

**U.S. Sentencing Commission  
Preliminary Quarterly Data Report**



**2nd Quarter Release  
Preliminary Fiscal Year 2008 Data  
Through March 31, 2008**

## Introduction

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

The Commission first reported data on February 10, 2005 to 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. Because the report included additional analyses that had not been included in the monthly reports, not all the data presented in the report was comparable with the monthly releases, which made comparing data over time difficult.

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

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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 Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the presentence report. See 28 U.S.C. § 994(w).

<sup>2</sup>See the Commission's website, [www.ussc.gov](http://www.ussc.gov), for electronic copies of the 1995-2007 *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.

<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 United States v. Booker on Federal Sentencing*.

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

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

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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.

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

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**NATIONAL COMPARISON OF SENTENCE IMPOSED AND  
POSITION RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>**  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)

	N	%
<b>TOTAL CASES</b>	<b>33,515</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>20,066</b>	<b>59.9</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>549</b>	<b>1.6</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>229</b>	<b>0.7</b>
Upward Departure From Guideline Range <sup>2</sup>	154	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	75	0.2
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>320</b>	<b>0.9</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	273	0.8
All Remaining Cases Above Guideline Range <sup>5</sup>	47	0.1
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>8,633</b>	<b>25.7</b>
§5K1.1 Substantial Assistance Departure	4,568	13.6
§5K3.1 Early Disposition Program Departure	2,697	8.0
Other Government Sponsored Below Range	1,368	4.1
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>4,267</b>	<b>12.7</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>1,131</b>	<b>3.3</b>
Downward Departure From Guideline Range <sup>2</sup>	718	2.1
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	413	1.2
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>3,136</b>	<b>9.4</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	2,805	8.4
All Remaining Cases Below Guideline Range <sup>5</sup>	331	1.0

<sup>1</sup>This table reflects the 34,254 cases sentenced subsequent to October 1, 2007, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by May 27, 2008. Of these, 739 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

<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 *United States 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 *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

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

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

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through March 31, 2008).

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>33,515</b>	<b>20,066</b>	<b>59.9</b>	<b>154</b>	<b>0.5</b>	<b>75</b>	<b>0.2</b>	<b>273</b>	<b>0.8</b>	<b>47</b>	<b>0.1</b>
<b>D.C. CIRCUIT</b>	<b>212</b>	<b>84</b>	<b>39.6</b>	<b>1</b>	<b>0.5</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>1.4</b>	<b>1</b>	<b>0.5</b>
District of Columbia	212	84	39.6	1	0.5	0	0.0	3	1.4	1	0.5
<b>FIRST CIRCUIT</b>	<b>702</b>	<b>447</b>	<b>63.7</b>	<b>1</b>	<b>0.1</b>	<b>1</b>	<b>0.1</b>	<b>1</b>	<b>0.1</b>	<b>2</b>	<b>0.3</b>
Maine	111	79	71.2	1	0.9	0	0.0	0	0.0	0	0.0
Massachusetts	234	124	53.0	0	0.0	1	0.4	1	0.4	1	0.4
New Hampshire	88	42	47.7	0	0.0	0	0.0	0	0.0	0	0.0
Puerto Rico	222	170	76.6	0	0.0	0	0.0	0	0.0	1	0.5
Rhode Island	47	32	68.1	0	0.0	0	0.0	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>1,912</b>	<b>858</b>	<b>44.9</b>	<b>2</b>	<b>0.1</b>	<b>5</b>	<b>0.3</b>	<b>7</b>	<b>0.4</b>	<b>0</b>	<b>0.0</b>
Connecticut	162	73	45.1	0	0.0	0	0.0	2	1.2	0	0.0
New York											
Eastern	520	209	40.2	0	0.0	1	0.2	2	0.4	0	0.0
Northern	211	94	44.5	0	0.0	1	0.5	0	0.0	0	0.0
Southern	634	273	43.1	0	0.0	1	0.2	1	0.2	0	0.0
Western	321	180	56.1	1	0.3	2	0.6	2	0.6	0	0.0
Vermont	64	29	45.3	1	1.6	0	0.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>1,428</b>	<b>777</b>	<b>54.4</b>	<b>11</b>	<b>0.8</b>	<b>3</b>	<b>0.2</b>	<b>10</b>	<b>0.7</b>	<b>0</b>	<b>0.0</b>
Delaware	36	18	50.0	0	0.0	0	0.0	1	2.8	0	0.0
New Jersey	454	237	52.2	2	0.4	0	0.0	4	0.9	0	0.0
Pennsylvania											
Eastern	341	149	43.7	3	0.9	1	0.3	2	0.6	0	0.0
Middle	309	169	54.7	5	1.6	0	0.0	0	0.0	0	0.0
Western	249	176	70.7	1	0.4	2	0.8	1	0.4	0	0.0
Virgin Islands	39	28	71.8	0	0.0	0	0.0	2	5.1	0	0.0
<b>FOURTH CIRCUIT</b>	<b>3,044</b>	<b>2,073</b>	<b>68.1</b>	<b>27</b>	<b>0.9</b>	<b>21</b>	<b>0.7</b>	<b>24</b>	<b>0.8</b>	<b>7</b>	<b>0.2</b>
Maryland	326	167	51.2	0	0.0	1	0.3	3	0.9	2	0.6
North Carolina											
Eastern	324	178	54.9	17	5.2	12	3.7	3	0.9	2	0.6
Middle	144	119	82.6	0	0.0	0	0.0	1	0.7	0	0.0
Western	392	251	64.0	3	0.8	0	0.0	2	0.5	1	0.3
South Carolina	565	383	67.8	0	0.0	0	0.0	1	0.2	0	0.0
Virginia											
Eastern	698	531	76.1	5	0.7	8	1.1	6	0.9	2	0.3
Western	212	149	70.3	2	0.9	0	0.0	2	0.9	0	0.0
West Virginia											
Northern	251	196	78.1	0	0.0	0	0.0	3	1.2	0	0.0
Southern	132	99	75.0	0	0.0	0	0.0	3	2.3	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>4,568</b>	<b>13.6</b>	<b>2,697</b>	<b>8.0</b>	<b>1,368</b>	<b>4.1</b>	<b>718</b>	<b>2.1</b>	<b>413</b>	<b>1.2</b>	<b>2,805</b>	<b>8.4</b>	<b>331</b>	<b>1.0</b>
<b>D.C. CIRCUIT</b>	<b>69</b>	<b>32.5</b>	<b>0</b>	<b>0.0</b>	<b>15</b>	<b>7.1</b>	<b>6</b>	<b>2.8</b>	<b>8</b>	<b>3.8</b>	<b>19</b>	<b>9.0</b>	<b>6</b>	<b>2.8</b>
District of Columbia	69	32.5	0	0.0	15	7.1	6	2.8	8	3.8	19	9.0	6	2.8
<b>FIRST CIRCUIT</b>	<b>75</b>	<b>10.7</b>	<b>0</b>	<b>0.0</b>	<b>29</b>	<b>4.1</b>	<b>23</b>	<b>3.3</b>	<b>18</b>	<b>2.6</b>	<b>95</b>	<b>13.5</b>	<b>10</b>	<b>1.4</b>
Maine	21	18.9	0	0.0	0	0.0	0	0.0	1	0.9	9	8.1	0	0.0
Massachusetts	19	8.1	0	0.0	14	6.0	13	5.6	10	4.3	48	20.5	3	1.3
New Hampshire	18	20.5	0	0.0	2	2.3	4	4.5	3	3.4	18	20.5	1	1.1
Puerto Rico	15	6.8	0	0.0	12	5.4	4	1.8	3	1.4	12	5.4	5	2.3
Rhode Island	2	4.3	0	0.0	1	2.1	2	4.3	1	2.1	8	17.0	1	2.1
<b>SECOND CIRCUIT</b>	<b>439</b>	<b>23.0</b>	<b>1</b>	<b>0.1</b>	<b>57</b>	<b>3.0</b>	<b>89</b>	<b>4.7</b>	<b>83</b>	<b>4.3</b>	<b>347</b>	<b>18.1</b>	<b>24</b>	<b>1.3</b>
Connecticut	26	16.0	0	0.0	6	3.7	10	6.2	16	9.9	26	16.0	3	1.9
New York														
Eastern	113	21.7	1	0.2	29	5.6	31	6.0	30	5.8	94	18.1	10	1.9
Northern	78	37.0	0	0.0	0	0.0	16	7.6	7	3.3	14	6.6	1	0.5
Southern	117	18.5	0	0.0	12	1.9	23	3.6	25	3.9	174	27.4	8	1.3
Western	92	28.7	0	0.0	10	3.1	0	0.0	2	0.6	30	9.3	2	0.6
Vermont	13	20.3	0	0.0	0	0.0	9	14.1	3	4.7	9	14.1	0	0.0
<b>THIRD CIRCUIT</b>	<b>365</b>	<b>25.6</b>	<b>0</b>	<b>0.0</b>	<b>18</b>	<b>1.3</b>	<b>27</b>	<b>1.9</b>	<b>23</b>	<b>1.6</b>	<b>176</b>	<b>12.3</b>	<b>18</b>	<b>1.3</b>
Delaware	4	11.1	0	0.0	0	0.0	1	2.8	0	0.0	8	22.2	4	11.1
New Jersey	129	28.4	0	0.0	3	0.7	8	1.8	3	0.7	66	14.5	2	0.4
Pennsylvania														
Eastern	113	33.1	0	0.0	4	1.2	3	0.9	14	4.1	47	13.8	5	1.5
Middle	86	27.8	0	0.0	8	2.6	6	1.9	0	0.0	31	10.0	4	1.3
Western	29	11.6	0	0.0	1	0.4	9	3.6	6	2.4	22	8.8	2	0.8
Virgin Islands	4	10.3	0	0.0	2	5.1	0	0.0	0	0.0	2	5.1	1	2.6
<b>FOURTH CIRCUIT</b>	<b>516</b>	<b>17.0</b>	<b>0</b>	<b>0.0</b>	<b>30</b>	<b>1.0</b>	<b>56</b>	<b>1.8</b>	<b>20</b>	<b>0.7</b>	<b>234</b>	<b>7.7</b>	<b>36</b>	<b>1.2</b>
Maryland	76	23.3	0	0.0	9	2.8	4	1.2	6	1.8	50	15.3	8	2.5
North Carolina														
Eastern	93	28.7	0	0.0	1	0.3	4	1.2	1	0.3	11	3.4	2	0.6
Middle	15	10.4	0	0.0	0	0.0	1	0.7	0	0.0	8	5.6	0	0.0
Western	104	26.5	0	0.0	2	0.5	5	1.3	2	0.5	16	4.1	6	1.5
South Carolina	120	21.2	0	0.0	2	0.4	16	2.8	0	0.0	36	6.4	7	1.2
Virginia														
Eastern	38	5.4	0	0.0	6	0.9	22	3.2	9	1.3	60	8.6	11	1.6
Western	40	18.9	0	0.0	3	1.4	1	0.5	0	0.0	13	6.1	2	0.9
West Virginia														
Northern	18	7.2	0	0.0	7	2.8	3	1.2	1	0.4	23	9.2	0	0.0
Southern	12	9.1	0	0.0	0	0.0	0	0.0	1	0.8	17	12.9	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>7,932</b>	<b>5,590</b>	<b>70.5</b>	<b>45</b>	<b>0.6</b>	<b>17</b>	<b>0.2</b>	<b>68</b>	<b>0.9</b>	<b>8</b>	<b>0.1</b>
Louisiana											
Eastern	253	195	77.1	3	1.2	3	1.2	5	2.0	1	0.4
Middle	103	75	72.8	1	1.0	0	0.0	0	0.0	0	0.0
Western	178	133	74.7	0	0.0	0	0.0	0	0.0	0	0.0
Mississippi											
Northern	85	60	70.6	0	0.0	0	0.0	3	3.5	0	0.0
Southern	188	154	81.9	0	0.0	2	1.1	3	1.6	0	0.0
Texas											
Eastern	457	334	73.1	5	1.1	0	0.0	1	0.2	2	0.4
Northern	527	366	69.4	14	2.7	7	1.3	14	2.7	1	0.2
Southern	3,006	1,724	57.4	12	0.4	1	0.0	10	0.3	2	0.1
Western	3,135	2,549	81.3	10	0.3	4	0.1	32	1.0	2	0.1
<b>SIXTH CIRCUIT</b>	<b>2,475</b>	<b>1,374</b>	<b>55.5</b>	<b>14</b>	<b>0.6</b>	<b>1</b>	<b>0.0</b>	<b>15</b>	<b>0.6</b>	<b>4</b>	<b>0.2</b>
Kentucky											
Eastern	299	137	45.8	0	0.0	0	0.0	2	0.7	1	0.3
Western	231	172	74.5	2	0.9	0	0.0	1	0.4	0	0.0
Michigan											
Eastern	365	201	55.1	3	0.8	0	0.0	2	0.5	0	0.0
Western	226	138	61.1	3	1.3	1	0.4	4	1.8	2	0.9
Ohio											
Northern	409	226	55.3	1	0.2	0	0.0	0	0.0	0	0.0
Southern	256	112	43.8	0	0.0	0	0.0	1	0.4	0	0.0
Tennessee											
Eastern	286	171	59.8	1	0.3	0	0.0	1	0.3	1	0.3
Middle	113	72	63.7	1	0.9	0	0.0	0	0.0	0	0.0
Western	290	145	50.0	3	1.0	0	0.0	4	1.4	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>1,298</b>	<b>770</b>	<b>59.3</b>	<b>0</b>	<b>0.0</b>	<b>3</b>	<b>0.2</b>	<b>17</b>	<b>1.3</b>	<b>5</b>	<b>0.4</b>
Illinois											
Central	206	122	59.2	0	0.0	0	0.0	0	0.0	1	0.5
Northern	242	111	45.9	0	0.0	1	0.4	1	0.4	2	0.8
Southern	160	126	78.8	0	0.0	0	0.0	4	2.5	0	0.0
Indiana											
Northern	204	134	65.7	0	0.0	2	1.0	2	1.0	0	0.0
Southern	154	89	57.8	0	0.0	0	0.0	5	3.2	2	1.3
Wisconsin											
Eastern	231	104	45.0	0	0.0	0	0.0	3	1.3	0	0.0
Western	101	84	83.2	0	0.0	0	0.0	2	2.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>2,250</b>	<b>1,486</b>	<b>66.0</b>	<b>18</b>	<b>0.8</b>	<b>5</b>	<b>0.2</b>	<b>22</b>	<b>1.0</b>	<b>3</b>	<b>0.1</b>
Arkansas											
Eastern	202	132	65.3	2	1.0	0	0.0	1	0.5	1	0.5
Western	84	61	72.6	0	0.0	0	0.0	0	0.0	0	0.0
Iowa											
Northern	135	86	63.7	5	3.7	2	1.5	3	2.2	1	0.7
Southern	96	63	65.6	0	0.0	0	0.0	0	0.0	0	0.0
Minnesota	248	127	51.2	0	0.0	0	0.0	0	0.0	0	0.0
Missouri											
Eastern	444	314	70.7	0	0.0	0	0.0	3	0.7	0	0.0
Western	383	262	68.4	0	0.0	2	0.5	5	1.3	1	0.3
Nebraska	309	210	68.0	9	2.9	0	0.0	6	1.9	0	0.0
North Dakota	116	60	51.7	0	0.0	0	0.0	1	0.9	0	0.0
South Dakota	233	171	73.4	2	0.9	1	0.4	3	1.3	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>601</b>	<b>7.6</b>	<b>591</b>	<b>7.5</b>	<b>488</b>	<b>6.2</b>	<b>177</b>	<b>2.2</b>	<b>23</b>	<b>0.3</b>	<b>267</b>	<b>3.4</b>	<b>57</b>	<b>0.7</b>
Louisiana														
Eastern	25	9.9	0	0.0	1	0.4	4	1.6	3	1.2	13	5.1	0	0.0
Middle	19	18.4	0	0.0	1	1.0	2	1.9	1	1.0	3	2.9	1	1.0
Western	16	9.0	0	0.0	0	0.0	0	0.0	3	1.7	15	8.4	11	6.2
Mississippi														
Northern	14	16.5	0	0.0	6	7.1	0	0.0	0	0.0	0	0.0	2	2.4
Southern	20	10.6	0	0.0	0	0.0	0	0.0	1	0.5	3	1.6	5	2.7
Texas														
Eastern	57	12.5	0	0.0	27	5.9	12	2.6	4	0.9	14	3.1	1	0.2
Northern	83	15.7	0	0.0	11	2.1	4	0.8	2	0.4	23	4.4	2	0.4
Southern	168	5.6	511	17.0	404	13.4	101	3.4	1	0.0	69	2.3	3	0.1
Western	199	6.3	80	2.6	38	1.2	54	1.7	8	0.3	127	4.1	32	1.0
<b>SIXTH CIRCUIT</b>	<b>647</b>	<b>26.1</b>	<b>1</b>	<b>0.0</b>	<b>57</b>	<b>2.3</b>	<b>41</b>	<b>1.7</b>	<b>44</b>	<b>1.8</b>	<b>247</b>	<b>10.0</b>	<b>30</b>	<b>1.2</b>
Kentucky														
Eastern	133	44.5	0	0.0	3	1.0	2	0.7	0	0.0	20	6.7	1	0.3
Western	31	13.4	0	0.0	6	2.6	4	1.7	0	0.0	12	5.2	3	1.3
Michigan														
Eastern	79	21.6	0	0.0	8	2.2	3	0.8	9	2.5	56	15.3	4	1.1
Western	45	19.9	0	0.0	0	0.0	5	2.2	5	2.2	22	9.7	1	0.4
Ohio														
Northern	99	24.2	0	0.0	10	2.4	7	1.7	8	2.0	49	12.0	9	2.2
Southern	79	30.9	0	0.0	11	4.3	8	3.1	14	5.5	26	10.2	5	2.0
Tennessee														
Eastern	77	26.9	0	0.0	3	1.0	5	1.7	1	0.3	24	8.4	2	0.7
Middle	23	20.4	0	0.0	3	2.7	2	1.8	4	3.5	8	7.1	0	0.0
Western	81	27.9	1	0.3	13	4.5	5	1.7	3	1.0	30	10.3	5	1.7
<b>SEVENTH CIRCUIT</b>	<b>220</b>	<b>16.9</b>	<b>1</b>	<b>0.1</b>	<b>29</b>	<b>2.2</b>	<b>14</b>	<b>1.1</b>	<b>32</b>	<b>2.5</b>	<b>189</b>	<b>14.6</b>	<b>18</b>	<b>1.4</b>
Illinois														
Central	44	21.4	1	0.5	2	1.0	3	1.5	2	1.0	30	14.6	1	0.5
Northern	46	19.0	0	0.0	6	2.5	3	1.2	23	9.5	43	17.8	6	2.5
Southern	16	10.0	0	0.0	0	0.0	1	0.6	3	1.9	8	5.0	2	1.3
Indiana														
Northern	41	20.1	0	0.0	2	1.0	0	0.0	3	1.5	15	7.4	5	2.5
Southern	27	17.5	0	0.0	9	5.8	4	2.6	1	0.6	17	11.0	0	0.0
Wisconsin														
Eastern	43	18.6	0	0.0	10	4.3	1	0.4	0	0.0	66	28.6	4	1.7
Western	3	3.0	0	0.0	0	0.0	2	2.0	0	0.0	10	9.9	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>319</b>	<b>14.2</b>	<b>13</b>	<b>0.6</b>	<b>53</b>	<b>2.4</b>	<b>30</b>	<b>1.3</b>	<b>35</b>	<b>1.6</b>	<b>237</b>	<b>10.5</b>	<b>29</b>	<b>1.3</b>
Arkansas														
Eastern	36	17.8	0	0.0	3	1.5	5	2.5	7	3.5	11	5.4	4	2.0
Western	12	14.3	0	0.0	0	0.0	0	0.0	0	0.0	9	10.7	2	2.4
Iowa														
Northern	17	12.6	0	0.0	0	0.0	0	0.0	1	0.7	19	14.1	1	0.7
Southern	16	16.7	0	0.0	4	4.2	1	1.0	0	0.0	7	7.3	5	5.2
Minnesota	72	29.0	0	0.0	5	2.0	5	2.0	11	4.4	27	10.9	1	0.4
Missouri														
Eastern	52	11.7	0	0.0	10	2.3	8	1.8	5	1.1	47	10.6	5	1.1
Western	58	15.1	0	0.0	9	2.3	5	1.3	7	1.8	33	8.6	1	0.3
Nebraska	15	4.9	11	3.6	13	4.2	2	0.6	2	0.6	36	11.7	5	1.6
North Dakota	34	29.3	2	1.7	0	0.0	2	1.7	1	0.9	16	13.8	0	0.0
South Dakota	7	3.0	0	0.0	9	3.9	2	0.9	1	0.4	32	13.7	5	2.1

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>6,327</b>	<b>2,839</b>	<b>44.9</b>	<b>26</b>	<b>0.4</b>	<b>8</b>	<b>0.1</b>	<b>29</b>	<b>0.5</b>	<b>13</b>	<b>0.2</b>
Alaska	56	35	62.5	0	0.0	0	0.0	2	3.6	1	1.8
Arizona	1,824	593	32.5	19	1.0	2	0.1	3	0.2	3	0.2
California											
Central	579	290	50.1	1	0.2	1	0.2	3	0.5	0	0.0
Eastern	422	218	51.7	0	0.0	2	0.5	4	0.9	1	0.2
Northern	301	158	52.5	0	0.0	0	0.0	1	0.3	0	0.0
Southern	1,535	695	45.3	0	0.0	1	0.1	0	0.0	2	0.1
Guam	36	31	86.1	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	151	61	40.4	0	0.0	0	0.0	1	0.7	1	0.7
Idaho	111	65	58.6	0	0.0	0	0.0	1	0.9	0	0.0
Montana	223	154	69.1	2	0.9	1	0.4	6	2.7	3	1.3
Nevada	241	161	66.8	0	0.0	1	0.4	2	0.8	0	0.0
Northern Mariana Islands	9	7	77.8	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	293	135	46.1	0	0.0	0	0.0	2	0.7	1	0.3
Washington											
Eastern	160	62	38.8	1	0.6	0	0.0	3	1.9	0	0.0
Western	386	174	45.1	3	0.8	0	0.0	1	0.3	1	0.3
<b>TENTH CIRCUIT</b>	<b>2,656</b>	<b>1,531</b>	<b>57.6</b>	<b>4</b>	<b>0.2</b>	<b>4</b>	<b>0.2</b>	<b>32</b>	<b>1.2</b>	<b>2</b>	<b>0.1</b>
Colorado	236	141	59.7	1	0.4	0	0.0	0	0.0	1	0.4
Kansas	302	180	59.6	0	0.0	3	1.0	22	7.3	0	0.0
New Mexico	1,286	703	54.7	1	0.1	0	0.0	2	0.2	1	0.1
Oklahoma											
Eastern	44	42	95.5	0	0.0	0	0.0	0	0.0	0	0.0
Northern	96	73	76.0	2	2.1	0	0.0	0	0.0	0	0.0
Western	158	110	69.6	0	0.0	0	0.0	6	3.8	0	0.0
Utah	406	203	50.0	0	0.0	0	0.0	2	0.5	0	0.0
Wyoming	128	79	61.7	0	0.0	1	0.8	0	0.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>3,279</b>	<b>2,237</b>	<b>68.2</b>	<b>5</b>	<b>0.2</b>	<b>7</b>	<b>0.2</b>	<b>45</b>	<b>1.4</b>	<b>2</b>	<b>0.1</b>
Alabama											
Middle	133	73	54.9	0	0.0	0	0.0	4	3.0	0	0.0
Northern	221	137	62.0	0	0.0	2	0.9	5	2.3	0	0.0
Southern	237	159	67.1	1	0.4	0	0.0	1	0.4	0	0.0
Florida											
Middle	774	474	61.2	0	0.0	1	0.1	4	0.5	1	0.1
Northern	166	116	69.9	0	0.0	0	0.0	3	1.8	0	0.0
Southern	1,007	754	74.9	1	0.1	1	0.1	12	1.2	1	0.1
Georgia											
Middle	198	158	79.8	0	0.0	2	1.0	1	0.5	0	0.0
Northern	280	167	59.6	1	0.4	1	0.4	4	1.4	0	0.0
Southern	263	199	75.7	2	0.8	0	0.0	11	4.2	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>640</b>	<b>10.1</b>	<b>1,794</b>	<b>28.4</b>	<b>301</b>	<b>4.8</b>	<b>137</b>	<b>2.2</b>	<b>50</b>	<b>0.8</b>	<b>421</b>	<b>6.7</b>	<b>69</b>	<b>1.1</b>
Alaska	8	14.3	0	0.0	2	3.6	1	1.8	2	3.6	5	8.9	0	0.0
Arizona	96	5.3	980	53.7	31	1.7	21	1.2	9	0.5	60	3.3	7	0.4
California														
Central	76	13.1	94	16.2	42	7.3	15	2.6	9	1.6	38	6.6	10	1.7
Eastern	69	16.4	75	17.8	16	3.8	10	2.4	4	0.9	22	5.2	1	0.2
Northern	38	12.6	16	5.3	33	11.0	5	1.7	4	1.3	35	11.6	11	3.7
Southern	75	4.9	572	37.3	48	3.1	48	3.1	1	0.1	67	4.4	26	1.7
Guam	3	8.3	0	0.0	0	0.0	0	0.0	0	0.0	1	2.8	1	2.8
Hawaii	53	35.1	0	0.0	2	1.3	3	2.0	2	1.3	26	17.2	2	1.3
Idaho	17	15.3	15	13.5	2	1.8	0	0.0	1	0.9	10	9.0	0	0.0
Montana	32	14.3	0	0.0	0	0.0	3	1.3	1	0.4	18	8.1	3	1.3
Nevada	28	11.6	0	0.0	22	9.1	6	2.5	2	0.8	17	7.1	2	0.8
Northern Mariana Islands	2	22.2	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	58	19.8	13	4.4	21	7.2	11	3.8	7	2.4	43	14.7	2	0.7
Washington														
Eastern	14	8.8	22	13.8	26	16.3	0	0.0	2	1.3	28	17.5	2	1.3
Western	71	18.4	7	1.8	56	14.5	14	3.6	6	1.6	51	13.2	2	0.5
<b>TENTH CIRCUIT</b>	<b>182</b>	<b>6.9</b>	<b>284</b>	<b>10.7</b>	<b>258</b>	<b>9.7</b>	<b>70</b>	<b>2.6</b>	<b>43</b>	<b>1.6</b>	<b>232</b>	<b>8.7</b>	<b>14</b>	<b>0.5</b>
Colorado	35	14.8	0	0.0	12	5.1	10	4.2	3	1.3	31	13.1	2	0.8
Kansas	42	13.9	0	0.0	27	8.9	2	0.7	2	0.7	24	7.9	0	0.0
New Mexico	48	3.7	191	14.9	191	14.9	42	3.3	24	1.9	79	6.1	4	0.3
Oklahoma														
Eastern	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2	4.5	0	0.0
Northern	13	13.5	0	0.0	1	1.0	0	0.0	0	0.0	7	7.3	0	0.0
Western	10	6.3	0	0.0	0	0.0	1	0.6	1	0.6	28	17.7	2	1.3
Utah	22	5.4	93	22.9	22	5.4	10	2.5	3	0.7	46	11.3	5	1.2
Wyoming	12	9.4	0	0.0	5	3.9	5	3.9	10	7.8	15	11.7	1	0.8
<b>ELEVENTH CIRCUIT</b>	<b>495</b>	<b>15.1</b>	<b>12</b>	<b>0.4</b>	<b>33</b>	<b>1.0</b>	<b>48</b>	<b>1.5</b>	<b>34</b>	<b>1.0</b>	<b>341</b>	<b>10.4</b>	<b>20</b>	<b>0.6</b>
Alabama														
Middle	42	31.6	0	0.0	1	0.8	1	0.8	0	0.0	11	8.3	1	0.8
Northern	39	17.6	0	0.0	1	0.5	3	1.4	0	0.0	32	14.5	2	0.9
Southern	49	20.7	0	0.0	3	1.3	0	0.0	1	0.4	23	9.7	0	0.0
Florida														
Middle	152	19.6	12	1.6	11	1.4	11	1.4	8	1.0	96	12.4	4	0.5
Northern	30	18.1	0	0.0	0	0.0	3	1.8	0	0.0	12	7.2	2	1.2
Southern	90	8.9	0	0.0	7	0.7	11	1.1	18	1.8	104	10.3	8	0.8
Georgia														
Middle	24	12.1	0	0.0	3	1.5	2	1.0	0	0.0	8	4.0	0	0.0
Northern	39	13.9	0	0.0	5	1.8	13	4.6	7	2.5	41	14.6	2	0.7
Southern	30	11.4	0	0.0	2	0.8	4	1.5	0	0.0	14	5.3	1	0.4

<sup>1</sup>Of the 34,254 cases, 739 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Districts for which information needed to determine the relationship between the sentence imposed and the guideline range is missing in five percent or more of the cases received included: Western Oklahoma (39.2%), Central California (26.1%), Eastern Virginia (14.9%), Middle Georgia (14.3%), Middle Tennessee (10.3%), Northern Mississippi (5.6%), and Western Washington (5.6%).

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

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through March 31, 2008).

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE WITH W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>33,348</b>	<b>19,990</b>	<b>59.9</b>	<b>154</b>	<b>0.5</b>	<b>75</b>	<b>0.2</b>	<b>272</b>	<b>0.8</b>	<b>47</b>	<b>0.1</b>
Murder	35	18	51.4	1	2.9	1	2.9	2	5.7	0	0.0
Manslaughter	32	21	65.6	1	3.1	1	3.1	0	0.0	0	0.0
Kidnapping/Hostage Taking	33	12	36.4	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	206	152	73.8	5	2.4	2	1.0	6	2.9	0	0.0
Assault	273	196	71.8	5	1.8	3	1.1	4	1.5	1	0.4
Robbery	478	315	65.9	8	1.7	4	0.8	6	1.3	3	0.6
Arson	23	14	60.9	0	0.0	0	0.0	0	0.0	1	4.3
Drugs - Trafficking	11,385	5,963	52.4	17	0.1	6	0.1	33	0.3	12	0.1
Drugs - Communication Facility	160	103	64.4	0	0.0	0	0.0	1	0.6	0	0.0
Drugs - Simple Possession	164	141	86.0	0	0.0	1	0.6	2	1.2	2	1.2
Firearms	3,820	2,656	69.5	29	0.8	15	0.4	44	1.2	7	0.2
Burglary/B&E	22	15	68.2	0	0.0	0	0.0	1	4.5	0	0.0
Auto Theft	31	22	71.0	0	0.0	0	0.0	1	3.2	0	0.0
Larceny	687	535	77.9	2	0.3	2	0.3	12	1.7	2	0.3
Fraud	3,084	1,997	64.8	12	0.4	5	0.2	34	1.1	5	0.2
Embezzlement	205	144	70.2	0	0.0	1	0.5	1	0.5	0	0.0
Forgery/Counterfeiting	478	346	72.4	2	0.4	0	0.0	5	1.0	2	0.4
Bribery	105	46	43.8	0	0.0	0	0.0	0	0.0	0	0.0
Tax	250	118	47.2	1	0.4	1	0.4	2	0.8	0	0.0
Money Laundering	378	153	40.5	1	0.3	0	0.0	1	0.3	0	0.0
Racketeering/Extortion	289	143	49.5	5	1.7	0	0.0	6	2.1	1	0.3
Gambling/Lottery	60	40	66.7	1	1.7	0	0.0	0	0.0	0	0.0
Civil Rights	39	16	41.0	0	0.0	0	0.0	2	5.1	0	0.0
Immigration	8,989	5,452	60.7	51	0.6	23	0.3	85	0.9	8	0.1
Pornography/Prostitution	754	441	58.5	4	0.5	5	0.7	12	1.6	1	0.1
Prison Offenses	151	111	73.5	1	0.7	0	0.0	3	2.0	0	0.0
Administration of Justice Offenses	463	269	58.1	4	0.9	2	0.4	5	1.1	1	0.2
Environmental/Wildlife	89	57	64.0	0	0.0	0	0.0	1	1.1	0	0.0
National Defense	25	14	56.0	0	0.0	0	0.0	0	0.0	0	0.0
Antitrust	9	1	11.1	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	35	30	85.7	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	596	449	75.3	4	0.7	3	0.5	3	0.5	1	0.2

Table 3 (cont.)

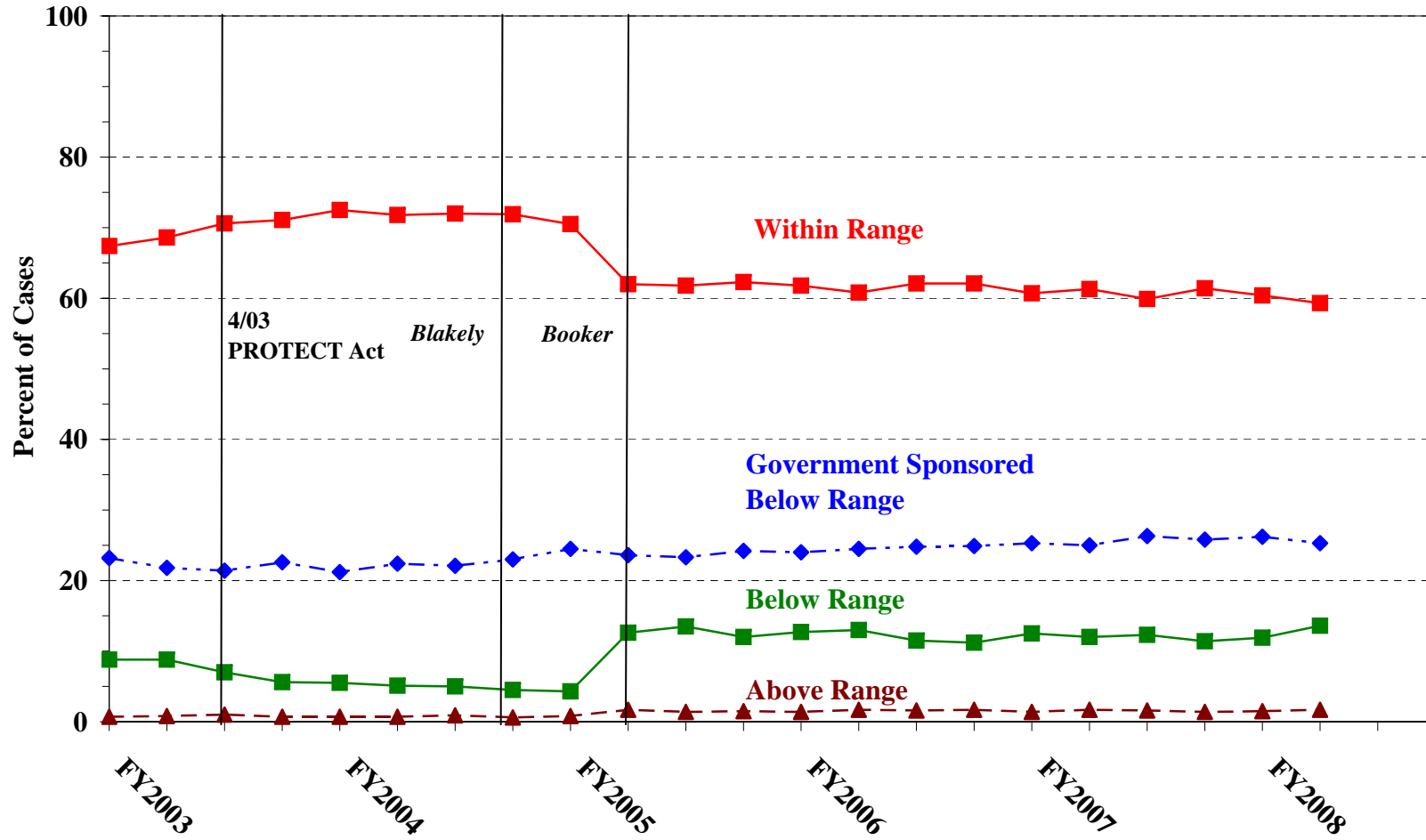
PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>4,540</b>	<b>13.6</b>	<b>2,667</b>	<b>8.0</b>	<b>1,349</b>	<b>4.0</b>	<b>714</b>	<b>2.1</b>	<b>411</b>	<b>1.2</b>	<b>2,798</b>	<b>8.4</b>	<b>331</b>	<b>1.0</b>
Murder	3	8.6	1	2.9	3	8.6	0	0.0	1	2.9	4	11.4	1	2.9
Manslaughter	0	0.0	0	0.0	4	12.5	1	3.1	1	3.1	3	9.4	0	0.0
Kidnapping/Hostage Taking	8	24.2	0	0.0	4	12.1	1	3.0	1	3.0	7	21.2	0	0.0
Sexual Abuse	9	4.4	1	0.5	12	5.8	1	0.5	3	1.5	13	6.3	2	1.0
Assault	4	1.5	5	1.8	14	5.1	4	1.5	3	1.1	28	10.3	6	2.2
Robbery	48	10.0	0	0.0	13	2.7	15	3.1	14	2.9	48	10.0	4	0.8
Arson	3	13.0	0	0.0	1	4.3	0	0.0	1	4.3	3	13.0	0	0.0
Drugs - Trafficking	2,921	25.7	609	5.3	406	3.6	233	2.0	150	1.3	947	8.3	88	0.8
Drugs - Communication Facility	27	16.9	0	0.0	6	3.8	0	0.0	1	0.6	21	13.1	1	0.6
Drugs - Simple Possession	6	3.7	0	0.0	8	4.9	0	0.0	0	0.0	2	1.2	2	1.2
Firearms	423	11.1	15	0.4	92	2.4	72	1.9	57	1.5	370	9.7	40	1.0
Burglary/B&E	2	9.1	0	0.0	0	0.0	1	4.5	0	0.0	2	9.1	1	4.5
Auto Theft	5	16.1	0	0.0	0	0.0	1	3.2	0	0.0	2	6.5	0	0.0
Larceny	38	5.5	2	0.3	14	2.0	10	1.5	6	0.9	52	7.6	12	1.7
Fraud	415	13.5	0	0.0	81	2.6	71	2.3	53	1.7	363	11.8	48	1.6
Embezzlement	11	5.4	0	0.0	7	3.4	8	3.9	6	2.9	26	12.7	1	0.5
Forgery/Counterfeiting	55	11.5	0	0.0	6	1.3	8	1.7	3	0.6	46	9.6	5	1.0
Bribery	30	28.6	0	0.0	2	1.9	2	1.9	2	1.9	23	21.9	0	0.0
Tax	44	17.6	0	0.0	7	2.8	10	4.0	7	2.8	53	21.2	7	2.8
Money Laundering	100	26.5	2	0.5	33	8.7	11	2.9	9	2.4	61	16.1	7	1.9
Racketeering/Extortion	67	23.2	0	0.0	21	7.3	5	1.7	2	0.7	34	11.8	5	1.7
Gambling/Lottery	5	8.3	0	0.0	0	0.0	1	1.7	0	0.0	8	13.3	5	8.3
Civil Rights	10	25.6	0	0.0	1	2.6	1	2.6	2	5.1	7	17.9	0	0.0
Immigration	163	1.8	2,024	22.5	517	5.8	202	2.2	43	0.5	353	3.9	68	0.8
Pornography/Prostitution	27	3.6	1	0.1	32	4.2	25	3.3	24	3.2	174	23.1	8	1.1
Prison Offenses	6	4.0	3	2.0	5	3.3	3	2.0	1	0.7	18	11.9	0	0.0
Administration of Justice Offenses	39	8.4	2	0.4	35	7.6	11	2.4	11	2.4	75	16.2	9	1.9
Environmental/Wildlife	15	16.9	0	0.0	3	3.4	4	4.5	1	1.1	7	7.9	1	1.1
National Defense	3	12.0	0	0.0	1	4.0	4	16.0	0	0.0	3	12.0	0	0.0
Antitrust	7	77.8	0	0.0	0	0.0	0	0.0	0	0.0	1	11.1	0	0.0
Food & Drug	3	8.6	0	0.0	1	2.9	1	2.9	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	43	7.2	2	0.3	20	3.4	8	1.3	9	1.5	44	7.4	10	1.7

<sup>1</sup>Of the 34,254 cases, 906 were excluded due to one or both of the following reasons: missing primary offense (172) or missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (739). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through March 31, 2008).

Figure A

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>  
 Fiscal Years 2003 - 2007,  
 2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)



<sup>1</sup>Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through March 31, 2008).

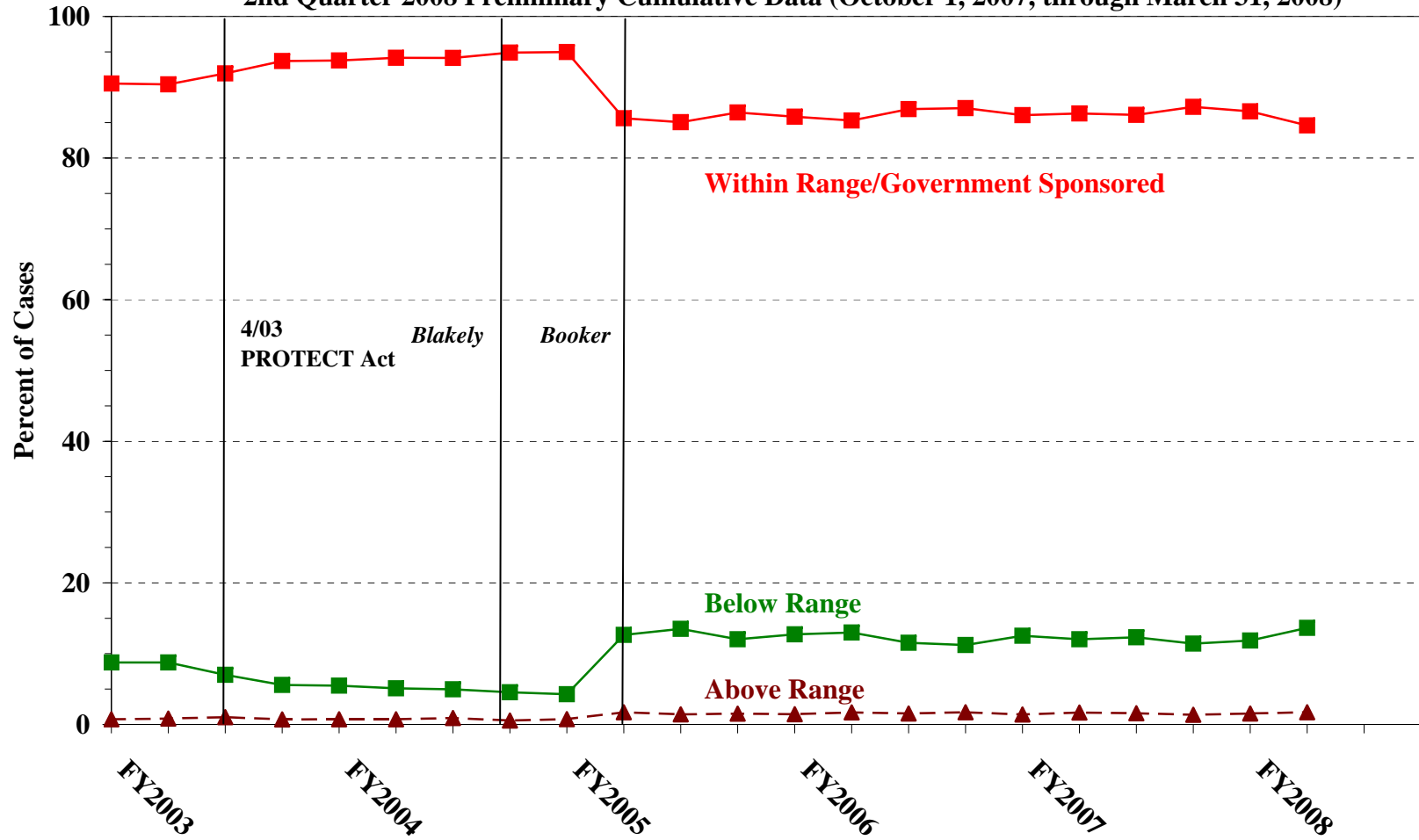


Figure B

**QUARTERLY DATA FOR WITHIN RANGE/GOVERNMENT SPONSORED  
AND OTHER OUT OF RANGE SENTENCES<sup>1</sup>**

Fiscal Years 2003 - 2007,

2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)



<sup>1</sup>Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through March 31, 2008).

Table 4

**QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>**  
**Fiscal Years 2003 - 2007,**  
**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
<b>FY2003</b>				
1st Quarter	67.4	23.2	8.8	0.7
2ndQuarter	68.6	21.8	8.8	0.8
3rd Quarter	70.6	21.4	7.0	1.0
4th Quarter	71.1	22.6	5.6	0.7
<b>FY2004</b>				
1st Quarter	72.5	21.2	5.5	0.7
2ndQuarter	71.8	22.4	5.1	0.7
3rd Quarter	72.0	22.1	5.0	0.9
4th Quarter	71.9	23.0	4.5	0.6
<b>FY2005</b>				
1st Quarter	70.5	24.5	4.3	0.8
2ndQuarter	62.0	23.6	12.6	1.7
3rd Quarter	61.8	23.3	13.5	1.4
4th Quarter	62.3	24.2	12.0	1.5
<b>FY2006</b>				
1st Quarter	61.8	24.0	12.7	1.4
2ndQuarter	60.8	24.5	13.0	1.7
3rd Quarter	62.1	24.8	11.5	1.6
4th Quarter	62.1	24.9	11.2	1.7
<b>FY2007</b>				
1st Quarter	60.7	25.3	12.5	1.4
2ndQuarter	61.3	25.0	12.0	1.7
3rd Quarter	59.9	26.3	12.3	1.6
4th Quarter	61.4	25.8	11.4	1.4
<b>FY2008</b>				
1st Quarter	60.4	26.2	11.9	1.5
2ndQuarter	59.3	25.3	13.6	1.7
3rd Quarter	--	--	--	--
4th Quarter	--	--	--	--

<sup>1</sup>Descriptions of variables used in this table are provided in Appendix A.







Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward			
			Departure		Above Range		Other Gov't	Departure		Below Range			
			Gdline Only	with Booker	with Booker	All Others		\$5K1.1	\$5K3.1	Gdline Only	with Booker	with Booker	All Others
§2N1.1	0	0	0	0	0	0	0	0	0	0	0	0	
§2N1.2	0	0	0	0	0	0	0	0	0	0	0	0	
§2N1.3	2	1	0	0	0	0	0	0	0	1	0	0	
§2N2.1	20	20	0	0	0	0	0	0	0	0	0	0	
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	
§2P1.1	96	66	0	0	2	0	2	3	4	3	1	15	
§2P1.2	41	34	1	0	1	0	1	0	2	0	0	2	
§2P1.3	0	0	0	0	0	0	0	0	0	0	0	0	
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	
§2Q1.2	21	9	0	0	1	0	4	0	1	1	2	3	
§2Q1.3	17	5	0	0	0	0	5	0	1	3	1	1	
§2Q1.4	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	
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	
§2Q2.1	53	35	0	0	0	0	6	0	3	1	0	6	
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	
§2R1.1	6	1	0	0	0	0	5	0	0	0	0	0	
§2S1.1	434	171	1	2	4	0	146	2	23	13	8	58	
§2S1.2	1	1	0	0	0	0	0	0	0	0	0	0	
§2S1.3	104	53	0	0	0	0	13	0	11	3	1	20	
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	
§2T1.1	223	103	1	1	2	0	39	0	6	11	7	47	
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	
§2T1.3	0	0	0	0	0	0	0	0	0	0	0	0	
§2T1.4	52	23	0	0	0	0	7	0	2	1	3	15	
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	
§2T1.6	6	1	0	0	0	0	0	0	0	0	0	4	
§2T1.7	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	
§2T1.9	5	2	0	0	0	0	2	0	0	0	0	1	
§2T2.1	0	0	0	0	0	0	0	0	0	0	0	0	
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	
§2T3.1	5	4	0	0	0	0	1	0	0	0	0	0	
§2T3.2	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	
§2X1.1	115	72	0	0	2	0	28	0	2	0	1	8	
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	
§2X3.1	47	24	0	1	1	0	8	1	3	0	3	5	
§2X4.1	227	144	1	1	0	1	19	0	18	5	0	34	
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	
§2X5.2	63	57	1	1	0	1	0	0	1	0	0	1	
§2X6.1	1	1	0	0	0	0	0	0	0	0	0	0	
§2X7.1	0	0	0	0	0	0	0	0	0	0	0	0	
<b>TOTAL</b>	<b>31,657</b>	<b>18,523</b>	<b>146</b>	<b>69</b>	<b>269</b>	<b>46</b>	<b>4,497</b>	<b>2,616</b>	<b>1,298</b>	<b>710</b>	<b>406</b>	<b>2,764</b>	<b>313</b>

<sup>1</sup>Of the 34,254 cases, 2,597 were excluded due to one or both of the following reasons: missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (739) or missing guideline applied (2,440). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through March 31, 2008).

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
IN EACH OUTSIDE OF THE RANGE ATTRIBUTION CATEGORY<sup>1</sup>  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

	Pursuant to a Plea Agreement										
	TOTAL CASES	§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>13,449</b>	<b>3,186</b>	<b>23.7</b>	<b>2,644</b>	<b>19.7</b>	<b>1,074</b>	<b>8.0</b>	<b>914</b>	<b>6.8</b>	<b>52</b>	<b>0.4</b>
<b>Above Range</b>	<b>549</b>	<b>4</b>	<b>0.7</b>	<b>2</b>	<b>0.4</b>	<b>93</b>	<b>16.9</b>	<b>74</b>	<b>13.5</b>	<b>1</b>	<b>0.2</b>
Upward Departure From Guideline Range	154	0	0.0	1	0.6	35	22.7	27	17.5	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	75	0	0.0	0	0.0	9	12.0	25	33.3	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	273	0	0.0	0	0.0	45	16.5	16	5.9	0	0.0
All Remaining Cases Above Guideline Range	47	4	8.5	1	2.1	4	8.5	6	12.8	1	2.1
<b>Government Sponsored Below Range</b>	<b>8,633</b>	<b>3,182</b>	<b>36.9</b>	<b>2,642</b>	<b>30.6</b>	<b>981</b>	<b>11.4</b>	<b>840</b>	<b>9.7</b>	<b>51</b>	<b>0.6</b>
§5K1.1 Substantial Assistance Departure	4,568	3,182	69.7	51	1.1	106	2.3	100	2.2	13	0.3
§5K3.1 Early Disposition Program Departure	2,697	0	0.0	2,591	96.1	403	14.9	49	1.8	2	0.1
Other Government Sponsored Below Range	1,368	0	0.0	0	0.0	472	34.5	691	50.5	36	2.6
<b>Below Range</b>	<b>4,267</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	718	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	413	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	2,805	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	331	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>1,312</b>	<b>9.8</b>	<b>61</b>	<b>0.5</b>	<b>341</b>	<b>2.5</b>	<b>1,125</b>	<b>8.4</b>	<b>1,327</b>	<b>9.9</b>	<b>2,035</b>	<b>15.1</b>	<b>1,469</b>	<b>10.9</b>
<b>Above Range</b>	<b>1</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>68</b>	<b>12.4</b>	<b>4</b>	<b>0.7</b>	<b>3</b>	<b>0.5</b>	<b>251</b>	<b>45.7</b>	<b>112</b>	<b>20.4</b>
Upward Departure From Guideline Range	0	0.0	0	0.0	23	14.9	1	0.6	2	1.3	49	31.8	21	13.6
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	21	28.0	2	2.7	0	0.0	48	64.0	14	18.7
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	21	7.7	0	0.0	1	0.4	149	54.6	44	16.1
All Remaining Cases Above Guideline Range	1	2.1	0	0.0	3	6.4	1	2.1	0	0.0	5	10.6	33	70.2
<b>Government Sponsored Below Range</b>	<b>1,311</b>	<b>15.2</b>	<b>61</b>	<b>0.7</b>	<b>273</b>	<b>3.2</b>	<b>320</b>	<b>3.7</b>	<b>190</b>	<b>2.2</b>	<b>332</b>	<b>3.8</b>	<b>217</b>	<b>2.5</b>
§5K1.1 Substantial Assistance Departure	1,311	28.7	0	0.0	121	2.6	124	2.7	98	2.1	156	3.4	104	2.3
§5K3.1 Early Disposition Program Departure	0	0.0	61	2.3	23	0.9	84	3.1	59	2.2	59	2.2	45	1.7
Other Government Sponsored Below Range	0	0.0	0	0.0	129	9.4	112	8.2	33	2.4	117	8.6	68	5.0
<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>801</b>	<b>18.8</b>	<b>1,134</b>	<b>26.6</b>	<b>1,452</b>	<b>34.0</b>	<b>1,140</b>	<b>26.7</b>
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	232	32.3	179	24.9	212	29.5	113	15.7
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	92	22.3	180	43.6	261	63.2	68	16.5
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	466	16.6	758	27.0	973	34.7	658	23.5
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	11	3.3	17	5.1	6	1.8	301	90.9

<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, 1,933 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.



**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

<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>4,301</b>	<b>37.0</b>	<b>30.0</b>	<b>45.9</b>
<b>Murder</b>	2	--	--	--
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	7	168.0	69.0	29.4
<b>Sexual Abuse</b>	9	60.0	29.0	40.0
<b>Assault</b>	4	19.5	8.5	36.3
<b>Robbery</b>	47	48.0	17.0	27.5
<b>Arson</b>	3	36.0	12.0	33.2
<b>Drugs - Trafficking</b>	2,766	51.0	39.0	42.9
<b>Drugs - Communication Facility</b>	26	18.0	18.0	54.7
<b>Drugs - Simple Possession</b>	6	37.0	21.0	39.8
<b>Firearms</b>	393	55.0	30.0	41.3
<b>Burglary/B&amp;E</b>	1	--	--	--
<b>Auto Theft</b>	5	24.0	14.0	27.5
<b>Larceny</b>	36	8.0	11.0	57.7
<b>Fraud</b>	396	11.0	14.0	59.0
<b>Embezzlement</b>	10	3.5	8.0	71.2
<b>Forgery/Counterfeiting</b>	55	3.0	7.0	86.5
<b>Bribery</b>	29	1.0	20.0	90.0
<b>Tax</b>	42	0.0	15.0	100.0
<b>Money Laundering</b>	95	12.0	24.0	57.9
<b>Racketeering/Extortion</b>	66	36.0	37.0	55.8
<b>Gambling/Lottery</b>	5	0.0	6.0	100.0
<b>Civil Rights</b>	8	19.5	13.5	69.1
<b>Immigration</b>	154	12.0	9.6	43.2
<b>Pornography/Prostitution</b>	27	60.0	36.0	40.0
<b>Prison Offenses</b>	3	9.0	18.0	69.7
<b>Administration of Justice Offenses</b>	38	0.0	12.0	100.0
<b>Environmental/Wildlife</b>	14	0.0	12.0	100.0
<b>National Defense</b>	3	12.0	33.0	73.9
<b>Antitrust</b>	7	6.0	10.0	50.0
<b>Food &amp; Drug</b>	2	--	--	--
<b>Other Miscellaneous Offenses</b>	42	12.0	16.2	62.9

<sup>1</sup>Of the 34,254 cases, 4,568 received a §5K1.1 substantial assistance departure. Of these, 4,354 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 50 cases were also excluded from this table. Of the remaining 4,304 cases, three were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through March 31, 2008).

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

<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>2,546</b>	<b>18.0</b>	<b>6.0</b>	<b>27.8</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	5	33.0	11.0	19.3
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	577	13.0	10.0	36.2
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	14	24.0	3.5	11.8
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	0	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	1,938	18.0	6.0	26.8
Pornography/Prostitution	1	--	--	--
Prison Offenses	3	12.0	3.0	25.0
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	2	--	--	--

<sup>1</sup>Of the 34,254 cases, 2,697 received a §5K3.1 early disposition program departure. Of these, 2,547 had complete guideline application information. One additional case was excluded due to several logical criteria. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

<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>1,260</b>	<b>24.0</b>	<b>9.0</b>	<b>25.0</b>
Murder	2	--	--	--
Manslaughter	4	19.0	14.5	44.8
Kidnapping/Hostage Taking	4	201.5	68.0	23.7
Sexual Abuse	9	96.0	84.0	48.9
Assault	9	17.0	10.0	50.9
Robbery	12	39.5	13.5	20.5
Arson	1	--	--	--
Drugs - Trafficking	386	60.0	14.0	20.3
Drugs - Communication Facility	6	44.1	18.5	40.2
Drugs - Simple Possession	6	34.5	10.0	20.7
Firearms	84	37.0	15.0	28.6
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	14	0.5	10.0	91.7
Fraud	73	13.9	12.0	49.0
Embezzlement	7	0.0	8.0	100.0
Forgery/Counterfeiting	6	7.5	11.5	50.5
Bribery	2	--	--	--
Tax	7	2.0	10.0	88.9
Money Laundering	30	10.6	10.0	62.0
Racketeering/Extortion	18	47.0	16.0	16.0
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	491	14.0	4.0	20.0
Pornography/Prostitution	30	60.0	37.0	32.4
Prison Offenses	4	9.5	7.0	37.5
Administration of Justice Offenses	29	0.0	12.0	100.0
Environmental/Wildlife	3	0.0	8.0	100.0
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	20	0.0	11.0	100.0

<sup>1</sup>Of the 34,254 cases, 1,368 received an other government sponsored downward departure. Of these, 1,265 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. Of the remaining 1,261 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through March 31, 2008).

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

<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>689</b>	<b>24.0</b>	<b>11.0</b>	<b>27.0</b>
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	1	--	--	--
Assault	4	25.0	7.0	25.4
Robbery	15	24.0	19.0	33.8
Arson	0	--	--	--
Drugs - Trafficking	223	60.0	16.0	20.5
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	67	30.0	9.0	19.6
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	10	0.0	10.0	100.0
Fraud	68	5.0	10.0	67.9
Embezzlement	7	0.0	12.0	99.8
Forgery/Counterfeiting	8	17.0	12.5	42.5
Bribery	2	--	--	--
Tax	10	1.5	9.0	89.6
Money Laundering	10	9.0	11.0	72.9
Racketeering/Extortion	4	45.5	20.0	37.0
Gambling/Lottery	1	--	--	--
Civil Rights	1	--	--	--
Immigration	198	27.0	7.8	20.0
Pornography/Prostitution	25	56.0	25.0	33.3
Prison Offenses	3	24.0	7.0	18.9
Administration of Justice Offenses	11	0.0	12.0	100.0
Environmental/Wildlife	4	12.0	8.5	38.9
National Defense	4	8.5	23.0	78.6
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	8	3.5	5.1	70.1

<sup>1</sup>Of the 34,254 cases, 718 received a downward departure from the guideline range. Of these, 689 had complete guideline application information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through March 31, 2008).

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

<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>384</b>	<b>24.0</b>	<b>15.0</b>	<b>38.2</b>
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	3	0.0	15.0	100.0
Robbery	14	36.5	13.4	20.9
Arson	1	--	--	--
Drugs - Trafficking	141	60.0	22.0	33.0
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	54	27.0	12.0	26.4
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	5	0.0	9.9	100.0
Fraud	50	2.0	12.0	85.4
Embezzlement	6	0.0	13.5	99.8
Forgery/Counterfeiting	3	0.0	8.0	100.0
Bribery	1	--	--	--
Tax	7	0.0	8.0	100.0
Money Laundering	8	16.5	13.5	40.0
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	2	--	--	--
Immigration	37	24.0	13.0	36.6
Pornography/Prostitution	23	42.0	24.9	36.8
Prison Offenses	1	--	--	--
Administration of Justice Offenses	11	3.0	8.0	60.0
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	9	5.4	10.0	84.4

<sup>1</sup>Of the 34,254 cases, 413 received a downward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 385 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, one additional case was also excluded from this table. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**BELOW GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
<b>TOTAL</b>	<b>2,631</b>	<b>26.0</b>	<b>12.0</b>	<b>33.3</b>
Murder	4	180.0	46.0	19.3
Manslaughter	3	15.0	9.0	50.0
Kidnapping/Hostage Taking	5	140.0	70.0	30.0
Sexual Abuse	12	36.0	11.0	39.5
Assault	27	14.0	10.0	37.5
Robbery	47	57.0	12.0	20.5
Arson	3	120.0	15.0	14.3
Drugs - Trafficking	884	60.0	16.0	23.4
Drugs - Communication Facility	21	28.0	12.0	29.4
Drugs - Simple Possession	1	--	--	--
Firearms	358	27.0	12.0	29.4
Burglary/B&E	2	--	--	--
Auto Theft	2	--	--	--
Larceny	49	0.0	8.0	100.0
Fraud	343	7.0	10.0	60.0
Embezzlement	26	0.0	9.0	99.8
Forgery/Counterfeiting	44	4.7	8.0	64.0
Bribery	12	12.0	12.0	53.4
Tax	50	3.0	11.5	79.2
Money Laundering	53	13.0	10.0	50.0
Racketeering/Extortion	31	48.0	12.0	21.7
Gambling/Lottery	7	1.0	7.0	83.3
Civil Rights	7	0.0	10.0	100.0
Immigration	331	24.0	10.0	29.8
Pornography/Prostitution	170	60.0	28.0	31.0
Prison Offenses	18	8.2	9.0	50.8
Administration of Justice Offenses	69	4.0	9.3	69.1
Environmental/Wildlife	7	0.0	8.0	100.0
National Defense	3	30.0	16.0	34.8
Antitrust	1	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	41	0.0	10.0	100.0

<sup>1</sup>Of the 34,254 cases, 2,805 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 2,647 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 10 cases were also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Of the remaining 2,635 cases, four were excluded due to one or both of the following reasons: missing primary offense category (1) or missing sentence information (4). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

<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>279</b>	<b>15.0</b>	<b>6.0</b>	<b>36.4</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	4	14.5	13.0	68.9
Robbery	4	35.5	14.5	34.2
Arson	0	--	--	--
Drugs - Trafficking	74	50.5	11.5	28.6
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	39	52.0	10.0	20.2
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	11	0.0	6.0	100.0
Fraud	41	0.0	6.0	100.0
Embezzlement	1	--	--	--
Forgery/Counterfeiting	5	0.0	6.0	99.5
Bribery	0	--	--	--
Tax	7	1.0	6.0	90.0
Money Laundering	6	6.0	6.0	81.8
Racketeering/Extortion	3	84.0	46.0	20.0
Gambling/Lottery	5	0.0	6.0	100.0
Civil Rights	0	--	--	--
Immigration	50	5.5	5.0	33.3
Pornography/Prostitution	8	154.0	39.5	32.2
Prison Offenses	0	--	--	--
Administration of Justice Offenses	8	7.5	4.5	56.2
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	8	0.0	7.0	100.0

<sup>1</sup>Of the 34,254 cases, 331 were otherwise sentenced below the guideline range. Of these, 283 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional four cases were also excluded from this table. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

<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>141</b>	<b>61.0</b>	<b>13.0</b>	<b>35.0</b>
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	5	120.0	42.0	55.6
Assault	5	96.0	37.0	52.1
Robbery	8	120.0	32.5	38.8
Arson	0	--	--	--
Drugs - Trafficking	16	134.0	31.0	38.2
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	28	120.0	15.0	22.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	12	52.5	9.5	38.4
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	4	43.5	13.5	114.7
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	42	18.0	5.0	28.1
Pornography/Prostitution	4	283.5	46.5	16.4
Prison Offenses	1	--	--	--
Administration of Justice Offenses	3	20.0	8.0	71.4
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	4	36.0	6.0	20.0

<sup>1</sup>Of the 34,254 cases, 154 received an upward departure from the guideline range. Of these, 142 had complete guideline application information. One additional case was excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through March 31, 2008).



**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

<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>63</b>	<b>84.0</b>	<b>19.0</b>	<b>57.9</b>
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	3	60.0	30.0	52.6
Robbery	4	144.0	36.5	38.2
Arson	0	--	--	--
Drugs - Trafficking	5	108.0	25.0	18.5
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	13	120.0	50.0	52.2
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	4	62.0	12.0	27.4
Embezzlement	1	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	16	20.0	6.5	100.3
Pornography/Prostitution	5	240.0	56.0	66.7
Prison Offenses	0	--	--	--
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	3	12.0	6.0	100.0

<sup>1</sup>Of the 34,254 cases, 75 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 66 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

<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>262</b>	<b>53.0</b>	<b>14.0</b>	<b>50.0</b>
Murder	2	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	5	144.0	22.0	11.7
Assault	4	96.0	30.0	110.6
Robbery	6	114.0	30.5	31.6
Arson	0	--	--	--
Drugs - Trafficking	31	100.0	16.0	19.3
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	42	102.0	23.0	31.4
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	12	42.5	13.0	50.0
Fraud	32	44.0	12.5	43.8
Embezzlement	0	--	--	--
Forgery/Counterfeiting	4	60.0	34.5	107.1
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	6	102.0	48.5	77.7
Gambling/Lottery	0	--	--	--
Civil Rights	2	--	--	--
Immigration	84	18.0	7.0	86.6
Pornography/Prostitution	12	182.0	31.5	16.5
Prison Offenses	3	24.0	12.0	33.3
Administration of Justice Offenses	5	72.0	33.0	36.7
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	3	36.0	8.0	50.0

<sup>1</sup>Of the 34,254 cases, 273 were sentenced above the guideline range with *Booker*/ 18 U.S.C § 3553. Of these, 263 had complete guideline application information. One additional case was excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through March 31, 2008).

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
<b>TOTAL</b>	<b>35</b>	<b>64.0</b>	<b>12.0</b>	<b>26.0</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	2	--	--	--
Arson	1	--	--	--
Drugs - Trafficking	12	108.0	15.0	12.4
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	5	180.0	49.0	37.4
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	1	--	--	--
Fraud	2	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	7	45.0	8.0	26.0
Pornography/Prostitution	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

<sup>1</sup>Of the 34,254 cases, 47 were otherwise sentenced above the guideline range. Of these, 45 had complete guideline application information. 10 additional cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through March 31, 2008).

**OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

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>33,834</b>	<b>30,449</b>	<b>90.0</b>	<b>29,560</b>	<b>87.4</b>	<b>889</b>	<b>2.6</b>	<b>3,385</b>	<b>10.0</b>	<b>1,174</b>	<b>3.5</b>	<b>2,211</b>	<b>6.5</b>
Murder	35	35	100.0	34	97.1	1	2.9	0	0.0	0	0.0	0	0.0
Manslaughter	32	30	93.8	28	87.5	2	6.3	2	6.3	0	0.0	2	6.3
Kidnapping/Hostage Taking	33	33	100.0	33	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	209	208	99.5	205	98.1	3	1.4	1	0.5	1	0.5	0	0.0
Assault	279	250	89.6	234	83.9	16	5.7	29	10.4	6	2.2	23	8.2
Robbery	480	474	98.8	462	96.3	12	2.5	6	1.3	1	0.2	5	1.0
Arson	23	23	100.0	22	95.7	1	4.3	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	11,404	11,041	96.8	10,818	94.9	223	2.0	363	3.2	164	1.4	199	1.7
Drugs - Communication Facility	162	139	85.8	137	84.6	2	1.2	23	14.2	9	5.6	14	8.6
Drugs - Simple Possession	161	75	46.6	75	46.6	0	0.0	86	53.4	5	3.1	81	50.3
Firearms	3,837	3,626	94.5	3,547	92.4	79	2.1	211	5.5	103	2.7	108	2.8
Burglary/B&E	22	20	90.9	18	81.8	2	9.1	2	9.1	2	9.1	0	0.0
Auto Theft	32	27	84.4	27	84.4	0	0.0	5	15.6	2	6.3	3	9.4
Larceny	672	326	48.5	295	43.9	31	4.6	346	51.5	86	12.8	260	38.7
Fraud	3,149	2,356	74.8	2,148	68.2	208	6.6	793	25.2	300	9.5	493	15.7
Embezzlement	206	115	55.8	97	47.1	18	8.7	91	44.2	29	14.1	62	30.1
Forgery/Counterfeiting	486	352	72.4	316	65.0	36	7.4	134	27.6	65	13.4	69	14.2
Bribery	105	85	81.0	79	75.2	6	5.7	20	19.0	13	12.4	7	6.7
Tax	255	162	63.5	133	52.2	29	11.4	93	36.5	56	22.0	37	14.5
Money Laundering	383	299	78.1	286	74.7	13	3.4	84	21.9	30	7.8	54	14.1
Racketeering/Extortion	296	275	92.9	266	89.9	9	3.0	21	7.1	10	3.4	11	3.7
Gambling/Lottery	60	26	43.3	23	38.3	3	5.0	34	56.7	26	43.3	8	13.3
Civil Rights	39	29	74.4	28	71.8	1	2.6	10	25.6	5	12.8	5	12.8
Immigration	9,169	8,871	96.7	8,745	95.4	126	1.4	298	3.3	80	0.9	218	2.4
Pornography/Prostitution	760	750	98.7	743	97.8	7	0.9	10	1.3	8	1.1	2	0.3
Prison Offenses	153	142	92.8	138	90.2	4	2.6	11	7.2	3	2.0	8	5.2
Administration of Justice Offenses	476	291	61.1	270	56.7	21	4.4	185	38.9	62	13.0	123	25.8
Environmental/Wildlife	93	20	21.5	17	18.3	3	3.2	73	78.5	13	14.0	60	64.5
National Defense	26	22	84.6	18	69.2	4	15.4	4	15.4	2	7.7	2	7.7
Antitrust	9	6	66.7	5	55.6	1	11.1	3	33.3	2	22.2	1	11.1
Food & Drug	31	9	29.0	7	22.6	2	6.5	22	71.0	6	19.4	16	51.6
Other Miscellaneous Offenses	757	332	43.9	306	40.4	26	3.4	425	56.1	85	11.2	340	44.9

<sup>1</sup>Of the 34,254 cases, 420 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (235), missing primary offense category (172), or missing sentencing information (184). 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 described in USSG §5C1.1.

Table 19

**AVERAGE SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

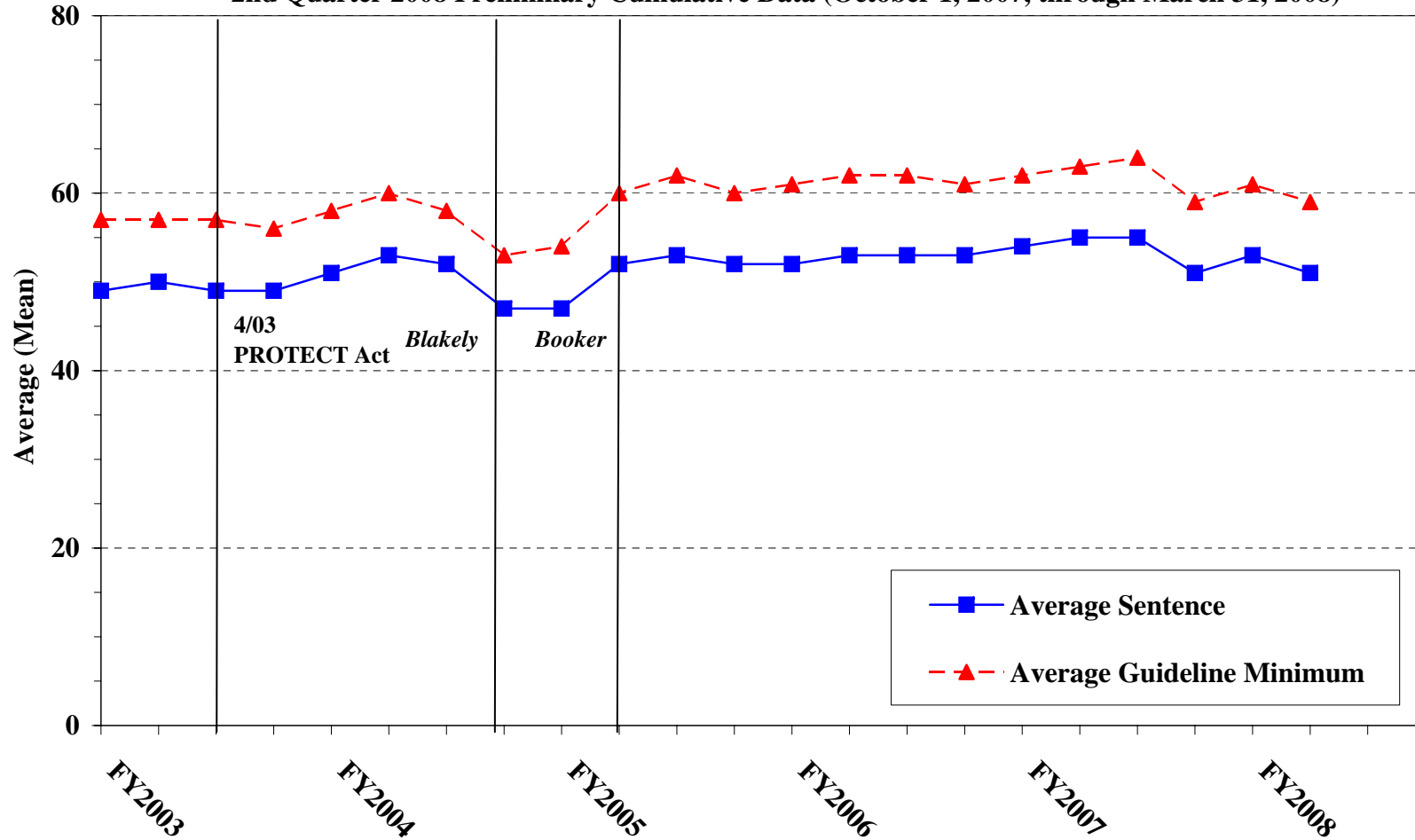
<b>PRIMARY OFFENSE</b>	<b>Mean Months</b>	<b>Median Months</b>	<b>Number</b>
<b>TOTAL</b>	<b>51.4</b>	<b>28.0</b>	<b>34,068</b>
<b>Murder</b>	194.7	180.0	35
<b>Manslaughter</b>	45.3	34.5	32
<b>Kidnapping/Hostage Taking</b>	223.7	180.0	33
<b>Sexual Abuse</b>	88.4	63.0	209
<b>Assault</b>	36.7	28.0	281
<b>Robbery</b>	84.3	65.0	481
<b>Arson</b>	85.7	60.0	23
<b>Drugs - Trafficking</b>	80.2	60.0	11,406
<b>Drugs - Communication Facility</b>	35.5	36.0	162
<b>Drugs - Simple Possession</b>	9.5	0.0	184
<b>Firearms</b>	80.2	55.0	3,843
<b>Burglary/B&amp;E</b>	18.1	18.0	22
<b>Auto Theft</b>	47.5	24.0	32
<b>Larceny</b>	9.2	3.0	725
<b>Fraud</b>	22.0	12.0	3,160
<b>Embezzlement</b>	10.1	6.0	209
<b>Forgery/Counterfeiting</b>	16.5	12.0	486
<b>Bribery</b>	18.3	12.0	105
<b>Tax</b>	16.6	12.0	255
<b>Money Laundering</b>	30.7	18.0	384
<b>Racketeering/Extortion</b>	95.9	60.0	296
<b>Gambling/Lottery</b>	9.7	6.0	60
<b>Civil Rights</b>	50.8	24.0	39
<b>Immigration</b>	20.1	14.0	9,172
<b>Pornography/Prostitution</b>	122.0	78.0	760
<b>Prison Offenses</b>	16.4	14.0	153
<b>Administration of Justice Offenses</b>	15.8	8.0	482
<b>Environmental/Wildlife</b>	3.3	0.0	96
<b>National Defense</b>	58.1	12.0	27
<b>Antitrust</b>	10.4	8.0	9
<b>Food &amp; Drug</b>	3.7	0.0	37
<b>Other Miscellaneous Offenses</b>	7.9	0.0	870

<sup>1</sup>Of the 34,254 cases, 186 were excluded due to one or both of the following reasons: missing primary offense (172) or missing or indeterminable sentencing information (185). Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure C

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
QUARTERLY DATA FOR ALL CASES<sup>1</sup>**

**Fiscal Years 2003 - 2007,  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**



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

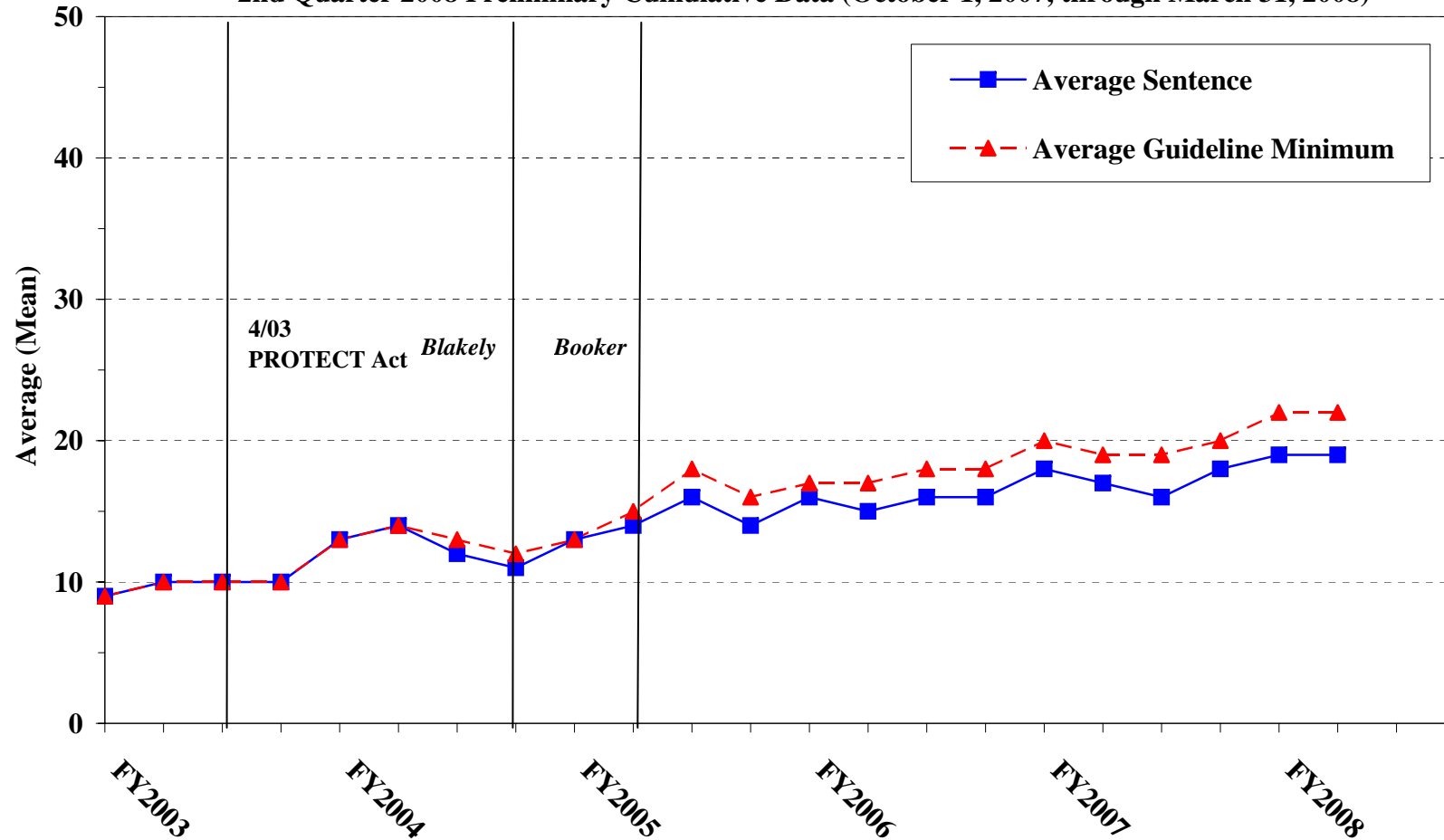
SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through March 31, 2008).

Figure D

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

**Fiscal Years 2003 - 2007,**

**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**



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

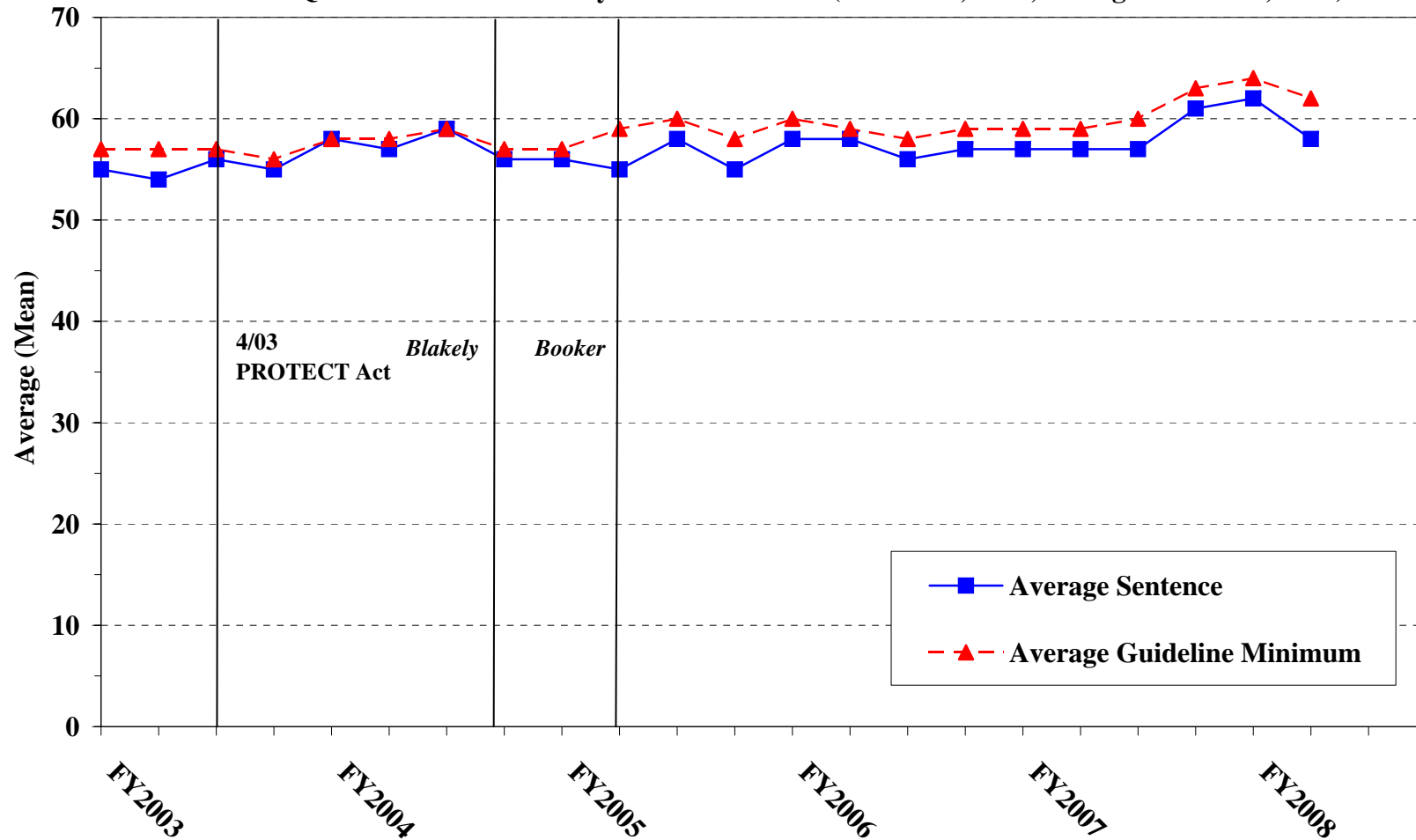
SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through March 31, 2008).

**Figure E**

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

**Fiscal Years 2003 - 2007,**

**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**



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

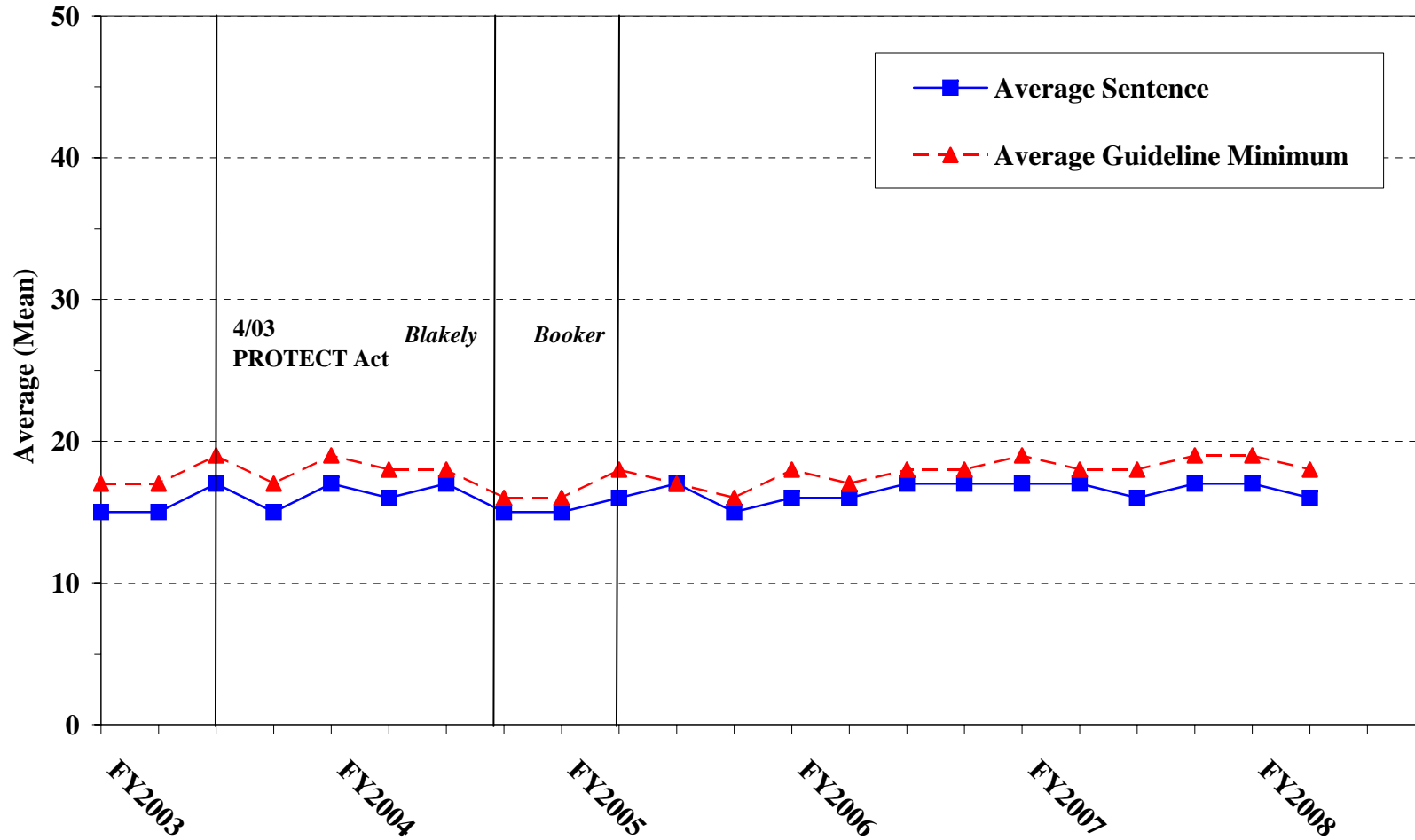
SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through March 31, 2008).



**Figure F**

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

**Fiscal Years 2003 - 2007,  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**



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

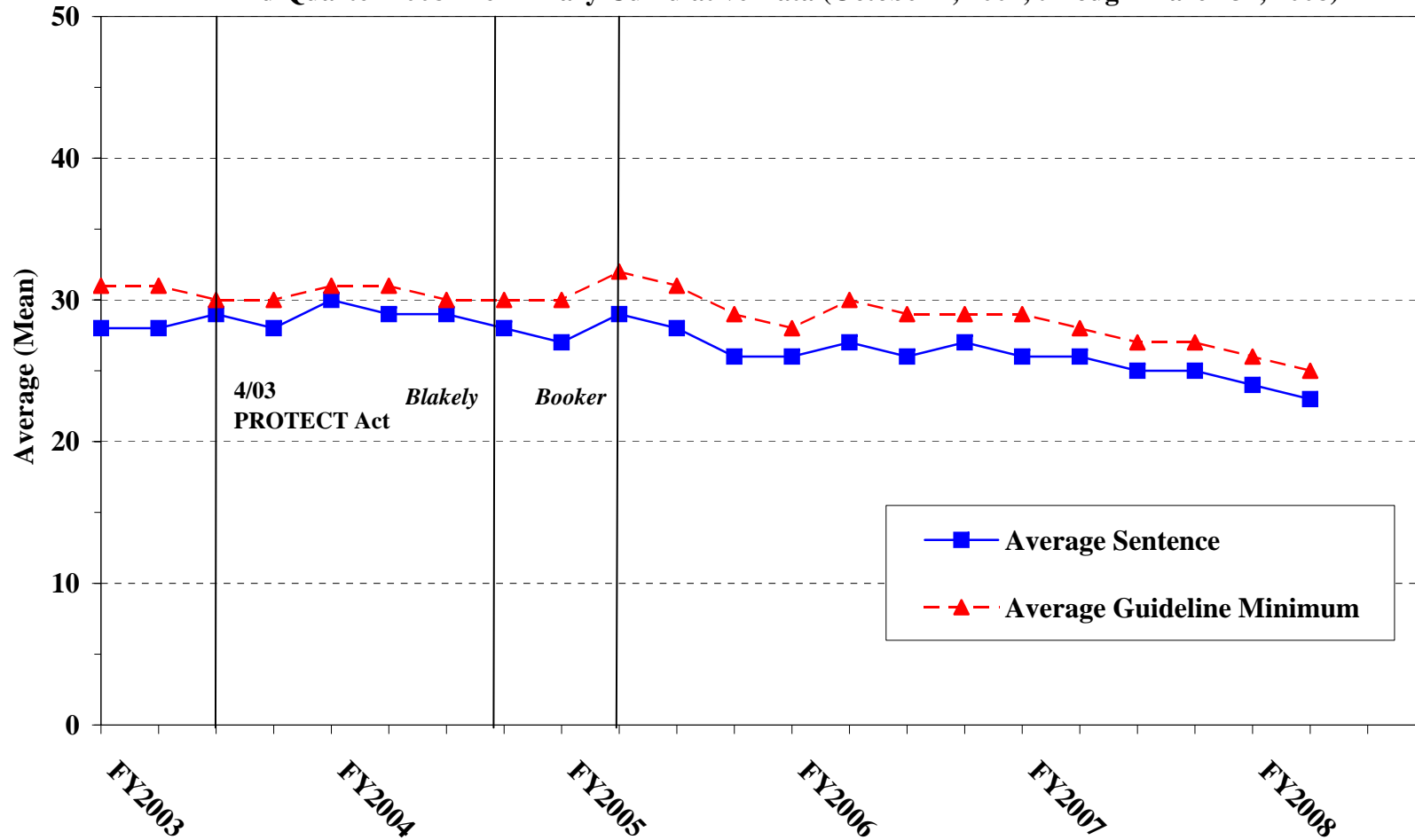
SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through March 31, 2008).

Figure G

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

**Fiscal Years 2003 - 2007,**

**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**



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

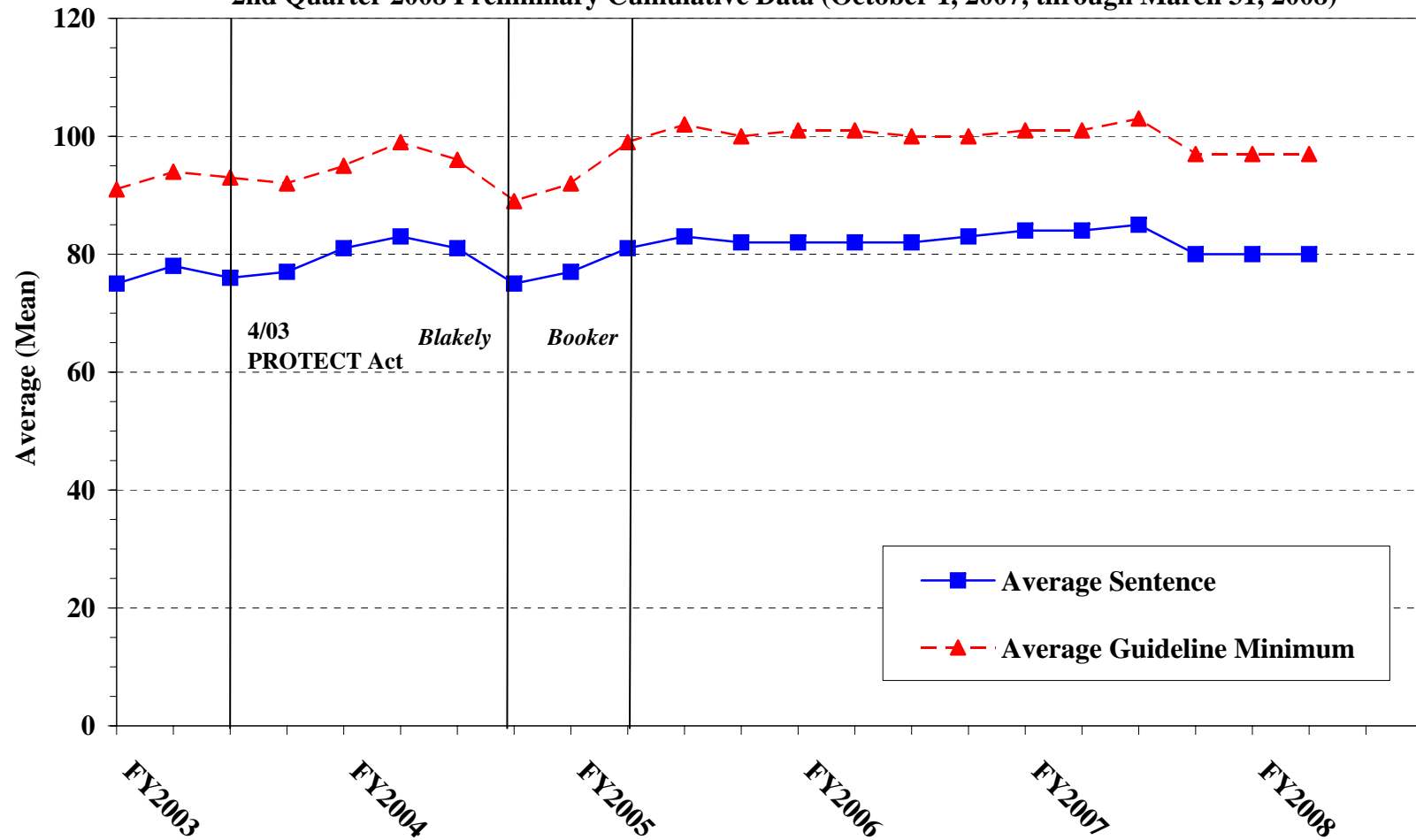
SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through March 31, 2008).

Figure H

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

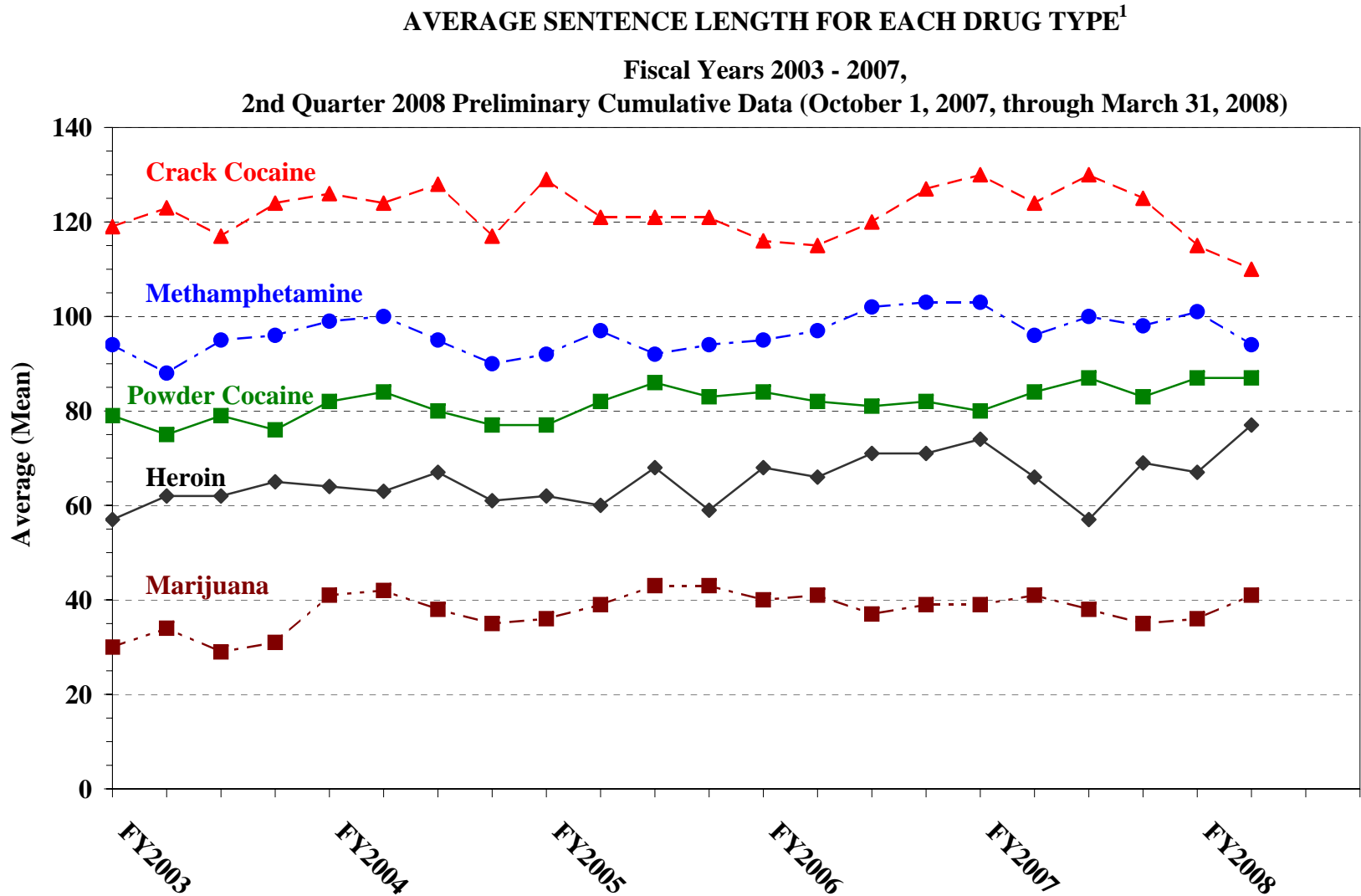
**Fiscal Years 2003 - 2007,**

**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**



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

Figure I



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

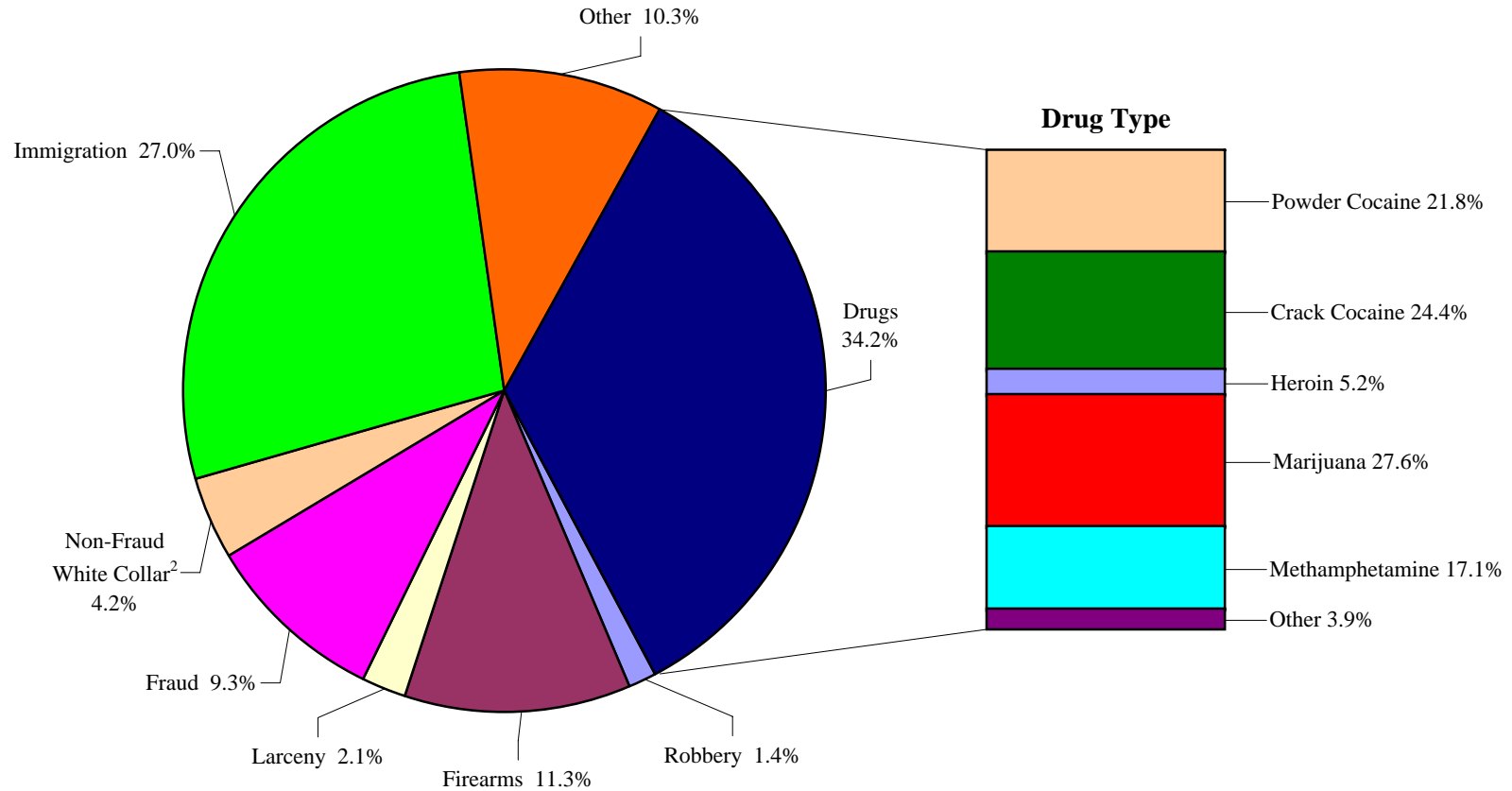
**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS  
IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

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>15,803</b>	<b>8,919</b>	<b>56.4</b>	<b>2,619</b>	<b>16.6</b>	<b>1,321</b>	<b>8.4</b>	<b>1,134</b>	<b>7.2</b>	<b>1,810</b>	<b>11.5</b>
Murder	11	4	36.4	2	18.2	1	9.1	1	9.1	3	27.3
Manslaughter	20	8	40.0	0	0.0	5	25.0	0	0.0	7	35.0
Kidnapping/Hostage Taking	8	5	62.5	1	12.5	1	12.5	0	0.0	1	12.5
Sexual Abuse	110	50	45.5	20	18.2	12	10.9	13	11.8	15	13.6
Assault	160	71	44.4	20	12.5	15	9.4	15	9.4	39	24.4
Robbery	292	136	46.6	57	19.5	24	8.2	28	9.6	47	16.1
Arson	7	3	42.9	1	14.3	0	0.0	2	28.6	1	14.3
Drugs - Trafficking	4,973	3,453	69.4	703	14.1	306	6.2	209	4.2	302	6.1
Drugs - Communication Facility	40	27	67.5	1	2.5	3	7.5	0	0.0	9	22.5
Drugs - Simple Possession	83	61	73.5	8	9.6	4	4.8	6	7.2	4	4.8
Firearms	2,270	1,271	56.0	287	12.6	209	9.2	146	6.4	357	15.7
Burglary/B&E	15	7	46.7	3	20.0	2	13.3	1	6.7	2	13.3
Auto Theft	21	8	38.1	0	0.0	0	0.0	0	0.0	13	61.9
Larceny	425	292	68.7	41	9.6	18	4.2	31	7.3	43	10.1
Fraud	1,651	952	57.7	247	15.0	135	8.2	93	5.6	224	13.6
Embezzlement	122	75	61.5	31	25.4	7	5.7	4	3.3	5	4.1
Forgery/Counterfeiting	301	155	51.5	45	15.0	30	10.0	25	8.3	46	15.3
Bribery	43	25	58.1	12	27.9	1	2.3	2	4.7	3	7.0
Tax	105	67	63.8	16	15.2	10	9.5	5	4.8	7	6.7
Money Laundering	135	92	68.1	19	14.1	5	3.7	8	5.9	11	8.1
Racketeering/Extortion	90	48	53.3	12	13.3	7	7.8	10	11.1	13	14.4
Gambling/Lottery	39	25	64.1	9	23.1	2	5.1	2	5.1	1	2.6
Civil Rights	12	6	50.0	1	8.3	0	0.0	1	8.3	4	33.3
Immigration	3,833	1,438	37.5	940	24.5	455	11.9	474	12.4	526	13.7
Pornography/Prostitution	368	217	59.0	58	15.8	19	5.2	23	6.3	51	13.9
Prison Offenses	100	57	57.0	13	13.0	9	9.0	4	4.0	17	17.0
Administration of Justice Offenses	219	137	62.6	25	11.4	14	6.4	16	7.3	27	12.3
Environmental/Wildlife	37	33	89.2	2	5.4	1	2.7	1	2.7	0	0.0
National Defense	10	8	80.0	2	20.0	0	0.0	0	0.0	0	0.0
Antitrust	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	22	18	81.8	2	9.1	0	0.0	1	4.5	1	4.5
Other Miscellaneous Offenses	280	169	60.4	41	14.6	26	9.3	13	4.6	31	11.1

<sup>1</sup>Of the 34,254 cases, 20,066 were sentenced within the applicable guideline range. Of those, 17,818 had complete guideline application information. An additional 1,191 cases were excluded due to several logical criteria. Of the remaining 16,627 cases, 824 were excluded due to missing point in range information. Descriptions of variables used in this table are provided in Appendix A.

**Figure J**

**DISTRIBUTION OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**



<sup>1</sup>Of the 34,254 guideline cases, 172 were excluded due to missing primary offense category. An additional 144 of the 11,759 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.

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

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through March 31, 2008).

Table 21

**GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

<b>PRIMARY OFFENSE</b>	<b>Number</b>	<b>Percent</b>
<b>TOTAL</b>	<b>34,082</b>	<b>100.0</b>
Murder	35	0.1
Manslaughter	32	0.1
Kidnapping/Hostage Taking	33	0.1
Sexual Abuse	209	0.6
Assault	281	0.8
Robbery	481	1.4
Arson	23	0.1
Drugs - Trafficking	11,412	33.5
Drugs - Communication Facility	162	0.5
Drugs - Simple Possession	185	0.5
Firearms	3,844	11.3
Burglary/B&E	22	0.1
Auto Theft	32	0.1
Larceny	725	2.1
Fraud	3,164	9.3
Embezzlement	209	0.6
Forgery/Counterfeiting	486	1.4
Bribery	105	0.3
Tax	255	0.7
Money Laundering	384	1.1
Racketeering/Extortion	296	0.9
Gambling/Lottery	60	0.2
Civil Rights	39	0.1
Immigration	9,174	26.9
Pornography/Prostitution	760	2.2
Prison Offenses	153	0.4
Administration of Justice Offenses	482	1.4
Environmental/Wildlife	96	0.3
National Defense	27	0.1
Antitrust	9	0.0
Food & Drug	37	0.1
Other Miscellaneous Offenses	870	2.6

<sup>1</sup>Of the 34,254 cases, 172 were excluded due to missing information on primary offense category. Descriptions of variables used in this table are provided in Appendix A.

Table 22

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

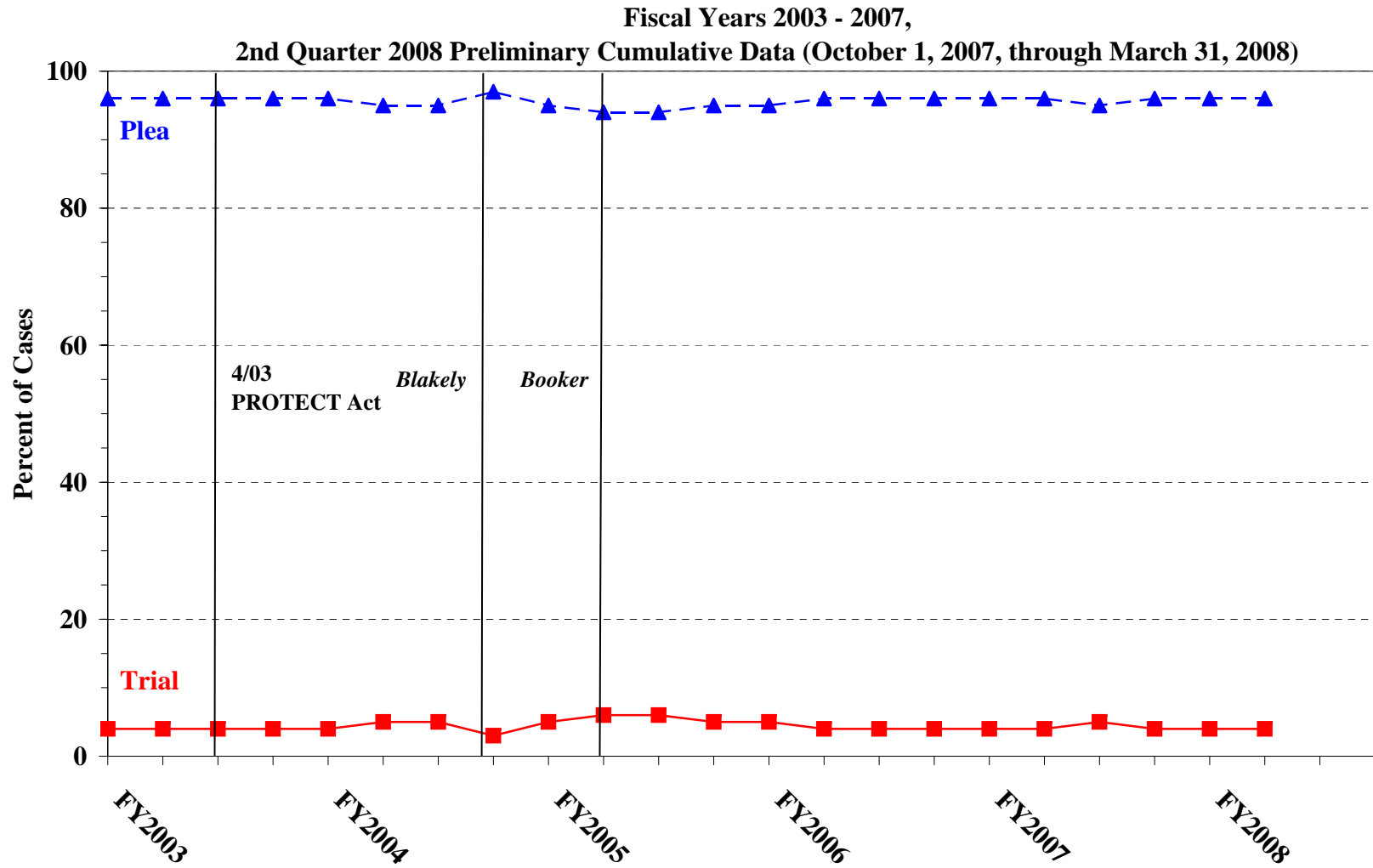
PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>34,082</b>	<b>32,799</b>	<b>96.2</b>	<b>1,283</b>	<b>3.8</b>
Murder	35	29	82.9	6	17.1
Manslaughter	32	31	96.9	1	3.1
Kidnapping/Hostage Taking	33	27	81.8	6	18.2
Sexual Abuse	209	190	90.9	19	9.1
Assault	281	246	87.5	35	12.5
Robbery	481	470	97.7	11	2.3
Arson	23	19	82.6	4	17.4
Drugs - Trafficking	11,412	10,973	96.2	439	3.8
Drugs - Communication Facility	162	159	98.1	3	1.9
Drugs - Simple Possession	185	181	97.8	4	2.2
Firearms	3,844	3,560	92.6	284	7.4
Burglary/B&E	22	21	95.5	1	4.5
Auto Theft	32	29	90.6	3	9.4
Larceny	725	698	96.3	27	3.7
Fraud	3,164	2,993	94.6	171	5.4
Embezzlement	209	206	98.6	3	1.4
Forgery/Counterfeiting	486	478	98.4	8	1.6
Bribery	105	103	98.1	2	1.9
Tax	255	227	89.0	28	11.0
Money Laundering	384	365	95.1	19	4.9
Racketeering/Extortion	296	258	87.2	38	12.8
Gambling/Lottery	60	56	93.3	4	6.7
Civil Rights	39	32	82.1	7	17.9
Immigration	9,174	9,111	99.3	63	0.7
Pornography/Prostitution	760	739	97.2	21	2.8
Prison Offenses	153	147	96.1	6	3.9
Administration of Justice Offenses	482	460	95.4	22	4.6
Environmental/Wildlife	96	89	92.7	7	7.3
National Defense	27	24	88.9	3	11.1
Antitrust	9	9	100.0	0	0.0
Food & Drug	37	36	97.3	1	2.7
Other Miscellaneous Offenses	870	833	95.7	37	4.3

<sup>1</sup>Of the 34,254 cases, 172 were excluded due to one or both of the following reasons: missing primary offense category (172) or missing information on mode of conviction (170). Descriptions of variables used in this table are provided in Appendix A.



Figure K

QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS<sup>1</sup>



<sup>1</sup>Descriptions of variables used in this table are provided in Appendix A.

Table 23

**RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>31,899</b>	<b>9,224</b>	<b>28.9</b>	<b>7,838</b>	<b>24.6</b>	<b>13,540</b>	<b>42.4</b>	<b>1,297</b>	<b>4.1</b>
Murder	35	7	20.0	4	11.4	9	25.7	15	42.9
Manslaughter	32	2	6.3	0	0.0	1	3.1	29	90.6
Kidnapping/Hostage Taking	31	4	12.9	14	45.2	9	29.0	4	12.9
Sexual Abuse	206	115	55.8	14	6.8	16	7.8	61	29.6
Assault	255	65	25.5	42	16.5	45	17.6	103	40.4
Robbery	477	243	50.9	189	39.6	29	6.1	16	3.4
Arson	23	9	39.1	4	17.4	3	13.0	7	30.4
Drugs - Trafficking	11,351	2,714	23.9	3,609	31.8	4,636	40.8	392	3.5
Drugs - Communication Facility	160	51	31.9	44	27.5	57	35.6	8	5.0
Drugs - Simple Possession	118	54	45.8	42	35.6	16	13.6	6	5.1
Firearms	3,811	1,216	31.9	1,906	50.0	576	15.1	113	3.0
Burglary/B&E	22	11	50.0	4	18.2	0	0.0	7	31.8
Auto Theft	32	16	50.0	7	21.9	8	25.0	1	3.1
Larceny	621	313	50.4	185	29.8	85	13.7	38	6.1
Fraud	2,954	1,335	45.2	930	31.5	516	17.5	173	5.9
Embezzlement	196	116	59.2	43	21.9	18	9.2	19	9.7
Forgery/Counterfeiting	478	241	50.4	167	34.9	60	12.6	10	2.1
Bribery	94	41	43.6	26	27.7	20	21.3	7	7.4
Tax	254	187	73.6	43	16.9	14	5.5	10	3.9
Money Laundering	374	143	38.2	49	13.1	150	40.1	32	8.6
Racketeering/Extortion	293	101	34.5	70	23.9	98	33.4	24	8.2
Gambling/Lottery	60	54	90.0	2	3.3	1	1.7	3	5.0
Civil Rights	38	27	71.1	5	13.2	4	10.5	2	5.3
Immigration	8,014	911	11.4	155	1.9	6,865	85.7	83	1.0
Pornography/Prostitution	754	646	85.7	32	4.2	53	7.0	23	3.1
Prison Offenses	145	41	28.3	52	35.9	37	25.5	15	10.3
Administration of Justice Offenses	444	179	40.3	102	23.0	125	28.2	38	8.6
Environmental/Wildlife	77	63	81.8	3	3.9	4	5.2	7	9.1
National Defense	26	10	38.5	3	11.5	11	42.3	2	7.7
Antitrust	9	9	100.0	0	0.0	0	0.0	0	0.0
Food & Drug	32	23	71.9	1	3.1	5	15.6	3	9.4
Other Miscellaneous Offenses	483	277	57.3	91	18.8	69	14.3	46	9.5

<sup>1</sup>Of the 34,254 cases, 2,355 were excluded due to one or both of the following reasons: missing primary offense category (172) or missing race (2,352). Descriptions of variables used in this table are provided in Appendix A.

Table 24

**GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>32,885</b>	<b>28,731</b>	<b>87.4</b>	<b>4,154</b>	<b>12.6</b>
Murder	35	31	88.6	4	11.4
Manslaughter	32	26	81.3	6	18.8
Kidnapping/Hostage Taking	33	31	93.9	2	6.1
Sexual Abuse	208	202	97.1	6	2.9
Assault	267	242	90.6	25	9.4
Robbery	479	432	90.2	47	9.8
Arson	23	22	95.7	1	4.3
Drugs - Trafficking	11,392	10,020	88.0	1,372	12.0
Drugs - Communication Facility	161	133	82.6	28	17.4
Drugs - Simple Possession	146	117	80.1	29	19.9
Firearms	3,828	3,698	96.6	130	3.4
Burglary/B&E	22	19	86.4	3	13.6
Auto Theft	32	31	96.9	1	3.1
Larceny	654	398	60.9	256	39.1
Fraud	3,028	2,124	70.1	904	29.9
Embezzlement	203	94	46.3	109	53.7
Forgery/Counterfeiting	484	359	74.2	125	25.8
Bribery	97	81	83.5	16	16.5
Tax	255	215	84.3	40	15.7
Money Laundering	378	292	77.2	86	22.8
Racketeering/Extortion	294	280	95.2	14	4.8
Gambling/Lottery	60	50	83.3	10	16.7
Civil Rights	39	33	84.6	6	15.4
Immigration	8,611	8,003	92.9	608	7.1
Pornography/Prostitution	760	743	97.8	17	2.2
Prison Offenses	148	131	88.5	17	11.5
Administration of Justice Offenses	457	317	69.4	140	30.6
Environmental/Wildlife	85	78	91.8	7	8.2
National Defense	26	21	80.8	5	19.2
Antitrust	9	9	100.0	0	0.0
Food & Drug	33	21	63.6	12	36.4
Other Miscellaneous Offenses	606	478	78.9	128	21.1

<sup>1</sup>Of the 34,254 cases, 1,369 were excluded due to one or both of the following reasons: missing primary offense category (172) or missing gender (1,346). Descriptions of variables used in this table are provided in Appendix A.

Table 25

**AGE, RACE, AND GENDER OF OFFENDERS<sup>1</sup>**  
**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

Gender and Age	White		Black		Hispanic		Other	
	n	%	n	%	n	%	n	%
<b>Males</b>	<b>7,667</b>	<b>100.0</b>	<b>6,871</b>	<b>100.0</b>	<b>12,246</b>	<b>100.0</b>	<b>1,024</b>	<b>100.0</b>
<b>Under 21</b>	244	3.2	213	3.1	609	5.0	53	5.2
<b>21 - 25</b>	901	11.8	1,274	18.5	2,178	17.8	179	17.5
<b>26 - 30</b>	1,199	15.6	1,767	25.7	2,694	22.0	175	17.1
<b>31 - 35</b>	1,051	13.7	1,331	19.4	2,410	19.7	164	16.0
<b>36 - 40</b>	1,052	13.7	956	13.9	1,819	14.9	145	14.2
<b>41 - 50</b>	1,724	22.5	917	13.3	1,884	15.4	180	17.6
<b>Over 50</b>	1,496	19.5	413	6.0	652	5.3	128	12.5
<b>Females</b>	<b>1,531</b>	<b>100.0</b>	<b>960</b>	<b>100.0</b>	<b>1,238</b>	<b>100.0</b>	<b>265</b>	<b>100.0</b>
<b>Under 21</b>	60	3.9	27	2.8	62	5.0	5	1.9
<b>21 - 25</b>	229	15.0	179	18.6	211	17.0	44	16.6
<b>26 - 30</b>	232	15.2	197	20.5	291	23.5	51	19.2
<b>31 - 35</b>	222	14.5	166	17.3	186	15.0	34	12.8
<b>36 - 40</b>	221	14.4	134	14.0	196	15.8	31	11.7
<b>41 - 50</b>	342	22.3	162	16.9	193	15.6	54	20.4
<b>Over 50</b>	225	14.7	95	9.9	99	8.0	46	17.4

<sup>1</sup>Of the 34,254 cases, 2,452 were excluded due to one or more of the following reasons: missing race (2,352), missing gender (1,346), or missing age (489). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through March 31, 2008).

Table 26

**CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>32,896</b>	<b>20,006</b>	<b>60.8</b>	<b>12,890</b>	<b>39.2</b>
Murder	35	32	91.4	3	8.6
Manslaughter	32	32	100.0	0	0.0
Kidnapping/Hostage Taking	31	16	51.6	15	48.4
Sexual Abuse	208	193	92.8	15	7.2
Assault	256	228	89.1	28	10.9
Robbery	478	466	97.5	12	2.5
Arson	23	21	91.3	2	8.7
Drugs - Trafficking	11,371	8,046	70.8	3,325	29.2
Drugs - Communication Facility	160	119	74.4	41	25.6
Drugs - Simple Possession	129	125	96.9	4	3.1
Firearms	3,827	3,521	92.0	306	8.0
Burglary/B&E	22	22	100.0	0	0.0
Auto Theft	32	30	93.8	2	6.3
Larceny	631	582	92.2	49	7.8
Fraud	3,009	2,417	80.3	592	19.7
Embezzlement	200	194	97.0	6	3.0
Forgery/Counterfeiting	480	432	90.0	48	10.0
Bribery	94	88	93.6	6	6.4
Tax	255	241	94.5	14	5.5
Money Laundering	373	247	66.2	126	33.8
Racketeering/Extortion	294	226	76.9	68	23.1
Gambling/Lottery	59	57	96.6	2	3.4
Civil Rights	38	34	89.5	4	10.5
Immigration	8,859	845	9.5	8,014	90.5
Pornography/Prostitution	759	732	96.4	27	3.6
Prison Offenses	143	131	91.6	12	8.4
Administration of Justice Offenses	450	363	80.7	87	19.3
Environmental/Wildlife	79	74	93.7	5	6.3
National Defense	26	16	61.5	10	38.5
Antitrust	9	7	77.8	2	22.2
Food & Drug	33	28	84.8	5	15.2
Other Miscellaneous Offenses	501	441	88.0	60	12.0

<sup>1</sup>Of the 34,254 cases, 1,358 were excluded due to one or both of the following reasons: missing primary offense category (172) or missing citizenship information (1,354). Descriptions of variables used in this table are provided in Appendix A.

Table 27

**DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		n	n	n	n	n	n	n	n
<b>TOTAL</b>	<b>34,254</b>	<b>159,678</b>	<b>34,078</b>	<b>33,519</b>	<b>25,720</b>	<b>7,415</b>	<b>33,910</b>	<b>32,451</b>	<b>1,615</b>
<b>D.C. CIRCUIT</b>	<b>212</b>	<b>1,033</b>	<b>212</b>	<b>212</b>	<b>192</b>	<b>19</b>	<b>212</b>	<b>205</b>	<b>7</b>
District of Columbia	212	1,033	212	212	192	19	212	205	7
<b>FIRST CIRCUIT</b>	<b>705</b>	<b>3,130</b>	<b>705</b>	<b>700</b>	<b>366</b>	<b>299</b>	<b>702</b>	<b>657</b>	<b>48</b>
Maine	111	482	111	111	39	72	111	110	1
Massachusetts	236	1,003	236	233	73	146	235	226	10
New Hampshire	88	423	88	88	71	17	88	88	0
Puerto Rico	223	1,004	223	221	151	54	223	186	37
Rhode Island	47	218	47	47	32	10	45	47	0
<b>SECOND CIRCUIT</b>	<b>1,925</b>	<b>9,083</b>	<b>1,925</b>	<b>1,911</b>	<b>1,480</b>	<b>381</b>	<b>1,909</b>	<b>1,858</b>	<b>67</b>
Connecticut	162	807	162	162	159	3	162	162	0
New York									
Eastern	522	2,553	522	521	471	48	522	517	5
Northern	218	1,007	218	210	158	45	218	203	15
Southern	635	2,853	635	632	327	265	627	632	3
Western	323	1,542	323	322	302	18	315	280	43
Vermont	65	321	65	64	63	2	65	64	1
<b>THIRD CIRCUIT</b>	<b>1,429</b>	<b>6,830</b>	<b>1,429</b>	<b>1,428</b>	<b>1,159</b>	<b>252</b>	<b>1,419</b>	<b>1,395</b>	<b>34</b>
Delaware	36	178	36	36	35	1	36	35	1
New Jersey	454	2,224	454	454	414	37	449	453	1
Pennsylvania									
Eastern	341	1,594	341	341	234	106	341	337	4
Middle	310	1,526	310	310	293	16	309	304	6
Western	249	1,123	249	249	153	85	245	227	22
Virgin Islands	39	185	39	38	30	7	39	39	0
<b>FOURTH CIRCUIT</b>	<b>3,187</b>	<b>14,814</b>	<b>3,187</b>	<b>3,042</b>	<b>2,452</b>	<b>636</b>	<b>3,142</b>	<b>2,991</b>	<b>196</b>
Maryland	333	1,576	333	324	278	42	327	314	19
North Carolina									
Eastern	331	1,547	331	322	264	60	331	299	32
Middle	144	712	144	144	136	8	144	144	0
Western	393	1,870	393	393	298	92	393	393	0
South Carolina	567	2,597	567	566	338	217	567	559	8
Virginia									
Eastern	820	3,600	820	695	612	147	782	691	129
Western	215	1,033	215	214	177	36	214	213	2
West Virginia									
Northern	252	1,241	252	252	239	12	252	246	6
Southern	132	638	132	132	110	22	132	132	0

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		n	n	n	n	n	n	n	n
<b>FIFTH CIRCUIT</b>	<b>7,970</b>	<b>36,643</b>	<b>7,970</b>	<b>7,940</b>	<b>5,216</b>	<b>2,428</b>	<b>7,949</b>	<b>7,568</b>	<b>402</b>
Louisiana									
Eastern	253	1,136	253	253	125	119	252	253	0
Middle	103	486	103	103	78	21	103	99	4
Western	179	864	179	179	151	22	178	177	2
Mississippi									
Northern	90	430	90	85	84	6	90	81	9
Southern	195	937	195	190	174	19	195	183	12
Texas									
Eastern	457	2,235	457	457	408	48	457	456	1
Northern	528	2,515	528	528	404	124	528	527	1
Southern	3,008	14,381	3,008	3,006	2,391	596	3,001	2,975	33
Western	3,157	13,659	3,157	3,139	1,401	1,473	3,145	2,817	340
<b>SIXTH CIRCUIT</b>	<b>2,492</b>	<b>11,881</b>	<b>2,492</b>	<b>2,473</b>	<b>2,040</b>	<b>403</b>	<b>2,485</b>	<b>2,391</b>	<b>101</b>
Kentucky									
Eastern	299	1,451	299	299	260	35	298	295	4
Western	231	1,017	231	231	159	49	231	165	66
Michigan									
Eastern	366	1,771	366	365	312	50	365	363	3
Western	226	1,076	226	226	177	44	226	221	5
Ohio									
Northern	409	1,960	409	409	330	75	408	404	5
Southern	257	1,270	257	253	246	10	257	257	0
Tennessee									
Eastern	287	1,368	287	287	221	65	286	287	0
Middle	126	570	126	112	95	25	124	113	13
Western	291	1,398	291	291	240	50	290	286	5
<b>SEVENTH CIRCUIT</b>	<b>1,305</b>	<b>6,209</b>	<b>1,305</b>	<b>1,297</b>	<b>1,012</b>	<b>286</b>	<b>1,299</b>	<b>1,296</b>	<b>9</b>
Illinois									
Central	210	947	210	205	117	90	209	206	4
Northern	243	1,147	243	242	181	58	239	242	1
Southern	160	743	160	160	105	55	160	158	2
Indiana									
Northern	205	983	205	203	165	40	205	205	0
Southern	154	753	154	154	138	16	153	154	0
Wisconsin									
Eastern	232	1,141	232	232	215	17	232	230	2
Western	101	495	101	101	91	10	101	101	0
<b>EIGHTH CIRCUIT</b>	<b>2,255</b>	<b>10,782</b>	<b>2,255</b>	<b>2,245</b>	<b>1,793</b>	<b>439</b>	<b>2,253</b>	<b>2,236</b>	<b>19</b>
Arkansas									
Eastern	202	958	202	200	157	37	202	197	5
Western	85	420	85	85	80	5	85	85	0
Iowa									
Northern	135	622	135	135	82	52	135	135	0
Southern	96	435	96	96	53	42	95	95	1
Minnesota	249	1,218	249	249	228	21	249	243	6
Missouri									
Eastern	444	2,207	444	443	433	10	443	444	0
Western	384	1,740	384	381	209	171	384	382	2
Nebraska	310	1,522	310	309	286	22	310	307	3
North Dakota	117	545	117	114	81	32	117	116	1
South Dakota	233	1,115	233	233	184	47	233	232	1

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		n	n	n	n	n	n	n	n
<b>NINTH CIRCUIT</b>	<b>6,642</b>	<b>31,005</b>	<b>6,466</b>	<b>6,287</b>	<b>5,752</b>	<b>597</b>	<b>6,419</b>	<b>6,081</b>	<b>373</b>
Alaska	56	258	56	56	34	21	56	56	0
Arizona	1,864	9,080	1,864	1,823	1,701	146	1,862	1,830	34
California									
Central	784	2,751	608	515	486	51	572	570	26
Eastern	425	2,053	425	422	361	59	424	421	4
Northern	303	1,443	303	301	267	34	302	270	33
Southern	1,562	7,514	1,562	1,533	1,468	91	1,562	1,389	173
Guam	36	176	36	36	32	4	36	36	0
Hawaii	151	693	151	151	93	54	151	147	4
Idaho	111	539	111	111	95	16	111	111	0
Montana	224	1,074	224	223	182	40	223	222	2
Nevada	244	1,157	244	241	210	31	243	219	25
Northern Mariana Islands	9	44	9	9	8	1	9	9	0
Oregon	304	1,477	304	297	277	27	303	296	8
Washington									
Eastern	160	782	160	160	148	10	158	156	4
Western	409	1,964	409	409	390	12	407	349	60
<b>TENTH CIRCUIT</b>	<b>2,771</b>	<b>12,730</b>	<b>2,771</b>	<b>2,673</b>	<b>1,926</b>	<b>770</b>	<b>2,766</b>	<b>2,594</b>	<b>177</b>
Colorado	242	1,188	242	235	236	5	242	233	9
Kansas	304	1,472	304	302	263	39	304	299	5
New Mexico	1,287	5,900	1,287	1,283	767	506	1,282	1,281	6
Oklahoma									
Eastern	44	198	44	44	22	20	44	44	0
Northern	96	429	96	96	45	51	96	96	0
Western	260	965	260	176	122	102	260	147	113
Utah	410	1,974	410	409	365	30	410	380	30
Wyoming	128	604	128	128	106	17	128	114	14
<b>ELEVENTH CIRCUIT</b>	<b>3,361</b>	<b>15,538</b>	<b>3,361</b>	<b>3,311</b>	<b>2,332</b>	<b>905</b>	<b>3,355</b>	<b>3,179</b>	<b>182</b>
Alabama									
Middle	133	639	133	133	107	26	133	133	0
Northern	226	1,075	226	225	181	39	226	217	9
Southern	237	1,132	237	237	184	53	237	237	0
Florida									
Middle	775	3,589	775	774	492	278	774	774	1
Northern	173	797	173	169	110	62	173	172	1
Southern	1,042	4,766	1,042	1,001	695	304	1,039	989	53
Georgia									
Middle	231	1,046	231	229	165	45	230	191	40
Northern	281	1,345	281	280	225	54	280	279	2
Southern	263	1,149	263	263	173	44	263	187	76

<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 520 cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

SOURCE: U.S. Sentencing Commission, Preliminary 2008 Datafile, USSCFY08 (October 1, 2007, through March 31, 2008).



Table 28

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM  
IN EACH CIRCUIT AND DISTRICT  
2nd Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through March 31, 2008)**

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		n	%	n	%	n	%
<b>TOTAL</b>	<b>34,254</b>	<b>29,758</b>	<b>86.9</b>	<b>3,793</b>	<b>11.1</b>	<b>703</b>	<b>2.1</b>
<b>D.C. CIRCUIT</b>	<b>212</b>	<b>202</b>	<b>95.3</b>	<b>10</b>	<b>4.7</b>	<b>0</b>	<b>0.0</b>
District of Columbia	212	202	95.3	10	4.7	0	0.0
<b>FIRST CIRCUIT</b>	<b>705</b>	<b>696</b>	<b>98.7</b>	<b>5</b>	<b>0.7</b>	<b>4</b>	<b>0.6</b>
Maine	111	110	99.1	1	0.9	0	0.0
Massachusetts	236	232	98.3	1	0.4	3	1.3
New Hampshire	88	87	98.9	1	1.1	0	0.0
Puerto Rico	223	220	98.7	2	0.9	1	0.4
Rhode Island	47	47	100.0	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>1,925</b>	<b>1,792</b>	<b>93.1</b>	<b>119</b>	<b>6.2</b>	<b>14</b>	<b>0.7</b>
Connecticut	162	161	99.4	1	0.6	0	0.0
New York							
Eastern	522	423	81.0	98	18.8	1	0.2
Northern	218	210	96.3	0	0.0	8	3.7
Southern	635	616	97.0	16	2.5	3	0.5
Western	323	321	99.4	1	0.3	1	0.3
Vermont	65	61	93.8	3	4.6	1	1.5
<b>THIRD CIRCUIT</b>	<b>1,429</b>	<b>1,003</b>	<b>70.2</b>	<b>425</b>	<b>29.7</b>	<b>1</b>	<b>0.1</b>
Delaware	36	35	97.2	1	2.8	0	0.0
New Jersey	454	36	7.9	418	92.1	0	0.0
Pennsylvania							
Eastern	341	338	99.1	3	0.9	0	0.0
Middle	310	308	99.4	2	0.6	0	0.0
Western	249	249	100.0	0	0.0	0	0.0
Virgin Islands	39	37	94.9	1	2.6	1	2.6
<b>FOURTH CIRCUIT</b>	<b>3,187</b>	<b>2,947</b>	<b>92.5</b>	<b>100</b>	<b>3.1</b>	<b>140</b>	<b>4.4</b>
Maryland	333	324	97.3	5	1.5	4	1.2
North Carolina							
Eastern	331	319	96.4	3	0.9	9	2.7
Middle	144	144	100.0	0	0.0	0	0.0
Western	393	384	97.7	9	2.3	0	0.0
South Carolina	567	564	99.5	2	0.4	1	0.2
Virginia							
Eastern	820	620	75.6	75	9.1	125	15.2
Western	215	213	99.1	1	0.5	1	0.5
West Virginia							
Northern	252	251	99.6	1	0.4	0	0.0
Southern	132	128	97.0	4	3.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>7,970</b>	<b>5,579</b>	<b>70.0</b>	<b>2,363</b>	<b>29.6</b>	<b>28</b>	<b>0.4</b>
Louisiana							
Eastern	253	244	96.4	9	3.6	0	0.0
Middle	103	103	100.0	0	0.0	0	0.0
Western	179	166	92.7	13	7.3	0	0.0
Mississippi							
Northern	90	84	93.3	1	1.1	5	5.6
Southern	195	189	96.9	1	0.5	5	2.6
Texas							
Eastern	457	455	99.6	2	0.4	0	0.0
Northern	528	519	98.3	9	1.7	0	0.0
Southern	3,008	2,998	99.7	8	0.3	2	0.1
Western	3,157	821	26.0	2,320	73.5	16	0.5
<b>SIXTH CIRCUIT</b>	<b>2,492</b>	<b>2,295</b>	<b>92.1</b>	<b>178</b>	<b>7.1</b>	<b>19</b>	<b>0.8</b>
Kentucky							
Eastern	299	296	99.0	3	1.0	0	0.0
Western	231	229	99.1	2	0.9	0	0.0
Michigan							
Eastern	366	262	71.6	103	28.1	1	0.3
Western	226	226	100.0	0	0.0	0	0.0
Ohio							
Northern	409	408	99.8	1	0.2	0	0.0
Southern	257	227	88.3	26	10.1	4	1.6
Tennessee							
Eastern	287	285	99.3	2	0.7	0	0.0
Middle	126	76	60.3	36	28.6	14	11.1
Western	291	286	98.3	5	1.7	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>1,305</b>	<b>1,157</b>	<b>88.7</b>	<b>140</b>	<b>10.7</b>	<b>8</b>	<b>0.6</b>
Illinois							
Central	210	204	97.1	1	0.5	5	2.4
Northern	243	203	83.5	39	16.0	1	0.4
Southern	160	160	100.0	0	0.0	0	0.0
Indiana							
Northern	205	178	86.8	25	12.2	2	1.0
Southern	154	152	98.7	2	1.3	0	0.0
Wisconsin							
Eastern	232	191	82.3	41	17.7	0	0.0
Western	101	69	68.3	32	31.7	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>2,255</b>	<b>2,202</b>	<b>97.6</b>	<b>43</b>	<b>1.9</b>	<b>10</b>	<b>0.4</b>
Arkansas							
Eastern	202	199	98.5	1	0.5	2	1.0
Western	85	83	97.6	2	2.4	0	0.0
Iowa							
Northern	135	135	100.0	0	0.0	0	0.0
Southern	96	93	96.9	3	3.1	0	0.0
Minnesota	249	225	90.4	24	9.6	0	0.0
Missouri							
Eastern	444	433	97.5	10	2.3	1	0.2
Western	384	379	98.7	2	0.5	3	0.8
Nebraska	310	308	99.4	1	0.3	1	0.3
North Dakota	117	114	97.4	0	0.0	3	2.6
South Dakota	233	233	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>6,642</b>	<b>5,975</b>	<b>90.0</b>	<b>313</b>	<b>4.7</b>	<b>354</b>	<b>5.3</b>
Alaska	56	56	100.0	0	0.0	0	0.0
Arizona	1,864	1,773	95.1	51	2.7	40	2.1
California							
Central	784	500	63.8	15	1.9	269	34.3
Eastern	425	417	98.1	5	1.2	3	0.7
Northern	303	298	98.3	3	1.0	2	0.7
Southern	1,562	1,529	97.9	4	0.3	29	1.9
Guam	36	35	97.2	1	2.8	0	0.0
Hawaii	151	147	97.4	4	2.6	0	0.0
Idaho	111	111	100.0	0	0.0	0	0.0
Montana	224	221	98.7	2	0.9	1	0.4
Nevada	244	239	98.0	2	0.8	3	1.2
Northern Mariana Islands	9	9	100.0	0	0.0	0	0.0
Oregon	304	74	24.3	223	73.4	7	2.3
Washington							
Eastern	160	159	99.4	1	0.6	0	0.0
Western	409	407	99.5	2	0.5	0	0.0
<b>TENTH CIRCUIT</b>	<b>2,771</b>	<b>2,637</b>	<b>95.2</b>	<b>58</b>	<b>2.1</b>	<b>76</b>	<b>2.7</b>
Colorado	242	219	90.5	18	7.4	5	2.1
Kansas	304	301	99.0	1	0.3	2	0.7
New Mexico	1,287	1,277	99.2	6	0.5	4	0.3
Oklahoma							
Eastern	44	44	100.0	0	0.0	0	0.0
Northern	96	96	100.0	0	0.0	0	0.0
Western	260	190	73.1	5	1.9	65	25.0
Utah	410	383	93.4	27	6.6	0	0.0
Wyoming	128	127	99.2	1	0.8	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>3,361</b>	<b>3,273</b>	<b>97.4</b>	<b>39</b>	<b>1.2</b>	<b>49</b>	<b>1.5</b>
Alabama							
Middle	133	133	100.0	0	0.0	0	0.0
Northern	226	225	99.6	0	0.0	1	0.4
Southern	237	237	100.0	0	0.0	0	0.0
Florida							
Middle	775	770	99.4	4	0.5	1	0.1
Northern	173	169	97.7	0	0.0	4	2.3
Southern	1,042	998	95.8	3	0.3	41	3.9
Georgia							
Middle	231	216	93.5	14	6.1	1	0.4
Northern	281	262	93.2	18	6.4	1	0.4
Southern	263	263	100.0	0	0.0	0	0.0

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

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

## **Appendix A**

### **Descriptions of Datafiles and Variables**

#### **Introduction**

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

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

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

#### **Variables**

The following section describes the variables used in this report.

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

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

##### **Age**

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

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

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

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

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

##### **Average Sentence Length**

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

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

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

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

### **Circuit**

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

### **Citizenship Status**

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

### **Degree of Decrease**

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

### **Degree of Increase**

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

### **District**

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

### **Document Submission Rates**

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

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

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

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

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

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

### **Drug Offense Guideline**

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

### **Drug Type**

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

### **Education**

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

### **Gender**

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

### **Government Sponsored**

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

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

### **Guideline Offenders Sentenced**

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

### **Guideline Sentencing Range**

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

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

### **Mode of Conviction**

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

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

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

### **Position of Sentence**

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

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

### **Primary Offense Category**

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

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

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

*Manslaughter* includes both involuntary and voluntary manslaughter.

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

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

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

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

*Arson* also includes damage by explosives.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Race**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Year**

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

### **Zone**

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

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

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

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

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

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

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

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

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