

U.S. Sentencing Commission Final Quarterly Data Report



Fiscal Year 2007

Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted by courts to the Commission.¹ Data is reported on an annual basis in the Commission's Annual Report and *Sourcebook of Federal Sentencing Statistics*.² After the Supreme Court's decision in *U.S. v Booker* on January 12, 2005, which rendered the sentencing guidelines advisory instead of mandatory, many people expressed an interest in knowing what changes, if any, in federal sentencing practices would result. The Commission responded by reconfiguring its data collection, analysis, and reporting efforts to provide real-time data reporting from the submitted documents.

The Commission first reported data on February 10, 2005 to Congress³ and began reporting data approximately monthly shortly thereafter. The types of data reported increased over time to accommodate various requests for the additional information. In March 2006, the Commission released a comprehensive report, *Final Report on the Impact of the United States v. Booker on Federal Sentencing*,⁴ based on cases sentenced one year since the *Booker* decision. Because the report included additional analyses that had not been included in the monthly reports, not all the data presented in the report was comparable with the monthly releases, which made comparing data over time difficult.

In an effort to standardize the Commission's post-*Booker* analyses and to facilitate the identification of emerging trends going forward, the Commission began generating a new set of tables and charts on a quarterly basis for public release on the Commission's website beginning with the third quarter of fiscal year 2006. These quarterly data reports are similar in format and methodology to tables and figures produced in the *Sourcebook* or in the Commission's *Booker* report. Some of the figures include data from fiscal years before the *Booker* decision to facilitate analysis of sentencing trends over time. Other figures and all of the tables contain cumulative data (*i.e.*, data from the start of the fiscal year through the most current quarter). Appendix B cross-references the quarterly table numbers and figure letters as well as the corresponding number or letter in the *Sourcebook* (if it exists in the *Sourcebook*) so that the quarterly data can

¹In each felony or Class A misdemeanor case sentenced in federal court, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the presentence report. See 28 U.S.C. § 994(w).

²See the Commission's website, www.ussc.gov, for electronic copies of the 1995-2007 Annual Report and *Sourcebook of Federal Sentencing Statistics*.

³See www.ussc.gov/bf.htm for an electronic copy of the prepared testimony of Ricardo H. Hinojosa, chair of the United States Sentencing Commission, before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, United States House of Representatives, February 10, 2005.

⁴See www.ussc.gov/bf.htm for an electronic copy of the Commission's *Final Report on the Impact of United States v. Booker on Federal Sentencing*.

be compared easily with data from prior fiscal years.⁵ In Appendix A are descriptions of datafile and variable definitions.

⁵The Commission has tried to maintain the same table numbers and figure letters over the past several years but due to slight differences in reporting categories between pre- and post-*Booker* time periods, the numbers and letters may not correspond exactly over time. Please refer to the table of contents for each of the prior *Sourcebook* years to determine the corresponding table number or figure letter.

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**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2007**

	N	%
TOTAL CASES	69,893	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	42,504	60.8
CASES SENTENCED ABOVE GUIDELINE RANGE	1,060	1.5
DEPARTURE ABOVE GUIDELINE RANGE	467	0.7
Upward Departure From Guideline Range ²	324	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	143	0.2
OTHERWISE ABOVE GUIDELINE RANGE	593	0.8
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	491	0.7
All Remaining Cases Above Guideline Range ⁵	102	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	17,896	25.6
§5K1.1 Substantial Assistance Departure	10,049	14.4
§5K3.1 Early Disposition Program Departure	5,233	7.5
Other Government Sponsored Below Range	2,614	3.7
NON-GOVERNMENT SPONSORED BELOW RANGE	8,433	12.0
DEPARTURE BELOW GUIDELINE RANGE	2,770	3.9
Downward Departure From Guideline Range ²	1,757	2.5
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	1,013	1.4
OTHERWISE BELOW GUIDELINE RANGE	5,663	8.1
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	4,957	7.1
All Remaining Cases Below Guideline Range ⁵	706	1.0

¹This table reflects the 72,865 cases sentenced in Fiscal Year 2007. Of these, 2,972 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

²All cases with departures in which the court did not indicate as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

³All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

⁴All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

⁵All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

⁶Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
Fiscal Year 2007

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
TOTAL	69,893	42,504	60.8	324	0.5	143	0.2	491	0.7	102	0.1
D.C. CIRCUIT	448	187	41.7	2	0.4	1	0.2	1	0.2	1	0.2
District of Columbia	448	187	41.7	2	0.4	1	0.2	1	0.2	1	0.2
FIRST CIRCUIT	1,918	1,314	68.5	11	0.6	3	0.2	7	0.4	2	0.1
Maine	191	131	68.6	1	0.5	0	0.0	0	0.0	0	0.0
Massachusetts	576	316	54.9	6	1.0	0	0.0	2	0.3	1	0.2
New Hampshire	239	122	51.0	3	1.3	0	0.0	2	0.8	0	0.0
Puerto Rico	770	653	84.8	0	0.0	2	0.3	2	0.3	1	0.1
Rhode Island	142	92	64.8	1	0.7	1	0.7	1	0.7	0	0.0
SECOND CIRCUIT	4,426	2,225	50.3	10	0.2	6	0.1	9	0.2	3	0.1
Connecticut	404	181	44.8	2	0.5	1	0.2	0	0.0	0	0.0
New York											
Eastern	1,043	433	41.5	3	0.3	5	0.5	3	0.3	2	0.2
Northern	435	229	52.6	0	0.0	0	0.0	2	0.5	0	0.0
Southern	1,647	874	53.1	2	0.1	0	0.0	4	0.2	0	0.0
Western	757	439	58.0	2	0.3	0	0.0	0	0.0	1	0.1
Vermont	140	69	49.3	1	0.7	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	3,075	1,618	52.6	4	0.1	4	0.1	23	0.7	2	0.1
Delaware	106	68	64.2	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	1,009	545	54.0	1	0.1	0	0.0	3	0.3	0	0.0
Pennsylvania											
Eastern	780	322	41.3	2	0.3	3	0.4	9	1.2	2	0.3
Middle	586	268	45.7	1	0.2	0	0.0	2	0.3	0	0.0
Western	489	345	70.6	0	0.0	1	0.2	6	1.2	0	0.0
Virgin Islands	105	70	66.7	0	0.0	0	0.0	3	2.9	0	0.0
FOURTH CIRCUIT	6,022	4,352	72.3	33	0.5	12	0.2	28	0.5	3	0.0
Maryland	653	336	51.5	2	0.3	3	0.5	0	0.0	1	0.2
North Carolina											
Eastern	584	365	62.5	9	1.5	1	0.2	7	1.2	1	0.2
Middle	421	328	77.9	1	0.2	1	0.2	1	0.2	0	0.0
Western	759	532	70.1	2	0.3	0	0.0	2	0.3	0	0.0
South Carolina	1,122	861	76.7	2	0.2	1	0.1	5	0.4	0	0.0
Virginia											
Eastern	1,342	1,071	79.8	8	0.6	3	0.2	9	0.7	0	0.0
Western	620	424	68.4	4	0.6	2	0.3	2	0.3	1	0.2
West Virginia											
Northern	267	214	80.1	3	1.1	0	0.0	2	0.7	0	0.0
Southern	254	221	87.0	2	0.8	1	0.4	0	0.0	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	10,049	14.4	5,233	7.5	2,614	3.7	1,757	2.5	1,013	1.4	4,957	7.1	706	1.0
D.C. CIRCUIT	152	33.9	0	0.0	40	8.9	3	0.7	15	3.3	39	8.7	7	1.6
District of Columbia	152	33.9	0	0.0	40	8.9	3	0.7	15	3.3	39	8.7	7	1.6
FIRST CIRCUIT	207	10.8	0	0.0	47	2.5	90	4.7	33	1.7	190	9.9	14	0.7
Maine	35	18.3	0	0.0	0	0.0	8	4.2	3	1.6	12	6.3	1	0.5
Massachusetts	62	10.8	0	0.0	17	3.0	42	7.3	15	2.6	109	18.9	6	1.0
New Hampshire	65	27.2	0	0.0	11	4.6	16	6.7	3	1.3	15	6.3	2	0.8
Puerto Rico	40	5.2	0	0.0	17	2.2	18	2.3	9	1.2	24	3.1	4	0.5
Rhode Island	5	3.5	0	0.0	2	1.4	6	4.2	3	2.1	30	21.1	1	0.7
SECOND CIRCUIT	955	21.6	2	0.0	104	2.3	240	5.4	182	4.1	620	14.0	70	1.6
Connecticut	73	18.1	0	0.0	9	2.2	54	13.4	30	7.4	53	13.1	1	0.2
New York														
Eastern	244	23.4	2	0.2	35	3.4	64	6.1	83	8.0	144	13.8	25	2.4
Northern	132	30.3	0	0.0	7	1.6	35	8.0	9	2.1	21	4.8	0	0.0
Southern	252	15.3	0	0.0	31	1.9	58	3.5	48	2.9	347	21.1	31	1.9
Western	226	29.9	0	0.0	19	2.5	9	1.2	2	0.3	46	6.1	13	1.7
Vermont	28	20.0	0	0.0	3	2.1	20	14.3	10	7.1	9	6.4	0	0.0
THIRD CIRCUIT	833	27.1	0	0.0	52	1.7	74	2.4	71	2.3	352	11.4	42	1.4
Delaware	9	8.5	0	0.0	4	3.8	0	0.0	1	0.9	20	18.9	4	3.8
New Jersey	283	28.0	0	0.0	8	0.8	31	3.1	8	0.8	121	12.0	9	0.9
Pennsylvania														
Eastern	262	33.6	0	0.0	10	1.3	10	1.3	28	3.6	115	14.7	17	2.2
Middle	208	35.5	0	0.0	24	4.1	9	1.5	11	1.9	56	9.6	7	1.2
Western	57	11.7	0	0.0	5	1.0	24	4.9	16	3.3	35	7.2	0	0.0
Virgin Islands	14	13.3	0	0.0	1	1.0	0	0.0	7	6.7	5	4.8	5	4.8
FOURTH CIRCUIT	1,011	16.8	0	0.0	60	1.0	99	1.6	98	1.6	284	4.7	42	0.7
Maryland	175	26.8	0	0.0	17	2.6	26	4.0	29	4.4	53	8.1	11	1.7
North Carolina														
Eastern	165	28.3	0	0.0	0	0.0	8	1.4	5	0.9	17	2.9	6	1.0
Middle	67	15.9	0	0.0	1	0.2	2	0.5	1	0.2	19	4.5	0	0.0
Western	173	22.8	0	0.0	12	1.6	5	0.7	6	0.8	21	2.8	6	0.8
South Carolina	170	15.2	0	0.0	14	1.2	18	1.6	3	0.3	44	3.9	4	0.4
Virginia														
Eastern	79	5.9	0	0.0	7	0.5	25	1.9	50	3.7	78	5.8	12	0.9
Western	140	22.6	0	0.0	7	1.1	8	1.3	1	0.2	29	4.7	2	0.3
West Virginia														
Northern	23	8.6	0	0.0	2	0.7	5	1.9	2	0.7	16	6.0	0	0.0
Southern	19	7.5	0	0.0	0	0.0	2	0.8	1	0.4	7	2.8	1	0.4

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	14,953	10,738	71.8	79	0.5	46	0.3	171	1.1	26	0.2
Louisiana											
Eastern	423	328	77.5	4	0.9	7	1.7	7	1.7	0	0.0
Middle	166	126	75.9	3	1.8	1	0.6	1	0.6	0	0.0
Western	464	362	78.0	3	0.6	4	0.9	7	1.5	2	0.4
Mississippi											
Northern	187	99	52.9	1	0.5	0	0.0	3	1.6	0	0.0
Southern	401	321	80.0	4	1.0	1	0.2	6	1.5	3	0.7
Texas											
Eastern	978	786	80.4	1	0.1	0	0.0	0	0.0	1	0.1
Northern	1,048	767	73.2	11	1.0	14	1.3	54	5.2	1	0.1
Southern	5,576	3,382	60.7	31	0.6	2	0.0	23	0.4	9	0.2
Western	5,710	4,567	80.0	21	0.4	17	0.3	70	1.2	10	0.2
SIXTH CIRCUIT	5,178	2,925	56.5	16	0.3	9	0.2	26	0.5	12	0.2
Kentucky											
Eastern	577	292	50.6	2	0.3	2	0.3	2	0.3	0	0.0
Western	502	367	73.1	1	0.2	0	0.0	1	0.2	0	0.0
Michigan											
Eastern	756	416	55.0	0	0.0	1	0.1	2	0.3	3	0.4
Western	443	254	57.3	6	1.4	1	0.2	7	1.6	1	0.2
Ohio											
Northern	880	483	54.9	1	0.1	1	0.1	5	0.6	0	0.0
Southern	625	267	42.7	0	0.0	3	0.5	0	0.0	3	0.5
Tennessee											
Eastern	566	384	67.8	0	0.0	1	0.2	5	0.9	4	0.7
Middle	285	171	60.0	0	0.0	0	0.0	1	0.4	0	0.0
Western	544	291	53.5	6	1.1	0	0.0	3	0.6	1	0.2
SEVENTH CIRCUIT	2,908	1,736	59.7	9	0.3	7	0.2	25	0.9	3	0.1
Illinois											
Central	391	222	56.8	1	0.3	0	0.0	5	1.3	0	0.0
Northern	837	419	50.1	4	0.5	1	0.1	5	0.6	1	0.1
Southern	344	277	80.5	1	0.3	5	1.5	2	0.6	0	0.0
Indiana											
Northern	425	298	70.1	0	0.0	0	0.0	2	0.5	2	0.5
Southern	311	170	54.7	2	0.6	1	0.3	6	1.9	0	0.0
Wisconsin											
Eastern	406	182	44.8	0	0.0	0	0.0	3	0.7	0	0.0
Western	194	168	86.6	1	0.5	0	0.0	2	1.0	0	0.0
EIGHTH CIRCUIT	5,040	3,443	68.3	34	0.7	13	0.3	27	0.5	6	0.1
Arkansas											
Eastern	363	238	65.6	0	0.0	1	0.3	0	0.0	0	0.0
Western	180	137	76.1	0	0.0	0	0.0	1	0.6	0	0.0
Iowa											
Northern	454	319	70.3	12	2.6	1	0.2	5	1.1	2	0.4
Southern	371	220	59.3	5	1.3	2	0.5	0	0.0	0	0.0
Minnesota	539	281	52.1	1	0.2	1	0.2	0	0.0	0	0.0
Missouri											
Eastern	972	695	71.5	1	0.1	2	0.2	1	0.1	0	0.0
Western	806	594	73.7	1	0.1	3	0.4	3	0.4	1	0.1
Nebraska	703	503	71.6	7	1.0	0	0.0	8	1.1	2	0.3
North Dakota	210	124	59.0	1	0.5	0	0.0	0	0.0	0	0.0
South Dakota	442	332	75.1	6	1.4	3	0.7	9	2.0	1	0.2

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	1,252	8.4	970	6.5	718	4.8	349	2.3	47	0.3	480	3.2	77	0.5
Louisiana														
Eastern	42	9.9	0	0.0	12	2.8	3	0.7	5	1.2	11	2.6	4	0.9
Middle	26	15.7	0	0.0	1	0.6	3	1.8	1	0.6	4	2.4	0	0.0
Western	61	13.1	0	0.0	1	0.2	4	0.9	4	0.9	11	2.4	5	1.1
Mississippi														
Northern	56	29.9	0	0.0	20	10.7	0	0.0	0	0.0	6	3.2	2	1.1
Southern	34	8.5	2	0.5	2	0.5	4	1.0	1	0.2	13	3.2	10	2.5
Texas														
Eastern	98	10.0	0	0.0	37	3.8	32	3.3	4	0.4	15	1.5	4	0.4
Northern	127	12.1	1	0.1	19	1.8	13	1.2	4	0.4	33	3.1	4	0.4
Southern	381	6.8	822	14.7	551	9.9	195	3.5	7	0.1	168	3.0	5	0.1
Western	427	7.5	145	2.5	75	1.3	95	1.7	21	0.4	219	3.8	43	0.8
SIXTH CIRCUIT	1,307	25.2	2	0.0	118	2.3	94	1.8	98	1.9	503	9.7	68	1.3
Kentucky														
Eastern	208	36.0	0	0.0	2	0.3	3	0.5	2	0.3	58	10.1	6	1.0
Western	62	12.4	0	0.0	26	5.2	7	1.4	3	0.6	29	5.8	6	1.2
Michigan														
Eastern	188	24.9	0	0.0	9	1.2	19	2.5	18	2.4	87	11.5	13	1.7
Western	85	19.2	0	0.0	7	1.6	9	2.0	3	0.7	66	14.9	4	0.9
Ohio														
Northern	215	24.4	0	0.0	23	2.6	24	2.7	19	2.2	94	10.7	15	1.7
Southern	223	35.7	2	0.3	19	3.0	15	2.4	32	5.1	57	9.1	4	0.6
Tennessee														
Eastern	129	22.8	0	0.0	2	0.4	5	0.9	1	0.2	27	4.8	8	1.4
Middle	57	20.0	0	0.0	7	2.5	7	2.5	8	2.8	29	10.2	5	1.8
Western	140	25.7	0	0.0	23	4.2	5	0.9	12	2.2	56	10.3	7	1.3
SEVENTH CIRCUIT	514	17.7	0	0.0	58	2.0	75	2.6	72	2.5	340	11.7	69	2.4
Illinois														
Central	79	20.2	0	0.0	12	3.1	9	2.3	9	2.3	51	13.0	3	0.8
Northern	168	20.1	0	0.0	17	2.0	42	5.0	45	5.4	94	11.2	41	4.9
Southern	19	5.5	0	0.0	3	0.9	7	2.0	9	2.6	16	4.7	5	1.5
Indiana														
Northern	91	21.4	0	0.0	5	1.2	1	0.2	1	0.2	18	4.2	7	1.6
Southern	64	20.6	0	0.0	9	2.9	10	3.2	2	0.6	47	15.1	0	0.0
Wisconsin														
Eastern	86	21.2	0	0.0	12	3.0	5	1.2	4	1.0	101	24.9	13	3.2
Western	7	3.6	0	0.0	0	0.0	1	0.5	2	1.0	13	6.7	0	0.0
EIGHTH CIRCUIT	740	14.7	31	0.6	132	2.6	136	2.7	69	1.4	368	7.3	41	0.8
Arkansas														
Eastern	78	21.5	0	0.0	8	2.2	7	1.9	6	1.7	23	6.3	2	0.6
Western	26	14.4	0	0.0	2	1.1	3	1.7	0	0.0	11	6.1	0	0.0
Iowa														
Northern	68	15.0	0	0.0	9	2.0	3	0.7	2	0.4	31	6.8	2	0.4
Southern	71	19.1	0	0.0	10	2.7	12	3.2	5	1.3	45	12.1	1	0.3
Minnesota	140	26.0	0	0.0	11	2.0	24	4.5	23	4.3	55	10.2	3	0.6
Missouri														
Eastern	136	14.0	0	0.0	22	2.3	23	2.4	11	1.1	72	7.4	9	0.9
Western	114	14.1	0	0.0	12	1.5	13	1.6	11	1.4	39	4.8	15	1.9
Nebraska	33	4.7	27	3.8	35	5.0	30	4.3	3	0.4	51	7.3	4	0.6
North Dakota	59	28.1	4	1.9	7	3.3	5	2.4	0	0.0	6	2.9	4	1.9
South Dakota	15	3.4	0	0.0	16	3.6	16	3.6	8	1.8	35	7.9	1	0.2

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	13,419	5,934	44.2	96	0.7	23	0.2	63	0.5	25	0.2
Alaska	124	91	73.4	0	0.0	1	0.8	0	0.0	0	0.0
Arizona	3,913	1,216	31.1	63	1.6	8	0.2	8	0.2	3	0.1
California											
Central	1,268	666	52.5	1	0.1	3	0.2	3	0.2	2	0.2
Eastern	944	504	53.4	3	0.3	3	0.3	3	0.3	0	0.0
Northern	650	337	51.8	3	0.5	3	0.5	4	0.6	2	0.3
Southern	3,155	1,311	41.6	3	0.1	1	0.0	13	0.4	7	0.2
Guam	67	41	61.2	1	1.5	0	0.0	0	0.0	1	1.5
Hawaii	354	162	45.8	0	0.0	1	0.3	4	1.1	0	0.0
Idaho	249	125	50.2	0	0.0	0	0.0	3	1.2	0	0.0
Montana	362	285	78.7	4	1.1	1	0.3	5	1.4	1	0.3
Nevada	650	442	68.0	2	0.3	1	0.2	4	0.6	3	0.5
Northern Mariana Islands	19	11	57.9	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	552	282	51.1	5	0.9	1	0.2	2	0.4	2	0.4
Washington											
Eastern	361	153	42.4	1	0.3	0	0.0	6	1.7	2	0.6
Western	751	308	41.0	10	1.3	0	0.0	8	1.1	2	0.3
TENTH CIRCUIT	5,614	3,365	59.9	13	0.2	5	0.1	51	0.9	10	0.2
Colorado	526	311	59.1	0	0.0	0	0.0	5	1.0	2	0.4
Kansas	643	395	61.4	1	0.2	0	0.0	32	5.0	1	0.2
New Mexico	2,510	1,421	56.6	3	0.1	1	0.0	1	0.0	2	0.1
Oklahoma											
Eastern	91	70	76.9	1	1.1	0	0.0	0	0.0	0	0.0
Northern	230	189	82.2	1	0.4	0	0.0	1	0.4	0	0.0
Western	319	231	72.4	3	0.9	0	0.0	7	2.2	0	0.0
Utah	913	479	52.5	4	0.4	3	0.3	4	0.4	4	0.4
Wyoming	382	269	70.4	0	0.0	1	0.3	1	0.3	1	0.3
ELEVENTH CIRCUIT	6,892	4,667	67.7	17	0.2	14	0.2	60	0.9	9	0.1
Alabama											
Middle	242	134	55.4	1	0.4	0	0.0	4	1.7	0	0.0
Northern	550	344	62.5	0	0.0	0	0.0	5	0.9	1	0.2
Southern	355	234	65.9	0	0.0	1	0.3	0	0.0	1	0.3
Florida											
Middle	1,601	952	59.5	2	0.1	1	0.1	5	0.3	2	0.1
Northern	419	291	69.5	2	0.5	5	1.2	4	1.0	0	0.0
Southern	2,204	1,581	71.7	4	0.2	4	0.2	13	0.6	1	0.0
Georgia											
Middle	392	290	74.0	2	0.5	0	0.0	5	1.3	1	0.3
Northern	593	394	66.4	3	0.5	3	0.5	5	0.8	3	0.5
Southern	536	447	83.4	3	0.6	0	0.0	19	3.5	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	1,341	10.0	3,712	27.7	701	5.2	301	2.2	185	1.4	849	6.3	189	1.4
Alaska	5	4.0	0	0.0	5	4.0	3	2.4	4	3.2	12	9.7	3	2.4
Arizona	246	6.3	2,027	51.8	112	2.9	50	1.3	45	1.2	101	2.6	34	0.9
California														
Central	212	16.7	76	6.0	83	6.5	35	2.8	35	2.8	104	8.2	48	3.8
Eastern	130	13.8	132	14.0	50	5.3	23	2.4	10	1.1	76	8.1	10	1.1
Northern	95	14.6	39	6.0	52	8.0	18	2.8	18	2.8	65	10.0	14	2.2
Southern	138	4.4	1,287	40.8	116	3.7	100	3.2	21	0.7	106	3.4	52	1.6
Guam	9	13.4	0	0.0	0	0.0	0	0.0	0	0.0	15	22.4	0	0.0
Hawaii	114	32.2	0	0.0	6	1.7	2	0.6	2	0.6	61	17.2	2	0.6
Idaho	51	20.5	28	11.2	5	2.0	1	0.4	4	1.6	27	10.8	5	2.0
Montana	39	10.8	0	0.0	0	0.0	4	1.1	1	0.3	21	5.8	1	0.3
Nevada	67	10.3	0	0.0	54	8.3	9	1.4	6	0.9	55	8.5	7	1.1
Northern Mariana Islands	4	21.1	0	0.0	2	10.5	0	0.0	1	5.3	1	5.3	0	0.0
Oregon	82	14.9	17	3.1	51	9.2	21	3.8	5	0.9	75	13.6	9	1.6
Washington														
Eastern	34	9.4	85	23.5	28	7.8	5	1.4	3	0.8	44	12.2	0	0.0
Western	115	15.3	21	2.8	137	18.2	30	4.0	30	4.0	86	11.5	4	0.5
TENTH CIRCUIT	510	9.1	486	8.7	518	9.2	198	3.5	69	1.2	349	6.2	40	0.7
Colorado	130	24.7	0	0.0	16	3.0	21	4.0	6	1.1	30	5.7	5	1.0
Kansas	116	18.0	0	0.0	52	8.1	2	0.3	0	0.0	42	6.5	2	0.3
New Mexico	83	3.3	316	12.6	379	15.1	107	4.3	33	1.3	152	6.1	12	0.5
Oklahoma														
Eastern	13	14.3	0	0.0	1	1.1	0	0.0	1	1.1	5	5.5	0	0.0
Northern	27	11.7	0	0.0	3	1.3	1	0.4	0	0.0	7	3.0	1	0.4
Western	23	7.2	0	0.0	1	0.3	4	1.3	0	0.0	46	14.4	4	1.3
Utah	82	9.0	170	18.6	49	5.4	44	4.8	19	2.1	41	4.5	14	1.5
Wyoming	36	9.4	0	0.0	17	4.5	19	5.0	10	2.6	26	6.8	2	0.5
ELEVENTH CIRCUIT	1,227	17.8	30	0.4	66	1.0	98	1.4	74	1.1	583	8.5	47	0.7
Alabama														
Middle	82	33.9	0	0.0	4	1.7	1	0.4	0	0.0	16	6.6	0	0.0
Northern	139	25.3	0	0.0	4	0.7	6	1.1	1	0.2	50	9.1	0	0.0
Southern	81	22.8	0	0.0	1	0.3	3	0.8	1	0.3	33	9.3	0	0.0
Florida														
Middle	393	24.5	30	1.9	15	0.9	30	1.9	18	1.1	142	8.9	11	0.7
Northern	87	20.8	0	0.0	0	0.0	4	1.0	5	1.2	20	4.8	1	0.2
Southern	246	11.2	0	0.0	26	1.2	22	1.0	34	1.5	245	11.1	28	1.3
Georgia														
Middle	72	18.4	0	0.0	2	0.5	5	1.3	1	0.3	13	3.3	1	0.3
Northern	82	13.8	0	0.0	12	2.0	20	3.4	14	2.4	51	8.6	6	1.0
Southern	45	8.4	0	0.0	2	0.4	7	1.3	0	0.0	13	2.4	0	0.0

¹Of the 72,865 cases, 2,972 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Districts for which information needed to determine the relationship between the sentence imposed and the guideline range is missing in five percent or more of the cases received included: Western Oklahoma (42.2%), Middle Georgia (27.1%), Central California (25.5%), Eastern Virginia (24.1%), Arizona (17.1%), Western Washington (11.3%), Middle Tennessee (10.1%), Southern Mississippi (7.0%), Maryland (6.6%), Western Kentucky (6.3%), Alaska (6.1%), Northern Alabama (5.5%), Southern Florida (5.2%), and Northern Florida (5.0%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2007 Datafile, USSCFY07.

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE WITH W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
TOTAL	69,801	42,446	60.8	324	0.5	143	0.2	488	0.7	102	0.1
Murder	81	55	67.9	2	2.5	0	0.0	1	1.2	0	0.0
Manslaughter	65	38	58.5	2	3.1	4	6.2	4	6.2	0	0.0
Kidnapping/Hostage Taking	48	14	29.2	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	378	273	72.2	7	1.9	8	2.1	8	2.1	1	0.3
Assault	530	374	70.6	13	2.5	2	0.4	7	1.3	2	0.4
Robbery	1,109	733	66.1	7	0.6	5	0.5	12	1.1	1	0.1
Arson	78	39	50.0	2	2.6	2	2.6	4	5.1	0	0.0
Drugs - Trafficking	24,199	13,022	53.8	38	0.2	14	0.1	35	0.1	17	0.1
Drugs - Communication Facility	367	222	60.5	2	0.5	0	0.0	0	0.0	0	0.0
Drugs - Simple Possession	527	479	90.9	5	0.9	2	0.4	7	1.3	4	0.8
Firearms	8,328	5,826	70.0	48	0.6	29	0.3	60	0.7	13	0.2
Burglary/B&E	41	27	65.9	0	0.0	0	0.0	1	2.4	1	2.4
Auto Theft	62	42	67.7	0	0.0	1	1.6	0	0.0	2	3.2
Larceny	1,598	1,253	78.4	7	0.4	1	0.1	8	0.5	6	0.4
Fraud	7,160	4,627	64.6	33	0.5	25	0.3	77	1.1	15	0.2
Embezzlement	452	339	75.0	0	0.0	0	0.0	1	0.2	0	0.0
Forgery/Counterfeiting	1,115	814	73.0	8	0.7	4	0.4	9	0.8	2	0.2
Bribery	240	100	41.7	0	0.0	0	0.0	2	0.8	0	0.0
Tax	627	298	47.5	0	0.0	1	0.2	4	0.6	1	0.2
Money Laundering	903	441	48.8	4	0.4	1	0.1	3	0.3	0	0.0
Racketeering/Extortion	614	330	53.7	3	0.5	2	0.3	5	0.8	4	0.7
Gambling/Lottery	111	64	57.7	0	0.0	0	0.0	1	0.9	0	0.0
Civil Rights	64	32	50.0	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	16,903	10,220	60.5	113	0.7	24	0.1	190	1.1	25	0.1
Pornography/Prostitution	1,430	898	62.8	12	0.8	6	0.4	23	1.6	2	0.1
Prison Offenses	310	239	77.1	2	0.6	0	0.0	2	0.6	3	1.0
Administration of Justice Offenses	968	584	60.3	6	0.6	8	0.8	16	1.7	2	0.2
Environmental/Wildlife	156	88	56.4	0	0.0	1	0.6	0	0.0	0	0.0
National Defense	29	9	31.0	0	0.0	0	0.0	0	0.0	0	0.0
Antitrust	15	2	13.3	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	68	53	77.9	1	1.5	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	1,225	911	74.4	9	0.7	3	0.2	8	0.7	1	0.1

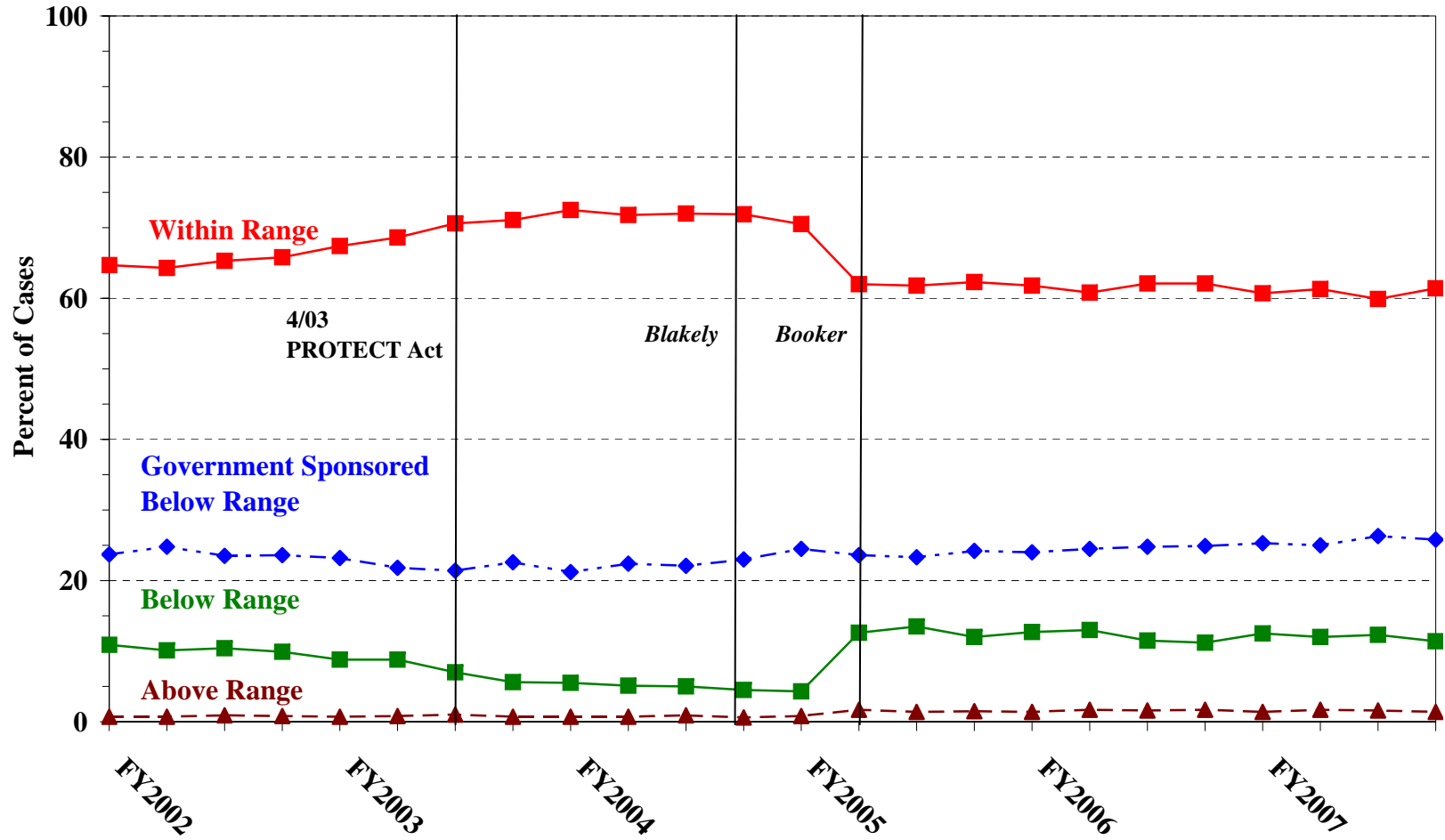
Table 3 (cont.)

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	10,042	14.4	5,224	7.5	2,604	3.7	1,756	2.5	1,011	1.4	4,955	7.1	706	1.0
Murder	6	7.4	0	0.0	6	7.4	1	1.2	4	4.9	6	7.4	0	0.0
Manslaughter	1	1.5	1	1.5	5	7.7	2	3.1	0	0.0	7	10.8	1	1.5
Kidnapping/Hostage Taking	21	43.8	1	2.1	10	20.8	0	0.0	0	0.0	2	4.2	0	0.0
Sexual Abuse	8	2.1	0	0.0	25	6.6	8	2.1	6	1.6	32	8.5	2	0.5
Assault	10	1.9	10	1.9	41	7.7	20	3.8	9	1.7	36	6.8	6	1.1
Robbery	131	11.8	1	0.1	34	3.1	51	4.6	22	2.0	103	9.3	9	0.8
Arson	26	33.3	0	0.0	2	2.6	2	2.6	0	0.0	1	1.3	0	0.0
Drugs - Trafficking	6,177	25.5	1,268	5.2	822	3.4	539	2.2	368	1.5	1,707	7.1	192	0.8
Drugs - Communication Facility	62	16.9	0	0.0	16	4.4	11	3.0	9	2.5	41	11.2	4	1.1
Drugs - Simple Possession	8	1.5	1	0.2	3	0.6	1	0.2	3	0.6	9	1.7	5	0.9
Firearms	992	11.9	38	0.5	223	2.7	226	2.7	162	1.9	641	7.7	70	0.8
Burglary/B&E	0	0.0	0	0.0	2	4.9	2	4.9	2	4.9	5	12.2	1	2.4
Auto Theft	7	11.3	0	0.0	1	1.6	3	4.8	0	0.0	5	8.1	1	1.6
Larceny	93	5.8	6	0.4	41	2.6	37	2.3	14	0.9	103	6.4	29	1.8
Fraud	1,109	15.5	5	0.1	166	2.3	189	2.6	122	1.7	665	9.3	127	1.8
Embezzlement	14	3.1	0	0.0	9	2.0	6	1.3	15	3.3	60	13.3	8	1.8
Forgery/Counterfeiting	136	12.2	1	0.1	17	1.5	15	1.3	14	1.3	78	7.0	17	1.5
Bribery	90	37.5	0	0.0	8	3.3	5	2.1	5	2.1	26	10.8	4	1.7
Tax	106	16.9	5	0.8	20	3.2	38	6.1	18	2.9	121	19.3	15	2.4
Money Laundering	228	25.2	10	1.1	52	5.8	21	2.3	26	2.9	99	11.0	18	2.0
Racketeering/Extortion	138	22.5	0	0.0	35	5.7	20	3.3	8	1.3	56	9.1	13	2.1
Gambling/Lottery	11	9.9	0	0.0	2	1.8	7	6.3	2	1.8	19	17.1	5	4.5
Civil Rights	15	23.4	1	1.6	4	6.3	3	4.7	1	1.6	5	7.8	3	4.7
Immigration	324	1.9	3,849	22.8	865	5.1	445	2.6	111	0.7	617	3.7	120	0.7
Pornography/Prostitution	63	4.4	3	0.2	66	4.6	28	2.0	48	3.4	269	18.8	12	0.8
Prison Offenses	17	5.5	9	2.9	13	4.2	3	1.0	3	1.0	14	4.5	5	1.6
Administration of Justice Offenses	113	11.7	7	0.7	62	6.4	29	3.0	18	1.9	112	11.6	11	1.1
Environmental/Wildlife	24	15.4	0	0.0	13	8.3	8	5.1	2	1.3	15	9.6	5	3.2
National Defense	10	34.5	0	0.0	3	10.3	1	3.4	0	0.0	4	13.8	2	6.9
Antitrust	7	46.7	0	0.0	0	0.0	0	0.0	2	13.3	4	26.7	0	0.0
Food & Drug	6	8.8	0	0.0	3	4.4	1	1.5	1	1.5	3	4.4	0	0.0
Other Miscellaneous Offenses	89	7.3	8	0.7	35	2.9	34	2.8	16	1.3	90	7.3	21	1.7

¹Of the 72,865 cases, 3,064 were excluded due to one or both of the following reasons: missing primary offense (100) or missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (2,972). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2007 Datafile, USSCFY07.

Figure A
QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2002 - 2007

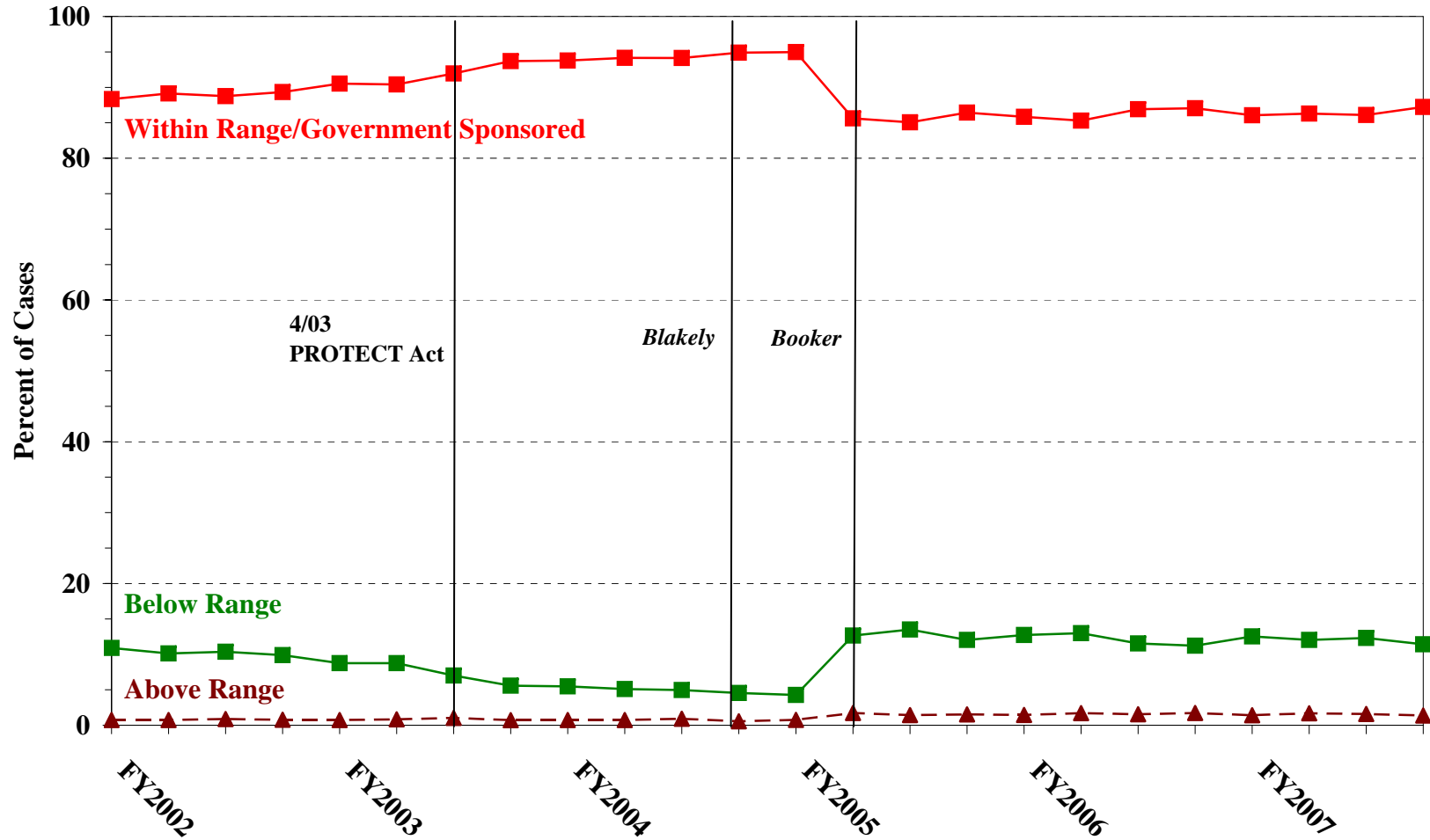


¹The Commission’s methods for distinguishing government sponsored from other downward departures were refined beginning in Fiscal Year 2003. In Figures A and B, the rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government sponsorship. (See 2003 Departure Report). In later years, plea agreements and the new Statement of Reasons form were scrutinized to more accurately identify government sponsored departures. Descriptions of variables used in this table are provided in Appendix A.

Figure B

QUARTERLY DATA FOR WITHIN RANGE/GOVERNMENT SPONSORED
AND OTHER OUT OF RANGE SENTENCES¹

Fiscal Years 2002 - 2007



¹The Commission's methods for distinguishing government sponsored from other downward departures were refined beginning in Fiscal Year 2003. In Figures A and B, the rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government sponsorship. (See 2003 Departure Report). In later years, plea agreements and the new Statement of Reasons form were scrutinized to more accurately identify government sponsored departures. Descriptions of variables used in this table are provided in Appendix A.

Table 4

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2002 - 2007

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2002				
1st Quarter	64.7	23.7	10.9	0.7
2ndQuarter	64.3	24.8	10.1	0.7
3rd Quarter	65.3	23.5	10.4	0.9
4th Quarter	65.8	23.6	9.9	0.8
FY2003				
1st Quarter	67.4	23.2	8.8	0.7
2ndQuarter	68.6	21.8	8.8	0.8
3rd Quarter	70.6	21.4	7.0	1.0
4th Quarter	71.1	22.6	5.6	0.7
FY2004				
1st Quarter	72.5	21.2	5.5	0.7
2ndQuarter	71.8	22.4	5.1	0.7
3rd Quarter	72.0	22.1	5.0	0.9
4th Quarter	71.9	23.0	4.5	0.6
FY2005				
1st Quarter	70.5	24.5	4.3	0.8
2ndQuarter	62.0	23.6	12.6	1.7
3rd Quarter	61.8	23.3	13.5	1.4
4th Quarter	62.3	24.2	12.0	1.5
FY2006				
1st Quarter	61.8	24.0	12.7	1.4
2ndQuarter	60.8	24.5	13.0	1.7
3rd Quarter	62.1	24.8	11.5	1.6
4th Quarter	62.1	24.9	11.2	1.7
FY2007				
1st Quarter	60.7	25.3	12.5	1.4
2ndQuarter	61.3	25.0	12.0	1.7
3rd Quarter	59.9	26.3	12.3	1.6
4th Quarter	61.4	25.8	11.4	1.4

¹The Commission's methods for distinguishing government sponsored from other downward departures were refined beginning in Fiscal Year 2003. The rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government sponsorship (See 2003 Departure Report). In later years, plea agreements and the new Statement of Reasons form were scrutinized to more accurately identify government sponsored departures. Descriptions of variables used in this table are provided in Appendix A.

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward			
			Departure		Above Range		Other Gov't	Departure		Below Range			
			Gdline Only	with Booker	with Booker	All Others		\$5K1.1	\$5K3.1	Gdline Only	with Booker	with Booker	All Others
§2N1.1	2	0	0	0	0	0	0	0	0	1	0	1	0
§2N1.2	1	0	1	0	0	0	0	0	0	0	0	0	0
§2N1.3	2	2	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	38	36	0	0	1	0	1	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	201	154	1	0	2	2	10	3	11	2	3	9	4
§2P1.2	81	70	1	0	0	0	4	0	1	0	0	4	1
§2P1.3	12	4	0	0	0	0	0	6	1	1	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	42	18	0	0	0	0	7	0	3	7	2	4	1
§2Q1.3	33	12	0	0	0	0	6	0	4	4	3	3	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	93	52	0	1	0	0	15	0	9	2	1	10	3
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	15	4	0	0	0	0	6	0	0	0	0	5	0
§2S1.1	986	425	5	1	2	0	320	4	48	29	20	115	17
§2S1.2	13	3	0	0	0	0	8	0	2	0	0	0	0
§2S1.3	251	147	0	0	1	0	26	7	21	5	13	24	7
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	561	261	0	1	4	0	101	1	23	41	16	100	13
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.4	107	51	0	0	2	0	18	3	3	7	3	17	3
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	8	2	0	0	0	0	2	0	1	0	0	3	0
§2T1.7	1	0	0	0	0	0	0	0	0	0	0	1	0
§2T1.8	1	1	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	27	10	0	0	0	0	5	0	0	0	1	11	0
§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	11	9	0	0	0	0	1	0	0	0	0	1	0
§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	40	21	1	0	0	0	10	0	1	1	1	5	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	124	62	0	1	1	0	30	0	8	0	3	18	1
§2X4.1	449	296	5	4	6	1	41	5	25	12	5	44	5
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	86	77	2	0	4	1	0	0	0	0	0	1	1
§2X6.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.1	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	66,512	39,600	314	141	482	95	9,949	5,148	2,469	1,737	1,004	4,902	671

¹Of the 72,865 cases, 6,353 were excluded due to one or both of the following reasons: missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (2,972) or missing guideline applied (5,934). Descriptions of variables used in this table are provided in Appendix A.

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
IN EACH 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 6 (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, 3,932 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.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	9,470	36.0	29.0	47.4
Murder	5	78.0	43.0	35.5
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	19	120.0	52.0	40.7
Sexual Abuse	8	33.5	23.5	50.0
Assault	10	18.0	15.5	61.3
Robbery	126	48.0	22.5	31.2
Arson	22	51.0	28.0	42.5
Drugs - Trafficking	5,842	53.0	40.0	42.6
Drugs - Communication Facility	61	15.0	15.0	50.0
Drugs - Simple Possession	6	1.0	5.0	83.3
Firearms	902	44.0	25.0	41.5
Burglary/B&E	0	--	--	--
Auto Theft	7	20.0	11.0	30.0
Larceny	90	0.6	12.0	96.9
Fraud	1,051	4.0	12.0	80.0
Embezzlement	12	0.0	12.0	99.9
Forgery/Counterfeiting	133	5.0	9.0	57.1
Bribery	89	7.0	20.0	83.3
Tax	103	0.0	10.0	100.0
Money Laundering	218	18.0	24.0	57.9
Racketeering/Extortion	125	33.0	31.0	50.0
Gambling/Lottery	10	0.0	6.0	100.0
Civil Rights	15	8.0	12.0	91.8
Immigration	309	12.0	11.0	50.0
Pornography/Prostitution	57	42.0	42.0	47.1
Prison Offenses	16	12.0	14.0	46.1
Administration of Justice Offenses	107	0.0	12.0	100.0
Environmental/Wildlife	21	0.0	12.0	100.0
National Defense	10	15.0	23.5	57.2
Antitrust	3	0.0	12.0	100.0
Food & Drug	6	17.0	22.0	48.3
Other Miscellaneous Offenses	86	0.0	12.0	100.0

¹Of the 72,865 cases, 10,049 received a §5K1.1 substantial assistance departure. Of these, 9,617 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 132 cases were also excluded from this table. Of the remaining 9,485 cases, 15 were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	4,957	18.0	7.0	27.8
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	0	--	--	--
Assault	9	10.0	6.0	31.4
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	1,162	13.0	10.0	35.3
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	37	13.0	7.0	33.2
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	4	9.0	7.0	47.2
Fraud	3	0.0	4.0	100.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	4	6.0	12.0	74.9
Money Laundering	9	3.4	6.0	63.3
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	3,697	19.0	6.0	26.3
Pornography/Prostitution	3	30.0	30.0	38.5
Prison Offenses	8	41.5	10.0	23.0
Administration of Justice Offenses	7	6.0	4.0	60.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	8	5.9	6.0	55.0

¹Of the 72,865 cases, 5,233 received a §5K3.1 early disposition program departure. Of these, 4,959 had complete guideline application information. One additional case was excluded due to several logical criteria. Of the remaining 4,958 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	2,381	24.0	10.0	26.8
Murder	5	90.0	55.0	33.3
Manslaughter	4	37.0	9.5	33.4
Kidnapping/Hostage Taking	10	162.5	63.0	27.4
Sexual Abuse	25	36.0	21.0	33.3
Assault	39	18.0	13.0	51.4
Robbery	33	60.0	27.0	29.4
Arson	2	--	--	--
Drugs - Trafficking	757	63.0	17.0	20.7
Drugs - Communication Facility	16	33.0	15.0	40.1
Drugs - Simple Possession	2	--	--	--
Firearms	201	36.0	15.0	32.1
Burglary/B&E	2	--	--	--
Auto Theft	1	--	--	--
Larceny	37	0.0	10.0	100.0
Fraud	150	5.5	12.0	66.7
Embezzlement	8	0.0	10.0	100.0
Forgery/Counterfeiting	16	0.0	10.0	100.0
Bribery	8	0.0	10.0	100.0
Tax	19	2.5	10.0	90.2
Money Laundering	44	12.0	13.9	40.3
Racketeering/Extortion	32	64.0	28.5	39.7
Gambling/Lottery	2	--	--	--
Civil Rights	4	0.0	28.0	100.0
Immigration	785	12.0	3.0	20.0
Pornography/Prostitution	64	60.0	30.0	31.0
Prison Offenses	12	8.0	9.0	26.5
Administration of Justice Offenses	55	6.0	11.0	49.9
Environmental/Wildlife	12	0.0	10.0	100.0
National Defense	3	11.0	19.0	66.7
Antitrust	0	--	--	--
Food & Drug	3	18.0	18.0	50.0
Other Miscellaneous Offenses	30	0.0	10.0	100.0

¹Of the 72,865 cases, 2,614 received an other government sponsored downward departure. Of these, 2,395 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 10 cases were also excluded from this table. Of the remaining 2,385 cases, four were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,663	24.0	10.0	26.8
Murder	1	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	8	68.5	8.5	12.6
Assault	18	8.0	7.5	54.8
Robbery	51	46.0	11.0	19.3
Arson	0	--	--	--
Drugs - Trafficking	508	60.0	14.0	19.9
Drugs - Communication Facility	11	0.0	12.0	100.0
Drugs - Simple Possession	1	--	--	--
Firearms	218	31.0	10.0	23.5
Burglary/B&E	2	--	--	--
Auto Theft	3	7.0	41.0	30.1
Larceny	34	0.0	8.5	99.9
Fraud	176	4.5	10.0	74.4
Embezzlement	6	1.0	10.0	91.7
Forgery/Counterfeiting	15	0.0	7.0	100.0
Bribery	4	1.5	8.5	74.9
Tax	37	0.0	10.0	100.0
Money Laundering	19	12.0	15.0	78.9
Racketeering/Extortion	19	65.0	15.0	28.5
Gambling/Lottery	6	0.0	8.0	100.0
Civil Rights	3	0.0	10.0	100.0
Immigration	424	24.0	6.0	20.0
Pornography/Prostitution	28	79.5	21.0	19.6
Prison Offenses	3	20.0	6.0	45.9
Administration of Justice Offenses	26	0.0	10.0	100.0
Environmental/Wildlife	8	0.0	10.5	100.0
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	30	0.0	8.5	100.0

¹Of the 72,865 cases, 1,757 received a downward departure from the guideline range. Of these, 1,672 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional five cases were also excluded from this table. Of the remaining 1,667 cases, four were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	939	24.0	15.0	39.1
Murder	4	78.0	36.0	26.7
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	6	24.0	23.5	40.7
Assault	9	16.0	12.0	35.1
Robbery	21	42.0	13.0	33.3
Arson	0	--	--	--
Drugs - Trafficking	337	60.0	22.0	31.0
Drugs - Communication Facility	7	15.0	12.0	59.5
Drugs - Simple Possession	3	0.0	12.0	100.0
Firearms	150	24.0	15.0	34.1
Burglary/B&E	2	--	--	--
Auto Theft	0	--	--	--
Larceny	14	0.0	10.0	100.0
Fraud	113	6.0	12.0	59.5
Embezzlement	15	0.0	10.0	99.8
Forgery/Counterfeiting	13	13.0	9.0	40.7
Bribery	3	36.0	18.0	42.9
Tax	18	0.0	12.0	100.0
Money Laundering	24	7.5	17.0	70.6
Racketeering/Extortion	7	8.0	29.0	78.4
Gambling/Lottery	2	--	--	--
Civil Rights	0	--	--	--
Immigration	106	22.0	12.0	35.0
Pornography/Prostitution	44	38.0	29.3	41.8
Prison Offenses	3	7.0	1.8	38.7
Administration of Justice Offenses	18	12.0	15.0	58.3
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	2	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	16	1.5	12.0	92.9

¹Of the 72,865 cases, 1,013 received a downward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 946 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional six cases were also excluded from this table. Of the remaining 940 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**BELOW GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	4,647	27.0	12.0	33.3
Murder	4	120.0	17.5	14.6
Manslaughter	7	12.0	14.0	59.9
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	25	36.0	15.0	33.3
Assault	34	15.0	7.5	33.3
Robbery	99	48.0	13.0	20.5
Arson	1	--	--	--
Drugs - Trafficking	1,592	60.0	18.0	22.9
Drugs - Communication Facility	38	36.0	18.0	27.1
Drugs - Simple Possession	9	0.2	3.0	84.0
Firearms	609	27.0	12.0	27.0
Burglary/B&E	5	0.3	11.7	97.3
Auto Theft	5	0.0	7.0	100.0
Larceny	96	0.0	10.0	100.0
Fraud	627	6.0	10.0	66.7
Embezzlement	59	0.0	10.0	99.8
Forgery/Counterfeiting	73	4.0	8.0	78.4
Bribery	25	12.0	10.0	55.4
Tax	111	5.0	10.0	66.7
Money Laundering	91	12.0	16.0	50.0
Racketeering/Extortion	52	17.9	11.0	34.9
Gambling/Lottery	19	0.0	6.0	100.0
Civil Rights	5	1.0	12.0	91.8
Immigration	577	24.0	10.0	30.0
Pornography/Prostitution	256	60.0	27.0	31.7
Prison Offenses	13	12.0	10.0	27.0
Administration of Justice Offenses	104	8.6	10.0	57.4
Environmental/Wildlife	13	0.0	6.0	100.0
National Defense	4	38.0	53.0	48.9
Antitrust	4	10.0	6.5	41.7
Food & Drug	3	0.0	10.0	100.0
Other Miscellaneous Offenses	85	0.0	10.0	100.0

¹Of the 72,865 cases, 4,957 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 4,697 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 40 cases were also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Of the remaining 4,655 cases, eight were excluded due to one or both of the following reasons: missing primary offense category (1) or missing sentence information (7). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	592	12.0	6.0	45.9
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	6	4.4	3.0	34.3
Robbery	7	34.0	10.0	24.3
Arson	0	--	--	--
Drugs - Trafficking	154	56.0	12.0	28.3
Drugs - Communication Facility	3	0.0	10.0	100.0
Drugs - Simple Possession	4	3.3	2.0	58.8
Firearms	65	45.0	8.0	25.0
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	28	0.0	6.0	100.0
Fraud	111	0.0	6.0	100.0
Embezzlement	8	0.0	6.0	99.4
Forgery/Counterfeiting	17	0.0	6.0	100.0
Bribery	3	24.0	12.0	41.5
Tax	13	0.0	6.0	100.0
Money Laundering	17	6.0	6.0	53.4
Racketeering/Extortion	9	31.0	7.0	13.9
Gambling/Lottery	5	0.0	8.0	100.0
Civil Rights	3	5.0	7.0	58.3
Immigration	87	12.0	6.0	33.2
Pornography/Prostitution	9	108.6	22.0	19.3
Prison Offenses	5	12.0	3.0	25.0
Administration of Justice Offenses	10	1.7	9.5	78.8
Environmental/Wildlife	3	0.0	6.0	100.0
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	18	0.0	6.0	100.0

¹Of the 72,865 cases, 706 were otherwise sentenced below the guideline range. Of these, 603 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional six cases were also excluded from this table. Furthermore, one case was excluded due to several logical criteria. Of the remaining 596 cases, four were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	297	48.0	11.0	33.3
Murder	1	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	7	60.0	19.0	35.2
Assault	13	57.0	18.0	41.2
Robbery	7	120.0	49.0	60.0
Arson	2	--	--	--
Drugs - Trafficking	35	84.0	19.0	25.0
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	4	12.0	6.0	100.0
Firearms	40	84.0	14.0	22.5
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	7	42.0	6.0	46.3
Fraud	29	48.0	12.0	50.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	8	47.0	15.5	51.2
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	4	61.0	15.5	46.2
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	105	21.0	6.0	26.7
Pornography/Prostitution	11	240.0	30.0	23.7
Prison Offenses	2	--	--	--
Administration of Justice Offenses	6	36.0	7.5	85.7
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	9	41.0	8.0	30.4

¹Of the 72,865 cases, 324 received an upward departure from the guideline range. Of these, 304 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional three cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Of the remaining 298 cases, one was excluded due to missing sentence information. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	136	71.0	19.0	40.6
Murder	0	--	--	--
Manslaughter	4	96.0	31.5	33.1
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	7	120.0	51.0	37.9
Assault	2	--	--	--
Robbery	5	96.0	18.0	39.1
Arson	2	--	--	--
Drugs - Trafficking	14	165.0	46.5	43.6
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	26	56.0	12.0	35.0
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	1	--	--	--
Fraud	25	60.0	14.0	45.5
Embezzlement	0	--	--	--
Forgery/Counterfeiting	4	81.0	35.0	77.5
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	22	60.0	13.5	88.2
Pornography/Prostitution	6	276.0	46.5	25.0
Prison Offenses	0	--	--	--
Administration of Justice Offenses	7	36.0	9.0	66.7
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	3	27.0	4.0	50.0

¹Of the 72,865 cases, 143 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 139 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional two cases were also excluded from this table. Furthermore, one case was excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	459	36.0	11.0	50.0
Murder	1	--	--	--
Manslaughter	4	58.0	12.0	22.6
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	8	120.0	45.5	38.4
Assault	7	60.0	24.0	45.5
Robbery	11	174.0	33.0	35.2
Arson	4	120.0	46.5	69.0
Drugs - Trafficking	34	88.5	11.0	20.7
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	7	12.0	6.0	99.8
Firearms	57	72.0	17.0	45.9
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	7	36.0	15.0	55.5
Fraud	68	45.0	10.0	33.3
Embezzlement	1	--	--	--
Forgery/Counterfeiting	7	30.0	9.0	60.0
Bribery	1	--	--	--
Tax	4	36.0	9.0	35.7
Money Laundering	3	12.0	6.0	100.5
Racketeering/Extortion	5	161.0	24.0	26.3
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	184	18.0	7.0	71.4
Pornography/Prostitution	21	216.0	60.0	40.0
Prison Offenses	2	--	--	--
Administration of Justice Offenses	13	36.0	9.0	33.3
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	8	21.0	6.0	75.8

¹Of the 72,865 cases, 491 were sentenced above the guideline range with *Booker*/ 18 U.S.C § 3553. Of these, 466 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional two cases were also excluded from this table. Furthermore, five cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	64	47.5	8.5	25.0
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	1	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	11	96.0	12.0	19.2
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	8	117.5	31.5	29.4
Burglary/B&E	1	--	--	--
Auto Theft	2	--	--	--
Larceny	4	52.5	8.0	27.4
Fraud	4	15.0	2.0	26.8
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	3	180.0	72.0	78.5
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	21	33.0	4.0	25.0
Pornography/Prostitution	2	--	--	--
Prison Offenses	2	--	--	--
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹Of the 72,865 cases, 102 were otherwise sentenced above the guideline range. Of these, 86 had complete guideline application information. 22 additional cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	72,061	63,724	88.4	61,498	85.3	2,226	3.1	8,337	11.6	2,789	3.9	5,548	7.7
Murder	81	81	100.0	80	98.8	1	1.2	0	0.0	0	0.0	0	0.0
Manslaughter	65	62	95.4	60	92.3	2	3.1	3	4.6	3	4.6	0	0.0
Kidnapping/Hostage Taking	48	48	100.0	48	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	381	368	96.6	358	94.0	10	2.6	13	3.4	6	1.6	7	1.8
Assault	567	477	84.1	450	79.4	27	4.8	90	15.9	30	5.3	60	10.6
Robbery	1,119	1,099	98.2	1,083	96.8	16	1.4	20	1.8	9	0.8	11	1.0
Arson	78	75	96.2	73	93.6	2	2.6	3	3.8	2	2.6	1	1.3
Drugs - Trafficking	24,304	23,642	97.3	23,081	95.0	561	2.3	662	2.7	305	1.3	357	1.5
Drugs - Communication Facility	372	313	84.1	304	81.7	9	2.4	59	15.9	24	6.5	35	9.4
Drugs - Simple Possession	599	257	42.9	248	41.4	9	1.5	342	57.1	28	4.7	314	52.4
Firearms	8,348	7,879	94.4	7,684	92.0	195	2.3	469	5.6	230	2.8	239	2.9
Burglary/B&E	41	37	90.2	33	80.5	4	9.8	4	9.8	0	0.0	4	9.8
Auto Theft	64	54	84.4	50	78.1	4	6.3	10	15.6	5	7.8	5	7.8
Larceny	1,621	698	43.1	618	38.1	80	4.9	923	56.9	249	15.4	674	41.6
Fraud	7,727	5,534	71.6	4,973	64.4	561	7.3	2,193	28.4	829	10.7	1,364	17.7
Embezzlement	462	219	47.4	155	33.5	64	13.9	243	52.6	77	16.7	166	35.9
Forgery/Counterfeiting	1,153	808	70.1	728	63.1	80	6.9	345	29.9	149	12.9	196	17.0
Bribery	243	175	72.0	152	62.6	23	9.5	68	28.0	35	14.4	33	13.6
Tax	642	386	60.1	313	48.8	73	11.4	256	39.9	110	17.1	146	22.7
Money Laundering	917	770	84.0	724	79.0	46	5.0	147	16.0	70	7.6	77	8.4
Racketeering/Extortion	620	566	91.3	557	89.8	9	1.5	54	8.7	27	4.4	27	4.4
Gambling/Lottery	112	27	24.1	21	18.8	6	5.4	85	75.9	50	44.6	35	31.3
Civil Rights	62	40	64.5	38	61.3	2	3.2	22	35.5	9	14.5	13	21.0
Immigration	17,574	16,963	96.5	16,683	94.9	280	1.6	611	3.5	169	1.0	442	2.5
Pornography/Prostitution	1,442	1,416	98.2	1,401	97.2	15	1.0	26	1.8	14	1.0	12	0.8
Prison Offenses	316	304	96.2	293	92.7	11	3.5	12	3.8	4	1.3	8	2.5
Administration of Justice Offenses	995	683	68.6	629	63.2	54	5.4	312	31.4	113	11.4	199	20.0
Environmental/Wildlife	159	38	23.9	25	15.7	13	8.2	121	76.1	32	20.1	89	56.0
National Defense	30	26	86.7	24	80.0	2	6.7	4	13.3	1	3.3	3	10.0
Antitrust	15	11	73.3	9	60.0	2	13.3	4	26.7	1	6.7	3	20.0
Food & Drug	62	19	30.6	17	27.4	2	3.2	43	69.4	3	4.8	40	64.5
Other Miscellaneous Offenses	1,842	649	35.2	586	31.8	63	3.4	1,193	64.8	205	11.1	988	53.6

¹Of the 72,865 cases, 804 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (636), missing primary offense category (100), or missing sentencing information (164). Descriptions of variables used in this table are provided in Appendix A.

²Prison/Community Split Sentence includes all cases in which offenders received prison and conditions of confinement as described in USSG §5C1.1.

Table 19

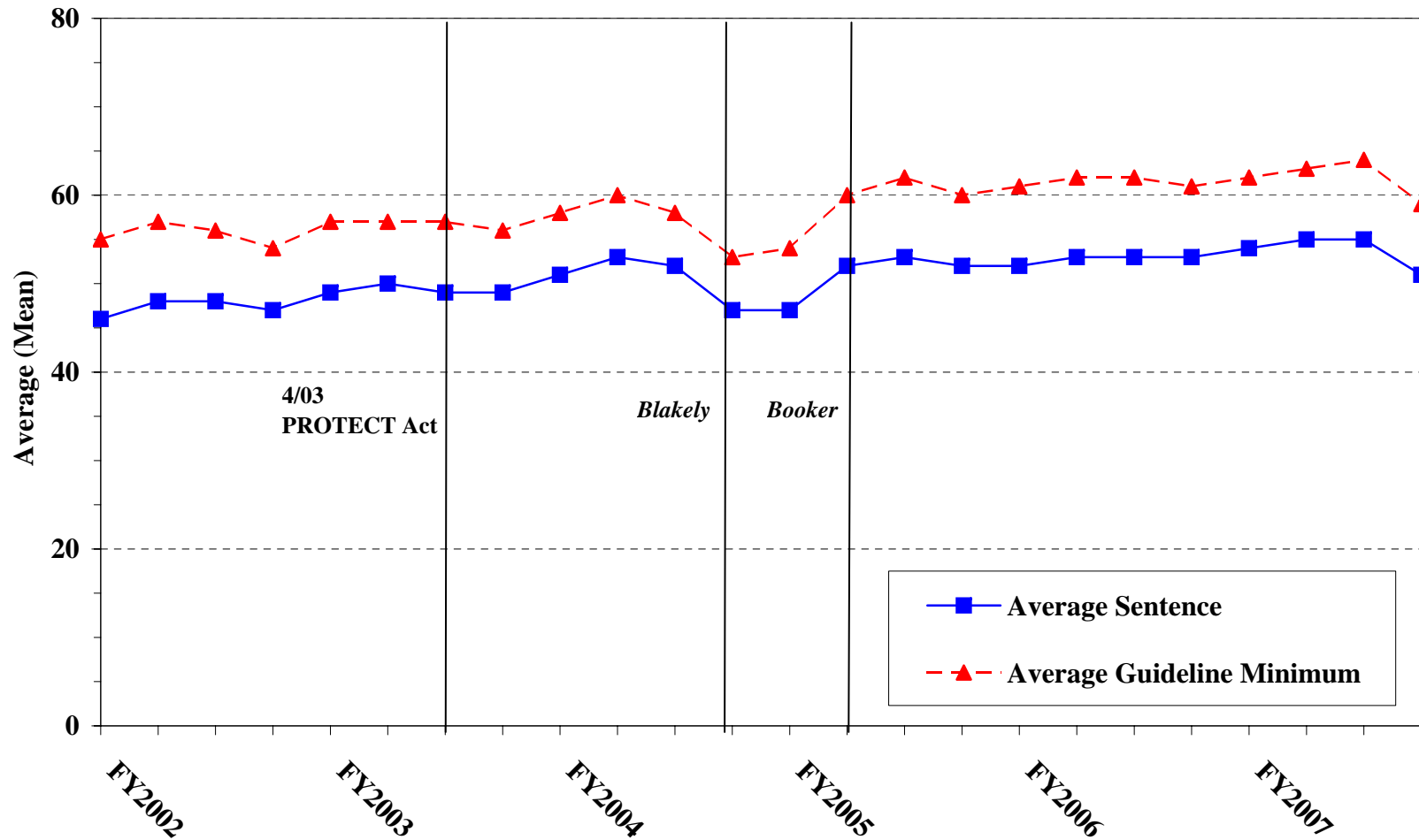
AVERAGE SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007

PRIMARY OFFENSE	Mean Months	Median Months	Number
TOTAL	51.8	28.0	72,691
Murder	258.5	235.0	81
Manslaughter	48.7	37.0	65
Kidnapping/Hostage Taking	169.0	156.5	48
Sexual Abuse	94.3	60.0	381
Assault	30.7	21.0	574
Robbery	85.1	66.5	1,120
Arson	80.9	60.0	78
Drugs - Trafficking	83.2	60.0	24,308
Drugs - Communication Facility	37.1	37.0	373
Drugs - Simple Possession	5.2	0.0	661
Firearms	80.2	55.0	8,355
Burglary/B&E	19.0	18.0	41
Auto Theft	59.7	19.5	64
Larceny	8.2	1.4	1,756
Fraud	19.0	10.0	7,759
Embezzlement	8.3	4.0	465
Forgery/Counterfeiting	14.6	10.0	1,156
Bribery	22.9	12.0	243
Tax	14.2	10.0	647
Money Laundering	35.6	24.0	918
Racketeering/Extortion	89.3	51.0	620
Gambling/Lottery	5.4	6.0	113
Civil Rights	27.4	12.0	64
Immigration	21.5	15.0	17,579
Pornography/Prostitution	109.6	78.0	1,444
Prison Offenses	19.1	14.0	316
Administration of Justice Offenses	19.6	10.0	1,014
Environmental/Wildlife	3.5	0.0	193
National Defense	40.2	13.0	32
Antitrust	15.9	9.0	15
Food & Drug	8.5	0.0	71
Other Miscellaneous Offenses	5.6	0.0	2,137

¹Of the 72,865 cases, 174 were excluded due to one or both of the following reasons: missing primary offense (100) or missing or indeterminable sentencing information (165). Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure C

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
 QUARTERLY DATA FOR ALL CASES¹
 Fiscal Years 2002 - 2007**

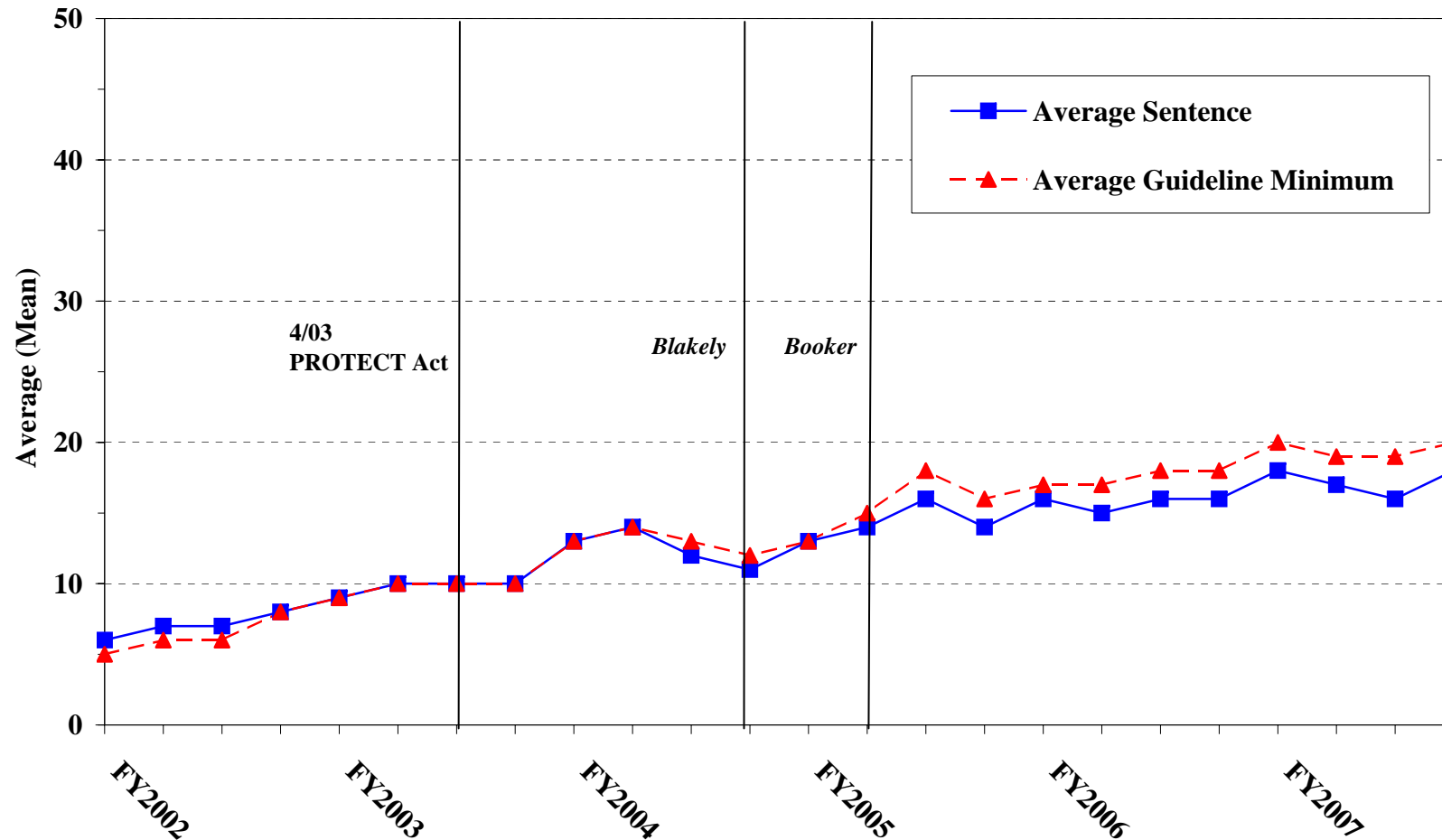


¹Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure D

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY
DATA FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)¹**

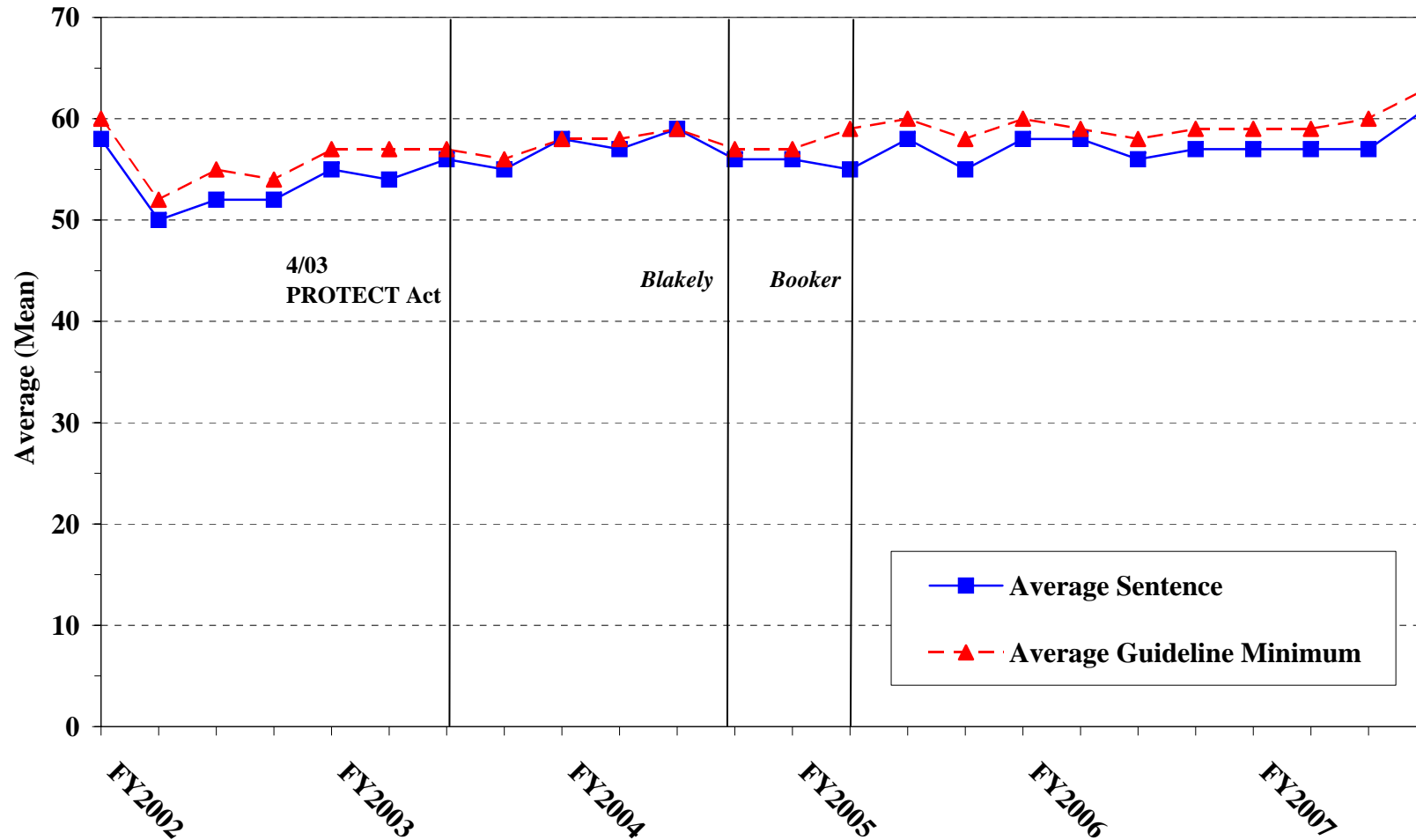
Fiscal Years 2002 - 2007



¹Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligation of the United States). Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure E

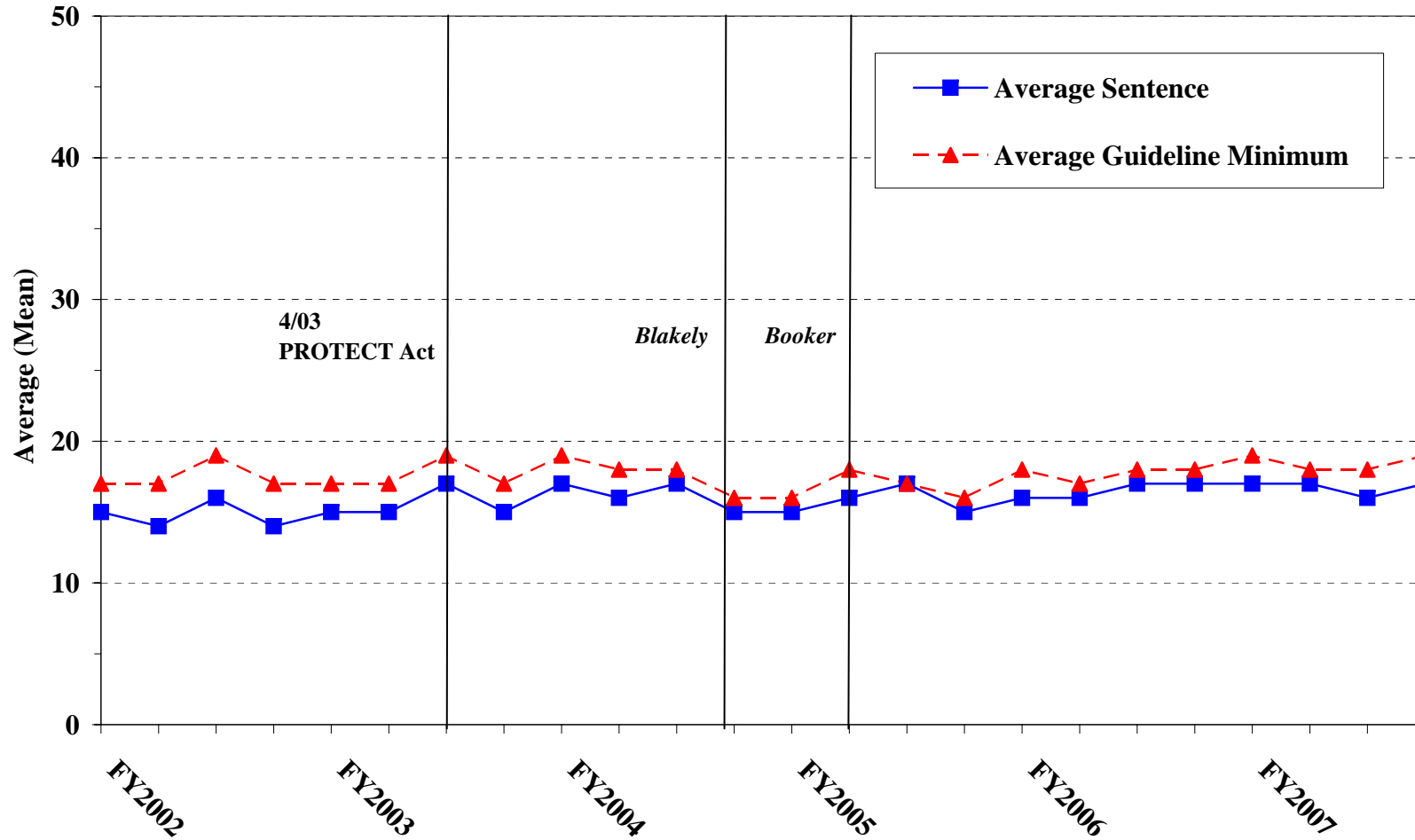
AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹
Fiscal Years 2002 - 2007



¹Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure F

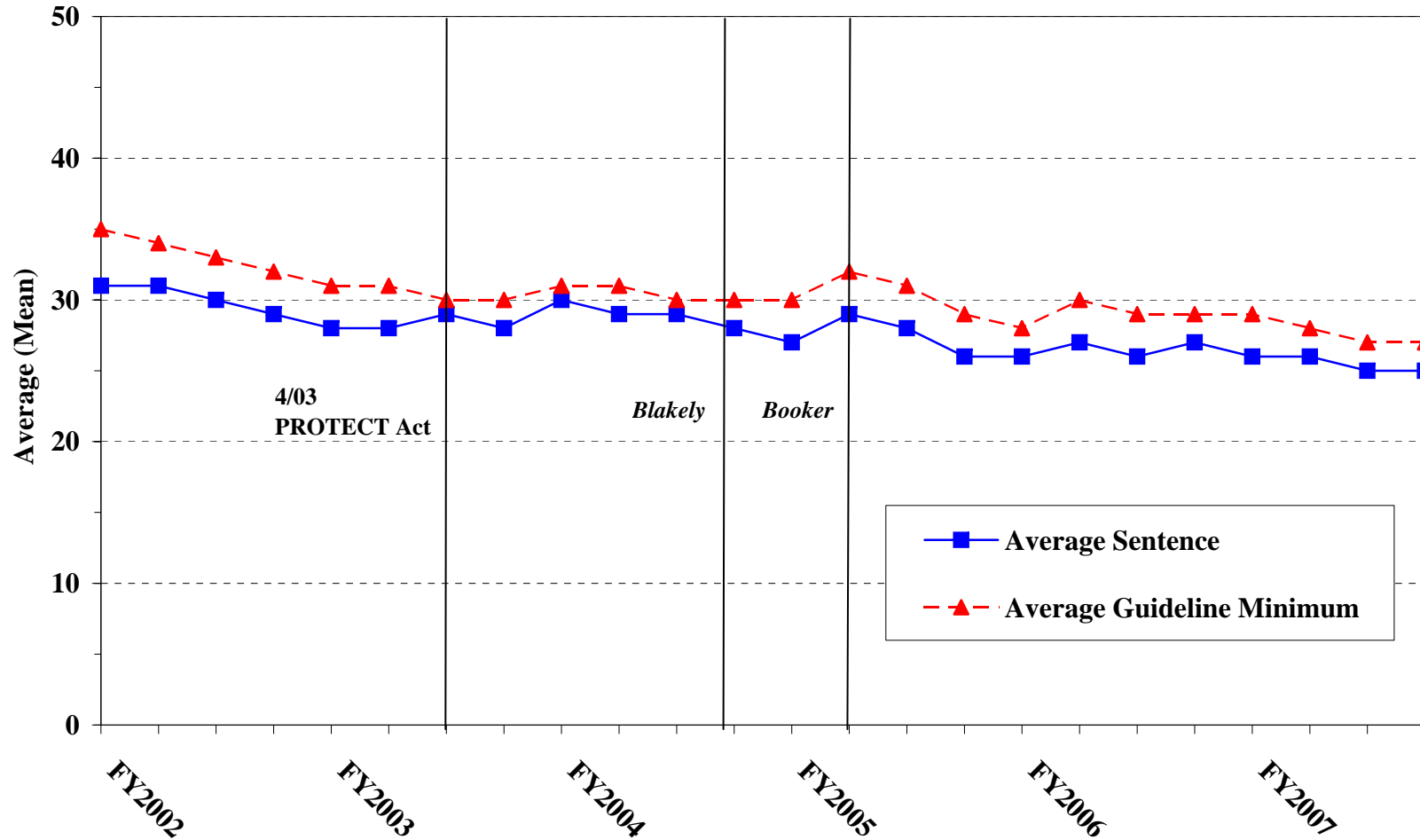
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
 QUARTERLY DATA FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)¹
 Fiscal Years 2002 - 2007**



¹Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure G

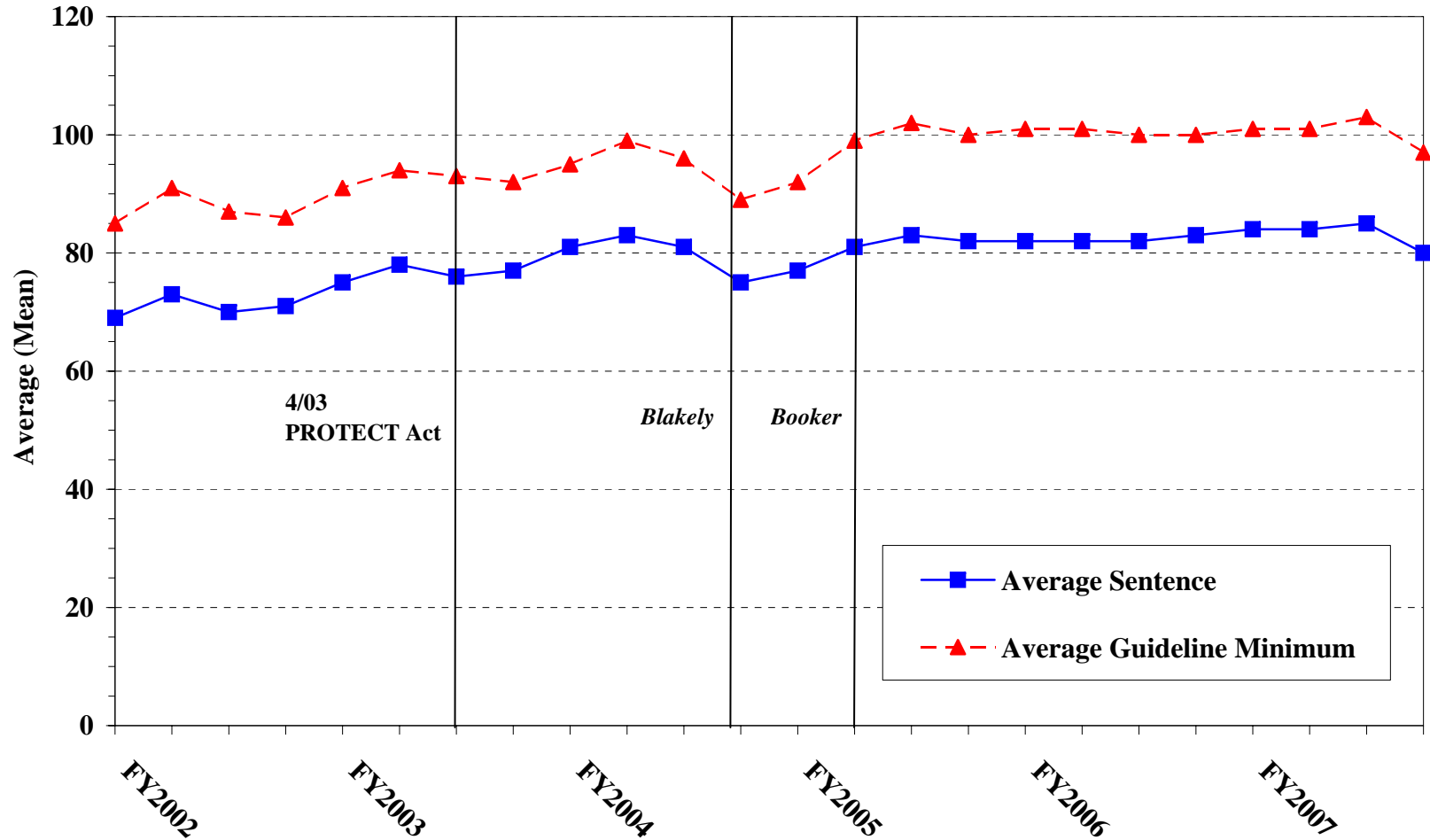
AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹
Fiscal Years 2002 - 2007



¹Figure includes only cases with a primary sentencing guideline of USSG §2L2.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure H

AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹
Fiscal Years 2002 - 2007

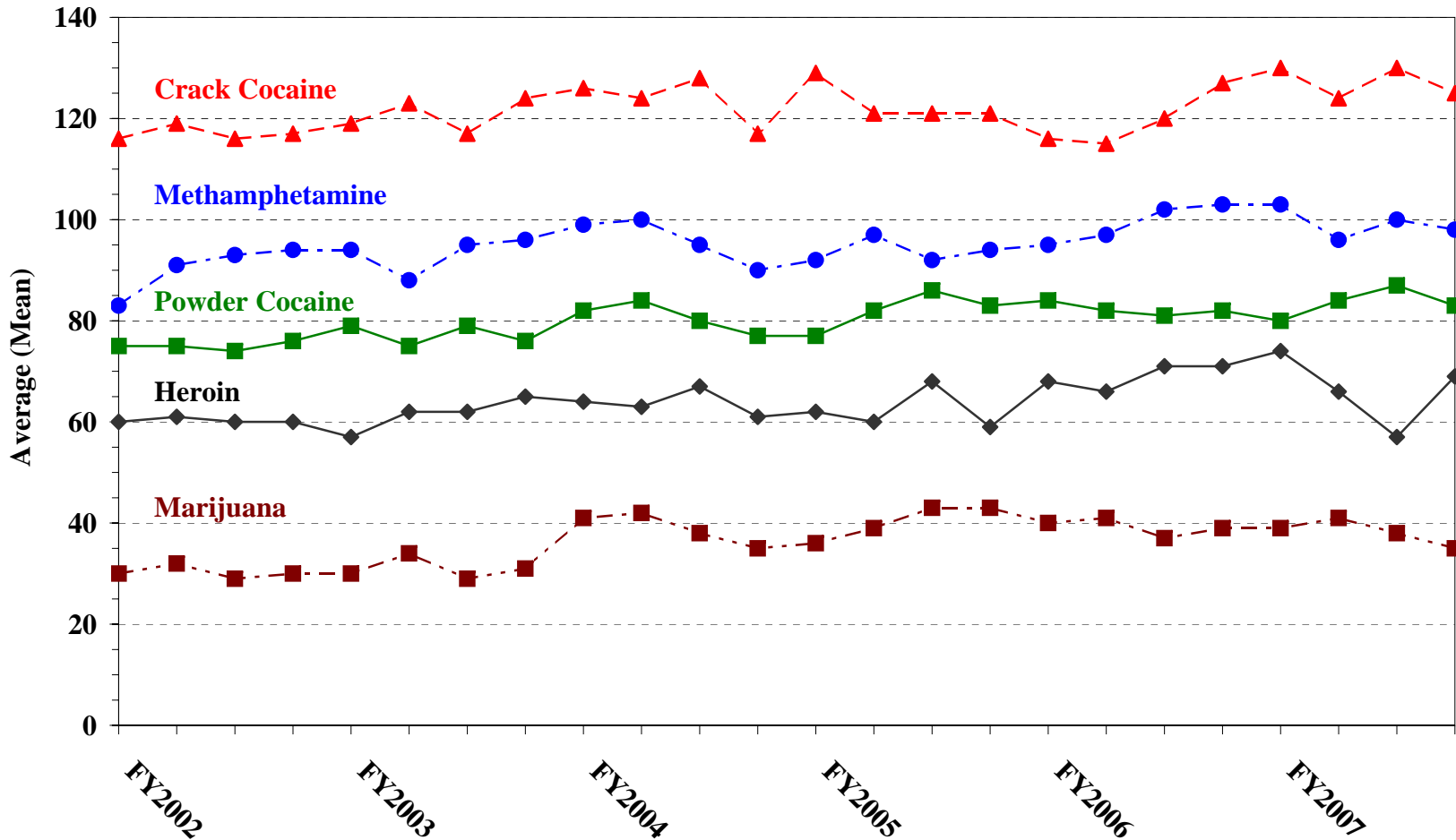


¹Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹

Fiscal Years 2002 - 2007



¹Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. Figure includes only cases with a primary sentencing guideline of USSG §2D1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

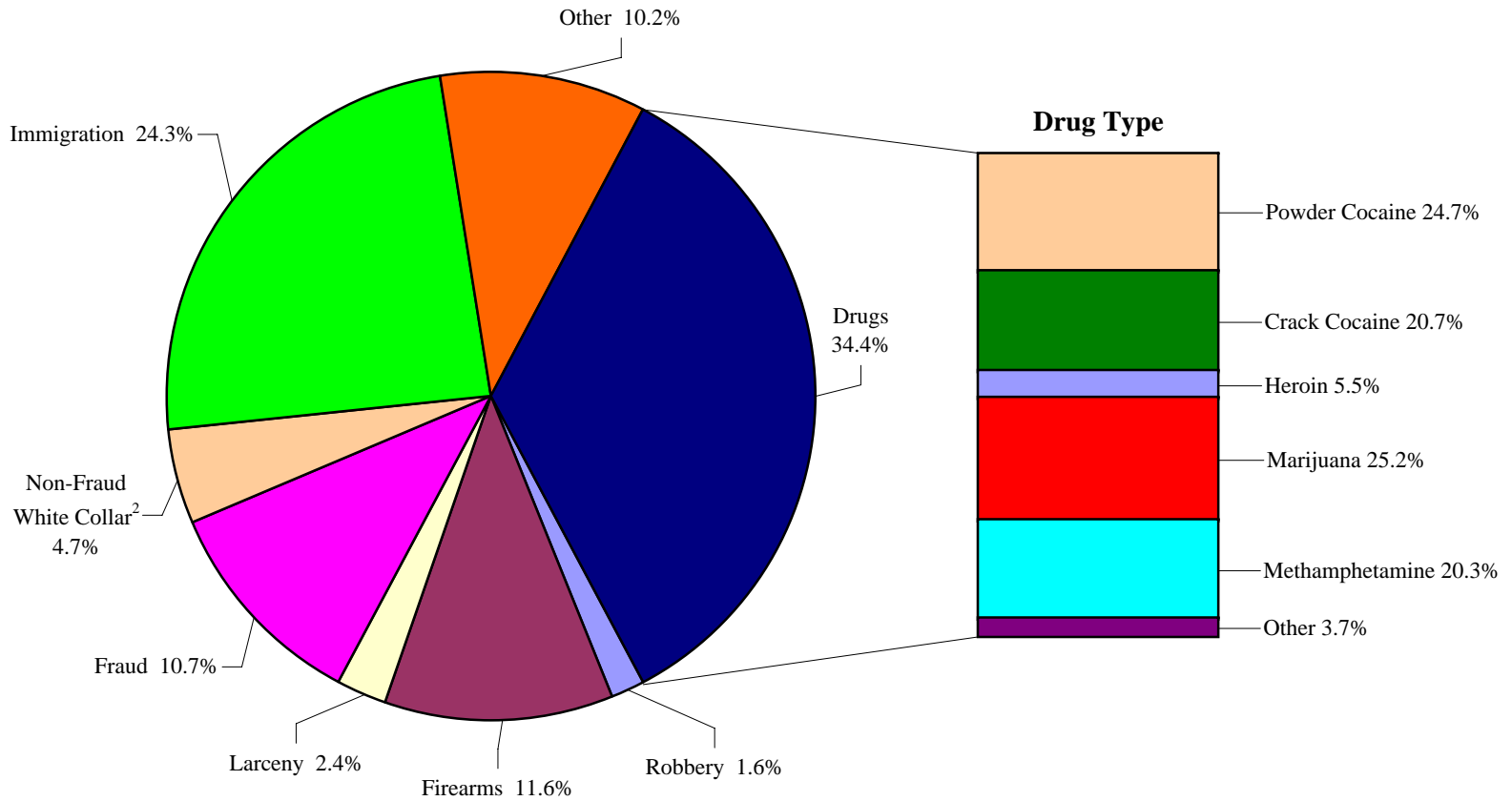
**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007**

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		n	%	n	%	n	%	n	%	n	%
TOTAL	34,000	20,024	58.9	5,419	15.9	2,754	8.1	2,287	6.7	3,516	10.3
Murder	28	10	35.7	6	21.4	1	3.6	3	10.7	8	28.6
Manslaughter	37	8	21.6	6	16.2	3	8.1	4	10.8	16	43.2
Kidnapping/Hostage Taking	13	9	69.2	2	15.4	0	0.0	0	0.0	2	15.4
Sexual Abuse	191	84	44.0	26	13.6	15	7.9	24	12.6	42	22.0
Assault	297	138	46.5	33	11.1	31	10.4	23	7.7	72	24.2
Robbery	668	354	53.0	107	16.0	68	10.2	58	8.7	81	12.1
Arson	26	19	73.1	2	7.7	0	0.0	1	3.8	4	15.4
Drugs - Trafficking	11,015	7,777	70.6	1,525	13.8	651	5.9	439	4.0	623	5.7
Drugs - Communication Facility	74	47	63.5	9	12.2	5	6.8	3	4.1	10	13.5
Drugs - Simple Possession	259	174	67.2	36	13.9	16	6.2	16	6.2	17	6.6
Firearms	4,869	2,768	56.8	745	15.3	406	8.3	306	6.3	644	13.2
Burglary/B&E	27	9	33.3	6	22.2	4	14.8	2	7.4	6	22.2
Auto Theft	33	14	42.4	5	15.2	2	6.1	4	12.1	8	24.2
Larceny	937	660	70.4	84	9.0	59	6.3	34	3.6	100	10.7
Fraud	3,791	2,232	58.9	522	13.8	286	7.5	299	7.9	452	11.9
Embezzlement	304	225	74.0	54	17.8	7	2.3	2	0.7	16	5.3
Forgery/Counterfeiting	716	362	50.6	111	15.5	67	9.4	63	8.8	113	15.8
Bribery	85	49	57.6	13	15.3	8	9.4	8	9.4	7	8.2
Tax	246	157	63.8	36	14.6	18	7.3	13	5.3	22	8.9
Money Laundering	375	255	68.0	55	14.7	16	4.3	21	5.6	28	7.5
Racketeering/Extortion	224	138	61.6	37	16.5	17	7.6	15	6.7	17	7.6
Gambling/Lottery	54	46	85.2	5	9.3	1	1.9	1	1.9	1	1.9
Civil Rights	22	12	54.5	3	13.6	2	9.1	0	0.0	5	22.7
Immigration	7,702	3,235	42.0	1,758	22.8	922	12.0	817	10.6	970	12.6
Pornography/Prostitution	701	414	59.1	83	11.8	51	7.3	59	8.4	94	13.4
Prison Offenses	213	89	41.8	42	19.7	26	12.2	13	6.1	43	20.2
Administration of Justice Offenses	474	288	60.8	47	9.9	39	8.2	33	7.0	67	14.1
Environmental/Wildlife	59	53	89.8	3	5.1	2	3.4	0	0.0	1	1.7
National Defense	6	3	50.0	1	16.7	1	16.7	1	16.7	0	0.0
Antitrust	2	1	50.0	1	50.0	0	0.0	0	0.0	0	0.0
Food & Drug	45	38	84.4	3	6.7	1	2.2	1	2.2	2	4.4
Other Miscellaneous Offenses	507	356	70.2	53	10.5	29	5.7	24	4.7	45	8.9

¹Of the 72,865 cases, 42,504 were sentenced within the applicable guideline range. Of those, 38,021 had complete guideline application information. An additional 2,200 cases were excluded due to several logical criteria. Of the remaining 35,821 cases, 1,821 were excluded due to missing point in range information. Descriptions of variables used in this table are provided in Appendix A.

Figure J

DISTRIBUTION OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007



¹Of the 72,865 guideline cases, 100 were excluded due to missing primary offense category. An additional 513 of the 25,372 drug cases were excluded due to missing drug type. The Drug category includes the following offense types: Trafficking, Use of a Communication Facility, and Simple Possession. The Non-Fraud White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering, and Tax. Descriptions of variables used in this figure are provided in Appendix A.

²The Non-Fraud White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering and Tax.

SOURCE: U.S. Sentencing Commission, 2007 Datafile, USSCFY07.

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007

PRIMARY OFFENSE	Number	Percent
TOTAL	72,765	100.0
Murder	81	0.1
Manslaughter	65	0.1
Kidnapping/Hostage Taking	48	0.1
Sexual Abuse	382	0.5
Assault	576	0.8
Robbery	1,120	1.5
Arson	78	0.1
Drugs - Trafficking	24,332	33.4
Drugs - Communication Facility	376	0.5
Drugs - Simple Possession	664	0.9
Firearms	8,359	11.5
Burglary/B&E	41	0.1
Auto Theft	64	0.1
Larceny	1,762	2.4
Fraud	7,767	10.7
Embezzlement	465	0.6
Forgery/Counterfeiting	1,157	1.6
Bribery	243	0.3
Tax	647	0.9
Money Laundering	918	1.3
Racketeering/Extortion	621	0.9
Gambling/Lottery	113	0.2
Civil Rights	64	0.1
Immigration	17,592	24.2
Pornography/Prostitution	1,445	2.0
Prison Offenses	316	0.4
Administration of Justice Offenses	1,016	1.4
Environmental/Wildlife	193	0.3
National Defense	32	0.0
Antitrust	15	0.0
Food & Drug	71	0.1
Other Miscellaneous Offenses	2,142	2.9

¹Of the 72,865 cases, 100 were excluded due to missing information on primary offense category. Descriptions of variables used in this table are provided in Appendix A.

Table 22

GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007

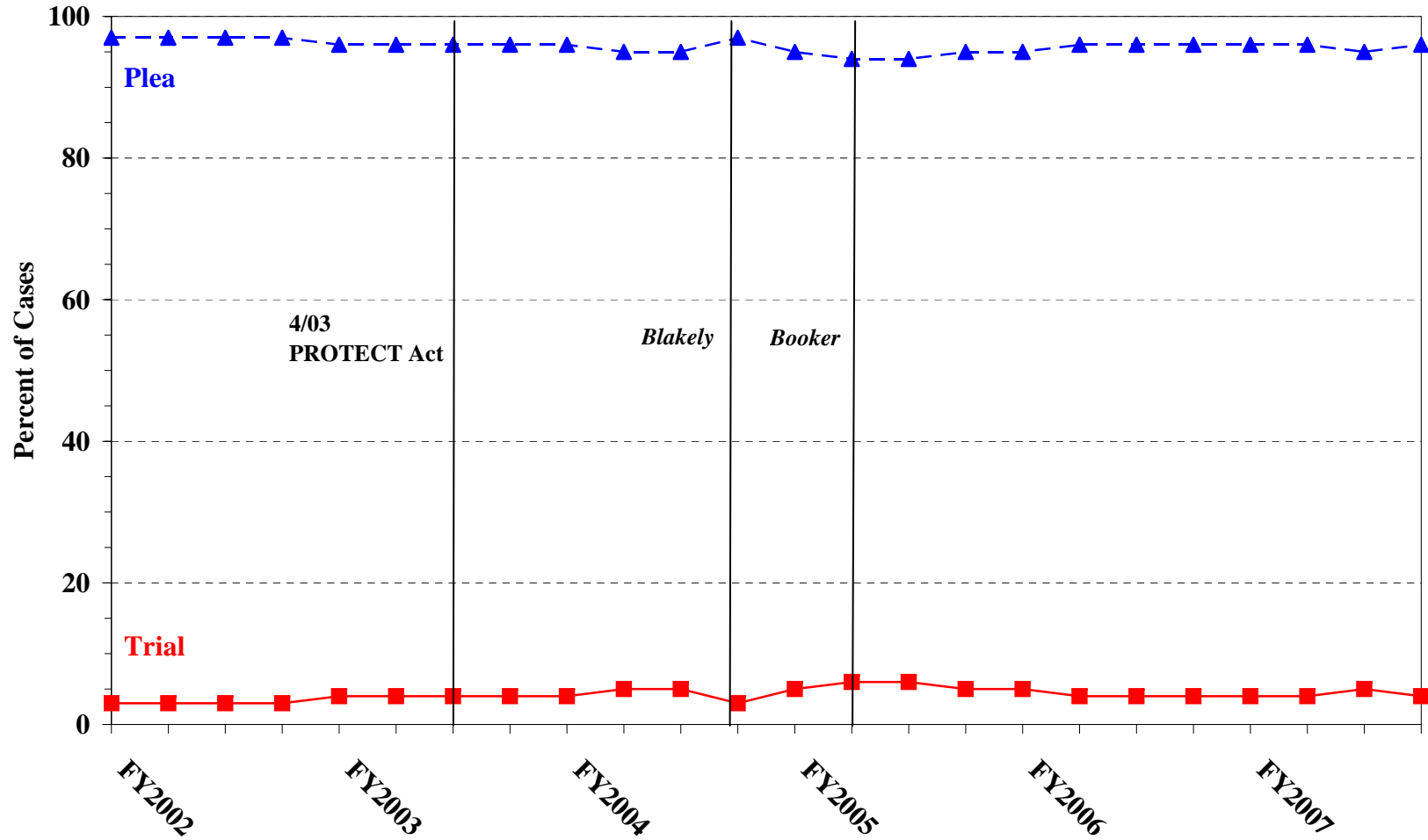
PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	72,759	69,687	95.8	3,072	4.2
Murder	81	57	70.4	24	29.6
Manslaughter	65	58	89.2	7	10.8
Kidnapping/Hostage Taking	48	46	95.8	2	4.2
Sexual Abuse	382	328	85.9	54	14.1
Assault	576	529	91.8	47	8.2
Robbery	1,120	1,075	96.0	45	4.0
Arson	78	67	85.9	11	14.1
Drugs - Trafficking	24,332	23,258	95.6	1,074	4.4
Drugs - Communication Facility	376	374	99.5	2	0.5
Drugs - Simple Possession	662	650	98.2	12	1.8
Firearms	8,359	7,736	92.5	623	7.5
Burglary/B&E	41	39	95.1	2	4.9
Auto Theft	64	60	93.8	4	6.3
Larceny	1,762	1,710	97.0	52	3.0
Fraud	7,767	7,378	95.0	389	5.0
Embezzlement	465	454	97.6	11	2.4
Forgery/Counterfeiting	1,157	1,137	98.3	20	1.7
Bribery	243	218	89.7	25	10.3
Tax	647	586	90.6	61	9.4
Money Laundering	918	845	92.0	73	8.0
Racketeering/Extortion	621	540	87.0	81	13.0
Gambling/Lottery	113	112	99.1	1	0.9
Civil Rights	64	54	84.4	10	15.6
Immigration	17,591	17,401	98.9	190	1.1
Pornography/Prostitution	1,445	1,377	95.3	68	4.7
Prison Offenses	316	304	96.2	12	3.8
Administration of Justice Offenses	1,016	945	93.0	71	7.0
Environmental/Wildlife	193	187	96.9	6	3.1
National Defense	32	29	90.6	3	9.4
Antitrust	15	15	100.0	0	0.0
Food & Drug	71	69	97.2	2	2.8
Other Miscellaneous Offenses	2,139	2,049	95.8	90	4.2

¹Of the 72,865 cases, 106 were excluded due to one or both of the following reasons: missing primary offense category (100) or missing information on mode of conviction (104). Descriptions of variables used in this table are provided in Appendix A.

Figure K

QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS¹

Fiscal Years 2002 - 2007



¹Descriptions of variables used in this table are provided in Appendix A.

Table 23

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	68,059	19,583	28.8	16,415	24.1	29,275	43.0	2,786	4.1
Murder	78	26	33.3	14	17.9	8	10.3	30	38.5
Manslaughter	64	5	7.8	1	1.6	2	3.1	56	87.5
Kidnapping/Hostage Taking	48	4	8.3	9	18.8	31	64.6	4	8.3
Sexual Abuse	382	202	52.9	20	5.2	29	7.6	131	34.3
Assault	507	144	28.4	67	13.2	99	19.5	197	38.9
Robbery	1,113	512	46.0	468	42.0	94	8.4	39	3.5
Arson	78	52	66.7	13	16.7	4	5.1	9	11.5
Drugs - Trafficking	24,205	5,865	24.2	6,889	28.5	10,598	43.8	853	3.5
Drugs - Communication Facility	373	95	25.5	139	37.3	131	35.1	8	2.1
Drugs - Simple Possession	389	198	50.9	115	29.6	56	14.4	20	5.1
Firearms	8,295	2,694	32.5	4,006	48.3	1,355	16.3	240	2.9
Burglary/B&E	41	17	41.5	6	14.6	0	0.0	18	43.9
Auto Theft	62	16	25.8	19	30.6	25	40.3	2	3.2
Larceny	1,434	747	52.1	451	31.5	148	10.3	88	6.1
Fraud	7,063	3,322	47.0	2,224	31.5	1,167	16.5	350	5.0
Embezzlement	446	269	60.3	95	21.3	32	7.2	50	11.2
Forgery/Counterfeiting	1,103	530	48.1	422	38.3	125	11.3	26	2.4
Bribery	241	111	46.1	54	22.4	60	24.9	16	6.6
Tax	629	467	74.2	83	13.2	37	5.9	42	6.7
Money Laundering	898	314	35.0	126	14.0	363	40.4	95	10.6
Racketeering/Extortion	609	251	41.2	176	28.9	142	23.3	40	6.6
Gambling/Lottery	112	87	77.7	3	2.7	5	4.5	17	15.2
Civil Rights	60	43	71.7	9	15.0	6	10.0	2	3.3
Immigration	15,882	1,124	7.1	421	2.7	14,145	89.1	192	1.2
Pornography/Prostitution	1,439	1,204	83.7	58	4.0	117	8.1	60	4.2
Prison Offenses	295	97	32.9	94	31.9	85	28.8	19	6.4
Administration of Justice Offenses	937	400	42.7	217	23.2	273	29.1	47	5.0
Environmental/Wildlife	138	103	74.6	6	4.3	10	7.2	19	13.8
National Defense	29	12	41.4	3	10.3	9	31.0	5	17.2
Antitrust	11	10	90.9	0	0.0	1	9.1	0	0.0
Food & Drug	66	48	72.7	2	3.0	12	18.2	4	6.1
Other Miscellaneous Offenses	1,032	614	59.5	205	19.9	106	10.3	107	10.4

¹Of the 72,865 cases, 4,806 were excluded due to one or both of the following reasons: missing primary offense category (100) or missing race (4,800). Descriptions of variables used in this table are provided in Appendix A.

Table 24

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		Number	Percent	Number	Percent
TOTAL	69,986	60,539	86.5	9,447	13.5
Murder	80	70	87.5	10	12.5
Manslaughter	65	53	81.5	12	18.5
Kidnapping/Hostage Taking	48	44	91.7	4	8.3
Sexual Abuse	382	376	98.4	6	1.6
Assault	535	481	89.9	54	10.1
Robbery	1,117	1,009	90.3	108	9.7
Arson	78	70	89.7	8	10.3
Drugs - Trafficking	24,264	21,268	87.7	2,996	12.3
Drugs - Communication Facility	374	300	80.2	74	19.8
Drugs - Simple Possession	495	376	76.0	119	24.0
Firearms	8,329	8,041	96.5	288	3.5
Burglary/B&E	41	37	90.2	4	9.8
Auto Theft	62	56	90.3	6	9.7
Larceny	1,556	957	61.5	599	38.5
Fraud	7,350	5,154	70.1	2,196	29.9
Embezzlement	457	207	45.3	250	54.7
Forgery/Counterfeiting	1,142	806	70.6	336	29.4
Bribery	241	211	87.6	30	12.4
Tax	639	516	80.8	123	19.2
Money Laundering	905	679	75.0	226	25.0
Racketeering/Extortion	613	566	92.3	47	7.7
Gambling/Lottery	113	101	89.4	12	10.6
Civil Rights	63	52	82.5	11	17.5
Immigration	16,590	15,363	92.6	1,227	7.4
Pornography/Prostitution	1,442	1,391	96.5	51	3.5
Prison Offenses	304	276	90.8	28	9.2
Administration of Justice Offenses	965	674	69.8	291	30.2
Environmental/Wildlife	161	152	94.4	9	5.6
National Defense	30	29	96.7	1	3.3
Antitrust	12	12	100.0	0	0.0
Food & Drug	68	61	89.7	7	10.3
Other Miscellaneous Offenses	1,465	1,151	78.6	314	21.4

¹Of the 72,865 cases, 2,879 were excluded due to one or both of the following reasons: missing primary offense category (100) or missing gender (2,861). Descriptions of variables used in this table are provided in Appendix A.

Table 25

AGE, RACE, AND GENDER OF OFFENDERS¹
Fiscal Year 2007

Gender and Age	White		Black		Hispanic		Other	
	n	%	n	%	n	%	n	%
Males	16,135	100.0	14,183	100.0	26,324	100.0	2,218	100.0
Under 21	393	2.4	445	3.1	1,293	4.9	113	5.1
21 - 25	1,835	11.4	2,643	18.6	4,782	18.2	400	18.0
26 - 30	2,268	14.1	3,482	24.6	5,716	21.7	414	18.7
31 - 35	2,169	13.4	2,939	20.7	5,247	19.9	357	16.1
36 - 40	2,202	13.6	1,841	13.0	3,856	14.6	297	13.4
41 - 50	3,979	24.7	2,011	14.2	4,071	15.5	419	18.9
Over 50	3,289	20.4	822	5.8	1,359	5.2	218	9.8
Females	3,430	100.0	2,220	100.0	2,759	100.0	562	100.0
Under 21	123	3.6	53	2.4	189	6.9	9	1.6
21 - 25	515	15.0	372	16.8	505	18.3	81	14.4
26 - 30	543	15.8	467	21.0	539	19.5	101	18.0
31 - 35	498	14.5	359	16.2	480	17.4	91	16.2
36 - 40	475	13.8	312	14.1	351	12.7	68	12.1
41 - 50	780	22.7	443	20.0	488	17.7	134	23.8
Over 50	496	14.5	214	9.6	207	7.5	78	13.9

¹Of the 72,865 cases, 5,034 were excluded due to one or more of the following reasons: missing race (4,800), missing gender (2,861), or missing age (878). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2007 Datafile, USSCFY07.

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2007

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		Number	Percent	Number	Percent
TOTAL	69,519	43,503	62.6	26,016	37.4
Murder	78	68	87.2	10	12.8
Manslaughter	64	63	98.4	1	1.6
Kidnapping/Hostage Taking	48	21	43.8	27	56.3
Sexual Abuse	382	360	94.2	22	5.8
Assault	513	455	88.7	58	11.3
Robbery	1,113	1,081	97.1	32	2.9
Arson	78	74	94.9	4	5.1
Drugs - Trafficking	24,193	16,976	70.2	7,217	29.8
Drugs - Communication Facility	374	289	77.3	85	22.7
Drugs - Simple Possession	396	357	90.2	39	9.8
Firearms	8,306	7,663	92.3	643	7.7
Burglary/B&E	41	40	97.6	1	2.4
Auto Theft	62	50	80.6	12	19.4
Larceny	1,431	1,334	93.2	97	6.8
Fraud	7,303	5,843	80.0	1,460	20.0
Embezzlement	447	431	96.4	16	3.6
Forgery/Counterfeiting	1,130	997	88.2	133	11.8
Bribery	241	213	88.4	28	11.6
Tax	632	590	93.4	42	6.6
Money Laundering	892	590	66.1	302	33.9
Racketeering/Extortion	608	496	81.6	112	18.4
Gambling/Lottery	112	97	86.6	15	13.4
Civil Rights	60	55	91.7	5	8.3
Immigration	17,033	1,830	10.7	15,203	89.3
Pornography/Prostitution	1,440	1,351	93.8	89	6.2
Prison Offenses	299	277	92.6	22	7.4
Administration of Justice Offenses	934	733	78.5	201	21.5
Environmental/Wildlife	140	126	90.0	14	10.0
National Defense	29	19	65.5	10	34.5
Antitrust	11	11	100.0	0	0.0
Food & Drug	66	58	87.9	8	12.1
Other Miscellaneous Offenses	1,063	955	89.8	108	10.2

¹Of the 72,865 cases, 3,346 were excluded due to one or both of the following reasons: missing primary offense category (100) or missing citizenship information (3,346). Descriptions of variables used in this table are provided in Appendix A.

Table 27

DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2007

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		n	n	n	n	n	n	n	n
TOTAL	72,865	338,493	72,725	69,907	55,075	16,542	72,405	68,381	4,170
D.C. CIRCUIT	450	2,201	450	449	406	44	450	446	4
District of Columbia	450	2,201	450	449	406	44	450	446	4
FIRST CIRCUIT	1,926	8,852	1,926	1,919	1,248	632	1,924	1,835	90
Maine	191	846	191	191	84	106	191	189	2
Massachusetts	581	2,572	581	579	266	311	581	565	16
New Hampshire	239	1,170	239	239	215	24	239	238	1
Puerto Rico	772	3,595	772	770	583	151	770	700	71
Rhode Island	143	669	143	140	100	40	143	143	0
SECOND CIRCUIT	4,454	21,006	4,451	4,417	3,367	1,019	4,445	4,326	114
Connecticut	405	2,001	405	404	384	20	404	404	0
New York									
Eastern	1,043	5,073	1,043	1,042	911	125	1,043	1,034	8
Northern	450	2,084	449	435	335	104	450	415	32
Southern	1,654	7,444	1,653	1,635	872	734	1,648	1,636	11
Western	762	3,709	761	761	730	31	760	697	63
Vermont	140	695	140	140	135	5	140	140	0
THIRD CIRCUIT	3,100	14,860	3,099	3,069	2,561	524	3,092	3,039	59
Delaware	107	524	107	106	99	8	106	106	0
New Jersey	1,013	4,962	1,013	1,005	929	80	1,007	1,008	4
Pennsylvania									
Eastern	793	3,725	793	777	581	207	793	781	12
Middle	589	2,911	588	589	560	29	589	585	4
Western	492	2,250	492	487	326	160	491	454	38
Virgin Islands	106	488	106	105	66	40	106	105	1
FOURTH CIRCUIT	6,547	29,613	6,536	5,979	4,785	1,628	6,369	5,944	566
Maryland	699	3,282	699	648	590	89	688	657	36
North Carolina									
Eastern	611	2,809	611	586	435	157	610	567	41
Middle	429	2,084	429	428	379	49	428	420	8
Western	766	3,569	765	755	525	228	764	760	3
South Carolina	1,129	5,204	1,126	1,123	719	385	1,128	1,108	20
Virginia									
Eastern	1,767	7,085	1,762	1,297	1,121	595	1,608	1,297	447
Western	624	3,024	623	622	538	83	623	618	6
West Virginia									
Northern	268	1,317	268	267	248	20	268	266	2
Southern	254	1,239	253	253	230	22	252	251	3

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received n	Received n	Received n	Received n	No Written Plea/Trial n	Received n	Received n	Waived n
FIFTH CIRCUIT	15,094	69,459	15,077	14,990	9,842	4,978	15,061	14,489	589
Louisiana									
Eastern	424	1,923	419	420	245	166	419	420	0
Middle	166	793	166	166	129	37	166	166	0
Western	488	2,297	488	487	391	94	484	447	40
Mississippi									
Northern	193	948	193	191	186	5	192	186	7
Southern	431	2,005	426	402	360	63	422	395	31
Texas									
Eastern	979	4,774	978	978	864	113	978	976	2
Northern	1,052	4,952	1,052	1,048	751	300	1,052	1,049	3
Southern	5,582	26,295	5,581	5,578	4,034	1,513	5,578	5,524	57
Western	5,779	25,472	5,774	5,720	2,882	2,687	5,770	5,326	449
SIXTH CIRCUIT	5,271	24,854	5,267	5,177	4,162	1,009	5,266	4,982	281
Kentucky									
Eastern	579	2,784	577	576	484	85	579	568	10
Western	536	2,274	536	502	354	127	535	347	189
Michigan									
Eastern	759	3,676	759	756	647	111	759	755	4
Western	447	2,155	447	444	383	62	445	436	9
Ohio									
Northern	881	4,170	881	880	654	210	880	875	5
Southern	631	3,085	630	623	582	47	630	620	9
Tennessee									
Eastern	570	2,659	570	567	387	182	570	565	5
Middle	317	1,454	316	279	259	49	317	283	32
Western	551	2,597	551	550	412	136	551	533	18
SEVENTH CIRCUIT	2,928	14,003	2,922	2,902	2,347	567	2,920	2,912	10
Illinois									
Central	391	1,782	391	391	219	171	391	390	0
Northern	850	4,031	845	828	668	175	844	846	0
Southern	344	1,633	343	343	263	80	343	341	3
Indiana									
Northern	426	2,062	426	424	363	61	425	424	1
Southern	314	1,525	314	313	273	40	314	311	3
Wisconsin									
Eastern	406	2,002	406	406	379	27	406	405	1
Western	197	968	197	197	182	13	197	195	2
EIGHTH CIRCUIT	5,060	24,164	5,059	5,030	4,022	1,014	5,052	5,001	53
Arkansas									
Eastern	366	1,732	366	362	292	67	365	347	17
Western	182	897	182	182	170	12	182	181	1
Iowa									
Northern	455	2,090	455	454	274	180	454	453	2
Southern	373	1,726	373	369	252	116	370	362	9
Minnesota	541	2,653	541	540	500	41	541	531	10
Missouri									
Eastern	975	4,829	975	971	936	37	975	972	3
Western	808	3,691	808	799	470	337	808	806	2
Nebraska	703	3,456	703	703	650	51	703	697	5
North Dakota	211	988	210	207	153	55	208	210	0
South Dakota	446	2,102	446	443	325	118	446	442	4

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		n	n	n	n	n	n	n	n
NINTH CIRCUIT	14,899	69,305	14,808	13,298	13,224	1,364	14,730	13,245	1,520
Alaska	132	583	130	128	76	48	129	120	9
Arizona	4,721	21,648	4,718	3,895	4,415	275	4,710	3,910	804
California									
Central	1,701	7,114	1,624	1,087	1,277	195	1,573	1,553	59
Eastern	946	4,612	946	941	835	109	946	944	2
Northern	657	3,090	655	650	565	82	648	572	75
Southern	3,248	15,524	3,242	3,137	3,037	197	3,234	2,874	350
Guam	68	329	68	68	58	10	68	67	1
Hawaii	359	1,645	359	355	242	114	358	331	27
Idaho	251	1,221	251	249	221	30	251	249	2
Montana	366	1,744	366	358	291	74	365	364	2
Nevada	655	3,162	654	650	583	65	655	620	35
Northern Mariana Islands	19	89	19	19	13	6	19	19	0
Oregon	565	2,758	565	562	523	41	564	544	21
Washington									
Eastern	364	1,733	364	362	291	70	364	352	12
Western	847	4,053	847	837	797	48	846	726	121
TENTH CIRCUIT	5,893	27,074	5,888	5,657	4,189	1,549	5,878	5,462	361
Colorado	548	2,637	548	521	511	35	547	510	38
Kansas	649	3,164	649	645	580	66	648	642	4
New Mexico	2,520	11,595	2,519	2,504	1,555	946	2,514	2,503	14
Oklahoma									
Eastern	95	410	95	95	34	54	95	91	4
Northern	231	1,061	231	231	137	94	231	231	0
Western	552	2,006	551	364	229	226	545	317	174
Utah	916	4,400	913	915	827	80	916	829	87
Wyoming	382	1,801	382	382	316	48	382	339	40
ELEVENTH CIRCUIT	7,243	33,102	7,242	7,020	4,922	2,214	7,218	6,700	523
Alabama									
Middle	243	1,179	243	243	208	35	243	242	1
Northern	582	2,722	581	571	435	140	581	554	28
Southern	356	1,684	356	355	266	84	355	352	4
Florida									
Middle	1,604	7,445	1,604	1,603	1,048	546	1,597	1,593	5
Northern	441	1,994	441	416	269	168	440	428	13
Southern	2,326	10,545	2,326	2,190	1,532	730	2,320	2,177	136
Georgia									
Middle	538	2,298	538	503	318	215	536	403	134
Northern	609	2,902	609	595	503	99	602	593	16
Southern	544	2,333	544	544	343	197	544	358	186

¹Descriptions of variables used in this table are provided in Appendix A.

²The figures presented in this table regarding plea agreement submission exclude from the analysis 527 cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

SOURCE: U.S. Sentencing Commission, 2007 Datafile, USSCFY07.

Table 28
RATE OF SUBMISSION OF STATEMENT OF REASONS FORM
IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2007

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
TOTAL	72,865	61,751	84.7	8,221	11.3	2,893	4.0
D.C. CIRCUIT	450	429	95.3	21	4.7	0	0.0
District of Columbia	450	429	95.3	21	4.7	0	0.0
FIRST CIRCUIT	1,926	1,912	99.3	8	0.4	6	0.3
Maine	191	190	99.5	1	0.5	0	0.0
Massachusetts	581	578	99.5	1	0.2	2	0.3
New Hampshire	239	237	99.2	2	0.8	0	0.0
Puerto Rico	772	768	99.5	3	0.4	1	0.1
Rhode Island	143	139	97.2	1	0.7	3	2.1
SECOND CIRCUIT	4,454	4,137	92.9	284	6.4	33	0.7
Connecticut	405	404	99.8	0	0.0	1	0.2
New York							
Eastern	1,043	823	78.9	219	21.0	1	0.1
Northern	450	433	96.2	2	0.4	15	3.3
Southern	1,654	1,582	95.6	57	3.4	15	0.9
Western	762	759	99.6	2	0.3	1	0.1
Vermont	140	136	97.1	4	2.9	0	0.0
THIRD CIRCUIT	3,100	2,193	70.7	877	28.3	30	1.0
Delaware	107	107	100.0	0	0.0	0	0.0
New Jersey	1,013	145	14.3	860	84.9	8	0.8
Pennsylvania							
Eastern	793	763	96.2	14	1.8	16	2.0
Middle	589	588	99.8	1	0.2	0	0.0
Western	492	485	98.6	2	0.4	5	1.0
Virgin Islands	106	105	99.1	0	0.0	1	0.9
FOURTH CIRCUIT	6,547	5,263	80.4	737	11.3	547	8.4
Maryland	699	641	91.7	27	3.9	31	4.4
North Carolina							
Eastern	611	577	94.4	9	1.5	25	4.1
Middle	429	427	99.5	1	0.2	1	0.2
Western	766	743	97.0	12	1.6	11	1.4
South Carolina	1,129	1,119	99.1	4	0.4	6	0.5
Virginia							
Eastern	1,767	624	35.3	674	38.1	469	26.5
Western	624	620	99.4	2	0.3	2	0.3
West Virginia							
Northern	268	264	98.5	3	1.1	1	0.4
Southern	254	248	97.6	5	2.0	1	0.4

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
FIFTH CIRCUIT	15,094	11,198	74.2	3,797	25.2	99	0.7
Louisiana							
Eastern	424	415	97.9	5	1.2	4	0.9
Middle	166	166	100.0	0	0.0	0	0.0
Western	488	462	94.7	25	5.1	1	0.2
Mississippi							
Northern	193	191	99.0	0	0.0	2	1.0
Southern	431	401	93.0	1	0.2	29	6.7
Texas							
Eastern	979	975	99.6	3	0.3	1	0.1
Northern	1,052	1,046	99.4	2	0.2	4	0.4
Southern	5,582	5,581	100.0	1	0.0	0	0.0
Western	5,779	1,961	33.9	3,760	65.1	58	1.0
SIXTH CIRCUIT	5,271	4,692	89.0	487	9.2	92	1.7
Kentucky							
Eastern	579	576	99.5	0	0.0	3	0.5
Western	536	499	93.1	3	0.6	34	6.3
Michigan							
Eastern	759	533	70.2	223	29.4	3	0.4
Western	447	439	98.2	5	1.1	3	0.7
Ohio							
Northern	881	879	99.8	1	0.1	1	0.1
Southern	631	504	79.9	120	19.0	7	1.1
Tennessee							
Eastern	570	566	99.3	1	0.2	3	0.5
Middle	317	147	46.4	132	41.6	38	12.0
Western	551	549	99.6	2	0.4	0	0.0
SEVENTH CIRCUIT	2,928	2,149	73.4	753	25.7	26	0.9
Illinois							
Central	391	388	99.2	3	0.8	0	0.0
Northern	850	275	32.4	553	65.1	22	2.6
Southern	344	343	99.7	0	0.0	1	0.3
Indiana							
Northern	426	392	92.0	32	7.5	2	0.5
Southern	314	313	99.7	0	0.0	1	0.3
Wisconsin							
Eastern	406	328	80.8	78	19.2	0	0.0
Western	197	110	55.8	87	44.2	0	0.0
EIGHTH CIRCUIT	5,060	4,610	91.1	419	8.3	31	0.6
Arkansas							
Eastern	366	361	98.6	1	0.3	4	1.1
Western	182	182	100.0	0	0.0	0	0.0
Iowa							
Northern	455	454	99.8	0	0.0	1	0.2
Southern	373	365	97.9	4	1.1	4	1.1
Minnesota	541	450	83.2	90	16.6	1	0.2
Missouri							
Eastern	975	941	96.5	30	3.1	4	0.4
Western	808	508	62.9	291	36.0	9	1.1
Nebraska	703	703	100.0	0	0.0	0	0.0
North Dakota	211	203	96.2	3	1.4	5	2.4
South Dakota	446	443	99.3	0	0.0	3	0.7

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
NINTH CIRCUIT	14,899	12,702	85.3	612	4.1	1,585	10.6
Alaska	132	129	97.7	1	0.8	2	1.5
Arizona	4,721	3,775	80.0	124	2.6	822	17.4
California							
Central	1,701	1,058	62.2	33	1.9	610	35.9
Eastern	946	942	99.6	1	0.1	3	0.3
Northern	657	647	98.5	4	0.6	6	0.9
Southern	3,248	3,121	96.1	16	0.5	111	3.4
Guam	68	66	97.1	2	2.9	0	0.0
Hawaii	359	330	91.9	25	7.0	4	1.1
Idaho	251	249	99.2	0	0.0	2	0.8
Montana	366	357	97.5	1	0.3	8	2.2
Nevada	655	653	99.7	0	0.0	2	0.3
Northern Mariana Islands	19	19	100.0	0	0.0	0	0.0
Oregon	565	167	29.6	395	69.9	3	0.5
Washington							
Eastern	364	356	97.8	6	1.6	2	0.5
Western	847	833	98.3	4	0.5	10	1.2
TENTH CIRCUIT	5,893	5,534	93.9	137	2.3	222	3.8
Colorado	548	479	87.4	50	9.1	19	3.5
Kansas	649	645	99.4	0	0.0	4	0.6
New Mexico	2,520	2,498	99.1	6	0.2	16	0.6
Oklahoma							
Eastern	95	95	100.0	0	0.0	0	0.0
Northern	231	231	100.0	0	0.0	0	0.0
Western	552	359	65.0	11	2.0	182	33.0
Utah	916	845	92.2	70	7.6	1	0.1
Wyoming	382	382	100.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	7,243	6,932	95.7	89	1.2	222	3.1
Alabama							
Middle	243	240	98.8	3	1.2	0	0.0
Northern	582	571	98.1	0	0.0	11	1.9
Southern	356	349	98.0	6	1.7	1	0.3
Florida							
Middle	1,604	1,596	99.5	7	0.4	1	0.1
Northern	441	415	94.1	1	0.2	25	5.7
Southern	2,326	2,189	94.1	2	0.1	135	5.8
Georgia							
Middle	538	478	88.8	25	4.6	35	6.5
Northern	609	550	90.3	45	7.4	14	2.3
Southern	544	544	100.0	0	0.0	0	0.0

¹Cases included in this category are those in which the court submitted Form AO 245B (Revision 06/05) to the Commission. Only cases in which all required pages of this form were submitted with no deletions or substantive changes are included in this category. Form AO 245B was approved by the Executive Committee of the Judicial Conference of the United States in June 2005.

²Cases are included in this category for one or more of the following reasons: one or more of the required pages of Form AO 245B (Revision 06/05) were missing; deletions or substantive changes were made in Form AO 245B (Revision 06/05) that prevented the USSC from collecting the information required to be submitted by 18 U.S.C. §3553(c); the outdated version of Form AO 245B was submitted; or a unique, district created, or modified form was submitted.

Appendix A

Descriptions of Datafiles and Variables

Introduction

Federal courts are required to forward to the Commission sentencing documentation on all offenders sentenced under the Sentencing Reform Act of 1984 (SRA), except in cases that solely involve petty offenses. Standard information on each case is extracted from sentencing documents received and computerized for analysis.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, offenders convicted for whom no sentences were yet issued, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Because the Commission collects information only on cases sentenced under the guidelines, information on cases sentenced under prior law (pre-guidelines) during the current fiscal year is not available in this dataset. When cases are sentenced under both prior law and the guidelines, only the guideline relevant information is coded in the dataset.

Note that for all tables, total percentages may not add up to exactly 100 percent due to rounding.

Variables

The following section describes the variables used in this report.

Above Guideline Range With *Booker*/18 U.S.C. § 3553

Above Guideline Range with Booker/18 U.S.C. § 3553 consist of cases sentenced above the guideline range in which no departure was indicated and in which the court cited *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing of the guideline system.

Age

The *Age* of the offender on the day of sentencing is calculated using the offender's date of birth as reported in the Pre-sentence Report and the date of sentencing as reported in the Judgment of Conviction order.

All Remaining Cases Above Guideline Range

All Remaining Cases Above Guideline Range consist of cases sentenced above the guideline range that could not be classified into any of the other three above the range categories. This category includes cases in which no reason was provided for a sentence above the guideline range.

All Remaining Cases Below Guideline Range

All Remaining Cases Below Guideline Range consist of cases sentenced below the guideline range that could not be classified into any of the other three below the range categories. This category includes cases in which no reason was provided for a sentence below the guideline range.

Average Sentence Length

Using sentencing information obtained from the Judgment of Conviction order, *Average Sentence Length* is reported as the mean and median terms of imprisonment (including any months of alternative confinement as defined in §5C1.1) ordered for cases committed to the Bureau of Prisons. Cases that

receive no term of imprisonment (i.e. probation) are also included in the average. Cases for which a term of imprisonment is ordered but the length is indeterminable also are excluded. In most cases for which the exact term is unknown, the Judgment of Conviction order merely specifies a sentence of time served. Prior to fiscal year 1993, the Commission defined life sentences as 360 months. However, to reflect life expectancy of federal criminal offenders more precisely and to provide more accurate length of imprisonment information, life sentences are now defined as 470 months.

Below Guideline Range With *Booker*/18 U.S.C. § 3553

Below Guideline Range with Booker/18 U.S.C. § 3553 consist of cases sentenced below the guideline range in which no departure was indicated and in which the court cited *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing of the guideline system.

Circuit

Information on judicial *Circuit* is generated by computer using the location of the judicial district in which the offender was sentenced.

Citizenship Status

Information on the *Citizenship Status* of offenders is obtained from the Presentence Report. Offenders are categorized as one of the following: “U.S. citizen,” “resident alien,” “illegal alien,” and “non-U.S. citizen, alien status unknown.” The latter three categories are collapsed into the category of “non-U.S. citizen.”

Degree of Decrease

Degree of Decrease is calculated based on the difference between the length of imprisonment (not including any months of alternative confinement as defined in §5C1.1) and the guideline minimum for the following categories of below range cases: departures below the guideline range, departures below the guideline range with *Booker*/18 U.S.C. § 3553, below the guideline range with *Booker*/18 U.S.C. § 3553, all other below range cases, §5K1.1 substantial assistance cases, and §5K3.1 early disposition program cases, and other government sponsored cases. Life sentences, and cases where the guideline minimum is zero months or life are all excluded from all degree of decrease calculations due to the logical difficulty in calculating a decrease from these values.

Degree of Increase

Degree of Increase is calculated based on the difference between the guideline maximum and the length of imprisonment (not including any months of alternative confinement as defined in §5C1.1) for the following categories of above range cases: departures above the guideline range, departures above the guideline range with *Booker*/18 U.S.C. § 3553, above the guideline range with *Booker*/18 U.S.C. § 3553, and all other above range cases. Life sentences, sentences of probation, and cases where the guideline minimum is life are all excluded from all degree of increase calculations due to the logical difficulty in calculating an increase from these values.

District

Information on the judicial *District* in which sentencing occurred is obtained from the Judgment of Conviction order.

Document Submission Rates

Five documents are represented in the document submission rate table: Judgment of Conviction order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). The J&C and PSR generally are submitted in a standardized format. PSRs waived by

the court are indicated in a separate column. Standardized forms for the Statement of Reasons are most frequently submitted; however, transcripts or partial transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender's guilty plea was entered pursuant to a written agreement are excluded from the Plea Agreement totals.

Downward Departure From Guideline Range

Downward Departure from Guideline Range consist of cases with downward departures in which the court did not indicate as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

Downward Departure With *Booker*/18 U.S.C. § 3553

Downward Departure with Booker/18 U.S.C. § 3553 consist of cases sentenced below the guideline range in which the court indicated both a departure (see Downward Departure From Guideline Range) and a reference to either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

Drug Offense Guideline

Drug Offense Guideline information is obtained from the Presentence Report and is based on the guidelines in USSG Chapter Two, Part D. The six guidelines featured in the tables (§2D1.1, §2D1.2, §2D1.5, §2D1.6, §2D1.8, and §2D2.1) represent the vast majority of drug cases.

Drug Type

Information on *Drug Type* is obtained from the Judgment of Conviction order or the Presentence Report. It is recorded only if at least one of the statutes of conviction recorded by the Commission is a title 21 U.S. Code offense or a non-title 21 offense when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (*i.e.*, the type that produces the highest base offense level). The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, "ICE", methamphetamine mixture, and methamphetamine precursors (specifically including ephedrine and pseudoephedrine). ("ICE" has been included in the methamphetamine category since FY1996). All drug types not listed separately in this report are collapsed into the "other" drug category.

Education

Information on education of the offender is obtained from the Presentence Report and is collapsed into general categories. Technical, military, and vocational training as well as course work at community colleges are included in the *Some College* category. A general equivalency degree (GED) is included in the *High School Graduate* category.

Gender

Gender of the offender is obtained from the Presentence Report or probation office.

Government Sponsored

Government sponsorship of a departure is determined by a yearly case review by USSC staff of both the reasons for departure and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons. The SOR form AO245B version 12/03 and 06/05 have specific check-boxes to indicate the origins of the departure, but cases which do not use this form may also indicate in writing the origins of the departure. Additionally, all cases with one or more of the following

reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Note that since the USSC reviews the reasons on a yearly basis this list might be modified slightly from year to year. Unless otherwise broken out in the table or chart, this category also includes cases with §5K3.1 Early Disposition Program (EDP) departures.

Guideline Offenders Sentenced

Each *Guideline Offender Sentenced* or case, as recorded by the USSC, involves a single sentencing event for a single offender. Multiple counts, and even multiple indictments, are considered a single sentencing event if sentenced at the same time by the same judge. A single offender may appear in more than one case if involved in more than one sentencing event during the fiscal year. Co-offenders in the same sentencing will each appear as separate cases.

Guideline Sentencing Range

The *Guideline Sentencing Range* is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, then the information is taken from the Pre-sentence Report.

For tables in this report, unless otherwise indicated, the guideline sentencing range does not take into account applicable statutory restrictions on either the maximum or the minimum of the range; therefore, it may differ from the available range, which does take into account the statutory restrictions.

Mode of Conviction

Information on *Mode of Conviction* is obtained from the Judgment of Conviction order. Offenders sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Offenders sentenced subsequent to a trial by judge or jury are included in the *Trial* category. Rare cases involving both a plea and a trial are included in the *Plea* category.

Outside of the Range Attribution Categories

All categories replicate the list of checkboxes available on the SOR Form AO245B (Both 12/03 and 06/05). Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and that multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. USSC uses these checkboxes in determining government sponsorship: all cases in which one of the pursuant to a plea agreement boxes is indicated are attributed to the government. Additionally cases where a §5K1.1, §5K3.1, or other government motion checkbox was indicated in the pursuant to a motion not in a plea agreement section are also attributed to one of the government sponsored categories. Additionally other types of SOR forms may indicate sponsorship in writing and these attributions are also included in the appropriate category.

Position of Sentence

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Only cases with complete information from the Statement of Reasons are used for this table. The *Position of Sentence* is determined by dividing the available range in half. This allows a sentence to fall into one of five distinct categories: the guideline minimum; the exact midpoint of the range; the guideline maximum; the lower-half of the range (when not at the guideline minimum); and the upper-half of the range (when not at the guideline maximum). The “available range”

is the guideline range with applicable statutory restrictions on either the maximum or the minimum of the range taken into account. (For cases in which guideline §5C1.2 was applied, in accordance with the provisions of the guideline, the statutory restrictions on the range are those from 18 U.S.C. § 3553(f).) In cases in which the sentence is located outside the available sentencing range, departure information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each range quarter may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the Statement of Reasons and information on statutory minima and maxima.

Primary Offense Category

Information on *Primary Offense Category* is obtained from the Judgment of Conviction order. The “primary” offense code for the case is determined to be the offense code applicable for the count of conviction with the highest statutory maximum. If two or more counts are found to have the same statutory maximum, “primary” offense is selected according to which count of conviction has the highest statutory minimum. Finally, in the event of a small number of cases still tied, the offense type that best represented the nature of the criminal behavior is chosen.

For convenience in analysis, a summary variable describing “primary offense category” is derived. This code is generated by grouping similar primary offense codes into a smaller set of categories. Note that the primary offense categories differ between the individual and organizational offender datafiles. Listed below are the offense types that are grouped into each of the primary offense categories used in the individual datafile tables for this report:

Murder includes first degree murder, felony with death resulting, second degree murder, and conspiracy to murder (with death resulting).

Manslaughter includes both involuntary and voluntary manslaughter.

Kidnapping/Hostage includes ransom taking and hostage/kidnapping.

Sexual Abuse includes sexual abuse of a minor, sexual abuse of a ward, criminal sexual abuse, and abusive sexual contact.

Assault includes attempt to commit murder, assault with intent to murder, threatening communication, aggravated assault, conspiracy with attempt to murder, obstructing or impeding officers, minor assault, and conspiracy that includes assault with attempt to murder.

Robbery includes bank robbery, aggravated bank robbery, Hobbs Act robbery, mail robbery, other robbery, and carjacking.

Arson also includes damage by explosives.

Drugs: Trafficking includes drug distribution/manufacture, drug distribution/manufacture – conspiracy, continuing criminal enterprise, drug distribution – employee under 21, drug distribution near school, drug import/export, drug distribution to person under 21, and establish/rent drug operation.

Drugs: Communication Facility includes use of a communication facility in a drug trafficking offense.

Drugs: Simple Possession includes distribution of a small amount of marijuana and simple possession.

Firearms includes unlawful possession/transportation of firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, etc. in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; and use of firearms or ammunition during crime.

Burglary/Breaking & Entering includes post office burglary, burglary of DEA premises (pharmacy), burglary of other structure, bank burglary, and burglary of a residence.

Auto Theft includes auto theft (including parts), receipt/possession of stolen auto or parts, and altered identification numbers/trafficking in altered (auto).

Larceny includes bank larceny, theft from benefit plans, other theft – mail/post office, receipt/possession of stolen property (not auto), other theft – property, larceny/theft-mail/post office, larceny/theft – property (not auto), and theft from labor union.

Fraud includes odometer laws and regulations, insider trading, and fraud and deceit.

Embezzlement includes embezzlement – property, embezzlement from labor unions, embezzlement – mail/post office, embezzlement from benefit plans, and bank embezzlement.

Forgery/Counterfeiting includes counterfeit bearer obligations and forgery/counterfeit (non-bearer obligations).

Bribery includes payment to obtain office, bribe involving officials, bribery – bank loan/commercial, loan or gratuity to bank examiner, etc., gratuity involving officials, and bribe or gratuity affecting employee plan.

Tax Offenses include receipt/trafficking in smuggled property, aid, etc., in tax fraud; fraud – tax returns, statements, etc.; fraud, false statement – perjury; failure to file or pay; tax evasion; evading import duties (smuggle); failure to collect or account for taxes; regulatory offenses – taxes; failure to deposit taxes in trust account; non-payment of taxes; conspiracy to avoid taxes; and offenses relating to withholding statements.

Money Laundering includes laundering of monetary instruments, monetary transaction from unlawful activity, failure to file currency report, and failure to report monetary transactions.

Extortion/Racketeering includes extortionate extension of credit, blackmail, extortion by force or treat, Hobbs Act extortion, travel in aid of racketeering, crime relating to racketeering, and violent crimes in aid of racketeering.

Gambling/Lottery includes engaging in a gambling business, transmission of wagering

information, obstruction to facilitate gambling, and interstate transportation of wagering paraphernalia.

Civil Rights includes interference with rights under color of law; force or threats to deny benefits or rights; obstructing an election or registration; manufacture, etc. – eavesdropping device; other deprivations/discrimination; obstructing correspondence; peonage, servitude, and slave trade; intercept communication or eavesdropping; and conspiracy to deprive individual of civil rights.

Immigration includes trafficking in U.S. passports; trafficking in entry documents; failure to surrender naturalization certificate; fraudulently acquiring U.S. passports; smuggling, etc.; unlawful alien; fraudulently acquiring entry documents; and unlawfully entering U.S.

Pornography, Prostitution includes dealing in obscene matter, transportation of minor for prostitution/sex, transportation for prostitution/sex (adult), sexual exploitation of minors, materials involving sexual exploitation of minors, obscene telephone or broadcasting, and selling or buying children for pornography.

Offenses In Prisons includes contraband in prisons, riots in federal facilities, and escape.

Administration of Justice includes commission of offense while on release, bribery of a witness, failure to appear by offender, contempt, failure to appear by material witness, obstruction of justice, payment of witness, perjury or subornation of perjury, misprision of a felony, and accessory after the fact.

Environmental/Fish And Wildlife includes waste discharge, specially protected fish, wildlife, and plants (waste discharge is presented as a separate offense category in Tables 51 and 52).

National Defense includes evasion of export controls and exportation of arms, etc., without license.

Antitrust includes bid-rigging, price-fixing, and market allocation agreement.

Food and Drug includes false information or tampering with products, tampering to injure business, tampering with risk of death or injury, and violation of regulations involving food, drugs, etc.

Other Miscellaneous Offenses includes illegal use of regulatory number – drugs; illegal transfer of drugs; illegal regulatory number to get drugs; drug paraphernalia; forgery/fraud for drugs; dangerous devices to protect drugs; manufacture drugs against quota; endangering life while manufacturing drugs; operate carrier under drugs; endangerment from hazardous/toxic substances; mishandling substances, records, etc.; threat of tampering with public water system; hazardous devices of federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; record keeping violation – explosives; possession of other weapon – on aircraft, in federal facility; failure to report theft of explosives; feloniously mailing injurious articles; transport of hazardous material in commerce; interference with flight crew, other offense

– aboard aircraft; criminal infringement of copyright/trademark; conflict of interest; unauthorized payment; non-drug forfeiture; impersonation; false statement to Employee Act; reporting offenses – labor related; criminal infringement of trademark; unlawful conduct relating to control/cigarettes; trespass; destruction of property; destruction of mail; aircraft piracy; conspiracy to murder (no death, assault, or attempt); conspiracy to commit murder; and all other miscellaneous offenses not previously listed in any of the other categories.

Race

Information on *Race* of the offender is obtained from the Presentence Report in separate categories of race and ethnicity (*White, Black, Native American or Alaskan Native, and Asian or Pacific Islander*). Ethnicity data indicate whether a offender is of Hispanic origin. (For purposes of this report, offenders whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of racial background.) The *Other* category includes offenders of Native American, Alaskan Native, and Asian or Pacific Islander origin.

Type of Guideline Sentence Imposed

Using sentencing information obtained from the Judgment of Conviction order, the *Total Receiving Prison* column includes the number of offenders sentenced (and percent of *Total Cases*) who received a commitment to the Bureau of Prisons. This column is the sum of cases in *Prison* and the *Prison/Community Split Sentence* categories.

The *Prison* category includes offenders sentenced to a term of imprisonment only, with no additional conditions of community confinement, home detention or intermittent confinement.

The *Prison/Community Split Sentence* category includes all cases in which offenders received prison and conditions of alternative confinement as defined in USSG §5C1.1. This category includes, but is not limited to, Zone A, Zone B, or Zone C cases receiving prison with additional conditions of a term of community confinement, home detention, or intermittent confinement.

The *Total Receiving Probation* column includes the number of offenders sentenced (and the percent of *Total Cases*) who received a term of probation with or without a condition of community confinement, intermittent confinement, or home detention. This column also represents the total of the *Probation Only* and *Probation and Confinement* categories.

The *Probation Only* column includes the number of offenders who received a term of probation without a condition of community confinement, intermittent confinement, or home detention.

Probation and Confinement includes the number of offenders who received a term of probation with a condition of community confinement, intermittent confinement, or home detention.

Upward Departure From Guideline Range

Upward Departure from Guideline Range consist of cases with upward departures in which the court did

not indicate as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

Upward Departure With *Booker*/18 U.S.C. § 3553

Upward Departure with Booker/18 U.S.C. § 3553 consist of cases sentenced above the guideline range in which the court indicated both a departure (see Upward Departure From Guideline Range) and a reference to either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

Year

Information on Year is obtained from the Judgment of Conviction order. Unless otherwise indicated, the sentencing year is defined as the fiscal year in which the offender was sentenced.

Zone

The *Sentencing Table* is categorized into sentencing *Zones*. Courts may impose various types of punishment as alternatives to imprisonment. Alternative types of punishment include: probation, home detention, community confinement, and intermittent confinement. Imposition of alternative types of punishment is restricted to offenders within specific sentencing zones.

Zone A: a guideline range is in Zone A when the minimum term of imprisonment specified is zero months;

Zone B: a guideline range is in Zone B when the minimum term of imprisonment specified is at least one but not more than six months;

Zone C: a guideline range is in Zone C when the minimum term of imprisonment specified is eight months when criminal history category is four or less, and nine months if the criminal history category is greater than four;

Zone D: a guideline range is in Zone D when the minimum term of imprisonment specified is twelve months or more.

See Chapter 5 of the *Guidelines Manual* for a description of alternatives to imprisonment and the conditions under which they are applicable.

**Appendix B:
List of Quarterly Report Tables and Figures
and Comparable FY06 *Sourcebook* Number/Letter**

<u>Quarterly Report Tables/Figures</u>	<u>Comparable <i>Sourcebook</i> Tables/Figures</u>
Table 1	Table N
Table 2	Table 26
Table 3	Table 27
Figure A	N/A
Figure B	N/A
Table 4	N/A
Table 5	Table 28
Table 6	Table 28A
Table 7	Table 30
Table 8	Table 30A
Table 9	Table 31
Table 10	Table 31A
Table 11	Table 31B
Table 12	Table 31C
Table 13	Table 31D
Table 14	Table 32
Table 15	Table 32A
Table 16	Table 32B
Table 17	Table 32C
Table 18	Table 15
Table 19	Table 13
Figure C	N/A
Figure D	N/A
Figure E	N/A
Figure F	N/A
Figure G	N/A
Figure H	N/A
Figure I	N/A
Table 20	Table 29
Figure J	Figure A
Table 21	Table 3
Table 22	Table 11
Figure K	N/A
Table 23	Table 4

Table 24 Table 5
Table 25 Table 7
Table 26 Table 9
Table 27 Tables 1
Table 28 N/A