

# United States Sentencing Commission



## *Statistical Information Packet*

*Fiscal Year 2006*

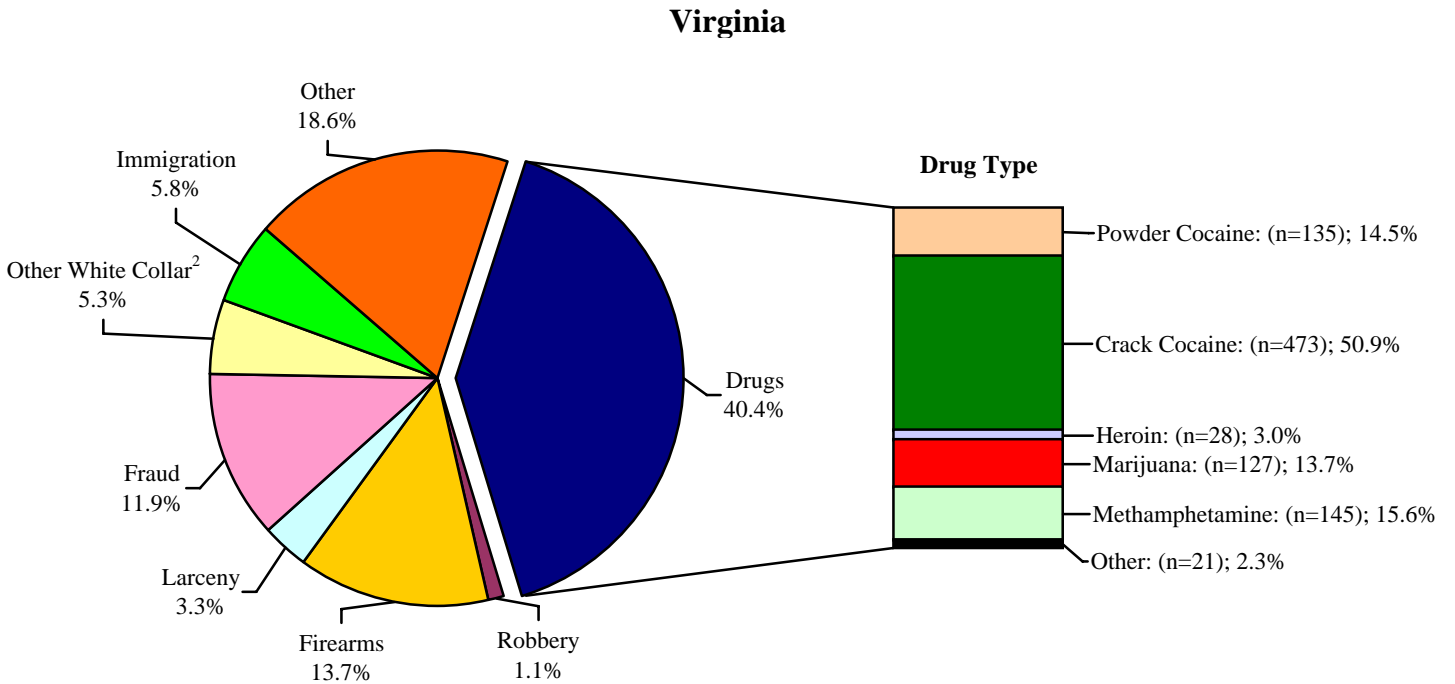
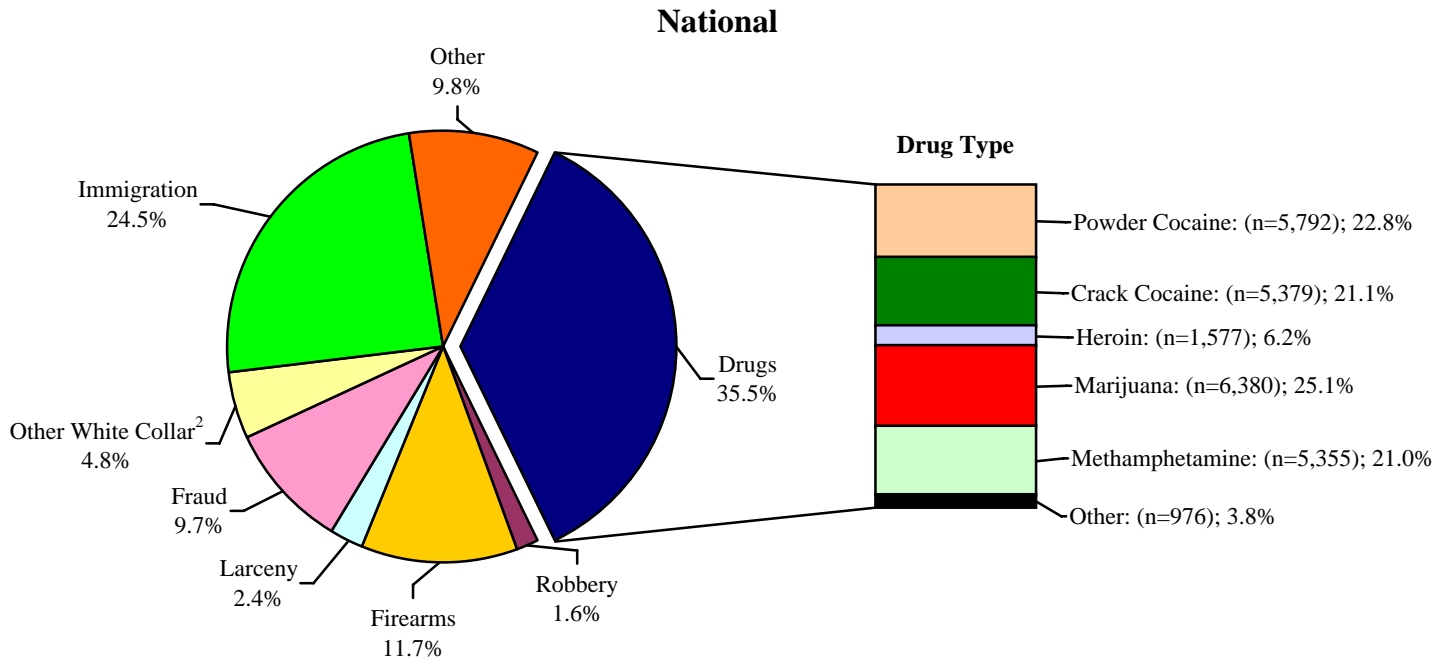
*State of Virginia*

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**Figure A**

**DISTRIBUTION OF SENTENCED GUIDELINE DEFENDANTS BY SELECT PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2006**



<sup>1</sup>Of the 72,585 guideline cases, 875 cases were excluded due to one of the following reasons: missing primary offense category (67) or missing drug type (808). Of the 2,345 guideline cases from the State of Virginia, 44 cases were excluded due to one of the following reasons: missing primary offense category (5) or missing drug type (39).

<sup>2</sup>The Other White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering and Tax.

**Table 1**

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2006**

| PRIMARY OFFENSE                    | National      |              | Virginia     |              |
|------------------------------------|---------------|--------------|--------------|--------------|
|                                    | Number        | Percent      | Number       | Percent      |
| <b>TOTAL</b>                       | <b>72,518</b> | <b>100.0</b> | <b>2,340</b> | <b>100.0</b> |
| Murder                             | 81            | 0.1          | 7            | 0.3          |
| Manslaughter                       | 60            | 0.1          | 0            | 0.0          |
| Kidnapping/Hostage Taking          | 61            | 0.1          | 1            | 0.0          |
| Sexual Abuse                       | 265           | 0.4          | 5            | 0.2          |
| Assault                            | 620           | 0.9          | 11           | 0.5          |
| Robbery                            | 1,166         | 1.6          | 25           | 1.1          |
| Arson                              | 72            | 0.1          | 1            | 0.0          |
| Drugs - Trafficking                | 25,086        | 34.6         | 883          | 37.7         |
| Drugs - Communication Facility     | 412           | 0.6          | 7            | 0.3          |
| Drugs - Simple Possession          | 769           | 1.1          | 78           | 3.3          |
| Firearms                           | 8,384         | 11.6         | 315          | 13.5         |
| Burglary/B&E                       | 48            | 0.1          | 0            | 0.0          |
| Auto Theft                         | 62            | 0.1          | 1            | 0.0          |
| Larceny                            | 1,714         | 2.4          | 75           | 3.2          |
| Fraud                              | 6,958         | 9.6          | 274          | 11.7         |
| Embezzlement                       | 584           | 0.8          | 19           | 0.8          |
| Forgery/Counterfeiting             | 1,172         | 1.6          | 25           | 1.1          |
| Bribery                            | 184           | 0.3          | 16           | 0.7          |
| Tax                                | 608           | 0.8          | 17           | 0.7          |
| Money Laundering                   | 912           | 1.3          | 46           | 2.0          |
| Racketeering/Extortion             | 622           | 0.9          | 25           | 1.1          |
| Gambling/Lottery                   | 116           | 0.2          | 7            | 0.3          |
| Civil Rights                       | 68            | 0.1          | 0            | 0.0          |
| Immigration                        | 17,574        | 24.2         | 133          | 5.7          |
| Pornography/Prostitution           | 1,293         | 1.8          | 39           | 1.7          |
| Prison Offenses                    | 346           | 0.5          | 11           | 0.5          |
| Administration of Justice Offenses | 1,112         | 1.5          | 34           | 1.5          |
| Environmental/Wildlife             | 177           | 0.2          | 10           | 0.4          |
| National Defense                   | 36            | 0.0          | 3            | 0.1          |
| Antitrust                          | 12            | 0.0          | 0            | 0.0          |
| Food & Drug                        | 64            | 0.1          | 0            | 0.0          |
| Other Miscellaneous Offenses       | 1,880         | 2.6          | 272          | 11.6         |

Of the 72,585 guideline cases, 67 cases were excluded due to missing information on primary offense category.

Of the 2,345 guideline cases from the State of Virginia, five cases were excluded due to missing information on primary offense category.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 2

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT  
Fiscal Year 2006**

| CIRCUIT<br>District   | TOTAL         | PLEA          |             | TRIAL        |             |
|-----------------------|---------------|---------------|-------------|--------------|-------------|
|                       |               | Number        | Percent     | Number       | Percent     |
| <b>TOTAL</b>          | <b>72,510</b> | <b>69,403</b> | <b>95.7</b> | <b>3,107</b> | <b>4.3</b>  |
| <b>D.C. CIRCUIT</b>   | <b>459</b>    | <b>402</b>    | <b>87.6</b> | <b>57</b>    | <b>12.4</b> |
| District of Columbia  | 459           | 402           | 87.6        | 57           | 12.4        |
| <b>FIRST CIRCUIT</b>  | <b>1,635</b>  | <b>1,504</b>  | <b>92.0</b> | <b>131</b>   | <b>8.0</b>  |
| Maine                 | 205           | 195           | 95.1        | 10           | 4.9         |
| Massachusetts         | 516           | 460           | 89.1        | 56           | 10.9        |
| New Hampshire         | 219           | 212           | 96.8        | 7            | 3.2         |
| Puerto Rico           | 569           | 521           | 91.6        | 48           | 8.4         |
| Rhode Island          | 126           | 116           | 92.1        | 10           | 7.9         |
| <b>SECOND CIRCUIT</b> | <b>4,435</b>  | <b>4,224</b>  | <b>95.2</b> | <b>211</b>   | <b>4.8</b>  |
| Connecticut           | 362           | 354           | 97.8        | 8            | 2.2         |
| New York              |               |               |             |              |             |
| Eastern               | 1,104         | 1,041         | 94.3        | 63           | 5.7         |
| Northern              | 409           | 398           | 97.3        | 11           | 2.7         |
| Southern              | 1,762         | 1,663         | 94.4        | 99           | 5.6         |
| Western               | 596           | 573           | 96.1        | 23           | 3.9         |
| Vermont               | 202           | 195           | 96.5        | 7            | 3.5         |
| <b>THIRD CIRCUIT</b>  | <b>3,015</b>  | <b>2,814</b>  | <b>93.3</b> | <b>201</b>   | <b>6.7</b>  |
| Delaware              | 101           | 95            | 94.1        | 6            | 5.9         |
| New Jersey            | 941           | 902           | 95.9        | 39           | 4.1         |
| Pennsylvania          |               |               |             |              |             |
| Eastern               | 863           | 759           | 87.9        | 104          | 12.1        |
| Middle                | 499           | 488           | 97.8        | 11           | 2.2         |
| Western               | 494           | 466           | 94.3        | 28           | 5.7         |
| Virgin Islands        | 117           | 104           | 88.9        | 13           | 11.1        |
| <b>FOURTH CIRCUIT</b> | <b>6,698</b>  | <b>6,342</b>  | <b>94.7</b> | <b>356</b>   | <b>5.3</b>  |
| Maryland              | 670           | 608           | 90.7        | 62           | 9.3         |
| North Carolina        |               |               |             |              |             |
| Eastern               | 674           | 651           | 96.6        | 23           | 3.4         |
| Middle                | 416           | 399           | 95.9        | 17           | 4.1         |
| Western               | 812           | 776           | 95.6        | 36           | 4.4         |
| South Carolina        | 1,141         | 1,112         | 97.5        | 29           | 2.5         |
| Virginia              |               |               |             |              |             |
| Eastern               | 1,740         | 1,634         | 93.9        | 106          | 6.1         |
| Western               | 599           | 554           | 92.5        | 45           | 7.5         |
| West Virginia         |               |               |             |              |             |
| Northern              | 377           | 355           | 94.2        | 22           | 5.8         |
| Southern              | 269           | 253           | 94.1        | 16           | 5.9         |

| CIRCUIT<br>District    | TOTAL         | PLEA          |             | TRIAL      |            |
|------------------------|---------------|---------------|-------------|------------|------------|
|                        |               | Number        | Percent     | Number     | Percent    |
| <b>FIFTH CIRCUIT</b>   | <b>15,749</b> | <b>15,334</b> | <b>97.4</b> | <b>415</b> | <b>2.6</b> |
| Louisiana              |               |               |             |            |            |
| Eastern                | 366           | 354           | 96.7        | 12         | 3.3        |
| Middle                 | 172           | 171           | 99.4        | 1          | 0.6        |
| Western                | 493           | 464           | 94.1        | 29         | 5.9        |
| Mississippi            |               |               |             |            |            |
| Northern               | 174           | 162           | 93.1        | 12         | 6.9        |
| Southern               | 386           | 355           | 92.0        | 31         | 8.0        |
| Texas                  |               |               |             |            |            |
| Eastern                | 845           | 820           | 97.0        | 25         | 3.0        |
| Northern               | 1,068         | 1,001         | 93.7        | 67         | 6.3        |
| Southern               | 6,264         | 6,129         | 97.8        | 135        | 2.2        |
| Western                | 5,981         | 5,878         | 98.3        | 103        | 1.7        |
| <b>SIXTH CIRCUIT</b>   | <b>5,220</b>  | <b>4,950</b>  | <b>94.8</b> | <b>270</b> | <b>5.2</b> |
| Kentucky               |               |               |             |            |            |
| Eastern                | 530           | 506           | 95.5        | 24         | 4.5        |
| Western                | 445           | 425           | 95.5        | 20         | 4.5        |
| Michigan               |               |               |             |            |            |
| Eastern                | 793           | 751           | 94.7        | 42         | 5.3        |
| Western                | 435           | 408           | 93.8        | 27         | 6.2        |
| Ohio                   |               |               |             |            |            |
| Northern               | 976           | 939           | 96.2        | 37         | 3.8        |
| Southern               | 709           | 681           | 96.1        | 28         | 3.9        |
| Tennessee              |               |               |             |            |            |
| Eastern                | 528           | 492           | 93.2        | 36         | 6.8        |
| Middle                 | 296           | 274           | 92.6        | 22         | 7.4        |
| Western                | 508           | 474           | 93.3        | 34         | 6.7        |
| <b>SEVENTH CIRCUIT</b> | <b>3,078</b>  | <b>2,852</b>  | <b>92.7</b> | <b>226</b> | <b>7.3</b> |
| Illinois               |               |               |             |            |            |
| Central                | 332           | 319           | 96.1        | 13         | 3.9        |
| Northern               | 1,104         | 1,003         | 90.9        | 101        | 9.1        |
| Southern               | 374           | 354           | 94.7        | 20         | 5.3        |
| Indiana                |               |               |             |            |            |
| Northern               | 405           | 374           | 92.3        | 31         | 7.7        |
| Southern               | 315           | 290           | 92.1        | 25         | 7.9        |
| Wisconsin              |               |               |             |            |            |
| Eastern                | 328           | 303           | 92.4        | 25         | 7.6        |
| Western                | 220           | 209           | 95.0        | 11         | 5.0        |
| <b>EIGHTH CIRCUIT</b>  | <b>5,195</b>  | <b>4,983</b>  | <b>95.9</b> | <b>212</b> | <b>4.1</b> |
| Arkansas               |               |               |             |            |            |
| Eastern                | 380           | 362           | 95.3        | 18         | 4.7        |
| Western                | 186           | 184           | 98.9        | 2          | 1.1        |
| Iowa                   |               |               |             |            |            |
| Northern               | 421           | 391           | 92.9        | 30         | 7.1        |
| Southern               | 366           | 343           | 93.7        | 23         | 6.3        |
| Minnesota              | 558           | 522           | 93.5        | 36         | 6.5        |
| Missouri               |               |               |             |            |            |
| Eastern                | 987           | 968           | 98.1        | 19         | 1.9        |
| Western                | 911           | 883           | 96.9        | 28         | 3.1        |
| Nebraska               | 703           | 681           | 96.9        | 22         | 3.1        |
| North Dakota           | 252           | 240           | 95.2        | 12         | 4.8        |
| South Dakota           | 431           | 409           | 94.9        | 22         | 5.1        |

| CIRCUIT<br>District      | TOTAL         | PLEA          |             | TRIAL      |            |
|--------------------------|---------------|---------------|-------------|------------|------------|
|                          |               | Number        | Percent     | Number     | Percent    |
| <b>NINTH CIRCUIT</b>     | <b>13,746</b> | <b>13,310</b> | <b>96.8</b> | <b>436</b> | <b>3.2</b> |
| Alaska                   | 146           | 133           | 91.1        | 13         | 8.9        |
| Arizona                  | 4,308         | 4,225         | 98.1        | 83         | 1.9        |
| California               |               |               |             |            |            |
| Central                  | 1,590         | 1,524         | 95.8        | 66         | 4.2        |
| Eastern                  | 1,043         | 1,024         | 98.2        | 19         | 1.8        |
| Northern                 | 662           | 630           | 95.2        | 32         | 4.8        |
| Southern                 | 2,637         | 2,559         | 97.0        | 78         | 3.0        |
| Guam                     | 82            | 77            | 93.9        | 5          | 6.1        |
| Hawaii                   | 452           | 440           | 97.3        | 12         | 2.7        |
| Idaho                    | 263           | 256           | 97.3        | 7          | 2.7        |
| Montana                  | 434           | 384           | 88.5        | 50         | 11.5       |
| Nevada                   | 392           | 371           | 94.6        | 21         | 5.4        |
| Northern Mariana Islands | 11            | 9             | 81.8        | 2          | 18.2       |
| Oregon                   | 526           | 514           | 97.7        | 12         | 2.3        |
| Washington               |               |               |             |            |            |
| Eastern                  | 363           | 352           | 97.0        | 11         | 3.0        |
| Western                  | 837           | 812           | 97.0        | 25         | 3.0        |
| <b>TENTH CIRCUIT</b>     | <b>6,182</b>  | <b>5,993</b>  | <b>96.9</b> | <b>189</b> | <b>3.1</b> |
| Colorado                 | 682           | 663           | 97.2        | 19         | 2.8        |
| Kansas                   | 701           | 665           | 94.9        | 36         | 5.1        |
| New Mexico               | 2,842         | 2,798         | 98.5        | 44         | 1.5        |
| Oklahoma                 |               |               |             |            |            |
| Eastern                  | 80            | 67            | 83.8        | 13         | 16.3       |
| Northern                 | 202           | 186           | 92.1        | 16         | 7.9        |
| Western                  | 354           | 338           | 95.5        | 16         | 4.5        |
| Utah                     | 976           | 938           | 96.1        | 38         | 3.9        |
| Wyoming                  | 345           | 338           | 98.0        | 7          | 2.0        |
| <b>ELEVENTH CIRCUIT</b>  | <b>7,098</b>  | <b>6,695</b>  | <b>94.3</b> | <b>403</b> | <b>5.7</b> |
| Alabama                  |               |               |             |            |            |
| Middle                   | 252           | 242           | 96.0        | 10         | 4.0        |
| Northern                 | 517           | 495           | 95.7        | 22         | 4.3        |
| Southern                 | 394           | 369           | 93.7        | 25         | 6.3        |
| Florida                  |               |               |             |            |            |
| Middle                   | 1,723         | 1,647         | 95.6        | 76         | 4.4        |
| Northern                 | 429           | 395           | 92.1        | 34         | 7.9        |
| Southern                 | 2,029         | 1,900         | 93.6        | 129        | 6.4        |
| Georgia                  |               |               |             |            |            |
| Middle                   | 493           | 473           | 95.9        | 20         | 4.1        |
| Northern                 | 757           | 699           | 92.3        | 58         | 7.7        |
| Southern                 | 504           | 475           | 94.2        | 29         | 5.8        |

Of the 72,585 guideline cases, 75 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2006**

| PRIMARY OFFENSE                           | TOTAL         | National      |             |              |            | Virginia     |             |            |            |
|---|---------------|---------------|-------------|--------------|------------|--------------|-------------|------------|------------|
|   |               | PLEA          |             | TRIAL        |            | PLEA         |             | TRIAL      |            |
|   |               | n             | %           | n            | %          | n            | %           | n          | %          |
| <b>TOTAL</b>                              | <b>72,506</b> | <b>69,399</b> | <b>95.7</b> | <b>3,107</b> | <b>4.3</b> | <b>2,188</b> | <b>93.5</b> | <b>151</b> | <b>6.5</b> |
| <b>Murder</b>                             | <b>81</b>     | 55            | 67.9        | 26           | 32.1       | 4            | 57.1        | 3          | 42.9       |
| <b>Manslaughter</b>                       | <b>60</b>     | 55            | 91.7        | 5            | 8.3        | 0            | --          | 0          | --         |
| <b>Kidnapping/Hostage Taking</b>          | <b>61</b>     | 46            | 75.4        | 15           | 24.6       | 0            | 0.0         | 1          | 100.0      |
| <b>Sexual Abuse</b>                       | <b>265</b>    | 237           | 89.4        | 28           | 10.6       | 5            | 100.0       | 0          | 0.0        |
| <b>Assault</b>                            | <b>618</b>    | 556           | 90.0        | 62           | 10.0       | 9            | 81.8        | 2          | 18.2       |
| <b>Robbery</b>                            | <b>1,166</b>  | 1,111         | 95.3        | 55           | 4.7        | 23           | 92.0        | 2          | 8.0        |
| <b>Arson</b>                              | <b>72</b>     | 64            | 88.9        | 8            | 11.1       | 1            | 100.0       | 0          | 0.0        |
| <b>Drugs - Trafficking</b>                | <b>25,086</b> | 23,958        | 95.5        | 1,128        | 4.5        | 844          | 95.6        | 39         | 4.4        |
| <b>Drugs - Communication Facility</b>     | <b>412</b>    | 410           | 99.5        | 2            | 0.5        | 7            | 100.0       | 0          | 0.0        |
| <b>Drugs - Simple Possession</b>          | <b>768</b>    | 736           | 95.8        | 32           | 4.2        | 66           | 84.6        | 12         | 15.4       |
| <b>Firearms</b>                           | <b>8,384</b>  | 7,749         | 92.4        | 635          | 7.6        | 281          | 89.2        | 34         | 10.8       |
| <b>Burglary/B&amp;E</b>                   | <b>48</b>     | 46            | 95.8        | 2            | 4.2        | 0            | --          | 0          | --         |
| <b>Auto Theft</b>                         | <b>62</b>     | 57            | 91.9        | 5            | 8.1        | 1            | 100.0       | 0          | 0.0        |
| <b>Larceny</b>                            | <b>1,714</b>  | 1,670         | 97.4        | 44           | 2.6        | 72           | 96.0        | 3          | 4.0        |
| <b>Fraud</b>                              | <b>6,957</b>  | 6,602         | 94.9        | 355          | 5.1        | 261          | 95.3        | 13         | 4.7        |
| <b>Embezzlement</b>                       | <b>583</b>    | 567           | 97.3        | 16           | 2.7        | 19           | 100.0       | 0          | 0.0        |
| <b>Forgery/Counterfeiting</b>             | <b>1,172</b>  | 1,150         | 98.1        | 22           | 1.9        | 25           | 100.0       | 0          | 0.0        |
| <b>Bribery</b>                            | <b>184</b>    | 175           | 95.1        | 9            | 4.9        | 15           | 93.8        | 1          | 6.3        |
| <b>Tax</b>                                | <b>608</b>    | 543           | 89.3        | 65           | 10.7       | 14           | 82.4        | 3          | 17.6       |
| <b>Money Laundering</b>                   | <b>912</b>    | 835           | 91.6        | 77           | 8.4        | 43           | 93.5        | 3          | 6.5        |
| <b>Racketeering/Extortion</b>             | <b>622</b>    | 551           | 88.6        | 71           | 11.4       | 24           | 96.0        | 1          | 4.0        |
| <b>Gambling/Lottery</b>                   | <b>116</b>    | 116           | 100.0       | 0            | 0.0        | 7            | 100.0       | 0          | 0.0        |
| <b>Civil Rights</b>                       | <b>68</b>     | 56            | 82.4        | 12           | 17.6       | 0            | --          | 0          | --         |
| <b>Immigration</b>                        | <b>17,570</b> | 17,345        | 98.7        | 225          | 1.3        | 128          | 96.2        | 5          | 3.8        |
| <b>Pornography/Prostitution</b>           | <b>1,293</b>  | 1,240         | 95.9        | 53           | 4.1        | 37           | 94.9        | 2          | 5.1        |
| <b>Prison Offenses</b>                    | <b>346</b>    | 337           | 97.4        | 9            | 2.6        | 10           | 90.9        | 1          | 9.1        |
| <b>Administration of Justice Offenses</b> | <b>1,112</b>  | 1,072         | 96.4        | 40           | 3.6        | 32           | 94.1        | 2          | 5.9        |
| <b>Environmental/Wildlife</b>             | <b>177</b>    | 168           | 94.9        | 9            | 5.1        | 10           | 100.0       | 0          | 0.0        |
| <b>National Defense</b>                   | <b>36</b>     | 29            | 80.6        | 7            | 19.4       | 1            | 33.3        | 2          | 66.7       |
| <b>Antitrust</b>                          | <b>12</b>     | 12            | 100.0       | 0            | 0.0        | 0            | --          | 0          | --         |
| <b>Food &amp; Drug</b>                    | <b>64</b>     | 61            | 95.3        | 3            | 4.7        | 0            | --          | 0          | --         |
| <b>Other Miscellaneous Offenses</b>       | <b>1,877</b>  | 1,790         | 95.4        | 87           | 4.6        | 249          | 91.9        | 22         | 8.1        |

Of the 72,585 guideline cases, 79 cases were excluded due to one or both of the following reasons: missing primary offense category (67) or missing mode of conviction (75).

Of the 2,345 guideline cases from the State of Virginia, six cases were excluded due to one or both of the following reasons: missing primary offense category (5) or missing mode of conviction (6).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.



**Table 4**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2006**

**National**

| PRIMARY OFFENSE                    | TOTAL         | Prison        |             | Prison/Community Split Sentence |            | Probation and Confinement |            | Probation Only |            |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
|                                    |               | Number        | Percent     | Number                          | Percent    | Number                    | Percent    | Number         | Percent    |
| <b>TOTAL</b>                       | <b>71,865</b> | <b>61,561</b> | <b>85.7</b> | <b>2,094</b>                    | <b>2.9</b> | <b>2,836</b>              | <b>3.9</b> | <b>5,374</b>   | <b>7.5</b> |
| Murder                             | 80            | 79            | 98.8        | 0                               | 0.0        | 1                         | 1.3        | 0              | 0.0        |
| Manslaughter                       | 60            | 58            | 96.7        | 1                               | 1.7        | 0                         | 0.0        | 1              | 1.7        |
| Kidnapping/Hostage Taking          | 61            | 60            | 98.4        | 1                               | 1.6        | 0                         | 0.0        | 0              | 0.0        |
| Sexual Abuse                       | 264           | 254           | 96.2        | 4                               | 1.5        | 1                         | 0.4        | 5              | 1.9        |
| Assault                            | 611           | 485           | 79.4        | 26                              | 4.3        | 34                        | 5.6        | 66             | 10.8       |
| Robbery                            | 1,163         | 1,113         | 95.7        | 20                              | 1.7        | 13                        | 1.1        | 17             | 1.5        |
| Arson                              | 70            | 65            | 92.9        | 1                               | 1.4        | 2                         | 2.9        | 2              | 2.9        |
| Drugs - Trafficking                | 25,055        | 23,840        | 95.2        | 480                             | 1.9        | 321                       | 1.3        | 414            | 1.7        |
| Drugs - Communication Facility     | 411           | 345           | 83.9        | 10                              | 2.4        | 20                        | 4.9        | 36             | 8.8        |
| Drugs - Simple Possession          | 684           | 308           | 45.0        | 12                              | 1.8        | 21                        | 3.1        | 343            | 50.1       |
| Firearms                           | 8,364         | 7,674         | 91.8        | 201                             | 2.4        | 240                       | 2.9        | 249            | 3.0        |
| Burglary/B&E                       | 48            | 37            | 77.1        | 4                               | 8.3        | 2                         | 4.2        | 5              | 10.4       |
| Auto Theft                         | 62            | 53            | 85.5        | 1                               | 1.6        | 5                         | 8.1        | 3              | 4.8        |
| Larceny                            | 1,598         | 643           | 40.2        | 92                              | 5.8        | 241                       | 15.1       | 622            | 38.9       |
| Fraud                              | 6,905         | 4,234         | 61.3        | 520                             | 7.5        | 828                       | 12.0       | 1,323          | 19.2       |
| Embezzlement                       | 578           | 229           | 39.6        | 70                              | 12.1       | 80                        | 13.8       | 199            | 34.4       |
| Forgery/Counterfeiting             | 1,168         | 729           | 62.4        | 63                              | 5.4        | 138                       | 11.8       | 238            | 20.4       |
| Bribery                            | 183           | 91            | 49.7        | 18                              | 9.8        | 41                        | 22.4       | 33             | 18.0       |
| Tax                                | 601           | 282           | 46.9        | 82                              | 13.6       | 95                        | 15.8       | 142            | 23.6       |
| Money Laundering                   | 910           | 693           | 76.2        | 38                              | 4.2        | 84                        | 9.2        | 95             | 10.4       |
| Racketeering/Extortion             | 620           | 562           | 90.6        | 15                              | 2.4        | 18                        | 2.9        | 25             | 4.0        |
| Gambling/Lottery                   | 116           | 28            | 24.1        | 12                              | 10.3       | 43                        | 37.1       | 33             | 28.4       |
| Civil Rights                       | 68            | 40            | 58.8        | 1                               | 1.5        | 12                        | 17.6       | 15             | 22.1       |
| Immigration                        | 17,527        | 16,767        | 95.7        | 239                             | 1.4        | 193                       | 1.1        | 328            | 1.9        |
| Pornography/Prostitution           | 1,291         | 1,235         | 95.7        | 28                              | 2.2        | 13                        | 1.0        | 15             | 1.2        |
| Prison Offenses                    | 346           | 309           | 89.3        | 17                              | 4.9        | 10                        | 2.9        | 10             | 2.9        |
| Administration of Justice Offenses | 1,095         | 651           | 59.5        | 61                              | 5.6        | 117                       | 10.7       | 266            | 24.3       |
| Environmental/Wildlife             | 167           | 40            | 24.0        | 3                               | 1.8        | 35                        | 21.0       | 89             | 53.3       |
| National Defense                   | 36            | 29            | 80.6        | 5                               | 13.9       | 1                         | 2.8        | 1              | 2.8        |
| Antitrust                          | 12            | 3             | 25.0        | 5                               | 41.7       | 3                         | 25.0       | 1              | 8.3        |
| Food & Drug                        | 61            | 15            | 24.6        | 2                               | 3.3        | 7                         | 11.5       | 37             | 60.7       |
| Other Miscellaneous Offenses       | 1,650         | 610           | 37.0        | 62                              | 3.8        | 217                       | 13.2       | 761            | 46.1       |

Of the 72,585 guideline cases, 720 cases were excluded due to one or more of the following reasons: missing sentencing information (211), missing primary offense category (67), or cases in which the defendant received no imprisonment or probation (507).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

**Table 5**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2006**

**Virginia**

| PRIMARY OFFENSE                    | TOTAL        | Prison       |             | Prison/Community Split Sentence |            | Probation and Confinement |            | Probation Only |             |
|------------------------------------|--------------|--------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|-------------|
|                                    |              | Number       | Percent     | Number                          | Percent    | Number                    | Percent    | Number         | Percent     |
| <b>TOTAL</b>                       | <b>2,313</b> | <b>1,835</b> | <b>79.3</b> | <b>77</b>                       | <b>3.3</b> | <b>104</b>                | <b>4.5</b> | <b>297</b>     | <b>12.8</b> |
| Murder                             | 7            | 7            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Manslaughter                       | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Kidnapping/Hostage Taking          | 1            | 1            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Sexual Abuse                       | 5            | 4            | 80.0        | 1                               | 20.0       | 0                         | 0.0        | 0              | 0.0         |
| Assault                            | 11           | 7            | 63.6        | 0                               | 0.0        | 2                         | 18.2       | 2              | 18.2        |
| Robbery                            | 25           | 24           | 96.0        | 1                               | 4.0        | 0                         | 0.0        | 0              | 0.0         |
| Arson                              | 1            | 1            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Drugs - Trafficking                | 883          | 859          | 97.3        | 8                               | 0.9        | 5                         | 0.6        | 11             | 1.2         |
| Drugs - Communication Facility     | 7            | 3            | 42.9        | 1                               | 14.3       | 3                         | 42.9       | 0              | 0.0         |
| Drugs - Simple Possession          | 71           | 38           | 53.5        | 3                               | 4.2        | 4                         | 5.6        | 26             | 36.6        |
| Firearms                           | 315          | 289          | 91.7        | 10                              | 3.2        | 7                         | 2.2        | 9              | 2.9         |
| Burglary/B&E                       | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Auto Theft                         | 1            | 1            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Larceny                            | 73           | 38           | 52.1        | 7                               | 9.6        | 6                         | 8.2        | 22             | 30.1        |
| Fraud                              | 268          | 192          | 71.6        | 19                              | 7.1        | 22                        | 8.2        | 35             | 13.1        |
| Embezzlement                       | 19           | 7            | 36.8        | 1                               | 5.3        | 4                         | 21.1       | 7              | 36.8        |
| Forgery/Counterfeiting             | 25           | 19           | 76.0        | 0                               | 0.0        | 1                         | 4.0        | 5              | 20.0        |
| Bribery                            | 16           | 10           | 62.5        | 3                               | 18.8       | 3                         | 18.8       | 0              | 0.0         |
| Tax                                | 17           | 11           | 64.7        | 5                               | 29.4       | 1                         | 5.9        | 0              | 0.0         |
| Money Laundering                   | 46           | 32           | 69.6        | 3                               | 6.5        | 9                         | 19.6       | 2              | 4.3         |
| Racketeering/Extortion             | 25           | 19           | 76.0        | 1                               | 4.0        | 1                         | 4.0        | 4              | 16.0        |
| Gambling/Lottery                   | 7            | 0            | 0.0         | 2                               | 28.6       | 3                         | 42.9       | 2              | 28.6        |
| Civil Rights                       | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Immigration                        | 132          | 124          | 93.9        | 2                               | 1.5        | 3                         | 2.3        | 3              | 2.3         |
| Pornography/Prostitution           | 39           | 38           | 97.4        | 0                               | 0.0        | 0                         | 0.0        | 1              | 2.6         |
| Prison Offenses                    | 11           | 11           | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Administration of Justice Offenses | 32           | 22           | 68.8        | 3                               | 9.4        | 2                         | 6.3        | 5              | 15.6        |
| Environmental/Wildlife             | 9            | 0            | 0.0         | 0                               | 0.0        | 2                         | 22.2       | 7              | 77.8        |
| National Defense                   | 3            | 2            | 66.7        | 1                               | 33.3       | 0                         | 0.0        | 0              | 0.0         |
| Antitrust                          | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Food & Drug                        | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Other Miscellaneous Offenses       | 264          | 76           | 28.8        | 6                               | 2.3        | 26                        | 9.8        | 156            | 59.1        |

Of the 2,345 guideline cases from the State of Virginia, 32 cases were excluded due to one or more of the following reasons: missing sentencing information (6), missing primary offense category (5), or cases in which the defendant received no imprisonment or probation (25).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2006**

| PRIMARY OFFENSE                     | TOTAL         | National        |             |                     |             | Virginia        |             |                     |             |
|-------------------------------------|---------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
|                                     |               | Prison Sentence |             | Non-Prison Sentence |             | Prison Sentence |             | Non-Prison Sentence |             |
|                                     |               | Number          | Percent     | Number              | Percent     | Number          | Percent     | Number              | Percent     |
| <b>TOTAL</b>                        | <b>11,628</b> | <b>6,485</b>    | <b>55.8</b> | <b>5,143</b>        | <b>44.2</b> | <b>202</b>      | <b>54.4</b> | <b>169</b>          | <b>45.6</b> |
| <b>Fraud</b>                        | <b>2,393</b>  | 923             | 38.6        | 1,470               | 61.4        | 49              | 52.7        | 44                  | 47.3        |
| <b>Larceny</b>                      | <b>987</b>    | 223             | 22.6        | 764                 | 77.4        | 22              | 62.9        | 13                  | 37.1        |
| <b>Immigration</b>                  | <b>4,511</b>  | 4,101           | 90.9        | 410                 | 9.1         | 66              | 91.7        | 6                   | 8.3         |
| <b>Embezzlement</b>                 | <b>313</b>    | 71              | 22.7        | 242                 | 77.3        | 4               | 33.3        | 8                   | 66.7        |
| <b>Drugs - Trafficking</b>          | <b>474</b>    | 209             | 44.1        | 265                 | 55.9        | 7               | 53.8        | 6                   | 46.2        |
| <b>Drugs - Simple Possession</b>    | <b>493</b>    | 180             | 36.5        | 313                 | 63.5        | 20              | 47.6        | 22                  | 52.4        |
| <b>Firearms</b>                     | <b>326</b>    | 170             | 52.1        | 156                 | 47.9        | 12              | 63.2        | 7                   | 36.8        |
| <b>Forgery/Counterfeiting</b>       | <b>421</b>    | 141             | 33.5        | 280                 | 66.5        | 3               | 33.3        | 6                   | 66.7        |
| <b>Other Miscellaneous Offenses</b> | <b>1,710</b>  | 467             | 27.3        | 1,243               | 72.7        | 19              | 25.0        | 57                  | 75.0        |

Of the 72,585 guideline cases, 60,957 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (60,953), missing sentencing information (211) or missing primary offense category (67).

Of the 2,345 guideline cases from the State of Virginia, 1,974 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (1,973), missing sentencing information (6) or missing primary offense category (5).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2006**

| PRIMARY OFFENSE                           | National       |                  |               | Virginia       |                  |              |
|---|----------------|------------------|---------------|----------------|------------------|--------------|
|   | Mean<br>Months | Median<br>Months | Number        | Mean<br>Months | Median<br>Months | Number       |
| <b>TOTAL</b>                              | <b>59.1</b>    | <b>36.0</b>      | <b>62,963</b> | <b>90.6</b>    | <b>60.0</b>      | <b>1,854</b> |
| <b>Murder</b>                             | 253.1          | 240.0            | 77            | 430.0          | 470.0            | 7            |
| <b>Manslaughter</b>                       | 46.7           | 37.0             | 59            | --             | --               | 0            |
| <b>Kidnapping/Hostage Taking</b>          | 216.5          | 204.0            | 61            | --             | --               | 1            |
| <b>Sexual Abuse</b>                       | 103.5          | 60.0             | 256           | 212.4          | 188.0            | 5            |
| <b>Assault</b>                            | 41.3           | 30.0             | 502           | 64.1           | 30.0             | 7            |
| <b>Robbery</b>                            | 91.5           | 70.0             | 1,131         | 69.2           | 60.0             | 25           |
| <b>Arson</b>                              | 82.7           | 60.0             | 66            | --             | --               | 1            |
| <b>Drugs - Trafficking</b>                | 84.4           | 60.0             | 24,248        | 126.1          | 114.0            | 867          |
| <b>Drugs - Communication Facility</b>     | 47.0           | 48.0             | 354           | 13.3           | 11.0             | 4            |
| <b>Drugs - Simple Possession</b>          | 16.1           | 4.0              | 294           | 18.0           | 3.0              | 39           |
| <b>Firearms</b>                           | 82.1           | 56.0             | 7,851         | 102.1          | 60.0             | 297          |
| <b>Burglary/B&amp;E</b>                   | 19.7           | 16.0             | 41            | --             | --               | 0            |
| <b>Auto Theft</b>                         | 86.4           | 42.0             | 53            | --             | --               | 1            |
| <b>Larceny</b>                            | 18.3           | 12.0             | 728           | 14.6           | 7.0              | 43           |
| <b>Fraud</b>                              | 26.2           | 18.0             | 4,637         | 26.8           | 18.0             | 199          |
| <b>Embezzlement</b>                       | 15.1           | 12.0             | 294           | 13.5           | 8.0              | 8            |
| <b>Forgery/Counterfeiting</b>             | 22.4           | 15.0             | 777           | 22.1           | 18.0             | 18           |
| <b>Bribery</b>                            | 20.9           | 15.0             | 108           | 30.0           | 13.5             | 12           |
| <b>Tax</b>                                | 22.4           | 15.0             | 361           | 21.5           | 12.0             | 16           |
| <b>Money Laundering</b>                   | 43.9           | 30.0             | 726           | 46.6           | 30.0             | 35           |
| <b>Racketeering/Extortion</b>             | 95.6           | 60.0             | 576           | 116.7          | 60.0             | 20           |
| <b>Gambling/Lottery</b>                   | 12.7           | 8.5              | 39            | --             | --               | 2            |
| <b>Civil Rights</b>                       | 66.3           | 21.0             | 40            | --             | --               | 0            |
| <b>Immigration</b>                        | 23.5           | 18.0             | 16,653        | 20.6           | 14.0             | 88           |
| <b>Pornography/Prostitution</b>           | 98.6           | 63.0             | 1,262         | 133.0          | 69.0             | 38           |
| <b>Prison Offenses</b>                    | 18.5           | 12.0             | 324           | 31.5           | 37.0             | 11           |
| <b>Administration of Justice Offenses</b> | 26.9           | 18.0             | 694           | 36.7           | 15.0             | 25           |
| <b>Environmental/Wildlife</b>             | 15.1           | 13.5             | 42            | --             | --               | 0            |
| <b>National Defense</b>                   | 49.2           | 29.0             | 34            | 181.0          | 180.0            | 3            |
| <b>Antitrust</b>                          | 5.8            | 5.0              | 8             | --             | --               | 0            |
| <b>Food &amp; Drug</b>                    | 25.2           | 19.0             | 16            | --             | --               | 0            |
| <b>Other Miscellaneous Offenses</b>       | 18.8           | 6.0              | 651           | 10.1           | 1.2              | 82           |

Of the 72,585 guideline cases, 9,622 cases were excluded for one or more of the following reasons: zero months prison ordered (8,871), missing primary offense category (67) or missing or indeterminable sentencing information (751).

Of the 2,345 guideline cases from the State of Virginia, 491 cases were excluded due to one or more of the following reasons: zero prison months ordered (460), missing primary offense category (5) or missing or indeterminable sentencing information (31).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

**Table 8**

**COMPARISON OF SENTENCE IMPOSED AND POSITION  
RELATIVE TO THE GUIDELINE RANGE  
Fiscal Year 2006**

|   | National      |              | Virginia     |              |
|---|---------------|--------------|--------------|--------------|
|   | N             | %            | N            | %            |
| <b>TOTAL CASES<sup>1</sup></b>  | <b>70,187</b> | <b>100.0</b> | <b>2,019</b> | <b>100.0</b> |
| <b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>                           | <b>43,307</b> | <b>61.7</b>  | <b>1,521</b> | <b>75.3</b>  |
| <b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>                            | <b>1,129</b>  | <b>1.6</b>   | <b>49</b>    | <b>2.3</b>   |
| <b>DEPARTURE ABOVE GUIDELINE RANGE</b>                                  | <b>589</b>    | <b>0.9</b>   | <b>34</b>    | <b>1.6</b>   |
| Upward Departure From Guideline Range <sup>2</sup>                      | 412           | 0.6          | 15           | 0.7          |
| Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>      | 177           | 0.3          | 19           | 0.9          |
| <b>OTHERWISE ABOVE GUIDELINE RANGE</b>                                  | <b>540</b>    | <b>0.7</b>   | <b>15</b>    | <b>0.7</b>   |
| Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup> | 455           | 0.6          | 15           | 0.7          |
| All Remaining Cases Above Guideline Range <sup>5</sup>                  | 85            | 0.1          | 0            | 0.0          |
| <b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>                     | <b>17,244</b> | <b>24.6</b>  | <b>232</b>   | <b>11.4</b>  |
| §5K1.1 Substantial Assistance Departure                                 | 10,139        | 14.4         | 217          | 10.7         |
| §5K3.1 Early Disposition Program Departure                              | 5,166         | 7.4          | 0            | 0.0          |
| Other Government Sponsored Below Range                                  | 1,939         | 2.8          | 15           | 0.7          |
| <b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>                             | <b>8,507</b>  | <b>12.0</b>  | <b>217</b>   | <b>10.8</b>  |
| <b>DEPARTURE BELOW GUIDELINE RANGE</b>                                  | <b>3,335</b>  | <b>4.7</b>   | <b>58</b>    | <b>2.9</b>   |
| Downward Departure From Guideline Range <sup>2</sup>                    | 1,903         | 2.7          | 24           | 1.2          |
| Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>    | 1,432         | 2.0          | 34           | 1.7          |
| <b>OTHERWISE BELOW GUIDELINE RANGE</b>                                  | <b>5,172</b>  | <b>7.3</b>   | <b>159</b>   | <b>7.9</b>   |
| Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup> | 4,243         | 6.0          | 135          | 6.7          |
| All Remaining Cases Below Guideline Range <sup>5</sup>                  | 929           | 1.3          | 24           | 1.2          |

<sup>1</sup>Of the 72,585 guideline cases, 2,398 were excluded. Some excluded cases involved certain Class A misdemeanors or other offenses which do not reference a sentencing guideline. In others, information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Note that for this table, total percentages may not add up to exactly 100 percent due to rounding. Of the 2,345 cases from the State of Virginia, 326 cases were excluded.

<sup>2</sup>All 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*.

<sup>3</sup>All 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.

<sup>4</sup>All 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.

<sup>5</sup>All 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.

<sup>6</sup>Cases 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.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

**Table 9**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT  
Fiscal Year 2006**

| CIRCUIT<br>District   | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|-----------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                       |               | n                                      | %           | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>TOTAL</b>          | <b>70,187</b> | <b>43,307</b>                          | <b>61.7</b> | <b>412</b>                  | <b>0.6</b> | <b>177</b>                           | <b>0.3</b> | <b>455</b>                 | <b>0.6</b> | <b>85</b>                   | <b>0.1</b> |
| <b>D.C. CIRCUIT</b>   | <b>456</b>    | <b>237</b>                             | <b>52.0</b> | <b>5</b>                    | <b>1.1</b> | <b>3</b>                             | <b>0.7</b> | <b>5</b>                   | <b>1.1</b> | <b>1</b>                    | <b>0.2</b> |
| District of Columbia  | 456           | 237                                    | 52.0        | 5                           | 1.1        | 3                                    | 0.7        | 5                          | 1.1        | 1                           | 0.2        |
| <b>FIRST CIRCUIT</b>  | <b>1,620</b>  | <b>1,096</b>                           | <b>67.7</b> | <b>6</b>                    | <b>0.4</b> | <b>3</b>                             | <b>0.2</b> | <b>13</b>                  | <b>0.8</b> | <b>2</b>                    | <b>0.1</b> |
| Maine                 | 205           | 143                                    | 69.8        | 1                           | 0.5        | 0                                    | 0.0        | 1                          | 0.5        | 0                           | 0.0        |
| Massachusetts         | 509           | 291                                    | 57.2        | 2                           | 0.4        | 0                                    | 0.0        | 4                          | 0.8        | 0                           | 0.0        |
| New Hampshire         | 218           | 126                                    | 57.8        | 1                           | 0.5        | 1                                    | 0.5        | 2                          | 0.9        | 0                           | 0.0        |
| Puerto Rico           | 564           | 460                                    | 81.6        | 1                           | 0.2        | 1                                    | 0.2        | 5                          | 0.9        | 1                           | 0.2        |
| Rhode Island          | 124           | 76                                     | 61.3        | 1                           | 0.8        | 1                                    | 0.8        | 1                          | 0.8        | 1                           | 0.8        |
| <b>SECOND CIRCUIT</b> | <b>4,387</b>  | <b>2,247</b>                           | <b>51.2</b> | <b>25</b>                   | <b>0.6</b> | <b>7</b>                             | <b>0.2</b> | <b>14</b>                  | <b>0.3</b> | <b>5</b>                    | <b>0.1</b> |
| Connecticut           | 360           | 172                                    | 47.8        | 6                           | 1.7        | 0                                    | 0.0        | 0                          | 0.0        | 1                           | 0.3        |
| New York              |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 1,099         | 457                                    | 41.6        | 7                           | 0.6        | 3                                    | 0.3        | 7                          | 0.6        | 2                           | 0.2        |
| Northern              | 388           | 213                                    | 54.9        | 1                           | 0.3        | 0                                    | 0.0        | 0                          | 0.0        | 1                           | 0.3        |
| Southern              | 1,752         | 1,020                                  | 58.2        | 2                           | 0.1        | 3                                    | 0.2        | 2                          | 0.1        | 1                           | 0.1        |
| Western               | 586           | 306                                    | 52.2        | 6                           | 1.0        | 1                                    | 0.2        | 5                          | 0.9        | 0                           | 0.0        |
| Vermont               | 202           | 79                                     | 39.1        | 3                           | 1.5        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| <b>THIRD CIRCUIT</b>  | <b>2,972</b>  | <b>1,596</b>                           | <b>53.7</b> | <b>6</b>                    | <b>0.2</b> | <b>9</b>                             | <b>0.3</b> | <b>22</b>                  | <b>0.7</b> | <b>3</b>                    | <b>0.1</b> |
| Delaware              | 101           | 66                                     | 65.3        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| New Jersey            | 924           | 468                                    | 50.6        | 0                           | 0.0        | 0                                    | 0.0        | 3                          | 0.3        | 2                           | 0.2        |
| Pennsylvania          |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 840           | 354                                    | 42.1        | 1                           | 0.1        | 6                                    | 0.7        | 5                          | 0.6        | 0                           | 0.0        |
| Middle                | 497           | 258                                    | 51.9        | 4                           | 0.8        | 1                                    | 0.2        | 5                          | 1.0        | 0                           | 0.0        |
| Western               | 494           | 357                                    | 72.3        | 1                           | 0.2        | 1                                    | 0.2        | 8                          | 1.6        | 0                           | 0.0        |
| Virgin Islands        | 116           | 93                                     | 80.2        | 0                           | 0.0        | 1                                    | 0.9        | 1                          | 0.9        | 1                           | 0.9        |
| <b>FOURTH CIRCUIT</b> | <b>6,301</b>  | <b>4,412</b>                           | <b>70.0</b> | <b>36</b>                   | <b>0.6</b> | <b>22</b>                            | <b>0.3</b> | <b>40</b>                  | <b>0.6</b> | <b>4</b>                    | <b>0.1</b> |
| Maryland              | 626           | 333                                    | 53.2        | 7                           | 1.1        | 0                                    | 0.0        | 5                          | 0.8        | 1                           | 0.2        |
| North Carolina        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 648           | 389                                    | 60.0        | 3                           | 0.5        | 2                                    | 0.3        | 1                          | 0.2        | 0                           | 0.0        |
| Middle                | 416           | 307                                    | 73.8        | 3                           | 0.7        | 0                                    | 0.0        | 1                          | 0.2        | 0                           | 0.0        |
| Western               | 807           | 515                                    | 63.8        | 2                           | 0.2        | 0                                    | 0.0        | 5                          | 0.6        | 0                           | 0.0        |
| South Carolina        | 1,139         | 806                                    | 70.8        | 6                           | 0.5        | 0                                    | 0.0        | 7                          | 0.6        | 3                           | 0.3        |
| Virginia              |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 1,424         | 1,133                                  | 79.6        | 10                          | 0.7        | 18                                   | 1.3        | 12                         | 0.8        | 0                           | 0.0        |
| Western               | 595           | 388                                    | 65.2        | 5                           | 0.8        | 1                                    | 0.2        | 3                          | 0.5        | 0                           | 0.0        |
| West Virginia         |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern              | 377           | 313                                    | 83.0        | 0                           | 0.0        | 0                                    | 0.0        | 3                          | 0.8        | 0                           | 0.0        |
| Southern              | 269           | 228                                    | 84.8        | 0                           | 0.0        | 1                                    | 0.4        | 3                          | 1.1        | 0                           | 0.0        |

| CIRCUIT<br>District   | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |            | OTHER<br>GOV'T<br>SPONSORED |             | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|-----------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
|                       | n                                   | %           | n                              | %          | n                           | %           | n                           | %          | n                                    | %          | n                          | %           | n                           | %          |
| <b>TOTAL</b>          | <b>10,139</b>                       | <b>14.4</b> | <b>5,166</b>                   | <b>7.4</b> | <b>1,939</b>                | <b>2.8</b>  | <b>1,903</b>                | <b>2.7</b> | <b>1,432</b>                         | <b>2.0</b> | <b>4,243</b>               | <b>6.0</b>  | <b>929</b>                  | <b>1.3</b> |
| <b>D.C. CIRCUIT</b>   | <b>84</b>                           | <b>18.4</b> | <b>0</b>                       | <b>0.0</b> | <b>52</b>                   | <b>11.4</b> | <b>7</b>                    | <b>1.5</b> | <b>16</b>                            | <b>3.5</b> | <b>41</b>                  | <b>9.0</b>  | <b>5</b>                    | <b>1.1</b> |
| District of Columbia  | 84                                  | 18.4        | 0                              | 0.0        | 52                          | 11.4        | 7                           | 1.5        | 16                                   | 3.5        | 41                         | 9.0         | 5                           | 1.1        |
| <b>FIRST CIRCUIT</b>  | <b>220</b>                          | <b>13.6</b> | <b>0</b>                       | <b>0.0</b> | <b>46</b>                   | <b>2.8</b>  | <b>51</b>                   | <b>3.1</b> | <b>27</b>                            | <b>1.7</b> | <b>131</b>                 | <b>8.1</b>  | <b>25</b>                   | <b>1.5</b> |
| Maine                 | 45                                  | 22.0        | 0                              | 0.0        | 1                           | 0.5         | 6                           | 2.9        | 1                                    | 0.5        | 7                          | 3.4         | 0                           | 0.0        |
| Massachusetts         | 70                                  | 13.8        | 0                              | 0.0        | 16                          | 3.1         | 32                          | 6.3        | 17                                   | 3.3        | 66                         | 13.0        | 11                          | 2.2        |
| New Hampshire         | 57                                  | 26.1        | 0                              | 0.0        | 15                          | 6.9         | 5                           | 2.3        | 1                                    | 0.5        | 9                          | 4.1         | 1                           | 0.5        |
| Puerto Rico           | 38                                  | 6.7         | 0                              | 0.0        | 12                          | 2.1         | 6                           | 1.1        | 6                                    | 1.1        | 22                         | 3.9         | 12                          | 2.1        |
| Rhode Island          | 10                                  | 8.1         | 0                              | 0.0        | 2                           | 1.6         | 2                           | 1.6        | 2                                    | 1.6        | 27                         | 21.8        | 1                           | 0.8        |
| <b>SECOND CIRCUIT</b> | <b>931</b>                          | <b>21.2</b> | <b>0</b>                       | <b>0.0</b> | <b>101</b>                  | <b>2.3</b>  | <b>236</b>                  | <b>5.4</b> | <b>234</b>                           | <b>5.3</b> | <b>479</b>                 | <b>10.9</b> | <b>108</b>                  | <b>2.5</b> |
| Connecticut           | 70                                  | 19.4        | 0                              | 0.0        | 1                           | 0.3         | 47                          | 13.1       | 23                                   | 6.4        | 33                         | 9.2         | 7                           | 1.9        |
| New York              |                                     |             |                                |            |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Eastern               | 255                                 | 23.2        | 0                              | 0.0        | 36                          | 3.3         | 71                          | 6.5        | 112                                  | 10.2       | 115                        | 10.5        | 34                          | 3.1        |
| Northern              | 111                                 | 28.6        | 0                              | 0.0        | 8                           | 2.1         | 23                          | 5.9        | 7                                    | 1.8        | 24                         | 6.2         | 0                           | 0.0        |
| Southern              | 237                                 | 13.5        | 0                              | 0.0        | 30                          | 1.7         | 63                          | 3.6        | 75                                   | 4.3        | 263                        | 15.0        | 56                          | 3.2        |
| Western               | 184                                 | 31.4        | 0                              | 0.0        | 22                          | 3.8         | 7                           | 1.2        | 3                                    | 0.5        | 41                         | 7.0         | 11                          | 1.9        |
| Vermont               | 74                                  | 36.6        | 0                              | 0.0        | 4                           | 2.0         | 25                          | 12.4       | 14                                   | 6.9        | 3                          | 1.5         | 0                           | 0.0        |
| <b>THIRD CIRCUIT</b>  | <b>815</b>                          | <b>27.4</b> | <b>0</b>                       | <b>0.0</b> | <b>55</b>                   | <b>1.9</b>  | <b>86</b>                   | <b>2.9</b> | <b>65</b>                            | <b>2.2</b> | <b>273</b>                 | <b>9.2</b>  | <b>42</b>                   | <b>1.4</b> |
| Delaware              | 9                                   | 8.9         | 0                              | 0.0        | 0                           | 0.0         | 6                           | 5.9        | 4                                    | 4.0        | 13                         | 12.9        | 3                           | 3.0        |
| New Jersey            | 301                                 | 32.6        | 0                              | 0.0        | 15                          | 1.6         | 36                          | 3.9        | 8                                    | 0.9        | 79                         | 8.5         | 12                          | 1.3        |
| Pennsylvania          |                                     |             |                                |            |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Eastern               | 282                                 | 33.6        | 0                              | 0.0        | 17                          | 2.0         | 14                          | 1.7        | 30                                   | 3.6        | 112                        | 13.3        | 19                          | 2.3        |
| Middle                | 159                                 | 32.0        | 0                              | 0.0        | 18                          | 3.6         | 9                           | 1.8        | 9                                    | 1.8        | 31                         | 6.2         | 3                           | 0.6        |
| Western               | 55                                  | 11.1        | 0                              | 0.0        | 4                           | 0.8         | 18                          | 3.6        | 12                                   | 2.4        | 36                         | 7.3         | 2                           | 0.4        |
| Virgin Islands        | 9                                   | 7.8         | 0                              | 0.0        | 1                           | 0.9         | 3                           | 2.6        | 2                                    | 1.7        | 2                          | 1.7         | 3                           | 2.6        |
| <b>FOURTH CIRCUIT</b> | <b>1,093</b>                        | <b>17.3</b> | <b>0</b>                       | <b>0.0</b> | <b>57</b>                   | <b>0.9</b>  | <b>126</b>                  | <b>2.0</b> | <b>88</b>                            | <b>1.4</b> | <b>359</b>                 | <b>5.7</b>  | <b>64</b>                   | <b>1.0</b> |
| Maryland              | 167                                 | 26.7        | 0                              | 0.0        | 16                          | 2.6         | 26                          | 4.2        | 19                                   | 3.0        | 39                         | 6.2         | 13                          | 2.1        |
| North Carolina        |                                     |             |                                |            |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Eastern               | 207                                 | 31.9        | 0                              | 0.0        | 0                           | 0.0         | 15                          | 2.3        | 5                                    | 0.8        | 19                         | 2.9         | 7                           | 1.1        |
| Middle                | 65                                  | 15.6        | 0                              | 0.0        | 1                           | 0.2         | 6                           | 1.4        | 10                                   | 2.4        | 23                         | 5.5         | 0                           | 0.0        |
| Western               | 213                                 | 26.4        | 0                              | 0.0        | 8                           | 1.0         | 6                           | 0.7        | 6                                    | 0.7        | 49                         | 6.1         | 3                           | 0.4        |
| South Carolina        | 181                                 | 15.9        | 0                              | 0.0        | 9                           | 0.8         | 41                          | 3.6        | 9                                    | 0.8        | 60                         | 5.3         | 17                          | 1.5        |
| Virginia              |                                     |             |                                |            |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Eastern               | 74                                  | 5.2         | 0                              | 0.0        | 6                           | 0.4         | 18                          | 1.3        | 31                                   | 2.2        | 100                        | 7.0         | 22                          | 1.5        |
| Western               | 143                                 | 24.0        | 0                              | 0.0        | 9                           | 1.5         | 6                           | 1.0        | 3                                    | 0.5        | 35                         | 5.9         | 2                           | 0.3        |
| West Virginia         |                                     |             |                                |            |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Northern              | 23                                  | 6.1         | 0                              | 0.0        | 6                           | 1.6         | 7                           | 1.9        | 4                                    | 1.1        | 21                         | 5.6         | 0                           | 0.0        |
| Southern              | 20                                  | 7.4         | 0                              | 0.0        | 2                           | 0.7         | 1                           | 0.4        | 1                                    | 0.4        | 13                         | 4.8         | 0                           | 0.0        |

| CIRCUIT<br>District    | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|------------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                        |               | n                                      | %           | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>FIFTH CIRCUIT</b>   | <b>15,661</b> | <b>11,569</b>                          | <b>73.9</b> | <b>104</b>                  | <b>0.7</b> | <b>36</b>                            | <b>0.2</b> | <b>125</b>                 | <b>0.8</b> | <b>19</b>                   | <b>0.1</b> |
| <b>Louisiana</b>       |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 368           | 285                                    | 77.4        | 1                           | 0.3        | 3                                    | 0.8        | 4                          | 1.1        | 0                           | 0.0        |
| Middle                 | 172           | 135                                    | 78.5        | 7                           | 4.1        | 1                                    | 0.6        | 2                          | 1.2        | 0                           | 0.0        |
| Western                | 488           | 384                                    | 78.7        | 7                           | 1.4        | 2                                    | 0.4        | 17                         | 3.5        | 2                           | 0.4        |
| <b>Mississippi</b>     |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 173           | 93                                     | 53.8        | 1                           | 0.6        | 3                                    | 1.7        | 3                          | 1.7        | 0                           | 0.0        |
| Southern               | 376           | 316                                    | 84.0        | 0                           | 0.0        | 0                                    | 0.0        | 5                          | 1.3        | 1                           | 0.3        |
| <b>Texas</b>           |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 842           | 676                                    | 80.3        | 5                           | 0.6        | 2                                    | 0.2        | 6                          | 0.7        | 2                           | 0.2        |
| Northern               | 1,065         | 818                                    | 76.8        | 15                          | 1.4        | 8                                    | 0.8        | 21                         | 2.0        | 2                           | 0.2        |
| Southern               | 6,260         | 4,188                                  | 66.9        | 30                          | 0.5        | 7                                    | 0.1        | 24                         | 0.4        | 3                           | 0.0        |
| Western                | 5,917         | 4,674                                  | 79.0        | 38                          | 0.6        | 10                                   | 0.2        | 43                         | 0.7        | 9                           | 0.2        |
| <b>SIXTH CIRCUIT</b>   | <b>5,124</b>  | <b>2,880</b>                           | <b>56.2</b> | <b>18</b>                   | <b>0.4</b> | <b>17</b>                            | <b>0.3</b> | <b>37</b>                  | <b>0.7</b> | <b>5</b>                    | <b>0.1</b> |
| <b>Kentucky</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 523           | 262                                    | 50.1        | 1                           | 0.2        | 1                                    | 0.2        | 7                          | 1.3        | 0                           | 0.0        |
| Western                | 397           | 279                                    | 70.3        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| <b>Michigan</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 793           | 395                                    | 49.8        | 4                           | 0.5        | 1                                    | 0.1        | 5                          | 0.6        | 2                           | 0.3        |
| Western                | 431           | 260                                    | 60.3        | 5                           | 1.2        | 3                                    | 0.7        | 8                          | 1.9        | 0                           | 0.0        |
| <b>Ohio</b>            |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 975           | 583                                    | 59.8        | 3                           | 0.3        | 2                                    | 0.2        | 5                          | 0.5        | 2                           | 0.2        |
| Southern               | 687           | 314                                    | 45.7        | 0                           | 0.0        | 6                                    | 0.9        | 3                          | 0.4        | 0                           | 0.0        |
| <b>Tennessee</b>       |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 528           | 323                                    | 61.2        | 2                           | 0.4        | 1                                    | 0.2        | 5                          | 0.9        | 0                           | 0.0        |
| Middle                 | 285           | 162                                    | 56.8        | 2                           | 0.7        | 2                                    | 0.7        | 0                          | 0.0        | 0                           | 0.0        |
| Western                | 505           | 302                                    | 59.8        | 1                           | 0.2        | 1                                    | 0.2        | 4                          | 0.8        | 1                           | 0.2        |
| <b>SEVENTH CIRCUIT</b> | <b>3,055</b>  | <b>1,994</b>                           | <b>65.3</b> | <b>11</b>                   | <b>0.4</b> | <b>9</b>                             | <b>0.3</b> | <b>8</b>                   | <b>0.3</b> | <b>1</b>                    | <b>0.0</b> |
| <b>Illinois</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Central                | 331           | 211                                    | 63.7        | 0                           | 0.0        | 2                                    | 0.6        | 1                          | 0.3        | 0                           | 0.0        |
| Northern               | 1,094         | 595                                    | 54.4        | 6                           | 0.5        | 1                                    | 0.1        | 0                          | 0.0        | 0                           | 0.0        |
| Southern               | 373           | 311                                    | 83.4        | 0                           | 0.0        | 3                                    | 0.8        | 0                          | 0.0        | 0                           | 0.0        |
| <b>Indiana</b>         |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 402           | 288                                    | 71.6        | 1                           | 0.2        | 2                                    | 0.5        | 0                          | 0.0        | 0                           | 0.0        |
| Southern               | 310           | 199                                    | 64.2        | 3                           | 1.0        | 1                                    | 0.3        | 2                          | 0.6        | 0                           | 0.0        |
| <b>Wisconsin</b>       |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 328           | 192                                    | 58.5        | 0                           | 0.0        | 0                                    | 0.0        | 5                          | 1.5        | 0                           | 0.0        |
| Western                | 217           | 198                                    | 91.2        | 1                           | 0.5        | 0                                    | 0.0        | 0                          | 0.0        | 1                           | 0.5        |
| <b>EIGHTH CIRCUIT</b>  | <b>5,172</b>  | <b>3,384</b>                           | <b>65.4</b> | <b>31</b>                   | <b>0.6</b> | <b>16</b>                            | <b>0.3</b> | <b>31</b>                  | <b>0.6</b> | <b>1</b>                    | <b>0.0</b> |
| <b>Arkansas</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 379           | 257                                    | 67.8        | 1                           | 0.3        | 1                                    | 0.3        | 3                          | 0.8        | 0                           | 0.0        |
| Western                | 182           | 122                                    | 67.0        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 0.5        | 0                           | 0.0        |
| <b>Iowa</b>            |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 418           | 292                                    | 69.9        | 12                          | 2.9        | 3                                    | 0.7        | 8                          | 1.9        | 0                           | 0.0        |
| Southern               | 366           | 183                                    | 50.0        | 0                           | 0.0        | 0                                    | 0.0        | 6                          | 1.6        | 0                           | 0.0        |
| Minnesota              | 557           | 282                                    | 50.6        | 1                           | 0.2        | 2                                    | 0.4        | 0                          | 0.0        | 0                           | 0.0        |
| <b>Missouri</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 984           | 665                                    | 67.6        | 2                           | 0.2        | 1                                    | 0.1        | 1                          | 0.1        | 1                           | 0.1        |
| Western                | 904           | 610                                    | 67.5        | 3                           | 0.3        | 0                                    | 0.0        | 7                          | 0.8        | 0                           | 0.0        |
| Nebraska               | 703           | 494                                    | 70.3        | 2                           | 0.3        | 0                                    | 0.0        | 2                          | 0.3        | 0                           | 0.0        |
| North Dakota           | 249           | 156                                    | 62.7        | 1                           | 0.4        | 1                                    | 0.4        | 1                          | 0.4        | 0                           | 0.0        |
| South Dakota           | 430           | 323                                    | 75.1        | 9                           | 2.1        | 8                                    | 1.9        | 2                          | 0.5        | 0                           | 0.0        |



| CIRCUIT<br>District    | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |            | OTHER<br>GOV'T<br>SPONSORED |            | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |            | REMAINING<br>BELOW<br>RANGE |            |
|------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                        | n                                   | %           | n                              | %          | n                           | %          | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>FIFTH CIRCUIT</b>   | <b>1,237</b>                        | <b>7.9</b>  | <b>1,124</b>                   | <b>7.2</b> | <b>305</b>                  | <b>1.9</b> | <b>393</b>                  | <b>2.5</b> | <b>75</b>                            | <b>0.5</b> | <b>576</b>                 | <b>3.7</b> | <b>98</b>                   | <b>0.6</b> |
| <b>Louisiana</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 36                                  | 9.8         | 0                              | 0.0        | 10                          | 2.7        | 5                           | 1.4        | 6                                    | 1.6        | 15                         | 4.1        | 3                           | 0.8        |
| Middle                 | 21                                  | 12.2        | 0                              | 0.0        | 0                           | 0.0        | 2                           | 1.2        | 1                                    | 0.6        | 3                          | 1.7        | 0                           | 0.0        |
| Western                | 37                                  | 7.6         | 0                              | 0.0        | 0                           | 0.0        | 9                           | 1.8        | 7                                    | 1.4        | 16                         | 3.3        | 7                           | 1.4        |
| <b>Mississippi</b>     |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 45                                  | 26.0        | 0                              | 0.0        | 18                          | 10.4       | 5                           | 2.9        | 0                                    | 0.0        | 5                          | 2.9        | 0                           | 0.0        |
| Southern               | 28                                  | 7.4         | 0                              | 0.0        | 3                           | 0.8        | 1                           | 0.3        | 2                                    | 0.5        | 15                         | 4.0        | 5                           | 1.3        |
| <b>Texas</b>           |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 60                                  | 7.1         | 0                              | 0.0        | 21                          | 2.5        | 28                          | 3.3        | 18                                   | 2.1        | 23                         | 2.7        | 1                           | 0.1        |
| Northern               | 129                                 | 12.1        | 0                              | 0.0        | 8                           | 0.8        | 4                           | 0.4        | 11                                   | 1.0        | 44                         | 4.1        | 5                           | 0.5        |
| Southern               | 454                                 | 7.3         | 879                            | 14.0       | 201                         | 3.2        | 227                         | 3.6        | 18                                   | 0.3        | 211                        | 3.4        | 18                          | 0.3        |
| Western                | 427                                 | 7.2         | 245                            | 4.1        | 44                          | 0.7        | 112                         | 1.9        | 12                                   | 0.2        | 244                        | 4.1        | 59                          | 1.0        |
| <b>SIXTH CIRCUIT</b>   | <b>1,304</b>                        | <b>25.4</b> | <b>1</b>                       | <b>0.0</b> | <b>89</b>                   | <b>1.7</b> | <b>136</b>                  | <b>2.7</b> | <b>133</b>                           | <b>2.6</b> | <b>418</b>                 | <b>8.2</b> | <b>86</b>                   | <b>1.7</b> |
| <b>Kentucky</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 209                                 | 40.0        | 0                              | 0.0        | 2                           | 0.4        | 3                           | 0.6        | 8                                    | 1.5        | 27                         | 5.2        | 3                           | 0.6        |
| Western                | 63                                  | 15.9        | 1                              | 0.3        | 12                          | 3.0        | 11                          | 2.8        | 2                                    | 0.5        | 24                         | 6.0        | 5                           | 1.3        |
| <b>Michigan</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 239                                 | 30.1        | 0                              | 0.0        | 10                          | 1.3        | 23                          | 2.9        | 37                                   | 4.7        | 68                         | 8.6        | 9                           | 1.1        |
| Western                | 75                                  | 17.4        | 0                              | 0.0        | 2                           | 0.5        | 15                          | 3.5        | 9                                    | 2.1        | 50                         | 11.6       | 4                           | 0.9        |
| <b>Ohio</b>            |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 208                                 | 21.3        | 0                              | 0.0        | 16                          | 1.6        | 29                          | 3.0        | 25                                   | 2.6        | 81                         | 8.3        | 21                          | 2.2        |
| Southern               | 223                                 | 32.5        | 0                              | 0.0        | 13                          | 1.9        | 32                          | 4.7        | 34                                   | 4.9        | 52                         | 7.6        | 10                          | 1.5        |
| <b>Tennessee</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 146                                 | 27.7        | 0                              | 0.0        | 6                           | 1.1        | 3                           | 0.6        | 5                                    | 0.9        | 33                         | 6.3        | 4                           | 0.8        |
| Middle                 | 54                                  | 18.9        | 0                              | 0.0        | 9                           | 3.2        | 8                           | 2.8        | 6                                    | 2.1        | 28                         | 9.8        | 14                          | 4.9        |
| Western                | 87                                  | 17.2        | 0                              | 0.0        | 19                          | 3.8        | 12                          | 2.4        | 7                                    | 1.4        | 55                         | 10.9       | 16                          | 3.2        |
| <b>SEVENTH CIRCUIT</b> | <b>531</b>                          | <b>17.4</b> | <b>0</b>                       | <b>0.0</b> | <b>62</b>                   | <b>2.0</b> | <b>96</b>                   | <b>3.1</b> | <b>79</b>                            | <b>2.6</b> | <b>194</b>                 | <b>6.4</b> | <b>70</b>                   | <b>2.3</b> |
| <b>Illinois</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Central                | 66                                  | 19.9        | 0                              | 0.0        | 12                          | 3.6        | 7                           | 2.1        | 4                                    | 1.2        | 23                         | 6.9        | 5                           | 1.5        |
| Northern               | 247                                 | 22.6        | 0                              | 0.0        | 13                          | 1.2        | 54                          | 4.9        | 61                                   | 5.6        | 67                         | 6.1        | 50                          | 4.6        |
| Southern               | 20                                  | 5.4         | 0                              | 0.0        | 7                           | 1.9        | 10                          | 2.7        | 7                                    | 1.9        | 12                         | 3.2        | 3                           | 0.8        |
| <b>Indiana</b>         |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 86                                  | 21.4        | 0                              | 0.0        | 5                           | 1.2        | 4                           | 1.0        | 1                                    | 0.2        | 7                          | 1.7        | 8                           | 2.0        |
| Southern               | 55                                  | 17.7        | 0                              | 0.0        | 8                           | 2.6        | 10                          | 3.2        | 2                                    | 0.6        | 29                         | 9.4        | 1                           | 0.3        |
| <b>Wisconsin</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 55                                  | 16.8        | 0                              | 0.0        | 17                          | 5.2        | 7                           | 2.1        | 4                                    | 1.2        | 45                         | 13.7       | 3                           | 0.9        |
| Western                | 2                                   | 0.9         | 0                              | 0.0        | 0                           | 0.0        | 4                           | 1.8        | 0                                    | 0.0        | 11                         | 5.1        | 0                           | 0.0        |
| <b>EIGHTH CIRCUIT</b>  | <b>822</b>                          | <b>15.9</b> | <b>58</b>                      | <b>1.1</b> | <b>129</b>                  | <b>2.5</b> | <b>119</b>                  | <b>2.3</b> | <b>88</b>                            | <b>1.7</b> | <b>417</b>                 | <b>8.1</b> | <b>76</b>                   | <b>1.5</b> |
| <b>Arkansas</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 58                                  | 15.3        | 0                              | 0.0        | 7                           | 1.8        | 7                           | 1.8        | 9                                    | 2.4        | 29                         | 7.7        | 7                           | 1.8        |
| Western                | 48                                  | 26.4        | 0                              | 0.0        | 1                           | 0.5        | 0                           | 0.0        | 1                                    | 0.5        | 8                          | 4.4        | 1                           | 0.5        |
| <b>Iowa</b>            |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 62                                  | 14.8        | 0                              | 0.0        | 5                           | 1.2        | 6                           | 1.4        | 1                                    | 0.2        | 28                         | 6.7        | 1                           | 0.2        |
| Southern               | 84                                  | 23.0        | 0                              | 0.0        | 6                           | 1.6        | 4                           | 1.1        | 5                                    | 1.4        | 73                         | 19.9       | 5                           | 1.4        |
| Minnesota              | 117                                 | 21.0        | 0                              | 0.0        | 12                          | 2.2        | 23                          | 4.1        | 37                                   | 6.6        | 69                         | 12.4       | 14                          | 2.5        |
| <b>Missouri</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 166                                 | 16.9        | 0                              | 0.0        | 20                          | 2.0        | 21                          | 2.1        | 6                                    | 0.6        | 83                         | 8.4        | 18                          | 1.8        |
| Western                | 173                                 | 19.1        | 0                              | 0.0        | 11                          | 1.2        | 13                          | 1.4        | 12                                   | 1.3        | 55                         | 6.1        | 20                          | 2.2        |
| Nebraska               | 32                                  | 4.6         | 51                             | 7.3        | 51                          | 7.3        | 31                          | 4.4        | 5                                    | 0.7        | 28                         | 4.0        | 7                           | 1.0        |
| North Dakota           | 53                                  | 21.3        | 7                              | 2.8        | 9                           | 3.6        | 6                           | 2.4        | 3                                    | 1.2        | 9                          | 3.6        | 3                           | 1.2        |
| South Dakota           | 29                                  | 6.7         | 0                              | 0.0        | 7                           | 1.6        | 8                           | 1.9        | 9                                    | 2.1        | 35                         | 8.1        | 0                           | 0.0        |

| CIRCUIT<br>District      | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|--------------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                          |               | n                                      | %           | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>NINTH CIRCUIT</b>     | <b>12,832</b> | <b>5,638</b>                           | <b>43.9</b> | <b>111</b>                  | <b>0.9</b> | <b>37</b>                            | <b>0.3</b> | <b>55</b>                  | <b>0.4</b> | <b>22</b>                   | <b>0.2</b> |
| Alaska                   | 135           | 74                                     | 54.8        | 0                           | 0.0        | 3                                    | 2.2        | 2                          | 1.5        | 0                           | 0.0        |
| Arizona                  | 4,019         | 1,181                                  | 29.4        | 78                          | 1.9        | 15                                   | 0.4        | 5                          | 0.1        | 10                          | 0.2        |
| California               |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Central                  | 1,287         | 723                                    | 56.2        | 0                           | 0.0        | 5                                    | 0.4        | 10                         | 0.8        | 3                           | 0.2        |
| Eastern                  | 1,038         | 590                                    | 56.8        | 4                           | 0.4        | 1                                    | 0.1        | 3                          | 0.3        | 0                           | 0.0        |
| Northern                 | 647           | 360                                    | 55.6        | 4                           | 0.6        | 1                                    | 0.2        | 8                          | 1.2        | 3                           | 0.5        |
| Southern                 | 2,491         | 1,002                                  | 40.2        | 4                           | 0.2        | 4                                    | 0.2        | 5                          | 0.2        | 2                           | 0.1        |
| Guam                     | 80            | 42                                     | 52.5        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Hawaii                   | 448           | 232                                    | 51.8        | 2                           | 0.4        | 0                                    | 0.0        | 2                          | 0.4        | 2                           | 0.4        |
| Idaho                    | 259           | 100                                    | 38.6        | 2                           | 0.8        | 0                                    | 0.0        | 3                          | 1.2        | 1                           | 0.4        |
| Montana                  | 432           | 332                                    | 76.9        | 5                           | 1.2        | 3                                    | 0.7        | 7                          | 1.6        | 0                           | 0.0        |
| Nevada                   | 387           | 275                                    | 71.1        | 1                           | 0.3        | 2                                    | 0.5        | 2                          | 0.5        | 1                           | 0.3        |
| Northern Mariana Islands | 11            | 7                                      | 63.6        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Oregon                   | 496           | 256                                    | 51.6        | 2                           | 0.4        | 1                                    | 0.2        | 3                          | 0.6        | 0                           | 0.0        |
| Washington               |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                  | 359           | 190                                    | 52.9        | 3                           | 0.8        | 1                                    | 0.3        | 5                          | 1.4        | 0                           | 0.0        |
| Western                  | 743           | 274                                    | 36.9        | 6                           | 0.8        | 1                                    | 0.1        | 0                          | 0.0        | 0                           | 0.0        |
| <b>TENTH CIRCUIT</b>     | <b>5,974</b>  | <b>3,705</b>                           | <b>62.0</b> | <b>25</b>                   | <b>0.4</b> | <b>2</b>                             | <b>0.0</b> | <b>39</b>                  | <b>0.7</b> | <b>16</b>                   | <b>0.3</b> |
| Colorado                 | 652           | 377                                    | 57.8        | 1                           | 0.2        | 0                                    | 0.0        | 2                          | 0.3        | 0                           | 0.0        |
| Kansas                   | 692           | 434                                    | 62.7        | 9                           | 1.3        | 0                                    | 0.0        | 27                         | 3.9        | 9                           | 1.3        |
| New Mexico               | 2,834         | 1,593                                  | 56.2        | 5                           | 0.2        | 0                                    | 0.0        | 0                          | 0.0        | 7                           | 0.2        |
| Oklahoma                 |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                  | 80            | 60                                     | 75.0        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Northern                 | 202           | 169                                    | 83.7        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Western                  | 224           | 154                                    | 68.8        | 1                           | 0.4        | 0                                    | 0.0        | 6                          | 2.7        | 0                           | 0.0        |
| Utah                     | 951           | 662                                    | 69.6        | 6                           | 0.6        | 2                                    | 0.2        | 3                          | 0.3        | 0                           | 0.0        |
| Wyoming                  | 339           | 256                                    | 75.5        | 3                           | 0.9        | 0                                    | 0.0        | 1                          | 0.3        | 0                           | 0.0        |
| <b>ELEVENTH CIRCUIT</b>  | <b>6,633</b>  | <b>4,549</b>                           | <b>68.6</b> | <b>34</b>                   | <b>0.5</b> | <b>16</b>                            | <b>0.2</b> | <b>66</b>                  | <b>1.0</b> | <b>6</b>                    | <b>0.1</b> |
| Alabama                  |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 248           | 152                                    | 61.3        | 2                           | 0.8        | 0                                    | 0.0        | 2                          | 0.8        | 0                           | 0.0        |
| Northern                 | 479           | 288                                    | 60.1        | 1                           | 0.2        | 1                                    | 0.2        | 7                          | 1.5        | 0                           | 0.0        |
| Southern                 | 393           | 258                                    | 65.6        | 1                           | 0.3        | 1                                    | 0.3        | 5                          | 1.3        | 0                           | 0.0        |
| Florida                  |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 1,716         | 1,112                                  | 64.8        | 3                           | 0.2        | 0                                    | 0.0        | 12                         | 0.7        | 2                           | 0.1        |
| Northern                 | 414           | 294                                    | 71.0        | 0                           | 0.0        | 2                                    | 0.5        | 3                          | 0.7        | 1                           | 0.2        |
| Southern                 | 1,939         | 1,443                                  | 74.4        | 4                           | 0.2        | 6                                    | 0.3        | 11                         | 0.6        | 2                           | 0.1        |
| Georgia                  |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 397           | 287                                    | 72.3        | 2                           | 0.5        | 1                                    | 0.3        | 5                          | 1.3        | 1                           | 0.3        |
| Northern                 | 730           | 477                                    | 65.3        | 9                           | 1.2        | 1                                    | 0.1        | 5                          | 0.7        | 0                           | 0.0        |
| Southern                 | 317           | 238                                    | 75.1        | 12                          | 3.8        | 4                                    | 1.3        | 16                         | 5.0        | 0                           | 0.0        |

| CIRCUIT<br>District      | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |             | OTHER<br>GOV'T<br>SPONSORED |            | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |            | REMAINING<br>BELOW<br>RANGE |            |
|--------------------------|-------------------------------------|-------------|--------------------------------|-------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                          | n                                   | %           | n                              | %           | n                           | %          | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>NINTH CIRCUIT</b>     | <b>1,364</b>                        | <b>10.6</b> | <b>3,428</b>                   | <b>26.7</b> | <b>528</b>                  | <b>4.1</b> | <b>357</b>                  | <b>2.8</b> | <b>442</b>                           | <b>3.4</b> | <b>619</b>                 | <b>4.8</b> | <b>231</b>                  | <b>1.8</b> |
| Alaska                   | 18                                  | 13.3        | 0                              | 0.0         | 14                          | 10.4       | 4                           | 3.0        | 6                                    | 4.4        | 7                          | 5.2        | 7                           | 5.2        |
| Arizona                  | 232                                 | 5.8         | 2,124                          | 52.8        | 116                         | 2.9        | 66                          | 1.6        | 87                                   | 2.2        | 85                         | 2.1        | 20                          | 0.5        |
| <b>California</b>        |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Central                  | 171                                 | 13.3        | 38                             | 3.0         | 70                          | 5.4        | 31                          | 2.4        | 65                                   | 5.1        | 107                        | 8.3        | 64                          | 5.0        |
| Eastern                  | 134                                 | 12.9        | 175                            | 16.9        | 28                          | 2.7        | 26                          | 2.5        | 19                                   | 1.8        | 38                         | 3.7        | 20                          | 1.9        |
| Northern                 | 88                                  | 13.6        | 13                             | 2.0         | 56                          | 8.7        | 14                          | 2.2        | 40                                   | 6.2        | 47                         | 7.3        | 13                          | 2.0        |
| Southern                 | 152                                 | 6.1         | 1,003                          | 40.3        | 75                          | 3.0        | 106                         | 4.3        | 12                                   | 0.5        | 71                         | 2.9        | 55                          | 2.2        |
| Guam                     | 28                                  | 35.0        | 0                              | 0.0         | 1                           | 1.3        | 1                           | 1.3        | 1                                    | 1.3        | 7                          | 8.8        | 0                           | 0.0        |
| Hawaii                   | 140                                 | 31.3        | 0                              | 0.0         | 8                           | 1.8        | 10                          | 2.2        | 11                                   | 2.5        | 39                         | 8.7        | 2                           | 0.4        |
| Idaho                    | 75                                  | 29.0        | 39                             | 15.1        | 3                           | 1.2        | 6                           | 2.3        | 4                                    | 1.5        | 20                         | 7.7        | 6                           | 2.3        |
| Montana                  | 53                                  | 12.3        | 0                              | 0.0         | 0                           | 0.0        | 8                           | 1.9        | 1                                    | 0.2        | 15                         | 3.5        | 8                           | 1.9        |
| Nevada                   | 30                                  | 7.8         | 0                              | 0.0         | 16                          | 4.1        | 5                           | 1.3        | 9                                    | 2.3        | 37                         | 9.6        | 9                           | 2.3        |
| Northern Mariana Islands | 4                                   | 36.4        | 0                              | 0.0         | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Oregon                   | 84                                  | 16.9        | 17                             | 3.4         | 16                          | 3.2        | 40                          | 8.1        | 24                                   | 4.8        | 45                         | 9.1        | 8                           | 1.6        |
| <b>Washington</b>        |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Eastern                  | 32                                  | 8.9         | 3                              | 0.8         | 34                          | 9.5        | 13                          | 3.6        | 13                                   | 3.6        | 62                         | 17.3       | 3                           | 0.8        |
| Western                  | 123                                 | 16.6        | 16                             | 2.2         | 91                          | 12.2       | 27                          | 3.6        | 150                                  | 20.2       | 39                         | 5.2        | 16                          | 2.2        |
| <b>TENTH CIRCUIT</b>     | <b>521</b>                          | <b>8.7</b>  | <b>553</b>                     | <b>9.3</b>  | <b>436</b>                  | <b>7.3</b> | <b>202</b>                  | <b>3.4</b> | <b>113</b>                           | <b>1.9</b> | <b>299</b>                 | <b>5.0</b> | <b>63</b>                   | <b>1.1</b> |
| Colorado                 | 179                                 | 27.5        | 0                              | 0.0         | 8                           | 1.2        | 27                          | 4.1        | 21                                   | 3.2        | 32                         | 4.9        | 5                           | 0.8        |
| Kansas                   | 94                                  | 13.6        | 1                              | 0.1         | 41                          | 5.9        | 5                           | 0.7        | 8                                    | 1.2        | 63                         | 9.1        | 1                           | 0.1        |
| New Mexico               | 110                                 | 3.9         | 525                            | 18.5        | 337                         | 11.9       | 96                          | 3.4        | 32                                   | 1.1        | 101                        | 3.6        | 28                          | 1.0        |
| <b>Oklahoma</b>          |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Eastern                  | 13                                  | 16.3        | 0                              | 0.0         | 2                           | 2.5        | 3                           | 3.8        | 0                                    | 0.0        | 2                          | 2.5        | 0                           | 0.0        |
| Northern                 | 19                                  | 9.4         | 0                              | 0.0         | 1                           | 0.5        | 3                           | 1.5        | 0                                    | 0.0        | 9                          | 4.5        | 1                           | 0.5        |
| Western                  | 12                                  | 5.4         | 0                              | 0.0         | 2                           | 0.9        | 2                           | 0.9        | 1                                    | 0.4        | 45                         | 20.1       | 1                           | 0.4        |
| Utah                     | 69                                  | 7.3         | 27                             | 2.8         | 35                          | 3.7        | 56                          | 5.9        | 42                                   | 4.4        | 30                         | 3.2        | 19                          | 2.0        |
| Wyoming                  | 25                                  | 7.4         | 0                              | 0.0         | 10                          | 2.9        | 10                          | 2.9        | 9                                    | 2.7        | 17                         | 5.0        | 8                           | 2.4        |
| <b>ELEVENTH CIRCUIT</b>  | <b>1,217</b>                        | <b>18.3</b> | <b>2</b>                       | <b>0.0</b>  | <b>79</b>                   | <b>1.2</b> | <b>94</b>                   | <b>1.4</b> | <b>72</b>                            | <b>1.1</b> | <b>437</b>                 | <b>6.6</b> | <b>61</b>                   | <b>0.9</b> |
| <b>Alabama</b>           |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 76                                  | 30.6        | 0                              | 0.0         | 6                           | 2.4        | 0                           | 0.0        | 0                                    | 0.0        | 7                          | 2.8        | 3                           | 1.2        |
| Northern                 | 133                                 | 27.8        | 0                              | 0.0         | 2                           | 0.4        | 4                           | 0.8        | 2                                    | 0.4        | 38                         | 7.9        | 3                           | 0.6        |
| Southern                 | 90                                  | 22.9        | 0                              | 0.0         | 2                           | 0.5        | 3                           | 0.8        | 7                                    | 1.8        | 23                         | 5.9        | 3                           | 0.8        |
| <b>Florida</b>           |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 400                                 | 23.3        | 2                              | 0.1         | 15                          | 0.9        | 38                          | 2.2        | 12                                   | 0.7        | 111                        | 6.5        | 9                           | 0.5        |
| Northern                 | 91                                  | 22.0        | 0                              | 0.0         | 0                           | 0.0        | 1                           | 0.2        | 3                                    | 0.7        | 17                         | 4.1        | 2                           | 0.5        |
| Southern                 | 244                                 | 12.6        | 0                              | 0.0         | 23                          | 1.2        | 20                          | 1.0        | 20                                   | 1.0        | 138                        | 7.1        | 28                          | 1.4        |
| <b>Georgia</b>           |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 61                                  | 15.4        | 0                              | 0.0         | 7                           | 1.8        | 5                           | 1.3        | 0                                    | 0.0        | 25                         | 6.3        | 3                           | 0.8        |
| Northern                 | 105                                 | 14.4        | 0                              | 0.0         | 23                          | 3.2        | 14                          | 1.9        | 25                                   | 3.4        | 61                         | 8.4        | 10                          | 1.4        |
| Southern                 | 17                                  | 5.4         | 0                              | 0.0         | 1                           | 0.3        | 9                           | 2.8        | 3                                    | 0.9        | 17                         | 5.4        | 0                           | 0.0        |

Of the 72,585 guideline cases, 2,398 were excluded due to missing information needed to determine the relationship between the sentence imposed 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 (37.1%), Southern Georgia (37.1%), Central California (21.2%), Middle Georgia (19.6%), Eastern Virginia (18.4%), Western Washington (11.4%), Western Kentucky (10.8%), Alaska (7.5%), Northern Alabama (7.4%), Maryland (6.8%), Arizona (6.7%), Oregon (5.9%), Southern California (5.6%), and Northern New York (5.1%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

**Table 10**

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2006**

**National**

| PRIMARY OFFENSE              | TOTAL         | WITHIN<br>GUIDELINE<br>RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|------------------------------|---------------|------------------------------|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                              |               | n                            | %           | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>TOTAL</b>                 | <b>70,128</b> | <b>43,271</b>                | <b>61.7</b> | <b>412</b>                  | <b>0.6</b> | <b>177</b>                           | <b>0.3</b> | <b>455</b>                 | <b>0.6</b> | <b>84</b>                   | <b>0.1</b> |
| Robbery                      | 1,152         | 758                          | 65.8        | 13                          | 1.1        | 8                                    | 0.7        | 9                          | 0.8        | 2                           | 0.2        |
| Drugs - Trafficking          | 24,881        | 13,351                       | 53.7        | 43                          | 0.2        | 18                                   | 0.1        | 51                         | 0.2        | 16                          | 0.1        |
| Drugs - Simple Possession    | 606           | 565                          | 93.2        | 7                           | 1.2        | 2                                    | 0.3        | 4                          | 0.7        | 2                           | 0.3        |
| Firearms                     | 8,330         | 5,809                        | 69.7        | 74                          | 0.9        | 31                                   | 0.4        | 93                         | 1.1        | 7                           | 0.1        |
| Larceny                      | 1,579         | 1,246                        | 78.9        | 6                           | 0.4        | 5                                    | 0.3        | 17                         | 1.1        | 4                           | 0.3        |
| Fraud                        | 6,787         | 4,374                        | 64.4        | 38                          | 0.6        | 34                                   | 0.5        | 68                         | 1.0        | 15                          | 0.2        |
| Embezzlement                 | 563           | 433                          | 76.9        | 0                           | 0.0        | 1                                    | 0.2        | 2                          | 0.4        | 0                           | 0.0        |
| Forgery/Counterfeiting       | 1,157         | 846                          | 73.1        | 14                          | 1.2        | 3                                    | 0.3        | 10                         | 0.9        | 3                           | 0.3        |
| Immigration                  | 17,049        | 10,843                       | 63.6        | 113                         | 0.7        | 28                                   | 0.2        | 103                        | 0.6        | 18                          | 0.1        |
| Other Miscellaneous Offenses | 8,024         | 5,046                        | 62.9        | 104                         | 1.3        | 47                                   | 0.6        | 98                         | 1.2        | 17                          | 0.2        |

**Virginia**

| PRIMARY OFFENSE              | TOTAL        | WITHIN<br>GUIDELINE<br>RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|------------------------------|--------------|------------------------------|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                              |              | n                            | %           | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>TOTAL</b>                 | <b>2,016</b> | <b>1,518</b>                 | <b>75.3</b> | <b>15</b>                   | <b>0.7</b> | <b>19</b>                            | <b>0.9</b> | <b>15</b>                  | <b>0.7</b> | <b>0</b>                    | <b>0.0</b> |
| Robbery                      | 25           | 16                           | 64.0        | 1                           | 4.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Drugs - Trafficking          | 873          | 665                          | 76.2        | 5                           | 0.6        | 4                                    | 0.5        | 4                          | 0.5        | 0                           | 0.0        |
| Drugs - Simple Possession    | 49           | 47                           | 95.9        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Firearms                     | 314          | 239                          | 76.1        | 4                           | 1.3        | 1                                    | 0.3        | 3                          | 1.0        | 0                           | 0.0        |
| Larceny                      | 53           | 50                           | 94.3        | 0                           | 0.0        | 1                                    | 1.9        | 0                          | 0.0        | 0                           | 0.0        |
| Fraud                        | 264          | 192                          | 72.7        | 1                           | 0.4        | 8                                    | 3.0        | 4                          | 1.5        | 0                           | 0.0        |
| Embezzlement                 | 16           | 14                           | 87.5        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Forgery/Counterfeiting       | 24           | 18                           | 75.0        | 1                           | 4.2        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Immigration                  | 126          | 111                          | 88.1        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Other Miscellaneous Offenses | 272          | 166                          | 61.0        | 3                           | 1.1        | 5                                    | 1.8        | 4                          | 1.5        | 0                           | 0.0        |

### National

| PRIMARY OFFENSE              | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |            | OTHER<br>GOV'T<br>SPONSORED |            | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |            | REMAINING<br>BELOW<br>RANGE |            |
|------------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                              | n                                   | %           | n                              | %          | n                           | %          | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>TOTAL</b>                 | <b>10,134</b>                       | <b>14.5</b> | <b>5,163</b>                   | <b>7.4</b> | <b>1,930</b>                | <b>2.8</b> | <b>1,901</b>                | <b>2.7</b> | <b>1,432</b>                         | <b>2.0</b> | <b>4,240</b>               | <b>6.0</b> | <b>929</b>                  | <b>1.3</b> |
| Robbery                      | 144                                 | 12.5        | 0                              | 0.0        | 30                          | 2.6        | 48                          | 4.2        | 49                                   | 4.3        | 78                         | 6.8        | 13                          | 1.1        |
| Drugs - Trafficking          | 6,465                               | 26.0        | 1,390                          | 5.6        | 630                         | 2.5        | 599                         | 2.4        | 527                                  | 2.1        | 1,485                      | 6.0        | 306                         | 1.2        |
| Drugs - Simple Possession    | 4                                   | 0.7         | 0                              | 0.0        | 7                           | 1.2        | 2                           | 0.3        | 2                                    | 0.3        | 9                          | 1.5        | 2                           | 0.3        |
| Firearms                     | 960                                 | 11.5        | 41                             | 0.5        | 209                         | 2.5        | 247                         | 3.0        | 178                                  | 2.1        | 563                        | 6.8        | 118                         | 1.4        |
| Larceny                      | 103                                 | 6.5         | 6                              | 0.4        | 23                          | 1.5        | 40                          | 2.5        | 30                                   | 1.9        | 73                         | 4.6        | 26                          | 1.6        |
| Fraud                        | 1,035                               | 15.2        | 5                              | 0.1        | 142                         | 2.1        | 205                         | 3.0        | 199                                  | 2.9        | 522                        | 7.7        | 150                         | 2.2        |
| Embezzlement                 | 17                                  | 3.0         | 0                              | 0.0        | 9                           | 1.6        | 17                          | 3.0        | 19                                   | 3.4        | 50                         | 8.9        | 15                          | 2.7        |
| Forgery/Counterfeiting       | 98                                  | 8.5         | 3                              | 0.3        | 21                          | 1.8        | 32                          | 2.8        | 22                                   | 1.9        | 85                         | 7.3        | 20                          | 1.7        |
| Immigration                  | 328                                 | 1.9         | 3,682                          | 21.6       | 521                         | 3.1        | 477                         | 2.8        | 164                                  | 1.0        | 635                        | 3.7        | 137                         | 0.8        |
| Other Miscellaneous Offenses | 980                                 | 12.2        | 36                             | 0.4        | 338                         | 4.2        | 234                         | 2.9        | 242                                  | 3.0        | 740                        | 9.2        | 142                         | 1.8        |

### Virginia

| PRIMARY OFFENSE              | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |            | OTHER<br>GOV'T<br>SPONSORED |            | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |            | REMAINING<br>BELOW<br>RANGE |            |
|------------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                              | n                                   | %           | n                              | %          | n                           | %          | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>TOTAL</b>                 | <b>217</b>                          | <b>10.8</b> | <b>0</b>                       | <b>0.0</b> | <b>15</b>                   | <b>0.7</b> | <b>24</b>                   | <b>1.2</b> | <b>34</b>                            | <b>1.7</b> | <b>135</b>                 | <b>6.7</b> | <b>24</b>                   | <b>1.2</b> |
| Robbery                      | 5                                   | 20.0        | 0                              | 0.0        | 0                           | 0.0        | 1                           | 4.0        | 0                                    | 0.0        | 2                          | 8.0        | 0                           | 0.0        |
| Drugs - Trafficking          | 118                                 | 13.5        | 0                              | 0.0        | 4                           | 0.5        | 8                           | 0.9        | 16                                   | 1.8        | 41                         | 4.7        | 8                           | 0.9        |
| Drugs - Simple Possession    | 0                                   | 0.0         | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 2.0        | 1                           | 2.0        |
| Firearms                     | 32                                  | 10.2        | 0                              | 0.0        | 1                           | 0.3        | 2                           | 0.6        | 4                                    | 1.3        | 23                         | 7.3        | 5                           | 1.6        |
| Larceny                      | 0                                   | 0.0         | 0                              | 0.0        | 0                           | 0.0        | 1                           | 1.9        | 0                                    | 0.0        | 1                          | 1.9        | 0                           | 0.0        |
| Fraud                        | 18                                  | 6.8         | 0                              | 0.0        | 4                           | 1.5        | 5                           | 1.9        | 5                                    | 1.9        | 26                         | 9.8        | 1                           | 0.4        |
| Embezzlement                 | 0                                   | 0.0         | 0                              | 0.0        | 0                           | 0.0        | 1                           | 6.3        | 0                                    | 0.0        | 0                          | 0.0        | 1                           | 6.3        |
| Forgery/Counterfeiting       | 2                                   | 8.3         | 0                              | 0.0        | 0                           | 0.0        | 1                           | 4.2        | 0                                    | 0.0        | 2                          | 8.3        | 0                           | 0.0        |
| Immigration                  | 4                                   | 3.2         | 0                              | 0.0        | 1                           | 0.8        | 1                           | 0.8        | 0                                    | 0.0        | 8                          | 6.3        | 1                           | 0.8        |
| Other Miscellaneous Offenses | 38                                  | 14.0        | 0                              | 0.0        | 5                           | 1.8        | 4                           | 1.5        | 9                                    | 3.3        | 31                         | 11.4       | 7                           | 2.6        |

Of the 72,585 guideline cases, 2,457 cases were excluded due to one or both of the following reasons: missing information needed to determine the relationship between the sentence imposed and the guideline range (2,398) or missing primary offense (67).

Of the 2,345 guideline cases from the State of Virginia, 329 cases were excluded due to one or both of the following reasons: missing information needed to determine the relationship between the sentence imposed and the guideline range (326) or missing primary offense category (5).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.