

Table 27

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2005, Post-Booker (January 12, 2005, through September 30, 2005)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURES ²		ABOVE RANGE DEPARTURES W/ BOOKER ²		ABOVE RANGE WITH W/ BOOKER ²		REMAINING ABOVE RANGE ²	
		n	%	n	%	n	%	n	%	n	%
TOTAL	51,329	31,610	61.6	100	0.2	36	0.1	343	0.7	342	0.7
Murder	60	30	50.0	1	1.7	2	3.3	1	1.7	5	8.3
Manslaughter	41	27	65.9	3	7.3	1	2.4	0	0.0	4	9.8
Kidnapping/Hostage Taking	24	19	79.2	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	233	161	69.1	1	0.4	1	0.4	9	3.9	6	2.6
Assault	426	301	70.7	2	0.5	1	0.2	11	2.6	14	3.3
Robbery	1,001	678	67.7	3	0.3	0	0.0	8	0.8	11	1.1
Arson	40	27	67.5	0	0.0	0	0.0	0	0.0	2	5.0
Drugs - Trafficking	18,030	9,583	53.2	14	0.1	3	0.0	50	0.3	52	0.3
Drugs - Communication Facility	300	184	61.3	0	0.0	0	0.0	0	0.0	2	0.7
Drugs - Simple Possession	397	353	88.9	0	0.0	0	0.0	6	1.5	9	2.3
Firearms	6,308	4,353	69.0	23	0.4	7	0.1	55	0.9	64	1.0
Burglary/B&E	28	18	64.3	0	0.0	0	0.0	1	3.6	0	0.0
Auto Theft	47	27	57.4	0	0.0	0	0.0	2	4.3	1	2.1
Larceny	1,307	979	74.9	1	0.1	0	0.0	13	1.0	16	1.2
Fraud	4,877	3,122	64.0	11	0.2	9	0.2	57	1.2	51	1.0
Embezzlement	380	286	75.3	0	0.0	0	0.0	1	0.3	0	0.0
Forgery/Counterfeiting	766	570	74.4	4	0.5	0	0.0	7	0.9	5	0.7
Bribery	152	70	46.1	0	0.0	0	0.0	0	0.0	0	0.0
Tax	437	210	48.1	0	0.0	0	0.0	6	1.4	1	0.2
Money Laundering	699	353	50.5	0	0.0	0	0.0	7	1.0	2	0.3
Racketeering/Extortion	505	251	49.7	2	0.4	1	0.2	9	1.8	7	1.4
Gambling/Lottery	80	51	63.8	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	45	28	62.2	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	12,473	8,106	65.0	25	0.2	5	0.0	61	0.5	61	0.5
Pornography/Prostitution	876	597	68.2	7	0.8	2	0.2	22	2.5	14	1.6
Prison Offenses	273	216	79.1	0	0.0	1	0.4	3	1.1	6	2.2
Administration of Justice Offenses	724	443	61.2	2	0.3	1	0.1	8	1.1	5	0.7
Environmental/Wildlife	113	80	70.8	0	0.0	0	0.0	1	0.9	0	0.0
National Defense	18	7	38.9	0	0.0	0	0.0	0	0.0	0	0.0
Antitrust	11	4	36.4	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	54	41	75.9	1	1.9	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	604	435	72.0	0	0.0	2	0.3	5	0.8	4	0.7

¹Of the 53,674 cases, 2,345 were excluded due to one or both of the following reasons: missing primary offense (24) or missing information needed to determine the relationship between the sentence imposed and the guideline range (2,328). Descriptions of variables used in this table are provided in Appendix A.

Table 27 (cont.)

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K1.3 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE ³		BELOW RANGE DEPARTURE W/ BOOKER ³		BELOW RANGE W/ BOOKER ³		REMAINING BELOW RANGE ³	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	7,523	14.7	3,208	6.2	1,481	2.9	1,197	2.3	486	0.9	3,198	6.2	1,805	3.5
Murder	6	10.0	0	0.0	1	1.7	3	5.0	0	0.0	8	13.3	3	5.0
Manslaughter	0	0.0	0	0.0	0	0.0	4	9.8	0	0.0	2	4.9	0	0.0
Kidnapping/Hostage Taking	3	12.5	1	4.2	0	0.0	0	0.0	0	0.0	1	4.2	0	0.0
Sexual Abuse	3	1.3	0	0.0	21	9.0	5	2.1	2	0.9	16	6.9	8	3.4
Assault	10	2.3	1	0.2	27	6.3	19	4.5	7	1.6	20	4.7	13	3.1
Robbery	123	12.3	0	0.0	24	2.4	32	3.2	18	1.8	62	6.2	42	4.2
Arson	7	17.5	0	0.0	1	2.5	1	2.5	0	0.0	2	5.0	0	0.0
Drugs - Trafficking	4,713	26.1	721	4.0	544	3.0	387	2.1	164	0.9	1,210	6.7	589	3.3
Drugs - Communication Facility	45	15.0	0	0.0	11	3.7	3	1.0	4	1.3	35	11.7	16	5.3
Drugs - Simple Possession	13	3.3	0	0.0	0	0.0	1	0.3	2	0.5	5	1.3	8	2.0
Firearms	704	11.2	23	0.4	157	2.5	153	2.4	74	1.2	466	7.4	229	3.6
Burglary/B&E	1	3.6	0	0.0	1	3.6	0	0.0	1	3.6	4	14.3	2	7.1
Auto Theft	9	19.1	0	0.0	1	2.1	0	0.0	1	2.1	5	10.6	1	2.1
Larceny	101	7.7	5	0.4	24	1.8	27	2.1	6	0.5	81	6.2	54	4.1
Fraud	765	15.7	2	0.0	105	2.2	124	2.5	53	1.1	336	6.9	242	5.0
Embezzlement	14	3.7	0	0.0	7	1.8	9	2.4	3	0.8	33	8.7	27	7.1
Forgery/Counterfeiting	66	8.6	1	0.1	15	2.0	9	1.2	11	1.4	53	6.9	25	3.3
Bribery	48	31.6	0	0.0	8	5.3	3	2.0	1	0.7	12	7.9	10	6.6
Tax	71	16.2	1	0.2	14	3.2	25	5.7	8	1.8	60	13.7	41	9.4
Money Laundering	178	25.5	4	0.6	20	2.9	15	2.1	13	1.9	64	9.2	43	6.2
Racketeering/Extortion	133	26.3	0	0.0	34	6.7	12	2.4	4	0.8	32	6.3	20	4.0
Gambling/Lottery	14	17.5	0	0.0	5	6.3	2	2.5	0	0.0	3	3.8	5	6.3
Civil Rights	8	17.8	0	0.0	0	0.0	1	2.2	1	2.2	6	13.3	1	2.2
Immigration	249	2.0	2,437	19.5	380	3.0	270	2.2	85	0.7	501	4.0	293	2.3
Pornography/Prostitution	40	4.6	3	0.3	20	2.3	24	2.7	13	1.5	87	9.9	47	5.4
Prison Offenses	10	3.7	2	0.7	4	1.5	8	2.9	0	0.0	15	5.5	8	2.9
Administration of Justice Offenses	110	15.2	4	0.6	27	3.7	31	4.3	9	1.2	43	5.9	41	5.7
Environmental/Wildlife	13	11.5	1	0.9	5	4.4	3	2.7	1	0.9	5	4.4	4	3.5
National Defense	5	27.8	0	0.0	1	5.6	2	11.1	0	0.0	1	5.6	2	11.1
Antitrust	6	54.5	0	0.0	0	0.0	0	0.0	1	9.1	0	0.0	0	0.0
Food & Drug	5	9.3	0	0.0	2	3.7	1	1.9	0	0.0	3	5.6	1	1.9
Other Miscellaneous Offenses	50	8.3	2	0.3	22	3.6	23	3.8	4	0.7	27	4.5	30	5.0

²See Tables 24-24C for a list of departure reasons comprising these categories.

³See Tables 25-25C for a list of departure reasons comprising these categories.

SOURCE: U.S. Sentencing Commission, 2005 Datafile, USSCFY05, Post-Booker Only Cases (January 12, 2005, through September 30, 2005).