

U.S. Sentencing Commission Preliminary Quarterly Data Report



**3rd Quarter Release
Preliminary Fiscal Year 2008 Data
Through June 30, 2008**

Introduction

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

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

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

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

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

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

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

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

Users of the quarterly releases are cautioned that the quarterly data are preliminary only and subject to change as the Commission collects, analyzes, and reports on additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*. For example, the data reported in the initial release for the second quarter of fiscal year 2008 may change as the Commission receives and analyzes documents during the remaining quarters for additional cases sentenced during the second quarter.⁶ Any subsequent changes in the quarterly data for the second quarter would be reflected initially in the subsequent quarterly releases and finally in the Commission's *Annual Report and Sourcebook of Federal Sentencing Statistics*. As a result, **quarterly data should not be considered final until publication of the Commission's *Annual Report and Sourcebook*.**

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

⁶The reasons for data changes in previous quarters is due to one or more of the following reasons: the courts have up to 30 days to submit court documents to the Commission; the Commission both extracts information from the documents and screens cases through the quality control procedures and does not include any case in a data release unless it has been fully entered and reviewed; some documents are sent in later than other documents and the datafiles are then updated with the new information; the Commission receives amended court documents and updates the datafile based on the new information; the Commission matches its datafile to datafiles from the Administrative Office of the United States Courts and requests any case documents not received - a process that can only be completed after the documents have been received and the information entered into the Commission's database. For all of the above reasons, data may be excluded/included or reported differently from one quarter to another.

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**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹**
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

	<u>n</u>	<u>%</u>
TOTAL CASES	52,490	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	31,336	59.7
CASES SENTENCED ABOVE GUIDELINE RANGE	849	1.6
DEPARTURE ABOVE GUIDELINE RANGE	338	0.6
Upward Departure From Guideline Range ²	235	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	103	0.2
OTHERWISE ABOVE GUIDELINE RANGE	511	1.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	427	0.8
All Remaining Cases Above Guideline Range ⁵	84	0.2
GOVERNMENT SPONSORED BELOW RANGE⁶	13,388	25.5
§5K1.1 Substantial Assistance Departure	7,201	13.7
§5K3.1 Early Disposition Program Departure	4,041	7.7
Other Government Sponsored Below Range	2,146	4.1
NON-GOVERNMENT SPONSORED BELOW RANGE	6,917	13.1
DEPARTURE BELOW GUIDELINE RANGE	1,757	3.3
Downward Departure From Guideline Range ²	1,105	2.1
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	652	1.2
OTHERWISE BELOW GUIDELINE RANGE	5,160	9.8
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	4,626	8.8
All Remaining Cases Below Guideline Range ⁵	534	1.0

¹This table reflects the 53,686 cases sentenced on or after October 1, 2007, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by September 8, 2008. Of these, 1,196 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

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

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through June 30, 2008).

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
TOTAL	52,490	31,336	59.7	235	0.4	103	0.2	427	0.8	84	0.2
D.C. CIRCUIT	309	117	37.9	0	0.0	0	0.0	3	1.0	1	0.3
District of Columbia	309	117	37.9	0	0.0	0	0.0	3	1.0	1	0.3
FIRST CIRCUIT	1,143	719	62.9	6	0.5	1	0.1	3	0.3	4	0.3
Maine	161	103	64.0	2	1.2	0	0.0	1	0.6	0	0.0
Massachusetts	350	187	53.4	2	0.6	1	0.3	1	0.3	1	0.3
New Hampshire	151	75	49.7	1	0.7	0	0.0	0	0.0	0	0.0
Puerto Rico	412	310	75.2	1	0.2	0	0.0	1	0.2	3	0.7
Rhode Island	69	44	63.8	0	0.0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	3,157	1,420	45.0	5	0.2	6	0.2	10	0.3	3	0.1
Connecticut	292	116	39.7	1	0.3	0	0.0	3	1.0	0	0.0
New York											
Eastern	873	360	41.2	1	0.1	1	0.1	4	0.5	2	0.2
Northern	321	165	51.4	0	0.0	1	0.3	0	0.0	0	0.0
Southern	1,069	464	43.4	0	0.0	1	0.1	1	0.1	0	0.0
Western	479	265	55.3	1	0.2	3	0.6	2	0.4	1	0.2
Vermont	123	50	40.7	2	1.6	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	2,224	1,184	53.2	14	0.6	3	0.1	11	0.5	0	0.0
Delaware	63	33	52.4	0	0.0	0	0.0	1	1.6	0	0.0
New Jersey	688	356	51.7	2	0.3	0	0.0	4	0.6	0	0.0
Pennsylvania											
Eastern	551	239	43.4	3	0.5	1	0.2	4	0.7	0	0.0
Middle	481	259	53.8	7	1.5	0	0.0	0	0.0	0	0.0
Western	381	255	66.9	2	0.5	2	0.5	1	0.3	0	0.0
Virgin Islands	60	42	70.0	0	0.0	0	0.0	1	1.7	0	0.0
FOURTH CIRCUIT	4,666	3,135	67.2	36	0.8	27	0.6	38	0.8	8	0.2
Maryland	529	260	49.1	3	0.6	1	0.2	4	0.8	2	0.4
North Carolina											
Eastern	499	275	55.1	19	3.8	16	3.2	6	1.2	2	0.4
Middle	233	180	77.3	1	0.4	0	0.0	1	0.4	0	0.0
Western	616	399	64.8	4	0.6	1	0.2	3	0.5	1	0.2
South Carolina	886	605	68.3	0	0.0	0	0.0	3	0.3	0	0.0
Virginia											
Eastern	1,050	799	76.1	7	0.7	9	0.9	12	1.1	3	0.3
Western	293	200	68.3	2	0.7	0	0.0	3	1.0	0	0.0
West Virginia											
Northern	356	270	75.8	0	0.0	0	0.0	3	0.8	0	0.0
Southern	204	147	72.1	0	0.0	0	0.0	3	1.5	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	7,201	13.7	4,041	7.7	2,146	4.1	1,105	2.1	652	1.2	4,626	8.8	534	1.0
D.C. CIRCUIT	108	35.0	0	0.0	21	6.8	9	2.9	18	5.8	24	7.8	8	2.6
District of Columbia	108	35.0	0	0.0	21	6.8	9	2.9	18	5.8	24	7.8	8	2.6
FIRST CIRCUIT	124	10.8	4	0.3	46	4.0	35	3.1	25	2.2	160	14.0	16	1.4
Maine	39	24.2	0	0.0	0	0.0	2	1.2	1	0.6	12	7.5	1	0.6
Massachusetts	24	6.9	0	0.0	23	6.6	18	5.1	13	3.7	76	21.7	4	1.1
New Hampshire	32	21.2	0	0.0	4	2.6	5	3.3	3	2.0	29	19.2	2	1.3
Puerto Rico	27	6.6	4	1.0	17	4.1	8	1.9	6	1.5	27	6.6	8	1.9
Rhode Island	2	2.9	0	0.0	2	2.9	2	2.9	2	2.9	16	23.2	1	1.4
SECOND CIRCUIT	698	22.1	1	0.0	94	3.0	133	4.2	130	4.1	618	19.6	39	1.2
Connecticut	47	16.1	0	0.0	11	3.8	26	8.9	33	11.3	52	17.8	3	1.0
New York														
Eastern	191	21.9	1	0.1	39	4.5	41	4.7	44	5.0	174	19.9	15	1.7
Northern	101	31.5	0	0.0	1	0.3	20	6.2	7	2.2	25	7.8	1	0.3
Southern	190	17.8	0	0.0	25	2.3	32	3.0	35	3.3	304	28.4	17	1.6
Western	138	28.8	0	0.0	14	2.9	2	0.4	4	0.8	46	9.6	3	0.6
Vermont	31	25.2	0	0.0	4	3.3	12	9.8	7	5.7	17	13.8	0	0.0
THIRD CIRCUIT	574	25.8	0	0.0	30	1.3	44	2.0	34	1.5	297	13.4	33	1.5
Delaware	5	7.9	0	0.0	0	0.0	2	3.2	0	0.0	14	22.2	8	12.7
New Jersey	199	28.9	0	0.0	6	0.9	10	1.5	3	0.4	103	15.0	5	0.7
Pennsylvania														
Eastern	179	32.5	0	0.0	7	1.3	6	1.1	20	3.6	85	15.4	7	1.3
Middle	141	29.3	0	0.0	13	2.7	10	2.1	1	0.2	45	9.4	5	1.0
Western	43	11.3	0	0.0	2	0.5	16	4.2	10	2.6	46	12.1	4	1.0
Virgin Islands	7	11.7	0	0.0	2	3.3	0	0.0	0	0.0	4	6.7	4	6.7
FOURTH CIRCUIT	811	17.4	0	0.0	61	1.3	82	1.8	39	0.8	379	8.1	50	1.1
Maryland	130	24.6	0	0.0	22	4.2	7	1.3	13	2.5	78	14.7	9	1.7
North Carolina														
Eastern	148	29.7	0	0.0	2	0.4	4	0.8	3	0.6	22	4.4	2	0.4
Middle	35	15.0	0	0.0	0	0.0	2	0.9	0	0.0	14	6.0	0	0.0
Western	158	25.6	0	0.0	3	0.5	10	1.6	6	1.0	21	3.4	10	1.6
South Carolina	179	20.2	0	0.0	11	1.2	18	2.0	0	0.0	58	6.5	12	1.4
Virginia														
Eastern	59	5.6	0	0.0	11	1.0	35	3.3	13	1.2	87	8.3	15	1.4
Western	56	19.1	0	0.0	4	1.4	2	0.7	0	0.0	24	8.2	2	0.7
West Virginia														
Northern	28	7.9	0	0.0	8	2.2	4	1.1	2	0.6	41	11.5	0	0.0
Southern	18	8.8	0	0.0	0	0.0	0	0.0	2	1.0	34	16.7	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	12,200	8,584	70.4	61	0.5	24	0.2	122	1.0	22	0.2
Louisiana											
Eastern	355	275	77.5	3	0.8	3	0.8	6	1.7	1	0.3
Middle	165	113	68.5	1	0.6	0	0.0	1	0.6	0	0.0
Western	254	193	76.0	0	0.0	0	0.0	3	1.2	0	0.0
Mississippi											
Northern	132	87	65.9	0	0.0	0	0.0	3	2.3	0	0.0
Southern	292	236	80.8	1	0.3	2	0.7	4	1.4	1	0.3
Texas											
Eastern	704	516	73.3	5	0.7	0	0.0	2	0.3	3	0.4
Northern	812	558	68.7	18	2.2	9	1.1	28	3.4	2	0.2
Southern	4,540	2,582	56.9	20	0.4	1	0.0	15	0.3	9	0.2
Western	4,946	4,024	81.4	13	0.3	9	0.2	60	1.2	6	0.1
SIXTH CIRCUIT	3,778	2,068	54.7	17	0.4	7	0.2	25	0.7	8	0.2
Kentucky											
Eastern	472	225	47.7	0	0.0	0	0.0	2	0.4	1	0.2
Western	337	244	72.4	3	0.9	0	0.0	1	0.3	0	0.0
Michigan											
Eastern	539	288	53.4	3	0.6	0	0.0	4	0.7	1	0.2
Western	325	197	60.6	4	1.2	3	0.9	9	2.8	3	0.9
Ohio											
Northern	631	358	56.7	1	0.2	0	0.0	1	0.2	1	0.2
Southern	444	183	41.2	0	0.0	2	0.5	1	0.2	1	0.2
Tennessee											
Eastern	424	249	58.7	2	0.5	1	0.2	2	0.5	1	0.2
Middle	176	113	64.2	1	0.6	0	0.0	0	0.0	0	0.0
Western	430	211	49.1	3	0.7	1	0.2	5	1.2	0	0.0
SEVENTH CIRCUIT	2,075	1,181	56.9	3	0.1	5	0.2	24	1.2	6	0.3
Illinois											
Central	301	172	57.1	0	0.0	0	0.0	0	0.0	1	0.3
Northern	488	221	45.3	1	0.2	1	0.2	2	0.4	2	0.4
Southern	231	182	78.8	1	0.4	2	0.9	4	1.7	0	0.0
Indiana											
Northern	335	221	66.0	0	0.0	2	0.6	3	0.9	1	0.3
Southern	230	129	56.1	1	0.4	0	0.0	6	2.6	2	0.9
Wisconsin											
Eastern	352	149	42.3	0	0.0	0	0.0	7	2.0	0	0.0
Western	138	107	77.5	0	0.0	0	0.0	2	1.4	0	0.0
EIGHTH CIRCUIT	3,982	2,595	65.2	27	0.7	8	0.2	29	0.7	6	0.2
Arkansas											
Eastern	320	225	70.3	2	0.6	1	0.3	1	0.3	2	0.6
Western	134	98	73.1	0	0.0	0	0.0	1	0.7	0	0.0
Iowa											
Northern	481	369	76.7	9	1.9	2	0.4	3	0.6	2	0.4
Southern	282	160	56.7	1	0.4	0	0.0	2	0.7	0	0.0
Minnesota	438	195	44.5	1	0.2	0	0.0	1	0.2	0	0.0
Missouri											
Eastern	709	484	68.3	0	0.0	0	0.0	3	0.4	0	0.0
Western	599	396	66.1	2	0.3	3	0.5	8	1.3	1	0.2
Nebraska	472	321	68.0	9	1.9	0	0.0	6	1.3	1	0.2
North Dakota	202	95	47.0	0	0.0	1	0.5	1	0.5	0	0.0
South Dakota	345	252	73.0	3	0.9	1	0.3	3	0.9	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	939	7.7	884	7.2	738	6.0	275	2.3	27	0.2	441	3.6	83	0.7
Louisiana														
Eastern	36	10.1	0	0.0	3	0.8	6	1.7	3	0.8	19	5.4	0	0.0
Middle	40	24.2	0	0.0	1	0.6	2	1.2	1	0.6	5	3.0	1	0.6
Western	25	9.8	0	0.0	0	0.0	0	0.0	3	1.2	18	7.1	12	4.7
Mississippi														
Northern	28	21.2	0	0.0	9	6.8	0	0.0	0	0.0	2	1.5	3	2.3
Southern	27	9.2	0	0.0	1	0.3	0	0.0	2	0.7	11	3.8	7	2.4
Texas														
Eastern	71	10.1	0	0.0	57	8.1	18	2.6	4	0.6	23	3.3	5	0.7
Northern	125	15.4	0	0.0	20	2.5	5	0.6	2	0.2	42	5.2	3	0.4
Southern	275	6.1	767	16.9	591	13.0	158	3.5	1	0.0	116	2.6	5	0.1
Western	312	6.3	117	2.4	56	1.1	86	1.7	11	0.2	205	4.1	47	1.0
SIXTH CIRCUIT	972	25.7	1	0.0	85	2.2	65	1.7	70	1.9	410	10.9	50	1.3
Kentucky														
Eastern	195	41.3	0	0.0	3	0.6	5	1.1	1	0.2	36	7.6	4	0.8
Western	41	12.2	0	0.0	13	3.9	5	1.5	0	0.0	27	8.0	3	0.9
Michigan														
Eastern	119	22.1	0	0.0	9	1.7	4	0.7	11	2.0	95	17.6	5	0.9
Western	56	17.2	0	0.0	0	0.0	9	2.8	5	1.5	38	11.7	1	0.3
Ohio														
Northern	138	21.9	0	0.0	16	2.5	13	2.1	16	2.5	73	11.6	14	2.2
Southern	152	34.2	0	0.0	20	4.5	12	2.7	22	5.0	42	9.5	9	2.0
Tennessee														
Eastern	116	27.4	0	0.0	4	0.9	6	1.4	2	0.5	36	8.5	5	1.2
Middle	30	17.0	0	0.0	5	2.8	5	2.8	7	4.0	14	8.0	1	0.6
Western	125	29.1	1	0.2	15	3.5	6	1.4	6	1.4	49	11.4	8	1.9
SEVENTH CIRCUIT	375	18.1	1	0.0	55	2.7	29	1.4	55	2.7	307	14.8	34	1.6
Illinois														
Central	65	21.6	1	0.3	5	1.7	6	2.0	2	0.7	46	15.3	3	1.0
Northern	97	19.9	0	0.0	14	2.9	12	2.5	44	9.0	83	17.0	11	2.3
Southern	20	8.7	0	0.0	1	0.4	1	0.4	5	2.2	13	5.6	2	0.9
Indiana														
Northern	69	20.6	0	0.0	3	0.9	0	0.0	3	0.9	21	6.3	12	3.6
Southern	41	17.8	0	0.0	10	4.3	5	2.2	1	0.4	35	15.2	0	0.0
Wisconsin														
Eastern	74	21.0	0	0.0	22	6.3	2	0.6	0	0.0	92	26.1	6	1.7
Western	9	6.5	0	0.0	0	0.0	3	2.2	0	0.0	17	12.3	0	0.0
EIGHTH CIRCUIT	594	14.9	46	1.2	91	2.3	54	1.4	53	1.3	437	11.0	42	1.1
Arkansas														
Eastern	51	15.9	0	0.0	5	1.6	7	2.2	7	2.2	16	5.0	3	0.9
Western	20	14.9	0	0.0	0	0.0	1	0.7	0	0.0	12	9.0	2	1.5
Iowa														
Northern	32	6.7	29	6.0	0	0.0	0	0.0	3	0.6	30	6.2	2	0.4
Southern	61	21.6	0	0.0	10	3.5	4	1.4	2	0.7	33	11.7	9	3.2
Minnesota	133	30.4	0	0.0	7	1.6	9	2.1	17	3.9	73	16.7	2	0.5
Missouri														
Eastern	93	13.1	0	0.0	13	1.8	15	2.1	7	1.0	86	12.1	8	1.1
Western	97	16.2	0	0.0	15	2.5	6	1.0	8	1.3	61	10.2	2	0.3
Nebraska	20	4.2	14	3.0	29	6.1	3	0.6	5	1.1	58	12.3	6	1.3
North Dakota	78	38.6	3	1.5	2	1.0	2	1.0	1	0.5	19	9.4	0	0.0
South Dakota	9	2.6	0	0.0	10	2.9	7	2.0	3	0.9	49	14.2	8	2.3

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	9,772	4,426	45.3	47	0.5	10	0.1	47	0.5	18	0.2
Alaska	98	56	57.1	0	0.0	0	0.0	2	2.0	1	1.0
Arizona	2,643	854	32.3	34	1.3	2	0.1	6	0.2	3	0.1
California											
Central	1,065	477	44.8	3	0.3	1	0.1	7	0.7	4	0.4
Eastern	608	310	51.0	0	0.0	3	0.5	5	0.8	2	0.3
Northern	479	252	52.6	0	0.0	0	0.0	3	0.6	0	0.0
Southern	2,505	1,224	48.9	1	0.0	2	0.1	3	0.1	2	0.1
Guam	51	40	78.4	1	2.0	0	0.0	0	0.0	0	0.0
Hawaii	221	94	42.5	0	0.0	0	0.0	1	0.5	1	0.5
Idaho	184	90	48.9	0	0.0	0	0.0	1	0.5	0	0.0
Montana	316	229	72.5	3	0.9	1	0.3	6	1.9	3	0.9
Nevada	328	226	68.9	1	0.3	1	0.3	2	0.6	0	0.0
Northern Mariana Islands	13	9	69.2	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	447	215	48.1	0	0.0	0	0.0	3	0.7	1	0.2
Washington											
Eastern	237	87	36.7	1	0.4	0	0.0	5	2.1	0	0.0
Western	577	263	45.6	3	0.5	0	0.0	3	0.5	1	0.2
TENTH CIRCUIT	4,114	2,456	59.7	10	0.2	4	0.1	45	1.1	6	0.1
Colorado	345	206	59.7	1	0.3	0	0.0	1	0.3	2	0.6
Kansas	453	279	61.6	2	0.4	3	0.7	28	6.2	1	0.2
New Mexico	2,039	1,181	57.9	2	0.1	0	0.0	3	0.1	3	0.1
Oklahoma											
Eastern	69	64	92.8	0	0.0	0	0.0	0	0.0	0	0.0
Northern	144	108	75.0	2	1.4	0	0.0	0	0.0	0	0.0
Western	245	179	73.1	0	0.0	0	0.0	8	3.3	0	0.0
Utah	596	299	50.2	3	0.5	0	0.0	4	0.7	0	0.0
Wyoming	223	140	62.8	0	0.0	1	0.4	1	0.4	0	0.0
ELEVENTH CIRCUIT	5,070	3,451	68.1	9	0.2	8	0.2	70	1.4	2	0.0
Alabama											
Middle	199	120	60.3	0	0.0	0	0.0	4	2.0	0	0.0
Northern	359	228	63.5	0	0.0	2	0.6	8	2.2	0	0.0
Southern	397	255	64.2	1	0.3	0	0.0	4	1.0	0	0.0
Florida											
Middle	1,184	711	60.1	1	0.1	1	0.1	8	0.7	1	0.1
Northern	257	178	69.3	1	0.4	0	0.0	4	1.6	0	0.0
Southern	1,531	1,140	74.5	1	0.1	1	0.1	20	1.3	1	0.1
Georgia											
Middle	290	232	80.0	0	0.0	2	0.7	2	0.7	0	0.0
Northern	460	276	60.0	1	0.2	2	0.4	5	1.1	0	0.0
Southern	393	311	79.1	4	1.0	0	0.0	15	3.8	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	949	9.7	2,671	27.3	493	5.0	196	2.0	93	1.0	695	7.1	127	1.3
Alaska	18	18.4	0	0.0	6	6.1	1	1.0	4	4.1	10	10.2	0	0.0
Arizona	137	5.2	1,386	52.4	65	2.5	29	1.1	17	0.6	97	3.7	13	0.5
California														
Central	145	13.6	193	18.1	74	6.9	19	1.8	22	2.1	88	8.3	32	3.0
Eastern	87	14.3	122	20.1	21	3.5	12	2.0	7	1.2	34	5.6	5	0.8
Northern	64	13.4	24	5.0	54	11.3	10	2.1	8	1.7	50	10.4	14	2.9
Southern	110	4.4	847	33.8	91	3.6	77	3.1	5	0.2	99	4.0	44	1.8
Guam	5	9.8	0	0.0	0	0.0	1	2.0	0	0.0	2	3.9	2	3.9
Hawaii	72	32.6	0	0.0	3	1.4	3	1.4	2	0.9	42	19.0	3	1.4
Idaho	45	24.5	23	12.5	4	2.2	1	0.5	2	1.1	17	9.2	1	0.5
Montana	38	12.0	0	0.0	0	0.0	4	1.3	2	0.6	26	8.2	4	1.3
Nevada	30	9.1	0	0.0	26	7.9	7	2.1	2	0.6	31	9.5	2	0.6
Northern Mariana Islands	3	23.1	0	0.0	0	0.0	0	0.0	1	7.7	0	0.0	0	0.0
Oregon	83	18.6	18	4.0	38	8.5	13	2.9	9	2.0	65	14.5	2	0.4
Washington														
Eastern	21	8.9	45	19.0	31	13.1	0	0.0	2	0.8	43	18.1	2	0.8
Western	91	15.8	13	2.3	80	13.9	19	3.3	10	1.7	91	15.8	3	0.5
TENTH CIRCUIT	284	6.9	412	10.0	374	9.1	110	2.7	58	1.4	336	8.2	19	0.5
Colorado	53	15.4	0	0.0	17	4.9	15	4.3	4	1.2	44	12.8	2	0.6
Kansas	67	14.8	0	0.0	32	7.1	2	0.4	2	0.4	37	8.2	0	0.0
New Mexico	70	3.4	279	13.7	279	13.7	67	3.3	34	1.7	114	5.6	7	0.3
Oklahoma														
Eastern	1	1.4	0	0.0	0	0.0	0	0.0	0	0.0	4	5.8	0	0.0
Northern	21	14.6	0	0.0	1	0.7	1	0.7	0	0.0	11	7.6	0	0.0
Western	14	5.7	0	0.0	1	0.4	3	1.2	1	0.4	37	15.1	2	0.8
Utah	34	5.7	133	22.3	35	5.9	16	2.7	3	0.5	64	10.7	5	0.8
Wyoming	24	10.8	0	0.0	9	4.0	6	2.7	14	6.3	25	11.2	3	1.3
ELEVENTH CIRCUIT	773	15.2	21	0.4	58	1.1	73	1.4	50	1.0	522	10.3	33	0.7
Alabama														
Middle	55	27.6	0	0.0	1	0.5	3	1.5	0	0.0	15	7.5	1	0.5
Northern	72	20.1	0	0.0	2	0.6	4	1.1	1	0.3	40	11.1	2	0.6
Southern	93	23.4	0	0.0	4	1.0	1	0.3	2	0.5	37	9.3	0	0.0
Florida														
Middle	241	20.4	21	1.8	17	1.4	16	1.4	12	1.0	149	12.6	6	0.5
Northern	52	20.2	0	0.0	0	0.0	4	1.6	0	0.0	16	6.2	2	0.8
Southern	124	8.1	0	0.0	15	1.0	18	1.2	26	1.7	172	11.2	13	0.8
Georgia														
Middle	33	11.4	0	0.0	5	1.7	2	0.7	0	0.0	13	4.5	1	0.3
Northern	69	15.0	0	0.0	12	2.6	19	4.1	9	2.0	60	13.0	7	1.5
Southern	34	8.7	0	0.0	2	0.5	6	1.5	0	0.0	20	5.1	1	0.3

¹Of the 53,686 cases, 1,196 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Districts for which information needed to determine the relationship between the sentence imposed and the guideline range is missing in five percent or more of the cases received included: Western Oklahoma (37.0%), Central California (22.4%), Middle Georgia (17.4%), Eastern Virginia (15.7%), Middle Tennessee (7.9%), Northern New York (7.5%), and Western Washington (5.7%). Descriptions of variables used in this table are provided in Appendix A.

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE WITH W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
TOTAL	52,372	31,290	59.7	235	0.4	103	0.2	427	0.8	84	0.2
Murder	53	26	49.1	5	9.4	2	3.8	3	5.7	0	0.0
Manslaughter	43	31	72.1	2	4.7	1	2.3	0	0.0	0	0.0
Kidnapping/Hostage Taking	46	17	37.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	339	242	71.4	7	2.1	2	0.6	12	3.5	0	0.0
Assault	445	307	69.0	10	2.2	3	0.7	10	2.2	3	0.7
Robbery	772	501	64.9	10	1.3	6	0.8	8	1.0	3	0.4
Arson	39	24	61.5	1	2.6	0	0.0	0	0.0	1	2.6
Drugs - Trafficking	17,492	9,041	51.7	32	0.2	10	0.1	46	0.3	21	0.1
Drugs - Communication Facility	249	158	63.5	0	0.0	0	0.0	1	0.4	0	0.0
Drugs - Simple Possession	287	258	89.9	0	0.0	1	0.3	3	1.0	2	0.7
Firearms	5,958	4,082	68.5	43	0.7	19	0.3	69	1.2	16	0.3
Burglary/B&E	38	26	68.4	1	2.6	0	0.0	1	2.6	0	0.0
Auto Theft	46	30	65.2	0	0.0	0	0.0	2	4.3	0	0.0
Larceny	1,032	790	76.6	3	0.3	4	0.4	18	1.7	3	0.3
Fraud	5,035	3,179	63.1	18	0.4	5	0.1	49	1.0	10	0.2
Embezzlement	331	223	67.4	0	0.0	1	0.3	2	0.6	0	0.0
Forgery/Counterfeiting	726	514	70.8	2	0.3	1	0.1	8	1.1	2	0.3
Bribery	150	62	41.3	0	0.0	0	0.0	0	0.0	0	0.0
Tax	409	186	45.5	2	0.5	2	0.5	4	1.0	0	0.0
Money Laundering	621	246	39.6	1	0.2	0	0.0	3	0.5	0	0.0
Racketeering/Extortion	490	233	47.6	7	1.4	0	0.0	10	2.0	2	0.4
Gambling/Lottery	89	48	53.9	1	1.1	0	0.0	1	1.1	0	0.0
Civil Rights	53	21	39.6	1	1.9	0	0.0	2	3.8	0	0.0
Immigration	14,350	8,941	62.3	70	0.5	29	0.2	136	0.9	18	0.1
Pornography/Prostitution	1,167	644	55.2	6	0.5	9	0.8	20	1.7	1	0.1
Prison Offenses	250	191	76.4	2	0.8	1	0.4	3	1.2	0	0.0
Administration of Justice Offenses	689	407	59.1	5	0.7	3	0.4	8	1.2	1	0.1
Environmental/Wildlife	123	82	66.7	0	0.0	0	0.0	1	0.8	0	0.0
National Defense	37	18	48.6	0	0.0	0	0.0	1	2.7	0	0.0
Antitrust	17	3	17.6	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	46	35	76.1	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	950	724	76.2	6	0.6	4	0.4	6	0.6	1	0.1

Table 3 (cont.)

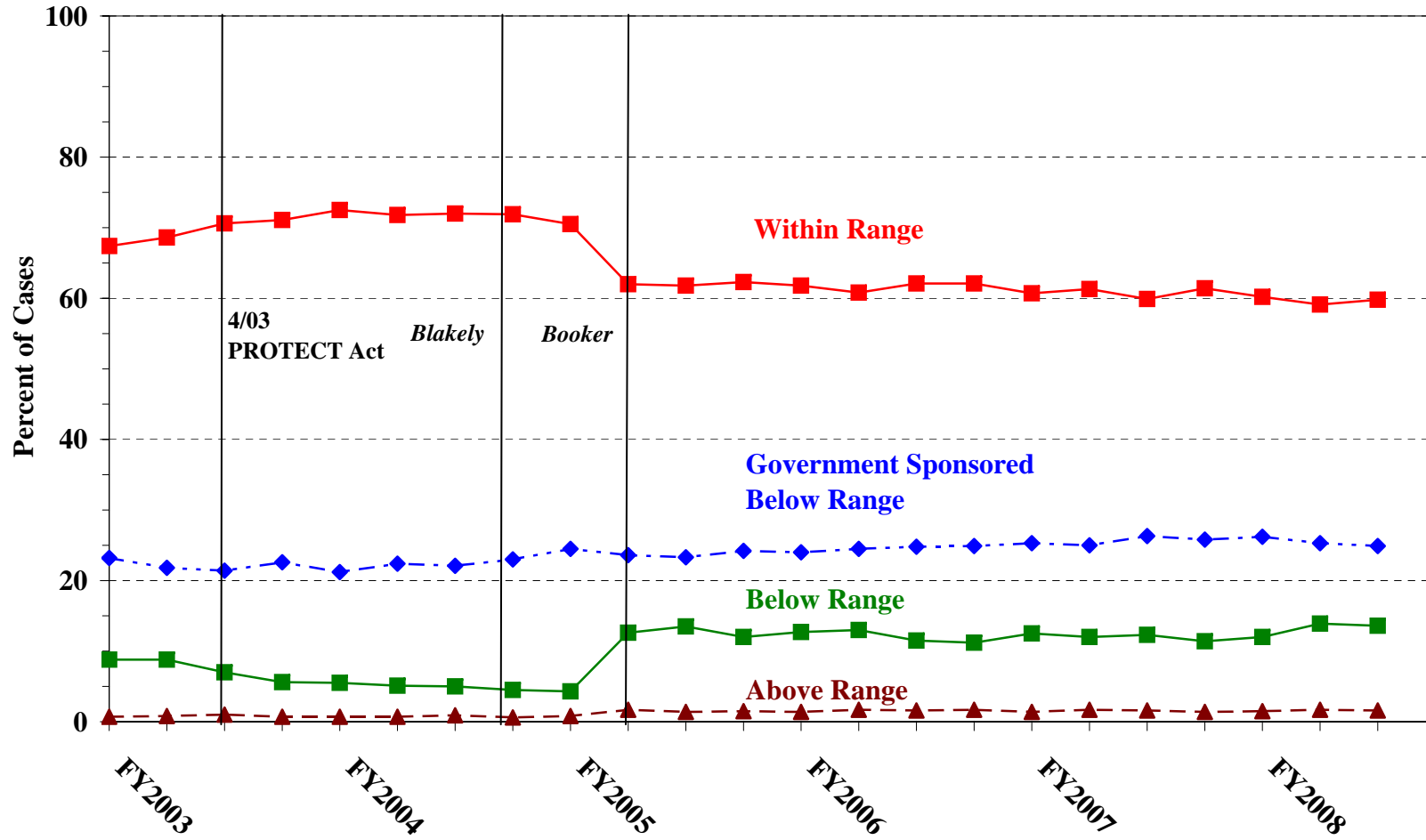
PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	7,178	13.7	4,021	7.7	2,131	4.1	1,103	2.1	651	1.2	4,616	8.8	533	1.0
Murder	3	5.7	1	1.9	4	7.5	0	0.0	1	1.9	7	13.2	1	1.9
Manslaughter	0	0.0	0	0.0	4	9.3	1	2.3	1	2.3	3	7.0	0	0.0
Kidnapping/Hostage Taking	12	26.1	1	2.2	4	8.7	2	4.3	1	2.2	9	19.6	0	0.0
Sexual Abuse	13	3.8	1	0.3	21	6.2	3	0.9	5	1.5	31	9.1	2	0.6
Assault	7	1.6	8	1.8	28	6.3	11	2.5	7	1.6	40	9.0	11	2.5
Robbery	82	10.6	0	0.0	22	2.8	24	3.1	21	2.7	90	11.7	5	0.6
Arson	6	15.4	0	0.0	1	2.6	1	2.6	1	2.6	4	10.3	0	0.0
Drugs - Trafficking	4,548	26.0	872	5.0	618	3.5	337	1.9	246	1.4	1,589	9.1	132	0.8
Drugs - Communication Facility	41	16.5	0	0.0	13	5.2	3	1.2	3	1.2	28	11.2	2	0.8
Drugs - Simple Possession	8	2.8	0	0.0	9	3.1	0	0.0	0	0.0	4	1.4	2	0.7
Firearms	658	11.0	25	0.4	166	2.8	115	1.9	84	1.4	613	10.3	68	1.1
Burglary/B&E	4	10.5	0	0.0	0	0.0	2	5.3	0	0.0	2	5.3	2	5.3
Auto Theft	7	15.2	0	0.0	1	2.2	1	2.2	1	2.2	3	6.5	1	2.2
Larceny	72	7.0	2	0.2	20	1.9	11	1.1	8	0.8	81	7.8	20	1.9
Fraud	723	14.4	34	0.7	143	2.8	105	2.1	88	1.7	596	11.8	85	1.7
Embezzlement	21	6.3	0	0.0	11	3.3	11	3.3	8	2.4	48	14.5	6	1.8
Forgery/Counterfeiting	80	11.0	0	0.0	11	1.5	15	2.1	5	0.7	77	10.6	11	1.5
Bribery	40	26.7	0	0.0	9	6.0	2	1.3	4	2.7	32	21.3	1	0.7
Tax	76	18.6	0	0.0	14	3.4	16	3.9	11	2.7	89	21.8	9	2.2
Money Laundering	158	25.4	3	0.5	54	8.7	18	2.9	13	2.1	114	18.4	11	1.8
Racketeering/Extortion	132	26.9	0	0.0	35	7.1	8	1.6	5	1.0	50	10.2	8	1.6
Gambling/Lottery	15	16.9	0	0.0	0	0.0	3	3.4	1	1.1	12	13.5	8	9.0
Civil Rights	12	22.6	0	0.0	1	1.9	1	1.9	2	3.8	13	24.5	0	0.0
Immigration	247	1.7	3,064	21.4	775	5.4	325	2.3	70	0.5	571	4.0	104	0.7
Pornography/Prostitution	36	3.1	2	0.2	63	5.4	43	3.7	37	3.2	291	24.9	15	1.3
Prison Offenses	9	3.6	4	1.6	6	2.4	5	2.0	1	0.4	27	10.8	1	0.4
Administration of Justice Offenses	65	9.4	2	0.3	53	7.7	16	2.3	13	1.9	105	15.2	11	1.6
Environmental/Wildlife	16	13.0	0	0.0	7	5.7	4	3.3	1	0.8	11	8.9	1	0.8
National Defense	4	10.8	0	0.0	4	10.8	4	10.8	1	2.7	5	13.5	0	0.0
Antitrust	13	76.5	0	0.0	0	0.0	0	0.0	0	0.0	1	5.9	0	0.0
Food & Drug	4	8.7	0	0.0	2	4.3	1	2.2	0	0.0	4	8.7	0	0.0
Other Miscellaneous Offenses	66	6.9	2	0.2	32	3.4	15	1.6	12	1.3	66	6.9	16	1.7

¹Of the 53,686 cases, 1,314 were excluded due to one or both of the following reasons: missing primary offense (121) or missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (1,196). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through June 30, 2008).

Figure A

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
 Fiscal Years 2003 - 2007,
 3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)



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

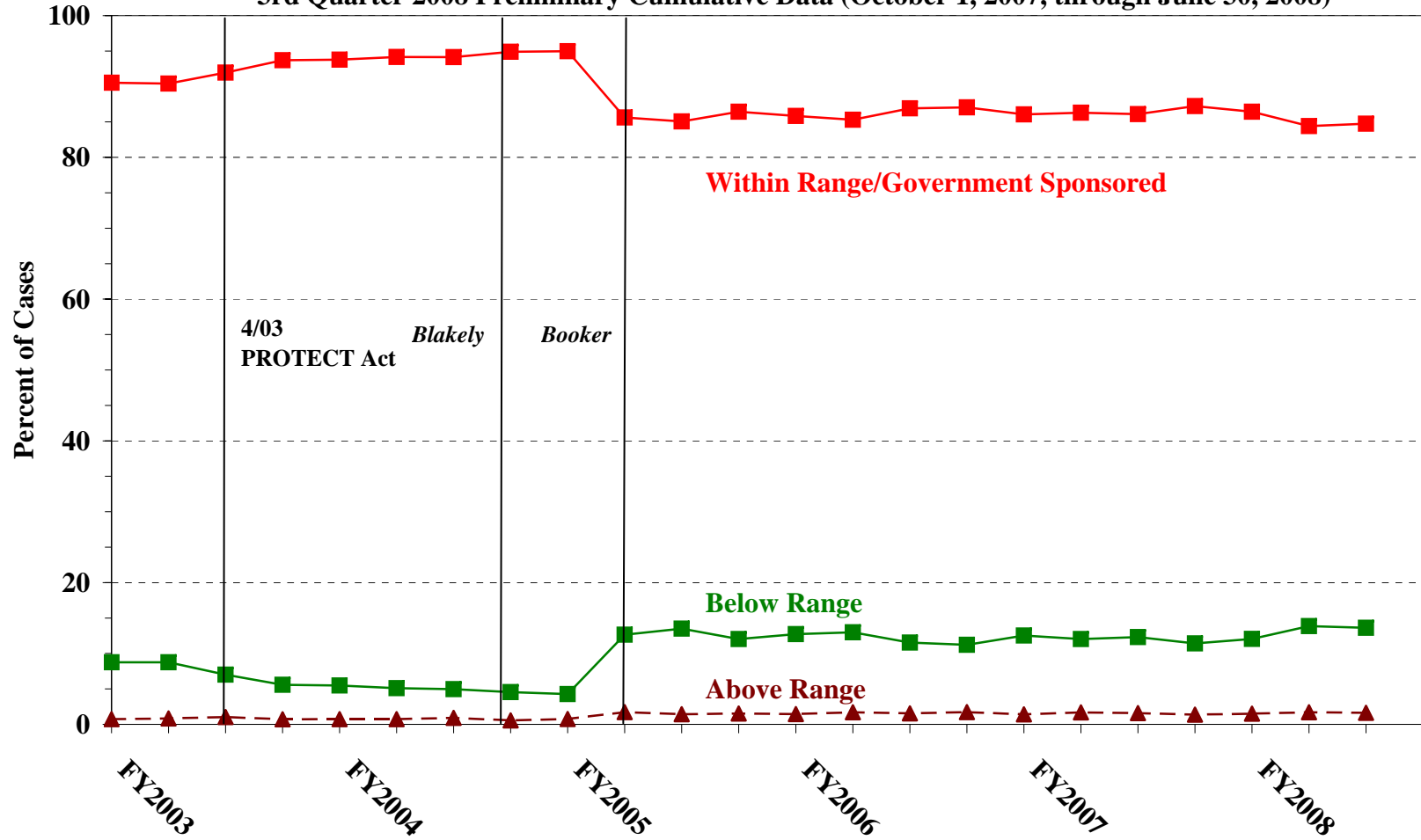
SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through June 30, 2008).

Figure B

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

Fiscal Years 2003 - 2007,

3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)



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

SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through June 30, 2008).

Table 4

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2003 - 2007,
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2003				
1st Quarter	67.4	23.2	8.8	0.7
2ndQuarter	68.6	21.8	8.8	0.8
3rd Quarter	70.6	21.4	7.0	1.0
4th Quarter	71.1	22.6	5.6	0.7
FY2004				
1st Quarter	72.5	21.2	5.5	0.7
2ndQuarter	71.8	22.4	5.1	0.7
3rd Quarter	72.0	22.1	5.0	0.9
4th Quarter	71.9	23.0	4.5	0.6
FY2005				
1st Quarter	70.5	24.5	4.3	0.8
2ndQuarter	62.0	23.6	12.6	1.7
3rd Quarter	61.8	23.3	13.5	1.4
4th Quarter	62.3	24.2	12.0	1.5
FY2006				
1st Quarter	61.8	24.0	12.7	1.4
2ndQuarter	60.8	24.5	13.0	1.7
3rd Quarter	62.1	24.8	11.5	1.6
4th Quarter	62.1	24.9	11.2	1.7
FY2007				
1st Quarter	60.7	25.3	12.5	1.4
2ndQuarter	61.3	25.0	12.0	1.7
3rd Quarter	59.9	26.3	12.3	1.6
4th Quarter	61.4	25.8	11.4	1.4
FY2008				
1st Quarter	60.2	26.2	12.0	1.5
2ndQuarter	59.1	25.3	13.9	1.7
3rd Quarter	59.8	24.9	13.6	1.6
4th Quarter	--	--	--	--

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

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward		Below Range	
			Departure		Above Range		§5K1.1	§5K3.1	Other Gov't	Departure		Below Range	
			Gdline Only	with Booker	with Booker	All Others				Gdline Only	with Booker	with Booker	All Others
§2N1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N1.3	2	1	0	0	0	0	0	0	0	1	0	0	0
§2N2.1	22	21	0	0	0	0	1	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	165	117	1	2	2	0	4	4	5	5	1	23	1
§2P1.2	66	57	1	0	1	0	2	0	2	0	0	3	0
§2P1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	34	13	0	0	1	0	4	0	5	4	2	5	0
§2Q1.3	19	5	0	0	0	0	7	0	1	3	1	1	1
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	85	57	0	0	0	0	8	0	7	1	0	10	2
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	11	3	0	0	0	0	8	0	0	0	0	0	0
§2S1.1	727	280	1	2	8	0	226	2	41	21	13	123	10
§2S1.2	2	2	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	151	79	0	0	0	0	16	1	17	3	3	28	4
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	357	157	2	1	3	0	65	0	11	17	12	81	8
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.4	82	36	0	0	0	0	17	0	3	2	3	20	1
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	13	4	0	0	0	0	0	0	0	0	0	8	1
§2T1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	10	7	0	0	0	0	2	0	0	0	0	1	0
§2T2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	7	6	0	0	0	0	1	0	0	0	0	0	0
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	183	107	0	0	2	0	49	2	3	1	3	13	3
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	82	40	0	1	2	0	17	1	5	0	3	12	1
§2X4.1	336	207	2	1	1	1	35	0	25	8	0	51	5
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	98	91	1	1	0	1	0	0	1	0	0	1	2
§2X6.1	1	1	0	0	0	0	0	0	0	0	0	0	0
§2X7.1	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	49,389	28,704	224	97	422	82	7,106	3,931	2,015	1,092	641	4,567	508

¹Of the 53,686 cases, 4,297 were excluded due to one or both of the following reasons: missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (1,196) or missing guideline applied (4,072). Descriptions of variables used in this table are provided in Appendix A.

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
IN EACH OUTSIDE OF THE RANGE ATTRIBUTION CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**

	Pursuant to a Plea Agreement										
	TOTAL CASES	§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		n	%	n	%	n	%	n	%	n	%
TOTAL	21,154	5,006	23.7	3,951	18.7	1,590	7.5	1,387	6.6	91	0.4
Above Range	849	5	0.6	4	0.5	131	15.4	100	11.8	1	0.1
Upward Departure From Guideline Range	235	0	0.0	2	0.9	54	23.0	35	14.9	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	103	0	0.0	0	0.0	14	13.6	27	26.2	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	427	0	0.0	0	0.0	57	13.3	26	6.1	0	0.0
All Remaining Cases Above Guideline Range	84	5	6.0	2	2.4	6	7.1	12	14.3	1	1.2
Government Sponsored Below Range	13,388	5,001	37.4	3,947	29.5	1,459	10.9	1,287	9.6	90	0.7
§5K1.1 Substantial Assistance Departure	7,201	5,001	69.4	81	1.1	158	2.2	147	2.0	18	0.2
§5K3.1 Early Disposition Program Departure	4,041	0	0.0	3,866	95.7	540	13.4	78	1.9	3	0.1
Other Government Sponsored Below Range	2,146	0	0.0	0	0.0	761	35.5	1,062	49.5	69	3.2
Below Range	6,917	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,105	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	652	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	4,626	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	534	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	2,085	9.9	110	0.5	520	2.5	1,894	9.0	2,105	10.0	3,249	15.4	2,352	11.1
Above Range	4	0.5	0	0.0	99	11.7	7	0.8	5	0.6	411	48.4	175	20.6
Upward Departure From Guideline Range	0	0.0	0	0.0	41	17.4	3	1.3	2	0.9	79	33.6	28	11.9
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	23	22.3	2	1.9	0	0.0	78	75.7	16	15.5
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	32	7.5	1	0.2	2	0.5	242	56.7	75	17.6
All Remaining Cases Above Guideline Range	4	4.8	0	0.0	3	3.6	1	1.2	1	1.2	12	14.3	56	66.7
Government Sponsored Below Range	2,081	15.5	110	0.8	421	3.1	522	3.9	304	2.3	514	3.8	325	2.4
§5K1.1 Substantial Assistance Departure	2,081	28.9	1	0.0	197	2.7	224	3.1	156	2.2	235	3.3	161	2.2
§5K3.1 Early Disposition Program Departure	0	0.0	109	2.7	32	0.8	139	3.4	82	2.0	86	2.1	71	1.8
Other Government Sponsored Below Range	0	0.0	0	0.0	192	8.9	159	7.4	66	3.1	193	9.0	93	4.3
Below Range	0	0.0	0	0.0	0	0.0	1,365	19.7	1,796	26.0	2,324	33.6	1,852	26.8
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	365	33.0	262	23.7	325	29.4	183	16.6
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	178	27.3	283	43.4	391	60.0	107	16.4
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	801	17.3	1,225	26.5	1,597	34.5	1,081	23.4
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	21	3.9	26	4.9	11	2.1	481	90.1

¹Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 2,933 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	6,807	37.0	30.0	47.1
Murder	2	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	9	166.0	69.0	29.4
Sexual Abuse	13	46.0	36.0	41.4
Assault	7	10.0	10.0	52.4
Robbery	80	47.0	19.5	30.6
Arson	5	36.0	24.0	33.2
Drugs - Trafficking	4,324	51.0	40.0	44.4
Drugs - Communication Facility	39	18.0	15.0	54.2
Drugs - Simple Possession	8	27.0	21.0	39.8
Firearms	609	55.6	30.0	40.0
Burglary/B&E	3	0.0	10.0	100.0
Auto Theft	7	24.0	13.0	27.5
Larceny	68	12.0	11.5	52.2
Fraud	692	8.0	14.0	64.1
Embezzlement	20	0.0	9.0	99.8
Forgery/Counterfeiting	78	5.1	7.0	74.4
Bribery	39	2.0	19.0	79.2
Tax	73	0.0	15.0	100.0
Money Laundering	149	12.4	24.0	53.6
Racketeering/Extortion	123	30.0	30.0	52.3
Gambling/Lottery	15	0.0	6.0	100.0
Civil Rights	10	12.0	13.5	75.2
Immigration	237	12.0	10.0	44.4
Pornography/Prostitution	35	60.0	47.0	40.0
Prison Offenses	5	9.0	18.0	39.4
Administration of Justice Offenses	62	0.0	12.5	100.0
Environmental/Wildlife	15	0.0	12.0	100.0
National Defense	4	18.0	29.0	65.9
Antitrust	10	5.0	9.0	58.3
Food & Drug	3	0.0	11.0	100.0
Other Miscellaneous Offenses	63	12.0	15.4	67.4

¹Of the 53,686 cases, 7,201 received a §5K1.1 substantial assistance departure. Of these, 6,892 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 82 cases were also excluded from this table. Of the remaining 6,810 cases, three were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through June 30, 2008).

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	3,843	18.0	6.3	28.3
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	1	--	--	--
Assault	8	21.0	4.8	22.1
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	828	13.0	10.0	40.0
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	23	21.0	6.0	20.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	33	5.0	1.0	16.7
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	2	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	2,935	18.0	6.0	27.6
Pornography/Prostitution	2	--	--	--
Prison Offenses	4	12.0	3.0	22.5
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	2	--	--	--

¹Of the 53,686 cases, 4,041 received a §5K3.1 early disposition program departure. Of these, 3,844 had complete guideline application information. One additional case was excluded due to several logical criteria. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,969	24.0	9.0	26.0
Murder	3	120.0	52.0	28.6
Manslaughter	4	19.0	14.5	44.8
Kidnapping/Hostage Taking	4	201.5	68.0	23.7
Sexual Abuse	17	90.0	51.0	46.7
Assault	23	11.0	12.0	66.7
Robbery	21	42.0	15.7	20.5
Arson	1	--	--	--
Drugs - Trafficking	588	60.0	14.0	21.6
Drugs - Communication Facility	13	24.0	18.0	43.8
Drugs - Simple Possession	7	9.0	10.0	25.0
Firearms	153	36.0	17.0	29.3
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	19	0.0	10.0	100.0
Fraud	113	12.0	10.0	50.0
Embezzlement	11	0.0	8.0	100.0
Forgery/Counterfeiting	11	7.0	10.0	48.8
Bribery	9	60.0	27.0	37.8
Tax	14	0.0	12.0	100.0
Money Laundering	49	12.0	12.0	59.5
Racketeering/Extortion	31	46.0	17.0	25.9
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	722	14.0	3.6	20.0
Pornography/Prostitution	62	60.0	38.0	36.6
Prison Offenses	5	10.0	5.0	33.3
Administration of Justice Offenses	45	0.0	12.0	100.0
Environmental/Wildlife	7	0.0	8.0	100.0
National Defense	3	4.9	42.0	70.0
Antitrust	0	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	30	0.0	11.0	100.0

¹Of the 53,686 cases, 2,146 received an other government sponsored downward departure. Of these, 1,978 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional seven cases were also excluded from this table. Of the remaining 1,971 cases, two were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through June 30, 2008).

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,057	24.0	10.0	27.0
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	3	36.0	4.0	21.7
Assault	9	12.0	12.0	80.9
Robbery	24	31.5	16.5	30.9
Arson	1	--	--	--
Drugs - Trafficking	320	60.0	15.0	20.0
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	109	36.0	8.0	18.5
Burglary/B&E	2	--	--	--
Auto Theft	1	--	--	--
Larceny	11	0.0	10.0	100.0
Fraud	101	5.3	10.0	58.3
Embezzlement	10	0.1	10.0	99.0
Forgery/Counterfeiting	15	6.0	12.0	60.0
Bribery	2	--	--	--
Tax	15	0.0	10.0	100.0
Money Laundering	16	19.0	9.5	24.8
Racketeering/Extortion	7	57.0	16.0	18.6
Gambling/Lottery	3	0.0	6.0	100.0
Civil Rights	1	--	--	--
Immigration	315	24.0	7.0	23.9
Pornography/Prostitution	43	60.0	22.0	28.1
Prison Offenses	5	12.0	4.0	19.8
Administration of Justice Offenses	16	2.0	9.5	80.0
Environmental/Wildlife	4	12.0	8.5	38.9
National Defense	4	8.5	23.0	78.6
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	14	4.5	5.1	62.0

¹Of the 53,686 cases, 1,105 received a downward departure from the guideline range. Of these, 1,057 had complete guideline application information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through June 30, 2008).

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	607	26.0	15.0	40.0
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	4	56.0	33.5	41.2
Assault	7	3.0	15.0	75.0
Robbery	21	36.0	10.0	21.7
Arson	1	--	--	--
Drugs - Trafficking	228	60.0	22.0	33.3
Drugs - Communication Facility	3	12.0	10.0	42.7
Drugs - Simple Possession	0	--	--	--
Firearms	80	24.0	12.5	32.8
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	6	0.0	9.9	100.0
Fraud	82	5.0	12.0	75.1
Embezzlement	8	0.0	13.5	99.8
Forgery/Counterfeiting	5	0.0	9.0	100.0
Bribery	3	10.0	14.0	58.3
Tax	11	0.0	12.0	100.0
Money Laundering	12	16.5	15.0	40.0
Racketeering/Extortion	5	60.0	24.0	42.9
Gambling/Lottery	1	--	--	--
Civil Rights	2	--	--	--
Immigration	62	23.0	13.0	35.9
Pornography/Prostitution	36	45.0	31.0	39.2
Prison Offenses	1	--	--	--
Administration of Justice Offenses	13	4.0	8.0	60.0
Environmental/Wildlife	1	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	11	0.0	10.0	100.0

¹Of the 53,686 cases, 652 received a downward departure from the guideline range with *Booker* /18 U.S.C § 3553. Of these, 611 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional four cases were also excluded from this table. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**BELOW GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	4,388	28.0	12.0	33.3
Murder	7	180.0	52.0	17.8
Manslaughter	3	15.0	9.0	50.0
Kidnapping/Hostage Taking	8	192.0	79.5	31.7
Sexual Abuse	28	34.5	12.0	35.6
Assault	38	12.0	11.0	39.0
Robbery	88	42.0	12.5	21.0
Arson	4	96.0	22.5	17.7
Drugs - Trafficking	1,500	60.0	17.0	23.8
Drugs - Communication Facility	28	26.0	11.0	31.4
Drugs - Simple Possession	2	--	--	--
Firearms	596	27.0	12.0	29.4
Burglary/B&E	2	--	--	--
Auto Theft	3	0.0	18.0	100.0
Larceny	78	0.0	8.0	100.0
Fraud	570	8.2	10.0	58.0
Embezzlement	48	0.0	9.0	99.3
Forgery/Counterfeiting	76	3.4	9.5	77.0
Bribery	21	9.0	12.0	62.5
Tax	85	0.7	10.0	91.8
Money Laundering	104	18.0	10.0	35.0
Racketeering/Extortion	47	41.0	12.0	25.0
Gambling/Lottery	11	0.0	7.0	100.0
Civil Rights	13	3.0	11.0	75.0
Immigration	534	24.0	10.0	31.7
Pornography/Prostitution	286	60.0	28.0	32.6
Prison Offenses	27	7.5	9.0	51.3
Administration of Justice Offenses	98	4.5	10.0	68.4
Environmental/Wildlife	11	0.0	8.0	100.0
National Defense	5	0.5	10.0	95.4
Antitrust	1	--	--	--
Food & Drug	4	1.0	27.0	90.0
Other Miscellaneous Offenses	62	0.0	10.0	100.0

¹Of the 53,686 cases, 4,626 were sentenced below the guideline range with *Booker* /18 U.S.C § 3553. Of these, 4,408 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 13 cases were also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Of the remaining 4,393 cases, five were excluded due to one or both of the following reasons: missing primary offense category (1) or missing sentence information (5). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	461	15.0	6.0	35.2
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	9	12.0	6.0	59.9
Robbery	5	41.0	13.0	33.2
Arson	0	--	--	--
Drugs - Trafficking	115	60.0	12.0	25.6
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	62	60.0	10.0	19.9
Burglary/B&E	2	--	--	--
Auto Theft	1	--	--	--
Larceny	17	0.0	6.0	100.0
Fraud	77	4.0	6.0	62.5
Embezzlement	6	0.0	4.0	99.6
Forgery/Counterfeiting	11	0.8	6.0	90.1
Bribery	1	--	--	--
Tax	9	1.0	7.0	83.3
Money Laundering	10	0.0	6.0	100.0
Racketeering/Extortion	6	70.5	15.5	19.3
Gambling/Lottery	7	0.0	6.0	100.0
Civil Rights	0	--	--	--
Immigration	78	6.0	5.0	33.3
Pornography/Prostitution	15	120.0	48.0	33.3
Prison Offenses	1	--	--	--
Administration of Justice Offenses	10	7.5	4.5	66.8
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	14	0.0	6.0	100.0

¹Of the 53,686 cases, 534 were otherwise sentenced below the guideline range. Of these, 467 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional five cases were also excluded from this table. Of the remaining 462 cases, one was excluded due to missing primary offense category. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	217	61.0	14.0	33.3
Murder	4	360.0	98.0	37.4
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	7	84.0	31.0	53.8
Assault	10	98.0	35.0	51.1
Robbery	10	120.0	32.5	33.3
Arson	1	--	--	--
Drugs - Trafficking	31	120.0	29.0	35.0
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	40	119.0	17.0	23.4
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	3	37.0	16.0	76.2
Fraud	18	59.0	11.0	37.5
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	6	61.5	13.5	33.1
Gambling/Lottery	1	--	--	--
Civil Rights	1	--	--	--
Immigration	60	18.0	5.0	25.0
Pornography/Prostitution	6	270.0	36.0	14.4
Prison Offenses	2	--	--	--
Administration of Justice Offenses	4	16.0	7.0	86.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	5	36.0	6.0	20.0

¹Of the 53,686 cases, 235 received an upward departure from the guideline range. Of these, 220 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	90	81.0	22.5	54.7
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	3	60.0	30.0	52.6
Robbery	6	115.0	28.5	40.3
Arson	0	--	--	--
Drugs - Trafficking	9	120.0	31.0	22.9
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	17	120.0	50.0	52.2
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	4	68.0	23.0	121.4
Fraud	4	62.0	12.0	27.4
Embezzlement	1	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	21	18.0	7.0	100.0
Pornography/Prostitution	9	240.0	56.0	56.3
Prison Offenses	1	--	--	--
Administration of Justice Offenses	3	24.0	6.0	20.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	4	33.0	9.5	65.9

¹Of the 53,686 cases, 103 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 93 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	411	50.0	14.0	50.0
Murder	2	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	11	144.0	31.0	50.0
Assault	10	76.0	25.0	53.9
Robbery	8	114.0	30.5	34.6
Arson	0	--	--	--
Drugs - Trafficking	44	96.0	16.0	22.3
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	3	8.0	2.0	33.3
Firearms	66	96.0	22.0	28.2
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	18	38.5	14.5	52.1
Fraud	47	50.0	15.0	60.0
Embezzlement	1	--	--	--
Forgery/Counterfeiting	8	36.5	18.0	107.1
Bribery	0	--	--	--
Tax	4	68.0	12.0	41.8
Money Laundering	3	48.0	12.0	66.7
Racketeering/Extortion	10	102.0	48.0	68.5
Gambling/Lottery	1	--	--	--
Civil Rights	2	--	--	--
Immigration	133	21.0	8.0	71.9
Pornography/Prostitution	19	160.0	33.0	18.5
Prison Offenses	3	24.0	12.0	33.3
Administration of Justice Offenses	7	60.0	15.0	36.7
Environmental/Wildlife	1	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	6	21.0	7.5	50.0

¹Of the 53,686 cases, 427 were sentenced above the guideline range with *Booker*/18 U.S.C § 3553. Of these, 414 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional two cases were also excluded from this table. Furthermore, one case was excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	57	64.0	11.0	25.0
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	2	--	--	--
Arson	1	--	--	--
Drugs - Trafficking	17	96.0	14.0	14.9
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	12	180.0	33.5	33.9
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	4	61.5	13.0	21.8
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	13	21.0	6.0	26.0
Pornography/Prostitution	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹Of the 53,686 cases, 84 were otherwise sentenced above the guideline range. Of these, 80 had complete guideline application information. 23 additional cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through June 30, 2008).

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	53,168	47,775	89.9	46,390	87.3	1,385	2.6	5,393	10.1	1,827	3.4	3,566	6.7
Murder	55	55	100.0	54	98.2	1	1.8	0	0.0	0	0.0	0	0.0
Manslaughter	44	42	95.5	40	90.9	2	4.5	2	4.5	0	0.0	2	4.5
Kidnapping/Hostage Taking	46	46	100.0	46	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	341	337	98.8	331	97.1	6	1.8	4	1.2	4	1.2	0	0.0
Assault	457	404	88.4	383	83.8	21	4.6	53	11.6	12	2.6	41	9.0
Robbery	772	756	97.9	741	96.0	15	1.9	16	2.1	3	0.4	13	1.7
Arson	39	38	97.4	37	94.9	1	2.6	1	2.6	0	0.0	1	2.6
Drugs - Trafficking	17,529	16,967	96.8	16,603	94.7	364	2.1	562	3.2	254	1.4	308	1.8
Drugs - Communication Facility	252	206	81.7	201	79.8	5	2.0	46	18.3	20	7.9	26	10.3
Drugs - Simple Possession	296	123	41.6	123	41.6	0	0.0	173	58.4	13	4.4	160	54.1
Firearms	5,979	5,659	94.6	5,524	92.4	135	2.3	320	5.4	148	2.5	172	2.9
Burglary/B&E	38	33	86.8	29	76.3	4	10.5	5	13.2	5	13.2	0	0.0
Auto Theft	47	40	85.1	38	80.9	2	4.3	7	14.9	3	6.4	4	8.5
Larceny	1,031	484	46.9	437	42.4	47	4.6	547	53.1	138	13.4	409	39.7
Fraud	5,122	3,872	75.6	3,529	68.9	343	6.7	1,250	24.4	483	9.4	767	15.0
Embezzlement	332	181	54.5	145	43.7	36	10.8	151	45.5	47	14.2	104	31.3
Forgery/Counterfeiting	736	539	73.2	492	66.8	47	6.4	197	26.8	95	12.9	102	13.9
Bribery	151	117	77.5	111	73.5	6	4.0	34	22.5	18	11.9	16	10.6
Tax	413	250	60.5	212	51.3	38	9.2	163	39.5	89	21.5	74	17.9
Money Laundering	626	491	78.4	469	74.9	22	3.5	135	21.6	46	7.3	89	14.2
Racketeering/Extortion	492	454	92.3	440	89.4	14	2.8	38	7.7	20	4.1	18	3.7
Gambling/Lottery	89	31	34.8	26	29.2	5	5.6	58	65.2	36	40.4	22	24.7
Civil Rights	54	37	68.5	36	66.7	1	1.9	17	31.5	10	18.5	7	13.0
Immigration	14,673	14,204	96.8	14,035	95.7	169	1.2	469	3.2	133	0.9	336	2.3
Pornography/Prostitution	1,176	1,159	98.6	1,146	97.4	13	1.1	17	1.4	10	0.9	7	0.6
Prison Offenses	253	239	94.5	231	91.3	8	3.2	14	5.5	6	2.4	8	3.2
Administration of Justice Offenses	709	447	63.0	419	59.1	28	3.9	262	37.0	78	11.0	184	26.0
Environmental/Wildlife	132	28	21.2	23	17.4	5	3.8	104	78.8	19	14.4	85	64.4
National Defense	37	31	83.8	27	73.0	4	10.8	6	16.2	2	5.4	4	10.8
Antitrust	14	9	64.3	6	42.9	3	21.4	5	35.7	3	21.4	2	14.3
Food & Drug	44	13	29.5	10	22.7	3	6.8	31	70.5	8	18.2	23	52.3
Other Miscellaneous Offenses	1,189	483	40.6	446	37.5	37	3.1	706	59.4	124	10.4	582	48.9

¹Of the 53,686 cases, 518 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (381), missing primary offense category (121), or missing sentencing information (136). Descriptions of variables used in this table are provided in Appendix A.

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

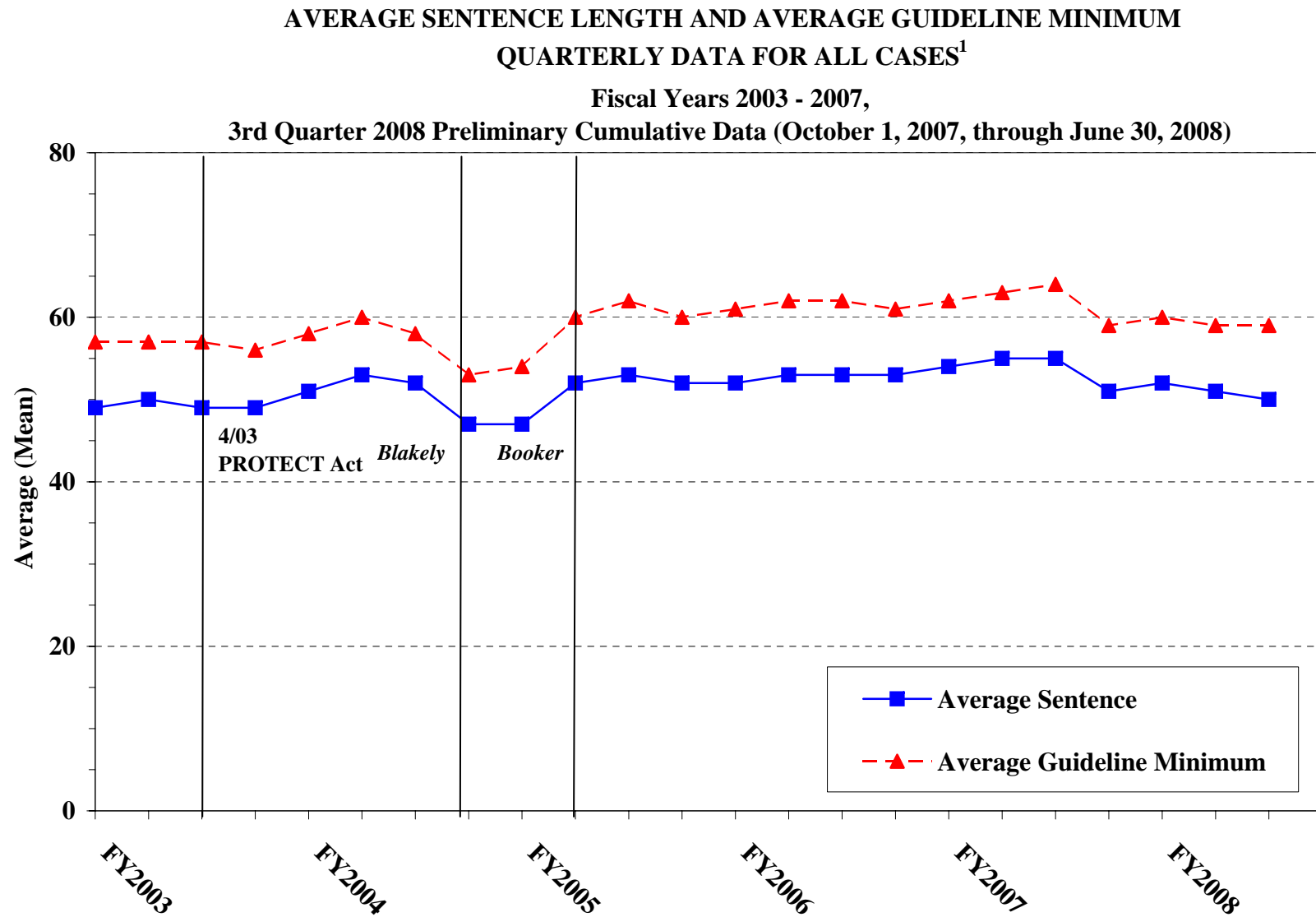
Table 19

AVERAGE SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

PRIMARY OFFENSE	Mean Months	Median Months	Number
TOTAL	50.9	27.0	53,547
Murder	233.4	210.0	55
Manslaughter	44.4	34.5	44
Kidnapping/Hostage Taking	203.3	174.0	46
Sexual Abuse	86.7	60.0	342
Assault	39.2	29.0	462
Robbery	80.8	63.0	773
Arson	90.8	60.0	39
Drugs - Trafficking	80.0	60.0	17,534
Drugs - Communication Facility	35.0	34.5	252
Drugs - Simple Possession	7.8	0.0	331
Firearms	81.9	56.0	5,986
Burglary/B&E	19.1	16.5	38
Auto Theft	46.5	24.0	47
Larceny	9.5	3.0	1,106
Fraud	21.7	12.0	5,136
Embezzlement	9.5	6.0	336
Forgery/Counterfeiting	16.8	12.0	736
Bribery	19.2	12.0	151
Tax	16.6	11.5	414
Money Laundering	33.6	21.0	628
Racketeering/Extortion	90.7	60.0	493
Gambling/Lottery	7.8	6.0	89
Civil Rights	44.9	22.5	54
Immigration	19.6	13.0	14,680
Pornography/Prostitution	127.0	78.0	1,176
Prison Offenses	17.6	15.0	254
Administration of Justice Offenses	15.7	8.0	719
Environmental/Wildlife	3.3	0.0	141
National Defense	58.3	21.0	38
Antitrust	7.2	6.0	17
Food & Drug	4.0	0.0	50
Other Miscellaneous Offenses	6.7	0.0	1,380

¹Of the 53,686 cases, 139 were excluded due to one or both of the following reasons: missing primary offense (121) or missing or indeterminable sentencing information (138). Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure C



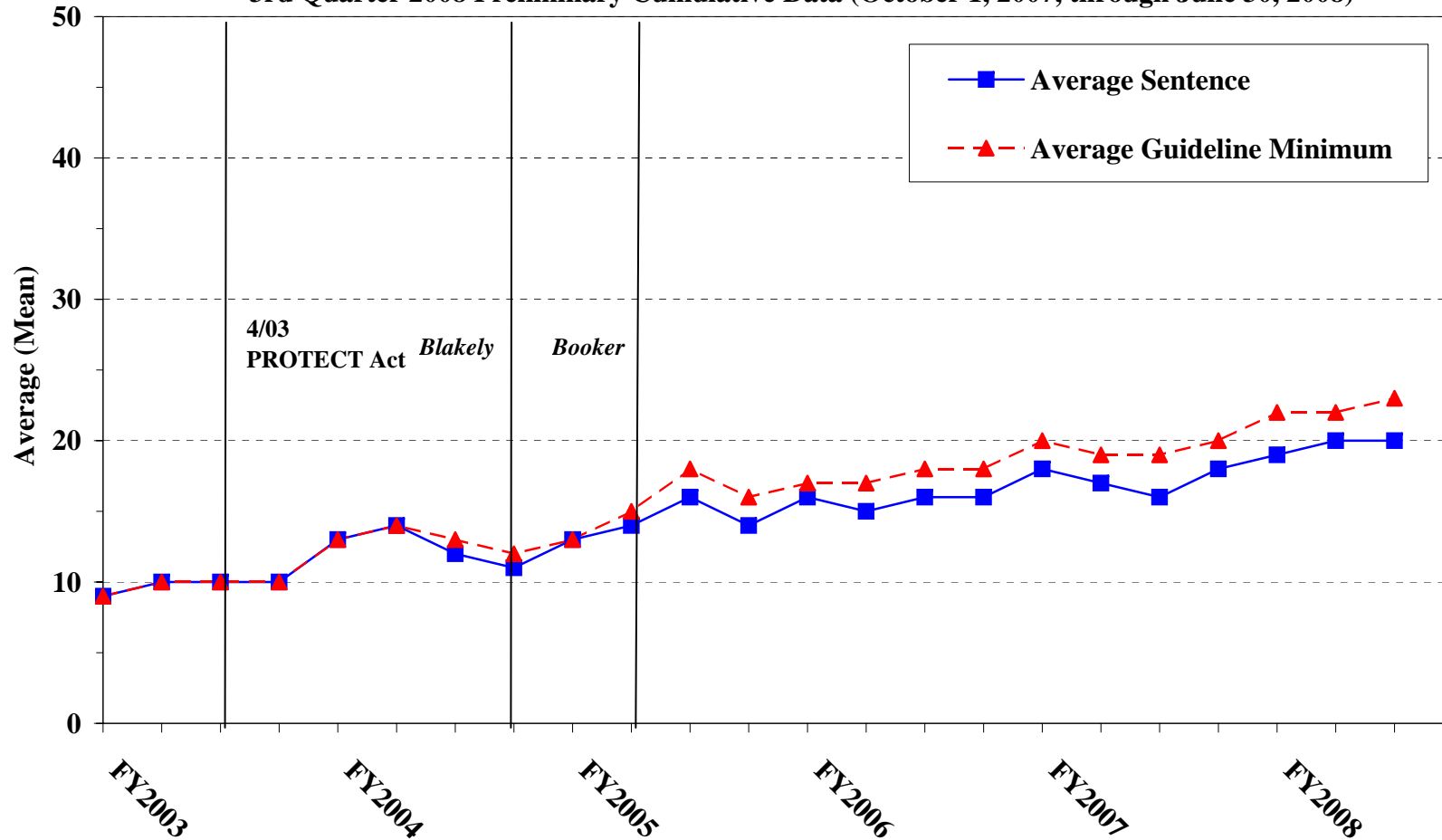
¹Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months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

Figure D

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

Fiscal Years 2003 - 2007,

3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)



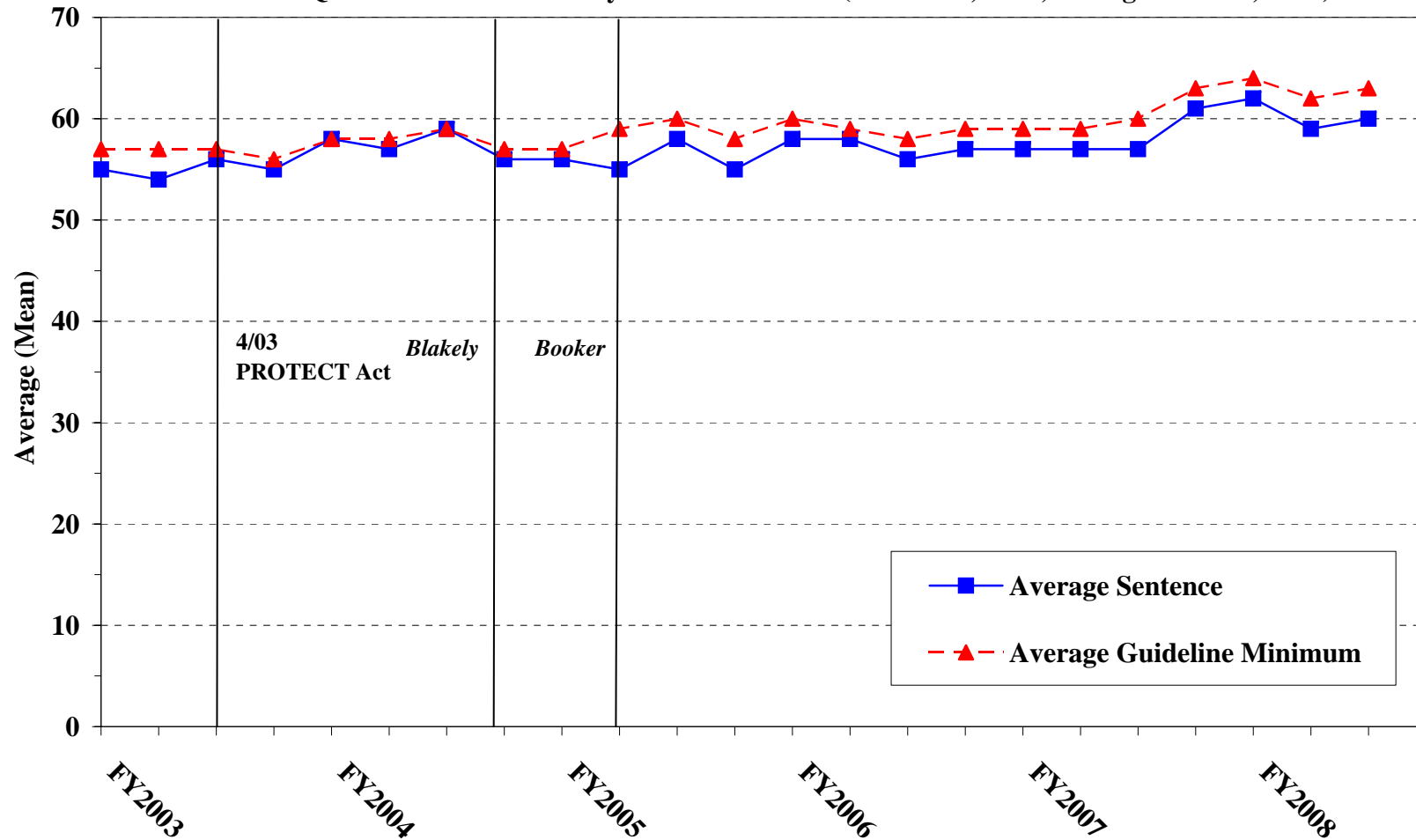
¹Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit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

Figure E

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

Fiscal Years 2003 - 2007,

3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)



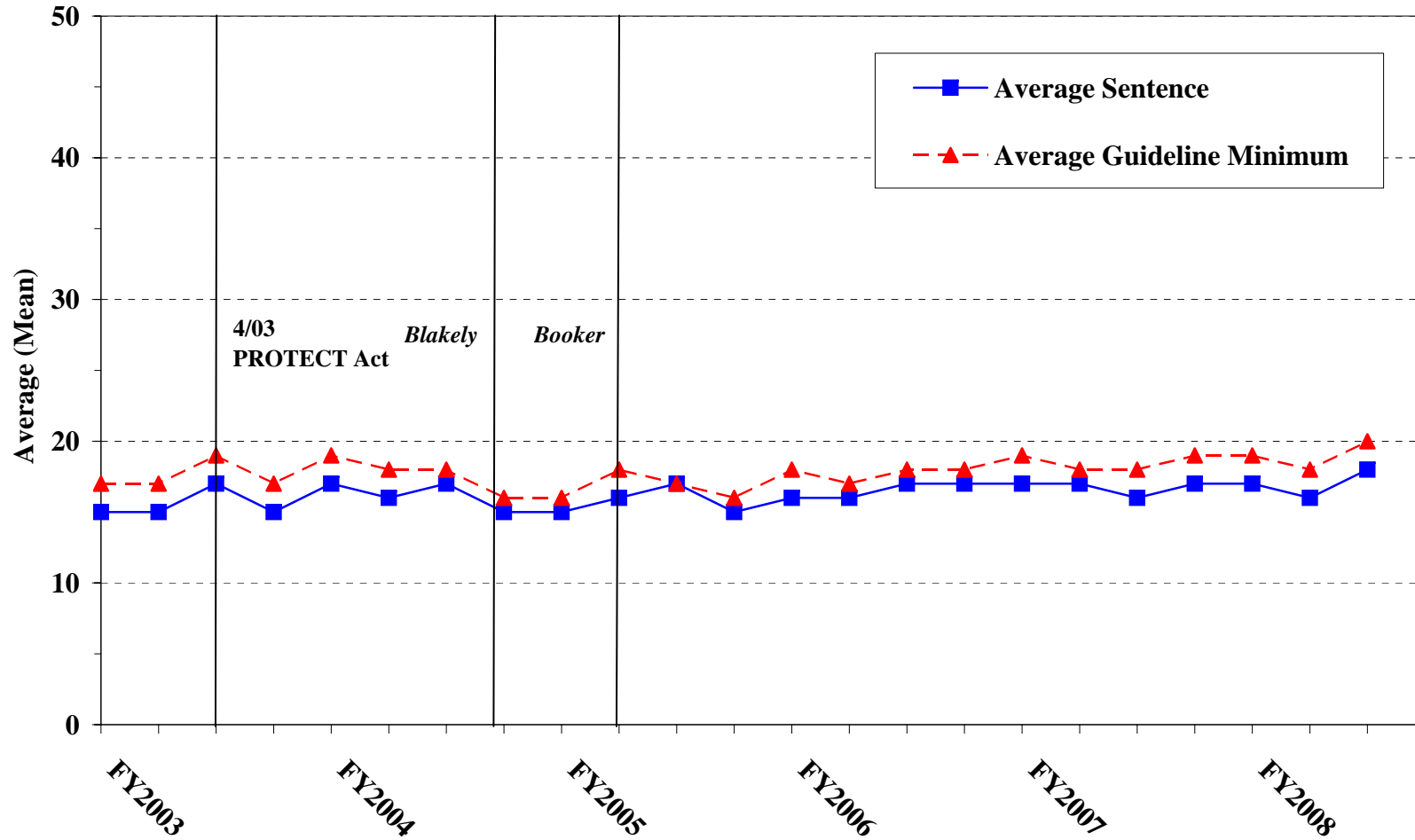
¹Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum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

SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through June 30, 2008).

Figure F

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

**Fiscal Years 2003 - 2007,
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**



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

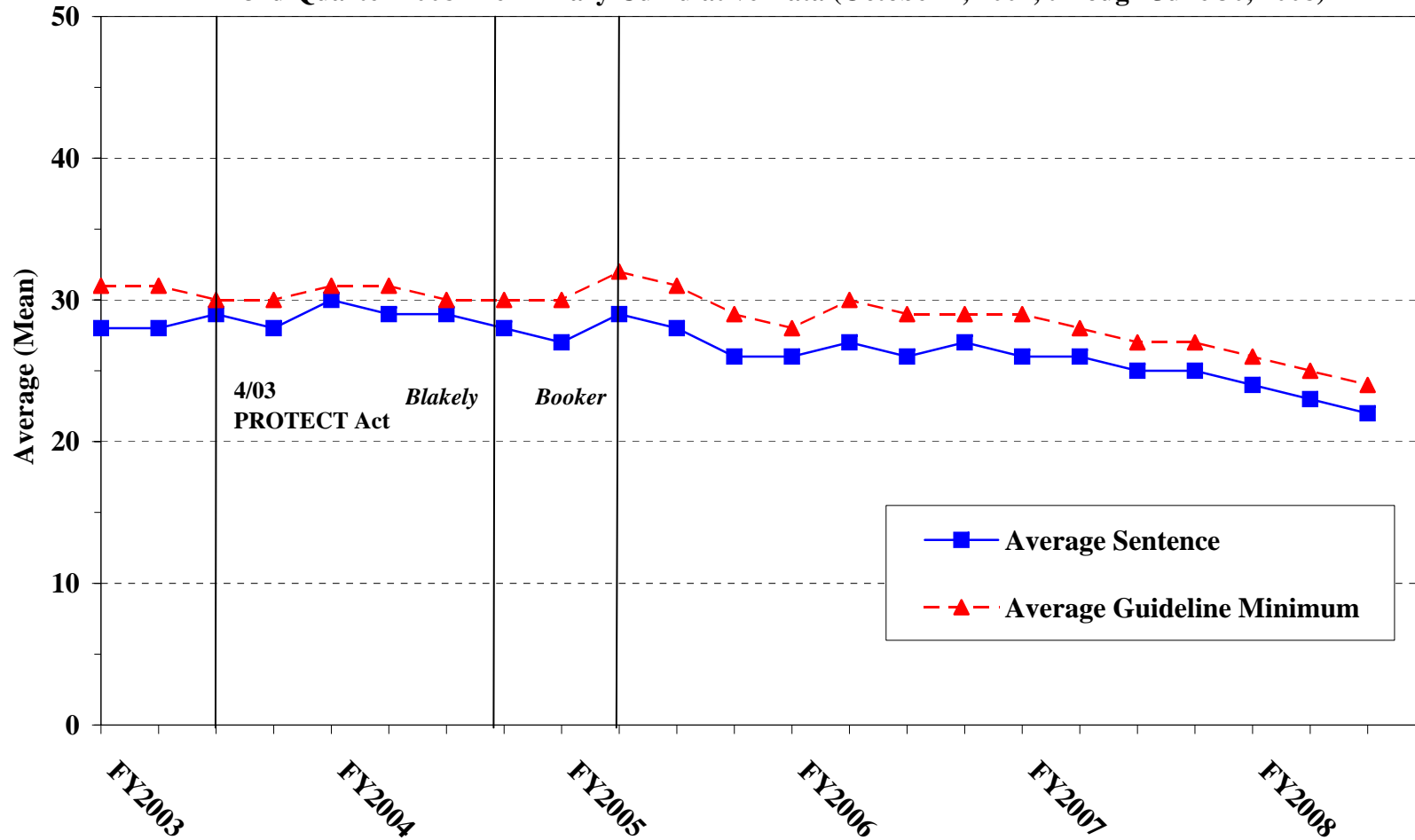
SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through June 30, 2008).

Figure G

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

Fiscal Years 2003 - 2007,

3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)



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

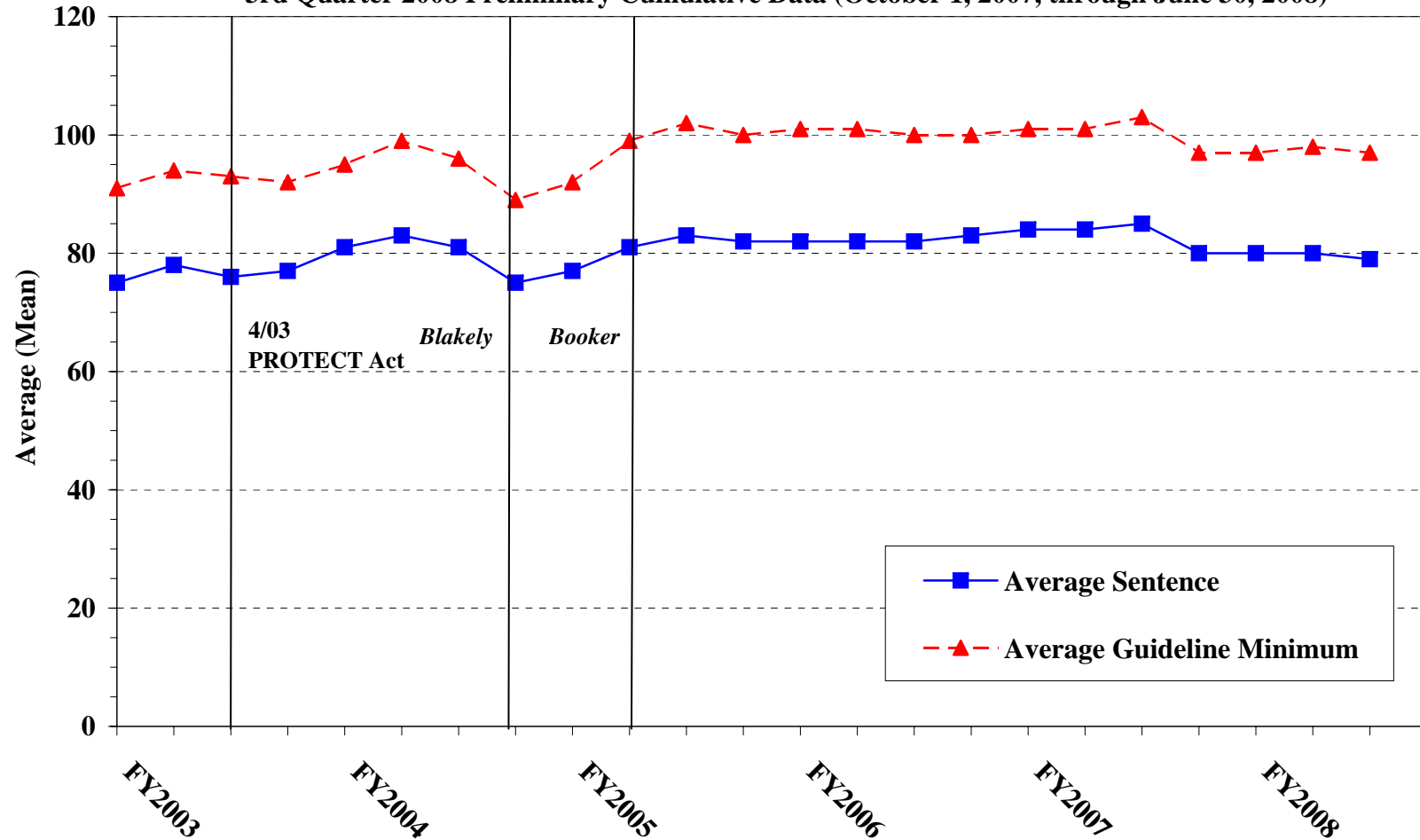
SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through June 30, 2008).

Figure H

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY
DATA FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹**

Fiscal Years 2003 - 2007,

3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

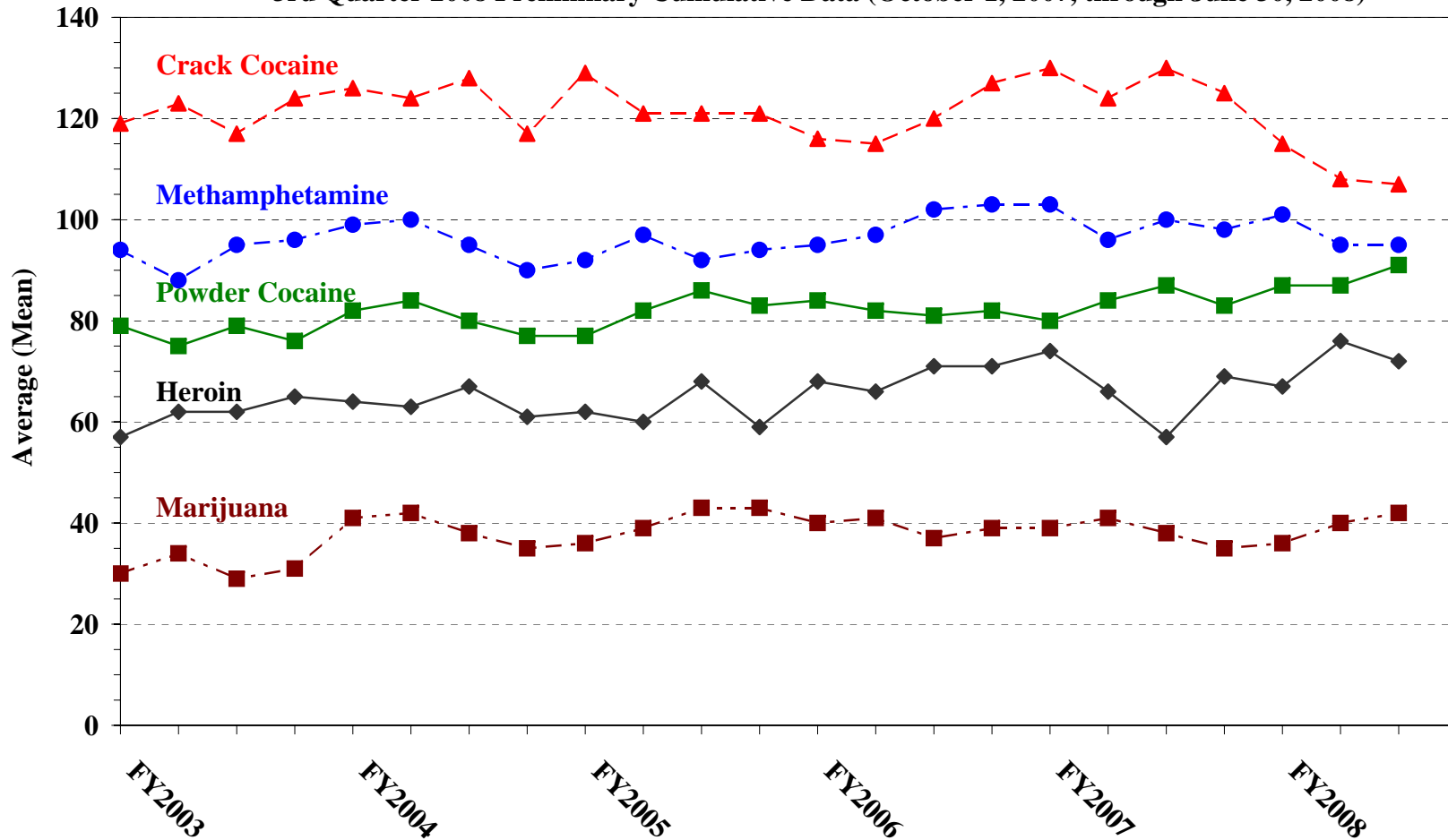


¹Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline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

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹

**Fiscal Years 2003 - 2007,
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**



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

SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through June 30, 2008).

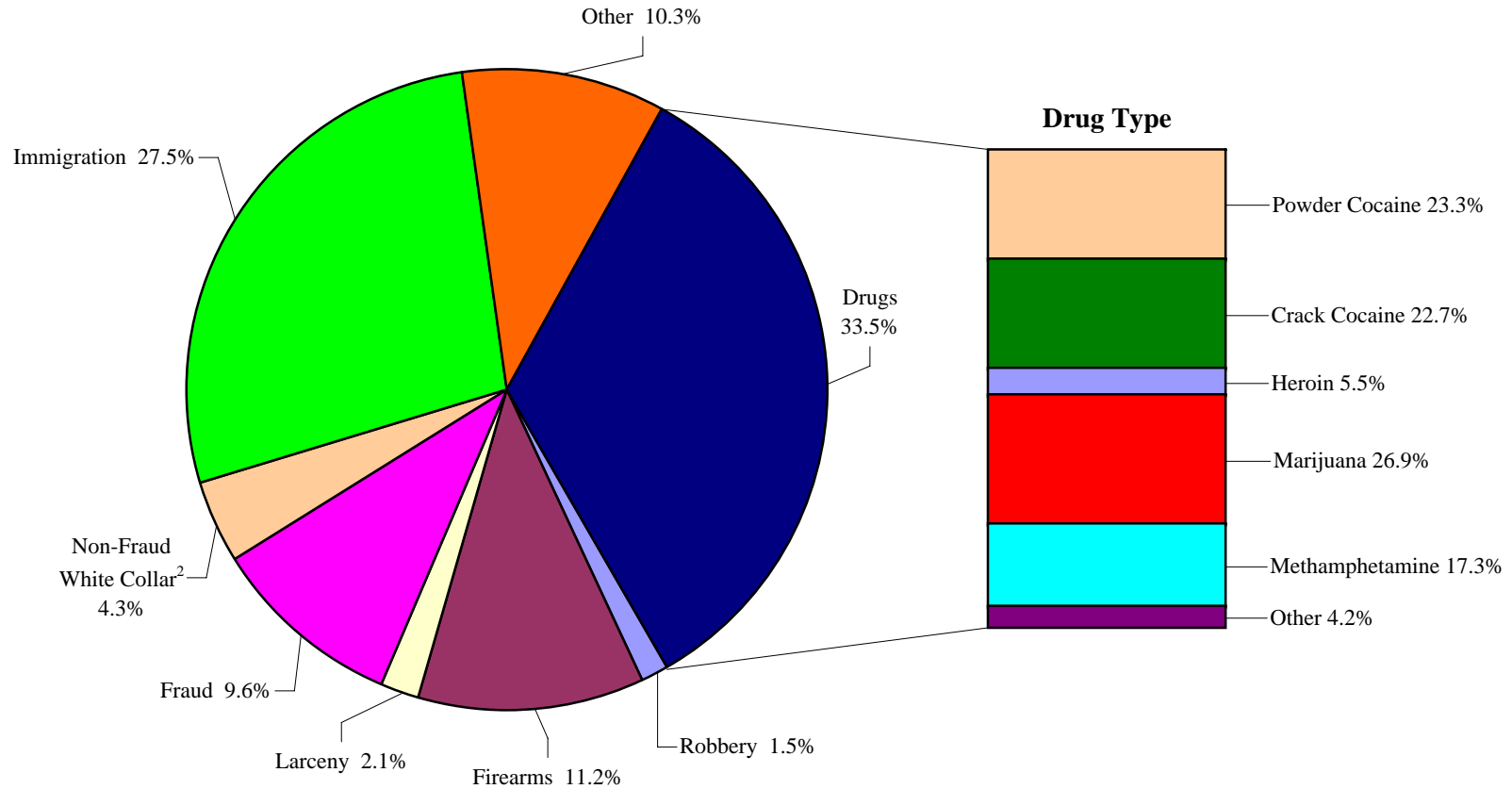
**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		n	%	n	%	n	%	n	%	n	%
TOTAL	24,598	13,560	55.1	4,151	16.9	2,071	8.4	2,037	8.3	2,779	11.3
Murder	15	6	40.0	3	20.0	1	6.7	2	13.3	3	20.0
Manslaughter	29	9	31.0	0	0.0	5	17.2	2	6.9	13	44.8
Kidnapping/Hostage Taking	11	7	63.6	1	9.1	1	9.1	1	9.1	1	9.1
Sexual Abuse	175	82	46.9	30	17.1	22	12.6	19	10.9	22	12.6
Assault	252	107	42.5	31	12.3	24	9.5	31	12.3	59	23.4
Robbery	461	210	45.6	95	20.6	46	10.0	39	8.5	71	15.4
Arson	13	5	38.5	3	23.1	1	7.7	2	15.4	2	15.4
Drugs - Trafficking	7,577	5,242	69.2	1,064	14.0	458	6.0	342	4.5	471	6.2
Drugs - Communication Facility	62	42	67.7	3	4.8	3	4.8	2	3.2	12	19.4
Drugs - Simple Possession	159	110	69.2	13	8.2	12	7.5	12	7.5	12	7.5
Firearms	3,494	1,957	56.0	438	12.5	339	9.7	235	6.7	525	15.0
Burglary/B&E	26	15	57.7	3	11.5	4	15.4	1	3.8	3	11.5
Auto Theft	28	11	39.3	0	0.0	0	0.0	2	7.1	15	53.6
Larceny	616	435	70.6	60	9.7	28	4.5	35	5.7	58	9.4
Fraud	2,522	1,425	56.5	386	15.3	204	8.1	152	6.0	355	14.1
Embezzlement	191	129	67.5	37	19.4	10	5.2	8	4.2	7	3.7
Forgery/Counterfeiting	457	228	49.9	65	14.2	51	11.2	42	9.2	71	15.5
Bribery	58	32	55.2	14	24.1	2	3.4	3	5.2	7	12.1
Tax	160	99	61.9	28	17.5	13	8.1	7	4.4	13	8.1
Money Laundering	213	147	69.0	27	12.7	10	4.7	14	6.6	15	7.0
Racketeering/Extortion	146	82	56.2	20	13.7	9	6.2	15	10.3	20	13.7
Gambling/Lottery	45	31	68.9	9	20.0	2	4.4	2	4.4	1	2.2
Civil Rights	17	10	58.8	1	5.9	0	0.0	1	5.9	5	29.4
Immigration	6,294	2,159	34.3	1,611	25.6	721	11.5	971	15.4	832	13.2
Pornography/Prostitution	535	328	61.3	78	14.6	26	4.9	35	6.5	68	12.7
Prison Offenses	172	84	48.8	20	11.6	23	13.4	11	6.4	34	19.8
Administration of Justice Offenses	333	205	61.6	40	12.0	20	6.0	27	8.1	41	12.3
Environmental/Wildlife	57	46	80.7	7	12.3	1	1.8	1	1.8	2	3.5
National Defense	13	10	76.9	3	23.1	0	0.0	0	0.0	0	0.0
Antitrust	3	2	66.7	0	0.0	0	0.0	1	33.3	0	0.0
Food & Drug	26	21	80.8	2	7.7	1	3.8	1	3.8	1	3.8
Other Miscellaneous Offenses	438	284	64.8	59	13.5	34	7.8	21	4.8	40	9.1

¹Of the 53,686 cases, 31,336 were sentenced within the applicable guideline range. Of those, 27,729 had complete guideline application information. An additional 1,918 cases were excluded due to several logical criteria. Of the remaining 25,811 cases, 1,213 were excluded due to missing point in range information. Descriptions of variables used in this table are provided in Appendix A.

Figure J

DISTRIBUTION OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)



¹Of the 53,686 guideline cases, 121 were excluded due to missing primary offense category. An additional 251 of the 18,123 drug cases were excluded due to missing drug type. The Drug category includes the following offense types: Trafficking, Use of a Communication Facility, and Simple Possession. The Non-Fraud White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering, and Tax. Descriptions of variables used in this figure are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through June 30, 2008).

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

PRIMARY OFFENSE	Number	Percent
TOTAL	53,565	100.0
Murder	55	0.1
Manslaughter	44	0.1
Kidnapping/Hostage Taking	46	0.1
Sexual Abuse	342	0.6
Assault	462	0.9
Robbery	774	1.4
Arson	39	0.1
Drugs - Trafficking	17,539	32.7
Drugs - Communication Facility	252	0.5
Drugs - Simple Possession	332	0.6
Firearms	5,987	11.2
Burglary/B&E	38	0.1
Auto Theft	47	0.1
Larceny	1,106	2.1
Fraud	5,139	9.6
Embezzlement	336	0.6
Forgery/Counterfeiting	737	1.4
Bribery	151	0.3
Tax	414	0.8
Money Laundering	628	1.2
Racketeering/Extortion	493	0.9
Gambling/Lottery	89	0.2
Civil Rights	54	0.1
Immigration	14,685	27.4
Pornography/Prostitution	1,176	2.2
Prison Offenses	254	0.5
Administration of Justice Offenses	720	1.3
Environmental/Wildlife	141	0.3
National Defense	38	0.1
Antitrust	17	0.0
Food & Drug	50	0.1
Other Miscellaneous Offenses	1,380	2.6

¹Of the 53,686 cases, 121 were excluded due to missing information on primary offense category. Descriptions of variables used in this table are provided in Appendix A.

Table 22

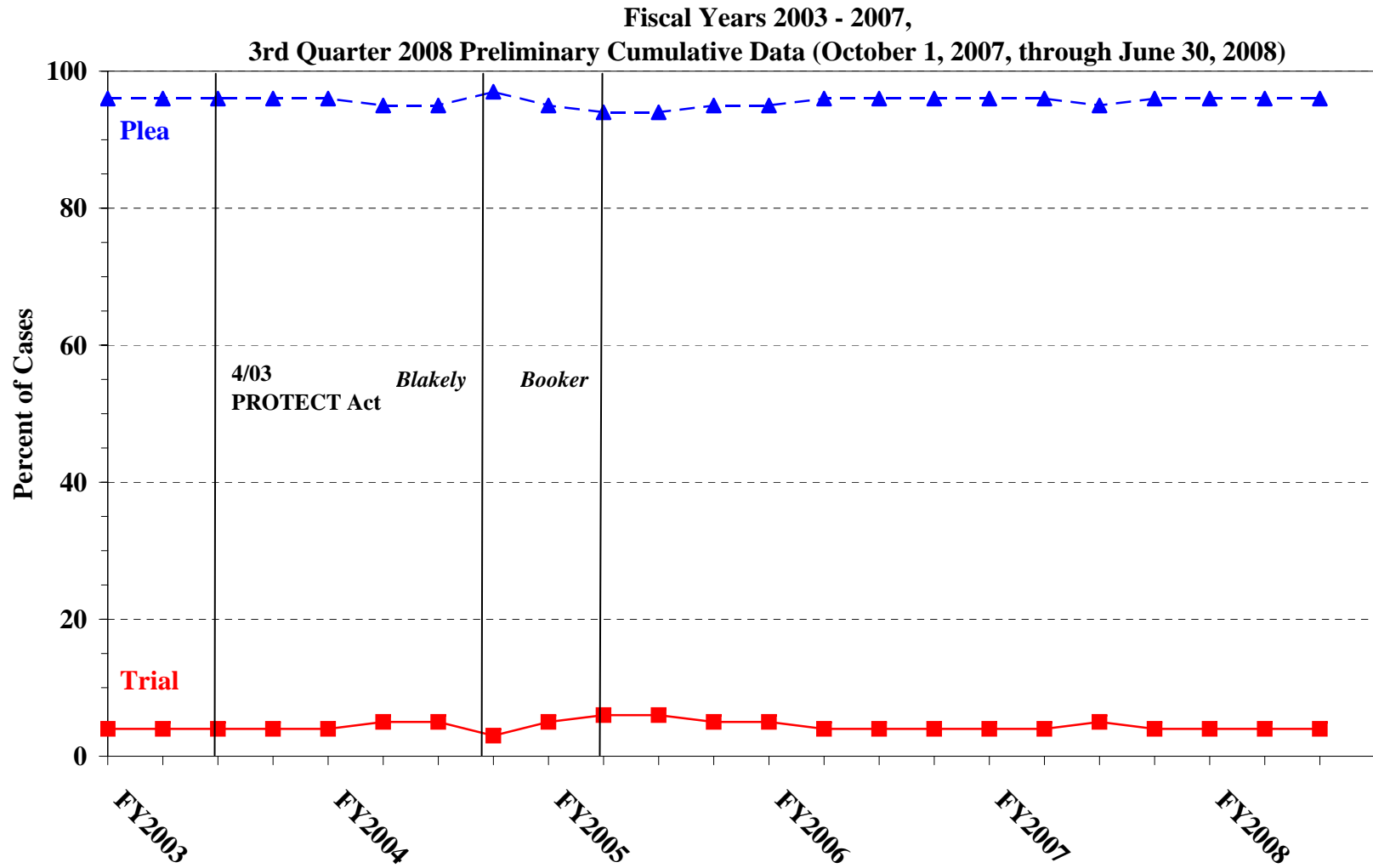
GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	53,565	51,573	96.3	1,992	3.7
Murder	55	43	78.2	12	21.8
Manslaughter	44	42	95.5	2	4.5
Kidnapping/Hostage Taking	46	36	78.3	10	21.7
Sexual Abuse	342	306	89.5	36	10.5
Assault	462	407	88.1	55	11.9
Robbery	774	753	97.3	21	2.7
Arson	39	33	84.6	6	15.4
Drugs - Trafficking	17,539	16,882	96.3	657	3.7
Drugs - Communication Facility	252	248	98.4	4	1.6
Drugs - Simple Possession	332	324	97.6	8	2.4
Firearms	5,987	5,550	92.7	437	7.3
Burglary/B&E	38	37	97.4	1	2.6
Auto Theft	47	44	93.6	3	6.4
Larceny	1,106	1,074	97.1	32	2.9
Fraud	5,139	4,862	94.6	277	5.4
Embezzlement	336	328	97.6	8	2.4
Forgery/Counterfeiting	737	723	98.1	14	1.9
Bribery	151	147	97.4	4	2.6
Tax	414	369	89.1	45	10.9
Money Laundering	628	598	95.2	30	4.8
Racketeering/Extortion	493	442	89.7	51	10.3
Gambling/Lottery	89	85	95.5	4	4.5
Civil Rights	54	45	83.3	9	16.7
Immigration	14,685	14,573	99.2	112	0.8
Pornography/Prostitution	1,176	1,137	96.7	39	3.3
Prison Offenses	254	247	97.2	7	2.8
Administration of Justice Offenses	720	684	95.0	36	5.0
Environmental/Wildlife	141	133	94.3	8	5.7
National Defense	38	34	89.5	4	10.5
Antitrust	17	16	94.1	1	5.9
Food & Drug	50	48	96.0	2	4.0
Other Miscellaneous Offenses	1,380	1,323	95.9	57	4.1

¹Of the 53,686 cases, 121 were excluded due to one or both of the following reasons: missing primary offense category (121) or missing information on mode of conviction (118). Descriptions of variables used in this table are provided in Appendix A.

Figure K

QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS¹



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

Table 23

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	49,454	14,591	29.5	12,101	24.5	20,724	41.9	2,038	4.1
Murder	53	11	20.8	5	9.4	12	22.6	25	47.2
Manslaughter	44	3	6.8	2	4.5	1	2.3	38	86.4
Kidnapping/Hostage Taking	45	9	20.0	15	33.3	16	35.6	5	11.1
Sexual Abuse	338	176	52.1	25	7.4	31	9.2	106	31.4
Assault	419	126	30.1	62	14.8	69	16.5	162	38.7
Robbery	768	389	50.7	299	38.9	52	6.8	28	3.6
Arson	39	17	43.6	7	17.9	7	17.9	8	20.5
Drugs - Trafficking	17,440	4,355	25.0	5,463	31.3	7,044	40.4	578	3.3
Drugs - Communication Facility	248	80	32.3	74	29.8	82	33.1	12	4.8
Drugs - Simple Possession	215	124	57.7	63	29.3	20	9.3	8	3.7
Firearms	5,939	1,871	31.5	2,966	49.9	938	15.8	164	2.8
Burglary/B&E	38	21	55.3	4	10.5	2	5.3	11	28.9
Auto Theft	46	26	56.5	7	15.2	12	26.1	1	2.2
Larceny	943	458	48.6	293	31.1	136	14.4	56	5.9
Fraud	4,710	2,123	45.1	1,452	30.8	842	17.9	293	6.2
Embezzlement	319	198	62.1	68	21.3	24	7.5	29	9.1
Forgery/Counterfeiting	727	343	47.2	268	36.9	97	13.3	19	2.6
Bribery	139	62	44.6	35	25.2	29	20.9	13	9.4
Tax	408	296	72.5	68	16.7	25	6.1	19	4.7
Money Laundering	609	220	36.1	86	14.1	250	41.1	53	8.7
Racketeering/Extortion	487	179	36.8	130	26.7	121	24.8	57	11.7
Gambling/Lottery	89	77	86.5	2	2.2	2	2.2	8	9.0
Civil Rights	51	30	58.8	12	23.5	6	11.8	3	5.9
Immigration	12,313	1,460	11.9	254	2.1	10,464	85.0	135	1.1
Pornography/Prostitution	1,170	1,005	85.9	54	4.6	79	6.8	32	2.7
Prison Offenses	239	66	27.6	89	37.2	62	25.9	22	9.2
Administration of Justice Offenses	656	289	44.1	140	21.3	177	27.0	50	7.6
Environmental/Wildlife	110	85	77.3	4	3.6	6	5.5	15	13.6
National Defense	37	14	37.8	5	13.5	13	35.1	5	13.5
Antitrust	14	13	92.9	0	0.0	0	0.0	1	7.1
Food & Drug	44	31	70.5	1	2.3	6	13.6	6	13.6
Other Miscellaneous Offenses	757	434	57.3	148	19.6	99	13.1	76	10.0

¹Of the 53,686 cases, 4,232 were excluded due to one or both of the following reasons: missing primary offense category (121) or missing race (4,229). Descriptions of variables used in this table are provided in Appendix A.

Table 24

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		Number	Percent	Number	Percent
TOTAL	51,296	44,785	87.3	6,511	12.7
Murder	53	44	83.0	9	17.0
Manslaughter	44	36	81.8	8	18.2
Kidnapping/Hostage Taking	46	43	93.5	3	6.5
Sexual Abuse	341	329	96.5	12	3.5
Assault	439	401	91.3	38	8.7
Robbery	770	695	90.3	75	9.7
Arson	39	37	94.9	2	5.1
Drugs - Trafficking	17,500	15,359	87.8	2,141	12.2
Drugs - Communication Facility	251	200	79.7	51	20.3
Drugs - Simple Possession	256	192	75.0	64	25.0
Firearms	5,960	5,774	96.9	186	3.1
Burglary/B&E	38	30	78.9	8	21.1
Auto Theft	47	44	93.6	3	6.4
Larceny	999	617	61.8	382	38.2
Fraud	4,880	3,473	71.2	1,407	28.8
Embezzlement	329	158	48.0	171	52.0
Forgery/Counterfeiting	734	553	75.3	181	24.7
Bribery	143	117	81.8	26	18.2
Tax	413	350	84.7	63	15.3
Money Laundering	620	486	78.4	134	21.6
Racketeering/Extortion	490	448	91.4	42	8.6
Gambling/Lottery	89	76	85.4	13	14.6
Civil Rights	54	43	79.6	11	20.4
Immigration	13,475	12,494	92.7	981	7.3
Pornography/Prostitution	1,175	1,153	98.1	22	1.9
Prison Offenses	247	223	90.3	24	9.7
Administration of Justice Offenses	675	466	69.0	209	31.0
Environmental/Wildlife	122	112	91.8	10	8.2
National Defense	37	30	81.1	7	18.9
Antitrust	16	16	100.0	0	0.0
Food & Drug	46	33	71.7	13	28.3
Other Miscellaneous Offenses	968	753	77.8	215	22.2

¹Of the 53,686 cases, 2,390 were excluded due to one or both of the following reasons: missing primary offense category (121) or missing gender (2,372). Descriptions of variables used in this table are provided in Appendix A.

Table 25

AGE, RACE, AND GENDER OF OFFENDERS¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

Gender and Age	White		Black		Hispanic		Other	
	n	%	n	%	n	%	n	%
Males	12,080	100.0	10,601	100.0	18,714	100.0	1,607	100.0
Under 21	364	3.0	336	3.2	878	4.7	74	4.6
21 - 25	1,396	11.6	1,968	18.6	3,269	17.5	290	18.0
26 - 30	1,916	15.9	2,688	25.4	4,151	22.2	275	17.1
31 - 35	1,681	13.9	2,079	19.6	3,689	19.7	261	16.2
36 - 40	1,650	13.7	1,436	13.5	2,784	14.9	230	14.3
41 - 50	2,740	22.7	1,456	13.7	2,931	15.7	290	18.0
Over 50	2,333	19.3	638	6.0	1,012	5.4	187	11.6
Females	2,449	100.0	1,473	100.0	1,883	100.0	403	100.0
Under 21	83	3.4	41	2.8	93	4.9	13	3.2
21 - 25	370	15.1	268	18.2	322	17.1	63	15.6
26 - 30	395	16.1	297	20.2	425	22.6	80	19.9
31 - 35	350	14.3	255	17.3	292	15.5	54	13.4
36 - 40	346	14.1	212	14.4	285	15.1	47	11.7
41 - 50	554	22.6	250	17.0	309	16.4	78	19.4
Over 50	351	14.3	150	10.2	157	8.3	68	16.9

¹Of the 53,686 cases, 4,476 were excluded due to one or more of the following reasons: missing race (4,229), missing gender (2,372), or missing age (709). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through June 30, 2008).

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		Number	Percent	Number	Percent
TOTAL	51,612	31,032	60.1	20,580	39.9
Murder	53	46	86.8	7	13.2
Manslaughter	44	44	100.0	0	0.0
Kidnapping/Hostage Taking	45	25	55.6	20	44.4
Sexual Abuse	341	309	90.6	32	9.4
Assault	423	370	87.5	53	12.5
Robbery	769	749	97.4	20	2.6
Arson	39	37	94.9	2	5.1
Drugs - Trafficking	17,466	12,400	71.0	5,066	29.0
Drugs - Communication Facility	248	191	77.0	57	23.0
Drugs - Simple Possession	227	218	96.0	9	4.0
Firearms	5,963	5,449	91.4	514	8.6
Burglary/B&E	38	38	100.0	0	0.0
Auto Theft	46	44	95.7	2	4.3
Larceny	959	884	92.2	75	7.8
Fraud	4,862	3,807	78.3	1,055	21.7
Embezzlement	323	317	98.1	6	1.9
Forgery/Counterfeiting	730	650	89.0	80	11.0
Bribery	140	129	92.1	11	7.9
Tax	412	389	94.4	23	5.6
Money Laundering	611	397	65.0	214	35.0
Racketeering/Extortion	488	384	78.7	104	21.3
Gambling/Lottery	88	85	96.6	3	3.4
Civil Rights	52	45	86.5	7	13.5
Immigration	14,165	1,274	9.0	12,891	91.0
Pornography/Prostitution	1,175	1,126	95.8	49	4.2
Prison Offenses	238	216	90.8	22	9.2
Administration of Justice Offenses	664	538	81.0	126	19.0
Environmental/Wildlife	113	104	92.0	9	8.0
National Defense	37	20	54.1	17	45.9
Antitrust	14	11	78.6	3	21.4
Food & Drug	45	38	84.4	7	15.6
Other Miscellaneous Offenses	794	698	87.9	96	12.1

¹Of the 53,686 cases, 2,074 were excluded due to one or both of the following reasons: missing primary offense category (121) or missing citizenship information (2,071). Descriptions of variables used in this table are provided in Appendix A.

Table 27

DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT¹
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		n	n	n	n	n	n	n	n
TOTAL	53,686	250,235	53,565	52,516	40,099	11,881	53,342	50,713	2,839
D.C. CIRCUIT	310	1,504	310	309	277	31	309	299	11
District of Columbia	310	1,504	310	309	277	31	309	299	11
FIRST CIRCUIT	1,148	5,155	1,148	1,143	641	468	1,145	1,078	70
Maine	161	704	161	161	61	100	161	160	1
Massachusetts	354	1,518	354	350	120	222	353	341	13
New Hampshire	151	722	151	151	118	33	151	151	0
Puerto Rico	413	1,886	413	412	291	99	413	357	56
Rhode Island	69	325	69	69	51	14	67	69	0
SECOND CIRCUIT	3,189	15,009	3,189	3,153	2,428	673	3,165	3,074	115
Connecticut	292	1,448	292	292	284	7	289	291	1
New York									
Eastern	875	4,269	875	873	777	90	875	869	6
Northern	347	1,555	347	320	232	86	347	309	38
Southern	1,070	4,819	1,070	1,065	562	460	1,059	1,063	7
Western	481	2,307	481	480	454	26	471	421	60
Vermont	124	611	124	123	119	4	124	121	3
THIRD CIRCUIT	2,228	10,635	2,228	2,227	1,789	406	2,220	2,171	57
Delaware	63	310	63	63	59	4	63	62	1
New Jersey	689	3,382	689	689	634	52	683	687	2
Pennsylvania									
Eastern	551	2,558	551	551	363	186	550	543	8
Middle	482	2,364	482	482	453	23	481	466	16
Western	383	1,739	383	383	237	126	383	353	30
Virgin Islands	60	282	60	59	43	15	60	60	0
FOURTH CIRCUIT	4,900	22,742	4,900	4,652	3,760	985	4,833	4,597	303
Maryland	542	2,577	542	526	461	71	534	514	28
North Carolina									
Eastern	511	2,381	511	496	397	101	510	467	44
Middle	233	1,147	233	233	215	18	233	233	0
Western	621	2,933	621	616	458	155	620	618	3
South Carolina	889	4,108	889	886	565	313	888	880	9
Virginia									
Eastern	1,246	5,415	1,246	1,039	901	234	1,190	1,039	207
Western	297	1,429	297	295	246	49	297	294	3
West Virginia									
Northern	357	1,758	357	357	339	18	357	348	9
Southern	204	994	204	204	178	26	204	204	0

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		n	n	n	n	n	n	n	n
FIFTH CIRCUIT	12,257	56,268	12,257	12,208	8,005	3,769	12,246	11,552	705
Louisiana									
Eastern	355	1,598	355	355	178	170	355	355	0
Middle	165	787	165	165	131	30	165	161	4
Western	257	1,234	257	254	214	35	256	253	4
Mississippi									
Northern	134	652	134	132	125	9	134	127	7
Southern	306	1,467	306	293	275	28	306	287	19
Texas									
Eastern	706	3,427	706	704	626	79	706	685	21
Northern	813	3,877	813	812	627	186	813	812	1
Southern	4,542	21,740	4,542	4,541	3,637	875	4,540	4,480	62
Western	4,979	21,486	4,979	4,952	2,192	2,357	4,971	4,392	587
SIXTH CIRCUIT	3,806	18,123	3,806	3,774	3,094	661	3,793	3,656	150
Kentucky									
Eastern	472	2,285	472	472	406	64	472	463	9
Western	340	1,493	340	337	234	84	340	242	98
Michigan									
Eastern	540	2,613	540	539	458	78	540	536	4
Western	326	1,544	326	325	248	75	325	320	6
Ohio									
Northern	631	3,012	631	631	496	131	629	625	6
Southern	447	2,205	447	440	429	17	446	443	4
Tennessee									
Eastern	428	2,039	428	425	337	87	424	425	3
Middle	191	861	191	174	134	46	186	176	15
Western	431	2,071	431	431	352	79	431	426	5
SEVENTH CIRCUIT	2,090	9,965	2,090	2,075	1,641	443	2,086	2,073	17
Illinois									
Central	306	1,385	306	300	171	133	306	302	4
Northern	490	2,331	490	486	380	108	488	487	3
Southern	231	1,072	231	231	152	78	231	227	4
Indiana									
Northern	337	1,626	337	334	281	56	337	337	0
Southern	232	1,131	232	232	206	25	231	230	2
Wisconsin									
Eastern	354	1,739	354	354	326	28	354	351	3
Western	140	681	140	138	125	15	139	139	1
EIGHTH CIRCUIT	3,993	18,887	3,993	3,979	2,981	741	3,987	3,947	46
Arkansas									
Eastern	321	1,493	321	318	240	55	318	296	25
Western	135	669	135	135	129	6	135	135	0
Iowa									
Northern	481	2,061	481	481	137	109	481	481	0
Southern	284	1,303	284	284	171	112	283	281	3
Minnesota	440	2,162	440	439	412	26	440	431	9
Missouri									
Eastern	709	3,523	709	708	689	19	708	709	0
Western	601	2,737	601	597	339	261	601	599	2
Nebraska	472	2,320	472	472	435	35	472	469	3
North Dakota	205	971	205	200	158	46	204	204	1
South Dakota	345	1,648	345	345	271	72	345	342	3

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		n	n	n	n	n	n	n	n
NINTH CIRCUIT	10,270	48,302	10,149	9,709	9,016	932	10,073	9,355	781
Alaska	99	451	99	98	60	36	97	97	2
Arizona	2,710	13,181	2,710	2,638	2,474	211	2,708	2,651	59
California									
Central	1,372	5,630	1,251	973	1,013	107	1,193	1,200	38
Eastern	612	2,971	612	608	532	75	612	607	5
Northern	481	2,297	481	478	433	45	480	425	56
Southern	2,567	12,137	2,567	2,501	2,405	152	2,562	2,102	465
Guam	51	245	51	51	41	10	51	51	0
Hawaii	221	1,014	221	221	136	79	221	215	6
Idaho	185	895	185	184	157	28	185	184	1
Montana	317	1,524	317	316	259	56	317	315	2
Nevada	331	1,575	331	328	281	48	330	305	26
Northern Mariana Islands	13	62	13	13	10	1	13	13	0
Oregon	461	2,238	461	453	421	40	458	445	16
Washington									
Eastern	238	1,159	238	237	216	19	237	231	7
Western	612	2,923	612	610	578	25	609	514	98
TENTH CIRCUIT	4,283	19,615	4,283	4,157	2,890	1,324	4,280	4,005	278
Colorado	353	1,734	353	346	340	12	353	342	11
Kansas	462	2,220	462	453	397	56	462	446	16
New Mexico	2,041	9,281	2,041	2,037	1,138	897	2,038	2,027	14
Oklahoma									
Eastern	69	308	69	69	32	36	69	69	0
Northern	144	648	144	144	72	72	144	144	0
Western	389	1,484	389	285	191	180	389	230	159
Utah	602	2,890	602	600	537	43	602	549	53
Wyoming	223	1,050	223	223	183	28	223	198	25
ELEVENTH CIRCUIT	5,212	24,030	5,212	5,130	3,577	1,448	5,205	4,906	306
Alabama									
Middle	202	958	202	199	157	45	202	198	4
Northern	367	1,730	367	363	283	65	367	350	17
Southern	397	1,891	397	397	305	91	397	395	2
Florida									
Middle	1,186	5,486	1,186	1,185	745	435	1,185	1,185	1
Northern	266	1,223	266	260	169	93	266	262	4
Southern	1,582	7,225	1,582	1,524	1,047	472	1,580	1,492	90
Georgia									
Middle	351	1,568	351	349	235	89	349	284	67
Northern	467	2,217	467	459	369	93	465	457	10
Southern	394	1,732	394	394	267	65	394	283	111

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

²The figures presented in this table regarding plea agreement submission exclude from the analysis 878 cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through June 30, 2008).

Table 28

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM
IN EACH CIRCUIT AND DISTRICT
3rd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through June 30, 2008)**

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
TOTAL	53,686	46,802	87.2	5,748	10.7	1,136	2.1
D.C. CIRCUIT	310	295	95.2	15	4.8	0	0.0
District of Columbia	310	295	95.2	15	4.8	0	0.0
FIRST CIRCUIT	1,148	1,137	99.0	7	0.6	4	0.3
Maine	161	160	99.4	1	0.6	0	0.0
Massachusetts	354	348	98.3	2	0.6	4	1.1
New Hampshire	151	150	99.3	1	0.7	0	0.0
Puerto Rico	413	410	99.3	3	0.7	0	0.0
Rhode Island	69	69	100.0	0	0.0	0	0.0
SECOND CIRCUIT	3,189	2,987	93.7	166	5.2	36	1.1
Connecticut	292	291	99.7	1	0.3	0	0.0
New York							
Eastern	875	734	83.9	139	15.9	2	0.2
Northern	347	318	91.6	2	0.6	27	7.8
Southern	1,070	1,049	98.0	16	1.5	5	0.5
Western	481	477	99.2	3	0.6	1	0.2
Vermont	124	118	95.2	5	4.0	1	0.8
THIRD CIRCUIT	2,228	1,592	71.5	635	28.5	1	0.0
Delaware	63	62	98.4	1	1.6	0	0.0
New Jersey	689	64	9.3	625	90.7	0	0.0
Pennsylvania							
Eastern	551	548	99.5	3	0.5	0	0.0
Middle	482	480	99.6	2	0.4	0	0.0
Western	383	381	99.5	2	0.5	0	0.0
Virgin Islands	60	57	95.0	2	3.3	1	1.7
FOURTH CIRCUIT	4,900	4,522	92.3	138	2.8	240	4.9
Maryland	542	523	96.5	9	1.7	10	1.8
North Carolina							
Eastern	511	492	96.3	4	0.8	15	2.9
Middle	233	232	99.6	1	0.4	0	0.0
Western	621	605	97.4	11	1.8	5	0.8
South Carolina	889	883	99.3	3	0.3	3	0.3
Virginia							
Eastern	1,246	940	75.4	101	8.1	205	16.5
Western	297	294	99.0	1	0.3	2	0.7
West Virginia							
Northern	357	354	99.2	3	0.8	0	0.0
Southern	204	199	97.5	5	2.5	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
FIFTH CIRCUIT	12,257	8,501	69.4	3,712	30.3	44	0.4
Louisiana							
Eastern	355	345	97.2	10	2.8	0	0.0
Middle	165	165	100.0	0	0.0	0	0.0
Western	257	238	92.6	17	6.6	2	0.8
Mississippi							
Northern	134	131	97.8	1	0.7	2	1.5
Southern	306	292	95.4	1	0.3	13	4.2
Texas							
Eastern	706	699	99.0	5	0.7	2	0.3
Northern	813	800	98.4	12	1.5	1	0.1
Southern	4,542	4,527	99.7	14	0.3	1	0.0
Western	4,979	1,304	26.2	3,652	73.3	23	0.5
SIXTH CIRCUIT	3,806	3,544	93.1	230	6.0	32	0.8
Kentucky							
Eastern	472	469	99.4	3	0.6	0	0.0
Western	340	335	98.5	2	0.6	3	0.9
Michigan							
Eastern	540	419	77.6	120	22.2	1	0.2
Western	326	325	99.7	0	0.0	1	0.3
Ohio							
Northern	631	630	99.8	1	0.2	0	0.0
Southern	447	402	89.9	38	8.5	7	1.6
Tennessee							
Eastern	428	423	98.8	2	0.5	3	0.7
Middle	191	115	60.2	59	30.9	17	8.9
Western	431	426	98.8	5	1.2	0	0.0
SEVENTH CIRCUIT	2,090	1,895	90.7	180	8.6	15	0.7
Illinois							
Central	306	299	97.7	1	0.3	6	2.0
Northern	490	439	89.6	47	9.6	4	0.8
Southern	231	231	100.0	0	0.0	0	0.0
Indiana							
Northern	337	298	88.4	36	10.7	3	0.9
Southern	232	230	99.1	2	0.9	0	0.0
Wisconsin							
Eastern	354	293	82.8	61	17.2	0	0.0
Western	140	105	75.0	33	23.6	2	1.4
EIGHTH CIRCUIT	3,993	3,911	97.9	68	1.7	14	0.4
Arkansas							
Eastern	321	316	98.4	2	0.6	3	0.9
Western	135	133	98.5	2	1.5	0	0.0
Iowa							
Northern	481	475	98.8	6	1.2	0	0.0
Southern	284	277	97.5	7	2.5	0	0.0
Minnesota	440	406	92.3	33	7.5	1	0.2
Missouri							
Eastern	709	694	97.9	14	2.0	1	0.1
Western	601	595	99.0	2	0.3	4	0.7
Nebraska	472	471	99.8	1	0.2	0	0.0
North Dakota	205	199	97.1	1	0.5	5	2.4
South Dakota	345	345	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
NINTH CIRCUIT	10,270	9,272	90.3	439	4.3	559	5.4
Alaska	99	98	99.0	0	0.0	1	1.0
Arizona	2,710	2,576	95.1	63	2.3	71	2.6
California							
Central	1,372	951	69.3	23	1.7	398	29.0
Eastern	612	600	98.0	8	1.3	4	0.7
Northern	481	474	98.5	4	0.8	3	0.6
Southern	2,567	2,493	97.1	8	0.3	66	2.6
Guam	51	50	98.0	1	2.0	0	0.0
Hawaii	221	212	95.9	9	4.1	0	0.0
Idaho	185	184	99.5	0	0.0	1	0.5
Montana	317	313	98.7	3	0.9	1	0.3
Nevada	331	326	98.5	2	0.6	3	0.9
Northern Mariana Islands	13	13	100.0	0	0.0	0	0.0
Oregon	461	140	30.4	313	67.9	8	1.7
Washington							
Eastern	238	235	98.7	2	0.8	1	0.4
Western	612	607	99.2	3	0.5	2	0.3
TENTH CIRCUIT	4,283	4,076	95.2	96	2.2	111	2.6
Colorado	353	316	89.5	32	9.1	5	1.4
Kansas	462	453	98.1	1	0.2	8	1.7
New Mexico	2,041	2,024	99.2	13	0.6	4	0.2
Oklahoma							
Eastern	69	69	100.0	0	0.0	0	0.0
Northern	144	144	100.0	0	0.0	0	0.0
Western	389	287	73.8	8	2.1	94	24.2
Utah	602	561	93.2	41	6.8	0	0.0
Wyoming	223	222	99.6	1	0.4	0	0.0
ELEVENTH CIRCUIT	5,212	5,070	97.3	62	1.2	80	1.5
Alabama							
Middle	202	198	98.0	1	0.5	3	1.5
Northern	367	361	98.4	2	0.5	4	1.1
Southern	397	396	99.7	1	0.3	0	0.0
Florida							
Middle	1,186	1,179	99.4	6	0.5	1	0.1
Northern	266	261	98.1	1	0.4	4	1.5
Southern	1,582	1,517	95.9	7	0.4	58	3.7
Georgia							
Middle	351	332	94.6	17	4.8	2	0.6
Northern	467	434	92.9	25	5.4	8	1.7
Southern	394	392	99.5	2	0.5	0	0.0

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

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

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

Variables

The following section describes the variables used in this report.

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

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

Age

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

All Remaining Cases Above Guideline Range

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

All Remaining Cases Below Guideline Range

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

Average Sentence Length

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

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

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

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

Circuit

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

Citizenship Status

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

Degree of Decrease

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

Degree of Increase

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

District

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

Document Submission Rates

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

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

Downward Departure From Guideline Range

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

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

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

Drug Offense Guideline

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

Drug Type

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

Education

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

Gender

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

Government Sponsored

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

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

Guideline Offenders Sentenced

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

Guideline Sentencing Range

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

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

Mode of Conviction

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

Outside of the Range Attribution Categories

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

Position of Sentence

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

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

Primary Offense Category

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

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

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

Manslaughter includes both involuntary and voluntary manslaughter.

Kidnapping/Hostage includes ransom taking and hostage/kidnapping.

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

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

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

Arson also includes damage by explosives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Race

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

Type of Guideline Sentence Imposed

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

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

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

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

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

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

Upward Departure From Guideline Range

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

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

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

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

Year

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

Zone

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

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

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

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

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

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

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

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

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