

JSIN Exclusion Brief

SINGLE-CASE FEDERAL SENTENCING COMPARABLES BRIEF

MATTER — *United States v. [Client Name]*

DISTRICT — W.D. [Anonymized]

CHARGE CLUSTER — Drug distribution / 21 U.S.C. § 841

OFFENSE LEVEL — **24**

CRIMINAL HISTORY — **Category III**

COMPARABLE CASES — **691**

GENERATED — September 14, 2024

JSIN CELL ANALYSIS.

JSIN CELL AS PUBLISHED

24 / III

JSIN MEDIAN **57 mo.**

JSIN MEAN **62 mo.**

JSIN N (CASES) **N = 312**

WHAT JSIN EXCLUDES

NON-IMPRISONMENT SENTENCES **48**

5K1.1 COOPERATION DEPARTURES **91**

MANDATORY-MINIMUM SENTENCES **37**

>5-YEAR-OLD DATA **203**

JSIN reports N=312 cases. USSC universe: 691. Excluded: 379 (55%).

EXAMPLE — ILLUSTRATIVE DATA

EXCLUDED SLICES — DETAIL.

EXCLUDED SLICE	COUNT	MEDIAN (MO.)	SHARE OF UNIVERSE
Non-imprisonment sentences	48	0	6.9%
5K1.1 cooperation departures	91	24	13.2%
Mandatory-minimum sentences	37	—	5.4%
>5-year-old data (pre-FY2019)	203	54	29.4%

Source: [U.S. Sentencing Commission public datafile](#) ¹. Cells with N<3 suppressed per JSIN methodology.

SUGGESTED FACTUAL RECITAL — FOR COUNSEL'S REVIEW AND EDITING.**EDIT BEFORE FILING — § 3006A FACTUAL RECITAL (TEMPLATE)**

Counsel requests expert funds under 18 U.S.C. § 3006A to retain a federal sentencing data analyst. JSIN, the Sentencing Commission's online sentencing-information tool, reports a cell of **312** cases for Offense Level **24** / Criminal History Category **III**. USSC public data reflects a universe of **691** cases in the same cell. The **379** cases JSIN omits include non-imprisonment sentences, cooperation departures, and mandatory-minimum-controlled sentences — each a meaningful data point the Commission itself collected.

Template — review and edit before filing. Copy via the field below for use in your § 3006A motion.

Plain text

Counsel requests expert funds under 18 U.S.C. § 3006A to retain a federal sentencing data analyst. JSIN, the Sentencing Commission's online sentencing-information tool, reports a cell of 312 cases for Offense Level 24 / Criminal History Category III. USSC public data reflects a universe of 691 cases in the same cell. The 379 cases JSIN omits include non-imprisonment sentences, cooperation departures, and mandatory-minimum-controlled sentences — each a meaningful data point the Commission itself collected.

Practitioner commentary supports requesting § 3006A expert funds to analyze JSIN-driven figures in Pre-Sentence Reports. Source data: ussc.gov/research/datafiles ↗.

METHODOLOGY & DATA SOURCES

This section documents the data sources, matching logic, exclusions, and limitations that govern the comparables in this brief. Every comparable row in the Comparables Table cites the USSC public datafile vintage from which it was drawn. The Sentencing Commission anonymizes its case-level microdata by design — there is no per-case URL on ussc.gov; the cited datafile is the verifiable source of record.

1. Data Source

All sentencing data in this brief is drawn from the **United States Sentencing Commission (USSC) public datafiles**, available at ussc.gov/research/datafiles. The USSC publishes anonymized sentencing records for every federal case sentenced under the Sentencing Reform Act of 1984, covering fiscal years 1987 to present.

This brief uses the consolidated multi-year datafile spanning **FY2019–FY2023** (USSC Datafiles (through FY2023)). The full population of sentences imposed under the Guidelines during that period is approximately 341,000 cases per year. After applying the matching criteria below, the comparable pool for this brief is **691 cases**.

The USSC data is released under [28 U.S.C. § 994\(w\)](#) and is public record. No proprietary data sources are used.

2. Matching Criteria

Comparable cases are selected by exact match on three fields drawn directly from the USSC datafile:

- Charge cluster:** Drug distribution / 21 U.S.C. § 841. Cases are matched on the primary statute of conviction as recorded in the USSC OFFTYPE2 variable. Charge clusters may include sub-offense variants where the USSC treats them as a unified guidelines cell.
- Final offense level:** 24. The final adjusted offense level after all enhancements, reductions, and Chapter 4 adjustments, as recorded in USSC variable XFOLSOR.
- Criminal history category:** Category III (4–6 criminal history points). The criminal history category as determined by the sentencing court and recorded in USSC variable XCRHISSR.

No additional filters are applied beyond these three fields. Cases sentenced to non-imprisonment (probation, time served, or alternative sentences) are *included* in the distribution — unlike JSIN, which excludes all non-imprisonment outcomes.

3. Exclusions

The following records are excluded from the comparable pool:

- Sealed or suppressed records** where the USSC datafile carries a suppression flag (USSC variable SUPPDIST).
- Cases with incomplete Guidelines calculations** (USSC GLMIN or GLMAX missing or zero without a clear mandatory- minimum explanation).
- Re-sentencings and resentencing-on-remand** (USSC SENTTCAP = 1) where the original sentence was vacated — included only if the case also appears as an original sentence.

Note: unlike JSIN, this brief does **not** exclude 5K1.1 substantial-assistance departures or any other departure type from the distribution. The departure composition is documented separately in the Departure Patterns table.

4. Limitations

This brief has the following limitations that counsel should consider before relying on its data:

- **Temporal lag.** USSC datafiles are released 12–18 months after the fiscal year closes. Recent sentencing trends are not captured until the next datafile release.
- **Anonymization.** USSC records are anonymized by design. Source-citation URLs link to the USSC public datafile entry, not to the court docket. Docket-level lookup requires independent PACER access.
- **Exact-match scope.** This brief matches on offense level and criminal history category. It does not account for judge-specific tendencies, district-specific patterns, or case-specific factors outside the Guidelines calculation.
- **Sample size floor.** If the comparable pool falls below 10 cases, the distribution and departure statistics carry elevated variance. See the sample size (n=691) noted throughout this brief.
- **Not legal advice.** This brief is a public-records research exhibit prepared for use by licensed counsel. The data is what the Sentencing Commission collected; the determination of what it means for any specific case is a legal judgment that belongs to counsel.

5. Privilege handling

This brief aggregates only public-record USSC datafile information and contains no client-identifying data. The brief is not work-product as to the underlying USSC data; counsel may file it as an exhibit without waiver concern.

The order parameters used to generate this brief (charge cluster, offense level, criminal history category, district) ARE work-product. They are stored under attorney work-product principles and are not visible on the rendered artifact itself.

Counsel is responsible for verifying every datafile citation and for the legal judgment of how the data applies to a specific case. See [FRCP 26\(b\)\(3\)](#) and [Hickman v. Taylor, 329 U.S. 495 \(1947\)](#).

Source-citation summary: Every comparable in this brief cites the USSC public datafile vintage from which it was drawn. The total citation count is displayed in the brief footer. The USSC anonymizes case-level microdata, so verification is at the datafile level — not per-docket.

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4 source citations in this brief — each tied to the USSC public datafile vintage from which the data was drawn.

JSIN Exclusion Brief · Data: United States Sentencing Commission public datafiles · ussc.gov/research/datafiles

BENCHRECON

USSC PUBLIC RECORDS

EXAMPLE — ILLUSTRATIVE DATA