

United States Sentencing Commission



Statistical Information Packet

Fiscal Year 2005

State of Arkansas

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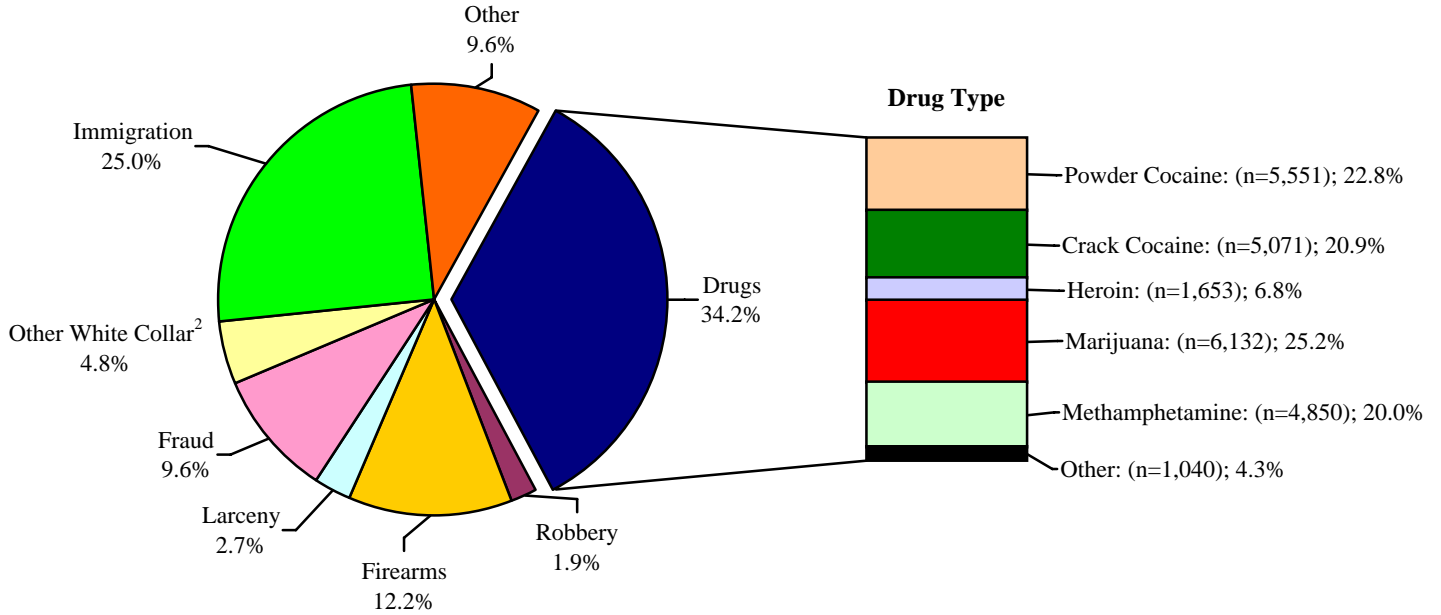
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(October 1, 2004, through September 30, 2005)

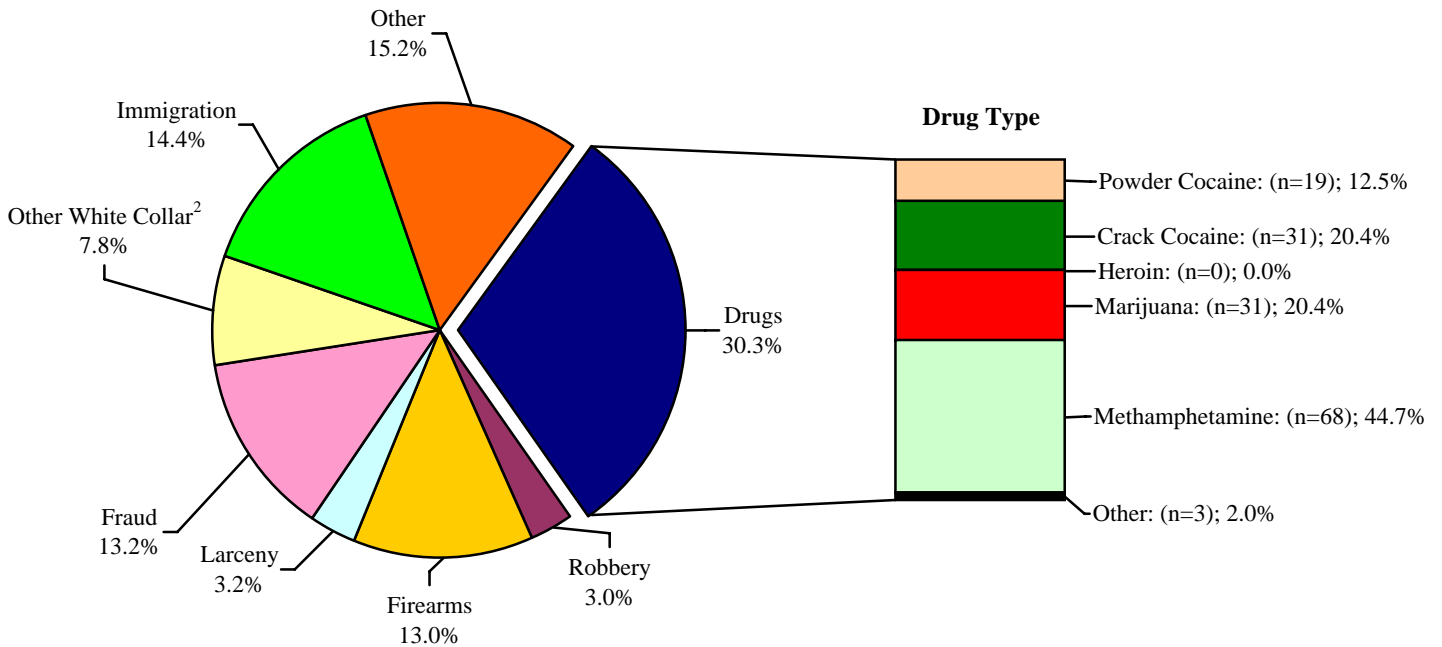
Figure A

DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2005

National



Arkansas



¹Of the 72,462 guideline cases, 1,519 cases were excluded due to one of the following reasons: missing primary offense category (54) or missing drug type (1,465). Of the 509 guideline cases from the State of Arkansas, eight cases were excluded due to missing drug type.

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

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05.

Table 1

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2005**

| PRIMARY OFFENSE | National | | Arkansas | |
|------------------------------------|---------------|--------------|------------|--------------|
| | Number | Percent | Number | Percent |
| TOTAL | 72,408 | 100.0 | 509 | 100.0 |
| Murder | 91 | 0.1 | 0 | 0.0 |
| Manslaughter | 51 | 0.1 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 42 | 0.1 | 0 | 0.0 |
| Sexual Abuse | 336 | 0.5 | 3 | 0.6 |
| Assault | 599 | 0.8 | 1 | 0.2 |
| Robbery | 1,370 | 1.9 | 15 | 2.9 |
| Arson | 51 | 0.1 | 0 | 0.0 |
| Drugs - Trafficking | 24,338 | 33.6 | 154 | 30.3 |
| Drugs - Communication Facility | 388 | 0.5 | 4 | 0.8 |
| Drugs - Simple Possession | 1,036 | 1.4 | 2 | 0.4 |
| Firearms | 8,648 | 11.9 | 65 | 12.8 |
| Burglary/B&E | 39 | 0.1 | 2 | 0.4 |
| Auto Theft | 67 | 0.1 | 0 | 0.0 |
| Larceny | 1,911 | 2.6 | 16 | 3.1 |
| Fraud | 6,809 | 9.4 | 66 | 13.0 |
| Embezzlement | 577 | 0.8 | 8 | 1.6 |
| Forgery/Counterfeiting | 1,083 | 1.5 | 22 | 4.3 |
| Bribery | 199 | 0.3 | 2 | 0.4 |
| Tax | 604 | 0.8 | 5 | 1.0 |
| Money Laundering | 934 | 1.3 | 2 | 0.4 |
| Racketeering/Extortion | 715 | 1.0 | 4 | 0.8 |
| Gambling/Lottery | 105 | 0.1 | 0 | 0.0 |
| Civil Rights | 72 | 0.1 | 1 | 0.2 |
| Immigration | 17,717 | 24.5 | 72 | 14.1 |
| Pornography/Prostitution | 1,198 | 1.7 | 14 | 2.8 |
| Prison Offenses | 367 | 0.5 | 5 | 1.0 |
| Administration of Justice Offenses | 1,047 | 1.4 | 22 | 4.3 |
| Environmental/Wildlife | 182 | 0.3 | 6 | 1.2 |
| National Defense | 27 | 0.0 | 2 | 0.4 |
| Antitrust | 18 | 0.0 | 0 | 0.0 |
| Food & Drug | 78 | 0.1 | 0 | 0.0 |
| Other Miscellaneous Offenses | 1,709 | 2.4 | 16 | 3.1 |

Of the 72,462 guideline cases, 54 cases were excluded due to missing information on primary offense category.

Of the 509 guideline cases from the State of Arkansas, no case was excluded.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05.

SECTION TWO: *Pre-Booker*
(October 1, 2004, through January 11, 2005)

Table 2

MODE OF CONVICTION BY CIRCUIT AND DISTRICT
Fiscal Year 2005, Pre-Booker (October 1, 2004, through January 11, 2005)

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|-----------------------|---------------|---------------|-------------|------------|-------------|
| | | Number | Percent | Number | Percent |
| TOTAL | 18,749 | 17,917 | 95.6 | 832 | 4.4 |
| D.C. CIRCUIT | 144 | 126 | 87.5 | 18 | 12.5 |
| District of Columbia | 144 | 126 | 87.5 | 18 | 12.5 |
| FIRST CIRCUIT | 415 | 388 | 93.5 | 27 | 6.5 |
| Maine | 70 | 67 | 95.7 | 3 | 4.3 |
| Massachusetts | 109 | 98 | 89.9 | 11 | 10.1 |
| New Hampshire | 44 | 43 | 97.7 | 1 | 2.3 |
| Puerto Rico | 170 | 161 | 94.7 | 9 | 5.3 |
| Rhode Island | 22 | 19 | 86.4 | 3 | 13.6 |
| SECOND CIRCUIT | 1,065 | 1,028 | 96.5 | 37 | 3.5 |
| Connecticut | 94 | 89 | 94.7 | 5 | 5.3 |
| New York | | | | | |
| Eastern | 312 | 299 | 95.8 | 13 | 4.2 |
| Northern | 147 | 145 | 98.6 | 2 | 1.4 |
| Southern | 284 | 270 | 95.1 | 14 | 4.9 |
| Western | 173 | 171 | 98.8 | 2 | 1.2 |
| Vermont | 55 | 54 | 98.2 | 1 | 1.8 |
| THIRD CIRCUIT | 745 | 704 | 94.5 | 41 | 5.5 |
| Delaware | 14 | 14 | 100.0 | 0 | 0.0 |
| New Jersey | 269 | 259 | 96.3 | 10 | 3.7 |
| Pennsylvania | | | | | |
| Eastern | 228 | 213 | 93.4 | 15 | 6.6 |
| Middle | 142 | 134 | 94.4 | 8 | 5.6 |
| Western | 75 | 70 | 93.3 | 5 | 6.7 |
| Virgin Islands | 17 | 14 | 82.4 | 3 | 17.6 |
| FOURTH CIRCUIT | 1,647 | 1,530 | 92.9 | 117 | 7.1 |
| Maryland | 161 | 144 | 89.4 | 17 | 10.6 |
| North Carolina | | | | | |
| Eastern | 195 | 185 | 94.9 | 10 | 5.1 |
| Middle | 71 | 67 | 94.4 | 4 | 5.6 |
| Western | 178 | 157 | 88.2 | 21 | 11.8 |
| South Carolina | 226 | 220 | 97.3 | 6 | 2.7 |
| Virginia | | | | | |
| Eastern | 549 | 516 | 94.0 | 33 | 6.0 |
| Western | 133 | 117 | 88.0 | 16 | 12.0 |
| West Virginia | | | | | |
| Northern | 71 | 68 | 95.8 | 3 | 4.2 |
| Southern | 63 | 56 | 88.9 | 7 | 11.1 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|------------------------|--------------|--------------|-------------|------------|------------|
| | | Number | Percent | Number | Percent |
| FIFTH CIRCUIT | 4,088 | 3,978 | 97.3 | 110 | 2.7 |
| Louisiana | | | | | |
| Eastern | 94 | 92 | 97.9 | 2 | 2.1 |
| Middle | 25 | 19 | 76.0 | 6 | 24.0 |
| Western | 108 | 101 | 93.5 | 7 | 6.5 |
| Mississippi | | | | | |
| Northern | 46 | 42 | 91.3 | 4 | 8.7 |
| Southern | 149 | 148 | 99.3 | 1 | 0.7 |
| Texas | | | | | |
| Eastern | 163 | 155 | 95.1 | 8 | 4.9 |
| Northern | 249 | 227 | 91.2 | 22 | 8.8 |
| Southern | 1,617 | 1,591 | 98.4 | 26 | 1.6 |
| Western | 1,637 | 1,603 | 97.9 | 34 | 2.1 |
| SIXTH CIRCUIT | 1,335 | 1,261 | 94.5 | 74 | 5.5 |
| Kentucky | | | | | |
| Eastern | 132 | 127 | 96.2 | 5 | 3.8 |
| Western | 91 | 86 | 94.5 | 5 | 5.5 |
| Michigan | | | | | |
| Eastern | 204 | 187 | 91.7 | 17 | 8.3 |
| Western | 105 | 101 | 96.2 | 4 | 3.8 |
| Ohio | | | | | |
| Northern | 256 | 239 | 93.4 | 17 | 6.6 |
| Southern | 138 | 128 | 92.8 | 10 | 7.2 |
| Tennessee | | | | | |
| Eastern | 159 | 156 | 98.1 | 3 | 1.9 |
| Middle | 82 | 79 | 96.3 | 3 | 3.7 |
| Western | 168 | 158 | 94.0 | 10 | 6.0 |
| SEVENTH CIRCUIT | 541 | 516 | 95.4 | 25 | 4.6 |
| Illinois | | | | | |
| Central | 41 | 40 | 97.6 | 1 | 2.4 |
| Northern | 162 | 158 | 97.5 | 4 | 2.5 |
| Southern | 55 | 53 | 96.4 | 2 | 3.6 |
| Indiana | | | | | |
| Northern | 69 | 62 | 89.9 | 7 | 10.1 |
| Southern | 86 | 84 | 97.7 | 2 | 2.3 |
| Wisconsin | | | | | |
| Eastern | 58 | 53 | 91.4 | 5 | 8.6 |
| Western | 70 | 66 | 94.3 | 4 | 5.7 |
| EIGHTH CIRCUIT | 1,370 | 1,266 | 92.4 | 104 | 7.6 |
| Arkansas | | | | | |
| Eastern | 94 | 84 | 89.4 | 10 | 10.6 |
| Western | 63 | 62 | 98.4 | 1 | 1.6 |
| Iowa | | | | | |
| Northern | 142 | 132 | 93.0 | 10 | 7.0 |
| Southern | 96 | 87 | 90.6 | 9 | 9.4 |
| Minnesota | 142 | 115 | 81.0 | 27 | 19.0 |
| Missouri | | | | | |
| Eastern | 220 | 212 | 96.4 | 8 | 3.6 |
| Western | 196 | 184 | 93.9 | 12 | 6.1 |
| Nebraska | 201 | 187 | 93.0 | 14 | 7.0 |
| North Dakota | 81 | 77 | 95.1 | 4 | 4.9 |
| South Dakota | 135 | 126 | 93.3 | 9 | 6.7 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|--------------------------|--------------|--------------|-------------|------------|------------|
| | | Number | Percent | Number | Percent |
| NINTH CIRCUIT | 3,989 | 3,879 | 97.2 | 110 | 2.8 |
| Alaska | 37 | 35 | 94.6 | 2 | 5.4 |
| Arizona | 1,361 | 1,350 | 99.2 | 11 | 0.8 |
| California | | | | | |
| Central | 473 | 458 | 96.8 | 15 | 3.2 |
| Eastern | 236 | 228 | 96.6 | 8 | 3.4 |
| Northern | 219 | 213 | 97.3 | 6 | 2.7 |
| Southern | 746 | 721 | 96.6 | 25 | 3.4 |
| Guam | 15 | 14 | 93.3 | 1 | 6.7 |
| Hawaii | 46 | 46 | 100.0 | 0 | 0.0 |
| Idaho | 68 | 65 | 95.6 | 3 | 4.4 |
| Montana | 129 | 116 | 89.9 | 13 | 10.1 |
| Nevada | 127 | 120 | 94.5 | 7 | 5.5 |
| Northern Mariana Islands | 6 | 2 | 33.3 | 4 | 66.7 |
| Oregon | 175 | 172 | 98.3 | 3 | 1.7 |
| Washington | | | | | |
| Eastern | 106 | 96 | 90.6 | 10 | 9.4 |
| Western | 245 | 243 | 99.2 | 2 | 0.8 |
| TENTH CIRCUIT | 1,518 | 1,466 | 96.6 | 52 | 3.4 |
| Colorado | 187 | 184 | 98.4 | 3 | 1.6 |
| Kansas | 205 | 194 | 94.6 | 11 | 5.4 |
| New Mexico | 669 | 664 | 99.3 | 5 | 0.7 |
| Oklahoma | | | | | |
| Eastern | 30 | 29 | 96.7 | 1 | 3.3 |
| Northern | 53 | 49 | 92.5 | 4 | 7.5 |
| Western | 90 | 86 | 95.6 | 4 | 4.4 |
| Utah | 224 | 205 | 91.5 | 19 | 8.5 |
| Wyoming | 60 | 55 | 91.7 | 5 | 8.3 |
| ELEVENTH CIRCUIT | 1,892 | 1,775 | 93.8 | 117 | 6.2 |
| Alabama | | | | | |
| Middle | 52 | 49 | 94.2 | 3 | 5.8 |
| Northern | 133 | 126 | 94.7 | 7 | 5.3 |
| Southern | 84 | 80 | 95.2 | 4 | 4.8 |
| Florida | | | | | |
| Middle | 401 | 362 | 90.3 | 39 | 9.7 |
| Northern | 96 | 89 | 92.7 | 7 | 7.3 |
| Southern | 694 | 653 | 94.1 | 41 | 5.9 |
| Georgia | | | | | |
| Middle | 133 | 127 | 95.5 | 6 | 4.5 |
| Northern | 159 | 150 | 94.3 | 9 | 5.7 |
| Southern | 140 | 139 | 99.3 | 1 | 0.7 |

Of the 18,788 guideline cases, 39 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, Pre-Booker Only Cases (October 1, 2004, through January 11, 2005).

Table 3

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2005, Pre-Booker (October 1, 2004, through January 11, 2005)**

| PRIMARY OFFENSE | TOTAL | National | | | | Arkansas | | | |
|------------------------------------|---------------|---------------|-------------|------------|------------|------------|-------------|-----------|------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 18,748 | 17,916 | 95.6 | 832 | 4.4 | 146 | 93.0 | 11 | 7.0 |
| Murder | 28 | 21 | 75.0 | 7 | 25.0 | 0 | -- | 0 | -- |
| Manslaughter | 9 | 9 | 100.0 | 0 | 0.0 | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 18 | 13 | 72.2 | 5 | 27.8 | 0 | -- | 0 | -- |
| Sexual Abuse | 99 | 89 | 89.9 | 10 | 10.1 | 1 | 100.0 | 0 | 0.0 |
| Assault | 143 | 129 | 90.2 | 14 | 9.8 | 0 | -- | 0 | -- |
| Robbery | 349 | 333 | 95.4 | 16 | 4.6 | 6 | 100.0 | 0 | 0.0 |
| Arson | 11 | 7 | 63.6 | 4 | 36.4 | 0 | -- | 0 | -- |
| Drugs - Trafficking | 5,975 | 5,654 | 94.6 | 321 | 5.4 | 42 | 89.4 | 5 | 10.6 |
| Drugs - Communication Facility | 79 | 78 | 98.7 | 1 | 1.3 | 1 | 100.0 | 0 | 0.0 |
| Drugs - Simple Possession | 312 | 306 | 98.1 | 6 | 1.9 | 0 | -- | 0 | -- |
| Firearms | 2,259 | 2,078 | 92.0 | 181 | 8.0 | 10 | 100.0 | 0 | 0.0 |
| Burglary/B&E | 10 | 10 | 100.0 | 0 | 0.0 | 0 | -- | 0 | -- |
| Auto Theft | 20 | 17 | 85.0 | 3 | 15.0 | 0 | -- | 0 | -- |
| Larceny | 485 | 473 | 97.5 | 12 | 2.5 | 7 | 100.0 | 0 | 0.0 |
| Fraud | 1,733 | 1,650 | 95.2 | 83 | 4.8 | 22 | 95.7 | 1 | 4.3 |
| Embezzlement | 164 | 161 | 98.2 | 3 | 1.8 | 3 | 100.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 288 | 279 | 96.9 | 9 | 3.1 | 14 | 93.3 | 1 | 6.7 |
| Bribery | 42 | 37 | 88.1 | 5 | 11.9 | 0 | 0.0 | 1 | 100.0 |
| Tax | 142 | 135 | 95.1 | 7 | 4.9 | 1 | 100.0 | 0 | 0.0 |
| Money Laundering | 216 | 205 | 94.9 | 11 | 5.1 | 1 | 100.0 | 0 | 0.0 |
| Racketeering/Extortion | 192 | 182 | 94.8 | 10 | 5.2 | 0 | -- | 0 | -- |
| Gambling/Lottery | 23 | 23 | 100.0 | 0 | 0.0 | 0 | -- | 0 | -- |
| Civil Rights | 26 | 24 | 92.3 | 2 | 7.7 | 0 | -- | 0 | -- |
| Immigration | 4,845 | 4,783 | 98.7 | 62 | 1.3 | 23 | 100.0 | 0 | 0.0 |
| Pornography/Prostitution | 298 | 285 | 95.6 | 13 | 4.4 | 1 | 100.0 | 0 | 0.0 |
| Prison Offenses | 89 | 88 | 98.9 | 1 | 1.1 | 1 | 100.0 | 0 | 0.0 |
| Administration of Justice Offenses | 265 | 247 | 93.2 | 18 | 6.8 | 5 | 62.5 | 3 | 37.5 |
| Environmental/Wildlife | 49 | 49 | 100.0 | 0 | 0.0 | 1 | 100.0 | 0 | 0.0 |
| National Defense | 8 | 8 | 100.0 | 0 | 0.0 | 0 | -- | 0 | -- |
| Antitrust | 6 | 6 | 100.0 | 0 | 0.0 | 0 | -- | 0 | -- |
| Food & Drug | 21 | 19 | 90.5 | 2 | 9.5 | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 544 | 518 | 95.2 | 26 | 4.8 | 7 | 100.0 | 0 | 0.0 |

Of the 18,788 guideline cases, 40 cases were excluded due to one or both of the following reasons: missing primary offense category (30) or missing mode of conviction (39).

Of the 509 guideline cases from the State of Arkansas, no case was excluded.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, Pre-Booker Only Cases (October 1, 2004, through January 11, 2005).

Table 4

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2005, Pre-Booker (October 1, 2004, through January 11, 2005)

National

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 18,572 | 15,802 | 85.1 | 517 | 2.8 | 752 | 4.0 | 1,501 | 8.1 |
| Murder | 28 | 28 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Manslaughter | 9 | 9 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 18 | 18 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Sexual Abuse | 98 | 93 | 94.9 | 1 | 1.0 | 3 | 3.1 | 1 | 1.0 |
| Assault | 141 | 108 | 76.6 | 1 | 0.7 | 5 | 3.5 | 27 | 19.1 |
| Robbery | 344 | 321 | 93.3 | 2 | 0.6 | 9 | 2.6 | 12 | 3.5 |
| Arson | 11 | 11 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Trafficking | 5,968 | 5,644 | 94.6 | 118 | 2.0 | 94 | 1.6 | 112 | 1.9 |
| Drugs - Communication Facility | 79 | 69 | 87.3 | 3 | 3.8 | 1 | 1.3 | 6 | 7.6 |
| Drugs - Simple Possession | 293 | 175 | 59.7 | 2 | 0.7 | 10 | 3.4 | 106 | 36.2 |
| Firearms | 2,254 | 2,066 | 91.7 | 58 | 2.6 | 57 | 2.5 | 73 | 3.2 |
| Burglary/B&E | 9 | 8 | 88.9 | 0 | 0.0 | 0 | 0.0 | 1 | 11.1 |
| Auto Theft | 20 | 17 | 85.0 | 2 | 10.0 | 0 | 0.0 | 1 | 5.0 |
| Larceny | 450 | 158 | 35.1 | 18 | 4.0 | 68 | 15.1 | 206 | 45.8 |
| Fraud | 1,716 | 1,022 | 59.6 | 143 | 8.3 | 198 | 11.5 | 353 | 20.6 |
| Embezzlement | 160 | 51 | 31.9 | 27 | 16.9 | 20 | 12.5 | 62 | 38.8 |
| Forgery/Counterfeiting | 287 | 195 | 67.9 | 19 | 6.6 | 26 | 9.1 | 47 | 16.4 |
| Bribery | 41 | 20 | 48.8 | 4 | 9.8 | 8 | 19.5 | 9 | 22.0 |
| Tax | 141 | 64 | 45.4 | 13 | 9.2 | 31 | 22.0 | 33 | 23.4 |
| Money Laundering | 216 | 153 | 70.8 | 14 | 6.5 | 25 | 11.6 | 24 | 11.1 |
| Racketeering/Extortion | 191 | 162 | 84.8 | 5 | 2.6 | 14 | 7.3 | 10 | 5.2 |
| Gambling/Lottery | 23 | 4 | 17.4 | 1 | 4.3 | 12 | 52.2 | 6 | 26.1 |
| Civil Rights | 26 | 10 | 38.5 | 2 | 7.7 | 5 | 19.2 | 9 | 34.6 |
| Immigration | 4,838 | 4,660 | 96.3 | 48 | 1.0 | 61 | 1.3 | 69 | 1.4 |
| Pornography/Prostitution | 297 | 287 | 96.6 | 4 | 1.3 | 5 | 1.7 | 1 | 0.3 |
| Prison Offenses | 89 | 82 | 92.1 | 1 | 1.1 | 1 | 1.1 | 5 | 5.6 |
| Administration of Justice Offenses | 262 | 158 | 60.3 | 10 | 3.8 | 35 | 13.4 | 59 | 22.5 |
| Environmental/Wildlife | 43 | 7 | 16.3 | 1 | 2.3 | 12 | 27.9 | 23 | 53.5 |
| National Defense | 8 | 4 | 50.0 | 2 | 25.0 | 0 | 0.0 | 2 | 25.0 |
| Antitrust | 5 | 4 | 80.0 | 0 | 0.0 | 0 | 0.0 | 1 | 20.0 |
| Food & Drug | 18 | 6 | 33.3 | 2 | 11.1 | 2 | 11.1 | 8 | 44.4 |
| Other Miscellaneous Offenses | 489 | 188 | 38.4 | 16 | 3.3 | 50 | 10.2 | 235 | 48.1 |

Of the 18,788 guideline cases, 216 cases were excluded due to one or more of the following reasons: missing sentencing information (71), missing primary offense category (30), or cases in which the defendant received no imprisonment or probation (141).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, Pre-Booker Only Cases (October 1, 2004, through January 11, 2005).

Table 5

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2005, Pre-Booker (October 1, 2004, through January 11, 2005)

Arkansas

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|------------|------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|-------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 154 | 117 | 76.0 | 2 | 1.3 | 14 | 9.1 | 21 | 13.6 |
| Murder | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Manslaughter | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Sexual Abuse | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Assault | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Robbery | 6 | 6 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Arson | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Drugs - Trafficking | 47 | 44 | 93.6 | 0 | 0.0 | 1 | 2.1 | 2 | 4.3 |
| Drugs - Communication Facility | 1 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 | 0 | 0.0 |
| Drugs - Simple Possession | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Firearms | 10 | 9 | 90.0 | 0 | 0.0 | 1 | 10.0 | 0 | 0.0 |
| Burglary/B&E | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Auto Theft | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Larceny | 7 | 2 | 28.6 | 0 | 0.0 | 3 | 42.9 | 2 | 28.6 |
| Fraud | 23 | 16 | 69.6 | 0 | 0.0 | 1 | 4.3 | 6 | 26.1 |
| Embezzlement | 3 | 0 | 0.0 | 1 | 33.3 | 1 | 33.3 | 1 | 33.3 |
| Forgery/Counterfeiting | 14 | 8 | 57.1 | 0 | 0.0 | 0 | 0.0 | 6 | 42.9 |
| Bribery | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Tax | 1 | 0 | 0.0 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 |
| Money Laundering | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Racketeering/Extortion | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Gambling/Lottery | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Civil Rights | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Immigration | 23 | 22 | 95.7 | 0 | 0.0 | 0 | 0.0 | 1 | 4.3 |
| Pornography/Prostitution | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Prison Offenses | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Administration of Justice Offenses | 8 | 4 | 50.0 | 0 | 0.0 | 3 | 37.5 | 1 | 12.5 |
| Environmental/Wildlife | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| National Defense | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Antitrust | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Food & Drug | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 5 | 0 | 0.0 | 0 | 0.0 | 3 | 60.0 | 2 | 40.0 |

Of the 157 guideline cases from the State of Arkansas, three cases were excluded due to one of the following reasons: missing sentencing information (1) or cases in which the defendant received no imprisonment or probation (2).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, Pre-Booker Only Cases (October 1, 2004, through January 11, 2005).

Table 6

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2005, Pre-Booker (October 1, 2004, through January 11, 2005)**

| PRIMARY OFFENSE | TOTAL | National | | | | Arkansas | | | |
|-------------------------------------|--------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
| | | Prison Sentence | | Non-Prison Sentence | | Prison Sentence | | Non-Prison Sentence | |
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 3,394 | 1,913 | 56.4 | 1,481 | 43.6 | 26 | 55.3 | 21 | 44.7 |
| Fraud | 659 | 247 | 37.5 | 412 | 62.5 | 5 | 45.5 | 6 | 54.5 |
| Larceny | 310 | 61 | 19.7 | 249 | 80.3 | 0 | 0.0 | 2 | 100.0 |
| Immigration | 1,301 | 1,194 | 91.8 | 107 | 8.2 | 17 | 94.4 | 1 | 5.6 |
| Embezzlement | 108 | 31 | 28.7 | 77 | 71.3 | 0 | 0.0 | 2 | 100.0 |
| Drugs - Trafficking | 153 | 78 | 51.0 | 75 | 49.0 | 0 | 0.0 | 1 | 100.0 |
| Drugs - Simple Possession | 141 | 54 | 38.3 | 87 | 61.7 | 0 | -- | 0 | -- |
| Firearms | 99 | 52 | 52.5 | 47 | 47.5 | 0 | -- | 0 | -- |
| Forgery/Counterfeiting | 98 | 41 | 41.8 | 57 | 58.2 | 3 | 50.0 | 3 | 50.0 |
| Other Miscellaneous Offenses | 525 | 155 | 29.5 | 370 | 70.5 | 1 | 14.3 | 6 | 85.7 |

Of the 18,788 guideline cases, 15,394 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (15,384), missing sentencing information (71), or missing primary offense category (30).

Of the 157 guideline cases from the State of Arkansas, 110 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison alternatives (110) or missing sentencing information (1).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, Pre-Booker Only Cases (October 1, 2004, through January 11, 2005).

Table 7

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2005, Pre-Booker (October 1, 2004, through January 11, 2005)**

| PRIMARY OFFENSE | National | | | Arkansas | | |
|---|-------------|---------------|---------------|-------------|---------------|------------|
| | Mean Months | Median Months | Number | Mean Months | Median Months | Number |
| TOTAL | 53.4 | 30.0 | 16,054 | 63.0 | 39.0 | 114 |
| Murder | 189.3 | 120.0 | 28 | -- | -- | 0 |
| Manslaughter | 25.9 | 24.0 | 9 | -- | -- | 0 |
| Kidnapping/Hostage Taking | 149.3 | 114.0 | 18 | -- | -- | 0 |
| Sexual Abuse | 79.1 | 60.0 | 93 | -- | -- | 1 |
| Assault | 37.1 | 30.0 | 106 | -- | -- | 0 |
| Robbery | 85.8 | 70.0 | 322 | 65.5 | 60.0 | 6 |
| Arson | 67.3 | 60.0 | 11 | -- | -- | 0 |
| Drugs - Trafficking | 79.3 | 57.0 | 5,733 | 104.4 | 85.5 | 44 |
| Drugs - Communication Facility | 42.3 | 48.0 | 70 | -- | -- | 0 |
| Drugs - Simple Possession | 8.0 | 6.0 | 168 | -- | -- | 0 |
| Firearms | 76.1 | 51.0 | 2,112 | 116.3 | 134.5 | 8 |
| Burglary/B&E | 16.1 | 17.5 | 8 | -- | -- | 0 |
| Auto Theft | 28.9 | 30.0 | 19 | -- | -- | 0 |
| Larceny | 16.0 | 12.0 | 174 | -- | -- | 2 |
| Fraud | 21.3 | 14.0 | 1,123 | 25.0 | 27.0 | 15 |
| Embezzlement | 11.0 | 6.0 | 77 | -- | -- | 1 |
| Forgery/Counterfeiting | 18.1 | 15.0 | 211 | 18.0 | 12.0 | 8 |
| Bribery | 21.2 | 19.5 | 24 | -- | -- | 1 |
| Tax | 17.0 | 15.0 | 77 | -- | -- | 1 |
| Money Laundering | 35.3 | 27.0 | 166 | -- | -- | 1 |
| Racketeering/Extortion | 86.0 | 60.0 | 164 | -- | -- | 0 |
| Gambling/Lottery | 16.3 | 14.0 | 4 | -- | -- | 0 |
| Civil Rights | 22.9 | 18.5 | 12 | -- | -- | 0 |
| Immigration | 22.8 | 18.0 | 4,561 | 8.4 | 6.0 | 19 |
| Pornography/Prostitution | 76.5 | 57.0 | 291 | -- | -- | 1 |
| Prison Offenses | 20.4 | 15.0 | 83 | -- | -- | 1 |
| Administration of Justice Offenses | 22.9 | 16.0 | 165 | 31.5 | 27.0 | 4 |
| Environmental/Wildlife | 13.5 | 9.0 | 8 | -- | -- | 1 |
| National Defense | 23.2 | 21.0 | 6 | -- | -- | 0 |
| Antitrust | 5.3 | 5.5 | 4 | -- | -- | 0 |
| Food & Drug | 28.9 | 14.0 | 8 | -- | -- | 0 |
| Other Miscellaneous Offenses | 17.8 | 8.0 | 199 | -- | -- | 0 |

Of the 18,788 guideline cases, 2,734 cases were excluded for one or more of the following reasons: zero months prison ordered (2,492), missing primary offense category (30), or missing or indeterminable sentencing information (239).

Of the 157 guideline cases from the State of Arkansas, 43 cases were excluded due to one of the following reasons: zero prison months ordered (39) or missing or indeterminable sentencing information (4).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, Pre-Booker Only Cases (October 1, 2004, through January 11, 2005).

Table 8

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT
Fiscal Year 2005, Pre-Booker (October 1, 2004, through January 11, 2005)**

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | GOVERNMENT INITIATED DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|-----------------------|---------------|--|-------------|--|-------------|--------------------------------------|------------|--------------------------------|-------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| TOTAL | 17,504 | 12,406 | 70.9 | 2,575 | 14.7 | 1,643 | 9.4 | 752 | 4.3 | 128 | 0.7 |
| D.C. CIRCUIT | 141 | 101 | 71.6 | 35 | 24.8 | 4 | 2.8 | 1 | 0.7 | 0 | 0.0 |
| District of Columbia | 141 | 101 | 71.6 | 35 | 24.8 | 4 | 2.8 | 1 | 0.7 | 0 | 0.0 |
| FIRST CIRCUIT | 390 | 315 | 80.8 | 55 | 14.1 | 2 | 0.5 | 15 | 3.8 | 3 | 0.8 |
| Maine | 69 | 50 | 72.5 | 18 | 26.1 | 0 | 0.0 | 1 | 1.4 | 0 | 0.0 |
| Massachusetts | 103 | 74 | 71.8 | 15 | 14.6 | 2 | 1.9 | 12 | 11.7 | 0 | 0.0 |
| New Hampshire | 34 | 18 | 52.9 | 15 | 44.1 | 0 | 0.0 | 1 | 2.9 | 0 | 0.0 |
| Puerto Rico | 162 | 157 | 96.9 | 4 | 2.5 | 0 | 0.0 | 0 | 0.0 | 1 | 0.6 |
| Rhode Island | 22 | 16 | 72.7 | 3 | 13.6 | 0 | 0.0 | 1 | 4.5 | 2 | 9.1 |
| SECOND CIRCUIT | 1,037 | 620 | 59.8 | 253 | 24.4 | 25 | 2.4 | 136 | 13.1 | 3 | 0.3 |
| Connecticut | 93 | 60 | 64.5 | 21 | 22.6 | 1 | 1.1 | 10 | 10.8 | 1 | 1.1 |
| New York | | | | | | | | | | | |
| Eastern | 312 | 153 | 49.0 | 77 | 24.7 | 16 | 5.1 | 65 | 20.8 | 1 | 0.3 |
| Northern | 136 | 76 | 55.9 | 40 | 29.4 | 5 | 3.7 | 15 | 11.0 | 0 | 0.0 |
| Southern | 273 | 201 | 73.6 | 51 | 18.7 | 0 | 0.0 | 21 | 7.7 | 0 | 0.0 |
| Western | 168 | 106 | 63.1 | 45 | 26.8 | 3 | 1.8 | 13 | 7.7 | 1 | 0.6 |
| Vermont | 55 | 24 | 43.6 | 19 | 34.5 | 0 | 0.0 | 12 | 21.8 | 0 | 0.0 |
| THIRD CIRCUIT | 713 | 481 | 67.5 | 192 | 26.9 | 11 | 1.5 | 26 | 3.6 | 3 | 0.4 |
| Delaware | 13 | 9 | 69.2 | 2 | 15.4 | 0 | 0.0 | 2 | 15.4 | 0 | 0.0 |
| New Jersey | 260 | 188 | 72.3 | 67 | 25.8 | 0 | 0.0 | 4 | 1.5 | 1 | 0.4 |
| Pennsylvania | | | | | | | | | | | |
| Eastern | 212 | 110 | 51.9 | 77 | 36.3 | 9 | 4.2 | 16 | 7.5 | 0 | 0.0 |
| Middle | 141 | 106 | 75.2 | 30 | 21.3 | 2 | 1.4 | 2 | 1.4 | 1 | 0.7 |
| Western | 71 | 56 | 78.9 | 13 | 18.3 | 0 | 0.0 | 1 | 1.4 | 1 | 1.4 |
| Virgin Islands | 16 | 12 | 75.0 | 3 | 18.8 | 0 | 0.0 | 1 | 6.3 | 0 | 0.0 |
| FOURTH CIRCUIT | 1,489 | 1,148 | 77.1 | 279 | 18.7 | 9 | 0.6 | 43 | 2.9 | 10 | 0.7 |
| Maryland | 153 | 91 | 59.5 | 47 | 30.7 | 2 | 1.3 | 12 | 7.8 | 1 | 0.7 |
| North Carolina | | | | | | | | | | | |
| Eastern | 190 | 104 | 54.7 | 78 | 41.1 | 1 | 0.5 | 7 | 3.7 | 0 | 0.0 |
| Middle | 71 | 61 | 85.9 | 9 | 12.7 | 0 | 0.0 | 1 | 1.4 | 0 | 0.0 |
| Western | 175 | 117 | 66.9 | 50 | 28.6 | 4 | 2.3 | 4 | 2.3 | 0 | 0.0 |
| South Carolina | 224 | 182 | 81.3 | 33 | 14.7 | 0 | 0.0 | 8 | 3.6 | 1 | 0.4 |
| Virginia | | | | | | | | | | | |
| Eastern | 417 | 389 | 93.3 | 15 | 3.6 | 1 | 0.2 | 7 | 1.7 | 5 | 1.2 |
| Western | 131 | 91 | 69.5 | 36 | 27.5 | 1 | 0.8 | 2 | 1.5 | 1 | 0.8 |
| West Virginia | | | | | | | | | | | |
| Northern | 70 | 60 | 85.7 | 9 | 12.9 | 0 | 0.0 | 0 | 0.0 | 1 | 1.4 |
| Southern | 58 | 53 | 91.4 | 2 | 3.4 | 0 | 0.0 | 2 | 3.4 | 1 | 1.7 |

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | GOVERNMENT INITIATED DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------|--------------|--|-------------|--|-------------|--------------------------------------|-------------|--------------------------------|------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| FIFTH CIRCUIT | 4,052 | 3,127 | 77.2 | 337 | 8.3 | 450 | 11.1 | 102 | 2.5 | 36 | 0.9 |
| Louisiana | | | | | | | | | | | |
| Eastern | 103 | 77 | 74.8 | 18 | 17.5 | 6 | 5.8 | 1 | 1.0 | 1 | 1.0 |
| Middle | 25 | 20 | 80.0 | 4 | 16.0 | 0 | 0.0 | 1 | 4.0 | 0 | 0.0 |
| Western | 102 | 82 | 80.4 | 16 | 15.7 | 0 | 0.0 | 1 | 1.0 | 3 | 2.9 |
| Mississippi | | | | | | | | | | | |
| Northern | 46 | 28 | 60.9 | 13 | 28.3 | 2 | 4.3 | 2 | 4.3 | 1 | 2.2 |
| Southern | 149 | 123 | 82.6 | 21 | 14.1 | 0 | 0.0 | 4 | 2.7 | 1 | 0.7 |
| Texas | | | | | | | | | | | |
| Eastern | 162 | 149 | 92.0 | 10 | 6.2 | 1 | 0.6 | 2 | 1.2 | 0 | 0.0 |
| Northern | 249 | 212 | 85.1 | 24 | 9.6 | 3 | 1.2 | 6 | 2.4 | 4 | 1.6 |
| Southern | 1,607 | 1,099 | 68.4 | 100 | 6.2 | 336 | 20.9 | 57 | 3.5 | 15 | 0.9 |
| Western | 1,609 | 1,337 | 83.1 | 131 | 8.1 | 102 | 6.3 | 28 | 1.7 | 11 | 0.7 |
| SIXTH CIRCUIT | 1,302 | 908 | 69.7 | 315 | 24.2 | 8 | 0.6 | 65 | 5.0 | 6 | 0.5 |
| Kentucky | | | | | | | | | | | |
| Eastern | 131 | 68 | 51.9 | 62 | 47.3 | 0 | 0.0 | 1 | 0.8 | 0 | 0.0 |
| Western | 86 | 67 | 77.9 | 12 | 14.0 | 2 | 2.3 | 4 | 4.7 | 1 | 1.2 |
| Michigan | | | | | | | | | | | |
| Eastern | 204 | 140 | 68.6 | 55 | 27.0 | 1 | 0.5 | 8 | 3.9 | 0 | 0.0 |
| Western | 104 | 80 | 76.9 | 17 | 16.3 | 0 | 0.0 | 7 | 6.7 | 0 | 0.0 |
| Ohio | | | | | | | | | | | |
| Northern | 250 | 187 | 74.8 | 46 | 18.4 | 0 | 0.0 | 15 | 6.0 | 2 | 0.8 |
| Southern | 133 | 90 | 67.7 | 28 | 21.1 | 0 | 0.0 | 15 | 11.3 | 0 | 0.0 |
| Tennessee | | | | | | | | | | | |
| Eastern | 154 | 103 | 66.9 | 42 | 27.3 | 2 | 1.3 | 5 | 3.2 | 2 | 1.3 |
| Middle | 75 | 57 | 76.0 | 14 | 18.7 | 0 | 0.0 | 3 | 4.0 | 1 | 1.3 |
| Western | 165 | 116 | 70.3 | 39 | 23.6 | 3 | 1.8 | 7 | 4.2 | 0 | 0.0 |
| SEVENTH CIRCUIT | 480 | 359 | 74.8 | 90 | 18.8 | 6 | 1.3 | 20 | 4.2 | 5 | 1.0 |
| Illinois | | | | | | | | | | | |
| Central | 40 | 30 | 75.0 | 9 | 22.5 | 1 | 2.5 | 0 | 0.0 | 0 | 0.0 |
| Northern | 156 | 106 | 67.9 | 38 | 24.4 | 4 | 2.6 | 6 | 3.8 | 2 | 1.3 |
| Southern | 55 | 48 | 87.3 | 4 | 7.3 | 0 | 0.0 | 3 | 5.5 | 0 | 0.0 |
| Indiana | | | | | | | | | | | |
| Northern | 69 | 53 | 76.8 | 14 | 20.3 | 1 | 1.4 | 0 | 0.0 | 1 | 1.4 |
| Southern | 75 | 47 | 62.7 | 22 | 29.3 | 0 | 0.0 | 5 | 6.7 | 1 | 1.3 |
| Wisconsin | | | | | | | | | | | |
| Eastern | 29 | 22 | 75.9 | 2 | 6.9 | 0 | 0.0 | 5 | 17.2 | 0 | 0.0 |
| Western | 56 | 53 | 94.6 | 1 | 1.8 | 0 | 0.0 | 1 | 1.8 | 1 | 1.8 |
| EIGHTH CIRCUIT | 1,214 | 902 | 74.3 | 197 | 16.2 | 45 | 3.7 | 64 | 5.3 | 6 | 0.5 |
| Arkansas | | | | | | | | | | | |
| Eastern | 51 | 41 | 80.4 | 7 | 13.7 | 1 | 2.0 | 1 | 2.0 | 1 | 2.0 |
| Western | 62 | 48 | 77.4 | 14 | 22.6 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Iowa | | | | | | | | | | | |
| Northern | 122 | 102 | 83.6 | 16 | 13.1 | 3 | 2.5 | 0 | 0.0 | 1 | 0.8 |
| Southern | 95 | 65 | 68.4 | 22 | 23.2 | 0 | 0.0 | 7 | 7.4 | 1 | 1.1 |
| Minnesota | 139 | 92 | 66.2 | 21 | 15.1 | 4 | 2.9 | 22 | 15.8 | 0 | 0.0 |
| Missouri | | | | | | | | | | | |
| Eastern | 220 | 167 | 75.9 | 45 | 20.5 | 1 | 0.5 | 6 | 2.7 | 1 | 0.5 |
| Western | 188 | 142 | 75.5 | 40 | 21.3 | 1 | 0.5 | 5 | 2.7 | 0 | 0.0 |
| Nebraska | 197 | 142 | 72.1 | 9 | 4.6 | 29 | 14.7 | 17 | 8.6 | 0 | 0.0 |
| North Dakota | 81 | 54 | 66.7 | 16 | 19.8 | 6 | 7.4 | 5 | 6.2 | 0 | 0.0 |
| South Dakota | 59 | 49 | 83.1 | 7 | 11.9 | 0 | 0.0 | 1 | 1.7 | 2 | 3.4 |

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | GOVERNMENT INITIATED DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|--------------------------|--------------|--|-------------|--|-------------|--------------------------------------|-------------|--------------------------------|------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| NINTH CIRCUIT | 3,463 | 2,036 | 58.8 | 359 | 10.4 | 863 | 24.9 | 172 | 5.0 | 33 | 1.0 |
| Alaska | 34 | 22 | 64.7 | 5 | 14.7 | 2 | 5.9 | 3 | 8.8 | 2 | 5.9 |
| Arizona | 1,094 | 340 | 31.1 | 77 | 7.0 | 627 | 57.3 | 28 | 2.6 | 22 | 2.0 |
| California | | | | | | | | | | | |
| Central | 325 | 284 | 87.4 | 25 | 7.7 | 4 | 1.2 | 12 | 3.7 | 0 | 0.0 |
| Eastern | 234 | 148 | 63.2 | 30 | 12.8 | 42 | 17.9 | 13 | 5.6 | 1 | 0.4 |
| Northern | 215 | 154 | 71.6 | 36 | 16.7 | 11 | 5.1 | 14 | 6.5 | 0 | 0.0 |
| Southern | 697 | 502 | 72.0 | 36 | 5.2 | 117 | 16.8 | 41 | 5.9 | 1 | 0.1 |
| Guam | 15 | 11 | 73.3 | 4 | 26.7 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Hawaii | 46 | 32 | 69.6 | 12 | 26.1 | 0 | 0.0 | 1 | 2.2 | 1 | 2.2 |
| Idaho | 68 | 31 | 45.6 | 15 | 22.1 | 17 | 25.0 | 4 | 5.9 | 1 | 1.5 |
| Montana | 127 | 112 | 88.2 | 14 | 11.0 | 0 | 0.0 | 0 | 0.0 | 1 | 0.8 |
| Nevada | 126 | 107 | 84.9 | 10 | 7.9 | 3 | 2.4 | 6 | 4.8 | 0 | 0.0 |
| Northern Mariana Islands | 5 | 5 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Oregon | 159 | 95 | 59.7 | 36 | 22.6 | 2 | 1.3 | 24 | 15.1 | 2 | 1.3 |
| Washington | | | | | | | | | | | |
| Eastern | 103 | 77 | 74.8 | 18 | 17.5 | 1 | 1.0 | 7 | 6.8 | 0 | 0.0 |
| Western | 215 | 116 | 54.0 | 41 | 19.1 | 37 | 17.2 | 19 | 8.8 | 2 | 0.9 |
| TENTH CIRCUIT | 1,462 | 1,037 | 70.9 | 154 | 10.5 | 214 | 14.6 | 47 | 3.2 | 10 | 0.7 |
| Colorado | 177 | 116 | 65.5 | 47 | 26.6 | 4 | 2.3 | 10 | 5.6 | 0 | 0.0 |
| Kansas | 201 | 161 | 80.1 | 32 | 15.9 | 3 | 1.5 | 3 | 1.5 | 2 | 1.0 |
| New Mexico | 657 | 410 | 62.4 | 19 | 2.9 | 206 | 31.4 | 20 | 3.0 | 2 | 0.3 |
| Oklahoma | | | | | | | | | | | |
| Eastern | 30 | 26 | 86.7 | 3 | 10.0 | 0 | 0.0 | 0 | 0.0 | 1 | 3.3 |
| Northern | 52 | 41 | 78.8 | 10 | 19.2 | 0 | 0.0 | 1 | 1.9 | 0 | 0.0 |
| Western | 75 | 57 | 76.0 | 15 | 20.0 | 0 | 0.0 | 1 | 1.3 | 2 | 2.7 |
| Utah | 211 | 187 | 88.6 | 14 | 6.6 | 0 | 0.0 | 8 | 3.8 | 2 | 0.9 |
| Wyoming | 59 | 39 | 66.1 | 14 | 23.7 | 1 | 1.7 | 4 | 6.8 | 1 | 1.7 |
| ELEVENTH CIRCUIT | 1,761 | 1,372 | 77.9 | 309 | 17.5 | 6 | 0.3 | 61 | 3.5 | 13 | 0.7 |
| Alabama | | | | | | | | | | | |
| Middle | 48 | 34 | 70.8 | 12 | 25.0 | 1 | 2.1 | 1 | 2.1 | 0 | 0.0 |
| Northern | 124 | 83 | 66.9 | 39 | 31.5 | 0 | 0.0 | 2 | 1.6 | 0 | 0.0 |
| Southern | 84 | 55 | 65.5 | 19 | 22.6 | 0 | 0.0 | 9 | 10.7 | 1 | 1.2 |
| Florida | | | | | | | | | | | |
| Middle | 399 | 270 | 67.7 | 110 | 27.6 | 1 | 0.3 | 16 | 4.0 | 2 | 0.5 |
| Northern | 95 | 73 | 76.8 | 20 | 21.1 | 0 | 0.0 | 1 | 1.1 | 1 | 1.1 |
| Southern | 651 | 572 | 87.9 | 55 | 8.4 | 3 | 0.5 | 19 | 2.9 | 2 | 0.3 |
| Georgia | | | | | | | | | | | |
| Middle | 91 | 67 | 73.6 | 23 | 25.3 | 0 | 0.0 | 0 | 0.0 | 1 | 1.1 |
| Northern | 152 | 128 | 84.2 | 12 | 7.9 | 1 | 0.7 | 8 | 5.3 | 3 | 2.0 |
| Southern | 117 | 90 | 76.9 | 19 | 16.2 | 0 | 0.0 | 5 | 4.3 | 3 | 2.6 |

Of the 18,788 guideline cases, 91 cases with no analogous guidelines were excluded from the table. Of the remaining 18,697 cases, 1,193 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: South Dakota (56.0%), Eastern Wisconsin (50.0%), Eastern Arkansas (45.7%), Central California (32.6%), Middle Georgia (23.5%), New Hampshire (22.7%), Eastern Virginia (20.7%), Western Wisconsin (20.0%), Arizona (19.3%), Northern Mariana Islands (16.7%), Southern Georgia (16.4%), Western Oklahoma (15.7%), Northern Iowa (14.1%), Southern Indiana (12.8%), Oregon (9.1%), Western Washington (8.9%), Delaware (7.1%), Eastern Pennsylvania (7.0%), Southern California (6.9%), Northern New York (6.8%), Southern West Virginia (6.5%), Southern Florida (6.2%), Virgin Islands (5.9%), Utah (5.8%), Western Louisiana (5.6%), Alaska (5.6%), Massachusetts (5.5%), Western Kentucky (5.5%), and Western Pennsylvania (5.3%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, Pre-Booker Only Cases (October 1, 2004, through January 11, 2005).

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2005, Pre-Booker (October 1, 2004, through January 11, 2005)**

National

| PRIMARY OFFENSE | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | GOVERNMENT INITIATED DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------------|---------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------------|------------|--------------------------|------------|------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| TOTAL | 17,484 | 12,396 | 70.9 | 2,569 | 14.7 | 1,639 | 9.4 | 752 | 4.3 | 128 | 0.7 |
| Robbery | 332 | 258 | 77.7 | 50 | 15.1 | 4 | 1.2 | 18 | 5.4 | 2 | 0.6 |
| Drugs - Trafficking | 5,796 | 3,695 | 63.8 | 1,504 | 25.9 | 350 | 6.0 | 234 | 4.0 | 13 | 0.2 |
| Drugs - Simple Possession | 151 | 138 | 91.4 | 3 | 2.0 | 0 | 0.0 | 2 | 1.3 | 8 | 5.3 |
| Firearms | 2,201 | 1,719 | 78.1 | 309 | 14.0 | 36 | 1.6 | 116 | 5.3 | 21 | 1.0 |
| Larceny | 437 | 381 | 87.2 | 29 | 6.6 | 0 | 0.0 | 23 | 5.3 | 4 | 0.9 |
| Fraud | 1,595 | 1,207 | 75.7 | 273 | 17.1 | 18 | 1.1 | 86 | 5.4 | 11 | 0.7 |
| Embezzlement | 159 | 142 | 89.3 | 8 | 5.0 | 1 | 0.6 | 8 | 5.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 265 | 206 | 77.7 | 32 | 12.1 | 6 | 2.3 | 17 | 6.4 | 4 | 1.5 |
| Immigration | 4,598 | 3,167 | 68.9 | 103 | 2.2 | 1,155 | 25.1 | 138 | 3.0 | 35 | 0.8 |
| Other Miscellaneous Offenses | 1,950 | 1,483 | 76.1 | 258 | 13.2 | 69 | 3.5 | 110 | 5.6 | 30 | 1.5 |

Arkansas

| PRIMARY OFFENSE | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | GOVERNMENT INITIATED DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------------|------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------------|------------|--------------------------|------------|------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| TOTAL | 113 | 89 | 78.8 | 21 | 18.6 | 1 | 0.9 | 1 | 0.9 | 1 | 0.9 |
| Robbery | 3 | 3 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Trafficking | 32 | 21 | 65.6 | 11 | 34.4 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Simple Possession | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Firearms | 5 | 4 | 80.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 20.0 |
| Larceny | 6 | 4 | 66.7 | 2 | 33.3 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Fraud | 19 | 14 | 73.7 | 4 | 21.1 | 1 | 5.3 | 0 | 0.0 | 0 | 0.0 |
| Embezzlement | 3 | 3 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 10 | 6 | 60.0 | 4 | 40.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 22 | 22 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Other Miscellaneous Offenses | 13 | 12 | 92.3 | 0 | 0.0 | 0 | 0.0 | 1 | 7.7 | 0 | 0.0 |

Of the 18,788 guideline cases, 1,304 cases were excluded due to one or more of the following reasons: no analogous guidelines (91), missing or indeterminable departure information (1,193), or missing primary offense category (30).

Of the 157 guideline cases from the State of Arkansas, 44 cases were excluded due to one of the following reasons: no analogous guidelines (1) or missing or indeterminable departure information (43).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, Pre-Booker Only Cases (October 1, 2004, through January 11, 2005).

SECTION THREE: *Post-Booker*
(January 12, 2005, through September 30, 2005)

Table 2

MODE OF CONVICTION BY CIRCUIT AND DISTRICT
Fiscal Year 2005, Post-Booker (January 12, 2005, through September 30, 2005)

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|-----------------------|---------------|---------------|-------------|--------------|-------------|
| | | Number | Percent | Number | Percent |
| TOTAL | 53,630 | 50,655 | 94.5 | 2,975 | 5.5 |
| D.C. CIRCUIT | 385 | 334 | 86.8 | 51 | 13.2 |
| District of Columbia | 385 | 334 | 86.8 | 51 | 13.2 |
| FIRST CIRCUIT | 1,165 | 1,058 | 90.8 | 107 | 9.2 |
| Maine | 160 | 146 | 91.3 | 14 | 8.8 |
| Massachusetts | 357 | 316 | 88.5 | 41 | 11.5 |
| New Hampshire | 132 | 127 | 96.2 | 5 | 3.8 |
| Puerto Rico | 413 | 374 | 90.6 | 39 | 9.4 |
| Rhode Island | 103 | 95 | 92.2 | 8 | 7.8 |
| SECOND CIRCUIT | 3,639 | 3,418 | 93.9 | 221 | 6.1 |
| Connecticut | 317 | 301 | 95.0 | 16 | 5.0 |
| New York | | | | | |
| Eastern | 973 | 913 | 93.8 | 60 | 6.2 |
| Northern | 348 | 335 | 96.3 | 13 | 3.7 |
| Southern | 1,361 | 1,252 | 92.0 | 109 | 8.0 |
| Western | 490 | 468 | 95.5 | 22 | 4.5 |
| Vermont | 150 | 149 | 99.3 | 1 | 0.7 |
| THIRD CIRCUIT | 2,477 | 2,273 | 91.8 | 204 | 8.2 |
| Delaware | 131 | 112 | 85.5 | 19 | 14.5 |
| New Jersey | 740 | 700 | 94.6 | 40 | 5.4 |
| Pennsylvania | | | | | |
| Eastern | 745 | 646 | 86.7 | 99 | 13.3 |
| Middle | 466 | 453 | 97.2 | 13 | 2.8 |
| Western | 315 | 292 | 92.7 | 23 | 7.3 |
| Virgin Islands | 80 | 70 | 87.5 | 10 | 12.5 |
| FOURTH CIRCUIT | 4,928 | 4,627 | 93.9 | 301 | 6.1 |
| Maryland | 562 | 511 | 90.9 | 51 | 9.1 |
| North Carolina | | | | | |
| Eastern | 529 | 501 | 94.7 | 28 | 5.3 |
| Middle | 394 | 373 | 94.7 | 21 | 5.3 |
| Western | 429 | 399 | 93.0 | 30 | 7.0 |
| South Carolina | 773 | 741 | 95.9 | 32 | 4.1 |
| Virginia | | | | | |
| Eastern | 1,293 | 1,201 | 92.9 | 92 | 7.1 |
| Western | 467 | 447 | 95.7 | 20 | 4.3 |
| West Virginia | | | | | |
| Northern | 217 | 208 | 95.9 | 9 | 4.1 |
| Southern | 264 | 246 | 93.2 | 18 | 6.8 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|------------------------|---------------|---------------|-------------|------------|------------|
| | | Number | Percent | Number | Percent |
| FIFTH CIRCUIT | 11,327 | 10,908 | 96.3 | 419 | 3.7 |
| Louisiana | | | | | |
| Eastern | 289 | 277 | 95.8 | 12 | 4.2 |
| Middle | 135 | 132 | 97.8 | 3 | 2.2 |
| Western | 301 | 264 | 87.7 | 37 | 12.3 |
| Mississippi | | | | | |
| Northern | 150 | 138 | 92.0 | 12 | 8.0 |
| Southern | 255 | 241 | 94.5 | 14 | 5.5 |
| Texas | | | | | |
| Eastern | 546 | 512 | 93.8 | 34 | 6.2 |
| Northern | 654 | 602 | 92.0 | 52 | 8.0 |
| Southern | 4,797 | 4,634 | 96.6 | 163 | 3.4 |
| Western | 4,200 | 4,108 | 97.8 | 92 | 2.2 |
| SIXTH CIRCUIT | 4,017 | 3,748 | 93.3 | 269 | 6.7 |
| Kentucky | | | | | |
| Eastern | 361 | 347 | 96.1 | 14 | 3.9 |
| Western | 309 | 295 | 95.5 | 14 | 4.5 |
| Michigan | | | | | |
| Eastern | 541 | 495 | 91.5 | 46 | 8.5 |
| Western | 282 | 270 | 95.7 | 12 | 4.3 |
| Ohio | | | | | |
| Northern | 776 | 736 | 94.8 | 40 | 5.2 |
| Southern | 478 | 449 | 93.9 | 29 | 6.1 |
| Tennessee | | | | | |
| Eastern | 494 | 440 | 89.1 | 54 | 10.9 |
| Middle | 302 | 280 | 92.7 | 22 | 7.3 |
| Western | 474 | 436 | 92.0 | 38 | 8.0 |
| SEVENTH CIRCUIT | 2,290 | 2,098 | 91.6 | 192 | 8.4 |
| Illinois | | | | | |
| Central | 273 | 253 | 92.7 | 20 | 7.3 |
| Northern | 858 | 777 | 90.6 | 81 | 9.4 |
| Southern | 215 | 205 | 95.3 | 10 | 4.7 |
| Indiana | | | | | |
| Northern | 306 | 275 | 89.9 | 31 | 10.1 |
| Southern | 215 | 191 | 88.8 | 24 | 11.2 |
| Wisconsin | | | | | |
| Eastern | 287 | 265 | 92.3 | 22 | 7.7 |
| Western | 136 | 132 | 97.1 | 4 | 2.9 |
| EIGHTH CIRCUIT | 3,597 | 3,388 | 94.2 | 209 | 5.8 |
| Arkansas | | | | | |
| Eastern | 214 | 206 | 96.3 | 8 | 3.7 |
| Western | 138 | 136 | 98.6 | 2 | 1.4 |
| Iowa | | | | | |
| Northern | 244 | 222 | 91.0 | 22 | 9.0 |
| Southern | 275 | 258 | 93.8 | 17 | 6.2 |
| Minnesota | 379 | 349 | 92.1 | 30 | 7.9 |
| Missouri | | | | | |
| Eastern | 728 | 698 | 95.9 | 30 | 4.1 |
| Western | 557 | 523 | 93.9 | 34 | 6.1 |
| Nebraska | 586 | 560 | 95.6 | 26 | 4.4 |
| North Dakota | 164 | 150 | 91.5 | 14 | 8.5 |
| South Dakota | 312 | 286 | 91.7 | 26 | 8.3 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|--------------------------|---------------|--------------|-------------|------------|------------|
| | | Number | Percent | Number | Percent |
| NINTH CIRCUIT | 10,463 | 9,972 | 95.3 | 491 | 4.7 |
| Alaska | 173 | 164 | 94.8 | 9 | 5.2 |
| Arizona | 3,160 | 3,106 | 98.3 | 54 | 1.7 |
| California | | | | | |
| Central | 1,390 | 1,290 | 92.8 | 100 | 7.2 |
| Eastern | 677 | 649 | 95.9 | 28 | 4.1 |
| Northern | 549 | 523 | 95.3 | 26 | 4.7 |
| Southern | 1,788 | 1,681 | 94.0 | 107 | 6.0 |
| Guam | 91 | 87 | 95.6 | 4 | 4.4 |
| Hawaii | 356 | 333 | 93.5 | 23 | 6.5 |
| Idaho | 152 | 146 | 96.1 | 6 | 3.9 |
| Montana | 271 | 233 | 86.0 | 38 | 14.0 |
| Nevada | 443 | 424 | 95.7 | 19 | 4.3 |
| Northern Mariana Islands | 24 | 19 | 79.2 | 5 | 20.8 |
| Oregon | 447 | 439 | 98.2 | 8 | 1.8 |
| Washington | | | | | |
| Eastern | 311 | 287 | 92.3 | 24 | 7.7 |
| Western | 631 | 591 | 93.7 | 40 | 6.3 |
| TENTH CIRCUIT | 4,225 | 4,064 | 96.2 | 161 | 3.8 |
| Colorado | 445 | 423 | 95.1 | 22 | 4.9 |
| Kansas | 468 | 439 | 93.8 | 29 | 6.2 |
| New Mexico | 1,904 | 1,873 | 98.4 | 31 | 1.6 |
| Oklahoma | | | | | |
| Eastern | 69 | 61 | 88.4 | 8 | 11.6 |
| Northern | 149 | 133 | 89.3 | 16 | 10.7 |
| Western | 256 | 243 | 94.9 | 13 | 5.1 |
| Utah | 715 | 683 | 95.5 | 32 | 4.5 |
| Wyoming | 219 | 209 | 95.4 | 10 | 4.6 |
| ELEVENTH CIRCUIT | 5,117 | 4,767 | 93.2 | 350 | 6.8 |
| Alabama | | | | | |
| Middle | 163 | 155 | 95.1 | 8 | 4.9 |
| Northern | 347 | 334 | 96.3 | 13 | 3.7 |
| Southern | 245 | 236 | 96.3 | 9 | 3.7 |
| Florida | | | | | |
| Middle | 1,302 | 1,232 | 94.6 | 70 | 5.4 |
| Northern | 239 | 209 | 87.4 | 30 | 12.6 |
| Southern | 1,667 | 1,533 | 92.0 | 134 | 8.0 |
| Georgia | | | | | |
| Middle | 319 | 294 | 92.2 | 25 | 7.8 |
| Northern | 544 | 490 | 90.1 | 54 | 9.9 |
| Southern | 291 | 284 | 97.6 | 7 | 2.4 |

Of the 53,674 guideline cases, 44 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, Post-Booker Only Cases (January 12, 2005, through September 30, 2005).

Table 3

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2005, Post-Booker (January 12, 2005, through September 30, 2005)**

| PRIMARY OFFENSE | TOTAL | National | | | | Arkansas | | | |
|---|---------------|---------------|-------------|--------------|------------|------------|-------------|-----------|------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 53,624 | 50,649 | 94.5 | 2,975 | 5.5 | 342 | 97.2 | 10 | 2.8 |
| Murder | 63 | 42 | 66.7 | 21 | 33.3 | 0 | -- | 0 | -- |
| Manslaughter | 42 | 37 | 88.1 | 5 | 11.9 | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 24 | 13 | 54.2 | 11 | 45.8 | 0 | -- | 0 | -- |
| Sexual Abuse | 237 | 209 | 88.2 | 28 | 11.8 | 2 | 100.0 | 0 | 0.0 |
| Assault | 456 | 405 | 88.8 | 51 | 11.2 | 1 | 100.0 | 0 | 0.0 |
| Robbery | 1,021 | 955 | 93.5 | 66 | 6.5 | 8 | 88.9 | 1 | 11.1 |
| Arson | 40 | 31 | 77.5 | 9 | 22.5 | 0 | -- | 0 | -- |
| Drugs - Trafficking | 18,356 | 17,230 | 93.9 | 1,126 | 6.1 | 105 | 98.1 | 2 | 1.9 |
| Drugs - Communication Facility | 309 | 306 | 99.0 | 3 | 1.0 | 3 | 100.0 | 0 | 0.0 |
| Drugs - Simple Possession | 721 | 704 | 97.6 | 17 | 2.4 | 2 | 100.0 | 0 | 0.0 |
| Firearms | 6,384 | 5,801 | 90.9 | 583 | 9.1 | 52 | 94.5 | 3 | 5.5 |
| Burglary/B&E | 29 | 27 | 93.1 | 2 | 6.9 | 2 | 100.0 | 0 | 0.0 |
| Auto Theft | 47 | 42 | 89.4 | 5 | 10.6 | 0 | -- | 0 | -- |
| Larceny | 1,424 | 1,378 | 96.8 | 46 | 3.2 | 9 | 100.0 | 0 | 0.0 |
| Fraud | 5,075 | 4,734 | 93.3 | 341 | 6.7 | 42 | 97.7 | 1 | 2.3 |
| Embezzlement | 413 | 402 | 97.3 | 11 | 2.7 | 5 | 100.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 795 | 773 | 97.2 | 22 | 2.8 | 7 | 100.0 | 0 | 0.0 |
| Bribery | 157 | 147 | 93.6 | 10 | 6.4 | 1 | 100.0 | 0 | 0.0 |
| Tax | 461 | 412 | 89.4 | 49 | 10.6 | 3 | 75.0 | 1 | 25.0 |
| Money Laundering | 717 | 626 | 87.3 | 91 | 12.7 | 1 | 100.0 | 0 | 0.0 |
| Racketeering/Extortion | 523 | 458 | 87.6 | 65 | 12.4 | 3 | 75.0 | 1 | 25.0 |
| Gambling/Lottery | 82 | 81 | 98.8 | 1 | 1.2 | 0 | -- | 0 | -- |
| Civil Rights | 46 | 34 | 73.9 | 12 | 26.1 | 1 | 100.0 | 0 | 0.0 |
| Immigration | 12,862 | 12,627 | 98.2 | 235 | 1.8 | 49 | 100.0 | 0 | 0.0 |
| Pornography/Prostitution | 900 | 860 | 95.6 | 40 | 4.4 | 13 | 100.0 | 0 | 0.0 |
| Prison Offenses | 278 | 271 | 97.5 | 7 | 2.5 | 4 | 100.0 | 0 | 0.0 |
| Administration of Justice Offenses | 779 | 724 | 92.9 | 55 | 7.1 | 14 | 100.0 | 0 | 0.0 |
| Environmental/Wildlife | 133 | 131 | 98.5 | 2 | 1.5 | 5 | 100.0 | 0 | 0.0 |
| National Defense | 19 | 17 | 89.5 | 2 | 10.5 | 2 | 100.0 | 0 | 0.0 |
| Antitrust | 12 | 11 | 91.7 | 1 | 8.3 | 0 | -- | 0 | -- |
| Food & Drug | 57 | 54 | 94.7 | 3 | 5.3 | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 1,162 | 1,107 | 95.3 | 55 | 4.7 | 8 | 88.9 | 1 | 11.1 |

Of the 53,674 guideline cases, 50 cases were excluded due to one or both of the following reasons: missing primary offense category (24) or missing mode of conviction (44).

Of the 352 guideline cases from the State of Arkansas, no case was excluded.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, PostBooker Only Cases (January 12, 2005, through September 30, 2005).

Table 4

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2005, Post-Booker (January 12, 2005, through September 30, 2005)

National

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 53,241 | 45,238 | 85.0 | 1,678 | 3.2 | 2,108 | 4.0 | 4,217 | 7.9 |
| Murder | 63 | 63 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Manslaughter | 42 | 42 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 24 | 24 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Sexual Abuse | 237 | 221 | 93.2 | 1 | 0.4 | 6 | 2.5 | 9 | 3.8 |
| Assault | 454 | 371 | 81.7 | 11 | 2.4 | 21 | 4.6 | 51 | 11.2 |
| Robbery | 1,011 | 982 | 97.1 | 16 | 1.6 | 5 | 0.5 | 8 | 0.8 |
| Arson | 40 | 39 | 97.5 | 1 | 2.5 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Trafficking | 18,336 | 17,312 | 94.4 | 418 | 2.3 | 262 | 1.4 | 344 | 1.9 |
| Drugs - Communication Facility | 307 | 244 | 79.5 | 16 | 5.2 | 26 | 8.5 | 21 | 6.8 |
| Drugs - Simple Possession | 688 | 411 | 59.7 | 5 | 0.7 | 14 | 2.0 | 258 | 37.5 |
| Firearms | 6,369 | 5,763 | 90.5 | 181 | 2.8 | 205 | 3.2 | 220 | 3.5 |
| Burglary/B&E | 29 | 21 | 72.4 | 3 | 10.3 | 1 | 3.4 | 4 | 13.8 |
| Auto Theft | 47 | 42 | 89.4 | 2 | 4.3 | 1 | 2.1 | 2 | 4.3 |
| Larceny | 1,348 | 538 | 39.9 | 90 | 6.7 | 188 | 13.9 | 532 | 39.5 |
| Fraud | 5,036 | 3,086 | 61.3 | 407 | 8.1 | 569 | 11.3 | 974 | 19.3 |
| Embezzlement | 398 | 139 | 34.9 | 56 | 14.1 | 57 | 14.3 | 146 | 36.7 |
| Forgery/Counterfeiting | 791 | 483 | 61.1 | 52 | 6.6 | 92 | 11.6 | 164 | 20.7 |
| Bribery | 157 | 67 | 42.7 | 22 | 14.0 | 25 | 15.9 | 43 | 27.4 |
| Tax | 456 | 206 | 45.2 | 61 | 13.4 | 95 | 20.8 | 94 | 20.6 |
| Money Laundering | 716 | 526 | 73.5 | 35 | 4.9 | 64 | 8.9 | 91 | 12.7 |
| Racketeering/Extortion | 522 | 460 | 88.1 | 12 | 2.3 | 15 | 2.9 | 35 | 6.7 |
| Gambling/Lottery | 82 | 17 | 20.7 | 5 | 6.1 | 26 | 31.7 | 34 | 41.5 |
| Civil Rights | 45 | 28 | 62.2 | 2 | 4.4 | 8 | 17.8 | 7 | 15.6 |
| Immigration | 12,849 | 12,203 | 95.0 | 151 | 1.2 | 136 | 1.1 | 359 | 2.8 |
| Pornography/Prostitution | 900 | 836 | 92.9 | 17 | 1.9 | 28 | 3.1 | 19 | 2.1 |
| Prison Offenses | 278 | 248 | 89.2 | 9 | 3.2 | 7 | 2.5 | 14 | 5.0 |
| Administration of Justice Offenses | 766 | 455 | 59.4 | 41 | 5.4 | 102 | 13.3 | 168 | 21.9 |
| Environmental/Wildlife | 123 | 27 | 22.0 | 8 | 6.5 | 20 | 16.3 | 68 | 55.3 |
| National Defense | 18 | 14 | 77.8 | 1 | 5.6 | 1 | 5.6 | 2 | 11.1 |
| Antitrust | 12 | 6 | 50.0 | 3 | 25.0 | 1 | 8.3 | 2 | 16.7 |
| Food & Drug | 52 | 10 | 19.2 | 3 | 5.8 | 10 | 19.2 | 29 | 55.8 |
| Other Miscellaneous Offenses | 1,045 | 354 | 33.9 | 49 | 4.7 | 123 | 11.8 | 519 | 49.7 |

Of the 53,674 guideline cases, 433 cases were excluded due to one or more of the following reasons: missing sentencing information (102), missing primary offense category (24), or cases in which the defendant received no imprisonment or probation (325).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, PostBooker Only Cases (January 12, 2005, through September 30, 2005).

Table 5

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2005, Post-Booker (January 12, 2005, through September 30, 2005)

Arkansas

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|------------|------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 351 | 286 | 81.5 | 13 | 3.7 | 21 | 6.0 | 31 | 8.8 |
| Murder | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Manslaughter | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Sexual Abuse | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Assault | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Robbery | 9 | 8 | 88.9 | 0 | 0.0 | 1 | 11.1 | 0 | 0.0 |
| Arson | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Drugs - Trafficking | 107 | 99 | 92.5 | 2 | 1.9 | 4 | 3.7 | 2 | 1.9 |
| Drugs - Communication Facility | 3 | 3 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Simple Possession | 2 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 2 | 100.0 |
| Firearms | 55 | 51 | 92.7 | 0 | 0.0 | 3 | 5.5 | 1 | 1.8 |
| Burglary/B&E | 2 | 0 | 0.0 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 |
| Auto Theft | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Larceny | 9 | 2 | 22.2 | 0 | 0.0 | 0 | 0.0 | 7 | 77.8 |
| Fraud | 43 | 30 | 69.8 | 4 | 9.3 | 5 | 11.6 | 4 | 9.3 |
| Embezzlement | 5 | 2 | 40.0 | 2 | 40.0 | 0 | 0.0 | 1 | 20.0 |
| Forgery/Counterfeiting | 7 | 6 | 85.7 | 0 | 0.0 | 0 | 0.0 | 1 | 14.3 |
| Bribery | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Tax | 4 | 1 | 25.0 | 1 | 25.0 | 1 | 25.0 | 1 | 25.0 |
| Money Laundering | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Racketeering/Extortion | 4 | 4 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Gambling/Lottery | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Civil Rights | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 49 | 47 | 95.9 | 0 | 0.0 | 0 | 0.0 | 2 | 4.1 |
| Pornography/Prostitution | 13 | 10 | 76.9 | 0 | 0.0 | 1 | 7.7 | 2 | 15.4 |
| Prison Offenses | 4 | 4 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Administration of Justice Offenses | 14 | 8 | 57.1 | 0 | 0.0 | 3 | 21.4 | 3 | 21.4 |
| Environmental/Wildlife | 4 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 4 | 100.0 |
| National Defense | 2 | 1 | 50.0 | 1 | 50.0 | 0 | 0.0 | 0 | 0.0 |
| Antitrust | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Food & Drug | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 9 | 4 | 44.4 | 1 | 11.1 | 3 | 33.3 | 1 | 11.1 |

Of the 352 guideline cases from the State of Arkansas, one case was excluded due cases in which the defendant received no imprisonment or probation.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, Post-Booker Only Cases (January 12, 2005, through September 30, 2005).

Table 6

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2005, Post-Booker (January 12, 2005, through September 30, 2005)**

| PRIMARY OFFENSE | TOTAL | National | | | | Arkansas | | | |
|-------------------------------------|--------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
| | | Prison Sentence | | Non-Prison Sentence | | Prison Sentence | | Non-Prison Sentence | |
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 8,969 | 5,106 | 56.9 | 3,863 | 43.1 | 41 | 60.3 | 27 | 39.7 |
| Fraud | 1,764 | 759 | 43.0 | 1,005 | 57.0 | 10 | 66.7 | 5 | 33.3 |
| Larceny | 787 | 164 | 20.8 | 623 | 79.2 | 0 | 0.0 | 7 | 100.0 |
| Immigration | 3,589 | 3,209 | 89.4 | 380 | 10.6 | 18 | 94.7 | 1 | 5.3 |
| Embezzlement | 222 | 48 | 21.6 | 174 | 78.4 | 2 | 100.0 | 0 | 0.0 |
| Drugs - Trafficking | 388 | 192 | 49.5 | 196 | 50.5 | 1 | 100.0 | 0 | 0.0 |
| Drugs - Simple Possession | 352 | 135 | 38.4 | 217 | 61.6 | 0 | 0.0 | 2 | 100.0 |
| Firearms | 275 | 132 | 48.0 | 143 | 52.0 | 0 | 0.0 | 2 | 100.0 |
| Forgery/Counterfeiting | 311 | 120 | 38.6 | 191 | 61.4 | 2 | 66.7 | 1 | 33.3 |
| Other Miscellaneous Offenses | 1,281 | 347 | 27.1 | 934 | 72.9 | 8 | 47.1 | 9 | 52.9 |

Of the 53,674 guideline cases, 44,705 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (44,698), missing sentencing information (102), or missing primary offense category (24).

Of the 352 guideline cases from the State of Arkansas, 284 cases were excluded due to defendant ineligible for non-prison alternatives.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, Post-Booker Only Cases (January 12, 2005, through September 30, 2005).

Table 7

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2005, Post-Booker (January 12, 2005, through September 30, 2005)**

| PRIMARY OFFENSE | National | | | Arkansas | | |
|---|----------------|------------------|---------------|----------------|------------------|------------|
| | Mean Months | Median Months | Number | Mean Months | Median Months | Number |
| TOTAL | 58.5 | 36.0 | 46,459 | 59.0 | 36.5 | 296 |
| Murder | 228.4 | 180.0 | 63 | -- | -- | 0 |
| Manslaughter | 45.9 | 36.0 | 42 | -- | -- | 0 |
| Kidnapping/Hostage Taking | 224.6 | 199.0 | 24 | -- | -- | 0 |
| Sexual Abuse | 95.9 | 60.0 | 222 | -- | -- | 2 |
| Assault | 44.0 | 35.5 | 376 | -- | -- | 1 |
| Robbery | 95.4 | 74.5 | 996 | 79.8 | 66.5 | 8 |
| Arson | 75.2 | 60.0 | 40 | -- | -- | 0 |
| Drugs - Trafficking | 84.4 | 60.0 | 17,698 | 88.4 | 70.0 | 101 |
| Drugs - Communication Facility | 41.4 | 41.0 | 253 | 34.0 | 42.0 | 3 |
| Drugs - Simple Possession | 12.7 | 6.0 | 391 | -- | -- | 0 |
| Firearms | 81.4 | 51.0 | 5,935 | 77.8 | 46.0 | 51 |
| Burglary/B&E | 19.1 | 19.5 | 24 | -- | -- | 2 |
| Auto Theft | 61.6 | 26.0 | 44 | -- | -- | 0 |
| Larceny | 19.9 | 12.0 | 625 | -- | -- | 2 |
| Fraud | 23.6 | 15.0 | 3,440 | 19.2 | 12.0 | 34 |
| Embezzlement | 13.0 | 9.0 | 194 | 14.8 | 2.0 | 4 |
| Forgery/Counterfeiting | 19.8 | 15.0 | 528 | 12.5 | 10.2 | 6 |
| Bribery | 21.2 | 15.0 | 89 | -- | -- | 1 |
| Tax | 19.7 | 12.0 | 267 | -- | -- | 2 |
| Money Laundering | 46.0 | 30.0 | 557 | -- | -- | 1 |
| Racketeering/Extortion | 86.2 | 59.5 | 470 | 138.3 | 102.0 | 4 |
| Gambling/Lottery | 11.1 | 12.0 | 22 | -- | -- | 0 |
| Civil Rights | 80.1 | 21.5 | 30 | -- | -- | 1 |
| Immigration | 23.5 | 18.0 | 12,065 | 20.6 | 11.0 | 44 |
| Pornography/Prostitution | 82.4 | 60.0 | 853 | 95.2 | 88.0 | 10 |
| Prison Offenses | 18.3 | 14.0 | 257 | 13.8 | 10.5 | 4 |
| Administration of Justice Offenses | 24.0 | 15.0 | 485 | 19.8 | 18.0 | 8 |
| Environmental/Wildlife | 10.5 | 5.9 | 34 | -- | -- | 0 |
| National Defense | 126.7 | 27.0 | 15 | -- | -- | 2 |
| Antitrust | 10.3 | 8.0 | 9 | -- | -- | 0 |
| Food & Drug | 18.4 | 16.0 | 13 | -- | -- | 0 |
| Other Miscellaneous Offenses | 18.4 | 6.2 | 398 | 6.6 | 6.0 | 5 |

Of the 53,674 guideline cases, 7,215 excluded for one or more of the following reasons: zero months prison ordered (6,776), missing primary offense category (24), or missing or indeterminable sentencing information (435).

Of the 352 guideline cases from the State of Arkansas, 56 cases were excluded due to one of the following reasons: zero prison months ordered (55) or missing or indeterminable sentencing information (1).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, Post-Booker Only Cases (January 12, 2005, through September 30, 2005).

Table 8

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT
Fiscal Year 2005, Post-Booker (January 12, 2005, through September 30, 2005)**

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | ABOVE RANGE DEPARTURE | | ABOVE RANGE DEPARTURE W/BOOKER | | ABOVE RANGE W/BOOKER | | REMAINING ABOVE RANGE | |
|-----------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| TOTAL | 51,346 | 31,623 | 61.6 | 100 | 0.2 | 36 | 0.1 | 343 | 0.7 | 342 | 0.7 |
| D.C. CIRCUIT | 378 | 200 | 52.9 | 0 | 0.0 | 0 | 0.0 | 3 | 0.8 | 4 | 1.1 |
| District of Columbia | 378 | 200 | 52.9 | 0 | 0.0 | 0 | 0.0 | 3 | 0.8 | 4 | 1.1 |
| FIRST CIRCUIT | 1,132 | 717 | 63.3 | 1 | 0.1 | 1 | 0.1 | 21 | 1.9 | 8 | 0.7 |
| Maine | 160 | 116 | 72.5 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 0.6 |
| Massachusetts | 336 | 169 | 50.3 | 1 | 0.3 | 0 | 0.0 | 1 | 0.3 | 2 | 0.6 |
| New Hampshire | 132 | 73 | 55.3 | 0 | 0.0 | 0 | 0.0 | 4 | 3.0 | 1 | 0.8 |
| Puerto Rico | 404 | 292 | 72.3 | 0 | 0.0 | 0 | 0.0 | 15 | 3.7 | 2 | 0.5 |
| Rhode Island | 100 | 67 | 67.0 | 0 | 0.0 | 1 | 1.0 | 1 | 1.0 | 2 | 2.0 |
| SECOND CIRCUIT | 3,536 | 1,789 | 50.6 | 2 | 0.1 | 1 | 0.0 | 15 | 0.4 | 21 | 0.6 |
| Connecticut | 312 | 144 | 46.2 | 1 | 0.3 | 0 | 0.0 | 0 | 0.0 | 3 | 1.0 |
| New York | | | | | | | | | | | |
| Eastern | 968 | 333 | 34.4 | 1 | 0.1 | 0 | 0.0 | 12 | 1.2 | 8 | 0.8 |
| Northern | 327 | 189 | 57.8 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 2 | 0.6 |
| Southern | 1,299 | 778 | 59.9 | 0 | 0.0 | 1 | 0.1 | 3 | 0.2 | 6 | 0.5 |
| Western | 480 | 267 | 55.6 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 2 | 0.4 |
| Vermont | 150 | 78 | 52.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| THIRD CIRCUIT | 2,449 | 1,250 | 51.0 | 4 | 0.2 | 2 | 0.1 | 15 | 0.6 | 13 | 0.5 |
| Delaware | 131 | 85 | 64.9 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| New Jersey | 729 | 365 | 50.1 | 1 | 0.1 | 0 | 0.0 | 4 | 0.5 | 5 | 0.7 |
| Pennsylvania | | | | | | | | | | | |
| Eastern | 731 | 303 | 41.5 | 1 | 0.1 | 2 | 0.3 | 5 | 0.7 | 4 | 0.5 |
| Middle | 465 | 214 | 46.0 | 2 | 0.4 | 0 | 0.0 | 3 | 0.6 | 3 | 0.6 |
| Western | 314 | 215 | 68.5 | 0 | 0.0 | 0 | 0.0 | 3 | 1.0 | 1 | 0.3 |
| Virgin Islands | 79 | 68 | 86.1 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| FOURTH CIRCUIT | 4,599 | 3,045 | 66.2 | 11 | 0.2 | 4 | 0.1 | 28 | 0.6 | 23 | 0.5 |
| Maryland | 526 | 254 | 48.3 | 2 | 0.4 | 0 | 0.0 | 2 | 0.4 | 4 | 0.8 |
| North Carolina | | | | | | | | | | | |
| Eastern | 518 | 276 | 53.3 | 2 | 0.4 | 0 | 0.0 | 0 | 0.0 | 4 | 0.8 |
| Middle | 393 | 296 | 75.3 | 1 | 0.3 | 0 | 0.0 | 3 | 0.8 | 1 | 0.3 |
| Western | 423 | 254 | 60.0 | 0 | 0.0 | 0 | 0.0 | 3 | 0.7 | 1 | 0.2 |
| South Carolina | 761 | 527 | 69.3 | 3 | 0.4 | 0 | 0.0 | 1 | 0.1 | 2 | 0.3 |
| Virginia | | | | | | | | | | | |
| Eastern | 1,042 | 800 | 76.8 | 0 | 0.0 | 3 | 0.3 | 15 | 1.4 | 4 | 0.4 |
| Western | 467 | 277 | 59.3 | 2 | 0.4 | 0 | 0.0 | 2 | 0.4 | 5 | 1.1 |
| West Virginia | | | | | | | | | | | |
| Northern | 213 | 165 | 77.5 | 0 | 0.0 | 0 | 0.0 | 1 | 0.5 | 1 | 0.5 |
| Southern | 256 | 196 | 76.6 | 1 | 0.4 | 1 | 0.4 | 1 | 0.4 | 1 | 0.4 |

Table 8 (cont.)

| CIRCUIT District | §5K1.1 SUBSTANTIAL ASSISTANCE | | §5K3.1 EARLY DISPOSITION | | OTHER GOV'T SPONSORED | | BELOW RANGE DEPARTURE | | BELOW RANGE DEPARTURE W/BOOKER | | BELOW RANGE DEPARTURE W/BOOKER | | REMAINING BELOW RANGE | |
|-----------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|---|-------------|-----------------------------|------------|
| | n | % | n | % | n | % | n | % | n | % | n | % | n | % |
| TOTAL | 7,524 | 14.7 | 3,208 | 6.2 | 1,481 | 2.9 | 1,197 | 2.3 | 487 | 0.9 | 3,199 | 6.2 | 1,806 | 3.5 |
| D.C. CIRCUIT | 103 | 27.2 | 0 | 0.0 | 23 | 6.1 | 4 | 1.1 | 6 | 1.6 | 19 | 5.0 | 16 | 4.2 |
| District of Columbia | 103 | 27.2 | 0 | 0.0 | 23 | 6.1 | 4 | 1.1 | 6 | 1.6 | 19 | 5.0 | 16 | 4.2 |
| FIRST CIRCUIT | 130 | 11.5 | 0 | 0.0 | 27 | 2.4 | 31 | 2.7 | 15 | 1.3 | 106 | 9.4 | 75 | 6.6 |
| Maine | 32 | 20.0 | 0 | 0.0 | 0 | 0.0 | 3 | 1.9 | 0 | 0.0 | 5 | 3.1 | 3 | 1.9 |
| Massachusetts | 32 | 9.5 | 0 | 0.0 | 7 | 2.1 | 21 | 6.3 | 9 | 2.7 | 52 | 15.5 | 42 | 12.5 |
| New Hampshire | 34 | 25.8 | 0 | 0.0 | 8 | 6.1 | 3 | 2.3 | 1 | 0.8 | 6 | 4.5 | 2 | 1.5 |
| Puerto Rico | 29 | 7.2 | 0 | 0.0 | 9 | 2.2 | 4 | 1.0 | 2 | 0.5 | 34 | 8.4 | 17 | 4.2 |
| Rhode Island | 3 | 3.0 | 0 | 0.0 | 3 | 3.0 | 0 | 0.0 | 3 | 3.0 | 9 | 9.0 | 11 | 11.0 |
| SECOND CIRCUIT | 758 | 21.4 | 0 | 0.0 | 109 | 3.1 | 155 | 4.4 | 66 | 1.9 | 369 | 10.4 | 251 | 7.1 |
| Connecticut | 77 | 24.7 | 0 | 0.0 | 1 | 0.3 | 31 | 9.9 | 13 | 4.2 | 22 | 7.1 | 20 | 6.4 |
| New York | | | | | | | | | | | | | | |
| Eastern | 219 | 22.6 | 0 | 0.0 | 73 | 7.5 | 66 | 6.8 | 28 | 2.9 | 139 | 14.4 | 89 | 9.2 |
| Northern | 86 | 26.3 | 0 | 0.0 | 2 | 0.6 | 13 | 4.0 | 3 | 0.9 | 13 | 4.0 | 19 | 5.8 |
| Southern | 177 | 13.6 | 0 | 0.0 | 19 | 1.5 | 37 | 2.8 | 18 | 1.4 | 162 | 12.5 | 98 | 7.5 |
| Western | 152 | 31.7 | 0 | 0.0 | 9 | 1.9 | 3 | 0.6 | 1 | 0.2 | 25 | 5.2 | 21 | 4.4 |
| Vermont | 47 | 31.3 | 0 | 0.0 | 5 | 3.3 | 5 | 3.3 | 3 | 2.0 | 8 | 5.3 | 4 | 2.7 |
| THIRD CIRCUIT | 678 | 27.7 | 0 | 0.0 | 44 | 1.8 | 65 | 2.7 | 21 | 0.9 | 241 | 9.8 | 116 | 4.7 |
| Delaware | 6 | 4.6 | 0 | 0.0 | 5 | 3.8 | 9 | 6.9 | 2 | 1.5 | 18 | 13.7 | 6 | 4.6 |
| New Jersey | 225 | 30.9 | 0 | 0.0 | 7 | 1.0 | 19 | 2.6 | 8 | 1.1 | 71 | 9.7 | 24 | 3.3 |
| Pennsylvania | | | | | | | | | | | | | | |
| Eastern | 232 | 31.7 | 0 | 0.0 | 20 | 2.7 | 12 | 1.6 | 7 | 1.0 | 89 | 12.2 | 56 | 7.7 |
| Middle | 174 | 37.4 | 0 | 0.0 | 10 | 2.2 | 13 | 2.8 | 2 | 0.4 | 38 | 8.2 | 6 | 1.3 |
| Western | 39 | 12.4 | 0 | 0.0 | 2 | 0.6 | 12 | 3.8 | 2 | 0.6 | 23 | 7.3 | 17 | 5.4 |
| Virgin Islands | 2 | 2.5 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 2 | 2.5 | 7 | 8.9 |
| FOURTH CIRCUIT | 847 | 18.4 | 2 | 0.0 | 67 | 1.5 | 73 | 1.6 | 40 | 0.9 | 309 | 6.7 | 150 | 3.3 |
| Maryland | 141 | 26.8 | 0 | 0.0 | 22 | 4.2 | 19 | 3.6 | 6 | 1.1 | 30 | 5.7 | 46 | 8.7 |
| North Carolina | | | | | | | | | | | | | | |
| Eastern | 184 | 35.5 | 0 | 0.0 | 6 | 1.2 | 7 | 1.4 | 5 | 1.0 | 19 | 3.7 | 15 | 2.9 |
| Middle | 45 | 11.5 | 0 | 0.0 | 3 | 0.8 | 4 | 1.0 | 3 | 0.8 | 21 | 5.3 | 16 | 4.1 |
| Western | 111 | 26.2 | 0 | 0.0 | 11 | 2.6 | 7 | 1.7 | 7 | 1.7 | 25 | 5.9 | 4 | 0.9 |
| South Carolina | 132 | 17.3 | 2 | 0.3 | 8 | 1.1 | 13 | 1.7 | 3 | 0.4 | 58 | 7.6 | 12 | 1.6 |
| Virginia | | | | | | | | | | | | | | |
| Eastern | 59 | 5.7 | 0 | 0.0 | 9 | 0.9 | 11 | 1.1 | 4 | 0.4 | 101 | 9.7 | 36 | 3.5 |
| Western | 123 | 26.3 | 0 | 0.0 | 6 | 1.3 | 5 | 1.1 | 4 | 0.9 | 30 | 6.4 | 13 | 2.8 |
| West Virginia | | | | | | | | | | | | | | |
| Northern | 22 | 10.3 | 0 | 0.0 | 1 | 0.5 | 4 | 1.9 | 3 | 1.4 | 13 | 6.1 | 3 | 1.4 |
| Southern | 30 | 11.7 | 0 | 0.0 | 1 | 0.4 | 3 | 1.2 | 5 | 2.0 | 12 | 4.7 | 5 | 2.0 |

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | ABOVE RANGE DEPARTURE | | ABOVE RANGE DEPARTURE W/BOOKER | | ABOVE RANGE W/BOOKER | | REMAINING ABOVE RANGE | |
|------------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| FIFTH CIRCUIT | 11,250 | 8,039 | 71.5 | 19 | 0.2 | 11 | 0.1 | 96 | 0.9 | 78 | 0.7 |
| Louisiana | | | | | | | | | | | |
| Eastern | 291 | 213 | 73.2 | 3 | 1.0 | 2 | 0.7 | 2 | 0.7 | 5 | 1.7 |
| Middle | 135 | 80 | 59.3 | 0 | 0.0 | 1 | 0.7 | 1 | 0.7 | 8 | 5.9 |
| Western | 296 | 204 | 68.9 | 1 | 0.3 | 0 | 0.0 | 9 | 3.0 | 9 | 3.0 |
| Mississippi | | | | | | | | | | | |
| Northern | 151 | 95 | 62.9 | 0 | 0.0 | 1 | 0.7 | 4 | 2.6 | 2 | 1.3 |
| Southern | 249 | 197 | 79.1 | 0 | 0.0 | 0 | 0.0 | 3 | 1.2 | 2 | 0.8 |
| Texas | | | | | | | | | | | |
| Eastern | 545 | 428 | 78.5 | 0 | 0.0 | 1 | 0.2 | 6 | 1.1 | 4 | 0.7 |
| Northern | 652 | 477 | 73.2 | 1 | 0.2 | 1 | 0.2 | 19 | 2.9 | 12 | 1.8 |
| Southern | 4,783 | 3,099 | 64.8 | 11 | 0.2 | 3 | 0.1 | 17 | 0.4 | 17 | 0.4 |
| Western | 4,148 | 3,246 | 78.3 | 3 | 0.1 | 2 | 0.0 | 35 | 0.8 | 19 | 0.5 |
| SIXTH CIRCUIT | 3,903 | 2,252 | 57.7 | 6 | 0.2 | 1 | 0.0 | 29 | 0.7 | 19 | 0.5 |
| Kentucky | | | | | | | | | | | |
| Eastern | 360 | 180 | 50.0 | 0 | 0.0 | 0 | 0.0 | 6 | 1.7 | 4 | 1.1 |
| Western | 288 | 205 | 71.2 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Michigan | | | | | | | | | | | |
| Eastern | 537 | 291 | 54.2 | 0 | 0.0 | 1 | 0.2 | 2 | 0.4 | 4 | 0.7 |
| Western | 281 | 192 | 68.3 | 1 | 0.4 | 0 | 0.0 | 2 | 0.7 | 3 | 1.1 |
| Ohio | | | | | | | | | | | |
| Northern | 763 | 438 | 57.4 | 1 | 0.1 | 0 | 0.0 | 3 | 0.4 | 1 | 0.1 |
| Southern | 463 | 221 | 47.7 | 0 | 0.0 | 0 | 0.0 | 5 | 1.1 | 1 | 0.2 |
| Tennessee | | | | | | | | | | | |
| Eastern | 479 | 311 | 64.9 | 0 | 0.0 | 0 | 0.0 | 6 | 1.3 | 1 | 0.2 |
| Middle | 275 | 159 | 57.8 | 1 | 0.4 | 0 | 0.0 | 2 | 0.7 | 1 | 0.4 |
| Western | 457 | 255 | 55.8 | 3 | 0.7 | 0 | 0.0 | 3 | 0.7 | 4 | 0.9 |
| SEVENTH CIRCUIT | 2,260 | 1,403 | 62.1 | 5 | 0.2 | 3 | 0.1 | 9 | 0.4 | 18 | 0.8 |
| Illinois | | | | | | | | | | | |
| Central | 268 | 143 | 53.4 | 1 | 0.4 | 0 | 0.0 | 1 | 0.4 | 1 | 0.4 |
| Northern | 845 | 492 | 58.2 | 1 | 0.1 | 0 | 0.0 | 2 | 0.2 | 4 | 0.5 |
| Southern | 213 | 173 | 81.2 | 1 | 0.5 | 1 | 0.5 | 2 | 0.9 | 1 | 0.5 |
| Indiana | | | | | | | | | | | |
| Northern | 300 | 200 | 66.7 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 2 | 0.7 |
| Southern | 213 | 132 | 62.0 | 2 | 0.9 | 0 | 0.0 | 1 | 0.5 | 5 | 2.3 |
| Wisconsin | | | | | | | | | | | |
| Eastern | 287 | 152 | 53.0 | 0 | 0.0 | 2 | 0.7 | 2 | 0.7 | 4 | 1.4 |
| Western | 134 | 111 | 82.8 | 0 | 0.0 | 0 | 0.0 | 1 | 0.7 | 1 | 0.7 |
| EIGHTH CIRCUIT | 3,564 | 2,283 | 64.1 | 2 | 0.1 | 4 | 0.1 | 31 | 0.9 | 28 | 0.8 |
| Arkansas | | | | | | | | | | | |
| Eastern | 200 | 132 | 66.0 | 1 | 0.5 | 0 | 0.0 | 2 | 1.0 | 0 | 0.0 |
| Western | 137 | 96 | 70.1 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Iowa | | | | | | | | | | | |
| Northern | 243 | 173 | 71.2 | 0 | 0.0 | 0 | 0.0 | 7 | 2.9 | 2 | 0.8 |
| Southern | 275 | 128 | 46.5 | 0 | 0.0 | 0 | 0.0 | 2 | 0.7 | 2 | 0.7 |
| Minnesota | 375 | 197 | 52.5 | 0 | 0.0 | 0 | 0.0 | 1 | 0.3 | 1 | 0.3 |
| Missouri | | | | | | | | | | | |
| Eastern | 723 | 473 | 65.4 | 1 | 0.1 | 0 | 0.0 | 5 | 0.7 | 5 | 0.7 |
| Western | 552 | 363 | 65.8 | 0 | 0.0 | 0 | 0.0 | 4 | 0.7 | 8 | 1.4 |
| Nebraska | 583 | 371 | 63.6 | 0 | 0.0 | 0 | 0.0 | 3 | 0.5 | 2 | 0.3 |
| North Dakota | 164 | 116 | 70.7 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| South Dakota | 312 | 234 | 75.0 | 0 | 0.0 | 4 | 1.3 | 7 | 2.2 | 8 | 2.6 |

| CIRCUIT District | §5K1.1 SUBSTANTIAL ASSISTANCE | | §5K3.1 EARLY DISPOSITION | | OTHER GOV'T SPONSORED | | BELOW RANGE DEPARTURE | | BELOW RANGE DEPARTURE W/BOOKER | | BELOW RANGE DEPARTURE W/BOOKER | | REMAINING BELOW RANGE | |
|------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|--------------------------------------|------------|-----------------------------|------------|
| | n | % | n | % | n | % | n | % | n | % | n | % | n | % |
| FIFTH CIRCUIT | 922 | 8.2 | 870 | 7.7 | 215 | 1.9 | 200 | 1.8 | 83 | 0.7 | 481 | 4.3 | 236 | 2.1 |
| Louisiana | | | | | | | | | | | | | | |
| Eastern | 38 | 13.1 | 0 | 0.0 | 7 | 2.4 | 5 | 1.7 | 2 | 0.7 | 6 | 2.1 | 8 | 2.7 |
| Middle | 34 | 25.2 | 0 | 0.0 | 2 | 1.5 | 1 | 0.7 | 0 | 0.0 | 6 | 4.4 | 2 | 1.5 |
| Western | 29 | 9.8 | 0 | 0.0 | 1 | 0.3 | 6 | 2.0 | 1 | 0.3 | 18 | 6.1 | 18 | 6.1 |
| Mississippi | | | | | | | | | | | | | | |
| Northern | 25 | 16.6 | 0 | 0.0 | 19 | 12.6 | 0 | 0.0 | 0 | 0.0 | 3 | 2.0 | 2 | 1.3 |
| Southern | 27 | 10.8 | 0 | 0.0 | 1 | 0.4 | 5 | 2.0 | 2 | 0.8 | 2 | 0.8 | 10 | 4.0 |
| Texas | | | | | | | | | | | | | | |
| Eastern | 60 | 11.0 | 0 | 0.0 | 10 | 1.8 | 7 | 1.3 | 5 | 0.9 | 13 | 2.4 | 11 | 2.0 |
| Northern | 74 | 11.3 | 0 | 0.0 | 6 | 0.9 | 7 | 1.1 | 5 | 0.8 | 38 | 5.8 | 12 | 1.8 |
| Southern | 318 | 6.6 | 712 | 14.9 | 125 | 2.6 | 121 | 2.5 | 41 | 0.9 | 237 | 5.0 | 82 | 1.7 |
| Western | 317 | 7.6 | 158 | 3.8 | 44 | 1.1 | 48 | 1.2 | 27 | 0.7 | 158 | 3.8 | 91 | 2.2 |
| SIXTH CIRCUIT | 974 | 25.0 | 0 | 0.0 | 74 | 1.9 | 76 | 1.9 | 44 | 1.1 | 285 | 7.3 | 143 | 3.7 |
| Kentucky | | | | | | | | | | | | | | |
| Eastern | 137 | 38.1 | 0 | 0.0 | 4 | 1.1 | 1 | 0.3 | 1 | 0.3 | 20 | 5.6 | 7 | 1.9 |
| Western | 59 | 20.5 | 0 | 0.0 | 2 | 0.7 | 3 | 1.0 | 1 | 0.3 | 12 | 4.2 | 6 | 2.1 |
| Michigan | | | | | | | | | | | | | | |
| Eastern | 140 | 26.1 | 0 | 0.0 | 15 | 2.8 | 11 | 2.0 | 10 | 1.9 | 45 | 8.4 | 18 | 3.4 |
| Western | 46 | 16.4 | 0 | 0.0 | 3 | 1.1 | 4 | 1.4 | 4 | 1.4 | 17 | 6.0 | 9 | 3.2 |
| Ohio | | | | | | | | | | | | | | |
| Northern | 172 | 22.5 | 0 | 0.0 | 10 | 1.3 | 31 | 4.1 | 7 | 0.9 | 69 | 9.0 | 31 | 4.1 |
| Southern | 148 | 32.0 | 0 | 0.0 | 3 | 0.6 | 13 | 2.8 | 6 | 1.3 | 46 | 9.9 | 20 | 4.3 |
| Tennessee | | | | | | | | | | | | | | |
| Eastern | 112 | 23.4 | 0 | 0.0 | 5 | 1.0 | 0 | 0.0 | 3 | 0.6 | 31 | 6.5 | 10 | 2.1 |
| Middle | 54 | 19.6 | 0 | 0.0 | 9 | 3.3 | 6 | 2.2 | 8 | 2.9 | 13 | 4.7 | 22 | 8.0 |
| Western | 106 | 23.2 | 0 | 0.0 | 23 | 5.0 | 7 | 1.5 | 4 | 0.9 | 32 | 7.0 | 20 | 4.4 |
| SEVENTH CIRCUIT | 395 | 17.5 | 1 | 0.0 | 54 | 2.4 | 54 | 2.4 | 31 | 1.4 | 192 | 8.5 | 95 | 4.2 |
| Illinois | | | | | | | | | | | | | | |
| Central | 58 | 21.6 | 0 | 0.0 | 2 | 0.7 | 9 | 3.4 | 2 | 0.7 | 42 | 15.7 | 9 | 3.4 |
| Northern | 169 | 20.0 | 0 | 0.0 | 26 | 3.1 | 27 | 3.2 | 16 | 1.9 | 60 | 7.1 | 48 | 5.7 |
| Southern | 11 | 5.2 | 0 | 0.0 | 2 | 0.9 | 1 | 0.5 | 4 | 1.9 | 13 | 6.1 | 4 | 1.9 |
| Indiana | | | | | | | | | | | | | | |
| Northern | 69 | 23.0 | 0 | 0.0 | 7 | 2.3 | 8 | 2.7 | 1 | 0.3 | 6 | 2.0 | 7 | 2.3 |
| Southern | 46 | 21.6 | 0 | 0.0 | 9 | 4.2 | 4 | 1.9 | 0 | 0.0 | 11 | 5.2 | 3 | 1.4 |
| Wisconsin | | | | | | | | | | | | | | |
| Eastern | 36 | 12.5 | 1 | 0.3 | 7 | 2.4 | 4 | 1.4 | 6 | 2.1 | 52 | 18.1 | 21 | 7.3 |
| Western | 6 | 4.5 | 0 | 0.0 | 1 | 0.7 | 1 | 0.7 | 2 | 1.5 | 8 | 6.0 | 3 | 2.2 |
| EIGHTH CIRCUIT | 512 | 14.4 | 26 | 0.7 | 125 | 3.5 | 83 | 2.3 | 38 | 1.1 | 285 | 8.0 | 147 | 4.1 |
| Arkansas | | | | | | | | | | | | | | |
| Eastern | 28 | 14.0 | 0 | 0.0 | 3 | 1.5 | 6 | 3.0 | 0 | 0.0 | 13 | 6.5 | 15 | 7.5 |
| Western | 25 | 18.2 | 0 | 0.0 | 2 | 1.5 | 1 | 0.7 | 1 | 0.7 | 9 | 6.6 | 3 | 2.2 |
| Iowa | | | | | | | | | | | | | | |
| Northern | 31 | 12.8 | 0 | 0.0 | 5 | 2.1 | 1 | 0.4 | 0 | 0.0 | 24 | 9.9 | 0 | 0.0 |
| Southern | 60 | 21.8 | 0 | 0.0 | 2 | 0.7 | 3 | 1.1 | 5 | 1.8 | 58 | 21.1 | 15 | 5.5 |
| Minnesota | 72 | 19.2 | 0 | 0.0 | 8 | 2.1 | 17 | 4.5 | 7 | 1.9 | 33 | 8.8 | 39 | 10.4 |
| Missouri | | | | | | | | | | | | | | |
| Eastern | 139 | 19.2 | 0 | 0.0 | 6 | 0.8 | 21 | 2.9 | 8 | 1.1 | 45 | 6.2 | 20 | 2.8 |
| Western | 101 | 18.3 | 0 | 0.0 | 4 | 0.7 | 3 | 0.5 | 1 | 0.2 | 36 | 6.5 | 32 | 5.8 |
| Nebraska | 23 | 3.9 | 17 | 2.9 | 87 | 14.9 | 22 | 3.8 | 11 | 1.9 | 36 | 6.2 | 11 | 1.9 |
| North Dakota | 22 | 13.4 | 9 | 5.5 | 2 | 1.2 | 3 | 1.8 | 2 | 1.2 | 5 | 3.0 | 5 | 3.0 |
| South Dakota | 11 | 3.5 | 0 | 0.0 | 6 | 1.9 | 6 | 1.9 | 3 | 1.0 | 26 | 8.3 | 7 | 2.2 |

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | ABOVE RANGE DEPARTURE | | ABOVE RANGE DEPARTURE W/BOOKER | | ABOVE RANGE W/BOOKER | | REMAINING ABOVE RANGE | |
|--------------------------|--------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| NINTH CIRCUIT | 9,370 | 4,659 | 49.7 | 33 | 0.4 | 1 | 0.0 | 35 | 0.4 | 86 | 0.9 |
| Alaska | 168 | 97 | 57.7 | 0 | 0.0 | 0 | 0.0 | 2 | 1.2 | 2 | 1.2 |
| Arizona | 2,827 | 823 | 29.1 | 24 | 0.8 | 0 | 0.0 | 3 | 0.1 | 35 | 1.2 |
| California | | | | | | | | | | | |
| Central | 900 | 662 | 73.6 | 0 | 0.0 | 0 | 0.0 | 3 | 0.3 | 1 | 0.1 |
| Eastern | 673 | 353 | 52.5 | 1 | 0.1 | 0 | 0.0 | 2 | 0.3 | 3 | 0.4 |
| Northern | 535 | 334 | 62.4 | 0 | 0.0 | 0 | 0.0 | 2 | 0.4 | 6 | 1.1 |
| Southern | 1,685 | 966 | 57.3 | 2 | 0.1 | 0 | 0.0 | 3 | 0.2 | 7 | 0.4 |
| Guam | 89 | 44 | 49.4 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Hawaii | 352 | 167 | 47.4 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 6 | 1.7 |
| Idaho | 145 | 58 | 40.0 | 0 | 0.0 | 1 | 0.7 | 1 | 0.7 | 1 | 0.7 |
| Montana | 269 | 207 | 77.0 | 2 | 0.7 | 0 | 0.0 | 6 | 2.2 | 3 | 1.1 |
| Nevada | 428 | 306 | 71.5 | 1 | 0.2 | 0 | 0.0 | 5 | 1.2 | 4 | 0.9 |
| Northern Mariana Islands | 24 | 19 | 79.2 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 4.2 |
| Oregon | 423 | 227 | 53.7 | 1 | 0.2 | 0 | 0.0 | 4 | 0.9 | 2 | 0.5 |
| Washington | | | | | | | | | | | |
| Eastern | 309 | 190 | 61.5 | 1 | 0.3 | 0 | 0.0 | 4 | 1.3 | 5 | 1.6 |
| Western | 543 | 206 | 37.9 | 1 | 0.2 | 0 | 0.0 | 0 | 0.0 | 10 | 1.8 |
| TENTH CIRCUIT | 4,069 | 2,692 | 66.2 | 5 | 0.1 | 1 | 0.0 | 20 | 0.5 | 14 | 0.3 |
| Colorado | 422 | 218 | 51.7 | 2 | 0.5 | 0 | 0.0 | 5 | 1.2 | 1 | 0.2 |
| Kansas | 467 | 309 | 66.2 | 1 | 0.2 | 1 | 0.2 | 2 | 0.4 | 2 | 0.4 |
| New Mexico | 1,892 | 1,232 | 65.1 | 1 | 0.1 | 0 | 0.0 | 2 | 0.1 | 6 | 0.3 |
| Oklahoma | | | | | | | | | | | |
| Eastern | 69 | 63 | 91.3 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Northern | 149 | 119 | 79.9 | 1 | 0.7 | 0 | 0.0 | 4 | 2.7 | 0 | 0.0 |
| Western | 168 | 124 | 73.8 | 0 | 0.0 | 0 | 0.0 | 5 | 3.0 | 1 | 0.6 |
| Utah | 684 | 489 | 71.5 | 0 | 0.0 | 0 | 0.0 | 2 | 0.3 | 1 | 0.1 |
| Wyoming | 218 | 138 | 63.3 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 3 | 1.4 |
| ELEVENTH CIRCUIT | 4,836 | 3,294 | 68.1 | 12 | 0.2 | 7 | 0.1 | 41 | 0.8 | 30 | 0.6 |
| Alabama | | | | | | | | | | | |
| Middle | 160 | 93 | 58.1 | 1 | 0.6 | 0 | 0.0 | 1 | 0.6 | 0 | 0.0 |
| Northern | 319 | 189 | 59.2 | 2 | 0.6 | 0 | 0.0 | 10 | 3.1 | 0 | 0.0 |
| Southern | 244 | 158 | 64.8 | 0 | 0.0 | 0 | 0.0 | 3 | 1.2 | 2 | 0.8 |
| Florida | | | | | | | | | | | |
| Middle | 1,296 | 835 | 64.4 | 0 | 0.0 | 2 | 0.2 | 12 | 0.9 | 3 | 0.2 |
| Northern | 232 | 162 | 69.8 | 0 | 0.0 | 3 | 1.3 | 2 | 0.9 | 4 | 1.7 |
| Southern | 1,573 | 1,185 | 75.3 | 4 | 0.3 | 1 | 0.1 | 9 | 0.6 | 4 | 0.3 |
| Georgia | | | | | | | | | | | |
| Middle | 271 | 183 | 67.5 | 1 | 0.4 | 0 | 0.0 | 1 | 0.4 | 5 | 1.8 |
| Northern | 536 | 348 | 64.9 | 1 | 0.2 | 0 | 0.0 | 1 | 0.2 | 5 | 0.9 |
| Southern | 205 | 141 | 68.8 | 3 | 1.5 | 1 | 0.5 | 2 | 1.0 | 7 | 3.4 |

| CIRCUIT District | §5K1.1 SUBSTANTIAL ASSISTANCE | | §5K3.1 EARLY DISPOSITION | | OTHER GOV'T SPONSORED | | BELOW RANGE DEPARTURE | | BELOW RANGE DEPARTURE W/BOOKER | | BELOW RANGE W/BOOKER | | REMAINING BELOW RANGE | |
|--------------------------|-------------------------------------|-------------|--------------------------------|-------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
| | n | % | n | % | n | % | n | % | n | % | n | % | n | % |
| NINTH CIRCUIT | 970 | 10.4 | 2,016 | 21.5 | 413 | 4.4 | 277 | 3.0 | 67 | 0.7 | 468 | 5.0 | 345 | 3.7 |
| Alaska | 26 | 15.5 | 0 | 0.0 | 4 | 2.4 | 2 | 1.2 | 0 | 0.0 | 24 | 14.3 | 11 | 6.5 |
| Arizona | 179 | 6.3 | 1,480 | 52.4 | 102 | 3.6 | 79 | 2.8 | 8 | 0.3 | 51 | 1.8 | 43 | 1.5 |
| California | | | | | | | | | | | | | | |
| Central | 60 | 6.7 | 5 | 0.6 | 13 | 1.4 | 28 | 3.1 | 15 | 1.7 | 64 | 7.1 | 49 | 5.4 |
| Eastern | 107 | 15.9 | 126 | 18.7 | 11 | 1.6 | 14 | 2.1 | 3 | 0.4 | 24 | 3.6 | 29 | 4.3 |
| Northern | 71 | 13.3 | 6 | 1.1 | 36 | 6.7 | 14 | 2.6 | 4 | 0.7 | 36 | 6.7 | 26 | 4.9 |
| Southern | 98 | 5.8 | 366 | 21.7 | 48 | 2.8 | 75 | 4.5 | 11 | 0.7 | 60 | 3.6 | 49 | 2.9 |
| Guam | 35 | 39.3 | 0 | 0.0 | 0 | 0.0 | 5 | 5.6 | 0 | 0.0 | 2 | 2.2 | 3 | 3.4 |
| Hawaii | 104 | 29.5 | 0 | 0.0 | 5 | 1.4 | 12 | 3.4 | 3 | 0.9 | 19 | 5.4 | 36 | 10.2 |
| Idaho | 44 | 30.3 | 14 | 9.7 | 4 | 2.8 | 4 | 2.8 | 1 | 0.7 | 12 | 8.3 | 5 | 3.4 |
| Montana | 27 | 10.0 | 0 | 0.0 | 1 | 0.4 | 7 | 2.6 | 2 | 0.7 | 10 | 3.7 | 4 | 1.5 |
| Nevada | 30 | 7.0 | 1 | 0.2 | 27 | 6.3 | 7 | 1.6 | 3 | 0.7 | 27 | 6.3 | 17 | 4.0 |
| Northern Mariana Islands | 3 | 12.5 | 0 | 0.0 | 1 | 4.2 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Oregon | 76 | 18.0 | 9 | 2.1 | 7 | 1.7 | 12 | 2.8 | 5 | 1.2 | 57 | 13.5 | 23 | 5.4 |
| Washington | | | | | | | | | | | | | | |
| Eastern | 37 | 12.0 | 0 | 0.0 | 22 | 7.1 | 7 | 2.3 | 2 | 0.6 | 28 | 9.1 | 13 | 4.2 |
| Western | 73 | 13.4 | 9 | 1.7 | 132 | 24.3 | 11 | 2.0 | 10 | 1.8 | 54 | 9.9 | 37 | 6.8 |
| TENTH CIRCUIT | 387 | 9.5 | 291 | 7.2 | 272 | 6.7 | 79 | 1.9 | 33 | 0.8 | 178 | 4.4 | 97 | 2.4 |
| Colorado | 108 | 25.6 | 0 | 0.0 | 11 | 2.6 | 16 | 3.8 | 4 | 0.9 | 42 | 10.0 | 15 | 3.6 |
| Kansas | 76 | 16.3 | 0 | 0.0 | 21 | 4.5 | 7 | 1.5 | 3 | 0.6 | 38 | 8.1 | 7 | 1.5 |
| New Mexico | 65 | 3.4 | 291 | 15.4 | 194 | 10.3 | 28 | 1.5 | 10 | 0.5 | 38 | 2.0 | 25 | 1.3 |
| Oklahoma | | | | | | | | | | | | | | |
| Eastern | 5 | 7.2 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 1.4 | 0 | 0.0 | 0 | 0.0 |
| Northern | 17 | 11.4 | 0 | 0.0 | 2 | 1.3 | 0 | 0.0 | 0 | 0.0 | 4 | 2.7 | 2 | 1.3 |
| Western | 16 | 9.5 | 0 | 0.0 | 2 | 1.2 | 4 | 2.4 | 2 | 1.2 | 10 | 6.0 | 4 | 2.4 |
| Utah | 66 | 9.6 | 0 | 0.0 | 18 | 2.6 | 20 | 2.9 | 12 | 1.8 | 37 | 5.4 | 39 | 5.7 |
| Wyoming | 34 | 15.6 | 0 | 0.0 | 24 | 11.0 | 4 | 1.8 | 1 | 0.5 | 9 | 4.1 | 5 | 2.3 |
| ELEVENTH CIRCUIT | 848 | 17.5 | 2 | 0.0 | 58 | 1.2 | 100 | 2.1 | 43 | 0.9 | 266 | 5.5 | 135 | 2.8 |
| Alabama | | | | | | | | | | | | | | |
| Middle | 55 | 34.4 | 0 | 0.0 | 3 | 1.9 | 1 | 0.6 | 1 | 0.6 | 2 | 1.3 | 3 | 1.9 |
| Northern | 83 | 26.0 | 0 | 0.0 | 0 | 0.0 | 2 | 0.6 | 3 | 0.9 | 24 | 7.5 | 6 | 1.9 |
| Southern | 58 | 23.8 | 0 | 0.0 | 3 | 1.2 | 5 | 2.0 | 1 | 0.4 | 12 | 4.9 | 2 | 0.8 |
| Florida | | | | | | | | | | | | | | |
| Middle | 294 | 22.7 | 1 | 0.1 | 6 | 0.5 | 34 | 2.6 | 12 | 0.9 | 86 | 6.6 | 11 | 0.8 |
| Northern | 43 | 18.5 | 0 | 0.0 | 3 | 1.3 | 2 | 0.9 | 2 | 0.9 | 4 | 1.7 | 7 | 3.0 |
| Southern | 149 | 9.5 | 0 | 0.0 | 20 | 1.3 | 30 | 1.9 | 12 | 0.8 | 92 | 5.8 | 67 | 4.3 |
| Georgia | | | | | | | | | | | | | | |
| Middle | 61 | 22.5 | 0 | 0.0 | 2 | 0.7 | 1 | 0.4 | 0 | 0.0 | 8 | 3.0 | 9 | 3.3 |
| Northern | 75 | 14.0 | 1 | 0.2 | 19 | 3.5 | 16 | 3.0 | 11 | 2.1 | 31 | 5.8 | 28 | 5.2 |
| Southern | 30 | 14.6 | 0 | 0.0 | 2 | 1.0 | 9 | 4.4 | 1 | 0.5 | 7 | 3.4 | 2 | 1.0 |

Of the 53,674 guideline cases, 2,328 were excluded due to missing information needed to determine the relationship between the sentence imposed and the guideline range. Districts for which information needed to determine the relationship between the sentence imposed and the guideline range is missing in five percent or more of the cases received included: Central California (35.7%), Western Oklahoma (34.4%), Southern Georgia (29.6%), Eastern Virginia (19.5%), Middle Georgia (15.0%), Western Washington (13.9%), Arizona (10.5%), Middle Tennessee (9.2%), Northern Alabama (8.1%), Western Kentucky (7.1%), Maryland (6.6%), Eastern Arkansas (6.5%), Northern New York (6.0%), Southern Florida (6.0%), Massachusetts (5.9%), Southern California (5.8%), Oregon (5.4%), and Colorado (5.2%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, Post-Booker Only Cases (January 12, 2005, through September 30, 2005).

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2005, Post-Booker (January 12, 2005, through September 30, 2005)**

National

| PRIMARY OFFENSE | TOTAL | WITHIN GUIDELINE RANGE | | ABOVE RANGE DEPARTURE ² | | ABOVE RANGE DEPARTURE W/BOOKER ² | | ABOVE RANGE W/BOOKER ² | | REMAINING ABOVE RANGE | |
|------------------------------|---------------|------------------------------|-------------|--|------------|---|------------|---|------------|-----------------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| TOTAL | 51,329 | 31,610 | 61.6 | 100 | 0.2 | 36 | 0.1 | 343 | 0.7 | 342 | 0.7 |
| Robbery | 1,001 | 678 | 67.7 | 3 | 0.3 | 0 | 0.0 | 8 | 0.8 | 11 | 1.1 |
| Drugs - Trafficking | 18,030 | 9,583 | 53.2 | 14 | 0.1 | 3 | 0.0 | 50 | 0.3 | 52 | 0.3 |
| Drugs - Simple Possession | 397 | 353 | 88.9 | 0 | 0.0 | 0 | 0.0 | 6 | 1.5 | 9 | 2.3 |
| Firearms | 6,308 | 4,353 | 69.0 | 23 | 0.4 | 7 | 0.1 | 55 | 0.9 | 64 | 1.0 |
| Larceny | 1,307 | 979 | 74.9 | 1 | 0.1 | 0 | 0.0 | 13 | 1.0 | 16 | 1.2 |
| Fraud | 4,877 | 3,122 | 64.0 | 11 | 0.2 | 9 | 0.2 | 57 | 1.2 | 51 | 1.0 |
| Embezzlement | 380 | 286 | 75.3 | 0 | 0.0 | 0 | 0.0 | 1 | 0.3 | 0 | 0.0 |
| Forgery/Counterfeiting | 766 | 570 | 74.4 | 4 | 0.5 | 0 | 0.0 | 7 | 0.9 | 5 | 0.7 |
| Immigration | 12,473 | 8,106 | 65.0 | 25 | 0.2 | 5 | 0.0 | 61 | 0.5 | 61 | 0.5 |
| Other Miscellaneous Offenses | 5,790 | 3,580 | 61.8 | 19 | 0.3 | 12 | 0.2 | 85 | 1.5 | 73 | 1.3 |

Arkansas

| PRIMARY OFFENSE | TOTAL | WITHIN GUIDELINE RANGE | | ABOVE RANGE DEPARTURE ² | | ABOVE RANGE DEPARTURE W/BOOKER ² | | ABOVE RANGE W/BOOKER ² | | REMAINING ABOVE RANGE | |
|------------------------------|------------|------------------------------|-------------|--|------------|---|------------|---|------------|-----------------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| TOTAL | 337 | 228 | 67.7 | 1 | 0.3 | 0 | 0.0 | 2 | 0.6 | 0 | 0.0 |
| Robbery | 9 | 8 | 88.9 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Trafficking | 104 | 59 | 56.7 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Simple Possession | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Firearms | 53 | 36 | 67.9 | 1 | 1.9 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Larceny | 9 | 7 | 77.8 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Fraud | 39 | 29 | 74.4 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Embezzlement | 4 | 3 | 75.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 7 | 6 | 85.7 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 49 | 35 | 71.4 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Other Miscellaneous Offenses | 61 | 43 | 70.5 | 0 | 0.0 | 0 | 0.0 | 2 | 3.3 | 0 | 0.0 |

Table 9 (cont.)

National

| PRIMARY OFFENSE | §5K1.1 SUBSTANTIAL ASSISTANCE | | §5K3.1 EARLY DISPOSITION | | OTHER GOV'T SPONSORED | | BELOW RANGE DEPARTURE | | BELOW RANGE DEPARTURE W/BOOKER | | BELOW RANGE W/BOOKER | | REMAINING BELOW RANGE | |
|------------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
| | n | % | n | % | n | % | n | % | n | % | n | % | n | % |
| TOTAL | 7,523 | 14.7 | 3,208 | 6.2 | 1,481 | 2.9 | 1,197 | 2.3 | 486 | 0.9 | 3,198 | 6.2 | 1,805 | 3.5 |
| Robbery | 123 | 12.3 | 0 | 0.0 | 24 | 2.4 | 32 | 3.2 | 18 | 1.8 | 62 | 6.2 | 42 | 4.2 |
| Drugs - Trafficking | 4,713 | 26.1 | 721 | 4.0 | 544 | 3.0 | 387 | 2.1 | 164 | 0.9 | 1,210 | 6.7 | 589 | 3.3 |
| Drugs - Simple Possession | 13 | 3.3 | 0 | 0.0 | 0 | 0.0 | 1 | 0.3 | 2 | 0.5 | 5 | 1.3 | 8 | 2.0 |
| Firearms | 704 | 11.2 | 23 | 0.4 | 157 | 2.5 | 153 | 2.4 | 74 | 1.2 | 466 | 7.4 | 229 | 3.6 |
| Larceny | 101 | 7.7 | 5 | 0.4 | 24 | 1.8 | 27 | 2.1 | 6 | 0.5 | 81 | 6.2 | 54 | 4.1 |
| Fraud | 765 | 15.7 | 2 | 0.0 | 105 | 2.2 | 124 | 2.5 | 53 | 1.1 | 336 | 6.9 | 242 | 5.0 |
| Embezzlement | 14 | 3.7 | 0 | 0.0 | 7 | 1.8 | 9 | 2.4 | 3 | 0.8 | 33 | 8.7 | 27 | 7.1 |
| Forgery/Counterfeiting | 66 | 8.6 | 1 | 0.1 | 15 | 2.0 | 9 | 1.2 | 11 | 1.4 | 53 | 6.9 | 25 | 3.3 |
| Immigration | 249 | 2.0 | 2,437 | 19.5 | 380 | 3.0 | 270 | 2.2 | 85 | 0.7 | 501 | 4.0 | 293 | 2.3 |
| Other Miscellaneous Offenses | 775 | 13.4 | 19 | 0.3 | 225 | 3.9 | 185 | 3.2 | 70 | 1.2 | 451 | 7.8 | 296 | 5.1 |

Arkansas

| PRIMARY OFFENSE | §5K1.1 SUBSTANTIAL ASSISTANCE | | §5K3.1 EARLY DISPOSITION | | OTHER GOV'T SPONSORED | | BELOW RANGE DEPARTURE | | BELOW RANGE DEPARTURE W/BOOKER | | BELOW RANGE W/BOOKER | | REMAINING BELOW RANGE | |
|------------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
| | n | % | n | % | n | % | n | % | n | % | n | % | n | % |
| TOTAL | 53 | 15.7 | 0 | 0.0 | 5 | 1.5 | 7 | 2.1 | 1 | 0.3 | 22 | 6.5 | 18 | 5.3 |
| Robbery | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 11.1 | 0 | 0.0 |
| Drugs - Trafficking | 35 | 33.7 | 0 | 0.0 | 0 | 0.0 | 1 | 1.0 | 0 | 0.0 | 4 | 3.8 | 5 | 4.8 |
| Drugs - Simple Possession | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Firearms | 3 | 5.7 | 0 | 0.0 | 1 | 1.9 | 0 | 0.0 | 0 | 0.0 | 10 | 18.9 | 2 | 3.8 |
| Larceny | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 11.1 | 0 | 0.0 | 1 | 11.1 |
| Fraud | 3 | 7.7 | 0 | 0.0 | 1 | 2.6 | 2 | 5.1 | 0 | 0.0 | 2 | 5.1 | 2 | 5.1 |
| Embezzlement | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 25.0 |
| Forgery/Counterfeiting | 1 | 14.3 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 5 | 10.2 | 0 | 0.0 | 1 | 2.0 | 1 | 2.0 | 0 | 0.0 | 4 | 8.2 | 3 | 6.1 |
| Other Miscellaneous Offenses | 6 | 9.8 | 0 | 0.0 | 2 | 3.3 | 3 | 4.9 | 0 | 0.0 | 1 | 1.6 | 4 | 6.6 |

Of the 53,674 guideline cases, 2,345 cases were excluded due to one or both of the following reasons: missing information needed to determine the relationship between the sentence imposed and the guideline range (2,328) or missing primary offense (24).

Of the 352 guideline cases from the State of Arkansas, 15 cases were excluded due to missing information needed to determine the relationship between the sentence imposed and the guideline range.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2005 Datafile, OPAFY05, Post-Booker Only Cases (January 12, 2005, through September 30, 2005).