

**United
States
Sentencing
Commission**



Statistical Information Packet

Fiscal Year 2006

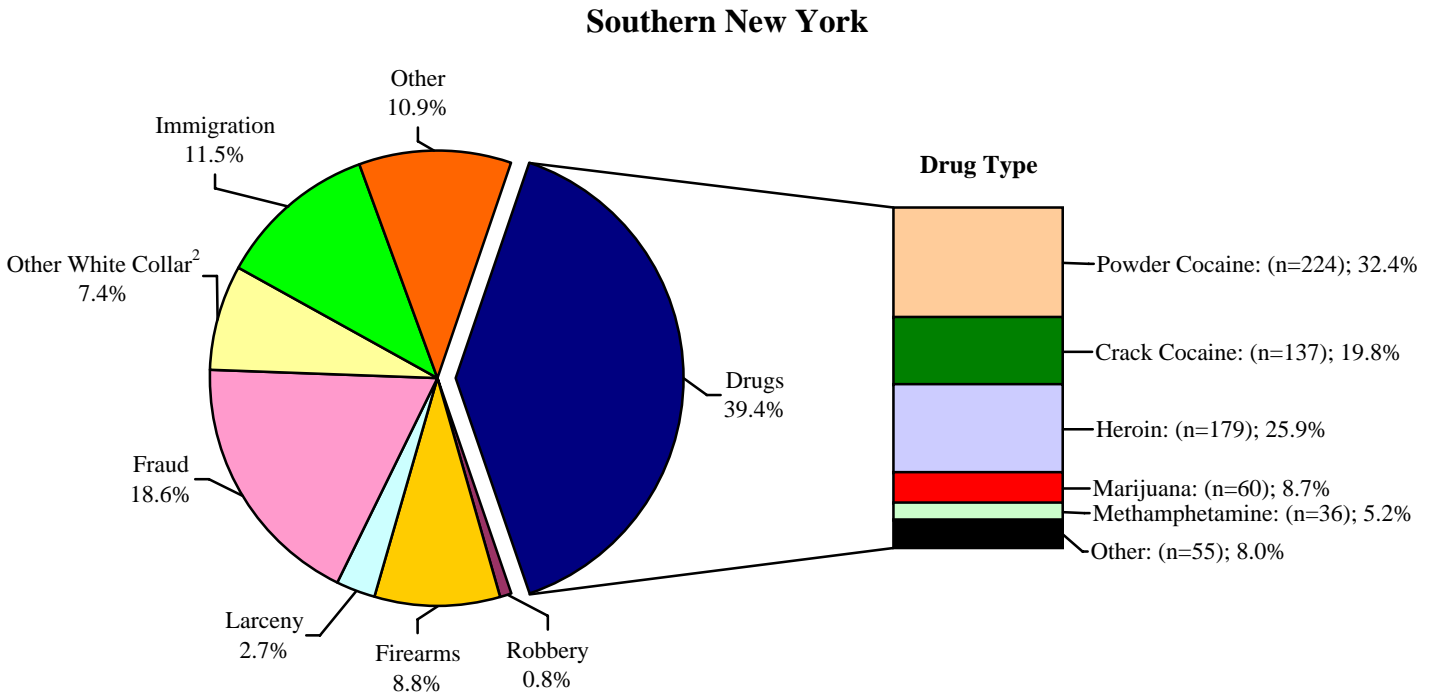
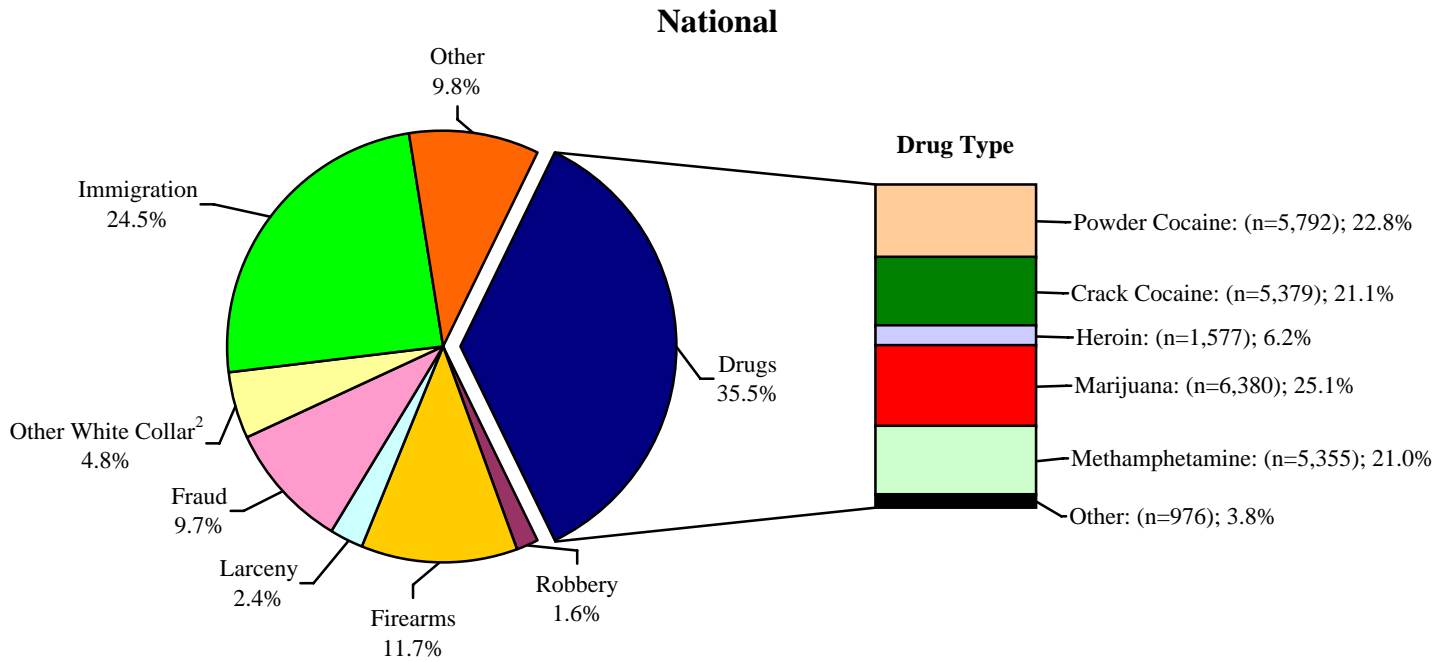
District of Southern New York

TABLE OF CONTENTS

| | | |
|-----------------|--|----|
| Figure A | Guideline Defendants Sentenced by Primary Offense | 1 |
| Table 1 | Distribution of Guideline Defendants Sentenced by Primary Offense Category | 2 |
| Table 2 | Mode of Conviction by Circuit and District | 3 |
| Table 3 | Mode of Conviction by Primary Offense Category | 6 |
| Table 4 | Type of Sentence Imposed by Primary Offense Category (National) | 7 |
| Table 5 | Type of Sentence Imposed by Primary Offense Category (District) | 8 |
| Table 6 | Incarceration Rate of Defendants Eligible for Non-Prison Sentences by Primary Offense Category | 9 |
| Table 7 | Average Length of Imprisonment by Primary Offense | 10 |
| Table 8 | Comparison of Sentence Imposed and Position Relative to the Guideline Range | 11 |
| Table 9 | Guideline Departure Rate by Circuit and District | 12 |
| Table 10 | Guideline Departure Rate by Primary Offense Category | 18 |

Figure A

DISTRIBUTION OF SENTENCED GUIDELINE DEFENDANTS BY SELECT PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2006



¹Of the 72,585 guideline cases, 875 cases were excluded due to one of the following reasons: missing primary offense category (67) or missing drug type (808). Of the 1,763 guideline cases from the District of Southern New York, eight cases were excluded due to one of the following reasons: missing primary offense category (1) or missing drug type (7).

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

Table 1

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

| PRIMARY OFFENSE | National | | Southern New York | |
|------------------------------------|---------------|--------------|-------------------|--------------|
| | Number | Percent | Number | Percent |
| TOTAL | 72,518 | 100.0 | 1,762 | 100.0 |
| Murder | 81 | 0.1 | 1 | 0.1 |
| Manslaughter | 60 | 0.1 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 61 | 0.1 | 4 | 0.2 |
| Sexual Abuse | 265 | 0.4 | 2 | 0.1 |
| Assault | 620 | 0.9 | 4 | 0.2 |
| Robbery | 1,166 | 1.6 | 14 | 0.8 |
| Arson | 72 | 0.1 | 0 | 0.0 |
| Drugs - Trafficking | 25,086 | 34.6 | 675 | 38.3 |
| Drugs - Communication Facility | 412 | 0.6 | 12 | 0.7 |
| Drugs - Simple Possession | 769 | 1.1 | 11 | 0.6 |
| Firearms | 8,384 | 11.6 | 155 | 8.8 |
| Burglary/B&E | 48 | 0.1 | 0 | 0.0 |
| Auto Theft | 62 | 0.1 | 0 | 0.0 |
| Larceny | 1,714 | 2.4 | 48 | 2.7 |
| Fraud | 6,958 | 9.6 | 326 | 18.5 |
| Embezzlement | 584 | 0.8 | 21 | 1.2 |
| Forgery/Counterfeiting | 1,172 | 1.6 | 14 | 0.8 |
| Bribery | 184 | 0.3 | 10 | 0.6 |
| Tax | 608 | 0.8 | 14 | 0.8 |
| Money Laundering | 912 | 1.3 | 70 | 4.0 |
| Racketeering/Extortion | 622 | 0.9 | 62 | 3.5 |
| Gambling/Lottery | 116 | 0.2 | 44 | 2.5 |
| Civil Rights | 68 | 0.1 | 2 | 0.1 |
| Immigration | 17,574 | 24.2 | 201 | 11.4 |
| Pornography/Prostitution | 1,293 | 1.8 | 17 | 1.0 |
| Prison Offenses | 346 | 0.5 | 9 | 0.5 |
| Administration of Justice Offenses | 1,112 | 1.5 | 21 | 1.2 |
| Environmental/Wildlife | 177 | 0.2 | 2 | 0.1 |
| National Defense | 36 | 0.0 | 2 | 0.1 |
| Antitrust | 12 | 0.0 | 2 | 0.1 |
| Food & Drug | 64 | 0.1 | 1 | 0.1 |
| Other Miscellaneous Offenses | 1,880 | 2.6 | 18 | 1.0 |

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

Of the 1,763 guideline cases from the District of Southern New York, one case was excluded due to missing information on primary offense category.

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

Table 2

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

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

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

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

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

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

Table 3

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

| PRIMARY OFFENSE | TOTAL | National | | | | Southern New York | | | |
|---|---------------|---------------|-------------|--------------|------------|-------------------|-------------|-----------|------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 72,506 | 69,399 | 95.7 | 3,107 | 4.3 | 1,663 | 94.4 | 99 | 5.6 |
| Murder | 81 | 55 | 67.9 | 26 | 32.1 | 0 | 0.0 | 1 | 100.0 |
| Manslaughter | 60 | 55 | 91.7 | 5 | 8.3 | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 61 | 46 | 75.4 | 15 | 24.6 | 4 | 100.0 | 0 | 0.0 |
| Sexual Abuse | 265 | 237 | 89.4 | 28 | 10.6 | 2 | 100.0 | 0 | 0.0 |
| Assault | 618 | 556 | 90.0 | 62 | 10.0 | 4 | 100.0 | 0 | 0.0 |
| Robbery | 1,166 | 1,111 | 95.3 | 55 | 4.7 | 13 | 92.9 | 1 | 7.1 |
| Arson | 72 | 64 | 88.9 | 8 | 11.1 | 0 | -- | 0 | -- |
| Drugs - Trafficking | 25,086 | 23,958 | 95.5 | 1,128 | 4.5 | 636 | 94.2 | 39 | 5.8 |
| Drugs - Communication Facility | 412 | 410 | 99.5 | 2 | 0.5 | 12 | 100.0 | 0 | 0.0 |
| Drugs - Simple Possession | 768 | 736 | 95.8 | 32 | 4.2 | 11 | 100.0 | 0 | 0.0 |
| Firearms | 8,384 | 7,749 | 92.4 | 635 | 7.6 | 136 | 87.7 | 19 | 12.3 |
| Burglary/B&E | 48 | 46 | 95.8 | 2 | 4.2 | 0 | -- | 0 | -- |
| Auto Theft | 62 | 57 | 91.9 | 5 | 8.1 | 0 | -- | 0 | -- |
| Larceny | 1,714 | 1,670 | 97.4 | 44 | 2.6 | 47 | 97.9 | 1 | 2.1 |
| Fraud | 6,957 | 6,602 | 94.9 | 355 | 5.1 | 308 | 94.5 | 18 | 5.5 |
| Embezzlement | 583 | 567 | 97.3 | 16 | 2.7 | 20 | 95.2 | 1 | 4.8 |
| Forgery/Counterfeiting | 1,172 | 1,150 | 98.1 | 22 | 1.9 | 14 | 100.0 | 0 | 0.0 |
| Bribery | 184 | 175 | 95.1 | 9 | 4.9 | 8 | 80.0 | 2 | 20.0 |
| Tax | 608 | 543 | 89.3 | 65 | 10.7 | 13 | 92.9 | 1 | 7.1 |
| Money Laundering | 912 | 835 | 91.6 | 77 | 8.4 | 69 | 98.6 | 1 | 1.4 |
| Racketeering/Extortion | 622 | 551 | 88.6 | 71 | 11.4 | 49 | 79.0 | 13 | 21.0 |
| Gambling/Lottery | 116 | 116 | 100.0 | 0 | 0.0 | 44 | 100.0 | 0 | 0.0 |
| Civil Rights | 68 | 56 | 82.4 | 12 | 17.6 | 2 | 100.0 | 0 | 0.0 |
| Immigration | 17,570 | 17,345 | 98.7 | 225 | 1.3 | 201 | 100.0 | 0 | 0.0 |
| Pornography/Prostitution | 1,293 | 1,240 | 95.9 | 53 | 4.1 | 16 | 94.1 | 1 | 5.9 |
| Prison Offenses | 346 | 337 | 97.4 | 9 | 2.6 | 9 | 100.0 | 0 | 0.0 |
| Administration of Justice Offenses | 1,112 | 1,072 | 96.4 | 40 | 3.6 | 20 | 95.2 | 1 | 4.8 |
| Environmental/Wildlife | 177 | 168 | 94.9 | 9 | 5.1 | 2 | 100.0 | 0 | 0.0 |
| National Defense | 36 | 29 | 80.6 | 7 | 19.4 | 2 | 100.0 | 0 | 0.0 |
| Antitrust | 12 | 12 | 100.0 | 0 | 0.0 | 2 | 100.0 | 0 | 0.0 |
| Food & Drug | 64 | 61 | 95.3 | 3 | 4.7 | 1 | 100.0 | 0 | 0.0 |
| Other Miscellaneous Offenses | 1,877 | 1,790 | 95.4 | 87 | 4.6 | 18 | 100.0 | 0 | 0.0 |

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

Of the 1,763 guideline cases from the District of Southern New York, one case was excluded due to one or both of the following reasons: missing primary offense category (1) or missing mode of conviction (1).

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

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

National

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

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

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

Table 5

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

Southern New York

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|--------------|--------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 1,756 | 1,445 | 82.3 | 57 | 3.2 | 108 | 6.2 | 146 | 8.3 |
| Murder | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Manslaughter | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 4 | 4 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Sexual Abuse | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Assault | 3 | 3 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Robbery | 14 | 14 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Arson | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Drugs - Trafficking | 675 | 654 | 96.9 | 6 | 0.9 | 4 | 0.6 | 11 | 1.6 |
| Drugs - Communication Facility | 12 | 12 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Simple Possession | 11 | 4 | 36.4 | 0 | 0.0 | 0 | 0.0 | 7 | 63.6 |
| Firearms | 155 | 144 | 92.9 | 7 | 4.5 | 3 | 1.9 | 1 | 0.6 |
| Burglary/B&E | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Auto Theft | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Larceny | 48 | 20 | 41.7 | 2 | 4.2 | 8 | 16.7 | 18 | 37.5 |
| Fraud | 323 | 195 | 60.4 | 24 | 7.4 | 37 | 11.5 | 67 | 20.7 |
| Embezzlement | 21 | 7 | 33.3 | 2 | 9.5 | 3 | 14.3 | 9 | 42.9 |
| Forgery/Counterfeiting | 13 | 8 | 61.5 | 1 | 7.7 | 1 | 7.7 | 3 | 23.1 |
| Bribery | 10 | 5 | 50.0 | 1 | 10.0 | 2 | 20.0 | 2 | 20.0 |
| Tax | 14 | 10 | 71.4 | 0 | 0.0 | 2 | 14.3 | 2 | 14.3 |
| Money Laundering | 70 | 60 | 85.7 | 2 | 2.9 | 4 | 5.7 | 4 | 5.7 |
| Racketeering/Extortion | 62 | 56 | 90.3 | 1 | 1.6 | 3 | 4.8 | 2 | 3.2 |
| Gambling/Lottery | 44 | 13 | 29.5 | 4 | 9.1 | 25 | 56.8 | 2 | 4.5 |
| Civil Rights | 2 | 1 | 50.0 | 0 | 0.0 | 0 | 0.0 | 1 | 50.0 |
| Immigration | 201 | 182 | 90.5 | 3 | 1.5 | 10 | 5.0 | 6 | 3.0 |
| Pornography/Prostitution | 17 | 15 | 88.2 | 0 | 0.0 | 0 | 0.0 | 2 | 11.8 |
| Prison Offenses | 9 | 8 | 88.9 | 0 | 0.0 | 0 | 0.0 | 1 | 11.1 |
| Administration of Justice Offenses | 21 | 13 | 61.9 | 2 | 9.5 | 3 | 14.3 | 3 | 14.3 |
| Environmental/Wildlife | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| National Defense | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Antitrust | 2 | 0 | 0.0 | 0 | 0.0 | 2 | 100.0 | 0 | 0.0 |
| Food & Drug | 1 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 |
| Other Miscellaneous Offenses | 17 | 10 | 58.8 | 2 | 11.8 | 1 | 5.9 | 4 | 23.5 |

Of the 1,763 guideline cases from the District of Southern New York, seven cases were excluded due to one or more of the following reasons: missing sentencing information (3), missing primary offense category (1), or cases in which the defendant received no imprisonment or probation (4).

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

Table 6

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

| PRIMARY OFFENSE | TOTAL | National | | | | Southern New York | | | |
|-------------------------------------|---------------|-----------------|-------------|---------------------|-------------|-------------------|-------------|---------------------|-------------|
| | | Prison Sentence | | Non-Prison Sentence | | Prison Sentence | | Non-Prison Sentence | |
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 11,628 | 6,485 | 55.8 | 5,143 | 44.2 | 72 | 29.4 | 173 | 70.6 |
| Fraud | 2,393 | 923 | 38.6 | 1,470 | 61.4 | 21 | 24.4 | 65 | 75.6 |
| Larceny | 987 | 223 | 22.6 | 764 | 77.4 | 4 | 14.8 | 23 | 85.2 |
| Immigration | 4,511 | 4,101 | 90.9 | 410 | 9.1 | 24 | 61.5 | 15 | 38.5 |
| Embezzlement | 313 | 71 | 22.7 | 242 | 77.3 | 2 | 18.2 | 9 | 81.8 |
| Drugs - Trafficking | 474 | 209 | 44.1 | 265 | 55.9 | 3 | 33.3 | 6 | 66.7 |
| Drugs - Simple Possession | 493 | 180 | 36.5 | 313 | 63.5 | 3 | 30.0 | 7 | 70.0 |
| Firearms | 326 | 170 | 52.1 | 156 | 47.9 | 1 | 50.0 | 1 | 50.0 |
| Forgery/Counterfeiting | 421 | 141 | 33.5 | 280 | 66.5 | 0 | 0.0 | 4 | 100.0 |
| Other Miscellaneous Offenses | 1,710 | 467 | 27.3 | 1,243 | 72.7 | 14 | 24.6 | 43 | 75.4 |

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

Of the 1,763 guideline cases from the District of Southern New York, 1,518 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (1,518), missing sentencing information (3) or missing primary offense category (1).

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

Table 7

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

| PRIMARY OFFENSE | National | | | Southern New York | | |
|---|----------------|------------------|---------------|-------------------|------------------|--------------|
| | Mean Months | Median Months | Number | Mean Months | Median Months | Number |
| TOTAL | 59.1 | 36.0 | 62,963 | 63.7 | 42.0 | 1,479 |
| Murder | 253.1 | 240.0 | 77 | -- | -- | 1 |
| Manslaughter | 46.7 | 37.0 | 59 | -- | -- | 0 |
| Kidnapping/Hostage Taking | 216.5 | 204.0 | 61 | 81.5 | 84.0 | 4 |
| Sexual Abuse | 103.5 | 60.0 | 256 | -- | -- | 2 |
| Assault | 41.3 | 30.0 | 502 | 28.0 | 7.0 | 3 |
| Robbery | 91.5 | 70.0 | 1,131 | 94.5 | 58.5 | 14 |
| Arson | 82.7 | 60.0 | 66 | -- | -- | 0 |
| Drugs - Trafficking | 84.4 | 60.0 | 24,248 | 84.7 | 63.0 | 650 |
| Drugs - Communication Facility | 47.0 | 48.0 | 354 | 48.0 | 48.0 | 12 |
| Drugs - Simple Possession | 16.1 | 4.0 | 294 | 21.1 | 3.0 | 3 |
| Firearms | 82.1 | 56.0 | 7,851 | 76.8 | 40.0 | 151 |
| Burglary/B&E | 19.7 | 16.0 | 41 | -- | -- | 0 |
| Auto Theft | 86.4 | 42.0 | 53 | -- | -- | 0 |
| Larceny | 18.3 | 12.0 | 728 | 19.9 | 15.1 | 22 |
| Fraud | 26.2 | 18.0 | 4,637 | 27.7 | 18.0 | 213 |
| Embezzlement | 15.1 | 12.0 | 294 | 14.1 | 12.0 | 8 |
| Forgery/Counterfeiting | 22.4 | 15.0 | 777 | 30.1 | 37.0 | 9 |
| Bribery | 20.9 | 15.0 | 108 | 17.3 | 18.0 | 6 |
| Tax | 22.4 | 15.0 | 361 | 26.5 | 17.5 | 10 |
| Money Laundering | 43.9 | 30.0 | 726 | 42.4 | 30.0 | 62 |
| Racketeering/Extortion | 95.6 | 60.0 | 576 | 129.1 | 78.0 | 57 |
| Gambling/Lottery | 12.7 | 8.5 | 39 | 16.8 | 9.2 | 16 |
| Civil Rights | 66.3 | 21.0 | 40 | -- | -- | 1 |
| Immigration | 23.5 | 18.0 | 16,653 | 33.2 | 30.0 | 182 |
| Pornography/Prostitution | 98.6 | 63.0 | 1,262 | 62.0 | 60.0 | 15 |
| Prison Offenses | 18.5 | 12.0 | 324 | 15.9 | 13.0 | 8 |
| Administration of Justice Offenses | 26.9 | 18.0 | 694 | 14.3 | 15.0 | 15 |
| Environmental/Wildlife | 15.1 | 13.5 | 42 | -- | -- | 2 |
| National Defense | 49.2 | 29.0 | 34 | -- | -- | 2 |
| Antitrust | 5.8 | 5.0 | 8 | -- | -- | 0 |
| Food & Drug | 25.2 | 19.0 | 16 | -- | -- | 0 |
| Other Miscellaneous Offenses | 18.8 | 6.0 | 651 | 15.2 | 6.0 | 11 |

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

Of the 1,763 guideline cases from the District of Southern New York, 284 cases were excluded due to one or more of the following reasons: zero prison months ordered (276), missing primary offense category (1) or missing or indeterminable sentencing information (8).

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

Table 8

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

| | National | | Southern New York | |
|---|---------------|--------------|-------------------|--------------|
| | N | % | N | % |
| TOTAL CASES¹ | 70,187 | 100.0 | 1,752 | 100.0 |
| CASES SENTENCED WITHIN GUIDELINE RANGE | 43,307 | 61.7 | 1,020 | 58.2 |
| CASES SENTENCED ABOVE GUIDELINE RANGE | 1,129 | 1.6 | 8 | 0.5 |
| DEPARTURE ABOVE GUIDELINE RANGE | 589 | 0.9 | 5 | 0.3 |
| Upward Departure From Guideline Range ² | 412 | 0.6 | 2 | 0.1 |
| Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³ | 177 | 0.3 | 3 | 0.2 |
| OTHERWISE ABOVE GUIDELINE RANGE | 540 | 0.7 | 3 | 0.2 |
| Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴ | 455 | 0.6 | 2 | 0.1 |
| All Remaining Cases Above Guideline Range ⁵ | 85 | 0.1 | 1 | 0.1 |
| GOVERNMENT SPONSORED BELOW RANGE⁶ | 17,244 | 24.6 | 267 | 15.2 |
| §5K1.1 Substantial Assistance Departure | 10,139 | 14.4 | 237 | 13.5 |
| §5K3.1 Early Disposition Program Departure | 5,166 | 7.4 | 0 | 0.0 |
| Other Government Sponsored Below Range | 1,939 | 2.8 | 30 | 1.7 |
| NON-GOVERNMENT SPONSORED BELOW RANGE | 8,507 | 12.0 | 457 | 26.1 |
| DEPARTURE BELOW GUIDELINE RANGE | 3,335 | 4.7 | 138 | 7.9 |
| Downward Departure From Guideline Range ² | 1,903 | 2.7 | 63 | 3.6 |
| Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³ | 1,432 | 2.0 | 75 | 4.3 |
| OTHERWISE BELOW GUIDELINE RANGE | 5,172 | 7.3 | 319 | 18.2 |
| Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴ | 4,243 | 6.0 | 263 | 15.0 |
| All Remaining Cases Below Guideline Range ⁵ | 929 | 1.3 | 56 | 3.2 |

¹Of the 72,585 guideline cases, 2,398 were excluded. Some excluded cases involved certain Class A misdemeanors or other offenses which do not reference a sentencing guideline. In others, information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Note that for this table, total percentages may not add up to exactly 100 percent due to rounding. Of the 1,763 cases from the District of Southern New York, 11 cases were excluded.

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

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

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

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

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

Table 9

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

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

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

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

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

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

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

Of the 72,585 guideline cases, 2,398 were excluded due to missing information needed to determine the relationship between the sentence imposed and the guideline range. Districts for which information needed to determine the relationship between the sentence imposed and the guideline range is missing in five percent or more of the cases received included: Western Oklahoma (37.1%), Southern Georgia (37.1%), Central California (21.2%), Middle Georgia (19.6%), Eastern Virginia (18.4%), Western Washington (11.4%), Western Kentucky (10.8%), Alaska (7.5%), Northern Alabama (7.4%), Maryland (6.8%), Arizona (6.7%), Oregon (5.9%), Southern California (5.6%), and Northern New York (5.1%).

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

Table 10

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

National

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

Southern New York

| PRIMARY OFFENSE | TOTAL | WITHIN GUIDELINE RANGE | | ABOVE RANGE DEPARTURE | | ABOVE RANGE DEPARTURE W/BOOKER | | ABOVE RANGE W/BOOKER | | REMAINING ABOVE RANGE | |
|------------------------------|--------------|------------------------------|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| TOTAL | 1,751 | 1,019 | 58.2 | 2 | 0.1 | 3 | 0.2 | 2 | 0.1 | 1 | 0.1 |
| Robbery | 14 | 7 | 50.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Trafficking | 675 | 335 | 49.6 | 0 | 0.0 | 1 | 0.1 | 1 | 0.1 | 0 | 0.0 |
| Drugs - Simple Possession | 10 | 10 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Firearms | 155 | 100 | 64.5 | 1 | 0.6 | 0 | 0.0 | 1 | 0.6 | 0 | 0.0 |
| Larceny | 47 | 36 | 76.6 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Fraud | 325 | 193 | 59.4 | 0 | 0.0 | 1 | 0.3 | 0 | 0.0 | 1 | 0.3 |
| Embezzlement | 20 | 16 | 80.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 14 | 12 | 85.7 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 200 | 137 | 68.5 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Other Miscellaneous Offenses | 291 | 173 | 59.5 | 1 | 0.3 | 1 | 0.3 | 0 | 0.0 | 0 | 0.0 |

National

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

Southern New York

| PRIMARY OFFENSE | §5K1.1 SUBSTANTIAL ASSISTANCE | | §5K3.1 EARLY DISPOSITION | | OTHER GOV'T SPONSORED | | BELOW RANGE DEPARTURE | | BELOW RANGE DEPARTURE W/BOOKER | | BELOW RANGE W/BOOKER | | REMAINING BELOW RANGE | |
|------------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
| | n | % | n | % | n | % | n | % | n | % | n | % | n | % |
| TOTAL | 237 | 13.5 | 0 | 0.0 | 30 | 1.7 | 63 | 3.6 | 75 | 4.3 | 263 | 15.0 | 56 | 3.2 |
| Robbery | 1 | 7.1 | 0 | 0.0 | 0 | 0.0 | 1 | 7.1 | 3 | 21.4 | 2 | 14.3 | 0 | 0.0 |
| Drugs - Trafficking | 139 | 20.6 | 0 | 0.0 | 9 | 1.3 | 21 | 3.1 | 27 | 4.0 | 118 | 17.5 | 24 | 3.6 |
| Drugs - Simple Possession | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Firearms | 16 | 10.3 | 0 | 0.0 | 1 | 0.6 | 4 | 2.6 | 6 | 3.9 | 20 | 12.9 | 6 | 3.9 |
| Larceny | 3 | 6.4 | 0 | 0.0 | 1 | 2.1 | 2 | 4.3 | 2 | 4.3 | 3 | 6.4 | 0 | 0.0 |
| Fraud | 52 | 16.0 | 0 | 0.0 | 2 | 0.6 | 12 | 3.7 | 17 | 5.2 | 38 | 11.7 | 9 | 2.8 |
| Embezzlement | 2 | 10.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 5.0 | 1 | 5.0 |
| Forgery/Counterfeiting | 1 | 7.1 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 7.1 | 0 | 0.0 |
| Immigration | 1 | 0.5 | 0 | 0.0 | 5 | 2.5 | 10 | 5.0 | 6 | 3.0 | 33 | 16.5 | 8 | 4.0 |
| Other Miscellaneous Offenses | 22 | 7.6 | 0 | 0.0 | 12 | 4.1 | 13 | 4.5 | 14 | 4.8 | 47 | 16.2 | 8 | 2.7 |

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

Of the 1,763 guideline cases from the District of Southern New York, 12 cases were excluded due to one of the following reasons: missing information needed to determine the relationship between the sentence imposed and the guideline range (11) or missing primary offense category (1).

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