravating or mitigating factors that, provided the court finds they exist, either increase or decrease the offense severity level.

**Statement of Reasons (“SOR”):** Court document (AO Form 245(b)), filed under seal, that provides certain details about the sentence and the reasons the court imposed it.

**Supervised Release:** Post-confinement monitoring of a defendant by a court, through the Probation and Pretrial Services Office. The primary purpose of supervised release is facilitating the defendant’s reentry into the community. The court sets conditions of supervised release at the time of sentencing but may modify them later, or may revoke a defendant’s supervised release and return the defendant to prison.

**Variance:** A sentence above or below the guideline range based upon one or more of the factors listed at 18 U.S.C. § 3553(a)(1) - (7).

