

# **U.S. Sentencing Commission Final Quarterly Data Report**



**Fiscal Year 2006**

## Introduction

As part of its ongoing mission, the United States Sentencing Commission (USSC) 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.<sup>1</sup> In past years, data has been reported on an annual basis in the Commission's *Sourcebook* and *Annual Report*.<sup>2</sup>

After the Supreme Court's *U.S. v Booker* decision on January 12, 2005, which rendered the sentencing guidelines advisory instead of mandatory, the Commission responded by reconfiguring its data collection, analysis, and reporting efforts to provide real-time data reporting from the submitted documents. The Commission reported data on February 10, 2005 to Congress<sup>3</sup> 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*,<sup>4</sup> based on cases sentenced one year since the *Booker* decision.

To standardize the Commission's post-*Booker* analyses and to facilitate the identification of emerging trends going forward, the Commission has released a new set of tables and charts on a quarterly basis 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* in prior years or in the Commission's *Booker* report. This report is identical in format and methodology to the Commission's ongoing quarterly reports, however, the data in this report encompasses final data from all of fiscal year 2006. Some of the figures in this report include data from fiscal years before the *Booker* decision to facilitate analysis of sentencing trends over time. Appendix B cross-references the table numbers and figure letters in this report to the corresponding number or letter in the *Sourcebook* (if it exists in the

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<sup>1</sup>In 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 Pre-Sentence Report, the Statement of Reasons, the Plea Agreement (if applicable), and the Indictment. See 28 U.S.C. § 994(w).

<sup>2</sup>See the Commission's website, [www.ussc.gov](http://www.ussc.gov), for electronic copies of the 1995-2006 *Sourcebook* and *Annual Report*.

<sup>3</sup>See [www.ussc.gov/bf.htm](http://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.

<sup>4</sup>See [www.ussc.gov/bf.htm](http://www.ussc.gov/bf.htm) for an electronic copy of the Commission's *Final Report on the Impact of U.S. v. Booker on Federal Sentencing*.

*Sourcebook*) so that the data can be compared easily with data from prior fiscal years.<sup>5</sup> In Appendix A are descriptions of datafile and variable definitions.

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

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**Table 1**

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND  
POSITION RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>  
Fiscal Year 2006**

	<u>N</u>	<u>%</u>
<b>TOTAL CASES</b>	<b>70,187</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>43,307</b>	<b>61.7</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>1,129</b>	<b>1.6</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>589</b>	<b>0.9</b>
Upward Departure From Guideline Range <sup>2</sup>	412	0.6
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	177	0.3
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>540</b>	<b>0.7</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	455	0.6
All Remaining Cases Above Guideline Range <sup>5</sup>	85	0.1
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>17,244</b>	<b>24.6</b>
§5K1.1 Substantial Assistance Departure	10,139	14.4
§5K3.1 Early Disposition Program Departure	5,166	7.4
Other Government Sponsored Below Range	1,939	2.8
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>8,507</b>	<b>12.0</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>3,335</b>	<b>4.7</b>
Downward Departure From Guideline Range <sup>2</sup>	1,903	2.7
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	1,432	2.0
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>5,172</b>	<b>7.3</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	4,243	6.0
All Remaining Cases Below Guideline Range <sup>5</sup>	929	1.3

<sup>1</sup>This table reflects the 72,585 cases sentenced in Fiscal Year 2006. Of these, 2,398 cases were excluded for one of two general reasons. Some 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. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

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

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2006**

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



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	%
<b>TOTAL</b>	<b>10,139</b>	<b>14.4</b>	<b>5,166</b>	<b>7.4</b>	<b>1,939</b>	<b>2.8</b>	<b>1,903</b>	<b>2.7</b>	<b>1,432</b>	<b>2.0</b>	<b>4,243</b>	<b>6.0</b>	<b>929</b>	<b>1.3</b>
<b>D.C. CIRCUIT</b>	<b>84</b>	<b>18.4</b>	<b>0</b>	<b>0.0</b>	<b>52</b>	<b>11.4</b>	<b>7</b>	<b>1.5</b>	<b>16</b>	<b>3.5</b>	<b>41</b>	<b>9.0</b>	<b>5</b>	<b>1.1</b>
District of Columbia	84	18.4	0	0.0	52	11.4	7	1.5	16	3.5	41	9.0	5	1.1
<b>FIRST CIRCUIT</b>	<b>220</b>	<b>13.6</b>	<b>0</b>	<b>0.0</b>	<b>46</b>	<b>2.8</b>	<b>51</b>	<b>3.1</b>	<b>27</b>	<b>1.7</b>	<b>131</b>	<b>8.1</b>	<b>25</b>	<b>1.5</b>
Maine	45	22.0	0	0.0	1	0.5	6	2.9	1	0.5	7	3.4	0	0.0
Massachusetts	70	13.8	0	0.0	16	3.1	32	6.3	17	3.3	66	13.0	11	2.2
New Hampshire	57	26.1	0	0.0	15	6.9	5	2.3	1	0.5	9	4.1	1	0.5
Puerto Rico	38	6.7	0	0.0	12	2.1	6	1.1	6	1.1	22	3.9	12	2.1
Rhode Island	10	8.1	0	0.0	2	1.6	2	1.6	2	1.6	27	21.8	1	0.8
<b>SECOND CIRCUIT</b>	<b>931</b>	<b>21.2</b>	<b>0</b>	<b>0.0</b>	<b>101</b>	<b>2.3</b>	<b>236</b>	<b>5.4</b>	<b>234</b>	<b>5.3</b>	<b>479</b>	<b>10.9</b>	<b>108</b>	<b>2.5</b>
Connecticut	70	19.4	0	0.0	1	0.3	47	13.1	23	6.4	33	9.2	7	1.9
New York														
Eastern	255	23.2	0	0.0	36	3.3	71	6.5	112	10.2	115	10.5	34	3.1
Northern	111	28.6	0	0.0	8	2.1	23	5.9	7	1.8	24	6.2	0	0.0
Southern	237	13.5	0	0.0	30	1.7	63	3.6	75	4.3	263	15.0	56	3.2
Western	184	31.4	0	0.0	22	3.8	7	1.2	3	0.5	41	7.0	11	1.9
Vermont	74	36.6	0	0.0	4	2.0	25	12.4	14	6.9	3	1.5	0	0.0
<b>THIRD CIRCUIT</b>	<b>815</b>	<b>27.4</b>	<b>0</b>	<b>0.0</b>	<b>55</b>	<b>1.9</b>	<b>86</b>	<b>2.9</b>	<b>65</b>	<b>2.2</b>	<b>273</b>	<b>9.2</b>	<b>42</b>	<b>1.4</b>
Delaware	9	8.9	0	0.0	0	0.0	6	5.9	4	4.0	13	12.9	3	3.0
New Jersey	301	32.6	0	0.0	15	1.6	36	3.9	8	0.9	79	8.5	12	1.3
Pennsylvania														
Eastern	282	33.6	0	0.0	17	2.0	14	1.7	30	3.6	112	13.3	19	2.3
Middle	159	32.0	0	0.0	18	3.6	9	1.8	9	1.8	31	6.2	3	0.6
Western	55	11.1	0	0.0	4	0.8	18	3.6	12	2.4	36	7.3	2	0.4
Virgin Islands	9	7.8	0	0.0	1	0.9	3	2.6	2	1.7	2	1.7	3	2.6
<b>FOURTH CIRCUIT</b>	<b>1,093</b>	<b>17.3</b>	<b>0</b>	<b>0.0</b>	<b>57</b>	<b>0.9</b>	<b>126</b>	<b>2.0</b>	<b>88</b>	<b>1.4</b>	<b>359</b>	<b>5.7</b>	<b>64</b>	<b>1.0</b>
Maryland	167	26.7	0	0.0	16	2.6	26	4.2	19	3.0	39	6.2	13	2.1
North Carolina														
Eastern	207	31.9	0	0.0	0	0.0	15	2.3	5	0.8	19	2.9	7	1.1
Middle	65	15.6	0	0.0	1	0.2	6	1.4	10	2.4	23	5.5	0	0.0
Western	213	26.4	0	0.0	8	1.0	6	0.7	6	0.7	49	6.1	3	0.4
South Carolina	181	15.9	0	0.0	9	0.8	41	3.6	9	0.8	60	5.3	17	1.5
Virginia														
Eastern	74	5.2	0	0.0	6	0.4	18	1.3	31	2.2	100	7.0	22	1.5
Western	143	24.0	0	0.0	9	1.5	6	1.0	3	0.5	35	5.9	2	0.3
West Virginia														
Northern	23	6.1	0	0.0	6	1.6	7	1.9	4	1.1	21	5.6	0	0.0
Southern	20	7.4	0	0.0	2	0.7	1	0.4	1	0.4	13	4.8	0	0.0

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	%
<b>FIFTH CIRCUIT</b>	<b>15,661</b>	<b>11,569</b>	<b>73.9</b>	<b>104</b>	<b>0.7</b>	<b>36</b>	<b>0.2</b>	<b>125</b>	<b>0.8</b>	<b>19</b>	<b>0.1</b>
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
<b>SIXTH CIRCUIT</b>	<b>5,124</b>	<b>2,880</b>	<b>56.2</b>	<b>18</b>	<b>0.4</b>	<b>17</b>	<b>0.3</b>	<b>37</b>	<b>0.7</b>	<b>5</b>	<b>0.1</b>
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
<b>SEVENTH CIRCUIT</b>	<b>3,055</b>	<b>1,994</b>	<b>65.3</b>	<b>11</b>	<b>0.4</b>	<b>9</b>	<b>0.3</b>	<b>8</b>	<b>0.3</b>	<b>1</b>	<b>0.0</b>
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
<b>EIGHTH CIRCUIT</b>	<b>5,172</b>	<b>3,384</b>	<b>65.4</b>	<b>31</b>	<b>0.6</b>	<b>16</b>	<b>0.3</b>	<b>31</b>	<b>0.6</b>	<b>1</b>	<b>0.0</b>
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

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	%
<b>FIFTH CIRCUIT</b>	<b>1,237</b>	<b>7.9</b>	<b>1,124</b>	<b>7.2</b>	<b>305</b>	<b>1.9</b>	<b>393</b>	<b>2.5</b>	<b>75</b>	<b>0.5</b>	<b>576</b>	<b>3.7</b>	<b>98</b>	<b>0.6</b>
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
<b>SIXTH CIRCUIT</b>	<b>1,304</b>	<b>25.4</b>	<b>1</b>	<b>0.0</b>	<b>89</b>	<b>1.7</b>	<b>136</b>	<b>2.7</b>	<b>133</b>	<b>2.6</b>	<b>418</b>	<b>8.2</b>	<b>86</b>	<b>1.7</b>
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
<b>SEVENTH CIRCUIT</b>	<b>531</b>	<b>17.4</b>	<b>0</b>	<b>0.0</b>	<b>62</b>	<b>2.0</b>	<b>96</b>	<b>3.1</b>	<b>79</b>	<b>2.6</b>	<b>194</b>	<b>6.4</b>	<b>70</b>	<b>2.3</b>
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
<b>EIGHTH CIRCUIT</b>	<b>822</b>	<b>15.9</b>	<b>58</b>	<b>1.1</b>	<b>129</b>	<b>2.5</b>	<b>119</b>	<b>2.3</b>	<b>88</b>	<b>1.7</b>	<b>417</b>	<b>8.1</b>	<b>76</b>	<b>1.5</b>
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

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

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	%
<b>NINTH CIRCUIT</b>	<b>1,364</b>	<b>10.6</b>	<b>3,428</b>	<b>26.7</b>	<b>528</b>	<b>4.1</b>	<b>357</b>	<b>2.8</b>	<b>442</b>	<b>3.4</b>	<b>619</b>	<b>4.8</b>	<b>231</b>	<b>1.8</b>
Alaska	18	13.3	0	0.0	14	10.4	4	3.0	6	4.4	7	5.2	7	5.2
Arizona	232	5.8	2,124	52.8	116	2.9	66	1.6	87	2.2	85	2.1	20	0.5
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
<b>TENTH CIRCUIT</b>	<b>521</b>	<b>8.7</b>	<b>553</b>	<b>9.3</b>	<b>436</b>	<b>7.3</b>	<b>202</b>	<b>3.4</b>	<b>113</b>	<b>1.9</b>	<b>299</b>	<b>5.0</b>	<b>63</b>	<b>1.1</b>
Colorado	179	27.5	0	0.0	8	1.2	27	4.1	21	3.2	32	4.9	5	0.8
Kansas	94	13.6	1	0.1	41	5.9	5	0.7	8	1.2	63	9.1	1	0.1
New Mexico	110	3.9	525	18.5	337	11.9	96	3.4	32	1.1	101	3.6	28	1.0
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
<b>ELEVENTH CIRCUIT</b>	<b>1,217</b>	<b>18.3</b>	<b>2</b>	<b>0.0</b>	<b>79</b>	<b>1.2</b>	<b>94</b>	<b>1.4</b>	<b>72</b>	<b>1.1</b>	<b>437</b>	<b>6.6</b>	<b>61</b>	<b>0.9</b>
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

<sup>1</sup>Of the 72,585 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 include 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%).

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

SOURCE: U.S. Sentencing Commission, 2006 Datafile, USSCFY06.

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2006**

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	%
<b>TOTAL</b>	<b>70,128</b>	<b>43,271</b>	<b>61.7</b>	<b>412</b>	<b>0.6</b>	<b>177</b>	<b>0.3</b>	<b>455</b>	<b>0.6</b>	<b>84</b>	<b>0.1</b>
Murder	80	48	60.0	8	10.0	2	2.5	3	3.8	0	0.0
Manslaughter	59	38	64.4	3	5.1	1	1.7	6	10.2	1	1.7
Kidnapping/Hostage Taking	61	25	41.0	1	1.6	0	0.0	0	0.0	0	0.0
Sexual Abuse	262	175	66.8	7	2.7	5	1.9	8	3.1	0	0.0
Assault	583	390	66.9	20	3.4	5	0.9	11	1.9	2	0.3
Robbery	1,152	758	65.8	13	1.1	8	0.7	9	0.8	2	0.2
Arson	71	40	56.3	3	4.2	2	2.8	4	5.6	0	0.0
Drugs - Trafficking	24,881	13,351	53.7	43	0.2	18	0.1	51	0.2	16	0.1
Drugs - Communication Facility	409	267	65.3	1	0.2	2	0.5	1	0.2	2	0.5
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
Burglary/B&E	48	41	85.4	0	0.0	2	4.2	1	2.1	0	0.0
Auto Theft	62	42	67.7	2	3.2	0	0.0	2	3.2	0	0.0
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
Bribery	183	102	55.7	0	0.0	0	0.0	0	0.0	0	0.0
Tax	591	323	54.7	1	0.2	1	0.2	5	0.8	1	0.2
Money Laundering	896	420	46.9	7	0.8	3	0.3	2	0.2	2	0.2
Racketeering/Extortion	610	342	56.1	9	1.5	2	0.3	4	0.7	0	0.0
Gambling/Lottery	113	84	74.3	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	63	40	63.5	0	0.0	0	0.0	1	1.6	0	0.0
Immigration	17,049	10,843	63.6	113	0.7	28	0.2	103	0.6	18	0.1
Pornography/Prostitution	1,286	851	66.2	20	1.6	13	1.0	23	1.8	1	0.1
Prison Offenses	341	278	81.5	2	0.6	0	0.0	3	0.9	0	0.0
Administration of Justice Offenses	1,076	674	62.6	17	1.6	7	0.7	11	1.0	4	0.4
Environmental/Wildlife	150	103	68.7	0	0.0	0	0.0	0	0.0	1	0.7
National Defense	36	13	36.1	0	0.0	0	0.0	1	2.8	0	0.0
Antitrust	12	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	60	45	75.0	1	1.7	0	0.0	2	3.3	0	0.0
Other Miscellaneous Offenses	972	705	72.5	2	0.2	2	0.2	10	1.0	3	0.3

Table 3 (cont.)

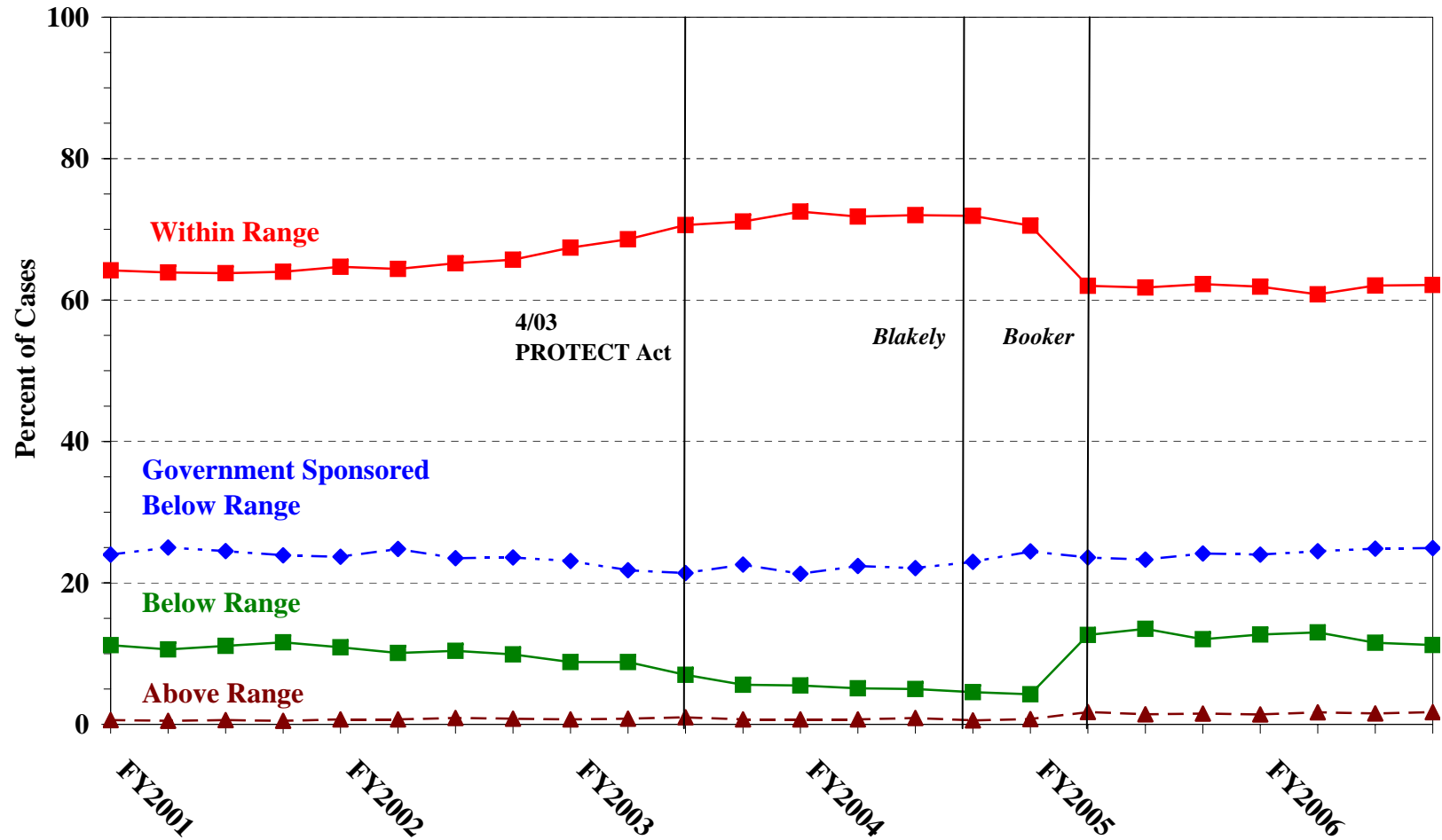
PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K1.3 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>10,134</b>	<b>14.5</b>	<b>5,163</b>	<b>7.4</b>	<b>1,930</b>	<b>2.8</b>	<b>1,901</b>	<b>2.7</b>	<b>1,432</b>	<b>2.0</b>	<b>4,240</b>	<b>6.0</b>	<b>929</b>	<b>1.3</b>
Murder	10	12.5	0	0.0	5	6.3	1	1.3	1	1.3	1	1.3	1	1.3
Manslaughter	0	0.0	0	0.0	1	1.7	1	1.7	2	3.4	6	10.2	0	0.0
Kidnapping/Hostage Taking	23	37.7	0	0.0	4	6.6	0	0.0	0	0.0	4	6.6	4	6.6
Sexual Abuse	5	1.9	1	0.4	22	8.4	6	2.3	9	3.4	20	7.6	4	1.5
Assault	6	1.0	9	1.5	43	7.4	18	3.1	18	3.1	47	8.1	14	2.4
Robbery	144	12.5	0	0.0	30	2.6	48	4.2	49	4.3	78	6.8	13	1.1
Arson	18	25.4	0	0.0	2	2.8	0	0.0	1	1.4	1	1.4	0	0.0
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 - Communication Facility	80	19.6	0	0.0	9	2.2	7	1.7	10	2.4	25	6.1	5	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
Burglary/B&E	2	4.2	0	0.0	0	0.0	0	0.0	0	0.0	1	2.1	1	2.1
Auto Theft	12	19.4	0	0.0	1	1.6	1	1.6	1	1.6	1	1.6	0	0.0
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
Bribery	45	24.6	1	0.5	5	2.7	4	2.2	4	2.2	16	8.7	6	3.3
Tax	81	13.7	0	0.0	13	2.2	33	5.6	29	4.9	89	15.1	15	2.5
Money Laundering	234	26.1	7	0.8	45	5.0	28	3.1	43	4.8	91	10.2	14	1.6
Racketeering/Extortion	136	22.3	0	0.0	35	5.7	14	2.3	12	2.0	46	7.5	10	1.6
Gambling/Lottery	16	14.2	0	0.0	0	0.0	1	0.9	3	2.7	6	5.3	3	2.7
Civil Rights	12	19.0	0	0.0	2	3.2	3	4.8	1	1.6	4	6.3	0	0.0
Immigration	328	1.9	3,682	21.6	521	3.1	477	2.8	164	1.0	635	3.7	137	0.8
Pornography/Prostitution	53	4.1	7	0.5	51	4.0	45	3.5	44	3.4	168	13.1	10	0.8
Prison Offenses	10	2.9	3	0.9	6	1.8	9	2.6	9	2.6	18	5.3	3	0.9
Administration of Justice Offenses	132	12.3	6	0.6	58	5.4	36	3.3	28	2.6	80	7.4	23	2.1
Environmental/Wildlife	9	6.0	1	0.7	7	4.7	5	3.3	4	2.7	12	8.0	8	5.3
National Defense	6	16.7	1	2.8	3	8.3	2	5.6	3	8.3	5	13.9	2	5.6
Antitrust	9	75.0	0	0.0	1	8.3	1	8.3	0	0.0	1	8.3	0	0.0
Food & Drug	8	13.3	0	0.0	3	5.0	0	0.0	0	0.0	1	1.7	0	0.0
Other Miscellaneous Offenses	73	7.5	0	0.0	22	2.3	19	2.0	20	2.1	97	10.0	19	2.0

<sup>1</sup>Of the 72,585 cases, 2,457 were excluded due to one or both of the following reasons: missing primary offense (67) or missing information needed to determine the relationship between the sentence imposed and the guideline range (2,398). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2006 Datafile, USSCFY06.

Figure A

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>  
Fiscal Years 2001 - 2006

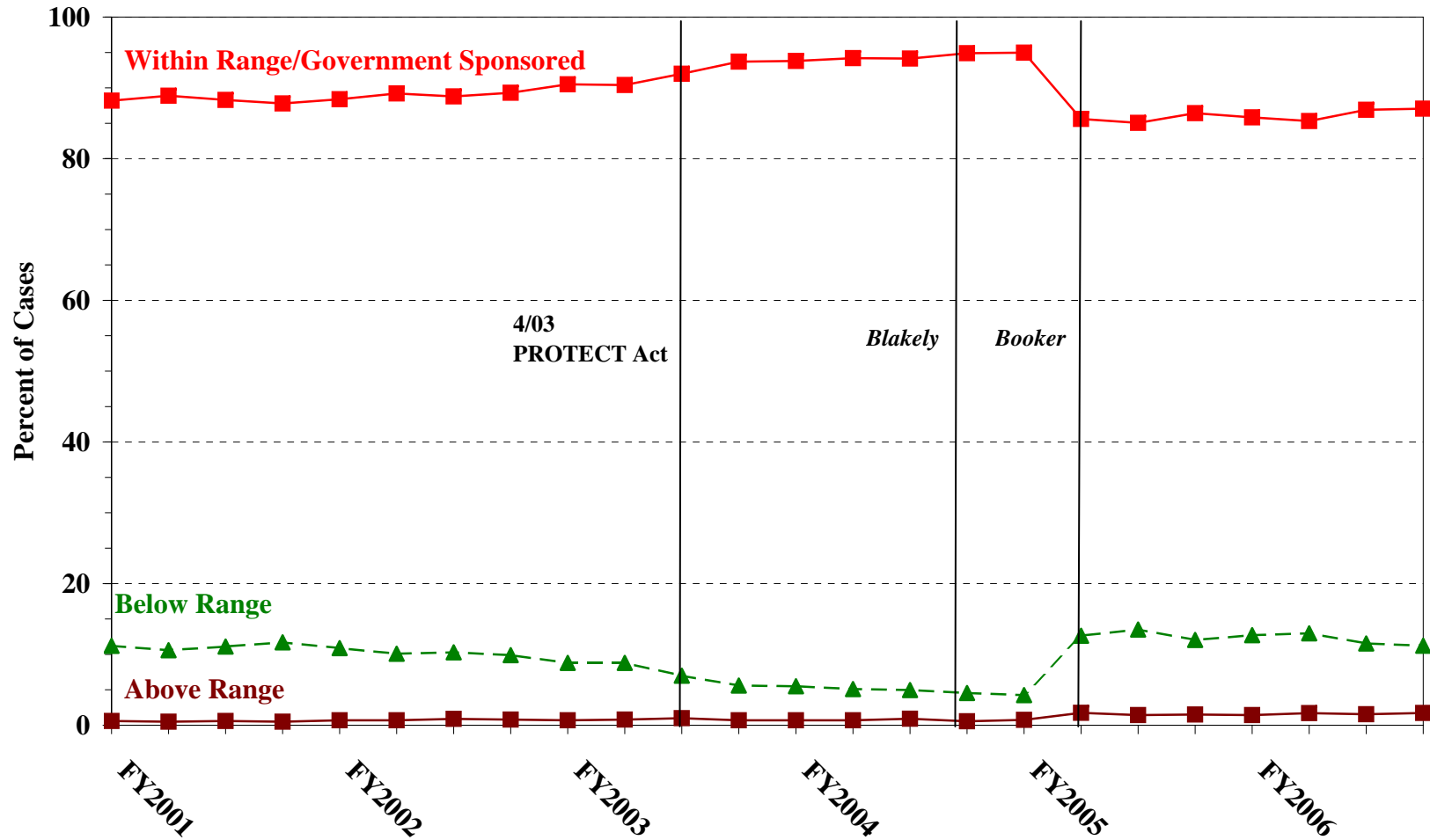


<sup>1</sup>The Commission’s methods for distinguishing government sponsored from other downward departures were refined beginning in Fiscal Year 2003. In Figures A and B, the rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government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



Figure B

QUARTERLY DATA FOR WITHIN RANGE/GOVERNMENT SPONSORED  
AND OTHER OUT OF RANGE SENTENCES<sup>1</sup>  
Fiscal Years 2001 - 2006



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

Table 4

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY SENTENCING GUIDELINE<sup>1</sup>  
Fiscal Year 2006**

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward			
			Departure		Above Range		\$5K1.1	\$5K3.1	Other Gov't	Departure		Below Range	
			Gdline Only	with Booker	with Booker	All Others							Gdline Only
§2A1.1	183	98	0	0	0	0	59	0	6	7	2	6	5
§2A1.2	44	24	8	2	1	0	1	0	6	1	1	0	0
§2A1.3	22	18	1	0	1	0	0	0	0	0	0	2	0
§2A1.4	44	27	2	1	4	1	0	0	1	1	2	5	0
§2A1.5	16	8	0	0	0	0	5	0	0	0	0	3	0
§2A2.1	84	59	1	1	1	0	9	0	6	1	0	4	2
§2A2.2	341	220	21	4	6	2	8	5	28	9	12	22	4
§2A2.3	48	38	2	0	1	0	0	0	0	1	0	2	4
§2A2.4	127	81	3	1	2	0	0	5	8	5	5	12	5
§2A3.1	124	85	2	1	7	0	2	1	13	1	5	6	1
§2A3.2	77	56	4	2	3	0	1	0	3	1	0	6	1
§2A3.3	5	5	0	0	0	0	0	0	0	0	0	0	0
§2A3.4	25	20	1	1	0	0	0	0	1	0	0	2	0
§2A4.1	80	40	1	0	0	0	20	0	5	0	0	9	5
§2A4.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2A5.1	1	1	0	0	0	0	0	0	0	0	0	0	0
§2A5.2	21	12	0	0	2	1	0	1	0	0	2	3	0
§2A5.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2A6.1	170	119	1	4	6	0	0	0	10	9	3	15	3
§2A6.2	4	4	0	0	0	0	0	0	0	0	0	0	0
§2B1.1	7,572	5,311	47	37	85	16	832	8	134	215	215	530	142
§2B1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B1.3	7	5	0	0	0	0	0	0	1	0	0	1	0
§2B1.4	15	8	0	0	0	0	3	0	0	1	2	0	1
§2B1.5	14	9	0	0	0	0	3	0	0	0	1	1	0
§2B2.1	69	55	2	2	0	0	6	0	0	1	0	2	1
§2B2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B2.3	4	4	0	0	0	0	0	0	0	0	0	0	0
§2B3.1	1,665	1,043	15	9	21	2	272	0	48	48	59	120	28
§2B3.2	81	49	0	1	1	0	14	0	5	3	2	6	0
§2B3.3	9	6	0	0	0	0	0	0	0	1	1	1	0
§2B4.1	27	12	0	0	0	0	8	0	0	0	1	2	4
§2B5.1	647	467	3	0	5	3	58	3	11	17	16	52	12
§2B5.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B5.3	198	94	0	0	0	0	35	0	3	5	5	45	11
§2B5.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B6.1	17	9	0	0	0	0	6	0	0	0	0	2	0
§2C1.1	180	95	1	0	0	0	53	1	3	7	2	12	6
§2C1.2	36	21	0	0	0	0	6	0	1	1	0	6	1
§2C1.3	13	13	0	0	0	0	0	0	0	0	0	0	0
§2C1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2C1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2C1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2C1.7	20	11	0	0	0	0	4	1	1	2	0	0	1
§2C1.8	7	6	0	0	0	0	1	0	0	0	0	0	0
§2D1.1	24,846	13,367	39	21	50	16	6,447	1,382	621	602	523	1,462	316
§2D1.2	308	172	2	1	0	0	79	1	6	6	7	31	3
§2D1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.5	18	9	0	0	0	0	5	0	1	0	1	2	0

Table 4 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward		Below Range	
			Gdline Only	with Booker	Above Range with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2D1.6	1	1	0	0	0	0	0	0	0	0	0	0	0
§2D1.7	11	8	0	0	1	0	1	0	0	0	0	1	0
§2D1.8	73	32	0	0	1	0	22	1	2	2	3	9	1
§2D1.9	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.10	17	8	0	0	0	0	3	0	0	1	0	5	0
§2D1.11	155	62	0	0	0	0	49	0	14	3	5	21	1
§2D1.12	54	32	0	0	0	1	6	0	1	0	1	12	1
§2D1.13	1	1	0	0	0	0	0	0	0	0	0	0	0
§2D2.1	389	366	7	1	1	3	1	0	4	0	1	4	1
§2D2.2	51	47	0	0	1	0	0	0	0	0	0	2	1
§2D2.3	1	0	0	0	0	0	1	0	0	0	0	0	0
§2D3.1	3	3	0	0	0	0	0	0	0	0	0	0	0
§2D3.2	1	0	0	0	0	1	0	0	0	0	0	0	0
§2D3.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D3.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D3.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E1.1	36	16	2	0	0	0	5	0	6	2	2	3	0
§2E1.2	18	13	0	0	1	0	0	0	1	0	1	2	0
§2E1.3	3	0	0	0	0	0	1	0	2	0	0	0	0
§2E1.4	12	8	1	0	2	0	0	0	0	0	0	1	0
§2E1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E2.1	23	19	0	0	0	0	2	0	1	0	0	1	0
§2E3.1	102	76	0	0	0	0	11	0	0	1	4	7	3
§2E3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E3.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E4.1	29	15	0	0	0	0	9	0	0	0	0	3	2
§2E5.1	10	7	0	0	0	0	2	0	0	0	0	1	0
§2E5.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E5.3	2	2	0	0	0	0	0	0	0	0	0	0	0
§2E5.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E5.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E5.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2F1.1	761	332	2	1	5	1	216	0	33	34	28	78	31
§2F1.2	10	2	0	0	0	0	4	0	0	0	2	2	0
§2G1.1	56	38	1	0	1	0	6	0	4	1	2	3	0
§2G1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2G1.3	162	111	4	4	4	0	4	0	8	7	7	11	2
§2G2.1	92	56	2	3	7	0	4	0	9	0	0	10	1
§2G2.2	743	487	8	7	6	1	37	3	30	23	26	110	5
§2G2.3	1	1	0	0	0	0	0	0	0	0	0	0	0
§2G2.4	265	169	5	0	4	0	3	4	7	16	13	41	3
§2G2.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2G3.1	13	9	0	0	0	0	0	0	1	2	0	0	1
§2G3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H1.1	39	25	0	1	0	0	10	0	1	1	0	1	0
§2H1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H2.1	27	20	0	0	0	0	4	0	0	2	0	1	0
§2H3.1	16	13	0	0	1	0	0	0	0	1	1	0	0
§2H3.2	3	3	0	0	0	0	0	0	0	0	0	0	0
§2H3.3	10	10	0	0	0	0	0	0	0	0	0	0	0
§2H4.1	11	3	0	0	1	0	1	0	1	1	1	2	1

Table 4 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward		Below Range	
			Gdline Only	with Booker	Above Range with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2H4.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.2	126	69	2	1	2	0	16	0	8	5	6	12	5
§2J1.3	84	44	1	2	0	0	13	2	0	6	5	8	3
§2J1.4	15	14	0	0	0	0	0	0	0	1	0	0	0
§2J1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.6	67	50	3	0	1	0	2	0	3	4	0	3	1
§2J1.7	120	59	4	0	2	0	22	2	11	4	2	11	3
§2J1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.9	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K1.1	8	8	0	0	0	0	0	0	0	0	0	0	0
§2K1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K1.3	54	31	4	0	1	0	8	0	0	0	4	6	0
§2K1.4	78	47	2	2	3	0	18	0	0	2	0	3	1
§2K1.5	10	9	0	0	0	0	0	0	0	0	0	1	0
§2K1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K2.1	6,620	4,704	65	29	82	7	608	40	164	220	153	469	79
§2K2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K2.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K2.5	10	10	0	0	0	0	0	0	0	0	0	0	0
§2K2.6	7	3	0	0	1	0	0	0	0	0	0	3	0
§2K3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L1.1	3,438	1,911	52	10	16	1	196	894	123	72	21	107	35
§2L1.2	11,309	6,944	41	11	64	11	93	2,752	340	387	127	471	68
§2L1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L2.1	356	224	8	2	2	0	58	0	6	6	6	27	17
§2L2.2	1,004	919	13	3	25	7	1	2	4	5	5	14	6
§2L2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L2.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.2	1	1	0	0	0	0	0	0	0	0	0	0	0
§2M3.3	2	0	0	0	0	0	0	0	0	0	0	1	1
§2M3.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.9	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M5.1	16	5	0	1	0	0	3	0	0	1	1	4	1
§2M5.2	23	8	0	0	1	0	8	1	2	2	1	0	0
§2M5.3	7	4	0	0	0	0	1	0	0	0	0	1	1
§2M6.1	6	2	0	0	0	0	0	0	1	1	1	1	0
§2M6.2	1	1	0	0	0	0	0	0	0	0	0	0	0
§2N1.1	4	0	0	0	0	0	1	0	2	0	0	1	0

Table 4 (cont.)

Guideline	Total	Within Guideline Range	Upward Departure		Above Range		Government Sponsored			Downward Departure		Below Range	
			Gdline Only	with Booker	with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2N1.2	1	1	0	0	0	0	0	0	0	0	0	0	0
§2N1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	29	28	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	229	182	2	0	3	0	5	3	2	5	8	16	3
§2P1.2	93	81	0	0	0	0	6	0	3	3	0	0	0
§2P1.3	2	2	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	53	24	0	0	0	0	12	0	4	2	2	5	4
§2Q1.3	33	15	0	0	0	0	4	0	3	5	2	3	1
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	96	73	0	0	0	0	3	1	4	2	1	7	5
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	10	0	0	0	0	0	6	0	2	1	0	1	0
§2S1.1	985	417	6	3	2	2	326	0	40	32	41	105	11
§2S1.2	22	9	0	0	0	0	5	0	0	2	0	6	0
§2S1.3	261	144	2	0	0	0	37	7	11	7	15	29	9
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	450	242	1	2	3	0	62	0	9	30	21	66	14
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	2	1	0	0	0	1	0	0	0	0	0	0	0
§2T1.4	127	67	0	0	2	0	16	0	1	4	13	23	1
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	13	6	0	0	0	0	1	0	1	1	1	1	2
§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	30	13	0	0	0	0	11	0	0	4	0	2	0
§2T2.1	2	1	0	0	0	0	0	0	0	1	0	0	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	36	19	0	0	1	1	5	0	2	1	0	4	3
§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	196	117	0	0	2	0	48	0	5	2	2	18	2
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	124	72	3	0	0	0	25	0	6	4	3	10	1
§2X4.1	545	355	9	2	4	3	65	6	34	13	13	35	6
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X6.1	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>67,075</b>	<b>40,612</b>	<b>406</b>	<b>173</b>	<b>449</b>	<b>81</b>	<b>10,025</b>	<b>5,126</b>	<b>1,838</b>	<b>1,877</b>	<b>1,418</b>	<b>4,177</b>	<b>893</b>

<sup>1</sup>Of the 72,585 cases, 5,510 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 guideline applied (5,014). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2006 Datafile, USSCFY06.

Table 5

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
IN EACH OUTSIDE OF THE RANGE ATTRIBUTION CATEGORIES<sup>1</sup>  
Fiscal Year 2006**

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1		§5K3.1		Binding Plea		Plea w/ Departure Court		Plea Agreement States Gov't	
		Plea Agreement		Plea Agreement		Accepted by Court		Finds Reasonable		Will Not Oppose	
	n	%	n	%	n	%	n	%	n	%	
<b>TOTAL</b>	<b>26,880</b>	<b>6,850</b>	<b>25.5</b>	<b>4,081</b>	<b>15.2</b>	<b>1,726</b>	<b>6.4</b>	<b>1,191</b>	<b>4.4</b>	<b>166</b>	<b>0.6</b>
<b>Above Range</b>	<b>1,129</b>	<b>2</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>167</b>	<b>14.8</b>	<b>60</b>	<b>5.3</b>	<b>1</b>	<b>0.1</b>
Upward Departure From Guideline Range	412	0	0.0	0	0.0	85	20.6	34	8.3	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	177	0	0.0	0	0.0	24	13.6	16	9.0	1	0.6
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	455	1	0.2	0	0.0	46	10.1	10	2.2	0	0.0
All Remaining Cases Above Guideline Range	85	1	1.2	0	0.0	12	14.1	0	0.0	0	0.0
<b>Government Sponsored Below Range</b>	<b>17,244</b>	<b>6,848</b>	<b>39.7</b>	<b>4,081</b>	<b>23.7</b>	<b>1,559</b>	<b>9.0</b>	<b>1,131</b>	<b>6.6</b>	<b>165</b>	<b>1.0</b>
§5K1.1 Substantial Assistance Departure	10,139	6,848	67.5	65	0.6	192	1.9	223	2.2	30	0.3
§5K3.1 Early Disposition Program Departure	5,166	0	0.0	4,016	77.7	457	8.8	294	5.7	31	0.6
Other Government Sponsored Below Range	1,939	0	0.0	0	0.0	910	46.9	614	31.7	104	5.4
<b>Below Range</b>	<b>8,507</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Downward Departure From Guideline Range	1,903	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	1,432	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	4,243	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	929	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 5 (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	%
<b>TOTAL</b>	<b>2,433</b>	<b>9.1</b>	<b>129</b>	<b>0.5</b>	<b>653</b>	<b>2.4</b>	<b>1,691</b>	<b>6.3</b>	<b>1,909</b>	<b>7.1</b>	<b>3,442</b>	<b>12.8</b>	<b>5,940</b>	<b>22.1</b>
<b>Above Range</b>	<b>3</b>	<b>0.3</b>	<b>0</b>	<b>0.0</b>	<b>116</b>	<b>10.3</b>	<b>11</b>	<b>1.0</b>	<b>12</b>	<b>1.1</b>	<b>475</b>	<b>42.1</b>	<b>379</b>	<b>33.6</b>
Upward Departure From Guideline Range	1	0.2	0	0.0	46	11.2	4	1.0	0	0.0	140	34.0	118	28.6
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	30	16.9	4	2.3	4	2.3	113	63.8	53	29.9
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	2	0.4	0	0.0	39	8.6	2	0.4	7	1.5	220	48.4	139	30.5
All Remaining Cases Above Guideline Range	0	0.0	0	0.0	1	1.2	1	1.2	1	1.2	2	2.4	69	81.2
<b>Government Sponsored Below Range</b>	<b>2,430</b>	<b>14.1</b>	<b>129</b>	<b>0.7</b>	<b>537</b>	<b>3.1</b>	<b>473</b>	<b>2.7</b>	<b>248</b>	<b>1.4</b>	<b>415</b>	<b>2.4</b>	<b>1,945</b>	<b>11.3</b>
§5K1.1 Substantial Assistance Departure	2,430	24.0	6	0.1	299	2.9	179	1.8	123	1.2	209	2.1	912	9.0
§5K3.1 Early Disposition Program Departure	0	0.0	123	2.4	43	0.8	155	3.0	77	1.5	71	1.4	799	15.5
Other Government Sponsored Below Range	0	0.0	0	0.0	195	10.1	139	7.2	48	2.5	135	7.0	234	12.1
<b>Below Range</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>1,207</b>	<b>14.2</b>	<b>1,649</b>	<b>19.4</b>	<b>2,552</b>	<b>30.0</b>	<b>3,616</b>	<b>42.5</b>
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	404	21.2	402	21.1	460	24.2	662	34.8
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	253	17.7	403	28.1	614	42.9	561	39.2
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	497	11.7	816	19.2	1,437	33.9	1,578	37.2
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	53	5.7	28	3.0	41	4.4	815	87.7

<sup>1</sup>Multiple 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, 2,957 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 CATEGORY<sup>1</sup>  
Fiscal Year 2006**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>9,483</b>	<b>37.0</b>	<b>30.0</b>	<b>47.8</b>
<b>Murder</b>	4	51.0	107.0	65.4
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	15	84.0	86.0	48.5
<b>Sexual Abuse</b>	4	32.5	36.5	47.8
<b>Assault</b>	6	31.3	27.0	51.5
<b>Robbery</b>	138	48.0	27.0	34.6
<b>Arson</b>	17	36.0	36.0	48.1
<b>Drugs - Trafficking</b>	6,086	51.0	40.0	43.5
<b>Drugs - Communication Facility</b>	80	6.5	24.0	78.1
<b>Drugs - Simple Possession</b>	4	40.5	46.5	48.1
<b>Firearms</b>	858	37.0	25.5	46.7
<b>Burglary/B&amp;E</b>	2	--	--	--
<b>Auto Theft</b>	11	42.0	18.0	27.0
<b>Larceny</b>	98	4.2	10.0	66.7
<b>Fraud</b>	966	4.0	12.0	80.0
<b>Embezzlement</b>	17	0.0	10.0	99.9
<b>Forgery/Counterfeiting</b>	96	0.6	8.0	94.8
<b>Bribery</b>	45	0.0	12.0	100.0
<b>Tax</b>	79	0.0	10.0	100.0
<b>Money Laundering</b>	225	15.0	22.0	58.3
<b>Racketeering/Extortion</b>	116	36.0	30.5	46.9
<b>Gambling/Lottery</b>	15	0.0	10.0	100.0
<b>Civil Rights</b>	12	0.0	24.0	99.9
<b>Immigration</b>	311	12.0	9.0	42.1
<b>Pornography/Prostitution</b>	53	48.0	28.0	35.8
<b>Prison Offenses</b>	9	12.0	16.0	54.1
<b>Administration of Justice Offenses</b>	119	0.0	12.0	100.0
<b>Environmental/Wildlife</b>	8	0.0	16.5	100.0
<b>National Defense</b>	6	9.0	24.0	61.0
<b>Antitrust</b>	6	5.0	10.0	66.7
<b>Food &amp; Drug</b>	8	0.0	12.0	100.0
<b>Other Miscellaneous Offenses</b>	69	0.0	12.0	99.8

<sup>1</sup>Of the 72,585 cases, 10,139 received a §5K1.1 substantial assistance departure. Of these, 9,663 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 149 cases were also excluded from this table. Furthermore, 10 cases were excluded due to several logical criteria. Of the remaining 9,504 cases, 21 were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (21). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.



**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2006**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>4,960</b>	<b>18.0</b>	<b>8.0</b>	<b>28.3</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	9	21.0	6.0	33.3
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	1,308	13.0	11.0	40.0
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	40	8.9	4.0	20.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	6	3.2	8.8	72.7
Fraud	4	0.0	8.0	100.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	3	4.4	7.0	58.3
Bribery	1	--	--	--
Tax	0	--	--	--
Money Laundering	7	4.2	5.0	35.8
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	3,565	21.0	6.0	26.2
Pornography/Prostitution	5	28.0	22.0	48.6
Prison Offenses	3	9.5	4.0	22.2
Administration of Justice Offenses	6	7.3	6.0	42.9
Environmental/Wildlife	1	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

<sup>1</sup>Of the 72,585 cases, 5,166 received a §5K3.1 early disposition program departure. Of these, 4,971 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 zero cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Of the remaining 4,968 cases, eight were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (8). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined 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 CATEGORY<sup>1</sup>  
Fiscal Year 2006**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>1,755</b>	<b>24.0</b>	<b>12.0</b>	<b>33.2</b>
<b>Murder</b>	5	60.0	75.0	41.0
<b>Manslaughter</b>	1	--	--	--
<b>Kidnapping/Hostage Taking</b>	3	60.0	60.0	23.8
<b>Sexual Abuse</b>	19	60.0	15.0	31.3
<b>Assault</b>	37	12.0	12.0	54.4
<b>Robbery</b>	26	73.5	23.5	31.4
<b>Arson</b>	1	--	--	--
<b>Drugs - Trafficking</b>	591	60.0	21.0	30.0
<b>Drugs - Communication Facility</b>	9	24.0	24.0	50.0
<b>Drugs - Simple Possession</b>	5	1.0	4.0	90.0
<b>Firearms</b>	189	36.0	16.0	31.3
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	1	--	--	--
<b>Larceny</b>	20	0.0	9.5	100.0
<b>Fraud</b>	128	3.2	10.0	78.0
<b>Embezzlement</b>	9	1.0	8.0	87.5
<b>Forgery/Counterfeiting</b>	18	4.5	8.5	66.7
<b>Bribery</b>	5	8.0	12.0	86.7
<b>Tax</b>	12	0.0	9.0	100.0
<b>Money Laundering</b>	43	21.0	11.0	25.7
<b>Racketeering/Extortion</b>	34	47.0	25.0	39.5
<b>Gambling/Lottery</b>	0	--	--	--
<b>Civil Rights</b>	2	--	--	--
<b>Immigration</b>	458	12.0	4.0	25.0
<b>Pornography/Prostitution</b>	51	60.0	33.0	28.6
<b>Prison Offenses</b>	6	12.0	4.5	34.9
<b>Administration of Justice Offenses</b>	48	8.4	12.0	58.7
<b>Environmental/Wildlife</b>	6	0.0	9.0	100.0
<b>National Defense</b>	3	12.0	15.0	54.4
<b>Antitrust</b>	1	--	--	--
<b>Food &amp; Drug</b>	3	12.0	15.0	76.4
<b>Other Miscellaneous Offenses</b>	21	0.0	12.0	100.0

<sup>1</sup>Of the 72,585 cases, 1,939 received an other government sponsored downward departure. Of these, 1,767 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional six cases were also excluded from this table. Furthermore, four cases were excluded due to several logical criteria. Of the remaining 1,757 cases, two were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (2). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2006**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>1,766</b>	<b>24.0</b>	<b>10.0</b>	<b>29.8</b>
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	6	42.0	8.0	13.6
Assault	17	10.0	7.5	40.0
Robbery	45	37.0	11.0	21.7
Arson	0	--	--	--
Drugs - Trafficking	545	55.0	15.0	25.0
Drugs - Communication Facility	6	30.5	6.0	25.8
Drugs - Simple Possession	1	--	--	--
Firearms	233	30.0	11.0	26.0
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	38	0.0	9.0	100.0
Fraud	187	3.0	10.0	81.0
Embezzlement	16	0.0	8.5	99.6
Forgery/Counterfeiting	31	7.0	7.0	40.8
Bribery	4	12.0	9.5	59.5
Tax	31	0.0	10.0	100.0
Money Laundering	23	24.0	13.0	44.4
Racketeering/Extortion	11	21.6	18.0	53.1
Gambling/Lottery	0	--	--	--
Civil Rights	3	28.0	6.0	45.1
Immigration	455	24.0	7.0	21.1
Pornography/Prostitution	44	22.0	20.5	37.7
Prison Offenses	7	8.0	4.0	33.3
Administration of Justice Offenses	35	0.0	10.0	99.6
Environmental/Wildlife	5	0.0	6.0	100.0
National Defense	2	--	--	--
Antitrust	1	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	17	0.0	10.0	100.0

<sup>1</sup>Of the 72,585 cases, 1,903 received a downward departure from the guideline range. Of these, 1,772 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. Furthermore, zero cases were excluded due to several logical criteria. Of the remaining 1,768 cases, two were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (2). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2006**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
<b>TOTAL</b>	<b>1,318</b>	<b>24.0</b>	<b>15.0</b>	<b>40.3</b>
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	9	48.0	21.0	26.1
Assault	18	0.0	24.5	100.0
Robbery	44	46.5	15.0	23.4
Arson	0	--	--	--
Drugs - Trafficking	480	58.5	22.0	31.4
Drugs - Communication Facility	9	1.6	37.0	94.6
Drugs - Simple Possession	2	--	--	--
Firearms	166	24.0	14.0	36.5
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	29	0.0	10.0	100.0
Fraud	184	6.0	10.0	66.7
Embezzlement	19	0.0	10.0	99.3
Forgery/Counterfeiting	22	0.4	9.0	95.9
Bribery	3	0.0	12.0	99.7
Tax	29	0.0	10.0	100.0
Money Laundering	39	13.0	12.0	50.0
Racketeering/Extortion	12	13.5	13.0	33.3
Gambling/Lottery	2	--	--	--
Civil Rights	1	--	--	--
Immigration	146	24.0	12.0	34.8
Pornography/Prostitution	40	36.0	18.5	36.8
Prison Offenses	9	12.0	3.0	32.4
Administration of Justice Offenses	26	0.0	10.0	99.9
Environmental/Wildlife	4	0.0	14.5	100.0
National Defense	3	40.0	12.0	25.8
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	19	0.0	12.0	100.0

<sup>1</sup>Of the 72,585 cases, 1,432 received a downward departure from the guideline range with *Booker* /18 U.S.C § 3553. Of these, 1,323 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. Furthermore, zero cases were excluded due to several logical criteria. Of the remaining 1,319 cases, one was excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (1). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined 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 CATEGORY<sup>1</sup>  
Fiscal Year 2006**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
<b>TOTAL</b>	<b>3,941</b>	<b>24.0</b>	<b>12.0</b>	<b>34.3</b>
Murder	1	--	--	--
Manslaughter	6	19.0	16.5	40.0
Kidnapping/Hostage Taking	4	78.0	48.5	23.6
Sexual Abuse	17	30.0	15.0	34.8
Assault	45	12.0	10.0	50.0
Robbery	74	52.0	13.0	20.0
Arson	0	--	--	--
Drugs - Trafficking	1,354	63.0	20.0	23.4
Drugs - Communication Facility	24	24.0	21.5	40.6
Drugs - Simple Possession	9	2.0	6.0	66.7
Firearms	532	24.0	12.0	31.2
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	71	0.0	10.0	100.0
Fraud	494	3.0	10.0	81.7
Embezzlement	46	0.0	8.0	99.4
Forgery/Counterfeiting	82	0.8	9.6	92.6
Bribery	16	4.2	10.0	72.0
Tax	82	0.0	10.0	100.0
Money Laundering	80	24.0	13.0	43.6
Racketeering/Extortion	42	45.0	15.0	27.9
Gambling/Lottery	6	0.0	7.5	100.0
Civil Rights	4	7.5	10.0	68.9
Immigration	597	24.0	10.0	31.7
Pornography/Prostitution	158	43.0	24.0	35.9
Prison Offenses	17	9.2	6.0	33.3
Administration of Justice Offenses	73	6.0	10.0	66.1
Environmental/Wildlife	11	0.0	7.0	100.0
National Defense	4	28.5	29.0	52.4
Antitrust	1	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	88	0.0	10.0	100.0

<sup>1</sup>Of the 72,585 cases, 4,243 were sentenced below the guideline range with *Booker* /18 U.S.C § 3553. Of these, 3,997 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 48 cases were also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Of the remaining 3,947 cases, six were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (6). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined 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 CATEGORY<sup>1</sup>  
Fiscal Year 2006**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>752</b>	<b>16.5</b>	<b>8.0</b>	<b>39.3</b>
<b>Murder</b>	0	--	--	--
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	3	324.0	84.0	20.6
<b>Sexual Abuse</b>	4	36.0	12.5	21.7
<b>Assault</b>	11	0.0	4.0	100.0
<b>Robbery</b>	12	41.0	12.5	26.1
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	244	58.5	15.0	23.3
<b>Drugs - Communication Facility</b>	4	22.0	18.0	54.2
<b>Drugs - Simple Possession</b>	2	--	--	--
<b>Firearms</b>	94	45.5	10.0	24.6
<b>Burglary/B&amp;E</b>	1	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	24	0.0	6.0	100.0
<b>Fraud</b>	125	0.0	6.0	100.0
<b>Embezzlement</b>	11	0.0	6.0	100.0
<b>Forgery/Counterfeiting</b>	17	0.0	6.0	100.0
<b>Bribery</b>	6	7.5	6.5	58.3
<b>Tax</b>	14	1.5	7.5	87.5
<b>Money Laundering</b>	13	5.0	6.0	72.2
<b>Racketeering/Extortion</b>	7	60.0	17.0	16.2
<b>Gambling/Lottery</b>	3	0.0	6.0	100.0
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	107	12.0	6.0	33.3
<b>Pornography/Prostitution</b>	8	60.0	25.5	40.7
<b>Prison Offenses</b>	2	--	--	--
<b>Administration of Justice Offenses</b>	16	0.0	6.0	100.0
<b>Environmental/Wildlife</b>	7	0.0	6.0	100.0
<b>National Defense</b>	2	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	15	0.0	6.0	100.0

<sup>1</sup>Of the 72,585 cases, 929 were otherwise sentenced below the guideline range. Of these, 770 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 11 cases were also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Of the remaining 757 cases, five were excluded due to one or both of the following reasons: missing primary offense category (0) 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 defined 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 CATEGORY<sup>1</sup>  
Fiscal Year 2006**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
<b>TOTAL</b>	<b>386</b>	<b>51.0</b>	<b>12.0</b>	<b>33.3</b>
<b>Murder</b>	8	312.0	97.5	48.0
<b>Manslaughter</b>	3	114.0	18.0	53.8
<b>Kidnapping/Hostage Taking</b>	1	--	--	--
<b>Sexual Abuse</b>	6	72.0	15.0	26.3
<b>Assault</b>	20	71.0	19.0	29.5
<b>Robbery</b>	13	180.0	59.0	69.0
<b>Arson</b>	3	120.0	36.0	42.9
<b>Drugs - Trafficking</b>	37	71.0	14.0	30.4
<b>Drugs - Communication Facility</b>	1	--	--	--
<b>Drugs - Simple Possession</b>	7	12.0	6.0	100.0
<b>Firearms</b>	69	64.0	14.0	33.3
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	2	--	--	--
<b>Larceny</b>	4	39.0	12.0	29.4
<b>Fraud</b>	34	47.0	10.5	48.2
<b>Embezzlement</b>	0	--	--	--
<b>Forgery/Counterfeiting</b>	14	48.0	13.5	41.8
<b>Bribery</b>	0	--	--	--
<b>Tax</b>	1	--	--	--
<b>Money Laundering</b>	7	120.0	57.0	90.5
<b>Racketeering/Extortion</b>	8	120.0	45.5	28.5
<b>Gambling/Lottery</b>	0	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	110	18.0	6.0	28.6
<b>Pornography/Prostitution</b>	19	100.0	16.0	23.0
<b>Prison Offenses</b>	2	--	--	--
<b>Administration of Justice Offenses</b>	14	30.0	10.5	66.7
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	1	--	--	--
<b>Other Miscellaneous Offenses</b>	2	--	--	--

<sup>1</sup>Of the 72,585 cases, 412 received an upward departure from the guideline range. Of these, 390 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional one case was also excluded from this table. Furthermore, zero cases were excluded due to several logical criteria. Of the remaining 389 cases, three were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (3). Note that the information presented in this table does not include any time of alternative confinement as defined 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 CATEGORY<sup>1</sup>  
Fiscal Year 2006**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
<b>TOTAL</b>	<b>159</b>	<b>60.0</b>	<b>15.0</b>	<b>37.8</b>
Murder	2	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	5	90.0	30.0	48.8
Assault	5	41.0	18.0	50.0
Robbery	7	76.0	15.0	14.3
Arson	2	--	--	--
Drugs - Trafficking	14	97.0	17.5	35.6
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	28	66.0	14.0	28.6
Burglary/B&E	2	--	--	--
Auto Theft	0	--	--	--
Larceny	4	48.0	13.5	69.0
Fraud	29	55.0	18.0	66.7
Embezzlement	1	--	--	--
Forgery/Counterfeiting	3	60.0	30.0	38.5
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	2	--	--	--
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	26	33.5	9.5	31.9
Pornography/Prostitution	13	180.0	49.0	40.0
Prison Offenses	0	--	--	--
Administration of Justice Offenses	7	48.0	24.0	100.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	2	--	--	--

<sup>1</sup>Of the 72,585 cases, 177 received an upward departure from the guideline range with *Booker* /18 U.S.C § 3553. Of these, 165 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional three cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Of the remaining 159 cases, zero were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (0). Note that the information presented in this table does not include any time of alternative confinement as defined 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 CATEGORY<sup>1</sup>  
Fiscal Year 2006**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>412</b>	<b>51.5</b>	<b>14.0</b>	<b>50.0</b>
<b>Murder</b>	3	240.0	37.0	24.5
<b>Manslaughter</b>	5	36.0	11.0	50.0
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	7	169.0	36.0	48.8
<b>Assault</b>	9	60.0	30.0	56.5
<b>Robbery</b>	8	112.0	26.5	32.8
<b>Arson</b>	4	120.0	39.5	65.9
<b>Drugs - Trafficking</b>	47	96.0	19.0	30.4
<b>Drugs - Communication Facility</b>	1	--	--	--
<b>Drugs - Simple Possession</b>	2	--	--	--
<b>Firearms</b>	81	71.0	16.0	33.3
<b>Burglary/B&amp;E</b>	1	--	--	--
<b>Auto Theft</b>	2	--	--	--
<b>Larceny</b>	15	24.0	16.0	100.0
<b>Fraud</b>	65	48.0	11.0	41.2
<b>Embezzlement</b>	1	--	--	--
<b>Forgery/Counterfeiting</b>	9	36.0	14.0	71.4
<b>Bribery</b>	0	--	--	--
<b>Tax</b>	5	72.0	9.0	25.0
<b>Money Laundering</b>	2	--	--	--
<b>Racketeering/Extortion</b>	3	100.0	13.0	14.9
<b>Gambling/Lottery</b>	0	--	--	--
<b>Civil Rights</b>	1	--	--	--
<b>Immigration</b>	97	16.0	7.0	66.7
<b>Pornography/Prostitution</b>	21	198.0	60.0	50.0
<b>Prison Offenses</b>	3	40.0	9.0	21.2
<b>Administration of Justice Offenses</b>	10	42.0	12.0	48.2
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	1	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	2	--	--	--
<b>Other Miscellaneous Offenses</b>	7	36.0	24.0	100.0

<sup>1</sup>Of the 72,585 cases, 455 were sentenced above the guideline range with *Booker* /18 U.S.C § 3553. Of these, 431 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional nine cases were also excluded from this table. Furthermore, nine cases were excluded due to several logical criteria. Of the remaining 413 cases, one was excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (1). Note that the information presented in this table does not include any time of alternative confinement as defined 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 CATEGORY<sup>1</sup>  
Fiscal Year 2006**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>53</b>	<b>36.0</b>	<b>8.0</b>	<b>35.5</b>
<b>Murder</b>	0	--	--	--
<b>Manslaughter</b>	1	--	--	--
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	0	--	--	--
<b>Assault</b>	2	--	--	--
<b>Robbery</b>	1	--	--	--
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	9	60.0	14.0	30.4
<b>Drugs - Communication Facility</b>	2	--	--	--
<b>Drugs - Simple Possession</b>	0	--	--	--
<b>Firearms</b>	3	84.0	38.0	82.6
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	3	18.0	6.0	50.0
<b>Fraud</b>	10	30.0	6.5	26.7
<b>Embezzlement</b>	0	--	--	--
<b>Forgery/Counterfeiting</b>	2	--	--	--
<b>Bribery</b>	0	--	--	--
<b>Tax</b>	1	--	--	--
<b>Money Laundering</b>	1	--	--	--
<b>Racketeering/Extortion</b>	0	--	--	--
<b>Gambling/Lottery</b>	0	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	16	17.5	7.0	85.7
<b>Pornography/Prostitution</b>	1	--	--	--
<b>Prison Offenses</b>	0	--	--	--
<b>Administration of Justice Offenses</b>	1	--	--	--
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	0	--	--	--

<sup>1</sup>Of the 72,585 cases, 85 were otherwise sentenced above the guideline range. Of these, 77 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional zero cases were also excluded from this table. Furthermore, 24 cases were excluded due to several logical criteria. Of the remaining 53 cases, zero were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (0). Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2006**

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>71,865</b>	<b>63,655</b>	<b>88.6</b>	<b>61,561</b>	<b>85.7</b>	<b>2,094</b>	<b>2.9</b>	<b>8,210</b>	<b>11.4</b>	<b>2,836</b>	<b>3.9</b>	<b>5,374</b>	<b>7.5</b>
Murder	80	79	98.8	79	98.8	0	0.0	1	1.3	1	1.3	0	0.0
Manslaughter	60	59	98.3	58	96.7	1	1.7	1	1.7	0	0.0	1	1.7
Kidnapping/Hostage Taking	61	61	100.0	60	98.4	1	1.6	0	0.0	0	0.0	0	0.0
Sexual Abuse	264	258	97.7	254	96.2	4	1.5	6	2.3	1	0.4	5	1.9
Assault	611	511	83.6	485	79.4	26	4.3	100	16.4	34	5.6	66	10.8
Robbery	1,163	1,133	97.4	1,113	95.7	20	1.7	30	2.6	13	1.1	17	1.5
Arson	70	66	94.3	65	92.9	1	1.4	4	5.7	2	2.9	2	2.9
Drugs - Trafficking	25,055	24,320	97.1	23,840	95.2	480	1.9	735	2.9	321	1.3	414	1.7
Drugs - Communication Facility	411	355	86.4	345	83.9	10	2.4	56	13.6	20	4.9	36	8.8
Drugs - Simple Possession	684	320	46.8	308	45.0	12	1.8	364	53.2	21	3.1	343	50.1
Firearms	8,364	7,875	94.2	7,674	91.8	201	2.4	489	5.8	240	2.9	249	3.0
Burglary/B&E	48	41	85.4	37	77.1	4	8.3	7	14.6	2	4.2	5	10.4
Auto Theft	62	54	87.1	53	85.5	1	1.6	8	12.9	5	8.1	3	4.8
Larceny	1,598	735	46.0	643	40.2	92	5.8	863	54.0	241	15.1	622	38.9
Fraud	6,905	4,754	68.8	4,234	61.3	520	7.5	2,151	31.2	828	12.0	1,323	19.2
Embezzlement	578	299	51.7	229	39.6	70	12.1	279	48.3	80	13.8	199	34.4
Forgery/Counterfeiting	1,168	792	67.8	729	62.4	63	5.4	376	32.2	138	11.8	238	20.4
Bribery	183	109	59.6	91	49.7	18	9.8	74	40.4	41	22.4	33	18.0
Tax	601	364	60.6	282	46.9	82	13.6	237	39.4	95	15.8	142	23.6
Money Laundering	910	731	80.3	693	76.2	38	4.2	179	19.7	84	9.2	95	10.4
Racketeering/Extortion	620	577	93.1	562	90.6	15	2.4	43	6.9	18	2.9	25	4.0
Gambling/Lottery	116	40	34.5	28	24.1	12	10.3	76	65.5	43	37.1	33	28.4
Civil Rights	68	41	60.3	40	58.8	1	1.5	27	39.7	12	17.6	15	22.1
Immigration	17,527	17,006	97.0	16,767	95.7	239	1.4	521	3.0	193	1.1	328	1.9
Pornography/Prostitution	1,291	1,263	97.8	1,235	95.7	28	2.2	28	2.2	13	1.0	15	1.2
Prison Offenses	346	326	94.2	309	89.3	17	4.9	20	5.8	10	2.9	10	2.9
Administration of Justice Offenses	1,095	712	65.0	651	59.5	61	5.6	383	35.0	117	10.7	266	24.3
Environmental/Wildlife	167	43	25.7	40	24.0	3	1.8	124	74.3	35	21.0	89	53.3
National Defense	36	34	94.4	29	80.6	5	13.9	2	5.6	1	2.8	1	2.8
Antitrust	12	8	66.7	3	25.0	5	41.7	4	33.3	3	25.0	1	8.3
Food & Drug	61	17	27.9	15	24.6	2	3.3	44	72.1	7	11.5	37	60.7
Other Miscellaneous Offenses	1,650	672	40.7	610	37.0	62	3.8	978	59.3	217	13.2	761	46.1

<sup>1</sup>Of the 72,585 cases, 720 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (507), missing primary offense category (67), or missing sentencing information (211). Descriptions of variables used in this table are provided in Appendix A.

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

Table 18

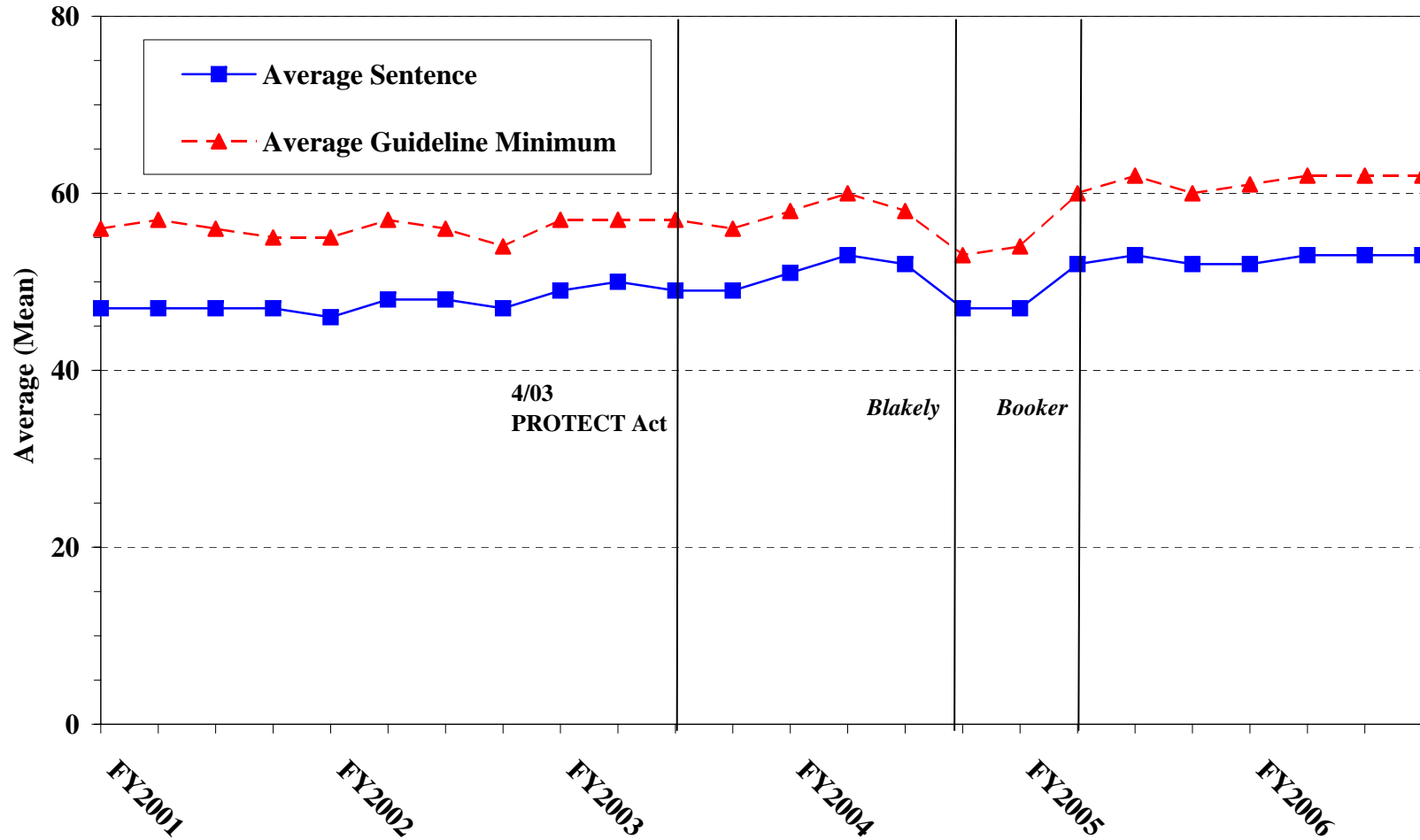
**AVERAGE SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2006**

<b>PRIMARY OFFENSE</b>	<b>Mean Months</b>	<b>Median Months</b>	<b>Number</b>
<b>TOTAL</b>	<b>51.8</b>	<b>30.0</b>	<b>72,337</b>
<b>Murder</b>	249.9	240.0	78
<b>Manslaughter</b>	46.0	37.0	60
<b>Kidnapping/Hostage Taking</b>	216.6	204.0	61
<b>Sexual Abuse</b>	100.8	60.0	263
<b>Assault</b>	34.3	21.0	615
<b>Robbery</b>	89.2	70.0	1,162
<b>Arson</b>	77.1	60.0	71
<b>Drugs - Trafficking</b>	82.0	60.0	25,045
<b>Drugs - Communication Facility</b>	40.8	46.0	412
<b>Drugs - Simple Possession</b>	6.5	0.0	750
<b>Firearms</b>	77.4	48.0	8,364
<b>Burglary/B&amp;E</b>	17.5	15.0	48
<b>Auto Theft</b>	75.7	33.0	61
<b>Larceny</b>	8.9	4.0	1,705
<b>Fraud</b>	18.6	10.0	6,943
<b>Embezzlement</b>	9.0	6.0	583
<b>Forgery/Counterfeiting</b>	15.8	9.0	1,168
<b>Bribery</b>	13.9	8.0	184
<b>Tax</b>	15.0	10.0	607
<b>Money Laundering</b>	35.8	22.5	910
<b>Racketeering/Extortion</b>	88.9	60.0	622
<b>Gambling/Lottery</b>	6.9	6.0	116
<b>Civil Rights</b>	40.1	9.0	68
<b>Immigration</b>	22.4	18.0	17,532
<b>Pornography/Prostitution</b>	96.7	63.0	1,291
<b>Prison Offenses</b>	17.6	12.0	346
<b>Administration of Justice Offenses</b>	17.7	9.9	1,108
<b>Environmental/Wildlife</b>	4.7	0.0	177
<b>National Defense</b>	47.2	27.5	36
<b>Antitrust</b>	8.2	9.0	12
<b>Food &amp; Drug</b>	7.1	0.0	64
<b>Other Miscellaneous Offenses</b>	7.3	0.0	1,875

<sup>1</sup>Of the 72,585 cases, 248 were excluded due to one or both of the following reasons: missing primary offense (67) or missing or indeterminable sentencing information (241). 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 defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure C

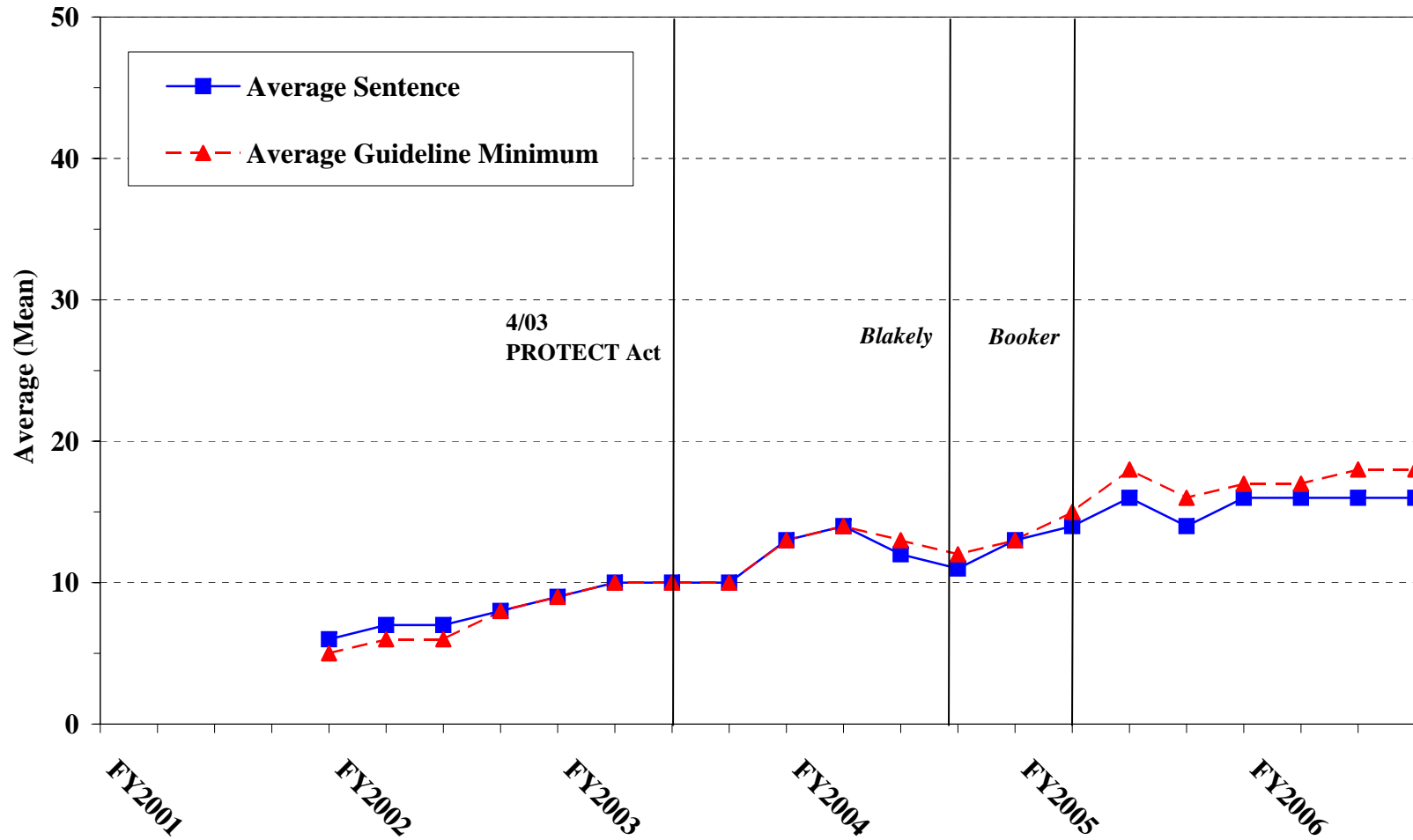
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
 QUARTERLY DATA FOR ALL CASES<sup>1</sup>  
 Fiscal Years 2001 - 2006**



<sup>1</sup>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 defined 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

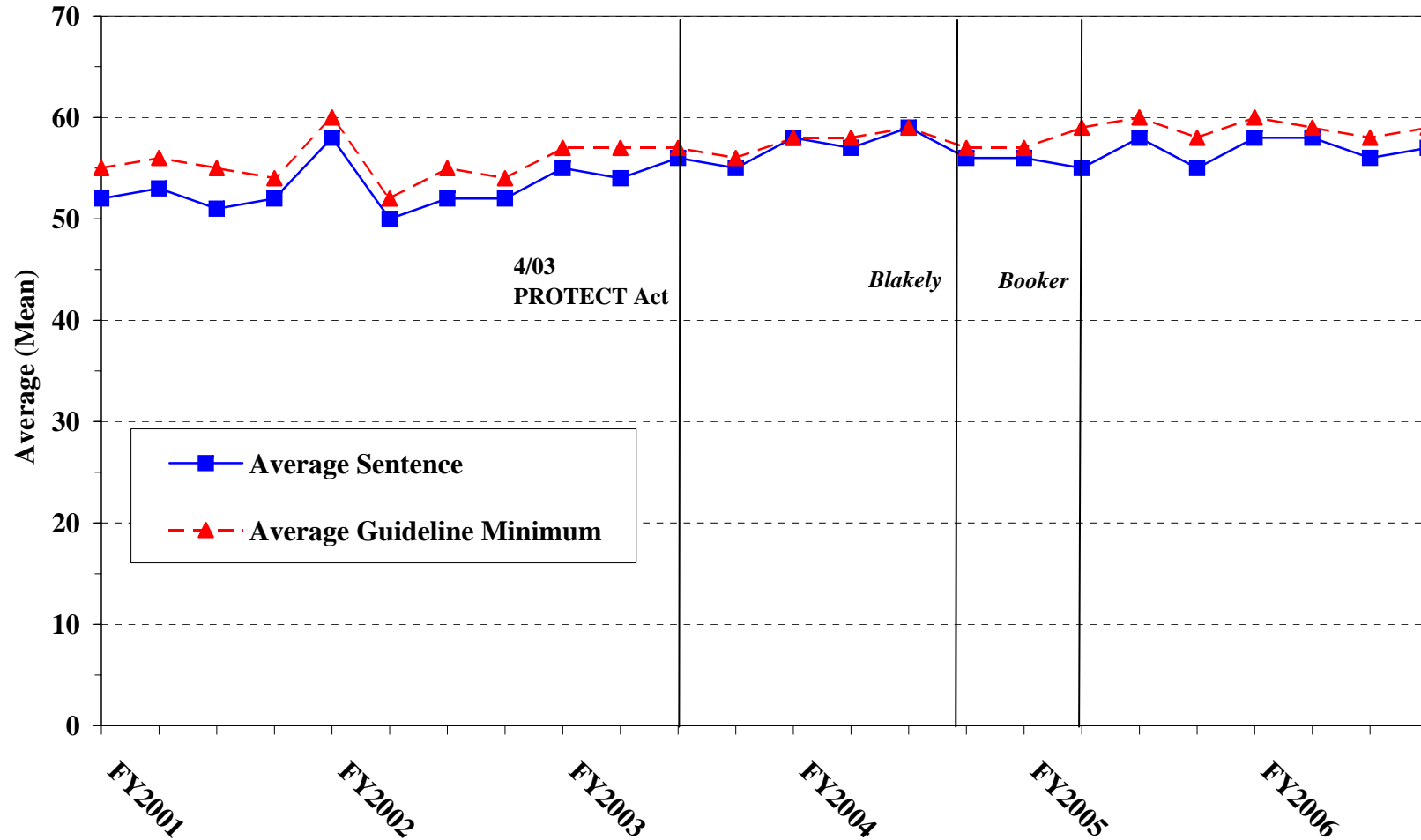
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
 QUARTERLY DATA FOR §2B1.1 OFFENDERS<sup>1</sup>  
 Fiscal Years 2002 - 2006**



<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2B1.1. 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 defined 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

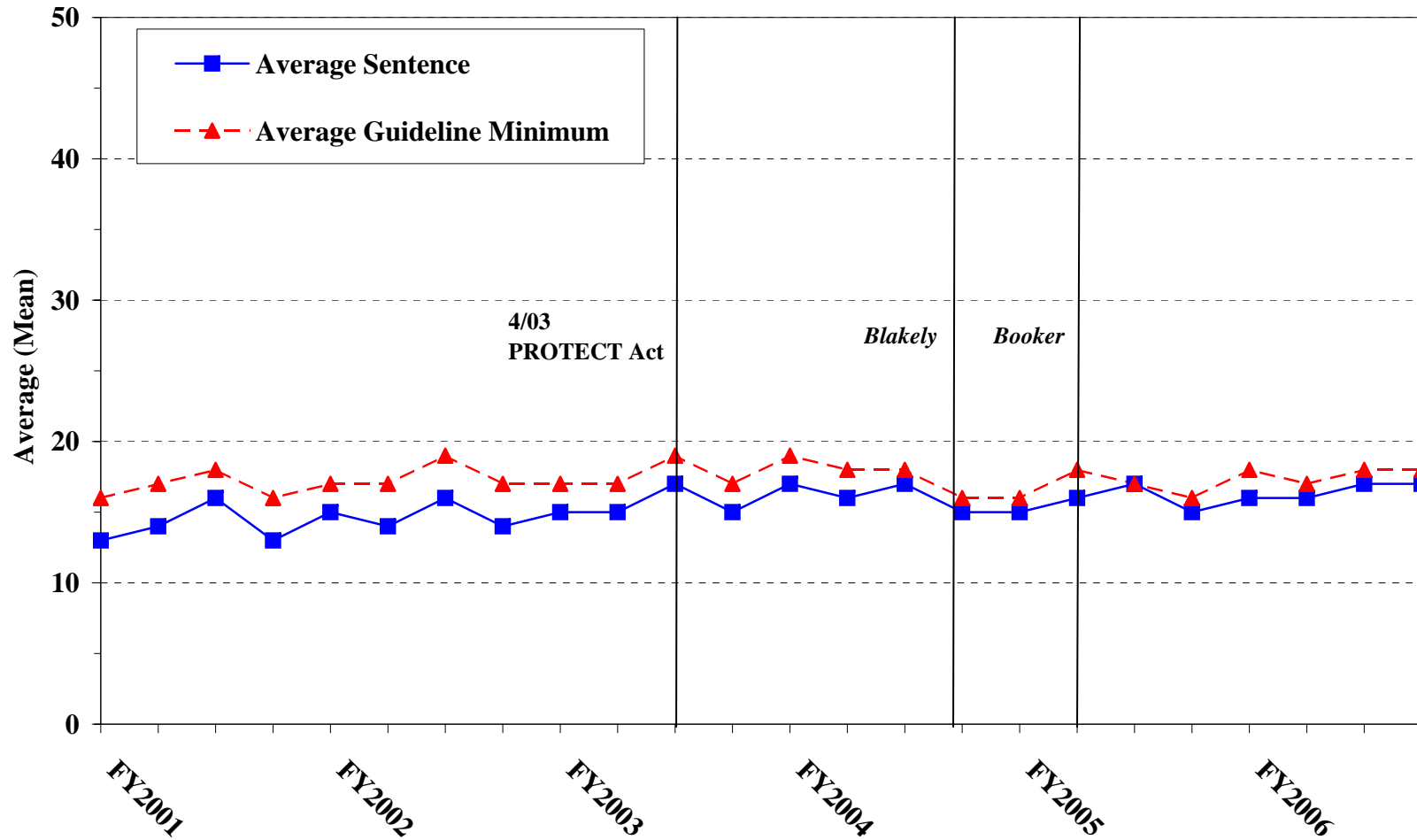
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
QUARTERLY DATA FOR §2K2.1 OFFENDERS<sup>1</sup>  
Fiscal Years 2001 - 2006**



<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2K2.1. 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 defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure F

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
 QUARTERLY DATA FOR §2L1.1 OFFENDERS<sup>1</sup>  
 Fiscal Years 2001 - 2006**

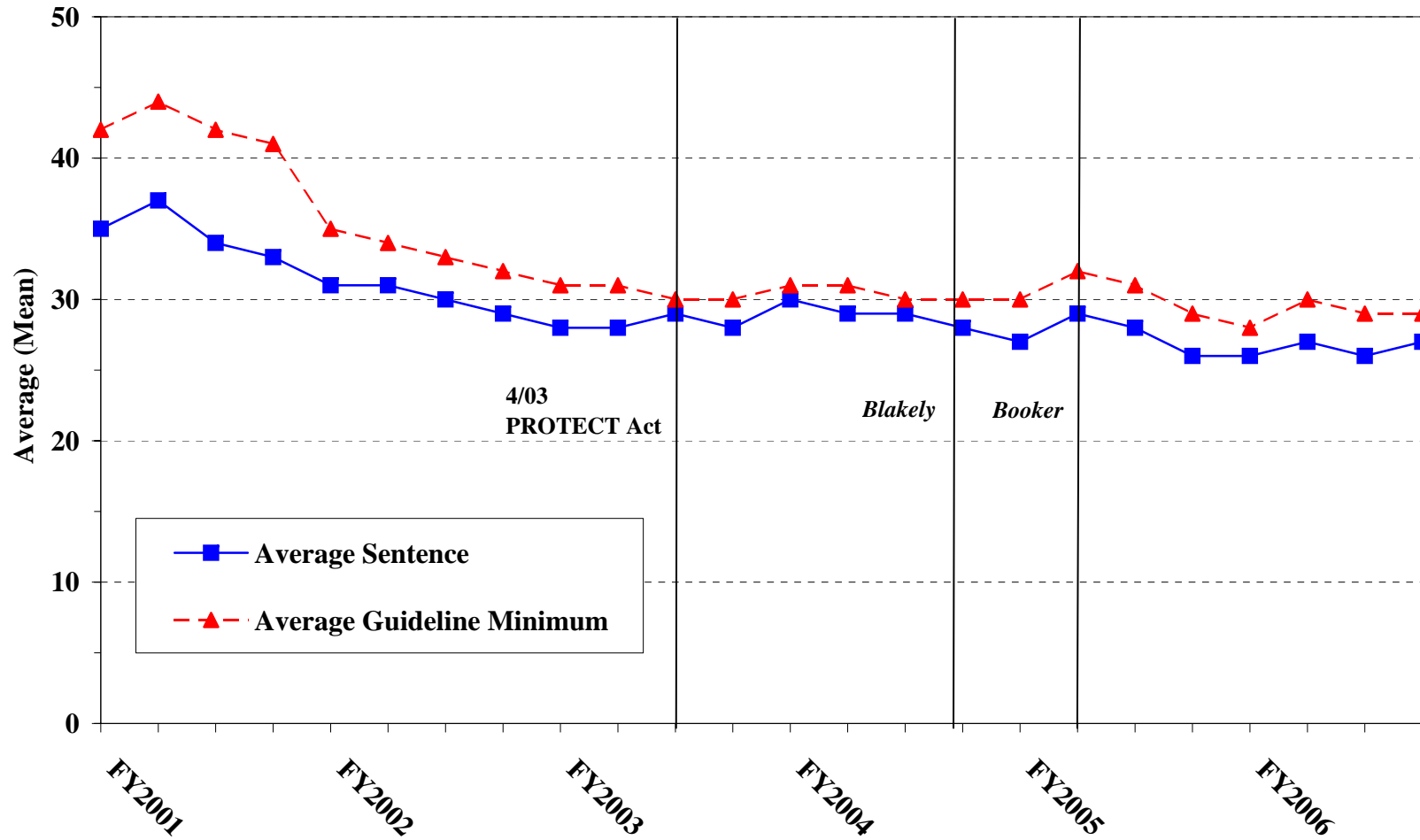


<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2L1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (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 defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.



Figure G

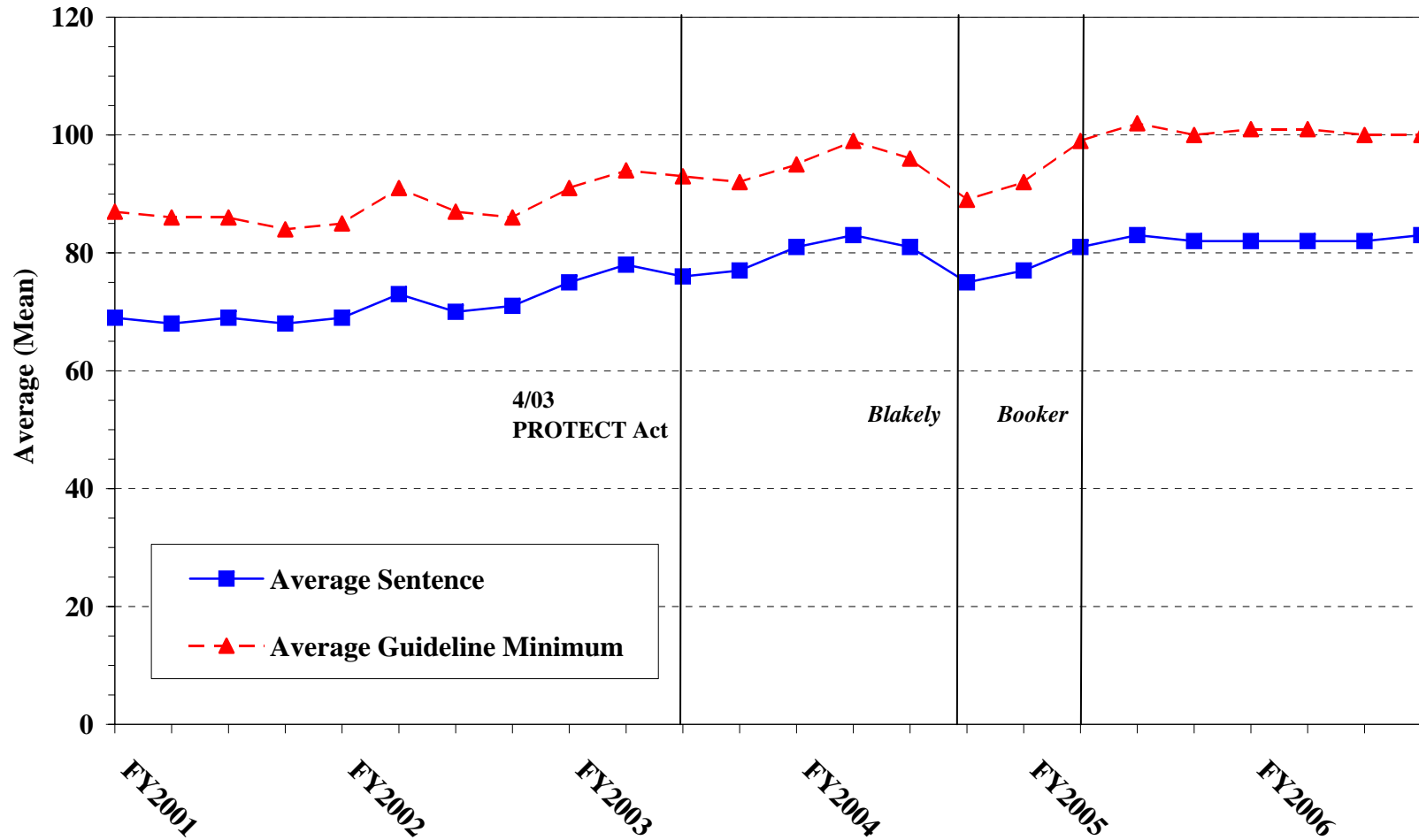
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
 QUARTERLY DATA FOR §2L1.2 OFFENDERS<sup>1</sup>  
 Fiscal Years 2001 - 2006**



<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2L1.1. 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 defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure H

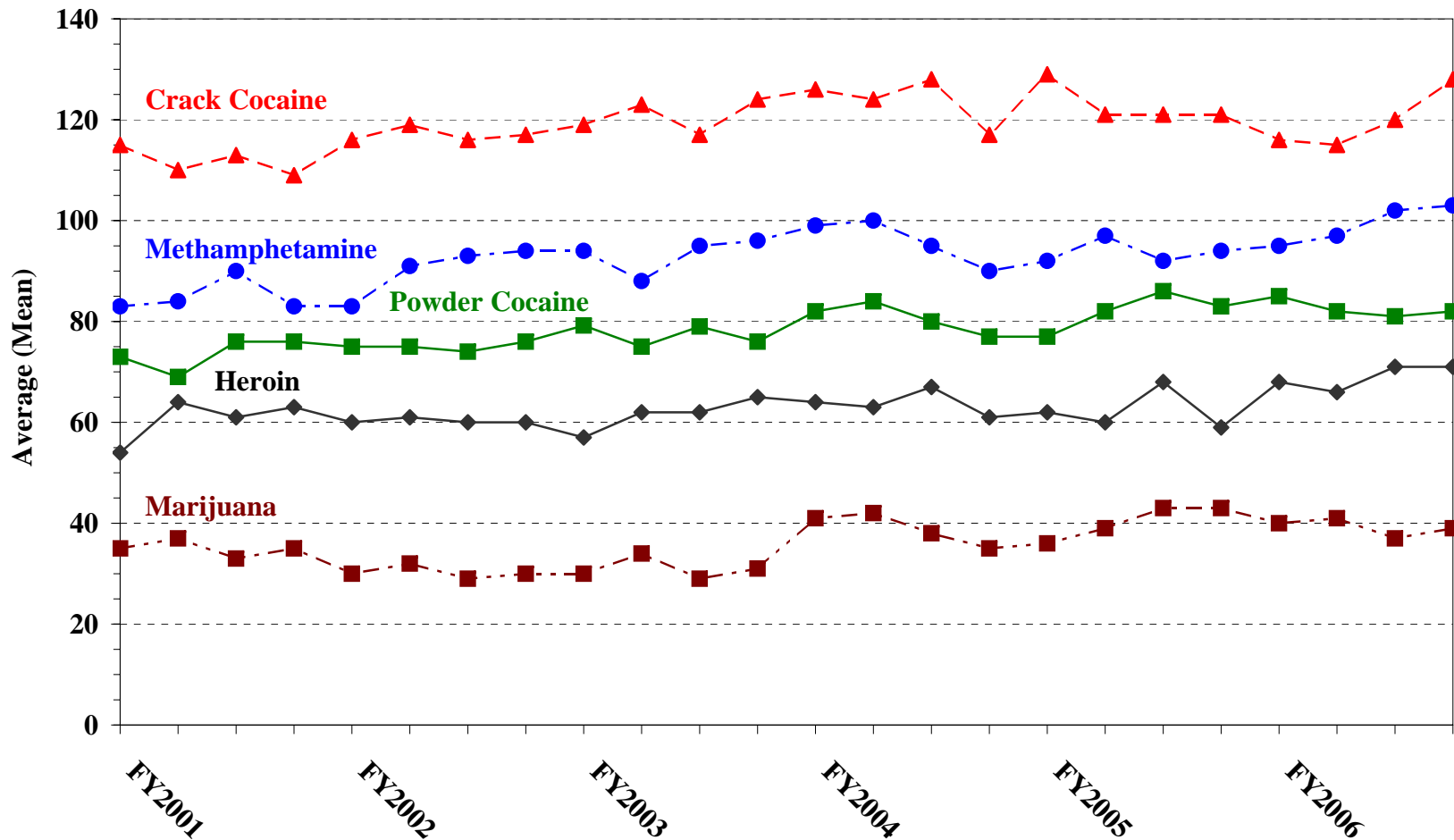
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
 QUARTERLY DATA FOR §2D1.1 OFFENDERS<sup>1</sup>  
 Fiscal Years 2001 - 2006**



<sup>1</sup>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 defined 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 TYPE<sup>1</sup>**  
**Fiscal Years 2001 - 2006**



<sup>1</sup>Only 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 defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Table 19

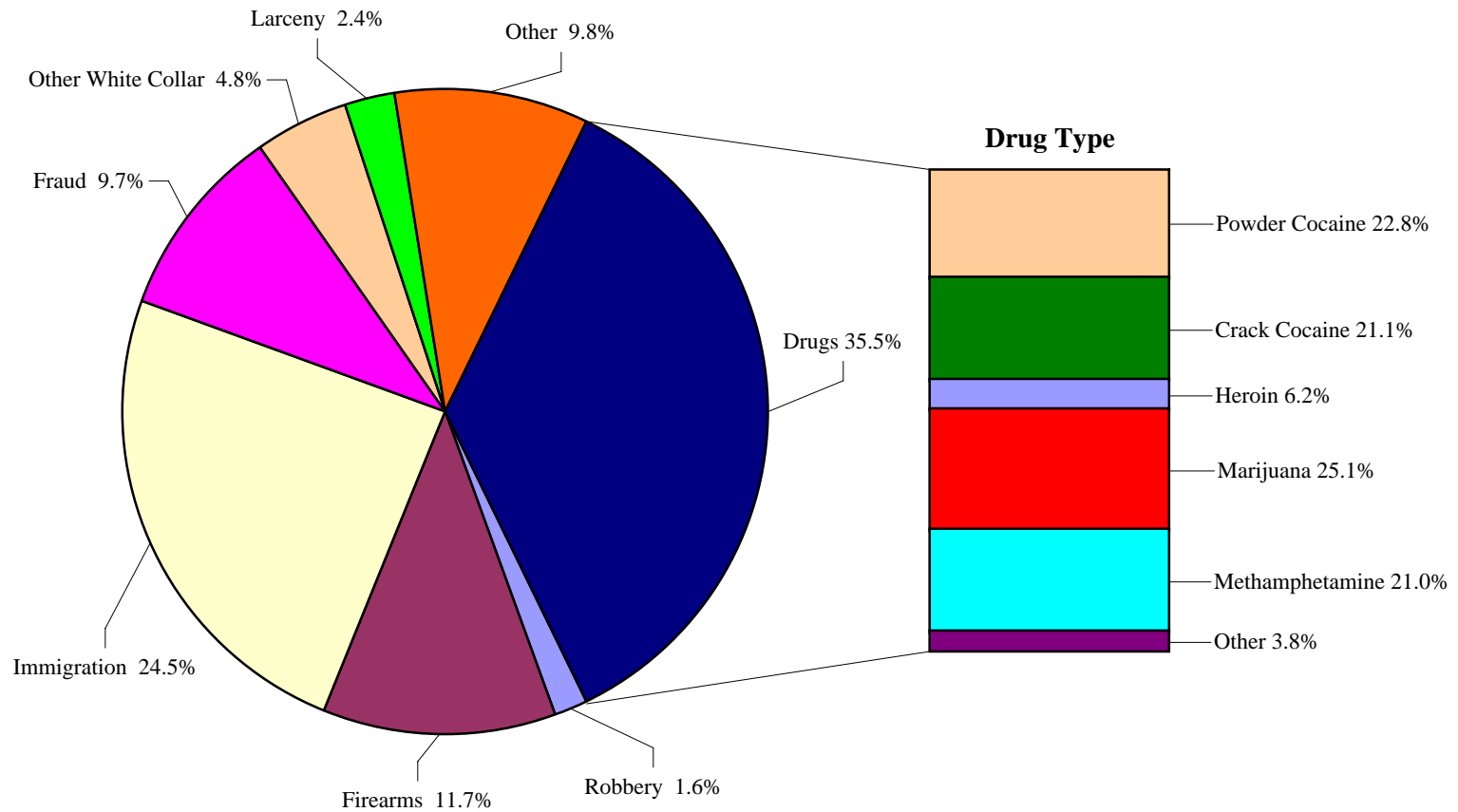
**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS  
IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2006**

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>34,900</b>	<b>20,477</b>	<b>58.7</b>	<b>5,617</b>	<b>16.1</b>	<b>2,881</b>	<b>8.3</b>	<b>2,421</b>	<b>6.9</b>	<b>3,504</b>	<b>10.0</b>
Murder	25	7	28.0	5	20.0	0	0.0	2	8.0	11	44.0
Manslaughter	32	10	31.3	1	3.1	2	6.3	2	6.3	17	53.1
Kidnapping/Hostage Taking	15	9	60.0	4	26.7	0	0.0	1	6.7	1	6.7
Sexual Abuse	151	63	41.7	14	9.3	16	10.6	16	10.6	42	27.8
Assault	299	134	44.8	42	14.0	26	8.7	22	7.4	75	25.1
Robbery	656	343	52.3	116	17.7	53	8.1	75	11.4	69	10.5
Arson	18	10	55.6	1	5.6	1	5.6	2	11.1	4	22.2
Drugs - Trafficking	11,083	7,925	71.5	1,463	13.2	668	6.0	407	3.7	620	5.6
Drugs - Communication Facility	88	51	58.0	10	11.4	8	9.1	5	5.7	14	15.9
Drugs - Simple Possession	304	202	66.4	45	14.8	14	4.6	20	6.6	23	7.6
Firearms	4,802	2,685	55.9	755	15.7	451	9.4	296	6.2	615	12.8
Burglary/B&E	35	13	37.1	3	8.6	9	25.7	2	5.7	8	22.9
Auto Theft	35	12	34.3	4	11.4	5	14.3	2	5.7	12	34.3
Larceny	942	647	68.7	97	10.3	61	6.5	46	4.9	91	9.7
Fraud	3,548	2,040	57.5	510	14.4	311	8.8	242	6.8	445	12.5
Embezzlement	369	255	69.1	52	14.1	19	5.1	15	4.1	28	7.6
Forgery/Counterfeiting	762	415	54.5	108	14.2	69	9.1	60	7.9	110	14.4
Bribery	86	52	60.5	13	15.1	11	12.8	2	2.3	8	9.3
Tax	278	182	65.5	37	13.3	20	7.2	4	1.4	35	12.6
Money Laundering	364	238	65.4	53	14.6	21	5.8	12	3.3	40	11.0
Racketeering/Extortion	207	108	52.2	45	21.7	16	7.7	12	5.8	26	12.6
Gambling/Lottery	76	56	73.7	14	18.4	4	5.3	1	1.3	1	1.3
Civil Rights	30	17	56.7	3	10.0	4	13.3	3	10.0	3	10.0
Immigration	8,680	3,733	43.0	1,997	23.0	960	11.1	1,030	11.9	960	11.1
Pornography/Prostitution	629	397	63.1	70	11.1	38	6.0	46	7.3	78	12.4
Prison Offenses	244	114	46.7	35	14.3	29	11.9	20	8.2	46	18.9
Administration of Justice Offenses	557	356	63.9	50	9.0	41	7.4	42	7.5	68	12.2
Environmental/Wildlife	68	54	79.4	10	14.7	1	1.5	0	0.0	3	4.4
National Defense	12	8	66.7	1	8.3	0	0.0	1	8.3	2	16.7
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Food & Drug	37	30	81.1	1	2.7	2	5.4	2	5.4	2	5.4
Other Miscellaneous Offenses	468	311	66.5	58	12.4	21	4.5	31	6.6	47	10.0

<sup>1</sup>Of the 72,585 cases, 43,307 were sentenced within the applicable guideline range. Of those, 38,724 had complete guideline application information. An additional 2,262 cases were excluded due to several logical criteria. Of the remaining 36,462 cases, 1,562 were excluded due to one or both of the following reasons: missing primary offense category (0) or missing point in range information (1,562). Descriptions of variables used in this table are provided in Appendix A.

Figure J

**DISTRIBUTION OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2006**



<sup>1</sup>Of the 72,585 guideline cases, 85 were excluded due to missing primary offense category. An additional 808 of the 26,267 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.

SOURCE: U.S. Sentencing Commission, 2006 Datafile, USSCFY06.

Table 20

**GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2006**

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

<sup>1</sup>Of the 72,585 cases, 67 were excluded due to missing information on primary offense category. Descriptions of variables used in this table are provided in Appendix A.

Table 21

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2006**

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

<sup>1</sup>Of the 72,585 cases, 79 were excluded due to one or both of the following reasons: missing primary offense category (67) or missing information on mode of conviction (75). Descriptions of variables used in this table are provided in Appendix A.

Table 22

**AGE, RACE, AND GENDER OF OFFENDERS<sup>1</sup>**  
**Fiscal Year 2006**

Gender and Age	White		Black		Hispanic		Other	
	n	%	n	%	n	%	n	%
<b>Males</b>	<b>16,495</b>	<b>100.0</b>	<b>14,101</b>	<b>100.0</b>	<b>26,405</b>	<b>100.0</b>	<b>2,200</b>	<b>100.0</b>
<b>Under 21</b>	438	2.7	444	3.1	1,268	4.8	123	5.6
<b>21 - 25</b>	1,955	11.9	2,752	19.5	4,694	17.8	399	18.1
<b>26 - 30</b>	2,503	15.2	3,553	25.2	5,987	22.7	394	17.9
<b>31 - 35</b>	2,275	13.8	2,834	20.1	5,334	20.2	361	16.4
<b>36 - 40</b>	2,254	13.7	1,780	12.6	3,841	14.5	315	14.3
<b>41 - 50</b>	4,047	24.5	1,893	13.4	3,990	15.1	408	18.5
<b>Over 50</b>	3,023	18.3	845	6.0	1,291	4.9	200	9.1
<b>Females</b>	<b>3,466</b>	<b>100.0</b>	<b>2,250</b>	<b>100.0</b>	<b>2,723</b>	<b>100.0</b>	<b>544</b>	<b>100.0</b>
<b>Under 21</b>	111	3.2	71	3.2	177	6.5	22	4.0
<b>21 - 25</b>	492	14.2	381	16.9	500	18.4	78	14.3
<b>26 - 30</b>	531	15.3	434	19.3	548	20.1	85	15.6
<b>31 - 35</b>	517	14.9	389	17.3	441	16.2	94	17.3
<b>36 - 40</b>	505	14.6	331	14.7	415	15.2	76	14.0
<b>41 - 50</b>	854	24.6	454	20.2	468	17.2	120	22.1
<b>Over 50</b>	456	13.2	190	8.4	174	6.4	69	12.7

<sup>1</sup>Of the 72,585 cases, 4,401 were excluded due to one or more of the following reasons: missing race (3,672), missing gender (1,571), or missing age (1,767). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2006 Datafile, USSCFY06.



Table 23

**DOCUMENT SUBMISSION RATE OF EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2006**

CIRCUIT District	Number of Cases	Total Requested Documents				Judgment and Commitment Order				Statement of Reasons			
		Received		Not Received		Received		Not Received		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>72,585</b>	<b>336,376</b>	<b>98.7</b>	<b>4,408</b>	<b>1.3</b>	<b>72,424</b>	<b>99.8</b>	<b>161</b>	<b>0.2</b>	<b>70,065</b>	<b>96.5</b>	<b>2,520</b>	<b>3.5</b>
<b>D.C. CIRCUIT</b>	<b>460</b>	<b>2,225</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>	<b>460</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>	<b>460</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>
District of Columbia	460	2,225	100.0	0	0.0	460	100.0	0	0.0	460	100.0	0	0.0
<b>FIRST CIRCUIT</b>	<b>1,635</b>	<b>7,472</b>	<b>99.5</b>	<b>38</b>	<b>0.5</b>	<b>1,634</b>	<b>99.9</b>	<b>1</b>	<b>0.1</b>	<b>1,620</b>	<b>99.1</b>	<b>15</b>	<b>0.9</b>
Maine	205	932	99.5	5	0.5	205	100.0	0	0.0	204	99.5	1	0.5
Massachusetts	516	2,255	99.5	11	0.5	515	99.8	1	0.2	512	99.2	4	0.8
New Hampshire	219	1,070	99.7	3	0.3	219	100.0	0	0.0	218	99.5	1	0.5
Puerto Rico	569	2,615	99.5	14	0.5	569	100.0	0	0.0	563	98.9	6	1.1
Rhode Island	126	600	99.2	5	0.8	126	100.0	0	0.0	123	97.6	3	2.4
<b>SECOND CIRCUIT</b>	<b>4,436</b>	<b>20,840</b>	<b>99.5</b>	<b>95</b>	<b>0.5</b>	<b>4,431</b>	<b>99.9</b>	<b>5</b>	<b>0.1</b>	<b>4,386</b>	<b>98.9</b>	<b>50</b>	<b>1.1</b>
Connecticut	362	1,788	99.8	4	0.2	362	100.0	0	0.0	361	99.7	1	0.3
New York													
Eastern	1,104	5,361	99.9	3	0.1	1,104	100.0	0	0.0	1,102	99.8	2	0.2
Northern	409	1,857	98.0	37	2.0	409	100.0	0	0.0	381	93.2	28	6.8
Southern	1,763	7,931	99.5	38	0.5	1,761	99.9	2	0.1	1,748	99.1	15	0.9
Western	596	2,905	99.6	13	0.4	593	99.5	3	0.5	592	99.3	4	0.7
Vermont	202	998	100.0	0	0.0	202	100.0	0	0.0	202	100.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>3,016</b>	<b>14,272</b>	<b>99.0</b>	<b>144</b>	<b>1.0</b>	<b>3,001</b>	<b>99.5</b>	<b>15</b>	<b>0.5</b>	<b>2,952</b>	<b>97.9</b>	<b>64</b>	<b>2.1</b>
Delaware	101	493	98.8	6	1.2	101	100.0	0	0.0	101	100.0	0	0.0
New Jersey	941	4,540	98.4	74	1.6	927	98.5	14	1.5	915	97.2	26	2.8
Pennsylvania													
Eastern	864	4,028	98.9	46	1.1	863	99.9	1	0.1	833	96.4	31	3.6
Middle	499	2,455	99.9	3	0.1	499	100.0	0	0.0	498	99.8	1	0.2
Western	494	2,231	99.4	13	0.6	494	100.0	0	0.0	490	99.2	4	0.8
Virgin Islands	117	525	99.6	2	0.4	117	100.0	0	0.0	115	98.3	2	1.7
<b>FOURTH CIRCUIT</b>	<b>6,706</b>	<b>30,679</b>	<b>97.5</b>	<b>795</b>	<b>2.5</b>	<b>6,700</b>	<b>99.9</b>	<b>6</b>	<b>0.1</b>	<b>6,197</b>	<b>92.4</b>	<b>509</b>	<b>7.6</b>
Maryland	672	3,132	97.8	71	2.2	672	100.0	0	0.0	627	93.3	45	6.7
North Carolina													
Eastern	674	3,077	99.1	28	0.9	674	100.0	0	0.0	651	96.6	23	3.4
Middle	416	2,026	100.0	0	0.0	416	100.0	0	0.0	416	100.0	0	0.0
Western	812	3,846	99.6	17	0.4	812	100.0	0	0.0	798	98.3	14	1.7
South Carolina	1,141	5,400	99.9	7	0.1	1,141	100.0	0	0.0	1,139	99.8	2	0.2
Virginia													
Eastern	1,746	7,153	91.6	657	8.4	1,740	99.7	6	0.3	1,326	75.9	420	24.1
Western	599	2,889	99.8	6	0.2	599	100.0	0	0.0	594	99.2	5	0.8
West Virginia													
Northern	377	1,846	99.7	6	0.3	377	100.0	0	0.0	377	100.0	0	0.0
Southern	269	1,310	99.8	3	0.2	269	100.0	0	0.0	269	100.0	0	0.0

Table 23 (cont.)

CIRCUIT District	Plea Agreement <sup>2</sup>						Indictment/Information				Presentence Report					
	Received		Not Received		No Written Plea/Trial		Received		Not Received		Received		Not Received		Waived	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>53,165</b>	<b>73.6</b>	<b>516</b>	<b>0.7</b>	<b>18,511</b>	<b>25.6</b>	<b>71,904</b>	<b>99.1</b>	<b>681</b>	<b>0.9</b>	<b>68,818</b>	<b>94.8</b>	<b>530</b>	<b>0.7</b>	<b>3,237</b>	<b>4.5</b>
<b>D.C. CIRCUIT</b>	<b>388</b>	<b>84.3</b>	<b>0</b>	<b>0.0</b>	<b>72</b>	<b>15.7</b>	<b>460</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>	<b>457</b>	<b>99.3</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>0.7</b>
District of Columbia	388	84.3	0	0.0	72	15.7	460	100.0	0	0.0	457	99.3	0	0.0	3	0.7
<b>FIRST CIRCUIT</b>	<b>1,032</b>	<b>63.8</b>	<b>10</b>	<b>0.6</b>	<b>575</b>	<b>35.6</b>	<b>1,629</b>	<b>99.6</b>	<b>6</b>	<b>0.4</b>	<b>1,557</b>	<b>95.2</b>	<b>6</b>	<b>0.4</b>	<b>72</b>	<b>4.4</b>
Maine	121	59.6	1	0.5	81	39.9	204	99.5	1	0.5	198	96.6	2	1.0	5	2.4
Massachusetts	216	42.2	5	1.0	291	56.8	515	99.8	1	0.2	497	96.3	0	0.0	19	3.7
New Hampshire	196	89.5	1	0.5	22	10.0	218	99.5	1	0.5	219	100.0	0	0.0	0	0.0
Puerto Rico	400	71.8	1	0.2	156	28.0	566	99.5	3	0.5	517	90.9	4	0.7	48	8.4
Rhode Island	99	78.6	2	1.6	25	19.8	126	100.0	0	0.0	126	100.0	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>3,264</b>	<b>73.8</b>	<b>18</b>	<b>0.4</b>	<b>1,139</b>	<b>25.8</b>	<b>4,421</b>	<b>99.7</b>	<b>15</b>	<b>0.3</b>	<b>4,338</b>	<b>97.8</b>	<b>7</b>	<b>0.2</b>	<b>91</b>	<b>2.1</b>
Connecticut	344	95.6	0	0.0	16	4.4	360	99.4	2	0.6	361	99.7	1	0.3	0	0.0
New York																
Eastern	953	86.3	1	0.1	150	13.6	1,104	100.0	0	0.0	1,098	99.5	0	0.0	6	0.5
Northern	290	72.3	6	1.5	105	26.2	409	100.0	0	0.0	368	90.0	3	0.7	38	9.3
Southern	925	52.6	9	0.5	824	46.9	1,753	99.4	10	0.6	1,744	98.9	2	0.1	17	1.0
Western	560	94.0	2	0.3	34	5.7	593	99.5	3	0.5	567	95.1	1	0.2	28	4.7
Vermont	192	95.0	0	0.0	10	5.0	202	100.0	0	0.0	200	99.0	0	0.0	2	1.0
<b>THIRD CIRCUIT</b>	<b>2,396</b>	<b>79.6</b>	<b>10</b>	<b>0.3</b>	<b>603</b>	<b>20.0</b>	<b>2,969</b>	<b>98.4</b>	<b>47</b>	<b>1.6</b>	<b>2,954</b>	<b>97.9</b>	<b>8</b>	<b>0.3</b>	<b>54</b>	<b>1.8</b>
Delaware	95	94.1	0	0.0	6	5.9	96	95.0	5	5.0	100	99.0	1	1.0	0	0.0
New Jersey	849	90.3	3	0.3	88	9.4	912	96.9	29	3.1	937	99.6	2	0.2	2	0.2
Pennsylvania																
Eastern	624	72.3	2	0.2	237	27.5	855	99.0	9	1.0	853	98.7	3	0.3	8	0.9
Middle	472	94.8	0	0.0	26	5.2	498	99.8	1	0.2	488	97.8	1	0.2	10	2.0
Western	297	60.6	5	1.0	188	38.4	491	99.4	3	0.6	459	92.9	1	0.2	34	6.9
Virgin Islands	59	50.4	0	0.0	58	49.6	117	100.0	0	0.0	117	100.0	0	0.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>5,083</b>	<b>76.3</b>	<b>32</b>	<b>0.5</b>	<b>1,550</b>	<b>23.3</b>	<b>6,500</b>	<b>96.9</b>	<b>206</b>	<b>3.1</b>	<b>6,199</b>	<b>92.4</b>	<b>42</b>	<b>0.6</b>	<b>465</b>	<b>6.9</b>
Maryland	541	82.0	3	0.5	116	17.6	661	98.4	11	1.6	631	93.9	12	1.8	29	4.3
North Carolina																
Eastern	471	72.0	4	0.6	179	27.4	674	100.0	0	0.0	607	90.1	1	0.1	66	9.8
Middle	363	87.3	0	0.0	53	12.7	416	100.0	0	0.0	415	99.8	0	0.0	1	0.2
Western	615	76.0	2	0.2	192	23.7	812	100.0	0	0.0	809	99.6	1	0.1	2	0.2
South Carolina	846	74.1	4	0.4	291	25.5	1,141	100.0	0	0.0	1,133	99.3	1	0.1	7	0.6
Virginia																
Eastern	1,162	66.7	17	1.0	562	32.3	1,556	89.1	190	10.9	1,369	78.4	24	1.4	353	20.2
Western	505	84.3	0	0.0	94	15.7	598	99.8	1	0.2	593	99.0	0	0.0	6	1.0
West Virginia																
Northern	343	91.2	1	0.3	32	8.5	374	99.2	3	0.8	375	99.5	2	0.5	0	0.0
Southern	237	88.1	1	0.4	31	11.5	268	99.6	1	0.4	267	99.3	1	0.4	1	0.4

Table 23 (cont.)

CIRCUIT District	Number of Cases	Total Requested Documents				Judgment and Commitment Order				Statement of Reasons			
		Received		Not Received		Received		Not Received		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>15,754</b>	<b>71,448</b>	<b>99.7</b>	<b>232</b>	<b>0.3</b>	<b>15,735</b>	<b>99.9</b>	<b>19</b>	<b>0.1</b>	<b>15,693</b>	<b>99.6</b>	<b>61</b>	<b>0.4</b>
Louisiana													
Eastern	370	1,666	97.8	37	2.2	363	98.1	7	1.9	367	99.2	3	0.8
Middle	172	817	100.0	0	0.0	172	100.0	0	0.0	172	100.0	0	0.0
Western	494	2,344	99.4	15	0.6	490	99.2	4	0.8	485	98.2	9	1.8
Mississippi													
Northern	174	854	99.9	1	0.1	174	100.0	0	0.0	173	99.4	1	0.6
Southern	386	1,825	98.5	27	1.5	385	99.7	1	0.3	375	97.2	11	2.8
Texas													
Eastern	845	4,082	99.7	14	0.3	844	99.9	1	0.1	842	99.6	3	0.4
Northern	1,068	5,094	99.9	7	0.1	1,067	99.9	1	0.1	1,065	99.7	3	0.3
Southern	6,264	28,643	99.9	30	0.1	6,264	100.0	0	0.0	6,261	100.0	3	0.0
Western	5,981	26,123	99.6	101	0.4	5,976	99.9	5	0.1	5,953	99.5	28	0.5
<b>SIXTH CIRCUIT</b>	<b>5,220</b>	<b>24,616</b>	<b>99.4</b>	<b>144</b>	<b>0.6</b>	<b>5,220</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>	<b>5,125</b>	<b>98.2</b>	<b>95</b>	<b>1.8</b>
Kentucky													
Eastern	530	2,567	99.6	10	0.4	530	100.0	0	0.0	524	98.9	6	1.1
Western	445	1,868	97.4	50	2.6	445	100.0	0	0.0	400	89.9	45	10.1
Michigan													
Eastern	793	3,744	99.8	9	0.2	793	100.0	0	0.0	793	100.0	0	0.0
Western	435	2,097	99.7	7	0.3	435	100.0	0	0.0	433	99.5	2	0.5
Ohio													
Northern	976	4,650	99.9	3	0.1	976	100.0	0	0.0	976	100.0	0	0.0
Southern	709	3,420	98.7	44	1.3	709	100.0	0	0.0	678	95.6	31	4.4
Tennessee													
Eastern	528	2,456	99.8	6	0.2	528	100.0	0	0.0	528	100.0	0	0.0
Middle	296	1,401	99.1	13	0.9	296	100.0	0	0.0	286	96.6	10	3.4
Western	508	2,413	99.9	2	0.1	508	100.0	0	0.0	507	99.8	1	0.2
<b>SEVENTH CIRCUIT</b>	<b>3,079</b>	<b>14,621</b>	<b>99.4</b>	<b>81</b>	<b>0.6</b>	<b>3,076</b>	<b>99.9</b>	<b>3</b>	<b>0.1</b>	<b>3,041</b>	<b>98.8</b>	<b>38</b>	<b>1.2</b>
Illinois													
Central	332	1,498	99.7	4	0.3	332	100.0	0	0.0	330	99.4	2	0.6
Northern	1,105	5,244	99.2	40	0.8	1,102	99.7	3	0.3	1,087	98.4	18	1.6
Southern	374	1,755	99.7	5	0.3	374	100.0	0	0.0	373	99.7	1	0.3
Indiana													
Northern	405	1,938	99.1	18	0.9	405	100.0	0	0.0	388	95.8	17	4.2
Southern	315	1,522	99.9	2	0.1	315	100.0	0	0.0	315	100.0	0	0.0
Wisconsin													
Eastern	328	1,602	99.8	3	0.2	328	100.0	0	0.0	328	100.0	0	0.0
Western	220	1,062	99.2	9	0.8	220	100.0	0	0.0	220	100.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>5,195</b>	<b>24,780</b>	<b>99.6</b>	<b>95</b>	<b>0.4</b>	<b>5,193</b>	<b>100.0</b>	<b>2</b>	<b>0.0</b>	<b>5,146</b>	<b>99.1</b>	<b>49</b>	<b>0.9</b>
Arkansas													
Eastern	380	1,765	99.5	8	0.5	380	100.0	0	0.0	377	99.2	3	0.8
Western	186	879	97.2	25	2.8	186	100.0	0	0.0	164	88.2	22	11.8
Iowa													
Northern	421	1,915	99.9	2	0.1	421	100.0	0	0.0	421	100.0	0	0.0
Southern	366	1,694	99.8	3	0.2	366	100.0	0	0.0	366	100.0	0	0.0
Minnesota	558	2,725	99.9	4	0.1	558	100.0	0	0.0	555	99.5	3	0.5
Missouri													
Eastern	987	4,889	99.6	18	0.4	985	99.8	2	0.2	981	99.4	6	0.6
Western	911	4,220	99.6	17	0.4	911	100.0	0	0.0	901	98.9	10	1.1
Nebraska	703	3,472	99.9	4	0.1	703	100.0	0	0.0	703	100.0	0	0.0
North Dakota	252	1,182	99.2	10	0.8	252	100.0	0	0.0	248	98.4	4	1.6
South Dakota	431	2,039	99.8	4	0.2	431	100.0	0	0.0	430	99.8	1	0.2

Table 23 (cont.)

CIRCUIT District	Plea Agreement <sup>2</sup>						Indictment/Information				Presentence Report					
	Received		Not Received		No Written Plea/Trial		Received		Not Received		Received		Not Received		Waived	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>9,505</b>	<b>60.4</b>	<b>84</b>	<b>0.5</b>	<b>6,135</b>	<b>39.0</b>	<b>15,715</b>	<b>99.8</b>	<b>39</b>	<b>0.2</b>	<b>14,800</b>	<b>93.9</b>	<b>29</b>	<b>0.2</b>	<b>925</b>	<b>5.9</b>
Louisiana																
Eastern	212	57.8	11	3.0	144	39.2	361	97.6	9	2.4	363	98.1	7	1.9	0	0.0
Middle	129	75.0	0	0.0	43	25.0	172	100.0	0	0.0	172	100.0	0	0.0	0	0.0
Western	396	80.3	1	0.2	96	19.5	494	100.0	0	0.0	479	97.0	1	0.2	14	2.8
Mississippi																
Northern	159	91.4	0	0.0	15	8.6	174	100.0	0	0.0	174	100.0	0	0.0	0	0.0
Southern	307	80.2	5	1.3	71	18.5	378	97.9	8	2.1	380	98.4	2	0.5	4	1.0
Texas																
Eastern	713	84.5	4	0.5	127	15.0	840	99.4	5	0.6	843	99.8	1	0.1	1	0.1
Northern	829	77.8	1	0.1	236	22.1	1,067	99.9	1	0.1	1,066	99.8	1	0.1	1	0.1
Southern	3,697	59.1	15	0.2	2,543	40.7	6,258	99.9	6	0.1	6,163	98.4	6	0.1	95	1.5
Western	3,063	51.3	47	0.8	2,860	47.9	5,971	99.8	10	0.2	5,160	86.3	11	0.2	810	13.5
<b>SIXTH CIRCUIT</b>	<b>4,074</b>	<b>78.2</b>	<b>22</b>	<b>0.4</b>	<b>1,111</b>	<b>21.3</b>	<b>5,207</b>	<b>99.8</b>	<b>13</b>	<b>0.2</b>	<b>4,990</b>	<b>95.6</b>	<b>14</b>	<b>0.3</b>	<b>216</b>	<b>4.1</b>
Kentucky																
Eastern	466	87.9	2	0.4	62	11.7	530	100.0	0	0.0	517	97.5	2	0.4	11	2.1
Western	276	62.4	5	1.1	161	36.4	445	100.0	0	0.0	302	67.9	0	0.0	143	32.1
Michigan																
Eastern	581	73.7	3	0.4	204	25.9	790	99.6	3	0.4	787	99.2	3	0.4	3	0.4
Western	371	85.3	1	0.2	63	14.5	433	99.5	2	0.5	425	97.7	2	0.5	8	1.8
Ohio																
Northern	757	77.6	3	0.3	215	22.1	976	100.0	0	0.0	965	98.9	0	0.0	11	1.1
Southern	644	91.2	3	0.4	59	8.4	706	99.6	3	0.4	683	96.3	7	1.0	19	2.7
Tennessee																
Eastern	348	65.9	3	0.6	177	33.5	525	99.4	3	0.6	527	99.8	0	0.0	1	0.2
Middle	244	82.7	1	0.3	50	16.9	294	99.3	2	0.7	281	94.9	0	0.0	15	5.1
Western	387	76.2	1	0.2	120	23.6	508	100.0	0	0.0	503	99.0	0	0.0	5	1.0
<b>SEVENTH CIRCUIT</b>	<b>2,385</b>	<b>77.6</b>	<b>7</b>	<b>0.2</b>	<b>682</b>	<b>22.2</b>	<b>3,060</b>	<b>99.4</b>	<b>19</b>	<b>0.6</b>	<b>3,059</b>	<b>99.4</b>	<b>14</b>	<b>0.5</b>	<b>6</b>	<b>0.2</b>
Illinois																
Central	176	53.2	0	0.0	155	46.8	331	99.7	1	0.3	329	99.1	1	0.3	2	0.6
Northern	860	78.0	4	0.4	239	21.7	1,096	99.2	9	0.8	1,099	99.5	6	0.5	0	0.0
Southern	264	70.8	1	0.3	108	29.0	374	100.0	0	0.0	370	98.9	3	0.8	1	0.3
Indiana																
Northern	335	82.7	1	0.2	69	17.0	405	100.0	0	0.0	405	100.0	0	0.0	0	0.0
Southern	265	84.1	0	0.0	50	15.9	314	99.7	1	0.3	313	99.4	1	0.3	1	0.3
Wisconsin																
Eastern	294	89.6	0	0.0	34	10.4	326	99.4	2	0.6	326	99.4	1	0.3	1	0.3
Western	191	87.2	1	0.5	27	12.3	214	97.3	6	2.7	217	98.6	2	0.9	1	0.5
<b>EIGHTH CIRCUIT</b>	<b>4,123</b>	<b>79.5</b>	<b>17</b>	<b>0.3</b>	<b>1,043</b>	<b>20.1</b>	<b>5,180</b>	<b>99.7</b>	<b>15</b>	<b>0.3</b>	<b>5,138</b>	<b>98.9</b>	<b>12</b>	<b>0.2</b>	<b>45</b>	<b>0.9</b>
Arkansas																
Eastern	273	73.2	3	0.8	97	26.0	379	99.7	1	0.3	356	93.7	1	0.3	23	6.1
Western	159	85.9	1	0.5	25	13.5	185	99.5	1	0.5	185	99.5	1	0.5	0	0.0
Iowa																
Northern	235	55.8	1	0.2	185	43.9	420	99.8	1	0.2	418	99.3	0	0.0	3	0.7
Southern	236	64.5	1	0.3	129	35.2	365	99.7	1	0.3	361	98.6	1	0.3	4	1.1
Minnesota	502	90.0	0	0.0	56	10.0	558	100.0	0	0.0	552	98.9	1	0.2	5	0.9
Missouri																
Eastern	955	96.9	4	0.4	27	2.7	983	99.6	4	0.4	985	99.8	2	0.2	0	0.0
Western	595	65.3	2	0.2	314	34.5	908	99.7	3	0.3	905	99.3	2	0.2	4	0.4
Nebraska	664	94.6	0	0.0	38	5.4	701	99.7	2	0.3	701	99.7	2	0.3	0	0.0
North Dakota	182	72.5	3	1.2	66	26.3	250	99.2	2	0.8	250	99.2	1	0.4	1	0.4
South Dakota	322	74.9	2	0.5	106	24.7	431	100.0	0	0.0	425	98.6	1	0.2	5	1.2

Table 23 (cont.)

CIRCUIT District	Number of Cases	Total Requested Documents				Judgment and Commitment Order				Statement of Reasons			
		Received		Not Received		Received		Not Received		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>13,794</b>	<b>64,716</b>	<b>97.3</b>	<b>1,807</b>	<b>2.7</b>	<b>13,707</b>	<b>99.4</b>	<b>87</b>	<b>0.6</b>	<b>12,645</b>	<b>91.7</b>	<b>1,149</b>	<b>8.3</b>
Alaska	146	646	97.7	15	2.3	145	99.3	1	0.7	135	92.5	11	7.5
Arizona	4,308	20,590	98.4	328	1.6	4,308	100.0	0	0.0	3,994	92.7	314	7.3
California													
Central	1,633	6,874	88.0	937	12.0	1,576	96.5	57	3.5	1,090	66.7	543	33.3
Eastern	1,043	5,073	99.7	13	0.3	1,043	100.0	0	0.0	1,036	99.3	7	0.7
Northern	662	3,105	98.4	49	1.6	659	99.5	3	0.5	651	98.3	11	1.7
Southern	2,639	12,412	97.8	278	2.2	2,621	99.3	18	0.7	2,465	93.4	174	6.6
Guam	82	390	100.0	0	0.0	82	100.0	0	0.0	82	100.0	0	0.0
Hawaii	452	2,070	98.5	32	1.5	451	99.8	1	0.2	448	99.1	4	0.9
Idaho	263	1,277	99.6	5	0.4	263	100.0	0	0.0	258	98.1	5	1.9
Montana	434	2,090	99.7	7	0.3	434	100.0	0	0.0	432	99.5	2	0.5
Nevada	392	1,877	99.2	15	0.8	392	100.0	0	0.0	385	98.2	7	1.8
Northern Mariana Islands	11	50	100.0	0	0.0	11	100.0	0	0.0	11	100.0	0	0.0
Oregon	527	2,543	98.3	43	1.7	525	99.6	2	0.4	494	93.7	33	6.3
Washington													
Eastern	363	1,709	98.8	21	1.2	360	99.2	3	0.8	357	98.3	6	1.7
Western	839	4,010	98.4	64	1.6	837	99.8	2	0.2	807	96.2	32	3.8
<b>TENTH CIRCUIT</b>	<b>6,189</b>	<b>28,666</b>	<b>98.7</b>	<b>391</b>	<b>1.3</b>	<b>6,178</b>	<b>99.8</b>	<b>11</b>	<b>0.2</b>	<b>5,994</b>	<b>96.8</b>	<b>195</b>	<b>3.2</b>
Colorado	682	3,305	98.2	61	1.8	681	99.9	1	0.1	646	94.7	36	5.3
Kansas	702	3,414	99.7	10	0.3	701	99.9	1	0.1	699	99.6	3	0.4
New Mexico	2,843	13,086	99.4	75	0.6	2,838	99.8	5	0.2	2,828	99.5	15	0.5
Oklahoma													
Eastern	80	343	98.6	5	1.4	80	100.0	0	0.0	80	100.0	0	0.0
Northern	202	946	99.8	2	0.2	202	100.0	0	0.0	201	99.5	1	0.5
Western	356	1,322	86.5	207	13.5	355	99.7	1	0.3	226	63.5	130	36.5
Utah	979	4,628	99.8	9	0.2	976	99.7	3	0.3	975	99.6	4	0.4
Wyoming	345	1,622	98.7	22	1.3	345	100.0	0	0.0	339	98.3	6	1.7
<b>ELEVENTH CIRCUIT</b>	<b>7,101</b>	<b>32,041</b>	<b>98.2</b>	<b>586</b>	<b>1.8</b>	<b>7,089</b>	<b>99.8</b>	<b>12</b>	<b>0.2</b>	<b>6,806</b>	<b>95.8</b>	<b>295</b>	<b>4.2</b>
Alabama													
Middle	252	1,219	99.3	8	0.7	252	100.0	0	0.0	249	98.8	3	1.2
Northern	517	2,444	99.6	11	0.4	517	100.0	0	0.0	507	98.1	10	1.9
Southern	394	1,851	99.6	7	0.4	394	100.0	0	0.0	393	99.7	1	0.3
Florida													
Middle	1,724	7,729	98.0	161	2.0	1,724	100.0	0	0.0	1,716	99.5	8	0.5
Northern	429	1,977	98.9	21	1.1	429	100.0	0	0.0	413	96.3	16	3.7
Southern	2,030	9,182	98.1	176	1.9	2,020	99.5	10	0.5	1,915	94.3	115	5.7
Georgia													
Middle	494	2,134	96.1	87	3.9	493	99.8	1	0.2	419	84.8	75	15.2
Northern	757	3,522	98.0	72	2.0	756	99.9	1	0.1	732	96.7	25	3.3
Southern	504	1,983	97.9	43	2.1	504	100.0	0	0.0	462	91.7	42	8.3

Table 23 (cont.)

CIRCUIT District	Plea Agreement <sup>2</sup>						Indictment/Information				Presentence Report					
	Received		Not Received		No Written Plea/Trial		Received		Not Received		Received		Not Received		Waived	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>11,829</b>	<b>86.0</b>	<b>183</b>	<b>1.3</b>	<b>1,735</b>	<b>12.6</b>	<b>13,602</b>	<b>98.6</b>	<b>192</b>	<b>1.4</b>	<b>12,933</b>	<b>93.8</b>	<b>196</b>	<b>1.4</b>	<b>665</b>	<b>4.8</b>
Alaska	80	55.6	0	0.0	64	44.4	146	100.0	0	0.0	140	95.9	3	2.1	3	2.1
Arizona	3,961	92.0	5	0.1	338	7.9	4,304	99.9	4	0.1	4,023	93.4	5	0.1	280	6.5
California																
Central	1,184	73.1	126	7.8	310	19.1	1,502	92.0	131	8.0	1,522	93.2	80	4.9	31	1.9
Eastern	913	87.9	2	0.2	124	11.9	1,041	99.8	2	0.2	1,040	99.7	2	0.2	1	0.1
Northern	542	82.0	5	0.8	114	17.2	657	99.2	5	0.8	596	90.0	25	3.8	41	6.2
Southern	2,293	87.2	19	0.7	319	12.1	2,613	99.0	26	1.0	2,420	91.7	41	1.6	178	6.7
Guam	63	76.8	0	0.0	19	23.2	82	100.0	0	0.0	81	98.8	0	0.0	1	1.2
Hawaii	298	66.4	8	1.8	143	31.8	446	98.7	6	1.3	427	94.5	13	2.9	12	2.7
Idaho	234	89.3	0	0.0	28	10.7	263	100.0	0	0.0	259	98.5	0	0.0	4	1.5
Montana	360	83.3	2	0.5	70	16.2	432	99.5	2	0.5	432	99.5	1	0.2	1	0.2
Nevada	328	83.9	2	0.5	61	15.6	389	99.2	3	0.8	383	97.7	3	0.8	6	1.5
Northern Mariana Islands	8	72.7	0	0.0	3	27.3	11	100.0	0	0.0	9	81.8	0	0.0	2	18.2
Oregon	492	93.4	2	0.4	33	6.3	523	99.2	4	0.8	509	96.6	2	0.4	16	3.0
Washington																
Eastern	283	78.4	7	1.9	71	19.7	359	98.9	4	1.1	350	96.4	1	0.3	12	3.3
Western	790	94.8	5	0.6	38	4.6	834	99.4	5	0.6	742	88.4	20	2.4	77	9.2
<b>TENTH CIRCUIT</b>	<b>4,486</b>	<b>73.8</b>	<b>61</b>	<b>1.0</b>	<b>1,531</b>	<b>25.2</b>	<b>6,155</b>	<b>99.5</b>	<b>34</b>	<b>0.5</b>	<b>5,853</b>	<b>94.6</b>	<b>90</b>	<b>1.5</b>	<b>246</b>	<b>4.0</b>
Colorado	650	95.7	0	0.0	29	4.3	679	99.6	3	0.4	649	95.2	21	3.1	12	1.8
Kansas	621	88.5	1	0.1	80	11.4	700	99.7	2	0.3	693	98.7	3	0.4	6	0.9
New Mexico	1,762	63.6	29	1.0	979	35.3	2,819	99.2	24	0.8	2,839	99.9	2	0.1	2	0.1
Oklahoma																
Eastern	24	30.0	4	5.0	52	65.0	80	100.0	0	0.0	79	98.8	1	1.3	0	0.0
Northern	141	69.8	0	0.0	61	30.2	201	99.5	1	0.5	201	99.5	0	0.0	1	0.5
Western	161	47.5	18	5.3	160	47.2	353	99.2	3	0.8	227	63.8	55	15.4	74	20.8
Utah	846	87.7	0	0.0	119	12.3	978	99.9	1	0.1	853	87.1	1	0.1	125	12.8
Wyoming	281	82.4	9	2.6	51	15.0	345	100.0	0	0.0	312	90.4	7	2.0	26	7.5
<b>ELEVENTH CIRCUIT</b>	<b>4,600</b>	<b>65.6</b>	<b>72</b>	<b>1.0</b>	<b>2,335</b>	<b>33.3</b>	<b>7,006</b>	<b>98.7</b>	<b>95</b>	<b>1.3</b>	<b>6,540</b>	<b>92.1</b>	<b>112</b>	<b>1.6</b>	<b>449</b>	<b>6.3</b>
Alabama																
Middle	215	85.3	4	1.6	33	13.1	251	99.6	1	0.4	252	100.0	0	0.0	0	0.0
Northern	430	84.1	0	0.0	81	15.9	517	100.0	0	0.0	473	91.5	1	0.2	43	8.3
Southern	292	74.9	1	0.3	97	24.9	392	99.5	2	0.5	380	96.4	3	0.8	11	2.8
Florida																
Middle	970	57.2	25	1.5	701	41.3	1,658	96.2	66	3.8	1,661	96.3	62	3.6	1	0.1
Northern	282	66.2	4	0.9	140	32.9	429	100.0	0	0.0	424	98.8	1	0.2	4	0.9
Southern	1,306	65.2	18	0.9	679	33.9	2,019	99.5	11	0.5	1,922	94.7	22	1.1	86	4.2
Georgia																
Middle	298	61.2	7	1.4	182	37.4	491	99.4	3	0.6	433	87.7	1	0.2	60	12.1
Northern	562	75.0	12	1.6	175	23.4	745	98.4	12	1.6	727	96.0	22	2.9	8	1.1
Southern	245	49.7	1	0.2	247	50.1	504	100.0	0	0.0	268	53.2	0	0.0	236	46.8

<sup>1</sup>Descriptions of variables used in this table are provided in Appendix A.<sup>2</sup>The figures presented in this table regarding Plea Agreement Submission exclude from the analysis 393 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, 2006 Datafile, USSCFY06.

# Appendix A

## Descriptions of Datafiles and Variables

### Introduction

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

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

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

### Variables

The following section describes the variables used in this report.

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

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

#### **Age**

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

#### **All Remaining Cases Above Guideline Range**

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

#### **All Remaining Cases Below Guideline Range**

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

#### **Average Sentence Length**

Using sentencing information obtained from the Judgment of Conviction order, *Average Sentence Length* is reported as the mean and median terms of imprisonment (including any months of alternative confinement as defined in §5C1.1) ordered for cases committed to the Bureau of Prisons. Cases that receive no term of imprisonment (i.e. probation) are also included in the average. Cases for which a term of imprisonment is ordered but the length is indeterminable also are excluded. In most cases for which

the exact term is unknown, the Judgment of Conviction order merely specifies a sentence of time served. Prior to fiscal year 1993, the Commission defined life sentences as 360 months. However, to reflect life expectancy of federal criminal offenders more precisely and to provide more accurate length of imprisonment information, life sentences are now defined as 470 months.

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

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

### **Circuit**

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

### **Citizenship Status**

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

### **Degree of Decrease**

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

### **Degree of Increase**

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

### **District**

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

### **Document Submission Rates**

Five documents are represented in the document submission rate table: Judgment of Conviction order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). The J&C and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the Statement of Reasons are most frequently submitted; however, transcripts or partial transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender’s guilty plea was entered pursuant to a written agreement are excluded



from the Plea Agreement totals.

### **Downward Departure From Guideline Range**

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

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

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

### **Drug Offense Guideline**

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

### **Drug Type**

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

### **Education**

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

### **Gender**

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

### **Government Sponsored**

Government sponsorship of a departure is determined by a yearly case review by USSC staff of both the reasons for departure and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons. The SOR form AO245B version 12/03 and 06/05 have specific check-boxes to indicate the origins of the departure, but cases which do not use this form may also indicate in writing the origins of the departure. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Note that since the USSC reviews the reasons on a yearly basis this list might be modified slightly from year to year. Unless otherwise broken out in the table or chart, this

category also includes cases with §5K3.1 Early Disposition Program (EDP) departures.

### **Guideline Offenders Sentenced**

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

### **Guideline Sentencing Range**

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

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

### **Mode of Conviction**

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

### **Outside of the Range Attribution Categories**

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

### **Position of Sentence**

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Only cases with complete information from the Statement of Reasons are used for this table. The *Position of Sentence* is determined by dividing the available range in half. This allows a sentence to fall into one of five distinct categories: the guideline minimum; the exact midpoint of the range; the guideline maximum; the lower-half of the range (when not at the guideline minimum); and the upper-half of the range (when not at the guideline maximum). The “available range” is the guideline range with applicable statutory restrictions on either the maximum or the minimum of the range taken into account. (For cases in which guideline §5C1.2 was applied, in accordance with the provisions of the guideline, the statutory restrictions on the range are those from 18 U.S.C. § 3553(f).) In cases in which the sentence is located outside the available sentencing range, departure information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each range quarter may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the Statement of Reasons and information on statutory minima and maxima.

## **Primary Offense Category**

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

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

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

*Manslaughter* includes both involuntary and voluntary manslaughter.

*Kidnapping/Hostage* includes ransom taking and hostage/kidnapping.

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

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

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

*Arson* also includes damage by explosives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Gambling/Lottery* includes engaging in a gambling business, transmission of wagering information, obstruction to facilitate gambling, and interstate transportation of wagering paraphernalia.

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

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

U.S.

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

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

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

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

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

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

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

*Other Miscellaneous Offenses* includes illegal use of regulatory number – drugs; illegal transfer of drugs; illegal regulatory number to get drugs; drug paraphernalia; forgery/fraud for drugs; dangerous devices to protect drugs; manufacture drugs against quota; endangering life while manufacturing drugs; operate carrier under drugs; endangerment from hazardous/toxic substances; mishandling substances, records, etc.; threat of tampering with public water system; hazardous devices of federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; record keeping violation – explosives; possession of other weapon – on aircraft, in federal facility; failure to report theft of explosives; feloniously mailing injurious articles; transport of hazardous material in commerce; interference with flight crew, other offense – aboard aircraft; criminal infringement of copyright/trademark; conflict of interest; unauthorized payment; non-drug forfeiture; impersonation; false statement to Employee Act; reporting offenses – labor related; criminal infringement of trademark; unlawful conduct relating to control/cigarettes; trespass; destruction of property; destruction of mail; aircraft piracy; conspiracy to murder (no death, assault, or attempt); conspiracy to commit murder; and all other miscellaneous offenses not previously listed in any of the other categories.

## **Race**

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

racial background.) The *Other* category includes offenders of Native American, Alaskan Native, and Asian or Pacific Islander origin.

### **Type of Guideline Sentence Imposed**

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

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

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

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

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

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

### **Upward Departure From Guideline Range**

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

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

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

### **Year**

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

## **Zone**

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

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

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

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

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

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

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

<u>Quarterly Report Tables/Figures</u>	<u>Comperable <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 .....	Table 28
Table 5 .....	Table 28A
Table 6 .....	Table 30
Table 7 .....	Table 30A
Table 8 .....	Table 31
Table 9 .....	Table 31A
Table 10 .....	Table 31B
Table 11 .....	Table 31C
Table 12 .....	Table 31D
Table 13 .....	Table 32
Table 14 .....	Table 32A
Table 15 .....	Table 32B
Table 16 .....	Table 32C
Table 17 .....	Table 15
Table 18 .....	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 19 .....	Table 29
Figure J .....	Figure A
Table 20 .....	Table 3
Table 21 .....	Table 11
Table 22 .....	Table 7
Table 23 .....	Tables 1