

**Table 29**

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS  
IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2008**

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>34,476</b>	<b>18,945</b>	<b>55.0</b>	<b>5,892</b>	<b>17.1</b>	<b>2,992</b>	<b>8.7</b>	<b>2,825</b>	<b>8.2</b>	<b>3,822</b>	<b>11.1</b>
Murder	18	7	38.9	4	22.2	1	5.6	2	11.1	4	22.2
Manslaughter	36	11	30.6	2	5.6	5	13.9	3	8.3	15	41.7
Kidnapping/Hostage Taking	15	8	53.3	2	13.3	1	6.7	1	6.7	3	20.0
Sexual Abuse	246	122	49.6	37	15.0	31	12.6	22	8.9	34	13.8
Assault	347	147	42.4	46	13.3	35	10.1	35	10.1	84	24.2
Robbery	615	290	47.2	113	18.4	62	10.1	57	9.3	93	15.1
Arson	20	9	45.0	4	20.0	1	5.0	2	10.0	4	20.0
Drugs - Trafficking	10,456	7,253	69.4	1,433	13.7	668	6.4	450	4.3	652	6.2
Drugs - Communication Facility	83	55	66.3	5	6.0	4	4.8	4	4.8	15	18.1
Drugs - Simple Possession	230	163	70.9	14	6.1	17	7.4	15	6.5	21	9.1
Firearms	4,694	2,643	56.3	601	12.8	437	9.3	337	7.2	676	14.4
Burglary/B&E	33	16	48.5	4	12.1	5	15.2	2	6.1	6	18.2
Auto Theft	38	15	39.5	1	2.6	0	0.0	5	13.2	17	44.7
Larceny	899	641	71.3	84	9.3	48	5.3	48	5.3	78	8.7
Fraud	3,503	1,982	56.6	533	15.2	288	8.2	211	6.0	489	14.0
Embezzlement	279	191	68.5	53	19.0	13	4.7	10	3.6	12	4.3
Forgery/Counterfeiting	620	319	51.5	92	14.8	64	10.3	54	8.7	91	14.7
Bribery	85	49	57.6	22	25.9	3	3.5	3	3.5	8	9.4
Tax	216	138	63.9	36	16.7	16	7.4	10	4.6	16	7.4
Money Laundering	304	202	66.4	45	14.8	14	4.6	18	5.9	25	8.2
Racketeering/Extortion	214	124	57.9	28	13.1	12	5.6	20	9.3	30	14.0
Gambling/Lottery	53	36	67.9	11	20.8	2	3.8	2	3.8	2	3.8
Civil Rights	19	11	57.9	1	5.3	0	0.0	1	5.3	6	31.6
Immigration	9,224	3,119	33.8	2,420	26.2	1,114	12.1	1,386	15.0	1,185	12.8
Pornography/Prostitution	743	468	63.0	100	13.5	37	5.0	46	6.2	92	12.4
Prison Offenses	241	119	49.4	34	14.1	33	13.7	16	6.6	39	16.2
Administration of Justice Offenses	484	295	61.0	63	13.0	34	7.0	35	7.2	57	11.8
Environmental/Wildlife	73	61	83.6	8	11.0	1	1.4	1	1.4	2	2.7
National Defense	20	15	75.0	4	20.0	0	0.0	0	0.0	1	5.0
Antitrust	4	2	50.0	0	0.0	0	0.0	1	25.0	1	25.0
Food & Drug	40	31	77.5	4	10.0	2	5.0	1	2.5	2	5.0
Other Miscellaneous Offenses	624	403	64.6	88	14.1	44	7.1	27	4.3	62	9.9

<sup>1</sup>Of the 76,478 cases, 44,263 were sentenced within the applicable guideline range. Of those, 39,128 had complete guideline application information. An additional 2,951 cases were excluded due to several logical criteria. Of the remaining 36,177 cases, 1,701 were excluded due to missing point in range information. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2008 Datafile, USSCFY08.