

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



**1st Quarter Release
Preliminary Fiscal Year 2008 Data
Through December 31, 2007**

Introduction

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

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

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

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

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

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

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

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

Users of the quarterly releases are cautioned that the quarterly data are preliminary only and subject to change as the Commission collects, analyzes, and reports on additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*. For example, the data reported in the initial release for the first quarter of fiscal year 2008 may change as the Commission receives and analyzes documents during the remaining quarters for additional cases sentenced during the first quarter.⁶ Any subsequent changes in the quarterly data for the first 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 *Sourcebook* and *Annual Report*.**

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

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

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**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹**
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

	N	%
TOTAL CASES	16,835	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	10,191	60.5
CASES SENTENCED ABOVE GUIDELINE RANGE	256	1.4
DEPARTURE ABOVE GUIDELINE RANGE	117	0.6
Upward Departure From Guideline Range ²	75	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	42	0.2
OTHERWISE ABOVE GUIDELINE RANGE	139	0.8
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	119	0.7
All Remaining Cases Above Guideline Range ⁵	20	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	4,409	26.2
§5K1.1 Substantial Assistance Departure	2,315	13.8
§5K3.1 Early Disposition Program Departure	1,383	8.2
Other Government Sponsored Below Range	711	4.2
NON-GOVERNMENT SPONSORED BELOW RANGE	1,979	11.8
DEPARTURE BELOW GUIDELINE RANGE	578	3.5
Downward Departure From Guideline Range ²	382	2.3
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	196	1.2
OTHERWISE BELOW GUIDELINE RANGE	1,401	8.3
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	1,243	7.4
All Remaining Cases Below Guideline Range ⁵	158	0.9

¹This table reflects the 17,243 cases sentenced subsequent to October 1, 2007, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by March 27, 2008. Of these, 408 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

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

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

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
TOTAL	16,835	10,191	60.5	75	0.4	42	0.2	119	0.7	20	0.1
D.C. CIRCUIT	114	41	36.0	1	0.9	0	0.0	3	2.6	1	0.9
District of Columbia	114	41	36.0	1	0.9	0	0.0	3	2.6	1	0.9
FIRST CIRCUIT	358	238	66.5	1	0.3	1	0.3	0	0.0	1	0.3
Maine	55	39	70.9	1	1.8	0	0.0	0	0.0	0	0.0
Massachusetts	112	65	58.0	0	0.0	1	0.9	0	0.0	0	0.0
New Hampshire	49	25	51.0	0	0.0	0	0.0	0	0.0	0	0.0
Puerto Rico	117	95	81.2	0	0.0	0	0.0	0	0.0	1	0.9
Rhode Island	25	14	56.0	0	0.0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	1,019	467	45.8	2	0.2	3	0.3	4	0.4	0	0.0
Connecticut	76	37	48.7	0	0.0	0	0.0	2	2.6	0	0.0
New York											
Eastern	291	121	41.6	0	0.0	1	0.3	0	0.0	0	0.0
Northern	103	44	42.7	0	0.0	0	0.0	0	0.0	0	0.0
Southern	365	164	44.9	0	0.0	0	0.0	1	0.3	0	0.0
Western	151	86	57.0	1	0.7	2	1.3	1	0.7	0	0.0
Vermont	33	15	45.5	1	3.0	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	703	399	56.8	3	0.4	1	0.1	3	0.4	0	0.0
Delaware	15	6	40.0	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	216	118	54.6	0	0.0	0	0.0	0	0.0	0	0.0
Pennsylvania											
Eastern	159	75	47.2	1	0.6	0	0.0	0	0.0	0	0.0
Middle	159	86	54.1	2	1.3	0	0.0	0	0.0	0	0.0
Western	132	96	72.7	0	0.0	1	0.8	1	0.8	0	0.0
Virgin Islands	22	18	81.8	0	0.0	0	0.0	2	9.1	0	0.0
FOURTH CIRCUIT	1,540	1,059	68.8	14	0.9	15	1.0	8	0.5	4	0.3
Maryland	162	78	48.1	0	0.0	1	0.6	1	0.6	2	1.2
North Carolina											
Eastern	151	76	50.3	7	4.6	8	5.3	0	0.0	0	0.0
Middle	75	61	81.3	0	0.0	0	0.0	0	0.0	0	0.0
Western	221	141	63.8	2	0.9	0	0.0	0	0.0	1	0.5
South Carolina	249	177	71.1	0	0.0	0	0.0	0	0.0	0	0.0
Virginia											
Eastern	360	278	77.2	4	1.1	6	1.7	3	0.8	1	0.3
Western	98	67	68.4	1	1.0	0	0.0	2	2.0	0	0.0
West Virginia											
Northern	159	131	82.4	0	0.0	0	0.0	1	0.6	0	0.0
Southern	65	50	76.9	0	0.0	0	0.0	1	1.5	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	2,315	13.8	1,383	8.2	711	4.2	382	2.3	196	1.2	1,243	7.4	158	0.9
D.C. CIRCUIT	34	29.8	0	0.0	11	9.6	4	3.5	4	3.5	11	9.6	4	3.5
District of Columbia	34	29.8	0	0.0	11	9.6	4	3.5	4	3.5	11	9.6	4	3.5
FIRST CIRCUIT	36	10.1	0	0.0	13	3.6	14	3.9	8	2.2	42	11.7	4	1.1
Maine	10	18.2	0	0.0	0	0.0	0	0.0	1	1.8	4	7.3	0	0.0
Massachusetts	7	6.3	0	0.0	6	5.4	8	7.1	5	4.5	18	16.1	2	1.8
New Hampshire	11	22.4	0	0.0	2	4.1	3	6.1	0	0.0	8	16.3	0	0.0
Puerto Rico	7	6.0	0	0.0	4	3.4	1	0.9	1	0.9	6	5.1	2	1.7
Rhode Island	1	4.0	0	0.0	1	4.0	2	8.0	1	4.0	6	24.0	0	0.0
SECOND CIRCUIT	242	23.7	0	0.0	35	3.4	50	4.9	42	4.1	159	15.6	15	1.5
Connecticut	8	10.5	0	0.0	4	5.3	5	6.6	7	9.2	11	14.5	2	2.6
New York														
Eastern	65	22.3	0	0.0	18	6.2	21	7.2	18	6.2	43	14.8	4	1.4
Northern	47	45.6	0	0.0	0	0.0	5	4.9	2	1.9	4	3.9	1	1.0
Southern	79	21.6	0	0.0	5	1.4	14	3.8	13	3.6	83	22.7	6	1.6
Western	36	23.8	0	0.0	8	5.3	0	0.0	1	0.7	14	9.3	2	1.3
Vermont	7	21.2	0	0.0	0	0.0	5	15.2	1	3.0	4	12.1	0	0.0
THIRD CIRCUIT	172	24.5	0	0.0	9	1.3	13	1.8	13	1.8	83	11.8	7	1.0
Delaware	1	6.7	0	0.0	0	0.0	1	6.7	0	0.0	5	33.3	2	13.3
New Jersey	62	28.7	0	0.0	2	0.9	2	0.9	0	0.0	32	14.8	0	0.0
Pennsylvania														
Eastern	49	30.8	0	0.0	3	1.9	1	0.6	7	4.4	20	12.6	3	1.9
Middle	47	29.6	0	0.0	4	2.5	2	1.3	0	0.0	17	10.7	1	0.6
Western	12	9.1	0	0.0	0	0.0	7	5.3	6	4.5	8	6.1	1	0.8
Virgin Islands	1	4.5	0	0.0	0	0.0	0	0.0	0	0.0	1	4.5	0	0.0
FOURTH CIRCUIT	268	17.4	0	0.0	17	1.1	26	1.7	14	0.9	91	5.9	24	1.6
Maryland	46	28.4	0	0.0	5	3.1	1	0.6	3	1.9	19	11.7	6	3.7
North Carolina														
Eastern	50	33.1	0	0.0	0	0.0	3	2.0	1	0.7	5	3.3	1	0.7
Middle	9	12.0	0	0.0	0	0.0	1	1.3	0	0.0	4	5.3	0	0.0
Western	56	25.3	0	0.0	1	0.5	3	1.4	2	0.9	10	4.5	5	2.3
South Carolina	50	20.1	0	0.0	0	0.0	6	2.4	0	0.0	11	4.4	5	2.0
Virginia														
Eastern	22	6.1	0	0.0	4	1.1	9	2.5	8	2.2	19	5.3	6	1.7
Western	22	22.4	0	0.0	1	1.0	1	1.0	0	0.0	3	3.1	1	1.0
West Virginia														
Northern	7	4.4	0	0.0	6	3.8	2	1.3	0	0.0	12	7.5	0	0.0
Southern	6	9.2	0	0.0	0	0.0	0	0.0	0	0.0	8	12.3	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	3,934	2,795	71.0	21	0.5	9	0.2	27	0.7	3	0.1
Louisiana											
Eastern	114	83	72.8	2	1.8	0	0.0	3	2.6	0	0.0
Middle	50	35	70.0	0	0.0	0	0.0	0	0.0	0	0.0
Western	90	79	87.8	0	0.0	0	0.0	0	0.0	0	0.0
Mississippi											
Northern	31	23	74.2	0	0.0	0	0.0	0	0.0	0	0.0
Southern	91	68	74.7	0	0.0	2	2.2	2	2.2	0	0.0
Texas											
Eastern	241	185	76.8	3	1.2	0	0.0	1	0.4	1	0.4
Northern	272	197	72.4	6	2.2	5	1.8	5	1.8	0	0.0
Southern	1,488	852	57.3	6	0.4	0	0.0	4	0.3	1	0.1
Western	1,557	1,273	81.8	4	0.3	2	0.1	12	0.8	1	0.1
SIXTH CIRCUIT	1,279	740	57.9	4	0.3	0	0.0	4	0.3	1	0.1
Kentucky											
Eastern	149	68	45.6	0	0.0	0	0.0	0	0.0	0	0.0
Western	119	95	79.8	0	0.0	0	0.0	1	0.8	0	0.0
Michigan											
Eastern	166	96	57.8	0	0.0	0	0.0	0	0.0	0	0.0
Western	129	82	63.6	0	0.0	0	0.0	1	0.8	0	0.0
Ohio											
Northern	226	131	58.0	1	0.4	0	0.0	0	0.0	0	0.0
Southern	145	69	47.6	0	0.0	0	0.0	1	0.7	0	0.0
Tennessee											
Eastern	134	76	56.7	1	0.7	0	0.0	0	0.0	1	0.7
Middle	64	45	70.3	1	1.6	0	0.0	0	0.0	0	0.0
Western	147	78	53.1	1	0.7	0	0.0	1	0.7	0	0.0
SEVENTH CIRCUIT	623	395	63.4	0	0.0	2	0.3	9	1.4	0	0.0
Illinois											
Central	100	59	59.0	0	0.0	0	0.0	0	0.0	0	0.0
Northern	110	59	53.6	0	0.0	1	0.9	0	0.0	0	0.0
Southern	79	63	79.7	0	0.0	0	0.0	1	1.3	0	0.0
Indiana											
Northern	101	65	64.4	0	0.0	1	1.0	2	2.0	0	0.0
Southern	83	52	62.7	0	0.0	0	0.0	3	3.6	0	0.0
Wisconsin											
Eastern	87	41	47.1	0	0.0	0	0.0	2	2.3	0	0.0
Western	63	56	88.9	0	0.0	0	0.0	1	1.6	0	0.0
EIGHTH CIRCUIT	1,159	771	66.5	9	0.8	2	0.2	9	0.8	1	0.1
Arkansas											
Eastern	103	72	69.9	1	1.0	0	0.0	0	0.0	0	0.0
Western	41	29	70.7	0	0.0	0	0.0	0	0.0	0	0.0
Iowa											
Northern	64	42	65.6	1	1.6	1	1.6	0	0.0	0	0.0
Southern	65	40	61.5	0	0.0	0	0.0	0	0.0	0	0.0
Minnesota	110	56	50.9	0	0.0	0	0.0	0	0.0	1	0.9
Missouri											
Eastern	242	178	73.6	0	0.0	0	0.0	0	0.0	0	0.0
Western	182	127	69.8	0	0.0	1	0.5	2	1.1	0	0.0
Nebraska	158	98	62.0	5	3.2	0	0.0	5	3.2	0	0.0
North Dakota	68	35	51.5	0	0.0	0	0.0	1	1.5	0	0.0
South Dakota	126	94	74.6	2	1.6	0	0.0	1	0.8	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	300	7.6	269	6.8	262	6.7	100	2.5	10	0.3	115	2.9	23	0.6
Louisiana														
Eastern	16	14.0	0	0.0	1	0.9	1	0.9	2	1.8	6	5.3	0	0.0
Middle	9	18.0	0	0.0	1	2.0	2	4.0	0	0.0	2	4.0	1	2.0
Western	6	6.7	0	0.0	0	0.0	0	0.0	1	1.1	2	2.2	2	2.2
Mississippi														
Northern	7	22.6	0	0.0	1	3.2	0	0.0	0	0.0	0	0.0	0	0.0
Southern	14	15.4	0	0.0	0	0.0	0	0.0	1	1.1	1	1.1	3	3.3
Texas														
Eastern	22	9.1	0	0.0	12	5.0	4	1.7	2	0.8	9	3.7	2	0.8
Northern	42	15.4	0	0.0	6	2.2	2	0.7	2	0.7	6	2.2	1	0.4
Southern	85	5.7	226	15.2	224	15.1	54	3.6	0	0.0	34	2.3	2	0.1
Western	99	6.4	43	2.8	17	1.1	37	2.4	2	0.1	55	3.5	12	0.8
SIXTH CIRCUIT	340	26.6	0	0.0	23	1.8	22	1.7	16	1.3	117	9.1	12	0.9
Kentucky														
Eastern	65	43.6	0	0.0	3	2.0	2	1.3	0	0.0	11	7.4	0	0.0
Western	13	10.9	0	0.0	3	2.5	2	1.7	0	0.0	4	3.4	1	0.8
Michigan														
Eastern	39	23.5	0	0.0	0	0.0	1	0.6	4	2.4	23	13.9	3	1.8
Western	27	20.9	0	0.0	0	0.0	3	2.3	3	2.3	13	10.1	0	0.0
Ohio														
Northern	52	23.0	0	0.0	4	1.8	4	1.8	3	1.3	26	11.5	5	2.2
Southern	49	33.8	0	0.0	5	3.4	4	2.8	3	2.1	13	9.0	1	0.7
Tennessee														
Eastern	40	29.9	0	0.0	2	1.5	1	0.7	1	0.7	12	9.0	0	0.0
Middle	14	21.9	0	0.0	0	0.0	1	1.6	0	0.0	3	4.7	0	0.0
Western	41	27.9	0	0.0	6	4.1	4	2.7	2	1.4	12	8.2	2	1.4
SEVENTH CIRCUIT	102	16.4	1	0.2	14	2.2	9	1.4	14	2.2	70	11.2	7	1.1
Illinois														
Central	23	23.0	1	1.0	0	0.0	3	3.0	2	2.0	12	12.0	0	0.0
Northern	15	13.6	0	0.0	3	2.7	2	1.8	9	8.2	19	17.3	2	1.8
Southern	9	11.4	0	0.0	0	0.0	1	1.3	0	0.0	4	5.1	1	1.3
Indiana														
Northern	25	24.8	0	0.0	1	1.0	0	0.0	2	2.0	3	3.0	2	2.0
Southern	13	15.7	0	0.0	3	3.6	2	2.4	1	1.2	9	10.8	0	0.0
Wisconsin														
Eastern	15	17.2	0	0.0	7	8.0	0	0.0	0	0.0	20	23.0	2	2.3
Western	2	3.2	0	0.0	0	0.0	1	1.6	0	0.0	3	4.8	0	0.0
EIGHTH CIRCUIT	174	15.0	6	0.5	29	2.5	16	1.4	15	1.3	116	10.0	11	0.9
Arkansas														
Eastern	18	17.5	0	0.0	1	1.0	3	2.9	3	2.9	4	3.9	1	1.0
Western	6	14.6	0	0.0	0	0.0	0	0.0	0	0.0	4	9.8	2	4.9
Iowa														
Northern	10	15.6	0	0.0	0	0.0	0	0.0	0	0.0	9	14.1	1	1.6
Southern	13	20.0	0	0.0	4	6.2	1	1.5	0	0.0	5	7.7	2	3.1
Minnesota	33	30.0	0	0.0	2	1.8	3	2.7	4	3.6	11	10.0	0	0.0
Missouri														
Eastern	35	14.5	0	0.0	5	2.1	4	1.7	3	1.2	17	7.0	0	0.0
Western	26	14.3	0	0.0	3	1.6	0	0.0	1	0.5	22	12.1	0	0.0
Nebraska	9	5.7	5	3.2	7	4.4	2	1.3	2	1.3	21	13.3	4	2.5
North Dakota	20	29.4	1	1.5	0	0.0	1	1.5	1	1.5	9	13.2	0	0.0
South Dakota	4	3.2	0	0.0	7	5.6	2	1.6	1	0.8	14	11.1	1	0.8

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	3,193	1,441	45.1	15	0.5	3	0.1	15	0.5	6	0.2
Alaska	32	18	56.3	0	0.0	0	0.0	1	3.1	1	3.1
Arizona	978	317	32.4	9	0.9	1	0.1	1	0.1	1	0.1
California											
Central	276	137	49.6	0	0.0	0	0.0	2	0.7	0	0.0
Eastern	221	123	55.7	0	0.0	1	0.5	3	1.4	1	0.5
Northern	161	83	51.6	0	0.0	0	0.0	0	0.0	0	0.0
Southern	751	338	45.0	0	0.0	1	0.1	0	0.0	0	0.0
Guam	15	14	93.3	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	81	32	39.5	0	0.0	0	0.0	1	1.2	1	1.2
Idaho	51	29	56.9	0	0.0	0	0.0	0	0.0	0	0.0
Montana	119	85	71.4	2	1.7	0	0.0	2	1.7	2	1.7
Nevada	126	87	69.0	0	0.0	0	0.0	1	0.8	0	0.0
Northern Mariana Islands	7	6	85.7	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	132	66	50.0	0	0.0	0	0.0	1	0.8	0	0.0
Washington											
Eastern	69	29	42.0	1	1.4	0	0.0	2	2.9	0	0.0
Western	174	77	44.3	3	1.7	0	0.0	1	0.6	0	0.0
TENTH CIRCUIT	1,352	769	56.9	3	0.2	1	0.1	12	0.9	2	0.1
Colorado	133	83	62.4	1	0.8	0	0.0	0	0.0	1	0.8
Kansas	147	91	61.9	0	0.0	1	0.7	7	4.8	0	0.0
New Mexico	688	344	50.0	0	0.0	0	0.0	1	0.1	1	0.1
Oklahoma											
Eastern	17	16	94.1	0	0.0	0	0.0	0	0.0	0	0.0
Northern	47	38	80.9	2	4.3	0	0.0	0	0.0	0	0.0
Western	66	46	69.7	0	0.0	0	0.0	3	4.5	0	0.0
Utah	189	109	57.7	0	0.0	0	0.0	1	0.5	0	0.0
Wyoming	65	42	64.6	0	0.0	0	0.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	1,561	1,076	68.9	2	0.1	5	0.3	25	1.6	1	0.1
Alabama											
Middle	52	30	57.7	0	0.0	0	0.0	2	3.8	0	0.0
Northern	127	88	69.3	0	0.0	1	0.8	3	2.4	0	0.0
Southern	92	65	70.7	0	0.0	0	0.0	0	0.0	0	0.0
Florida											
Middle	385	243	63.1	0	0.0	0	0.0	1	0.3	1	0.3
Northern	76	50	65.8	0	0.0	0	0.0	1	1.3	0	0.0
Southern	479	354	73.9	1	0.2	1	0.2	9	1.9	0	0.0
Georgia											
Middle	100	78	78.0	0	0.0	2	2.0	1	1.0	0	0.0
Northern	124	72	58.1	0	0.0	1	0.8	2	1.6	0	0.0
Southern	126	96	76.2	1	0.8	0	0.0	6	4.8	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	337	10.6	937	29.3	145	4.5	67	2.1	24	0.8	170	5.3	33	1.0
Alaska	5	15.6	0	0.0	2	6.3	1	3.1	2	6.3	2	6.3	0	0.0
Arizona	53	5.4	541	55.3	13	1.3	13	1.3	3	0.3	23	2.4	3	0.3
California														
Central	46	16.7	42	15.2	22	8.0	7	2.5	3	1.1	12	4.3	5	1.8
Eastern	36	16.3	29	13.1	11	5.0	5	2.3	3	1.4	8	3.6	1	0.5
Northern	21	13.0	12	7.5	22	13.7	3	1.9	2	1.2	16	9.9	2	1.2
Southern	40	5.3	293	39.0	16	2.1	28	3.7	1	0.1	23	3.1	11	1.5
Guam	1	6.7	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	29	35.8	0	0.0	1	1.2	2	2.5	0	0.0	13	16.0	2	2.5
Idaho	12	23.5	4	7.8	2	3.9	0	0.0	0	0.0	4	7.8	0	0.0
Montana	16	13.4	0	0.0	0	0.0	1	0.8	0	0.0	8	6.7	3	2.5
Nevada	18	14.3	0	0.0	7	5.6	3	2.4	2	1.6	7	5.6	1	0.8
Northern Mariana Islands	1	14.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	22	16.7	4	3.0	14	10.6	1	0.8	4	3.0	18	13.6	2	1.5
Washington														
Eastern	10	14.5	10	14.5	7	10.1	0	0.0	1	1.4	8	11.6	1	1.4
Western	27	15.5	2	1.1	28	16.1	3	1.7	3	1.7	28	16.1	2	1.1
TENTH CIRCUIT	94	7.0	163	12.1	137	10.1	38	2.8	20	1.5	105	7.8	8	0.6
Colorado	20	15.0	0	0.0	5	3.8	4	3.0	1	0.8	18	13.5	0	0.0
Kansas	20	13.6	0	0.0	16	10.9	0	0.0	1	0.7	11	7.5	0	0.0
New Mexico	30	4.4	132	19.2	103	15.0	27	3.9	12	1.7	35	5.1	3	0.4
Oklahoma														
Eastern	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	5.9	0	0.0
Northern	4	8.5	0	0.0	0	0.0	0	0.0	0	0.0	3	6.4	0	0.0
Western	3	4.5	0	0.0	0	0.0	0	0.0	1	1.5	12	18.2	1	1.5
Utah	12	6.3	31	16.4	12	6.3	5	2.6	1	0.5	15	7.9	3	1.6
Wyoming	5	7.7	0	0.0	1	1.5	2	3.1	4	6.2	10	15.4	1	1.5
ELEVENTH CIRCUIT	216	13.8	7	0.4	16	1.0	23	1.5	16	1.0	164	10.5	10	0.6
Alabama														
Middle	14	26.9	0	0.0	1	1.9	1	1.9	0	0.0	4	7.7	0	0.0
Northern	23	18.1	0	0.0	0	0.0	1	0.8	0	0.0	10	7.9	1	0.8
Southern	12	13.0	0	0.0	2	2.2	0	0.0	1	1.1	12	13.0	0	0.0
Florida														
Middle	76	19.7	7	1.8	6	1.6	4	1.0	3	0.8	43	11.2	1	0.3
Northern	16	21.1	0	0.0	0	0.0	2	2.6	0	0.0	7	9.2	0	0.0
Southern	38	7.9	0	0.0	3	0.6	7	1.5	7	1.5	54	11.3	5	1.0
Georgia														
Middle	10	10.0	0	0.0	2	2.0	1	1.0	0	0.0	6	6.0	0	0.0
Northern	14	11.3	0	0.0	2	1.6	5	4.0	5	4.0	21	16.9	2	1.6
Southern	13	10.3	0	0.0	0	0.0	2	1.6	0	0.0	7	5.6	1	0.8

¹Of the 17,243 cases, 408 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 (36.5%), Central California (23.1%), Northern Mariana Islands (22.2%), Eastern Virginia (14.3%), Middle Georgia (13.8%), Alaska (13.5%), Middle Tennessee (9.9%), Western Washington (8.4%), Northern Florida (7.3%), and Delaware (6.3%).

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 December 31, 2007).

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE WITH W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
TOTAL	16,738	10,147	60.6	75	0.4	42	0.3	118	0.7	20	0.1
Murder	22	12	54.5	1	4.5	1	4.5	1	4.5	0	0.0
Manslaughter	16	9	56.3	1	6.3	1	6.3	0	0.0	0	0.0
Kidnapping/Hostage Taking	12	5	41.7	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	102	78	76.5	4	3.9	1	1.0	3	2.9	0	0.0
Assault	134	94	70.1	4	3.0	2	1.5	1	0.7	0	0.0
Robbery	244	166	68.0	4	1.6	4	1.6	2	0.8	1	0.4
Arson	12	9	75.0	0	0.0	0	0.0	0	0.0	1	8.3
Drugs - Trafficking	5,868	3,095	52.7	7	0.1	4	0.1	18	0.3	4	0.1
Drugs - Communication Facility	79	55	69.6	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Simple Possession	75	65	86.7	0	0.0	1	1.3	0	0.0	0	0.0
Firearms	1,912	1,361	71.2	13	0.7	7	0.4	21	1.1	3	0.2
Burglary/B&E	15	9	60.0	0	0.0	0	0.0	1	6.7	0	0.0
Auto Theft	11	7	63.6	0	0.0	0	0.0	1	9.1	0	0.0
Larceny	372	305	82.0	0	0.0	1	0.3	3	0.8	1	0.3
Fraud	1,527	1,009	66.1	8	0.5	2	0.1	19	1.2	3	0.2
Embezzlement	111	79	71.2	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	235	174	74.0	2	0.9	0	0.0	1	0.4	2	0.9
Bribery	41	21	51.2	0	0.0	0	0.0	0	0.0	0	0.0
Tax	132	72	54.5	0	0.0	1	0.8	1	0.8	0	0.0
Money Laundering	196	80	40.8	0	0.0	0	0.0	0	0.0	0	0.0
Racketeering/Extortion	140	70	50.0	4	2.9	0	0.0	2	1.4	0	0.0
Gambling/Lottery	32	20	62.5	1	3.1	0	0.0	0	0.0	0	0.0
Civil Rights	22	7	31.8	0	0.0	0	0.0	2	9.1	0	0.0
Immigration	4,406	2,669	60.6	22	0.5	12	0.3	31	0.7	4	0.1
Pornography/Prostitution	387	247	63.8	0	0.0	2	0.5	7	1.8	1	0.3
Prison Offenses	71	49	69.0	0	0.0	0	0.0	0	0.0	0	0.0
Administration of Justice Offenses	228	133	58.3	3	1.3	0	0.0	2	0.9	0	0.0
Environmental/Wildlife	45	29	64.4	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	13	7	53.8	0	0.0	0	0.0	0	0.0	0	0.0
Antitrust	3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	20	18	90.0	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	255	193	75.7	1	0.4	3	1.2	2	0.8	0	0.0

Table 3 (cont.)

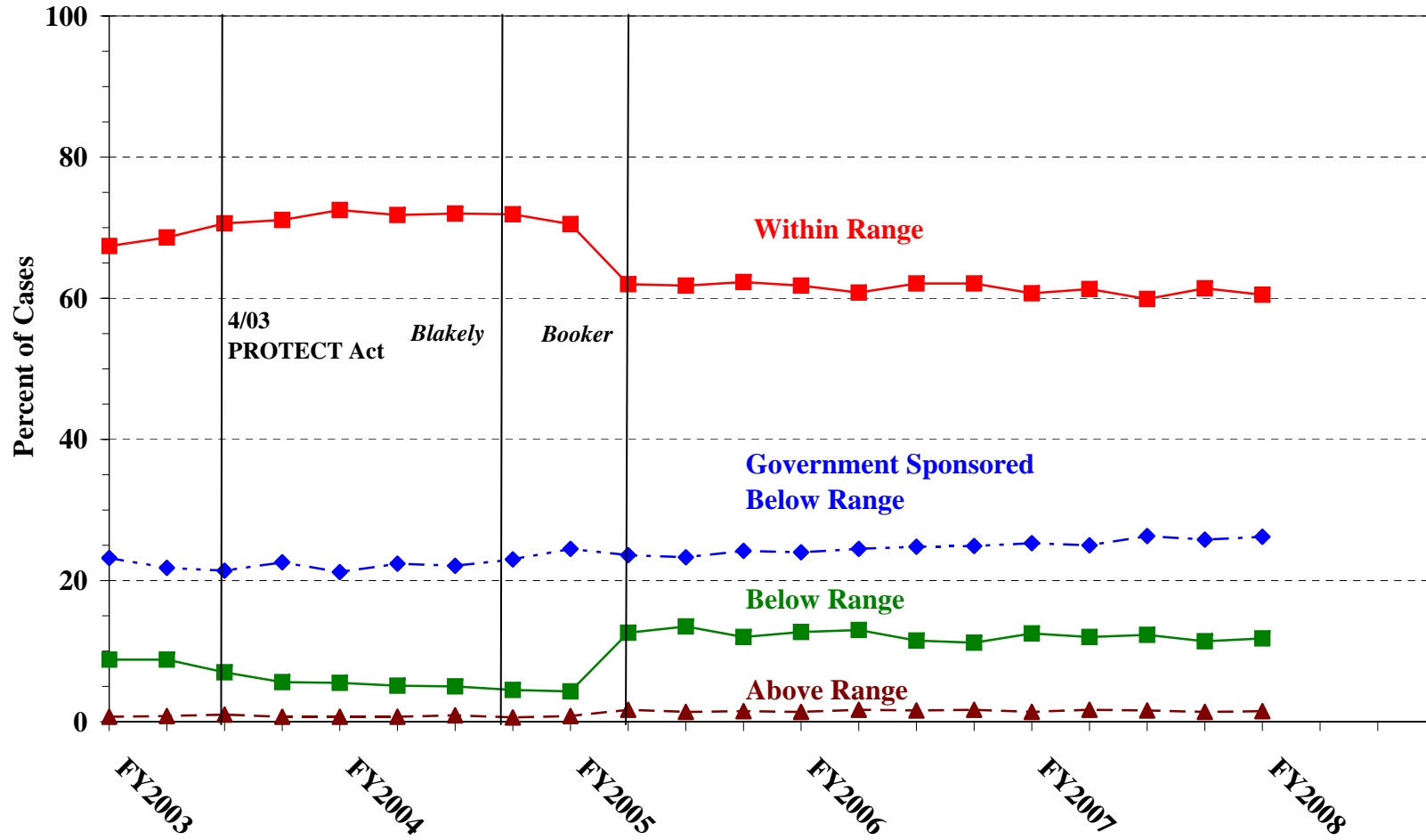
PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	2,300	13.7	1,357	8.1	703	4.2	381	2.3	196	1.2	1,241	7.4	158	0.9
Murder	0	0.0	1	4.5	3	13.6	0	0.0	0	0.0	3	13.6	0	0.0
Manslaughter	0	0.0	0	0.0	2	12.5	0	0.0	1	6.3	2	12.5	0	0.0
Kidnapping/Hostage Taking	3	25.0	0	0.0	1	8.3	1	8.3	0	0.0	2	16.7	0	0.0
Sexual Abuse	3	2.9	0	0.0	4	3.9	0	0.0	0	0.0	7	6.9	2	2.0
Assault	3	2.2	4	3.0	7	5.2	2	1.5	1	0.7	14	10.4	2	1.5
Robbery	23	9.4	0	0.0	7	2.9	7	2.9	4	1.6	23	9.4	3	1.2
Arson	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2	16.7	0	0.0
Drugs - Trafficking	1,488	25.4	349	5.9	232	4.0	133	2.3	74	1.3	417	7.1	47	0.8
Drugs - Communication Facility	11	13.9	0	0.0	3	3.8	0	0.0	1	1.3	9	11.4	0	0.0
Drugs - Simple Possession	3	4.0	0	0.0	4	5.3	0	0.0	0	0.0	1	1.3	1	1.3
Firearms	220	11.5	8	0.4	37	1.9	38	2.0	24	1.3	163	8.5	17	0.9
Burglary/B&E	2	13.3	0	0.0	0	0.0	1	6.7	0	0.0	1	6.7	1	6.7
Auto Theft	1	9.1	0	0.0	0	0.0	1	9.1	0	0.0	1	9.1	0	0.0
Larceny	14	3.8	1	0.3	7	1.9	3	0.8	3	0.8	27	7.3	7	1.9
Fraud	194	12.7	0	0.0	42	2.8	27	1.8	33	2.2	166	10.9	24	1.6
Embezzlement	6	5.4	0	0.0	2	1.8	6	5.4	3	2.7	14	12.6	1	0.9
Forgery/Counterfeiting	26	11.1	0	0.0	3	1.3	5	2.1	2	0.9	18	7.7	2	0.9
Bribery	12	29.3	0	0.0	1	2.4	1	2.4	1	2.4	5	12.2	0	0.0
Tax	17	12.9	0	0.0	4	3.0	5	3.8	3	2.3	25	18.9	4	3.0
Money Laundering	58	29.6	1	0.5	19	9.7	6	3.1	2	1.0	27	13.8	3	1.5
Racketeering/Extortion	39	27.9	0	0.0	13	9.3	2	1.4	0	0.0	10	7.1	0	0.0
Gambling/Lottery	3	9.4	0	0.0	0	0.0	1	3.1	0	0.0	3	9.4	4	12.5
Civil Rights	9	40.9	0	0.0	0	0.0	0	0.0	2	9.1	2	9.1	0	0.0
Immigration	95	2.2	989	22.4	255	5.8	113	2.6	23	0.5	165	3.7	28	0.6
Pornography/Prostitution	12	3.1	0	0.0	18	4.7	14	3.6	11	2.8	70	18.1	5	1.3
Prison Offenses	4	5.6	2	2.8	3	4.2	2	2.8	1	1.4	10	14.1	0	0.0
Administration of Justice Offenses	23	10.1	0	0.0	21	9.2	4	1.8	5	2.2	33	14.5	4	1.8
Environmental/Wildlife	7	15.6	0	0.0	2	4.4	3	6.7	0	0.0	3	6.7	1	2.2
National Defense	2	15.4	0	0.0	0	0.0	2	15.4	0	0.0	2	15.4	0	0.0
Antitrust	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	1	5.0	0	0.0	1	5.0	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	18	7.1	2	0.8	12	4.7	4	1.6	2	0.8	16	6.3	2	0.8

¹Of the 17,243 cases, 505 were excluded due to one or both of the following reasons: missing primary offense (101) or missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (408). 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 December 31, 2007).

Figure A

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2003 - 2007,
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

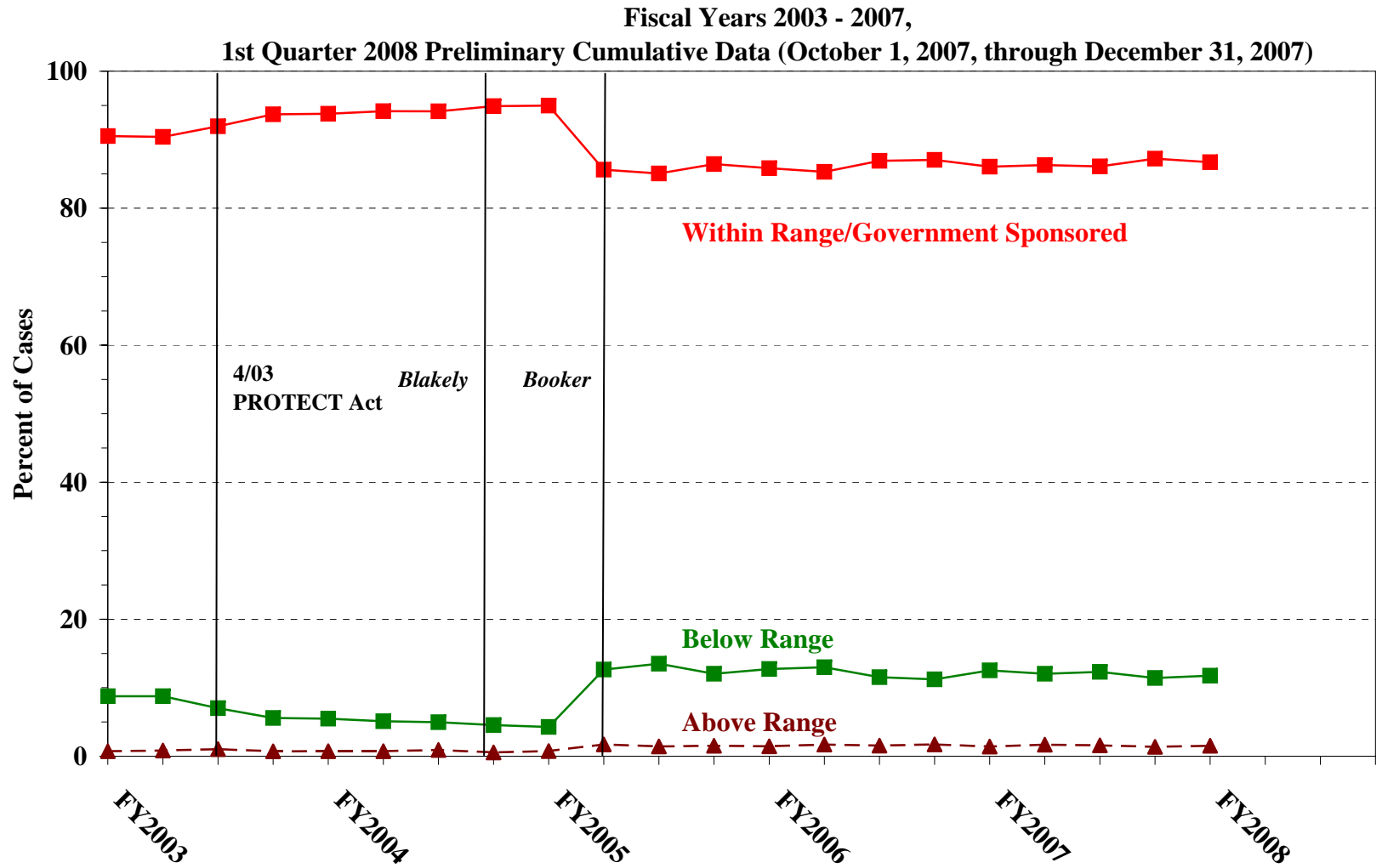


¹Descriptions of variables used in this table are provided in Appendix A.

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

Figure B

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



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

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

Table 4

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2003 - 2007,
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2003				
1st Quarter	67.4	23.2	8.8	0.7
2ndQuarter	68.6	21.8	8.8	0.8
3rd Quarter	70.6	21.4	7.0	1.0
4th Quarter	71.1	22.6	5.6	0.7
FY2004				
1st Quarter	72.5	21.2	5.5	0.7
2ndQuarter	71.8	22.4	5.1	0.7
3rd Quarter	72.0	22.1	5.0	0.9
4th Quarter	71.9	23.0	4.5	0.6
FY2005				
1st Quarter	70.5	24.5	4.3	0.8
2ndQuarter	62.0	23.6	12.6	1.7
3rd Quarter	61.8	23.3	13.5	1.4
4th Quarter	62.3	24.2	12.0	1.5
FY2006				
1st Quarter	61.8	24.0	12.7	1.4
2ndQuarter	60.8	24.5	13.0	1.7
3rd Quarter	62.1	24.8	11.5	1.6
4th Quarter	62.1	24.9	11.2	1.7
FY2007				
1st Quarter	60.7	25.3	12.5	1.4
2ndQuarter	61.3	25.0	12.0	1.7
3rd Quarter	59.9	26.3	12.3	1.6
4th Quarter	61.4	25.8	11.4	1.4
FY2008				
1st Quarter	60.5	26.2	11.8	1.5
2ndQuarter	--	--	--	--
3rd Quarter	--	--	--	--
4th Quarter	--	--	--	--

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

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward		Below Range	
			Gdline Only	with Booker	Above Range with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2N1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N1.3	1	1	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	15	15	0	0	0	0	0	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	52	34	0	0	0	0	2	2	3	2	1	8	0
§2P1.2	17	14	0	0	1	0	0	0	1	0	0	1	0
§2P1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	9	4	0	0	0	0	3	0	1	1	0	0	0
§2Q1.3	4	2	0	0	0	0	1	0	0	1	0	0	0
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	27	18	0	0	0	0	2	0	2	1	0	3	1
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	3	0	0	0	0	0	3	0	0	0	0	0	0
§2S1.1	228	92	0	0	2	0	84	1	12	7	2	27	1
§2S1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	55	31	0	0	0	0	6	0	7	2	0	8	1
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	114	63	0	1	1	0	14	0	3	4	3	21	4
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.4	30	15	0	0	0	0	4	0	1	1	1	8	0
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	3	1	0	0	0	0	0	0	0	0	0	2	0
§2T1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	5	2	0	0	0	0	2	0	0	0	0	1	0
§2T2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	2	2	0	0	0	0	0	0	0	0	0	0	0
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	48	33	0	0	1	0	9	0	2	0	1	1	1
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	25	11	0	1	0	0	5	0	2	0	2	3	1
§2X4.1	126	75	1	0	0	0	13	0	13	2	0	20	2
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	23	20	1	1	0	0	0	0	0	0	0	0	1
§2X6.1	1	1	0	0	0	0	0	0	0	0	0	0	0
§2X7.1	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	15,858	9,397	71	36	116	19	2,267	1,327	677	380	195	1,226	147

¹Of the 17,243 cases, 1,385 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 (408) or missing guideline applied (1,255). 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 December 31, 2007).

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
IN EACH OUTSIDE OF THE RANGE ATTRIBUTION CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)**

	Pursuant to a Plea Agreement										
	TOTAL CASES	§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		n	%	n	%	n	%	n	%	n	%
TOTAL	6,644	1,606	24.2	1,364	20.5	600	9.0	491	7.4	26	0.4
Above Range	256	2	0.8	0	0.0	50	19.5	41	16.0	1	0.4
Upward Departure From Guideline Range	75	0	0.0	0	0.0	22	29.3	12	16.0	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	42	0	0.0	0	0.0	5	11.9	17	40.5	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	119	0	0.0	0	0.0	23	19.3	9	7.6	0	0.0
All Remaining Cases Above Guideline Range	20	2	10.0	0	0.0	0	0.0	3	15.0	1	5.0
Government Sponsored Below Range	4,409	1,604	36.4	1,364	30.9	550	12.5	450	10.2	25	0.6
§5K1.1 Substantial Assistance Departure	2,315	1,604	69.3	32	1.4	62	2.7	56	2.4	5	0.2
§5K3.1 Early Disposition Program Departure	1,383	0	0.0	1,332	96.3	243	17.6	20	1.4	1	0.1
Other Government Sponsored Below Range	711	0	0.0	0	0.0	245	34.5	374	52.6	19	2.7
Below Range	1,979	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	382	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	196	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	1,243	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	158	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	681	10.2	26	0.4	178	2.7	532	8.0	634	9.5	924	13.9	675	10.2
Above Range	0	0.0	0	0.0	29	11.3	1	0.4	2	0.8	107	41.8	54	21.1
Upward Departure From Guideline Range	0	0.0	0	0.0	9	12.0	0	0.0	2	2.7	22	29.3	10	13.3
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	11	26.2	1	2.4	0	0.0	20	47.6	10	23.8
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	7	5.9	0	0.0	0	0.0	63	52.9	18	15.1
All Remaining Cases Above Guideline Range	0	0.0	0	0.0	2	10.0	0	0.0	0	0.0	2	10.0	16	80.0
Government Sponsored Below Range	681	15.4	26	0.6	149	3.4	136	3.1	101	2.3	172	3.9	107	2.4
§5K1.1 Substantial Assistance Departure	681	29.4	0	0.0	73	3.2	56	2.4	48	2.1	79	3.4	52	2.2
§5K3.1 Early Disposition Program Departure	0	0.0	26	1.9	12	0.9	25	1.8	36	2.6	34	2.5	23	1.7
Other Government Sponsored Below Range	0	0.0	0	0.0	64	9.0	55	7.7	17	2.4	59	8.3	32	4.5
Below Range	0	0.0	0	0.0	0	0.0	395	20.0	531	26.8	645	32.6	514	26.0
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	128	33.5	94	24.6	116	30.4	55	14.4
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	44	22.4	82	41.8	104	53.1	39	19.9
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	220	17.7	346	27.8	422	34.0	274	22.0
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	3	1.9	9	5.7	3	1.9	146	92.4

¹Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 996 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	2,148	37.0	30.0	44.4
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	3	168.0	67.0	28.5
Sexual Abuse	3	72.0	48.0	40.0
Assault	3	15.0	8.0	27.3
Robbery	23	46.0	16.0	27.5
Arson	0	--	--	--
Drugs - Trafficking	1,389	50.0	39.0	42.3
Drugs - Communication Facility	10	25.5	16.0	50.0
Drugs - Simple Possession	3	38.0	24.0	39.7
Firearms	198	52.5	30.5	42.1
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	13	12.1	8.0	41.5
Fraud	184	5.5	14.4	76.4
Embezzlement	6	3.5	6.0	70.6
Forgery/Counterfeiting	25	5.2	6.0	56.4
Bribery	11	0.0	24.0	99.9
Tax	15	0.0	18.0	100.0
Money Laundering	55	12.0	18.0	53.2
Racketeering/Extortion	38	21.0	33.5	61.0
Gambling/Lottery	3	0.0	10.0	100.0
Civil Rights	7	21.0	12.0	67.8
Immigration	91	10.0	9.0	43.6
Pornography/Prostitution	12	74.5	48.0	28.0
Prison Offenses	2	--	--	--
Administration of Justice Offenses	22	0.0	12.0	100.0
Environmental/Wildlife	6	0.0	16.5	100.0
National Defense	2	--	--	--
Antitrust	3	14.0	10.0	41.7
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	18	13.5	21.5	56.8

¹Of the 17,243 cases, 2,315 received a §5K1.1 substantial assistance departure. Of these, 2,184 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 31 cases were also excluded from this table. Of the remaining 2,153 cases, five 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 December 31, 2007).

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,288	16.5	6.0	27.8
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	4	35.0	12.0	27.2
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	328	13.0	10.0	41.1
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	7	24.0	3.0	11.1
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	1	--	--	--
Fraud	0	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	944	18.0	6.0	25.0
Pornography/Prostitution	0	--	--	--
Prison Offenses	2	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	2	--	--	--

¹Of the 17,243 cases, 1,383 received a §5K3.1 early disposition program departure. Of these, 1,288 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 December 31, 2007).

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	654	24.0	9.0	25.0
Murder	2	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	3	90.0	84.0	48.9
Assault	5	28.0	12.0	50.9
Robbery	5	37.0	16.0	20.5
Arson	0	--	--	--
Drugs - Trafficking	218	61.5	11.5	19.9
Drugs - Communication Facility	3	31.3	19.0	45.5
Drugs - Simple Possession	3	6.0	10.0	50.0
Firearms	34	43.0	18.5	31.6
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	7	0.0	12.0	100.0
Fraud	38	15.0	12.0	52.6
Embezzlement	2	--	--	--
Forgery/Counterfeiting	3	3.6	15.0	62.3
Bribery	1	--	--	--
Tax	4	1.0	14.0	94.4
Money Laundering	17	9.3	15.3	63.9
Racketeering/Extortion	11	46.0	15.0	25.9
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	242	15.0	4.0	20.0
Pornography/Prostitution	17	60.0	37.0	31.4
Prison Offenses	3	10.0	2.0	25.0
Administration of Justice Offenses	18	0.0	15.0	100.0
Environmental/Wildlife	2	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	12	0.0	13.5	100.0

¹Of the 17,243 cases, 711 received an other government sponsored downward departure. Of these, 658 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 three cases were also excluded from this table. Of the remaining 655 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.

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	366	24.0	10.0	28.1
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	0	--	--	--
Assault	2	--	--	--
Robbery	7	41.0	21.0	39.1
Arson	0	--	--	--
Drugs - Trafficking	124	51.0	16.0	22.8
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	35	30.0	10.0	22.2
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	3	0.0	10.0	100.0
Fraud	26	0.0	10.0	99.9
Embezzlement	6	0.0	11.0	99.9
Forgery/Counterfeiting	5	24.0	12.0	35.1
Bribery	1	--	--	--
Tax	5	16.0	8.0	33.3
Money Laundering	6	9.0	9.5	65.0
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	111	30.0	7.0	20.0
Pornography/Prostitution	14	58.0	18.0	28.1
Prison Offenses	2	--	--	--
Administration of Justice Offenses	4	0.0	12.0	100.0
Environmental/Wildlife	3	9.0	8.0	33.3
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	4	12.9	5.1	33.8

¹Of the 17,243 cases, 382 received a downward departure from the guideline range. Of these, 366 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 December 31, 2007).

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	180	24.0	15.0	39.7
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	1	--	--	--
Robbery	4	33.5	9.5	20.9
Arson	0	--	--	--
Drugs - Trafficking	68	60.0	22.0	29.0
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	22	24.5	12.0	25.8
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	30	1.5	11.0	90.2
Embezzlement	3	0.0	15.0	99.8
Forgery/Counterfeiting	2	--	--	--
Bribery	1	--	--	--
Tax	3	0.0	6.0	99.8
Money Laundering	2	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	2	--	--	--
Immigration	20	21.0	15.5	47.0
Pornography/Prostitution	11	42.0	24.9	36.2
Prison Offenses	1	--	--	--
Administration of Justice Offenses	5	3.0	5.0	62.5
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	2	--	--	--

¹Of the 17,243 cases, 196 received a downward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 181 had complete guideline application information. Of the remaining 181 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.

**BELOW GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,156	24.0	12.0	33.3
Murder	3	68.0	32.0	21.8
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	6	43.5	11.0	31.6
Assault	13	14.0	10.0	33.3
Robbery	23	66.0	15.0	20.5
Arson	2	--	--	--
Drugs - Trafficking	381	60.0	16.0	24.1
Drugs - Communication Facility	8	30.0	9.0	27.2
Drugs - Simple Possession	0	--	--	--
Firearms	155	28.0	12.0	25.0
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	26	0.0	6.0	100.0
Fraud	156	8.8	10.0	59.4
Embezzlement	14	0.5	9.0	95.8
Forgery/Counterfeiting	16	5.5	7.0	52.7
Bribery	5	5.0	11.9	72.2
Tax	23	6.0	10.0	58.3
Money Laundering	26	10.5	8.0	48.0
Racketeering/Extortion	10	33.0	12.5	33.3
Gambling/Lottery	2	--	--	--
Civil Rights	2	--	--	--
Immigration	154	24.0	10.0	34.8
Pornography/Prostitution	68	60.0	25.0	30.1
Prison Offenses	10	7.5	8.5	55.4
Administration of Justice Offenses	27	8.3	9.0	67.7
Environmental/Wildlife	3	0.0	10.0	100.0
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	15	0.0	10.0	100.0

¹Of the 17,243 cases, 1,243 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 1,164 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 1,160 cases, four 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 December 31, 2007).

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	131	12.0	6.0	38.5
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	1	--	--	--
Robbery	2	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	41	50.0	11.0	25.7
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	16	43.5	10.0	26.5
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	6	4.4	4.5	66.6
Fraud	22	0.0	6.0	100.0
Embezzlement	1	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	4	0.5	7.0	95.0
Money Laundering	3	12.0	21.0	63.5
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	4	0.0	6.0	100.0
Civil Rights	0	--	--	--
Immigration	16	4.5	5.3	28.4
Pornography/Prostitution	5	120.0	27.0	21.7
Prison Offenses	0	--	--	--
Administration of Justice Offenses	3	12.0	3.0	19.8
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	2	--	--	--

¹Of the 17,243 cases, 158 were otherwise sentenced below the guideline range. Of these, 132 had complete guideline application information. Of the remaining 132 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.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	69	60.0	13.0	41.3
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	4	87.5	36.5	68.6
Assault	4	102.0	47.0	71.3
Robbery	4	88.5	7.5	11.4
Arson	0	--	--	--
Drugs - Trafficking	6	77.5	23.0	41.8
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	13	120.0	20.0	26.3
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	8	40.5	6.0	40.3
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	3	21.0	12.0	200.0
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	19	18.0	6.0	33.3
Pornography/Prostitution	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹Of the 17,243 cases, 75 received an upward departure from the guideline range. Of these, 69 had complete guideline application information. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	32	93.0	23.5	54.7
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	2	--	--	--
Robbery	4	144.0	36.5	38.2
Arson	0	--	--	--
Drugs - Trafficking	3	108.0	31.0	52.1
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	6	102.0	25.0	46.3
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	1	--	--	--
Fraud	2	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	5	36.0	19.0	100.5
Pornography/Prostitution	2	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	3	12.0	6.0	100.0

¹Of the 17,243 cases, 42 received an upward departure from the guideline range with *Booker* /18 U.S.C § 3553. Of these, 34 had complete guideline application information. Two 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 December 31, 2007).

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	113	60.0	16.0	53.3
Murder	1	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	1	--	--	--
Robbery	2	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	17	68.0	16.0	25.0
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	20	84.0	24.0	75.7
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	3	24.0	8.0	50.0
Fraud	17	40.0	15.0	44.8
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	2	--	--	--
Immigration	31	36.0	12.0	100.0
Pornography/Prostitution	7	240.0	33.0	14.3
Prison Offenses	0	--	--	--
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	2	--	--	--

¹Of the 17,243 cases, 119 were sentenced above the guideline range with *Booker* /18 U.S.C § 3553. Of these, 114 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 December 31, 2007).

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	12	108.0	25.5	37.7
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	0	--	--	--
Arson	1	--	--	--
Drugs - Trafficking	4	108.0	25.5	30.5
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	2	--	--	--
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	0	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	4	45.5	9.0	38.0
Pornography/Prostitution	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹Of the 17,243 cases, 20 were otherwise sentenced above the guideline range. Of these, 18 had complete guideline application information. Six 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.

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	16,988	15,319	90.2	14,875	87.6	444	2.6	1,669	9.8	567	3.3	1,102	6.5
Murder	22	22	100.0	21	95.5	1	4.5	0	0.0	0	0.0	0	0.0
Manslaughter	16	14	87.5	12	75.0	2	12.5	2	12.5	0	0.0	2	12.5
Kidnapping/Hostage Taking	12	12	100.0	12	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	105	105	100.0	103	98.1	2	1.9	0	0.0	0	0.0	0	0.0
Assault	138	125	90.6	114	82.6	11	8.0	13	9.4	3	2.2	10	7.2
Robbery	243	241	99.2	235	96.7	6	2.5	2	0.8	0	0.0	2	0.8
Arson	12	12	100.0	12	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	5,886	5,721	97.2	5,615	95.4	106	1.8	165	2.8	82	1.4	83	1.4
Drugs - Communication Facility	79	68	86.1	67	84.8	1	1.3	11	13.9	4	5.1	7	8.9
Drugs - Simple Possession	76	35	46.1	35	46.1	0	0.0	41	53.9	1	1.3	40	52.6
Firearms	1,922	1,833	95.4	1,795	93.4	38	2.0	89	4.6	40	2.1	49	2.5
Burglary/B&E	15	13	86.7	12	80.0	1	6.7	2	13.3	2	13.3	0	0.0
Auto Theft	11	8	72.7	8	72.7	0	0.0	3	27.3	1	9.1	2	18.2
Larceny	362	180	49.7	162	44.8	18	5.0	182	50.3	50	13.8	132	36.5
Fraud	1,556	1,150	73.9	1,048	67.4	102	6.6	406	26.1	145	9.3	261	16.8
Embezzlement	112	61	54.5	53	47.3	8	7.1	51	45.5	19	17.0	32	28.6
Forgery/Counterfeiting	239	182	76.2	164	68.6	18	7.5	57	23.8	27	11.3	30	12.6
Bribery	41	30	73.2	26	63.4	4	9.8	11	26.8	8	19.5	3	7.3
Tax	137	94	68.6	80	58.4	14	10.2	43	31.4	25	18.2	18	13.1
Money Laundering	200	164	82.0	155	77.5	9	4.5	36	18.0	12	6.0	24	12.0
Racketeering/Extortion	144	135	93.8	128	88.9	7	4.9	9	6.3	3	2.1	6	4.2
Gambling/Lottery	32	12	37.5	12	37.5	0	0.0	20	62.5	15	46.9	5	15.6
Civil Rights	22	17	77.3	16	72.7	1	4.5	5	22.7	3	13.6	2	9.1
Immigration	4,494	4,332	96.4	4,266	94.9	66	1.5	162	3.6	47	1.0	115	2.6
Pornography/Prostitution	391	387	99.0	382	97.7	5	1.3	4	1.0	3	0.8	1	0.3
Prison Offenses	73	67	91.8	66	90.4	1	1.4	6	8.2	2	2.7	4	5.5
Administration of Justice Offenses	232	136	58.6	128	55.2	8	3.4	96	41.4	30	12.9	66	28.4
Environmental/Wildlife	48	7	14.6	7	14.6	0	0.0	41	85.4	5	10.4	36	75.0
National Defense	14	11	78.6	10	71.4	1	7.1	3	21.4	1	7.1	2	14.3
Antitrust	3	3	100.0	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	17	5	29.4	3	17.6	2	11.8	12	70.6	2	11.8	10	58.8
Other Miscellaneous Offenses	334	137	41.0	125	37.4	12	3.6	197	59.0	37	11.1	160	47.9

¹Of the 17,243 cases, 255 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (116), missing primary offense category (101), or missing sentencing information (137). Descriptions of variables used in this table are provided in Appendix A.

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

Table 19

AVERAGE SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

PRIMARY OFFENSE	Mean Months	Median Months	Number
TOTAL	52.3	30.0	17,097
Murder	206.3	210.0	22
Manslaughter	44.5	31.5	16
Kidnapping/Hostage Taking	128.3	143.5	12
Sexual Abuse	96.3	78.0	105
Assault	35.8	27.0	140
Robbery	86.5	70.0	244
Arson	109.6	60.0	12
Drugs - Trafficking	80.6	60.0	5,885
Drugs - Communication Facility	37.1	36.0	79
Drugs - Simple Possession	8.5	0.0	88
Firearms	81.7	56.0	1,922
Burglary/B&E	18.3	18.0	15
Auto Theft	23.6	21.0	11
Larceny	9.0	4.0	394
Fraud	22.2	12.0	1,562
Embezzlement	9.9	6.0	113
Forgery/Counterfeiting	17.6	12.0	239
Bribery	20.7	12.0	41
Tax	15.1	12.0	137
Money Laundering	29.0	18.0	201
Racketeering/Extortion	83.8	60.0	144
Gambling/Lottery	10.4	6.0	32
Civil Rights	67.2	27.5	22
Immigration	20.5	15.0	4,492
Pornography/Prostitution	119.6	84.0	391
Prison Offenses	15.7	14.0	73
Administration of Justice Offenses	14.3	6.0	237
Environmental/Wildlife	2.9	0.0	48
National Defense	55.9	12.0	15
Antitrust	11.3	14.0	3
Food & Drug	2.4	0.0	21
Other Miscellaneous Offenses	7.9	0.0	381

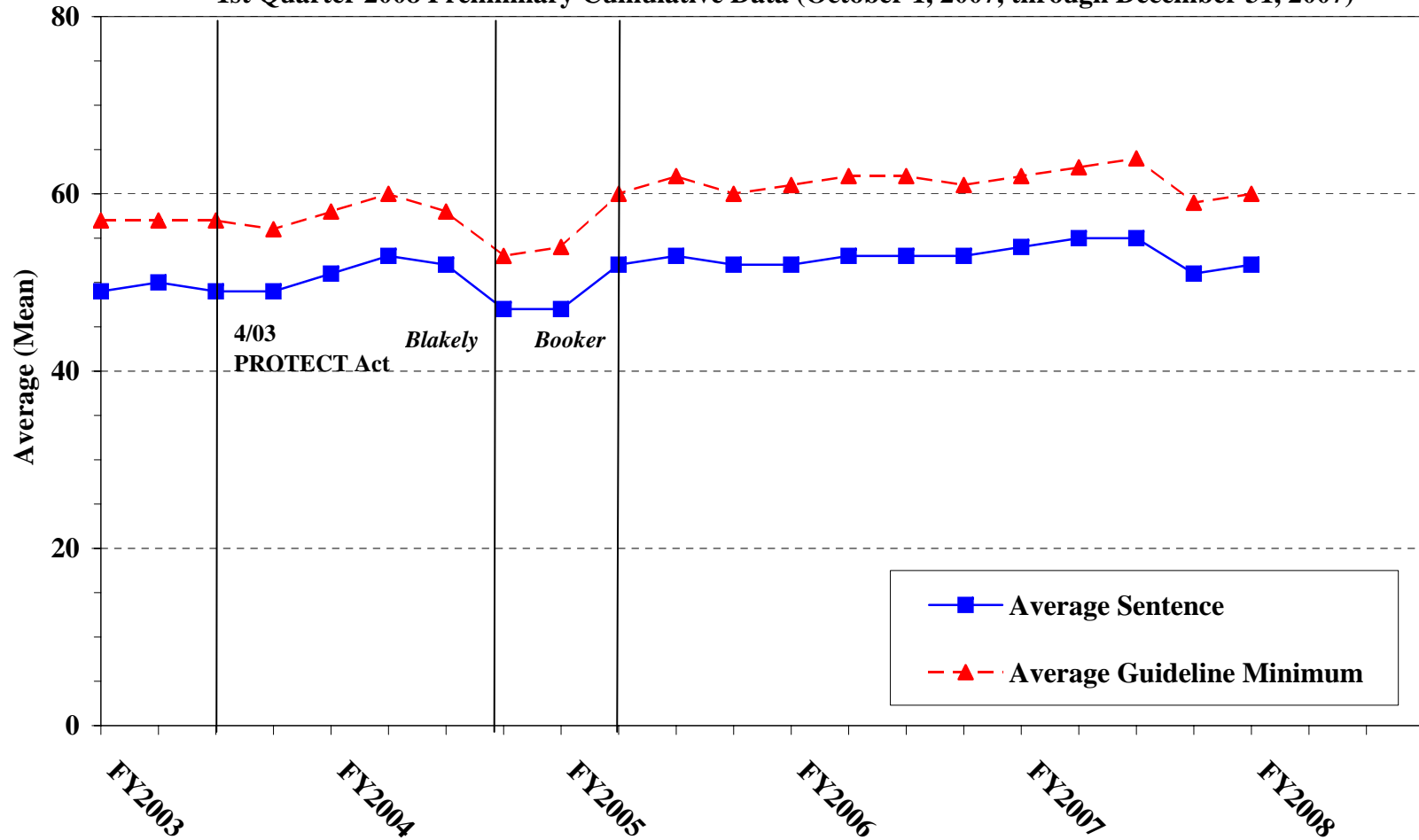
¹Of the 17,243 cases, 146 were excluded due to one or both of the following reasons: missing primary offense (101) or missing or indeterminable sentencing information (143). Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in 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 CASES¹**

Fiscal Years 2003 - 2007,

1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)



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

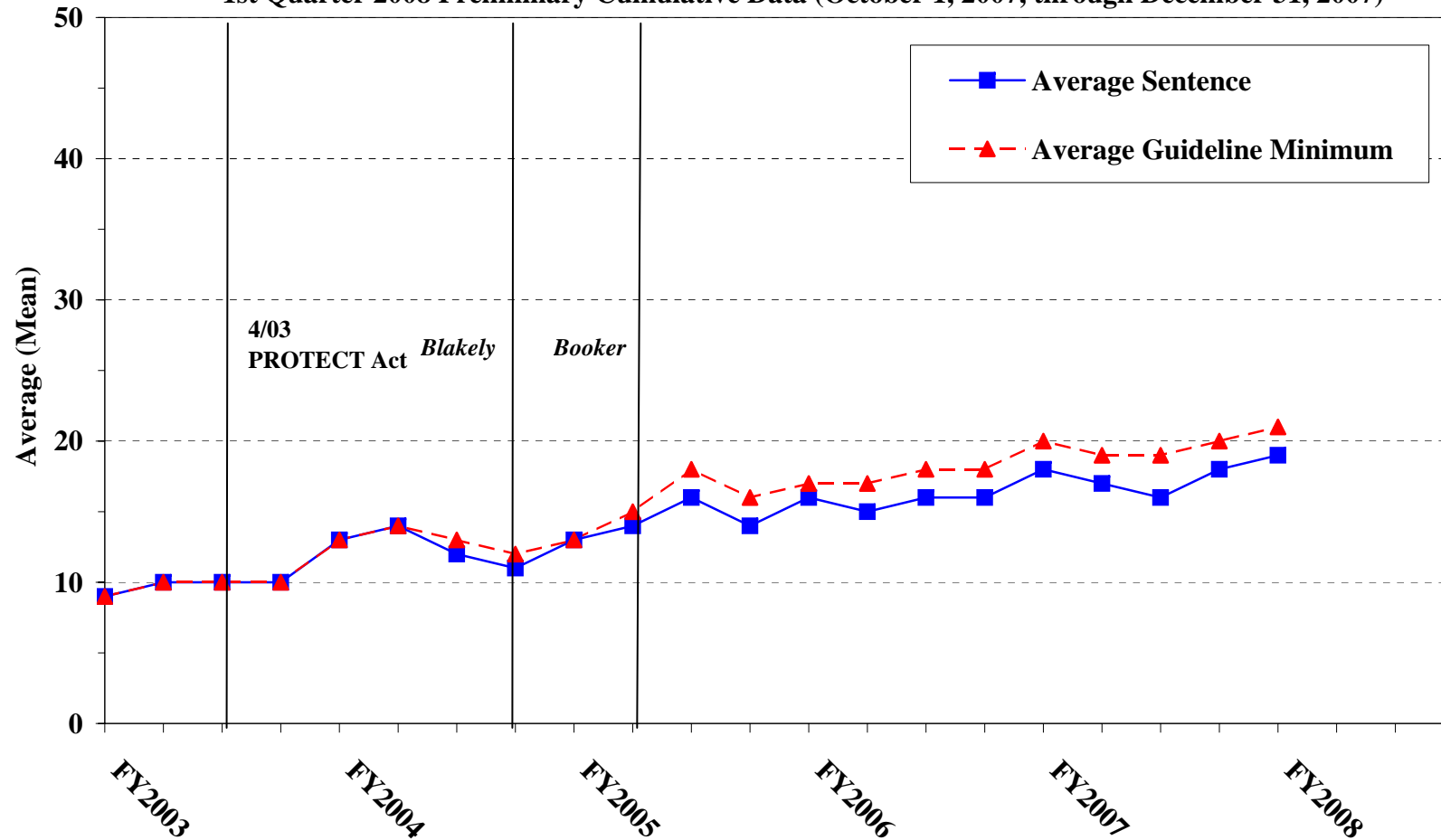
SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through December 31, 2007).

Figure D

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

Fiscal Years 2003 - 2007,

1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)



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

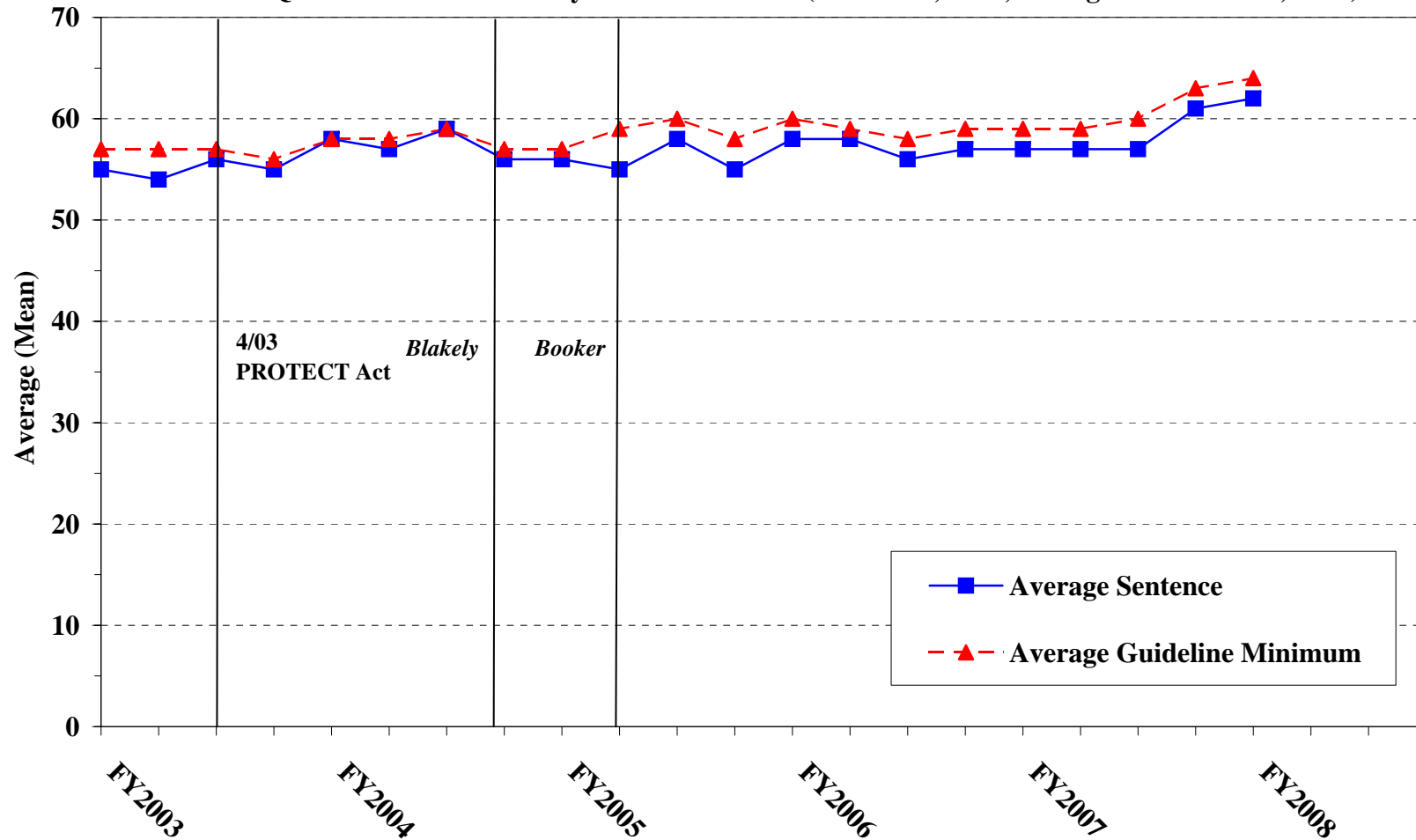
SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through December 31, 2007).

Figure E

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

Fiscal Years 2003 - 2007,

1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)



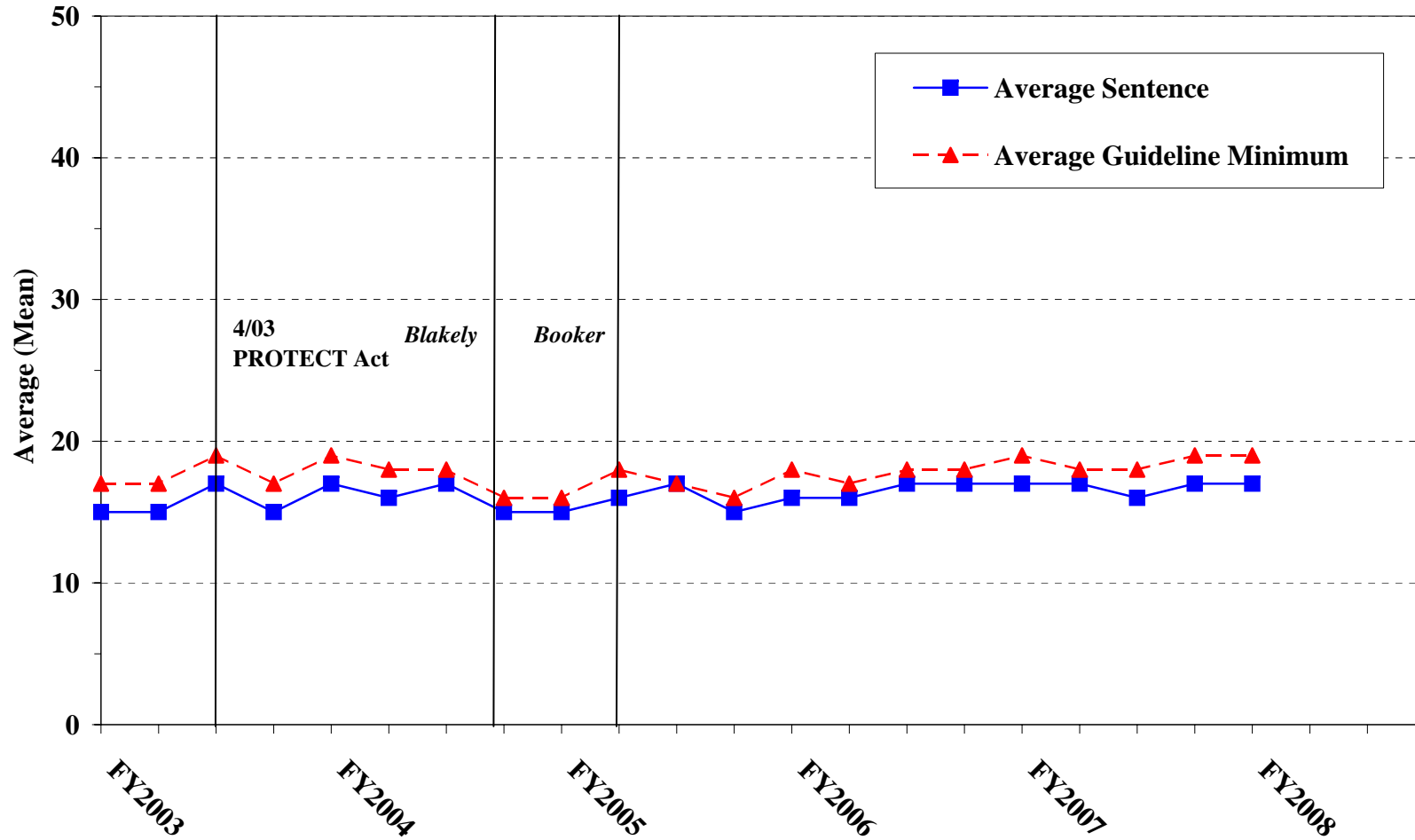
¹Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum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

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

Figure F

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

**Fiscal Years 2003 - 2007,
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)**



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

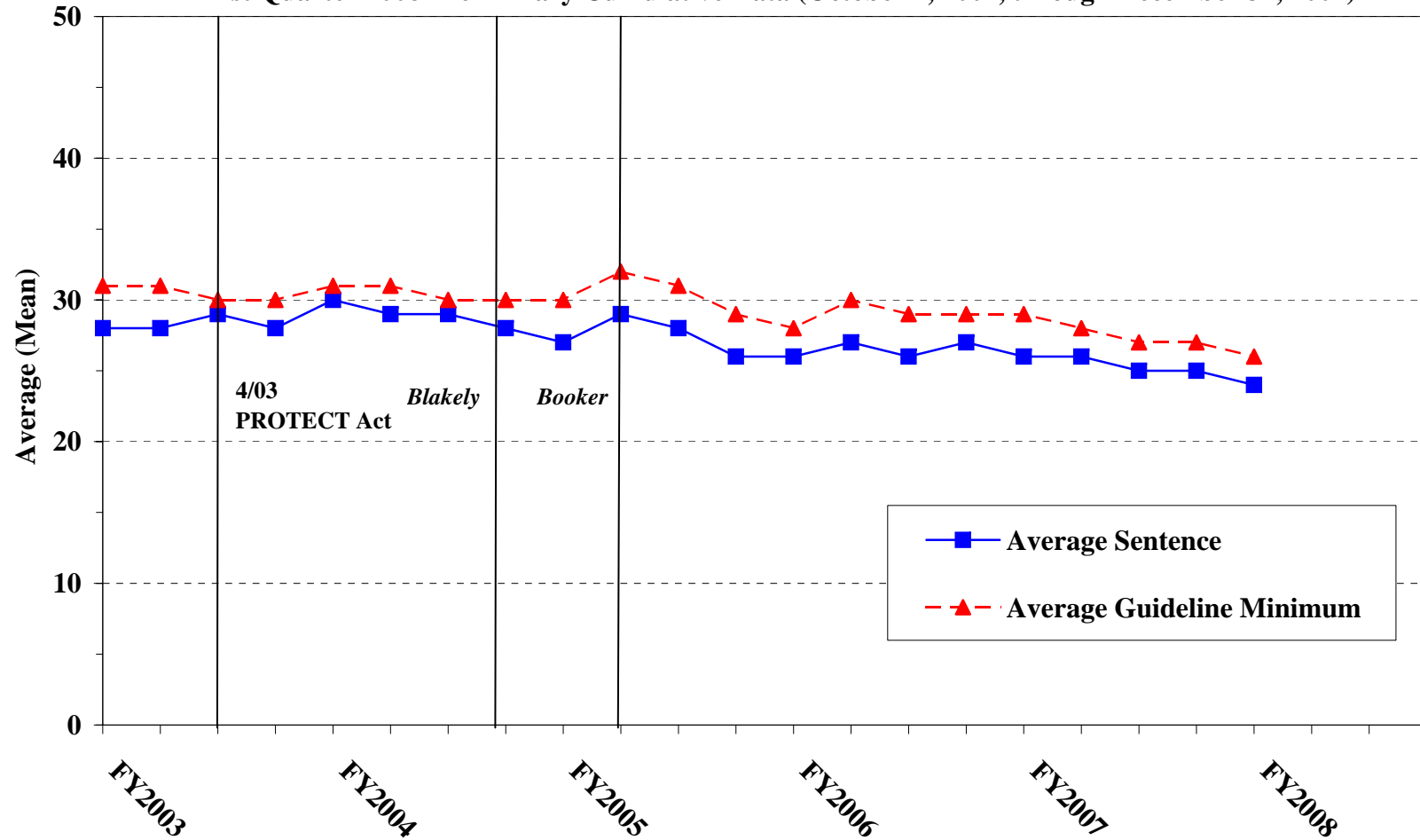
SOURCE: U.S. Sentencing Commission, 2003 - 2007 Datafiles, USSCFY03 - USSCFY07, and Preliminary Data from USSCFY08 (October 1, 2007, through December 31, 2007).

Figure G

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

Fiscal Years 2003 - 2007,

1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)



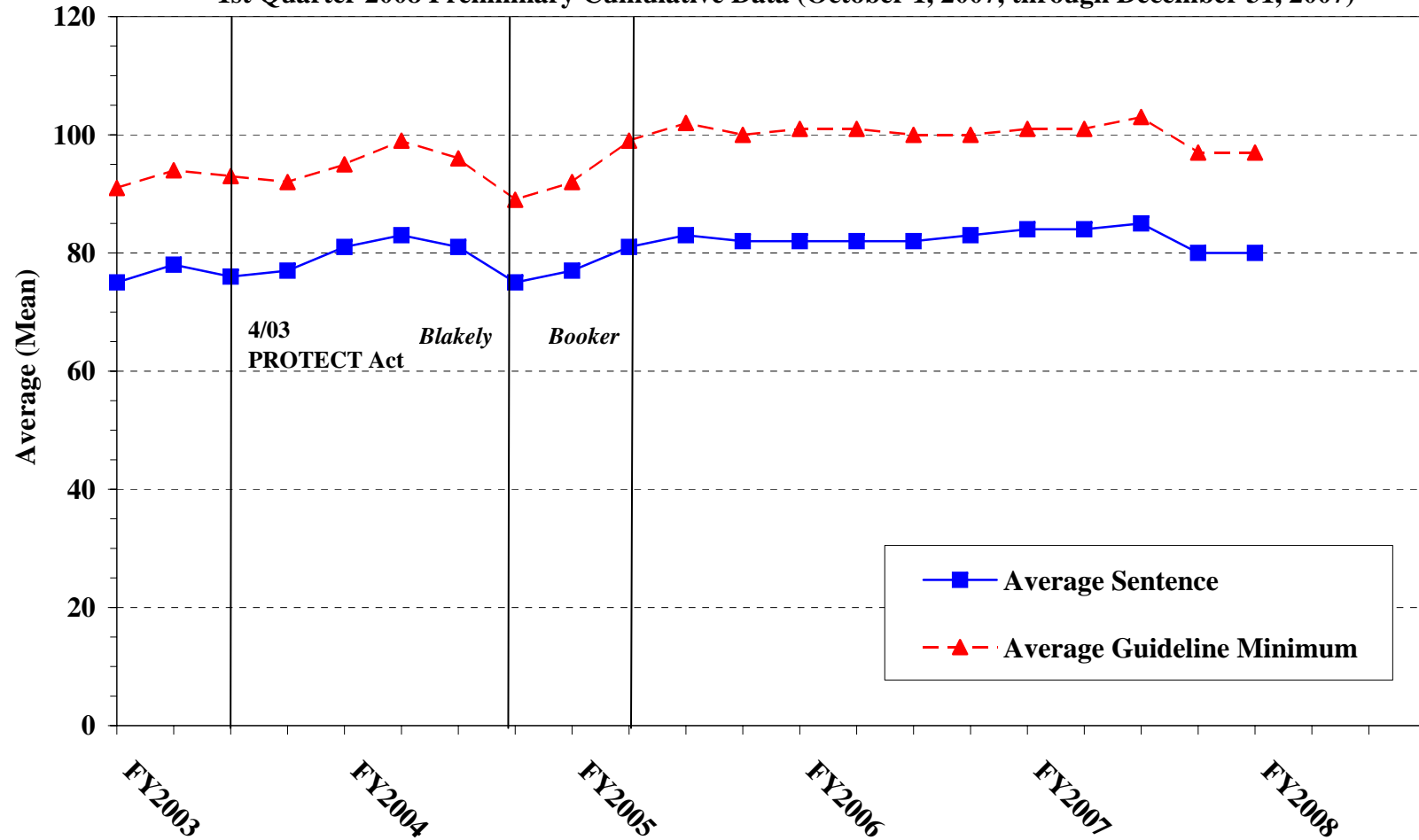
¹Figure includes only cases with a primary sentencing guideline of USSG §2L2.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including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

Figure H

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

Fiscal Years 2003 - 2007,

1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

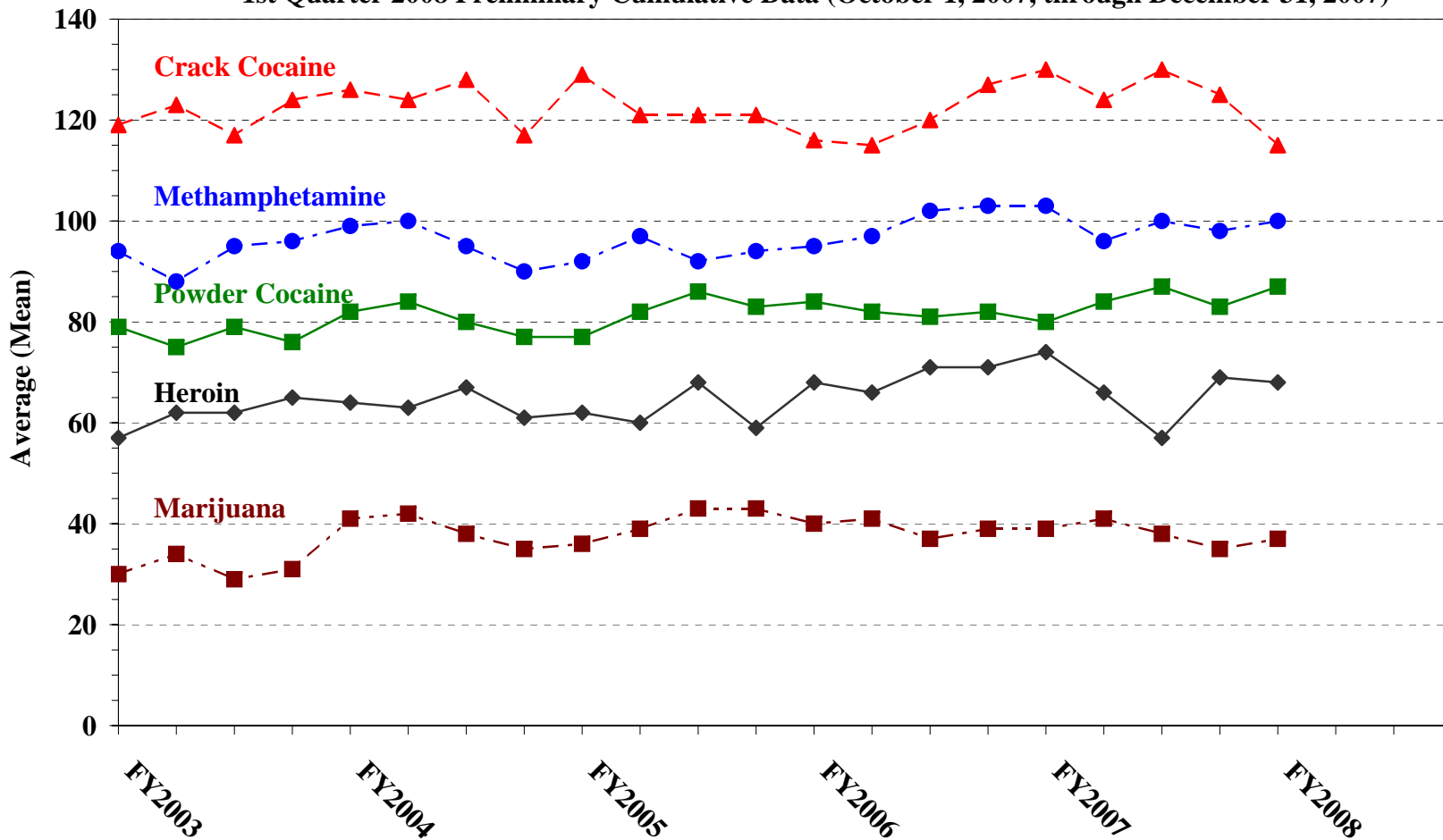


¹Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline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

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹

**Fiscal Years 2003 - 2007,
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)**



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

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

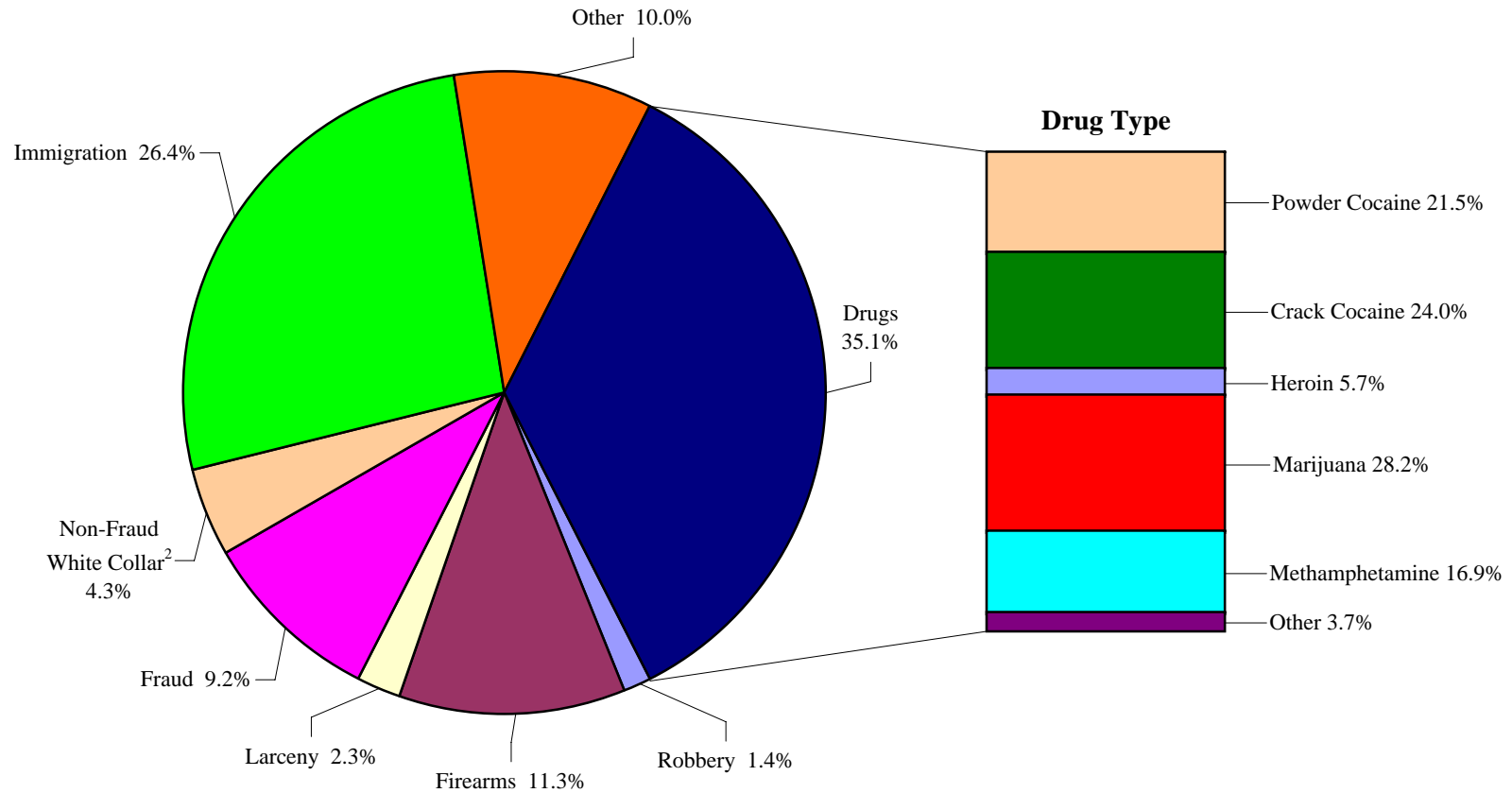
**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹**
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		n	%	n	%	n	%	n	%	n	%
TOTAL	7,961	4,551	57.2	1,297	16.3	679	8.5	528	6.6	906	11.4
Murder	6	2	33.3	1	16.7	0	0.0	1	16.7	2	33.3
Manslaughter	9	4	44.4	0	0.0	3	33.3	0	0.0	2	22.2
Kidnapping/Hostage Taking	3	2	66.7	1	33.3	0	0.0	0	0.0	0	0.0
Sexual Abuse	57	27	47.4	12	21.1	6	10.5	5	8.8	7	12.3
Assault	73	32	43.8	8	11.0	7	9.6	7	9.6	19	26.0
Robbery	151	69	45.7	32	21.2	15	9.9	13	8.6	22	14.6
Arson	3	1	33.3	0	0.0	0	0.0	1	33.3	1	33.3
Drugs - Trafficking	2,571	1,786	69.5	372	14.5	158	6.1	92	3.6	163	6.3
Drugs - Communication Facility	21	14	66.7	1	4.8	0	0.0	0	0.0	6	28.6
Drugs - Simple Possession	34	24	70.6	1	2.9	4	11.8	2	5.9	3	8.8
Firearms	1,156	654	56.6	132	11.4	106	9.2	82	7.1	182	15.7
Burglary/B&E	9	2	22.2	3	33.3	2	22.2	0	0.0	2	22.2
Auto Theft	7	2	28.6	0	0.0	0	0.0	0	0.0	5	71.4
Larceny	240	165	68.8	25	10.4	12	5.0	14	5.8	24	10.0
Fraud	824	485	58.9	125	15.2	66	8.0	42	5.1	106	12.9
Embezzlement	69	45	65.2	15	21.7	3	4.3	3	4.3	3	4.3
Forgery/Counterfeiting	148	76	51.4	19	12.8	16	10.8	12	8.1	25	16.9
Bribery	18	12	66.7	3	16.7	1	5.6	1	5.6	1	5.6
Tax	62	37	59.7	9	14.5	6	9.7	5	8.1	5	8.1
Money Laundering	74	48	64.9	7	9.5	5	6.8	7	9.5	7	9.5
Racketeering/Extortion	40	21	52.5	5	12.5	2	5.0	4	10.0	8	20.0
Gambling/Lottery	19	13	68.4	6	31.6	0	0.0	0	0.0	0	0.0
Civil Rights	4	2	50.0	0	0.0	0	0.0	0	0.0	2	50.0
Immigration	1,854	723	39.0	451	24.3	230	12.4	208	11.2	242	13.1
Pornography/Prostitution	205	119	58.0	31	15.1	10	4.9	13	6.3	32	15.6
Prison Offenses	44	24	54.5	5	11.4	6	13.6	2	4.5	7	15.9
Administration of Justice Offenses	106	66	62.3	11	10.4	7	6.6	5	4.7	17	16.0
Environmental/Wildlife	17	14	82.4	1	5.9	1	5.9	1	5.9	0	0.0
National Defense	5	3	60.0	2	40.0	0	0.0	0	0.0	0	0.0
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Food & Drug	15	11	73.3	2	13.3	0	0.0	1	6.7	1	6.7
Other Miscellaneous Offenses	117	68	58.1	17	14.5	13	11.1	7	6.0	12	10.3

¹Of the 17,243 cases, 10,191 were sentenced within the applicable guideline range. Of those, 8,977 had complete guideline application information. An additional 600 cases were excluded due to several logical criteria. Of the remaining 8,377 cases, 416 were excluded due to missing point in range information. Descriptions of variables used in this table are provided in Appendix A.

Figure J

DISTRIBUTION OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)



¹Of the 17,243 guideline cases, 101 were excluded due to missing primary offense category. An additional 95 of the 6,073 drug cases were excluded due to missing drug type. The Drug category includes the following offense types: Trafficking, Use of a Communication Facility, and Simple Possession. The Non-Fraud White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering, and Tax. Descriptions of variables used in this figure are provided in Appendix A.

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

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

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

PRIMARY OFFENSE	Number	Percent
TOTAL	17,142	100.0
Murder	22	0.1
Manslaughter	16	0.1
Kidnapping/Hostage Taking	12	0.1
Sexual Abuse	105	0.6
Assault	140	0.8
Robbery	244	1.4
Arson	12	0.1
Drugs - Trafficking	5,899	34.4
Drugs - Communication Facility	81	0.5
Drugs - Simple Possession	93	0.5
Firearms	1,925	11.2
Burglary/B&E	15	0.1
Auto Theft	11	0.1
Larceny	394	2.3
Fraud	1,568	9.1
Embezzlement	113	0.7
Forgery/Counterfeiting	241	1.4
Bribery	41	0.2
Tax	138	0.8
Money Laundering	201	1.2
Racketeering/Extortion	144	0.8
Gambling/Lottery	32	0.2
Civil Rights	22	0.1
Immigration	4,503	26.3
Pornography/Prostitution	391	2.3
Prison Offenses	73	0.4
Administration of Justice Offenses	238	1.4
Environmental/Wildlife	48	0.3
National Defense	15	0.1
Antitrust	3	0.0
Food & Drug	21	0.1
Other Miscellaneous Offenses	381	2.2

¹Of the 17,243 cases, 101 were excluded due to missing information on primary offense category. Descriptions of variables used in this table are provided in Appendix A.

Table 22

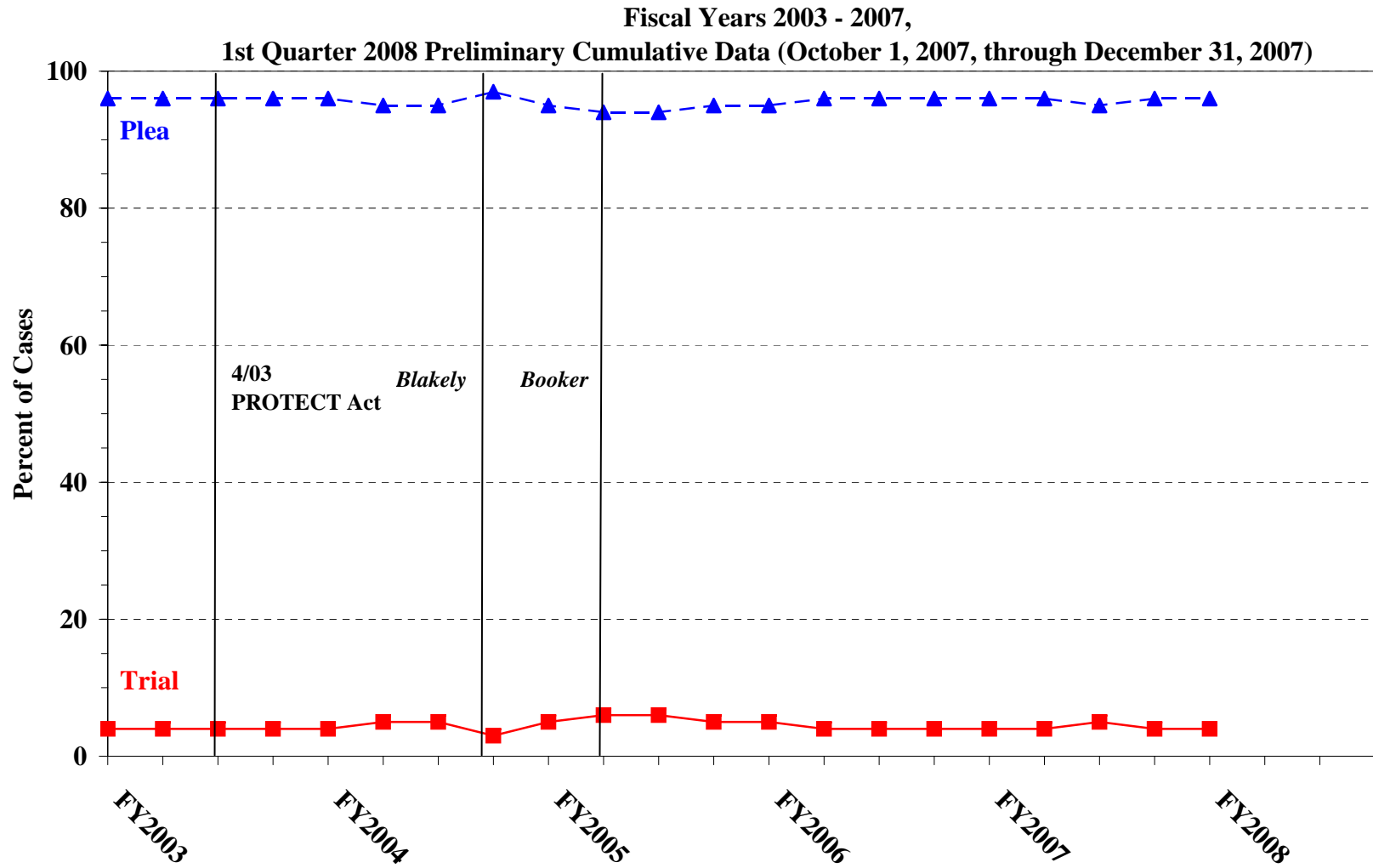
GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	17,142	16,487	96.2	655	3.8
Murder	22	18	81.8	4	18.2
Manslaughter	16	16	100.0	0	0.0
Kidnapping/Hostage Taking	12	12	100.0	0	0.0
Sexual Abuse	105	92	87.6	13	12.4
Assault	140	132	94.3	8	5.7
Robbery	244	240	98.4	4	1.6
Arson	12	9	75.0	3	25.0
Drugs - Trafficking	5,899	5,656	95.9	243	4.1
Drugs - Communication Facility	81	81	100.0	0	0.0
Drugs - Simple Possession	93	90	96.8	3	3.2
Firearms	1,925	1,797	93.4	128	6.6
Burglary/B&E	15	15	100.0	0	0.0
Auto Theft	11	10	90.9	1	9.1
Larceny	394	382	97.0	12	3.0
Fraud	1,568	1,462	93.2	106	6.8
Embezzlement	113	112	99.1	1	0.9
Forgery/Counterfeiting	241	239	99.2	2	0.8
Bribery	41	41	100.0	0	0.0
Tax	138	127	92.0	11	8.0
Money Laundering	201	189	94.0	12	6.0
Racketeering/Extortion	144	132	91.7	12	8.3
Gambling/Lottery	32	32	100.0	0	0.0
Civil Rights	22	16	72.7	6	27.3
Immigration	4,503	4,462	99.1	41	0.9
Pornography/Prostitution	391	382	97.7	9	2.3
Prison Offenses	73	69	94.5	4	5.5
Administration of Justice Offenses	238	231	97.1	7	2.9
Environmental/Wildlife	48	45	93.8	3	6.3
National Defense	15	12	80.0	3	20.0
Antitrust	3	3	100.0	0	0.0
Food & Drug	21	20	95.2	1	4.8
Other Miscellaneous Offenses	381	363	95.3	18	4.7

¹Of the 17,243 cases, 101 were excluded due to one or both of the following reasons: missing primary offense category (101) or missing information on mode of conviction (99). Descriptions of variables used in this table are provided in Appendix A.

Figure K

QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS¹



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

Table 23

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	16,053	4,560	28.4	3,963	24.7	6,837	42.6	693	4.3
Murder	22	5	22.7	2	9.1	6	27.3	9	40.9
Manslaughter	16	1	6.3	0	0.0	1	6.3	14	87.5
Kidnapping/Hostage Taking	12	0	0.0	7	58.3	2	16.7	3	25.0
Sexual Abuse	104	58	55.8	3	2.9	6	5.8	37	35.6
Assault	124	27	21.8	20	16.1	26	21.0	51	41.1
Robbery	240	112	46.7	101	42.1	18	7.5	9	3.8
Arson	12	4	33.3	2	16.7	2	16.7	4	33.3
Drugs - Trafficking	5,846	1,347	23.0	1,841	31.5	2,450	41.9	208	3.6
Drugs - Communication Facility	81	21	25.9	25	30.9	31	38.3	4	4.9
Drugs - Simple Possession	54	20	37.0	21	38.9	9	16.7	4	7.4
Firearms	1,911	609	31.9	950	49.7	280	14.7	72	3.8
Burglary/B&E	15	8	53.3	2	13.3	0	0.0	5	33.3
Auto Theft	11	6	54.5	3	27.3	2	18.2	0	0.0
Larceny	334	165	49.4	102	30.5	47	14.1	20	6.0
Fraud	1,465	668	45.6	461	31.5	252	17.2	84	5.7
Embezzlement	107	66	61.7	21	19.6	9	8.4	11	10.3
Forgery/Counterfeiting	234	119	50.9	81	34.6	30	12.8	4	1.7
Bribery	41	18	43.9	10	24.4	10	24.4	3	7.3
Tax	136	103	75.7	21	15.4	6	4.4	6	4.4
Money Laundering	199	70	35.2	28	14.1	82	41.2	19	9.5
Racketeering/Extortion	142	56	39.4	34	23.9	37	26.1	15	10.6
Gambling/Lottery	32	28	87.5	1	3.1	1	3.1	2	6.3
Civil Rights	21	17	81.0	3	14.3	1	4.8	0	0.0
Immigration	3,938	428	10.9	86	2.2	3,377	85.8	47	1.2
Pornography/Prostitution	389	332	85.3	18	4.6	29	7.5	10	2.6
Prison Offenses	69	20	29.0	21	30.4	19	27.5	9	13.0
Administration of Justice Offenses	213	77	36.2	51	23.9	68	31.9	17	8.0
Environmental/Wildlife	37	32	86.5	1	2.7	0	0.0	4	10.8
National Defense	14	5	35.7	3	21.4	5	35.7	1	7.1
Antitrust	3	3	100.0	0	0.0	0	0.0	0	0.0
Food & Drug	20	12	60.0	1	5.0	4	20.0	3	15.0
Other Miscellaneous Offenses	211	123	58.3	43	20.4	27	12.8	18	8.5

¹Of the 17,243 cases, 1,190 were excluded due to one or both of the following reasons: missing primary offense category (101) or missing race (1,189). Descriptions of variables used in this table are provided in Appendix A.

Table 24

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		Number	Percent	Number	Percent
TOTAL	16,527	14,437	87.4	2,090	12.6
Murder	22	20	90.9	2	9.1
Manslaughter	16	13	81.3	3	18.8
Kidnapping/Hostage Taking	12	10	83.3	2	16.7
Sexual Abuse	105	103	98.1	2	1.9
Assault	131	121	92.4	10	7.6
Robbery	242	224	92.6	18	7.4
Arson	12	11	91.7	1	8.3
Drugs - Trafficking	5,875	5,190	88.3	685	11.7
Drugs - Communication Facility	81	65	80.2	16	19.8
Drugs - Simple Possession	73	61	83.6	12	16.4
Firearms	1,915	1,853	96.8	62	3.2
Burglary/B&E	15	12	80.0	3	20.0
Auto Theft	11	10	90.9	1	9.1
Larceny	355	208	58.6	147	41.4
Fraud	1,501	1,051	70.0	450	30.0
Embezzlement	111	46	41.4	65	58.6
Forgery/Counterfeiting	238	175	73.5	63	26.5
Bribery	41	36	87.8	5	12.2
Tax	137	115	83.9	22	16.1
Money Laundering	200	161	80.5	39	19.5
Racketeering/Extortion	142	136	95.8	6	4.2
Gambling/Lottery	32	27	84.4	5	15.6
Civil Rights	22	20	90.9	2	9.1
Immigration	4,214	3,898	92.5	316	7.5
Pornography/Prostitution	391	383	98.0	8	2.0
Prison Offenses	70	61	87.1	9	12.9
Administration of Justice Offenses	221	148	67.0	73	33.0
Environmental/Wildlife	42	39	92.9	3	7.1
National Defense	14	10	71.4	4	28.6
Antitrust	3	3	100.0	0	0.0
Food & Drug	21	13	61.9	8	38.1
Other Miscellaneous Offenses	262	214	81.7	48	18.3

¹Of the 17,243 cases, 716 were excluded due to one or both of the following reasons: missing primary offense category (101) or missing gender (704). Descriptions of variables used in this table are provided in Appendix A.

Table 25

AGE, RACE, AND GENDER OF OFFENDERS¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

Gender and Age	White		Black		Hispanic		Other	
	n	%	n	%	n	%	n	%
Males	3,811	100.0	3,466	100.0	6,168	100.0	551	100.0
Under 21	122	3.2	103	3.0	322	5.2	29	5.3
21 - 25	442	11.6	637	18.4	1,122	18.2	89	16.2
26 - 30	616	16.2	877	25.3	1,340	21.7	94	17.1
31 - 35	531	13.9	703	20.3	1,216	19.7	96	17.4
36 - 40	519	13.6	489	14.1	907	14.7	81	14.7
41 - 50	873	22.9	436	12.6	917	14.9	100	18.1
Over 50	708	18.6	221	6.4	344	5.6	62	11.3
Females	743	100.0	495	100.0	631	100.0	138	100.0
Under 21	36	4.8	17	3.4	21	3.3	2	1.4
21 - 25	108	14.5	94	19.0	111	17.6	22	15.9
26 - 30	112	15.1	94	19.0	151	23.9	32	23.2
31 - 35	97	13.1	79	16.0	98	15.5	18	13.0
36 - 40	118	15.9	73	14.7	92	14.6	17	12.3
41 - 50	164	22.1	80	16.2	106	16.8	24	17.4
Over 50	108	14.5	58	11.7	52	8.2	23	16.7

¹Of the 17,243 cases, 1,240 were excluded due to one or more of the following reasons: missing race (1,189), missing gender (704), or missing age (233). 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 December 31, 2007).

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		Number	Percent	Number	Percent
TOTAL	16,512	10,079	61.0	6,433	39.0
Murder	22	20	90.9	2	9.1
Manslaughter	16	16	100.0	0	0.0
Kidnapping/Hostage Taking	12	5	41.7	7	58.3
Sexual Abuse	105	100	95.2	5	4.8
Assault	125	109	87.2	16	12.8
Robbery	241	235	97.5	6	2.5
Arson	12	11	91.7	1	8.3
Drugs - Trafficking	5,859	4,059	69.3	1,800	30.7
Drugs - Communication Facility	80	59	73.8	21	26.3
Drugs - Simple Possession	62	58	93.5	4	6.5
Firearms	1,917	1,780	92.9	137	7.1
Burglary/B&E	15	15	100.0	0	0.0
Auto Theft	11	10	90.9	1	9.1
Larceny	338	308	91.1	30	8.9
Fraud	1,481	1,214	82.0	267	18.0
Embezzlement	110	107	97.3	3	2.7
Forgery/Counterfeiting	237	213	89.9	24	10.1
Bribery	41	38	92.7	3	7.3
Tax	137	128	93.4	9	6.6
Money Laundering	198	127	64.1	71	35.9
Racketeering/Extortion	142	119	83.8	23	16.2
Gambling/Lottery	31	30	96.8	1	3.2
Civil Rights	21	21	100.0	0	0.0
Immigration	4,336	443	10.2	3,893	89.8
Pornography/Prostitution	390	373	95.6	17	4.4
Prison Offenses	67	62	92.5	5	7.5
Administration of Justice Offenses	216	168	77.8	48	22.2
Environmental/Wildlife	37	35	94.6	2	5.4
National Defense	14	10	71.4	4	28.6
Antitrust	3	1	33.3	2	66.7
Food & Drug	21	17	81.0	4	19.0
Other Miscellaneous Offenses	215	188	87.4	27	12.6

¹Of the 17,243 cases, 731 were excluded due to one or both of the following reasons: missing primary offense category (101) or missing citizenship information (730). Descriptions of variables used in this table are provided in Appendix A.

Table 27

DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT¹
1st Quarter 2008 Preliminary Cumulative Data (October 1, 2007, through December 31, 2007)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		n	n	n	n	n	n	n	n
TOTAL	17,243	80,263	17,108	16,808	13,039	3,623	17,036	16,272	773
D.C. CIRCUIT	115	560	115	114	104	11	115	112	3
District of Columbia	115	560	115	114	104	11	115	112	3
FIRST CIRCUIT	359	1,610	359	356	204	136	357	334	24
Maine	55	241	55	55	22	33	55	54	1
Massachusetts	112	483	112	110	43	61	112	106	6
New Hampshire	49	239	49	49	44	5	49	48	0
Puerto Rico	117	529	117	117	78	30	117	100	17
Rhode Island	26	118	26	25	17	7	24	26	0
SECOND CIRCUIT	1,033	4,875	1,029	1,016	803	201	1,025	1,002	26
Connecticut	78	385	76	76	77	1	78	78	0
New York									
Eastern	293	1,434	293	291	268	23	293	289	3
Northern	108	503	107	102	85	17	107	102	3
Southern	367	1,655	366	366	193	154	365	365	1
Western	154	733	154	148	147	6	149	135	19
Vermont	33	165	33	33	33	0	33	33	0
THIRD CIRCUIT	715	3,391	709	704	577	127	709	692	21
Delaware	16	79	16	15	16	0	16	16	0
New Jersey	225	1,083	219	216	203	20	221	224	0
Pennsylvania									
Eastern	159	745	159	159	111	47	159	157	2
Middle	160	789	160	160	151	8	160	158	2
Western	133	590	133	133	78	48	131	115	17
Virgin Islands	22	105	22	21	18	4	22	22	0
FOURTH CIRCUIT	1,614	7,528	1,610	1,536	1,278	293	1,589	1,515	93
Maryland	165	790	163	161	141	21	163	162	2
North Carolina									
Eastern	156	721	156	151	124	28	156	134	22
Middle	75	371	75	75	71	4	75	75	0
Western	222	1,058	221	222	171	48	222	222	0
South Carolina	252	1,151	251	250	152	93	252	246	6
Virginia									
Eastern	420	1,861	420	354	328	68	399	360	57
Western	100	486	100	99	90	10	99	98	2
West Virginia									
Northern	159	780	159	159	150	7	158	154	4
Southern	65	310	65	65	51	14	65	64	0

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		n	n	n	n	n	n	n	n
FIFTH CIRCUIT	3,953	18,173	3,946	3,936	2,615	1,171	3,936	3,740	201
Louisiana									
Eastern	114	527	114	114	71	39	114	114	0
Middle	50	233	50	50	37	9	50	46	4
Western	91	432	91	91	73	13	89	88	3
Mississippi									
Northern	31	151	31	31	30	1	31	28	3
Southern	93	448	93	93	79	13	93	90	3
Texas									
Eastern	244	1,178	242	241	215	27	241	239	0
Northern	273	1,304	272	273	214	59	273	272	1
Southern	1,489	7,079	1,486	1,487	1,160	319	1,483	1,463	20
Western	1,568	6,821	1,567	1,556	736	691	1,562	1,400	167
SIXTH CIRCUIT	1,293	6,161	1,291	1,273	1,074	190	1,289	1,234	56
Kentucky									
Eastern	150	737	150	147	142	8	149	149	1
Western	120	528	120	118	86	22	120	84	36
Michigan									
Eastern	167	803	167	166	136	31	167	167	0
Western	129	622	129	129	110	16	129	125	4
Ohio									
Northern	227	1,072	226	226	174	47	225	221	4
Southern	146	721	145	142	142	3	146	146	0
Tennessee									
Eastern	134	640	134	134	104	29	134	134	0
Middle	71	321	71	63	53	13	70	64	7
Western	149	717	149	148	127	21	149	144	4
SEVENTH CIRCUIT	628	2,962	627	620	477	144	619	619	3
Illinois									
Central	103	461	102	100	56	47	102	101	2
Northern	111	502	111	108	74	30	104	105	0
Southern	79	367	79	79	52	27	79	78	1
Indiana									
Northern	101	491	101	101	87	14	101	101	0
Southern	84	408	84	82	75	9	83	84	0
Wisconsin									
Eastern	87	423	87	87	75	12	87	87	0
Western	63	310	63	63	58	5	63	63	0
EIGHTH CIRCUIT	1,167	5,565	1,166	1,157	926	227	1,166	1,150	13
Arkansas									
Eastern	104	487	104	103	77	22	104	99	5
Western	42	209	42	42	41	1	42	42	0
Iowa									
Northern	64	293	64	64	38	25	64	63	0
Southern	65	295	65	65	36	29	65	64	1
Minnesota	111	539	111	111	100	11	111	106	4
Missouri									
Eastern	243	1,199	242	240	234	6	242	241	0
Western	183	824	183	182	94	87	183	182	1
Nebraska	158	779	158	158	148	9	158	157	1
North Dakota	71	328	71	66	50	20	71	70	1
South Dakota	126	612	126	126	108	17	126	126	0

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		n	n	n	n	n	n	n	n
NINTH CIRCUIT	3,363	15,596	3,262	3,172	2,890	307	3,239	3,033	186
Alaska	37	163	37	30	22	15	37	37	0
Arizona	1,006	4,886	1,006	978	916	80	1,004	982	21
California									
Central	359	1,176	258	241	194	28	243	240	10
Eastern	222	1,075	222	221	189	30	222	221	1
Northern	161	761	161	161	139	20	160	140	20
Southern	777	3,702	777	750	729	46	777	669	81
Guam	15	74	15	15	14	1	15	15	0
Hawaii	81	371	81	81	50	29	81	78	2
Idaho	51	250	51	51	46	5	51	51	0
Montana	121	580	121	118	100	20	121	120	1
Nevada	129	608	129	126	111	15	127	115	13
Northern Mariana Islands	9	37	9	7	7	0	7	7	0
Oregon	136	663	136	134	126	10	136	131	5
Washington									
Eastern	69	340	69	69	66	3	68	68	1
Western	190	910	190	190	181	5	190	159	31
TENTH CIRCUIT	1,399	6,448	1,391	1,354	995	368	1,394	1,314	76
Colorado	134	662	134	133	131	3	134	130	4
Kansas	148	712	148	147	125	22	148	144	4
New Mexico	694	3,189	687	682	443	239	690	687	2
Oklahoma									
Eastern	17	78	17	17	10	7	17	17	0
Northern	47	211	47	47	23	24	47	47	0
Western	104	385	103	74	43	54	103	62	40
Utah	190	908	190	189	167	11	190	172	17
Wyoming	65	303	65	65	53	8	65	55	9
ELEVENTH CIRCUIT	1,604	7,394	1,603	1,570	1,096	448	1,598	1,527	71
Alabama									
Middle	52	248	52	51	41	11	52	52	0
Northern	129	618	129	127	108	17	129	125	4
Southern	92	435	92	92	67	25	92	92	0
Florida									
Middle	386	1,774	386	385	240	141	382	381	0
Northern	82	370	82	78	47	34	82	81	1
Southern	496	2,257	496	472	316	162	495	478	18
Georgia									
Middle	116	534	115	115	89	16	116	99	17
Northern	124	590	124	124	95	28	124	123	1
Southern	127	568	127	126	93	14	126	96	30

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

²The figures presented in this table regarding plea agreement submission exclude from the analysis 245 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 December 31, 2007).

Table 28

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

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
TOTAL	17,243	14,843	86.1	1,973	11.4	427	2.5
D.C. CIRCUIT	115	107	93.0	7	6.1	1	0.9
District of Columbia	115	107	93.0	7	6.1	1	0.9
FIRST CIRCUIT	359	353	98.3	3	0.8	3	0.8
Maine	55	55	100.0	0	0.0	0	0.0
Massachusetts	112	109	97.3	1	0.9	2	1.8
New Hampshire	49	48	98.0	1	2.0	0	0.0
Puerto Rico	117	116	99.1	1	0.9	0	0.0
Rhode Island	26	25	96.2	0	0.0	1	3.8
SECOND CIRCUIT	1,033	932	90.2	84	8.1	17	1.6
Connecticut	78	75	96.2	1	1.3	2	2.6
New York							
Eastern	293	225	76.8	66	22.5	2	0.7
Northern	108	102	94.4	0	0.0	6	5.6
Southern	367	352	95.9	14	3.8	1	0.3
Western	154	146	94.8	2	1.3	6	3.9
Vermont	33	32	97.0	1	3.0	0	0.0
THIRD CIRCUIT	715	500	69.9	204	28.5	11	1.5
Delaware	16	15	93.8	0	0.0	1	6.3
New Jersey	225	16	7.1	200	88.9	9	4.0
Pennsylvania							
Eastern	159	158	99.4	1	0.6	0	0.0
Middle	160	158	98.8	2	1.3	0	0.0
Western	133	132	99.2	1	0.8	0	0.0
Virgin Islands	22	21	95.5	0	0.0	1	4.5
FOURTH CIRCUIT	1,614	1,469	91.0	68	4.2	77	4.8
Maryland	165	158	95.8	4	2.4	3	1.8
North Carolina							
Eastern	156	150	96.2	1	0.6	5	3.2
Middle	75	75	100.0	0	0.0	0	0.0
Western	222	214	96.4	8	3.6	0	0.0
South Carolina	252	249	98.8	1	0.4	2	0.8
Virginia							
Eastern	420	305	72.6	49	11.7	66	15.7
Western	100	98	98.0	1	1.0	1	1.0
West Virginia							
Northern	159	159	100.0	0	0.0	0	0.0
Southern	65	61	93.8	4	6.2	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
FIFTH CIRCUIT	3,953	2,767	70.0	1,169	29.6	17	0.4
Louisiana							
Eastern	114	111	97.4	3	2.6	0	0.0
Middle	50	49	98.0	1	2.0	0	0.0
Western	91	87	95.6	4	4.4	0	0.0
Mississippi							
Northern	31	31	100.0	0	0.0	0	0.0
Southern	93	92	98.9	1	1.1	0	0.0
Texas							
Eastern	244	239	98.0	2	0.8	3	1.2
Northern	273	271	99.3	2	0.7	0	0.0
Southern	1,489	1,482	99.5	5	0.3	2	0.1
Western	1,568	405	25.8	1,151	73.4	12	0.8
SIXTH CIRCUIT	1,293	1,170	90.5	103	8.0	20	1.5
Kentucky							
Eastern	150	145	96.7	2	1.3	3	2.0
Western	120	116	96.7	2	1.7	2	1.7
Michigan							
Eastern	167	117	70.1	49	29.3	1	0.6
Western	129	129	100.0	0	0.0	0	0.0
Ohio							
Northern	227	226	99.6	0	0.0	1	0.4
Southern	146	123	84.2	19	13.0	4	2.7
Tennessee							
Eastern	134	132	98.5	2	1.5	0	0.0
Middle	71	36	50.7	27	38.0	8	11.3
Western	149	146	98.0	2	1.3	1	0.7
SEVENTH CIRCUIT	628	534	85.0	86	13.7	8	1.3
Illinois							
Central	103	99	96.1	1	1.0	3	2.9
Northern	111	75	67.6	33	29.7	3	2.7
Southern	79	79	100.0	0	0.0	0	0.0
Indiana							
Northern	101	83	82.2	18	17.8	0	0.0
Southern	84	82	97.6	0	0.0	2	2.4
Wisconsin							
Eastern	87	79	90.8	8	9.2	0	0.0
Western	63	37	58.7	26	41.3	0	0.0
EIGHTH CIRCUIT	1,167	1,136	97.3	21	1.8	10	0.9
Arkansas							
Eastern	104	102	98.1	1	1.0	1	1.0
Western	42	41	97.6	1	2.4	0	0.0
Iowa							
Northern	64	64	100.0	0	0.0	0	0.0
Southern	65	63	96.9	2	3.1	0	0.0
Minnesota	111	101	91.0	10	9.0	0	0.0
Missouri							
Eastern	243	234	96.3	6	2.5	3	1.2
Western	183	181	98.9	1	0.5	1	0.5
Nebraska	158	158	100.0	0	0.0	0	0.0
North Dakota	71	66	93.0	0	0.0	5	7.0
South Dakota	126	126	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
NINTH CIRCUIT	3,363	2,998	89.1	175	5.2	190	5.6
Alaska	37	30	81.1	0	0.0	7	18.9
Arizona	1,006	934	92.8	45	4.5	27	2.7
California							
Central	359	230	64.1	11	3.1	118	32.9
Eastern	222	219	98.6	2	0.9	1	0.5
Northern	161	161	100.0	0	0.0	0	0.0
Southern	777	748	96.3	2	0.3	27	3.5
Guam	15	14	93.3	1	6.7	0	0.0
Hawaii	81	79	97.5	2	2.5	0	0.0
Idaho	51	51	100.0	0	0.0	0	0.0
Montana	121	117	96.7	1	0.8	3	2.5
Nevada	129	124	96.1	2	1.6	3	2.3
Northern Mariana Islands	9	7	77.8	0	0.0	2	22.2
Oregon	136	27	19.9	107	78.7	2	1.5
Washington							
Eastern	69	68	98.6	1	1.4	0	0.0
Western	190	189	99.5	1	0.5	0	0.0
TENTH CIRCUIT	1,399	1,325	94.7	35	2.5	39	2.8
Colorado	134	123	91.8	10	7.5	1	0.7
Kansas	148	147	99.3	0	0.0	1	0.7
New Mexico	694	677	97.6	5	0.7	12	1.7
Oklahoma							
Eastern	17	17	100.0	0	0.0	0	0.0
Northern	47	47	100.0	0	0.0	0	0.0
Western	104	76	73.1	3	2.9	25	24.0
Utah	190	174	91.6	16	8.4	0	0.0
Wyoming	65	64	98.5	1	1.5	0	0.0
ELEVENTH CIRCUIT	1,604	1,552	96.8	18	1.1	34	2.1
Alabama							
Middle	52	51	98.1	0	0.0	1	1.9
Northern	129	127	98.4	0	0.0	2	1.6
Southern	92	91	98.9	1	1.1	0	0.0
Florida							
Middle	386	383	99.2	2	0.5	1	0.3
Northern	82	78	95.1	0	0.0	4	4.9
Southern	496	471	95.0	1	0.2	24	4.8
Georgia							
Middle	116	107	92.2	8	6.9	1	0.9
Northern	124	118	95.2	6	4.8	0	0.0
Southern	127	126	99.2	0	0.0	1	0.8

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

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

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

Variables

The following section describes the variables used in this report.

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

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

Age

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

All Remaining Cases Above Guideline Range

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

All Remaining Cases Below Guideline Range

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

Average Sentence Length

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

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

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

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

Circuit

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

Citizenship Status

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

Degree of Decrease

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

Degree of Increase

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

District

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

Document Submission Rates

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

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

Downward Departure From Guideline Range

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

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

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

Drug Offense Guideline

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

Drug Type

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

Education

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

Gender

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

Government Sponsored

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

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

Guideline Offenders Sentenced

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

Guideline Sentencing Range

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

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

Mode of Conviction

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

Outside of the Range Attribution Categories

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

Position of Sentence

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

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

Primary Offense Category

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

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

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

Manslaughter includes both involuntary and voluntary manslaughter.

Kidnapping/Hostage includes ransom taking and hostage/kidnapping.

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

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

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

Arson also includes damage by explosives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Race

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

Type of Guideline Sentence Imposed

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

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

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

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

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

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

Upward Departure From Guideline Range

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

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

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

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

Year

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

Zone

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

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

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

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

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

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

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

<u>Quarterly Report Tables/Figures</u>	<u>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