

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



**Fiscal Year 2008**

## Introduction

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

The Commission first reported data on February 10, 2005 to Congress<sup>3</sup> and began reporting data approximately monthly shortly thereafter. The types of data reported increased over time to accommodate various requests for the additional information. In March 2006, the Commission released a comprehensive report, *Final Report on the Impact of the United States v. Booker on Federal Sentencing*,<sup>4</sup> based on cases sentenced one year since the *Booker* decision. Because the report included additional analyses that had not been included in the monthly reports, not all the data presented in the report was comparable with the monthly releases, which made comparing data over time difficult.

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

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

<sup>2</sup>See the Commission's website, [www.ussc.gov](http://www.ussc.gov), for electronic copies of the 1995-2008 *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.

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

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

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

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

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**NATIONAL COMPARISON OF SENTENCE IMPOSED AND  
POSITION RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>  
Fiscal Year 2008**

	N	%
<b>TOTAL CASES</b>	<b>74,493</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>44,263</b>	<b>59.4</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>1,195</b>	<b>1.5</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>473</b>	<b>0.6</b>
Upward Departure From Guideline Range <sup>2</sup>	326	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	147	0.2
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>722</b>	<b>0.9</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	622	0.8
All Remaining Cases Above Guideline Range <sup>5</sup>	100	0.1
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>19,063</b>	<b>25.6</b>
§5K1.1 Substantial Assistance Departure	10,048	13.5
§5K3.1 Early Disposition Program Departure	5,894	7.9
Other Government Sponsored Below Range	3,121	4.2
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>9,972</b>	<b>13.4</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>2,459</b>	<b>3.3</b>
Downward Departure From Guideline Range <sup>2</sup>	1,544	2.1
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	915	1.2
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>7,513</b>	<b>10.1</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	6,678	9.0
All Remaining Cases Below Guideline Range <sup>5</sup>	835	1.1

<sup>1</sup>This table reflects the 76,478 cases sentenced in Fiscal Year 2008. Of these, 1,985 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

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

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

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2008**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>74,493</b>	<b>44,263</b>	<b>59.4</b>	<b>326</b>	<b>0.4</b>	<b>147</b>	<b>0.2</b>	<b>622</b>	<b>0.8</b>	<b>100</b>	<b>0.1</b>
<b>D.C. CIRCUIT</b>	<b>406</b>	<b>154</b>	<b>37.9</b>	<b>1</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>4</b>	<b>1.0</b>	<b>1</b>	<b>0.2</b>
District of Columbia	406	154	37.9	1	0.2	0	0.0	4	1.0	1	0.2
<b>FIRST CIRCUIT</b>	<b>1,735</b>	<b>1,091</b>	<b>62.9</b>	<b>8</b>	<b>0.5</b>	<b>7</b>	<b>0.4</b>	<b>7</b>	<b>0.4</b>	<b>3</b>	<b>0.2</b>
Maine	210	130	61.9	2	1.0	0	0.0	1	0.5	0	0.0
Massachusetts	466	237	50.9	3	0.6	1	0.2	4	0.9	1	0.2
New Hampshire	223	108	48.4	2	0.9	2	0.9	1	0.4	0	0.0
Puerto Rico	748	563	75.3	1	0.1	3	0.4	1	0.1	2	0.3
Rhode Island	88	53	60.2	0	0.0	1	1.1	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>4,547</b>	<b>2,063</b>	<b>45.4</b>	<b>7</b>	<b>0.2</b>	<b>6</b>	<b>0.1</b>	<b>17</b>	<b>0.4</b>	<b>5</b>	<b>0.1</b>
Connecticut	419	175	41.8	1	0.2	0	0.0	4	1.0	0	0.0
New York											
Eastern	1,242	479	38.6	2	0.2	1	0.1	7	0.6	2	0.2
Northern	488	260	53.3	1	0.2	1	0.2	1	0.2	0	0.0
Southern	1,580	702	44.4	0	0.0	1	0.1	3	0.2	2	0.1
Western	655	381	58.2	1	0.2	3	0.5	2	0.3	1	0.2
Vermont	163	66	40.5	2	1.2	0	0.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>3,152</b>	<b>1,690</b>	<b>53.6</b>	<b>19</b>	<b>0.6</b>	<b>4</b>	<b>0.1</b>	<b>19</b>	<b>0.6</b>	<b>3</b>	<b>0.1</b>
Delaware	145	72	49.7	0	0.0	0	0.0	2	1.4	0	0.0
New Jersey	990	510	51.5	3	0.3	1	0.1	6	0.6	2	0.2
Pennsylvania											
Eastern	750	325	43.3	3	0.4	1	0.1	7	0.9	0	0.0
Middle	647	363	56.1	11	1.7	0	0.0	0	0.0	1	0.2
Western	539	366	67.9	2	0.4	2	0.4	1	0.2	0	0.0
Virgin Islands	81	54	66.7	0	0.0	0	0.0	3	3.7	0	0.0
<b>FOURTH CIRCUIT</b>	<b>6,462</b>	<b>4,286</b>	<b>66.3</b>	<b>52</b>	<b>0.8</b>	<b>36</b>	<b>0.6</b>	<b>52</b>	<b>0.8</b>	<b>9</b>	<b>0.1</b>
Maryland	731	362	49.5	6	0.8	2	0.3	6	0.8	2	0.3
North Carolina											
Eastern	673	378	56.2	25	3.7	19	2.8	9	1.3	1	0.1
Middle	355	272	76.6	1	0.3	0	0.0	2	0.6	0	0.0
Western	800	515	64.4	5	0.6	3	0.4	4	0.5	1	0.1
South Carolina	1,205	797	66.1	2	0.2	0	0.0	4	0.3	0	0.0
Virginia											
Eastern	1,562	1,176	75.3	11	0.7	9	0.6	16	1.0	4	0.3
Western	397	262	66.0	2	0.5	1	0.3	4	1.0	1	0.3
West Virginia											
Northern	468	338	72.2	0	0.0	1	0.2	4	0.9	0	0.0
Southern	271	186	68.6	0	0.0	1	0.4	3	1.1	0	0.0



Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>10,048</b>	<b>13.5</b>	<b>5,894</b>	<b>7.9</b>	<b>3,121</b>	<b>4.2</b>	<b>1,544</b>	<b>2.1</b>	<b>915</b>	<b>1.2</b>	<b>6,678</b>	<b>9.0</b>	<b>835</b>	<b>1.1</b>
<b>D.C. CIRCUIT</b>	<b>140</b>	<b>34.5</b>	<b>0</b>	<b>0.0</b>	<b>33</b>	<b>8.1</b>	<b>11</b>	<b>2.7</b>	<b>22</b>	<b>5.4</b>	<b>30</b>	<b>7.4</b>	<b>10</b>	<b>2.5</b>
District of Columbia	140	34.5	0	0.0	33	8.1	11	2.7	22	5.4	30	7.4	10	2.5
<b>FIRST CIRCUIT</b>	<b>183</b>	<b>10.5</b>	<b>17</b>	<b>1.0</b>	<b>76</b>	<b>4.4</b>	<b>49</b>	<b>2.8</b>	<b>34</b>	<b>2.0</b>	<b>233</b>	<b>13.4</b>	<b>27</b>	<b>1.6</b>
Maine	49	23.3	0	0.0	0	0.0	4	1.9	1	0.5	22	10.5	1	0.5
Massachusetts	39	8.4	1	0.2	34	7.3	24	5.2	14	3.0	102	21.9	6	1.3
New Hampshire	48	21.5	0	0.0	7	3.1	7	3.1	6	2.7	39	17.5	3	1.3
Puerto Rico	41	5.5	16	2.1	33	4.4	12	1.6	11	1.5	49	6.6	16	2.1
Rhode Island	6	6.8	0	0.0	2	2.3	2	2.3	2	2.3	21	23.9	1	1.1
<b>SECOND CIRCUIT</b>	<b>997</b>	<b>21.9</b>	<b>1</b>	<b>0.0</b>	<b>172</b>	<b>3.8</b>	<b>181</b>	<b>4.0</b>	<b>150</b>	<b>3.3</b>	<b>890</b>	<b>19.6</b>	<b>58</b>	<b>1.3</b>
Connecticut	76	18.1	0	0.0	17	4.1	36	8.6	37	8.8	70	16.7	3	0.7
New York														
Eastern	290	23.3	1	0.1	89	7.2	47	3.8	54	4.3	250	20.1	20	1.6
Northern	133	27.3	0	0.0	5	1.0	33	6.8	7	1.4	46	9.4	1	0.2
Southern	283	17.9	0	0.0	36	2.3	39	2.5	40	2.5	444	28.1	30	1.9
Western	174	26.6	0	0.0	20	3.1	5	0.8	4	0.6	60	9.2	4	0.6
Vermont	41	25.2	0	0.0	5	3.1	21	12.9	8	4.9	20	12.3	0	0.0
<b>THIRD CIRCUIT</b>	<b>764</b>	<b>24.2</b>	<b>1</b>	<b>0.0</b>	<b>50</b>	<b>1.6</b>	<b>55</b>	<b>1.7</b>	<b>52</b>	<b>1.6</b>	<b>436</b>	<b>13.8</b>	<b>59</b>	<b>1.9</b>
Delaware	8	5.5	0	0.0	2	1.4	3	2.1	0	0.0	31	21.4	27	18.6
New Jersey	281	28.4	1	0.1	10	1.0	12	1.2	6	0.6	152	15.4	6	0.6
Pennsylvania														
Eastern	232	30.9	0	0.0	15	2.0	7	0.9	24	3.2	125	16.7	11	1.5
Middle	177	27.4	0	0.0	16	2.5	11	1.7	3	0.5	60	9.3	5	0.8
Western	58	10.8	0	0.0	5	0.9	22	4.1	18	3.3	59	10.9	6	1.1
Virgin Islands	8	9.9	0	0.0	2	2.5	0	0.0	1	1.2	9	11.1	4	4.9
<b>FOURTH CIRCUIT</b>	<b>1,135</b>	<b>17.6</b>	<b>0</b>	<b>0.0</b>	<b>93</b>	<b>1.4</b>	<b>111</b>	<b>1.7</b>	<b>52</b>	<b>0.8</b>	<b>563</b>	<b>8.7</b>	<b>73</b>	<b>1.1</b>
Maryland	173	23.7	0	0.0	29	4.0	10	1.4	19	2.6	108	14.8	14	1.9
North Carolina														
Eastern	191	28.4	0	0.0	3	0.4	5	0.7	5	0.7	34	5.1	3	0.4
Middle	56	15.8	0	0.0	0	0.0	2	0.6	0	0.0	22	6.2	0	0.0
Western	208	26.0	0	0.0	8	1.0	10	1.3	6	0.8	29	3.6	11	1.4
South Carolina	256	21.2	0	0.0	19	1.6	23	1.9	0	0.0	86	7.1	18	1.5
Virginia														
Eastern	101	6.5	0	0.0	17	1.1	51	3.3	18	1.2	134	8.6	25	1.6
Western	82	20.7	0	0.0	4	1.0	4	1.0	0	0.0	35	8.8	2	0.5
West Virginia														
Northern	40	8.5	0	0.0	13	2.8	4	0.9	2	0.4	66	14.1	0	0.0
Southern	28	10.3	0	0.0	0	0.0	2	0.7	2	0.7	49	18.1	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>17,396</b>	<b>12,254</b>	<b>70.4</b>	<b>88</b>	<b>0.5</b>	<b>33</b>	<b>0.2</b>	<b>173</b>	<b>1.0</b>	<b>28</b>	<b>0.2</b>
Louisiana											
Eastern	479	367	76.6	5	1.0	4	0.8	9	1.9	1	0.2
Middle	204	143	70.1	2	1.0	0	0.0	1	0.5	0	0.0
Western	335	254	75.8	1	0.3	0	0.0	8	2.4	0	0.0
Mississippi											
Northern	177	109	61.6	0	0.0	0	0.0	4	2.3	0	0.0
Southern	422	341	80.8	1	0.2	2	0.5	4	0.9	3	0.7
Texas											
Eastern	1,012	735	72.6	8	0.8	0	0.0	4	0.4	3	0.3
Northern	1,081	736	68.1	22	2.0	12	1.1	35	3.2	2	0.2
Southern	6,511	3,754	57.7	29	0.4	3	0.0	24	0.4	11	0.2
Western	7,175	5,815	81.0	20	0.3	12	0.2	84	1.2	8	0.1
<b>SIXTH CIRCUIT</b>	<b>5,359</b>	<b>2,911</b>	<b>54.3</b>	<b>22</b>	<b>0.4</b>	<b>10</b>	<b>0.2</b>	<b>34</b>	<b>0.6</b>	<b>9</b>	<b>0.2</b>
Kentucky											
Eastern	681	313	46.0	0	0.0	1	0.1	5	0.7	0	0.0
Western	488	349	71.5	3	0.6	0	0.0	1	0.2	0	0.0
Michigan											
Eastern	736	403	54.8	3	0.4	0	0.0	4	0.5	2	0.3
Western	453	274	60.5	5	1.1	3	0.7	9	2.0	3	0.7
Ohio											
Northern	905	496	54.8	1	0.1	1	0.1	6	0.7	1	0.1
Southern	621	250	40.3	1	0.2	2	0.3	1	0.2	1	0.2
Tennessee											
Eastern	586	358	61.1	2	0.3	1	0.2	3	0.5	2	0.3
Middle	287	161	56.1	2	0.7	1	0.3	0	0.0	0	0.0
Western	602	307	51.0	5	0.8	1	0.2	5	0.8	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>3,041</b>	<b>1,683</b>	<b>55.3</b>	<b>3</b>	<b>0.1</b>	<b>9</b>	<b>0.3</b>	<b>34</b>	<b>1.1</b>	<b>5</b>	<b>0.2</b>
Illinois											
Central	387	215	55.6	0	0.0	0	0.0	0	0.0	1	0.3
Northern	919	425	46.2	1	0.1	4	0.4	3	0.3	2	0.2
Southern	310	239	77.1	1	0.3	3	1.0	5	1.6	1	0.3
Indiana											
Northern	452	296	65.5	0	0.0	2	0.4	3	0.7	1	0.2
Southern	293	168	57.3	1	0.3	0	0.0	8	2.7	0	0.0
Wisconsin											
Eastern	490	192	39.2	0	0.0	0	0.0	13	2.7	0	0.0
Western	190	148	77.9	0	0.0	0	0.0	2	1.1	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>5,407</b>	<b>3,476</b>	<b>64.3</b>	<b>32</b>	<b>0.6</b>	<b>11</b>	<b>0.2</b>	<b>48</b>	<b>0.9</b>	<b>8</b>	<b>0.1</b>
Arkansas											
Eastern	432	302	69.9	2	0.5	2	0.5	1	0.2	2	0.5
Western	206	146	70.9	1	0.5	0	0.0	2	1.0	0	0.0
Iowa											
Northern	590	429	72.7	10	1.7	3	0.5	5	0.8	2	0.3
Southern	470	253	53.8	2	0.4	1	0.2	5	1.1	1	0.2
Minnesota	575	272	47.3	1	0.2	0	0.0	1	0.2	0	0.0
Missouri											
Eastern	1,010	696	68.9	0	0.0	0	0.0	6	0.6	0	0.0
Western	778	497	63.9	2	0.3	3	0.4	10	1.3	1	0.1
Nebraska	641	429	66.9	10	1.6	0	0.0	12	1.9	2	0.3
North Dakota	251	122	48.6	0	0.0	1	0.4	1	0.4	0	0.0
South Dakota	454	330	72.7	4	0.9	1	0.2	5	1.1	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>1,299</b>	<b>7.5</b>	<b>1,254</b>	<b>7.2</b>	<b>1,021</b>	<b>5.9</b>	<b>418</b>	<b>2.4</b>	<b>39</b>	<b>0.2</b>	<b>655</b>	<b>3.8</b>	<b>134</b>	<b>0.8</b>
Louisiana														
Eastern	53	11.1	0	0.0	7	1.5	6	1.3	4	0.8	23	4.8	0	0.0
Middle	44	21.6	0	0.0	1	0.5	4	2.0	1	0.5	7	3.4	1	0.5
Western	30	9.0	0	0.0	0	0.0	0	0.0	5	1.5	24	7.2	13	3.9
Mississippi														
Northern	40	22.6	0	0.0	14	7.9	2	1.1	0	0.0	5	2.8	3	1.7
Southern	36	8.5	0	0.0	1	0.2	2	0.5	3	0.7	17	4.0	12	2.8
Texas														
Eastern	104	10.3	0	0.0	91	9.0	28	2.8	6	0.6	27	2.7	6	0.6
Northern	173	16.0	0	0.0	23	2.1	7	0.6	3	0.3	62	5.7	6	0.6
Southern	371	5.7	1,095	16.8	802	12.3	225	3.5	1	0.0	184	2.8	12	0.2
Western	448	6.2	159	2.2	82	1.1	144	2.0	16	0.2	306	4.3	81	1.1
<b>SIXTH CIRCUIT</b>	<b>1,375</b>	<b>25.7</b>	<b>1</b>	<b>0.0</b>	<b>133</b>	<b>2.5</b>	<b>98</b>	<b>1.8</b>	<b>105</b>	<b>2.0</b>	<b>584</b>	<b>10.9</b>	<b>77</b>	<b>1.4</b>
Kentucky														
Eastern	290	42.6	0	0.0	6	0.9	7	1.0	1	0.1	51	7.5	7	1.0
Western	62	12.7	0	0.0	23	4.7	9	1.8	0	0.0	38	7.8	3	0.6
Michigan														
Eastern	154	20.9	0	0.0	12	1.6	11	1.5	14	1.9	125	17.0	8	1.1
Western	86	19.0	0	0.0	0	0.0	9	2.0	8	1.8	53	11.7	3	0.7
Ohio														
Northern	209	23.1	0	0.0	27	3.0	14	1.5	22	2.4	106	11.7	22	2.4
Southern	195	31.4	0	0.0	30	4.8	22	3.5	39	6.3	65	10.5	15	2.4
Tennessee														
Eastern	149	25.4	0	0.0	4	0.7	8	1.4	3	0.5	47	8.0	9	1.5
Middle	64	22.3	0	0.0	11	3.8	6	2.1	10	3.5	30	10.5	2	0.7
Western	166	27.6	1	0.2	20	3.3	12	2.0	8	1.3	69	11.5	8	1.3
<b>SEVENTH CIRCUIT</b>	<b>559</b>	<b>18.4</b>	<b>1</b>	<b>0.0</b>	<b>78</b>	<b>2.6</b>	<b>44</b>	<b>1.4</b>	<b>98</b>	<b>3.2</b>	<b>455</b>	<b>15.0</b>	<b>72</b>	<b>2.4</b>
Illinois														
Central	93	24.0	1	0.3	5	1.3	7	1.8	3	0.8	58	15.0	4	1.0
Northern	176	19.2	0	0.0	21	2.3	23	2.5	81	8.8	155	16.9	28	3.0
Southern	31	10.0	0	0.0	2	0.6	1	0.3	5	1.6	17	5.5	5	1.6
Indiana														
Northern	95	21.0	0	0.0	5	1.1	0	0.0	4	0.9	26	5.8	20	4.4
Southern	50	17.1	0	0.0	15	5.1	5	1.7	2	0.7	44	15.0	0	0.0
Wisconsin														
Eastern	102	20.8	0	0.0	30	6.1	4	0.8	0	0.0	134	27.3	15	3.1
Western	12	6.3	0	0.0	0	0.0	4	2.1	3	1.6	21	11.1	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>814</b>	<b>15.1</b>	<b>53</b>	<b>1.0</b>	<b>144</b>	<b>2.7</b>	<b>73</b>	<b>1.4</b>	<b>76</b>	<b>1.4</b>	<b>613</b>	<b>11.3</b>	<b>59</b>	<b>1.1</b>
Arkansas														
Eastern	62	14.4	0	0.0	6	1.4	10	2.3	11	2.5	24	5.6	10	2.3
Western	33	16.0	0	0.0	0	0.0	2	1.0	0	0.0	21	10.2	1	0.5
Iowa														
Northern	57	9.7	31	5.3	1	0.2	0	0.0	3	0.5	46	7.8	3	0.5
Southern	101	21.5	0	0.0	25	5.3	6	1.3	3	0.6	62	13.2	11	2.3
Minnesota	164	28.5	0	0.0	8	1.4	11	1.9	23	4.0	92	16.0	3	0.5
Missouri														
Eastern	132	13.1	0	0.0	22	2.2	18	1.8	12	1.2	114	11.3	10	1.0
Western	136	17.5	0	0.0	21	2.7	8	1.0	11	1.4	87	11.2	2	0.3
Nebraska	24	3.7	19	3.0	44	6.9	7	1.1	6	0.9	79	12.3	9	1.4
North Dakota	93	37.1	3	1.2	3	1.2	3	1.2	1	0.4	23	9.2	1	0.4
South Dakota	12	2.6	0	0.0	14	3.1	8	1.8	6	1.3	65	14.3	9	2.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>14,074</b>	<b>6,282</b>	<b>44.6</b>	<b>68</b>	<b>0.5</b>	<b>17</b>	<b>0.1</b>	<b>70</b>	<b>0.5</b>	<b>21</b>	<b>0.1</b>
Alaska	164	84	51.2	0	0.0	0	0.0	3	1.8	2	1.2
Arizona	3,724	1,204	32.3	41	1.1	3	0.1	9	0.2	3	0.1
California											
Central	1,615	605	37.5	3	0.2	4	0.2	12	0.7	4	0.2
Eastern	884	425	48.1	0	0.0	4	0.5	6	0.7	2	0.2
Northern	704	371	52.7	0	0.0	2	0.3	5	0.7	0	0.0
Southern	3,757	1,889	50.3	10	0.3	2	0.1	6	0.2	3	0.1
Guam	68	51	75.0	1	1.5	0	0.0	0	0.0	1	1.5
Hawaii	278	119	42.8	0	0.0	0	0.0	1	0.4	1	0.4
Idaho	265	125	47.2	0	0.0	0	0.0	3	1.1	0	0.0
Montana	417	298	71.5	5	1.2	0	0.0	8	1.9	3	0.7
Nevada	429	292	68.1	1	0.2	1	0.2	2	0.5	0	0.0
Northern Mariana Islands	18	13	72.2	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	631	296	46.9	2	0.3	0	0.0	3	0.5	2	0.3
Washington											
Eastern	337	132	39.2	1	0.3	1	0.3	8	2.4	0	0.0
Western	783	378	48.3	4	0.5	0	0.0	4	0.5	0	0.0
<b>TENTH CIRCUIT</b>	<b>5,876</b>	<b>3,581</b>	<b>60.9</b>	<b>15</b>	<b>0.3</b>	<b>4</b>	<b>0.1</b>	<b>70</b>	<b>1.2</b>	<b>5</b>	<b>0.1</b>
Colorado	473	285	60.3	2	0.4	0	0.0	2	0.4	2	0.4
Kansas	664	403	60.7	2	0.3	3	0.5	44	6.6	1	0.2
New Mexico	2,901	1,743	60.1	4	0.1	0	0.0	5	0.2	2	0.1
Oklahoma											
Eastern	89	83	93.3	0	0.0	0	0.0	0	0.0	0	0.0
Northern	213	165	77.5	2	0.9	0	0.0	0	0.0	0	0.0
Western	339	241	71.1	1	0.3	0	0.0	10	2.9	0	0.0
Utah	859	441	51.3	4	0.5	0	0.0	7	0.8	0	0.0
Wyoming	338	220	65.1	0	0.0	1	0.3	2	0.6	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>7,038</b>	<b>4,792</b>	<b>68.1</b>	<b>11</b>	<b>0.2</b>	<b>10</b>	<b>0.1</b>	<b>94</b>	<b>1.3</b>	<b>3</b>	<b>0.0</b>
Alabama											
Middle	266	174	65.4	0	0.0	0	0.0	5	1.9	0	0.0
Northern	478	304	63.6	0	0.0	3	0.6	13	2.7	0	0.0
Southern	556	364	65.5	2	0.4	0	0.0	6	1.1	0	0.0
Florida											
Middle	1,664	1,027	61.7	1	0.1	1	0.1	9	0.5	1	0.1
Northern	338	239	70.7	1	0.3	0	0.0	5	1.5	0	0.0
Southern	2,162	1,584	73.3	1	0.0	2	0.1	23	1.1	1	0.0
Georgia											
Middle	352	284	80.7	0	0.0	2	0.6	6	1.7	0	0.0
Northern	706	409	57.9	2	0.3	2	0.3	7	1.0	0	0.0
Southern	516	407	78.9	4	0.8	0	0.0	20	3.9	1	0.2

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>1,304</b>	<b>9.3</b>	<b>3,964</b>	<b>28.2</b>	<b>750</b>	<b>5.3</b>	<b>262</b>	<b>1.9</b>	<b>141</b>	<b>1.0</b>	<b>1,002</b>	<b>7.1</b>	<b>193</b>	<b>1.4</b>
Alaska	29	17.7	0	0.0	21	12.8	2	1.2	7	4.3	14	8.5	2	1.2
Arizona	183	4.9	1,931	51.9	118	3.2	48	1.3	26	0.7	139	3.7	19	0.5
California														
Central	212	13.1	430	26.6	109	6.7	31	1.9	31	1.9	124	7.7	50	3.1
Eastern	133	15.0	183	20.7	33	3.7	16	1.8	11	1.2	62	7.0	9	1.0
Northern	84	11.9	49	7.0	78	11.1	13	1.8	13	1.8	69	9.8	20	2.8
Southern	154	4.1	1,232	32.8	119	3.2	103	2.7	14	0.4	159	4.2	66	1.8
Guam	6	8.8	0	0.0	0	0.0	1	1.5	0	0.0	6	8.8	2	2.9
Hawaii	86	30.9	0	0.0	3	1.1	3	1.1	2	0.7	59	21.2	4	1.4
Idaho	70	26.4	33	12.5	4	1.5	1	0.4	3	1.1	23	8.7	3	1.1
Montana	54	12.9	0	0.0	0	0.0	4	1.0	3	0.7	36	8.6	6	1.4
Nevada	36	8.4	0	0.0	44	10.3	3	0.7	3	0.7	43	10.0	4	0.9
Northern Mariana Islands	4	22.2	0	0.0	0	0.0	0	0.0	1	5.6	0	0.0	0	0.0
Oregon	117	18.5	23	3.6	66	10.5	15	2.4	9	1.4	95	15.1	3	0.5
Washington														
Eastern	29	8.6	68	20.2	39	11.6	1	0.3	2	0.6	54	16.0	2	0.6
Western	107	13.7	15	1.9	116	14.8	21	2.7	16	2.0	119	15.2	3	0.4
<b>TENTH CIRCUIT</b>	<b>405</b>	<b>6.9</b>	<b>572</b>	<b>9.7</b>	<b>495</b>	<b>8.4</b>	<b>150</b>	<b>2.6</b>	<b>75</b>	<b>1.3</b>	<b>477</b>	<b>8.1</b>	<b>27</b>	<b>0.5</b>
Colorado	76	16.1	0	0.0	21	4.4	19	4.0	5	1.1	57	12.1	4	0.8
Kansas	106	16.0	0	0.0	41	6.2	3	0.5	3	0.5	57	8.6	1	0.2
New Mexico	91	3.1	392	13.5	367	12.7	93	3.2	41	1.4	155	5.3	8	0.3
Oklahoma														
Eastern	1	1.1	0	0.0	0	0.0	0	0.0	0	0.0	5	5.6	0	0.0
Northern	29	13.6	0	0.0	1	0.5	1	0.5	0	0.0	15	7.0	0	0.0
Western	21	6.2	0	0.0	3	0.9	4	1.2	1	0.3	56	16.5	2	0.6
Utah	52	6.1	180	21.0	48	5.6	25	2.9	3	0.3	90	10.5	9	1.0
Wyoming	29	8.6	0	0.0	14	4.1	5	1.5	22	6.5	42	12.4	3	0.9
<b>ELEVENTH CIRCUIT</b>	<b>1,073</b>	<b>15.2</b>	<b>30</b>	<b>0.4</b>	<b>76</b>	<b>1.1</b>	<b>92</b>	<b>1.3</b>	<b>71</b>	<b>1.0</b>	<b>740</b>	<b>10.5</b>	<b>46</b>	<b>0.7</b>
Alabama														
Middle	61	22.9	0	0.0	2	0.8	3	1.1	0	0.0	20	7.5	1	0.4
Northern	95	19.9	0	0.0	2	0.4	5	1.0	2	0.4	52	10.9	2	0.4
Southern	124	22.3	0	0.0	4	0.7	2	0.4	2	0.4	50	9.0	2	0.4
Florida														
Middle	328	19.7	30	1.8	22	1.3	21	1.3	15	0.9	203	12.2	6	0.4
Northern	66	19.5	0	0.0	0	0.0	4	1.2	1	0.3	20	5.9	2	0.6
Southern	198	9.2	0	0.0	19	0.9	23	1.1	33	1.5	257	11.9	21	1.0
Georgia														
Middle	39	11.1	0	0.0	5	1.4	2	0.6	0	0.0	13	3.7	1	0.3
Northern	119	16.9	0	0.0	16	2.3	25	3.5	18	2.5	98	13.9	10	1.4
Southern	43	8.3	0	0.0	6	1.2	7	1.4	0	0.0	27	5.2	1	0.2

<sup>1</sup>Of the 76,478 cases, 1,985 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Districts for which information needed to determine the relationship between the sentence imposed and the guideline range is missing in five percent or more of the cases received included: Western Oklahoma (39.0%), Eastern Virginia (23.1%), Middle Georgia (20.5%), Central California (14.6%), Northern New York (8.4%), Middle Tennessee (6.8%), Southern Mississippi (6.8%), Western Washington (6.6%), and Maryland (6.6%). Descriptions of variables used in this table are provided in Appendix A.

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2008**

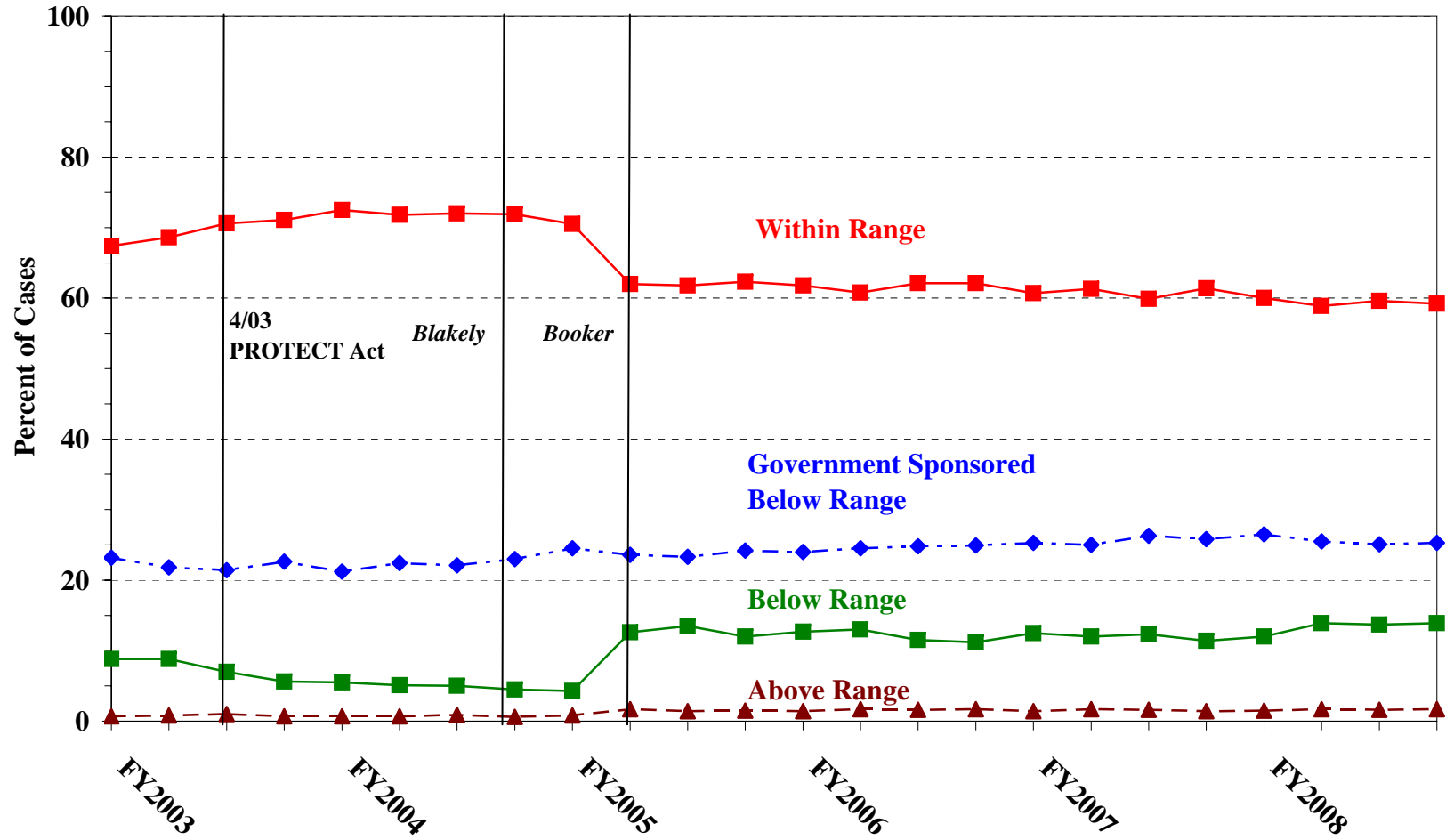
PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE WITH W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>74,452</b>	<b>44,240</b>	<b>59.4</b>	<b>326</b>	<b>0.4</b>	<b>147</b>	<b>0.2</b>	<b>622</b>	<b>0.8</b>	<b>100</b>	<b>0.1</b>
Murder	66	31	47.0	6	9.1	2	3.0	3	4.5	0	0.0
Manslaughter	53	38	71.7	3	5.7	1	1.9	1	1.9	0	0.0
Kidnapping/Hostage Taking	56	21	37.5	0	0.0	0	0.0	1	1.8	0	0.0
Sexual Abuse	480	338	70.4	9	1.9	2	0.4	15	3.1	0	0.0
Assault	636	423	66.5	14	2.2	3	0.5	22	3.5	5	0.8
Robbery	1,050	671	63.9	15	1.4	13	1.2	13	1.2	2	0.2
Arson	60	36	60.0	2	3.3	0	0.0	0	0.0	1	1.7
Drugs - Trafficking	24,213	12,484	51.6	43	0.2	17	0.1	66	0.3	21	0.1
Drugs - Communication Facility	351	211	60.1	1	0.3	1	0.3	2	0.6	0	0.0
Drugs - Simple Possession	413	370	89.6	1	0.2	2	0.5	5	1.2	3	0.7
Firearms	8,212	5,516	67.2	58	0.7	31	0.4	105	1.3	17	0.2
Burglary/B&E	45	33	73.3	1	2.2	0	0.0	1	2.2	0	0.0
Auto Theft	59	39	66.1	0	0.0	0	0.0	2	3.4	0	0.0
Larceny	1,548	1,159	74.9	3	0.2	4	0.3	25	1.6	5	0.3
Fraud	7,310	4,527	61.9	26	0.4	9	0.1	72	1.0	14	0.2
Embezzlement	483	334	69.2	0	0.0	1	0.2	2	0.4	0	0.0
Forgery/Counterfeiting	1,006	697	69.3	2	0.2	4	0.4	15	1.5	3	0.3
Bribery	218	95	43.6	0	0.0	0	0.0	0	0.0	0	0.0
Tax	574	253	44.1	2	0.3	2	0.3	6	1.0	0	0.0
Money Laundering	880	357	40.6	2	0.2	0	0.0	4	0.5	0	0.0
Racketeering/Extortion	735	339	46.1	12	1.6	0	0.0	12	1.6	2	0.3
Gambling/Lottery	126	63	50.0	1	0.8	0	0.0	1	0.8	0	0.0
Civil Rights	69	27	39.1	1	1.4	0	0.0	2	2.9	0	0.0
Immigration	21,072	13,151	62.4	97	0.5	35	0.2	196	0.9	21	0.1
Pornography/Prostitution	1,648	898	54.5	10	0.6	10	0.6	25	1.5	1	0.1
Prison Offenses	365	276	75.6	2	0.5	3	0.8	4	1.1	0	0.0
Administration of Justice Offenses	988	587	59.4	7	0.7	3	0.3	11	1.1	2	0.2
Environmental/Wildlife	170	112	65.9	0	0.0	0	0.0	1	0.6	0	0.0
National Defense	52	25	48.1	0	0.0	0	0.0	1	1.9	0	0.0
Antitrust	24	4	16.7	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	71	53	74.6	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	1,419	1,072	75.5	8	0.6	4	0.3	9	0.6	3	0.2

Table 3 (cont.)

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>10,038</b>	<b>13.5</b>	<b>5,891</b>	<b>7.9</b>	<b>3,117</b>	<b>4.2</b>	<b>1,544</b>	<b>2.1</b>	<b>915</b>	<b>1.2</b>	<b>6,678</b>	<b>9.0</b>	<b>834</b>	<b>1.1</b>
Murder	7	10.6	2	3.0	5	7.6	0	0.0	2	3.0	7	10.6	1	1.5
Manslaughter	0	0.0	0	0.0	4	7.5	1	1.9	1	1.9	4	7.5	0	0.0
Kidnapping/Hostage Taking	16	28.6	1	1.8	4	7.1	2	3.6	1	1.8	10	17.9	0	0.0
Sexual Abuse	17	3.5	1	0.2	29	6.0	4	0.8	7	1.5	53	11.0	5	1.0
Assault	9	1.4	8	1.3	46	7.2	24	3.8	9	1.4	62	9.7	11	1.7
Robbery	116	11.0	0	0.0	32	3.0	30	2.9	32	3.0	118	11.2	8	0.8
Arson	12	20.0	0	0.0	1	1.7	2	3.3	1	1.7	5	8.3	0	0.0
Drugs - Trafficking	6,270	25.9	1,184	4.9	884	3.7	457	1.9	322	1.3	2,274	9.4	191	0.8
Drugs - Communication Facility	58	16.5	1	0.3	17	4.8	3	0.9	4	1.1	47	13.4	6	1.7
Drugs - Simple Possession	10	2.4	0	0.0	11	2.7	0	0.0	1	0.2	6	1.5	4	1.0
Firearms	929	11.3	33	0.4	253	3.1	169	2.1	119	1.4	883	10.8	99	1.2
Burglary/B&E	4	8.9	0	0.0	0	0.0	2	4.4	0	0.0	2	4.4	2	4.4
Auto Theft	10	16.9	0	0.0	1	1.7	1	1.7	1	1.7	4	6.8	1	1.7
Larceny	97	6.3	6	0.4	39	2.5	23	1.5	15	1.0	134	8.7	38	2.5
Fraud	1,064	14.6	42	0.6	250	3.4	145	2.0	133	1.8	887	12.1	141	1.9
Embezzlement	28	5.8	0	0.0	14	2.9	14	2.9	9	1.9	71	14.7	10	2.1
Forgery/Counterfeiting	105	10.4	0	0.0	18	1.8	29	2.9	8	0.8	109	10.8	16	1.6
Bribery	61	28.0	0	0.0	12	5.5	2	0.9	3	1.4	42	19.3	3	1.4
Tax	114	19.9	0	0.0	19	3.3	16	2.8	20	3.5	127	22.1	15	2.6
Money Laundering	228	25.9	7	0.8	73	8.3	22	2.5	25	2.8	146	16.6	16	1.8
Racketeering/Extortion	189	25.7	0	0.0	72	9.8	15	2.0	6	0.8	77	10.5	11	1.5
Gambling/Lottery	21	16.7	0	0.0	10	7.9	5	4.0	2	1.6	14	11.1	9	7.1
Civil Rights	18	26.1	0	0.0	2	2.9	1	1.4	2	2.9	16	23.2	0	0.0
Immigration	344	1.6	4,593	21.8	1,072	5.1	457	2.2	93	0.4	842	4.0	171	0.8
Pornography/Prostitution	51	3.1	3	0.2	106	6.4	54	3.3	47	2.9	417	25.3	26	1.6
Prison Offenses	14	3.8	4	1.1	12	3.3	7	1.9	4	1.1	36	9.9	3	0.8
Administration of Justice Offenses	92	9.3	3	0.3	66	6.7	28	2.8	20	2.0	152	15.4	17	1.7
Environmental/Wildlife	22	12.9	0	0.0	11	6.5	4	2.4	3	1.8	14	8.2	3	1.8
National Defense	7	13.5	0	0.0	4	7.7	5	9.6	2	3.8	8	15.4	0	0.0
Antitrust	19	79.2	0	0.0	0	0.0	0	0.0	0	0.0	1	4.2	0	0.0
Food & Drug	8	11.3	0	0.0	2	2.8	2	2.8	1	1.4	5	7.0	0	0.0
Other Miscellaneous Offenses	98	6.9	3	0.2	48	3.4	20	1.4	22	1.6	105	7.4	27	1.9

<sup>1</sup>Of the 76,478 cases, 2,026 were excluded due to one or both of the following reasons: missing primary offense (50) or missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (1,985). Descriptions of variables used in this table are provided in Appendix A.

**Figure A**  
**QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>**  
**Fiscal Years 2003 - 2008**



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

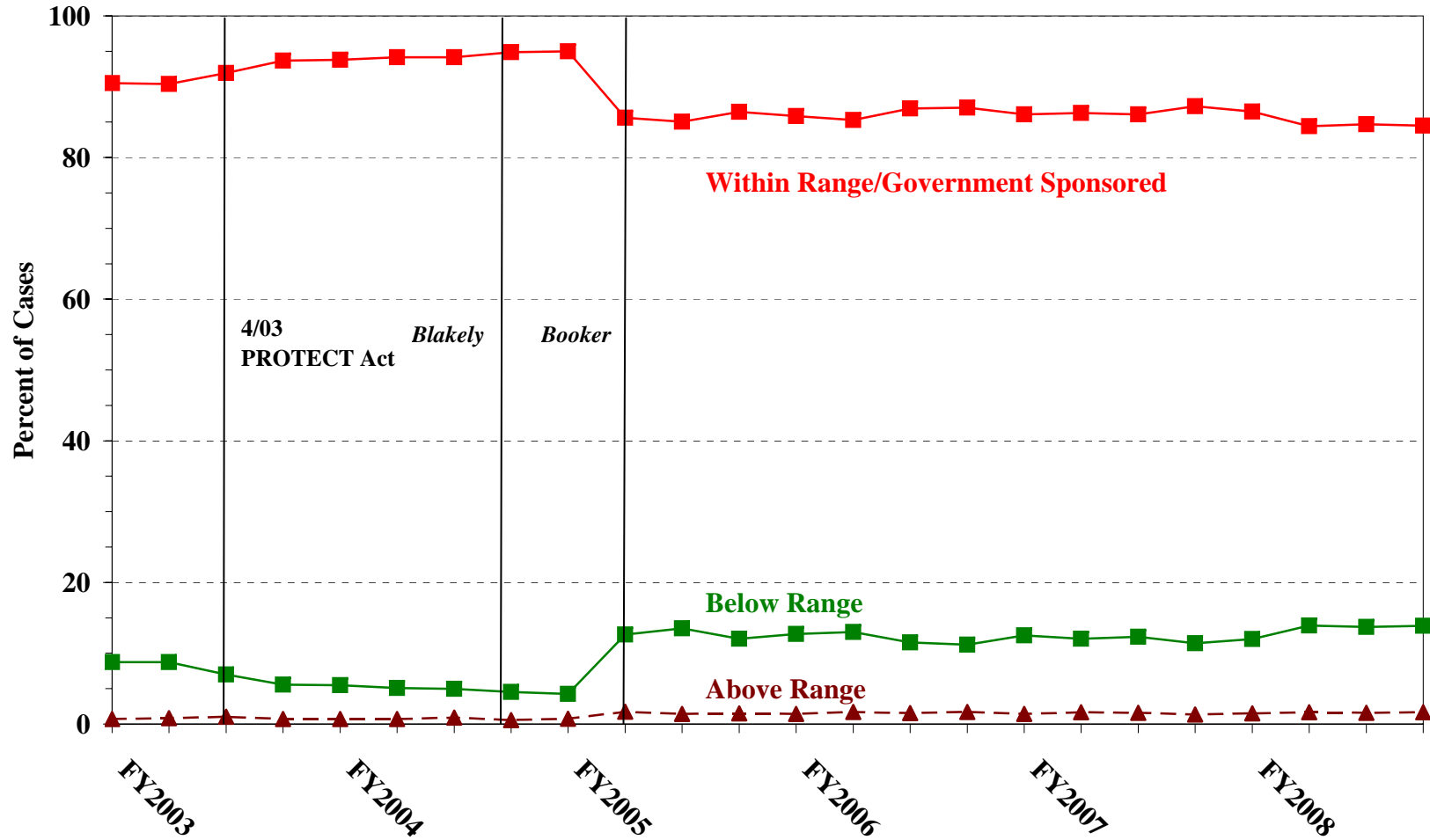
SOURCE: U.S. Sentencing Commission, 2003 - 2008 Datafiles, USSCFY03 - USSCFY08.



Figure B

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

Fiscal Years 2003 - 2008



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

Table 4

**QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>**  
**Fiscal Years 2003 - 2008**

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
<b>FY2003</b>				
1st Quarter	67.4	23.2	8.8	0.7
2ndQuarter	68.6	21.8	8.8	0.8
3rd Quarter	70.6	21.4	7.0	1.0
4th Quarter	71.1	22.6	5.6	0.7
<b>FY2004</b>				
1st Quarter	72.5	21.2	5.5	0.7
2ndQuarter	71.8	22.4	5.1	0.7
3rd Quarter	72.0	22.1	5.0	0.9
4th Quarter	71.9	23.0	4.5	0.6
<b>FY2005</b>				
1st Quarter	70.5	24.5	4.3	0.8
2ndQuarter	62.0	23.6	12.6	1.7
3rd Quarter	61.8	23.3	13.5	1.4
4th Quarter	62.3	24.2	12.0	1.5
<b>FY2006</b>				
1st Quarter	61.8	24.0	12.7	1.4
2ndQuarter	60.8	24.5	13.0	1.7
3rd Quarter	62.1	24.8	11.5	1.6
4th Quarter	62.1	24.9	11.2	1.7
<b>FY2007</b>				
1st Quarter	60.7	25.3	12.5	1.4
2ndQuarter	61.3	25.0	12.0	1.7
3rd Quarter	59.9	26.3	12.3	1.6
4th Quarter	61.4	25.8	11.4	1.4
<b>FY2008</b>				
1st Quarter	60.0	26.5	12.0	1.5
2ndQuarter	58.9	25.5	13.9	1.7
3rd Quarter	59.6	25.1	13.7	1.6
4th Quarter	59.2	25.3	13.9	1.7

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



Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward Departure		Above Range		Government Sponsored			Downward Departure		Below Range	
			Gdline Only	with Booker	with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2D1.5	18	4	0	0	0	0	13	0	0	0	0	1	0
§2D1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.7	2	1	0	0	0	0	1	0	0	0	0	0	0
§2D1.8	88	30	0	0	0	0	21	0	7	3	3	20	4
§2D1.9	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.10	5	4	0	0	0	0	0	0	0	0	0	1	0
§2D1.11	94	37	3	0	0	0	25	0	5	2	3	18	1
§2D1.12	8	6	0	0	0	0	1	0	0	0	0	1	0
§2D1.13	2	2	0	0	0	0	0	0	0	0	0	0	0
§2D1.14	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D2.1	273	253	1	2	6	3	2	0	2	0	1	1	2
§2D2.2	47	42	0	0	0	0	1	0	0	1	0	2	1
§2D2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D3.1	4	3	0	0	0	0	1	0	0	0	0	0	0
§2D3.2	1	1	0	0	0	0	0	0	0	0	0	0	0
§2D3.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D3.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D3.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E1.1	46	23	0	0	1	0	6	0	6	2	0	8	0
§2E1.2	20	8	1	0	0	0	6	0	2	0	0	3	0
§2E1.3	6	1	0	0	0	0	3	0	1	0	0	0	1
§2E1.4	6	4	0	0	0	0	0	0	0	0	0	2	0
§2E1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E2.1	31	11	1	0	0	0	4	0	10	0	2	3	0
§2E3.1	126	61	1	0	1	0	23	0	10	4	2	15	9
§2E3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E3.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E4.1	52	30	0	0	0	0	11	0	3	1	0	6	1
§2E5.1	8	4	0	0	0	1	1	0	0	0	0	2	0
§2E5.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E5.3	7	7	0	0	0	0	0	0	0	0	0	0	0
§2E5.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E5.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2E5.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2F1.1	258	83	0	0	1	1	98	1	19	8	7	30	10
§2F1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2G1.1	80	40	0	0	2	0	16	0	2	1	6	12	1
§2G1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2G1.3	228	157	5	2	8	0	18	0	11	3	2	20	2
§2G2.1	163	103	2	2	5	0	4	1	17	0	1	22	6
§2G2.2	1,335	718	6	5	14	1	30	3	81	46	41	373	17
§2G2.3	1	0	0	0	0	0	1	0	0	0	0	0	0
§2G2.4	56	27	1	2	0	0	4	0	4	5	0	12	1
§2G2.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2G3.1	17	7	0	1	1	0	1	0	2	2	0	2	1
§2G3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H1.1	66	24	0	0	2	0	26	0	2	1	2	9	0
§2H1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2H2.1	12	5	0	0	0	0	2	0	0	1	0	4	0
§2H3.1	7	6	0	0	0	0	0	0	1	0	0	0	0
§2H3.2	1	1	0	0	0	0	0	0	0	0	0	0	0
§2H3.3	8	7	0	0	0	0	0	0	0	0	0	0	1
§2H4.1	22	9	0	0	0	0	4	0	1	1	0	7	0

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward		Below Range	
			Departure		Above Range		\$5K1.1	\$5K3.1	Other Gov't	Departure		Below Range	
		Gdline Only	with Booker	with Booker	All Others							Gdline Only	with Booker
§2H4.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.2	132	65	0	2	2	0	7	0	10	8	8	29	1
§2J1.3	75	35	0	1	0	0	12	0	3	5	4	13	2
§2J1.4	12	11	0	1	0	0	0	0	0	0	0	0	0
§2J1.5	3	3	0	0	0	0	0	0	0	0	0	0	0
§2J1.6	59	45	2	0	0	0	0	1	5	0	1	4	1
§2J1.7	2	2	0	0	0	0	0	0	0	0	0	0	0
§2J1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.9	1	1	0	0	0	0	0	0	0	0	0	0	0
§2K1.1	8	8	0	0	0	0	0	0	0	0	0	0	0
§2K1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K1.3	36	16	0	1	2	0	8	0	3	0	0	6	0
§2K1.4	76	45	3	0	1	1	15	0	2	2	1	6	0
§2K1.5	13	13	0	0	0	0	0	0	0	0	0	0	0
§2K1.6	1	1	0	0	0	0	0	0	0	0	0	0	0
§2K1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K2.1	6,360	4,324	40	23	72	9	578	33	201	153	107	753	67
§2K2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K2.4 <sup>3</sup>	--	--	--	--	--	--	--	--	--	--	--	--	--
§2K2.5	19	19	0	0	0	0	0	0	0	0	0	0	0
§2K2.6	4	3	0	0	0	0	0	0	0	0	1	0	0
§2K3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L1.1	3,524	1,649	32	1	18	8	201	1,066	331	49	6	124	39
§2L1.2	13,578	8,040	46	22	119	8	73	3,430	664	391	79	619	87
§2L1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L2.1	438	284	0	0	1	0	78	0	15	4	4	40	12
§2L2.2	1,720	1,535	10	5	53	4	22	4	23	10	4	34	16
§2L2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L2.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.1	1	1	0	0	0	0	0	0	0	0	0	0	0
§2M3.2	2	2	0	0	0	0	0	0	0	0	0	0	0
§2M3.3	2	1	0	0	0	0	0	0	0	1	0	0	0
§2M3.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.9	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M5.1	13	1	0	0	0	0	5	0	3	0	0	4	0
§2M5.2	45	19	0	0	1	0	11	0	2	6	1	5	0
§2M5.3	14	10	0	0	0	0	2	0	0	0	0	2	0
§2M6.1	5	2	0	0	0	0	0	0	0	0	2	1	0
§2M6.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N1.1	2	0	0	0	0	0	0	0	0	1	0	1	0
§2N1.2	1	1	0	0	0	0	0	0	0	0	0	0	0
§2N1.3	4	2	0	0	0	0	0	0	0	2	0	0	0

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward			
			Departure		Above Range		Other Gov't	Departure		Below Range			
			Gdline Only	with Booker	with Booker	All Others		\$5K1.1	\$5K3.1	Gdline Only	with Booker	with Booker	All Others
§2N2.1	35	34	0	0	0	0	0	0	0	0	0	1	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	245	172	1	3	3	0	9	4	9	7	4	30	3
§2P1.2	88	73	1	0	1	0	3	0	4	0	0	6	0
§2P1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	48	16	0	0	1	0	6	0	9	4	3	8	1
§2Q1.3	30	8	0	0	0	0	9	0	5	3	2	2	1
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	109	69	0	0	0	0	15	0	9	1	1	11	3
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	17	4	0	0	0	0	13	0	0	0	0	0	0
§2S1.1	1,022	397	1	2	11	0	325	2	57	27	27	157	16
§2S1.2	5	4	0	0	0	0	1	0	0	0	0	0	0
§2S1.3	220	118	1	0	0	0	29	4	19	4	4	37	4
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	490	206	2	1	3	0	96	0	17	17	19	115	14
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.4	122	55	0	0	1	0	26	0	4	2	4	28	2
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	20	5	0	0	0	0	2	0	0	0	0	12	1
§2T1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	29	12	0	0	0	0	9	1	0	1	0	6	0
§2T2.1	1	1	0	0	0	0	0	0	0	0	0	0	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	11	8	0	0	0	0	2	0	0	0	0	1	0
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	27	11	0	1	0	0	8	0	2	1	1	3	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	123	59	1	1	4	0	21	2	7	2	6	20	0
§2X4.1	492	301	4	1	2	1	47	0	35	16	2	76	7
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	148	138	2	1	0	2	0	0	1	0	0	1	3
§2X6.1	1	1	0	0	0	0	0	0	0	0	0	0	0
§2X7.1	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>70,220</b>	<b>40,571</b>	<b>313</b>	<b>139</b>	<b>613</b>	<b>96</b>	<b>9,929</b>	<b>5,781</b>	<b>2,959</b>	<b>1,530</b>	<b>902</b>	<b>6,594</b>	<b>793</b>

<sup>1</sup>Of the 76,478 cases, 6,258 were excluded due to one or both of the following reasons: missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (1,985) or missing guideline applied (5,967). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup>In 904 cases the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment, therefore, in these 904 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

<sup>3</sup>In 2,495 cases the defendant was convicted of one or more counts of violating 18 U.S.C. § 924(c). By statute, the punishment for this crime must be served consecutively to any other punishment, therefore, in these 2,495 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
IN EACH OUTSIDE OF THE RANGE ATTRIBUTION CATEGORY<sup>1</sup>  
Fiscal Year 2008**

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>30,230</b>	<b>6,942</b>	<b>23.0</b>	<b>5,731</b>	<b>19.0</b>	<b>2,261</b>	<b>7.5</b>	<b>1,964</b>	<b>6.5</b>	<b>147</b>	<b>0.5</b>
<b>Above Range</b>	<b>1,195</b>	<b>5</b>	<b>0.4</b>	<b>5</b>	<b>0.4</b>	<b>200</b>	<b>16.7</b>	<b>129</b>	<b>10.8</b>	<b>1</b>	<b>0.1</b>
Upward Departure From Guideline Range	326	1	0.3	4	1.2	78	23.9	47	14.4	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	147	0	0.0	0	0.0	28	19.0	33	22.4	1	0.7
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	622	0	0.0	0	0.0	90	14.5	36	5.8	0	0.0
All Remaining Cases Above Guideline Range	100	4	4.0	1	1.0	4	4.0	13	13.0	0	0.0
<b>Government Sponsored Below Range</b>	<b>19,063</b>	<b>6,937</b>	<b>36.4</b>	<b>5,726</b>	<b>30.0</b>	<b>2,061</b>	<b>10.8</b>	<b>1,835</b>	<b>9.6</b>	<b>146</b>	<b>0.8</b>
§5K1.1 Substantial Assistance Departure	10,048	6,937	69.0	109	1.1	220	2.2	209	2.1	28	0.3
§5K3.1 Early Disposition Program Departure	5,894	0	0.0	5,617	95.3	746	12.7	119	2.0	6	0.1
Other Government Sponsored Below Range	3,121	0	0.0	0	0.0	1,095	35.1	1,507	48.3	112	3.6
<b>Below Range</b>	<b>9,972</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Downward Departure From Guideline Range	1,544	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	915	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	6,678	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	835	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>2,934</b>	<b>9.7</b>	<b>170</b>	<b>0.6</b>	<b>734</b>	<b>2.4</b>	<b>2,665</b>	<b>8.8</b>	<b>2,960</b>	<b>9.8</b>	<b>4,749</b>	<b>15.7</b>	<b>3,471</b>	<b>11.5</b>
<b>Above Range</b>	<b>6</b>	<b>0.5</b>	<b>0</b>	<b>0.0</b>	<b>141</b>	<b>11.8</b>	<b>8</b>	<b>0.7</b>	<b>6</b>	<b>0.5</b>	<b>568</b>	<b>47.5</b>	<b>254</b>	<b>21.3</b>
Upward Departure From Guideline Range	2	0.6	0	0.0	48	14.7	4	1.2	2	0.6	116	35.6	40	12.3
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	1	0.7	0	0.0	35	23.8	2	1.4	0	0.0	107	72.8	24	16.3
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	56	9.0	1	0.2	3	0.5	333	53.5	115	18.5
All Remaining Cases Above Guideline Range	3	3.0	0	0.0	2	2.0	1	1.0	1	1.0	12	12.0	75	75.0
<b>Government Sponsored Below Range</b>	<b>2,928</b>	<b>15.4</b>	<b>170</b>	<b>0.9</b>	<b>593</b>	<b>3.1</b>	<b>751</b>	<b>3.9</b>	<b>437</b>	<b>2.3</b>	<b>739</b>	<b>3.9</b>	<b>514</b>	<b>2.7</b>
§5K1.1 Substantial Assistance Departure	2,928	29.1	4	0.0	264	2.6	310	3.1	217	2.2	336	3.3	235	2.3
§5K3.1 Early Disposition Program Departure	0	0.0	166	2.8	40	0.7	209	3.5	123	2.1	122	2.1	117	2.0
Other Government Sponsored Below Range	0	0.0	0	0.0	289	9.3	232	7.4	97	3.1	281	9.0	162	5.2
<b>Below Range</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>1,906</b>	<b>19.1</b>	<b>2,517</b>	<b>25.2</b>	<b>3,442</b>	<b>34.5</b>	<b>2,703</b>	<b>27.1</b>
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	479	31.0	354	22.9	485	31.4	263	17.0
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	241	26.3	381	41.6	566	61.9	163	17.8
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	1,155	17.3	1,749	26.2	2,360	35.3	1,529	22.9
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	31	3.7	33	4.0	31	3.7	748	89.6

<sup>1</sup>Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 4,134 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.



**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2008**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>9,498</b>	<b>36.0</b>	<b>30.0</b>	<b>47.8</b>
<b>Murder</b>	6	64.6	201.4	72.5
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	13	166.0	80.0	33.6
<b>Sexual Abuse</b>	17	60.0	36.0	41.4
<b>Assault</b>	9	10.0	10.0	52.4
<b>Robbery</b>	113	46.0	20.0	33.3
<b>Arson</b>	11	30.0	26.0	33.2
<b>Drugs - Trafficking</b>	5,964	51.0	40.0	44.4
<b>Drugs - Communication Facility</b>	54	12.0	17.1	61.2
<b>Drugs - Simple Possession</b>	10	19.5	21.0	41.6
<b>Firearms</b>	854	55.0	29.0	40.5
<b>Burglary/B&amp;E</b>	3	0.0	10.0	100.0
<b>Auto Theft</b>	10	24.0	12.5	30.7
<b>Larceny</b>	91	12.0	11.0	56.4
<b>Fraud</b>	1,006	6.0	15.0	70.3
<b>Embezzlement</b>	27	0.0	9.0	100.0
<b>Forgery/Counterfeiting</b>	102	6.0	8.0	66.7
<b>Bribery</b>	60	1.5	19.0	84.6
<b>Tax</b>	108	0.0	12.0	100.0
<b>Money Laundering</b>	212	12.0	24.0	59.1
<b>Racketeering/Extortion</b>	176	29.0	30.0	51.1
<b>Gambling/Lottery</b>	20	0.0	6.0	100.0
<b>Civil Rights</b>	14	6.0	12.0	85.0
<b>Immigration</b>	329	10.5	10.0	46.8
<b>Pornography/Prostitution</b>	49	57.0	47.0	45.0
<b>Prison Offenses</b>	10	5.8	8.7	64.5
<b>Administration of Justice Offenses</b>	88	0.0	12.0	100.0
<b>Environmental/Wildlife</b>	21	0.0	12.0	100.0
<b>National Defense</b>	7	12.0	33.0	73.9
<b>Antitrust</b>	15	0.0	8.0	100.0
<b>Food &amp; Drug</b>	7	0.0	12.0	100.0
<b>Other Miscellaneous Offenses</b>	92	4.0	13.0	79.4

<sup>1</sup>Of the 76,478 cases, 10,048 received a §5K1.1 substantial assistance departure. Of these, 9,628 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 119 cases were also excluded from this table. Of the remaining 9,509 cases, 11 were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2008**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>5,666</b>	<b>18.0</b>	<b>7.0</b>	<b>28.6</b>
<b>Murder</b>	1	--	--	--
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	1	--	--	--
<b>Sexual Abuse</b>	1	--	--	--
<b>Assault</b>	8	21.0	4.8	22.1
<b>Robbery</b>	0	--	--	--
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	1,127	13.0	10.0	40.0
<b>Drugs - Communication Facility</b>	1	--	--	--
<b>Drugs - Simple Possession</b>	0	--	--	--
<b>Firearms</b>	31	14.0	7.6	21.7
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	6	7.0	6.0	34.3
<b>Fraud</b>	39	5.0	1.0	16.7
<b>Embezzlement</b>	0	--	--	--
<b>Forgery/Counterfeiting</b>	0	--	--	--
<b>Bribery</b>	0	--	--	--
<b>Tax</b>	0	--	--	--
<b>Money Laundering</b>	6	0.4	11.5	95.6
<b>Racketeering/Extortion</b>	0	--	--	--
<b>Gambling/Lottery</b>	0	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	4,432	18.0	6.0	28.0
<b>Pornography/Prostitution</b>	3	30.0	18.0	34.8
<b>Prison Offenses</b>	4	12.0	3.0	22.5
<b>Administration of Justice Offenses</b>	3	4.0	12.0	60.0
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	3	21.0	3.0	22.2

<sup>1</sup>Of the 76,478 cases, 5,894 received a §5K3.1 early disposition program departure. Of these, 5,667 had complete guideline application information. Furthermore, one case was excluded due to several logical criteria. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2008**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>2,878</b>	<b>21.0</b>	<b>10.0</b>	<b>27.4</b>
<b>Murder</b>	4	144.0	50.0	23.2
<b>Manslaughter</b>	4	19.0	14.5	44.8
<b>Kidnapping/Hostage Taking</b>	4	201.5	68.0	23.7
<b>Sexual Abuse</b>	26	78.0	19.5	36.0
<b>Assault</b>	39	14.8	12.0	50.9
<b>Robbery</b>	30	39.5	14.9	20.3
<b>Arson</b>	1	--	--	--
<b>Drugs - Trafficking</b>	840	60.0	15.0	22.2
<b>Drugs - Communication Facility</b>	17	24.0	19.0	43.8
<b>Drugs - Simple Possession</b>	9	60.0	10.0	16.4
<b>Firearms</b>	235	37.0	15.0	25.8
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	1	--	--	--
<b>Larceny</b>	36	0.0	9.0	100.0
<b>Fraud</b>	192	10.0	11.6	54.9
<b>Embezzlement</b>	14	0.0	9.0	99.9
<b>Forgery/Counterfeiting</b>	18	7.2	9.0	47.1
<b>Bribery</b>	12	34.0	22.5	46.7
<b>Tax</b>	19	0.0	12.0	100.0
<b>Money Laundering</b>	64	12.0	12.0	59.7
<b>Racketeering/Extortion</b>	64	25.5	11.5	27.0
<b>Gambling/Lottery</b>	10	0.0	6.0	99.8
<b>Civil Rights</b>	2	--	--	--
<b>Immigration</b>	1,008	12.0	3.3	20.0
<b>Pornography/Prostitution</b>	103	60.0	34.0	38.1
<b>Prison Offenses</b>	11	10.0	8.0	33.3
<b>Administration of Justice Offenses</b>	56	0.0	12.0	100.0
<b>Environmental/Wildlife</b>	11	0.0	12.0	100.0
<b>National Defense</b>	3	4.9	42.0	70.0
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	2	--	--	--
<b>Other Miscellaneous Offenses</b>	43	0.0	12.0	100.0

<sup>1</sup>Of the 76,478 cases, 3,121 received an other government sponsored downward departure. Of these, 2,891 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional ten cases were also excluded from this table. Of the remaining 2,881 cases, three were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2008**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>1,476</b>	<b>24.0</b>	<b>10.0</b>	<b>28.6</b>
<b>Murder</b>	0	--	--	--
<b>Manslaughter</b>	1	--	--	--
<b>Kidnapping/Hostage Taking</b>	2	--	--	--
<b>Sexual Abuse</b>	4	34.0	7.0	26.1
<b>Assault</b>	21	7.0	12.0	41.7
<b>Robbery</b>	30	27.0	17.0	34.5
<b>Arson</b>	2	--	--	--
<b>Drugs - Trafficking</b>	430	51.0	14.0	21.8
<b>Drugs - Communication Facility</b>	2	--	--	--
<b>Drugs - Simple Possession</b>	0	--	--	--
<b>Firearms</b>	160	30.0	9.0	19.4
<b>Burglary/B&amp;E</b>	2	--	--	--
<b>Auto Theft</b>	1	--	--	--
<b>Larceny</b>	23	0.0	10.0	100.0
<b>Fraud</b>	138	5.0	10.0	70.6
<b>Embezzlement</b>	13	0.1	10.0	98.3
<b>Forgery/Counterfeiting</b>	28	2.7	10.5	70.8
<b>Bribery</b>	2	--	--	--
<b>Tax</b>	15	0.0	10.0	100.0
<b>Money Laundering</b>	20	20.5	9.5	24.8
<b>Racketeering/Extortion</b>	13	71.0	18.0	17.1
<b>Gambling/Lottery</b>	5	0.0	8.0	100.0
<b>Civil Rights</b>	1	--	--	--
<b>Immigration</b>	447	24.0	7.0	25.0
<b>Pornography/Prostitution</b>	53	56.0	24.0	31.0
<b>Prison Offenses</b>	7	12.0	4.0	19.8
<b>Administration of Justice Offenses</b>	28	5.0	9.5	61.0
<b>Environmental/Wildlife</b>	4	12.0	8.5	38.9
<b>National Defense</b>	5	10.0	21.0	78.3
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	2	--	--	--
<b>Other Miscellaneous Offenses</b>	17	6.0	8.0	66.7

<sup>1</sup>Of the 76,478 cases, 1,544 received a downward departure from the guideline range. Of these, 1,480 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional two cases were also excluded from this table. Of the remaining 1,478 cases, two were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2008**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>860</b>	<b>24.0</b>	<b>15.0</b>	<b>40.5</b>
Murder	2	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	6	25.5	17.5	34.9
Assault	9	3.0	15.0	75.0
Robbery	32	37.0	13.0	21.7
Arson	1	--	--	--
Drugs - Trafficking	300	60.0	23.0	33.1
Drugs - Communication Facility	4	12.0	14.1	51.5
Drugs - Simple Possession	1	--	--	--
Firearms	115	24.0	12.2	33.3
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	12	0.0	9.9	100.0
Fraud	124	5.5	12.0	73.6
Embezzlement	9	0.0	12.0	99.8
Forgery/Counterfeiting	8	0.0	9.5	100.0
Bribery	2	--	--	--
Tax	20	0.0	12.0	99.9
Money Laundering	24	21.0	16.5	67.8
Racketeering/Extortion	6	39.0	27.0	33.9
Gambling/Lottery	2	--	--	--
Civil Rights	2	--	--	--
Immigration	85	24.0	13.0	36.6
Pornography/Prostitution	46	51.0	25.9	38.5
Prison Offenses	4	16.5	4.5	22.4
Administration of Justice Offenses	18	3.5	8.5	61.0
Environmental/Wildlife	3	0.0	8.0	100.0
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	21	0.0	12.0	100.0

<sup>1</sup>Of the 76,478 cases, 915 received a downward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 864 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional four cases were also excluded from this table. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**BELOW GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2008**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
<b>TOTAL</b>	<b>6,324</b>	<b>27.0</b>	<b>12.0</b>	<b>33.3</b>
<b>Murder</b>	7	180.0	52.0	17.8
<b>Manslaughter</b>	4	7.5	12.0	75.0
<b>Kidnapping/Hostage Taking</b>	9	144.0	70.0	30.0
<b>Sexual Abuse</b>	47	36.0	14.7	37.8
<b>Assault</b>	60	13.0	9.0	35.8
<b>Robbery</b>	115	41.0	13.0	21.7
<b>Arson</b>	5	72.0	15.0	14.3
<b>Drugs - Trafficking</b>	2,144	60.0	17.0	23.7
<b>Drugs - Communication Facility</b>	46	18.0	12.0	39.6
<b>Drugs - Simple Possession</b>	4	30.0	9.0	59.9
<b>Firearms</b>	849	28.0	12.0	29.4
<b>Burglary/B&amp;E</b>	2	--	--	--
<b>Auto Theft</b>	4	3.0	11.0	70.0
<b>Larceny</b>	131	0.0	9.0	100.0
<b>Fraud</b>	841	8.0	10.0	59.9
<b>Embezzlement</b>	71	0.2	9.0	98.0
<b>Forgery/Counterfeiting</b>	105	0.0	8.3	99.1
<b>Bribery</b>	31	10.0	12.0	56.8
<b>Tax</b>	123	1.0	10.0	91.7
<b>Money Laundering</b>	136	15.0	10.0	36.8
<b>Racketeering/Extortion</b>	71	36.0	12.0	28.5
<b>Gambling/Lottery</b>	13	0.0	6.0	100.0
<b>Civil Rights</b>	16	1.5	10.5	87.3
<b>Immigration</b>	779	24.0	10.0	33.2
<b>Pornography/Prostitution</b>	409	60.0	27.0	33.8
<b>Prison Offenses</b>	36	9.0	9.0	50.0
<b>Administration of Justice Offenses</b>	144	6.0	10.0	62.2
<b>Environmental/Wildlife</b>	13	0.0	10.0	100.0
<b>National Defense</b>	8	15.0	9.9	43.9
<b>Antitrust</b>	1	--	--	--
<b>Food &amp; Drug</b>	5	1.0	8.0	83.3
<b>Other Miscellaneous Offenses</b>	95	0.0	10.0	100.0

<sup>1</sup>Of the 76,478 cases, 6,678 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 6,364 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 26 cases were also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Of the remaining 6,336 cases, 12 were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2008**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>733</b>	<b>13.0</b>	<b>6.0</b>	<b>39.2</b>
<b>Murder</b>	0	--	--	--
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	5	6.0	14.0	60.0
<b>Assault</b>	9	7.1	6.0	59.9
<b>Robbery</b>	8	47.0	14.0	22.0
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	170	60.0	15.0	25.6
<b>Drugs - Communication Facility</b>	6	32.0	6.0	18.3
<b>Drugs - Simple Possession</b>	4	0.7	6.0	87.6
<b>Firearms</b>	93	63.0	10.0	19.8
<b>Burglary/B&amp;E</b>	2	--	--	--
<b>Auto Theft</b>	1	--	--	--
<b>Larceny</b>	34	0.0	6.0	100.0
<b>Fraud</b>	126	4.0	6.0	62.5
<b>Embezzlement</b>	10	0.0	4.0	99.6
<b>Forgery/Counterfeiting</b>	14	0.4	6.0	94.8
<b>Bribery</b>	3	3.0	7.0	70.0
<b>Tax</b>	15	0.0	7.0	100.0
<b>Money Laundering</b>	13	0.2	6.0	96.2
<b>Racketeering/Extortion</b>	8	69.0	24.0	27.7
<b>Gambling/Lottery</b>	9	0.0	6.0	100.0
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	140	6.0	5.8	34.5
<b>Pornography/Prostitution</b>	25	70.0	44.0	31.0
<b>Prison Offenses</b>	3	6.0	2.0	25.0
<b>Administration of Justice Offenses</b>	11	0.0	6.0	100.0
<b>Environmental/Wildlife</b>	1	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	23	0.0	6.0	100.0

<sup>1</sup>Of the 76,478 cases, 835 were otherwise sentenced below the guideline range. Of these, 740 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional six cases were also excluded from this table. Furthermore, one case was excluded due to several logical criteria. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2008**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>303</b>	<b>60.0</b>	<b>14.0</b>	<b>33.3</b>
<b>Murder</b>	5	360.0	98.0	37.4
<b>Manslaughter</b>	3	60.0	14.0	30.4
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	9	84.0	31.0	53.8
<b>Assault</b>	14	96.0	30.0	48.7
<b>Robbery</b>	15	120.0	25.0	27.7
<b>Arson</b>	2	--	--	--
<b>Drugs - Trafficking</b>	42	116.0	27.0	26.3
<b>Drugs - Communication Facility</b>	1	--	--	--
<b>Drugs - Simple Possession</b>	1	--	--	--
<b>Firearms</b>	54	120.0	15.0	24.0
<b>Burglary/B&amp;E</b>	1	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	3	37.0	16.0	76.2
<b>Fraud</b>	25	60.0	14.0	37.8
<b>Embezzlement</b>	0	--	--	--
<b>Forgery/Counterfeiting</b>	2	--	--	--
<b>Bribery</b>	0	--	--	--
<b>Tax</b>	2	--	--	--
<b>Money Laundering</b>	2	--	--	--
<b>Racketeering/Extortion</b>	11	66.0	15.0	36.8
<b>Gambling/Lottery</b>	1	--	--	--
<b>Civil Rights</b>	1	--	--	--
<b>Immigration</b>	86	21.0	6.0	33.3
<b>Pornography/Prostitution</b>	9	300.0	59.0	18.5
<b>Prison Offenses</b>	2	--	--	--
<b>Administration of Justice Offenses</b>	6	28.0	7.0	85.7
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	6	36.0	10.5	25.8

<sup>1</sup>Of the 76,478 cases, 326 received an upward departure from the guideline range. Of these, 307 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.



**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2008**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>129</b>	<b>78.0</b>	<b>23.0</b>	<b>54.1</b>
<b>Murder</b>	1	--	--	--
<b>Manslaughter</b>	1	--	--	--
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	2	--	--	--
<b>Assault</b>	3	60.0	30.0	52.6
<b>Robbery</b>	12	144.0	47.0	69.5
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	16	131.0	41.0	38.2
<b>Drugs - Communication Facility</b>	1	--	--	--
<b>Drugs - Simple Possession</b>	2	--	--	--
<b>Firearms</b>	28	114.0	36.0	49.3
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	4	68.0	23.0	121.4
<b>Fraud</b>	6	53.5	11.0	30.5
<b>Embezzlement</b>	1	--	--	--
<b>Forgery/Counterfeiting</b>	4	46.5	12.0	44.5
<b>Bribery</b>	0	--	--	--
<b>Tax</b>	2	--	--	--
<b>Money Laundering</b>	0	--	--	--
<b>Racketeering/Extortion</b>	0	--	--	--
<b>Gambling/Lottery</b>	0	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	27	27.0	10.0	100.0
<b>Pornography/Prostitution</b>	10	237.0	55.0	43.2
<b>Prison Offenses</b>	2	--	--	--
<b>Administration of Justice Offenses</b>	3	24.0	6.0	20.0
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	4	33.0	9.5	65.9

<sup>1</sup>Of the 76,478 cases, 147 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 132 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional cases was also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2008**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>588</b>	<b>48.5</b>	<b>14.0</b>	<b>50.0</b>
<b>Murder</b>	2	--	--	--
<b>Manslaughter</b>	1	--	--	--
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	14	135.0	26.5	30.9
<b>Assault</b>	21	72.0	23.0	42.9
<b>Robbery</b>	12	110.0	16.5	20.9
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	62	96.0	15.0	21.2
<b>Drugs - Communication Facility</b>	2	--	--	--
<b>Drugs - Simple Possession</b>	4	9.5	3.5	52.4
<b>Firearms</b>	101	96.0	23.0	30.4
<b>Burglary/B&amp;E</b>	1	--	--	--
<b>Auto Theft</b>	1	--	--	--
<b>Larceny</b>	24	36.0	13.5	53.8
<b>Fraud</b>	66	60.0	18.0	60.5
<b>Embezzlement</b>	1	--	--	--
<b>Forgery/Counterfeiting</b>	15	36.0	16.0	100.0
<b>Bribery</b>	0	--	--	--
<b>Tax</b>	6	59.0	12.0	56.3
<b>Money Laundering</b>	4	48.0	16.5	72.2
<b>Racketeering/Extortion</b>	12	102.0	41.0	65.1
<b>Gambling/Lottery</b>	1	--	--	--
<b>Civil Rights</b>	2	--	--	--
<b>Immigration</b>	188	19.0	7.0	71.9
<b>Pornography/Prostitution</b>	24	140.0	31.5	23.5
<b>Prison Offenses</b>	4	30.0	9.0	31.9
<b>Administration of Justice Offenses</b>	11	60.0	15.0	42.5
<b>Environmental/Wildlife</b>	1	--	--	--
<b>National Defense</b>	1	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	7	24.0	8.0	50.0

<sup>1</sup>Of the 76,478 cases, 622 were sentenced above the guideline range with *Booker*/18 U.S.C § 3553. Of these, 594 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional three cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2008**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>63</b>	<b>60.0</b>	<b>10.0</b>	<b>25.0</b>
<b>Murder</b>	0	--	--	--
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	0	--	--	--
<b>Assault</b>	2	--	--	--
<b>Robbery</b>	2	--	--	--
<b>Arson</b>	1	--	--	--
<b>Drugs - Trafficking</b>	14	102.0	16.0	18.3
<b>Drugs - Communication Facility</b>	0	--	--	--
<b>Drugs - Simple Possession</b>	2	--	--	--
<b>Firearms</b>	13	180.0	49.0	37.4
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	2	--	--	--
<b>Fraud</b>	5	60.0	14.0	23.5
<b>Embezzlement</b>	0	--	--	--
<b>Forgery/Counterfeiting</b>	2	--	--	--
<b>Bribery</b>	0	--	--	--
<b>Tax</b>	0	--	--	--
<b>Money Laundering</b>	0	--	--	--
<b>Racketeering/Extortion</b>	1	--	--	--
<b>Gambling/Lottery</b>	0	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	16	18.0	6.0	25.5
<b>Pornography/Prostitution</b>	0	--	--	--
<b>Prison Offenses</b>	0	--	--	--
<b>Administration of Justice Offenses</b>	2	--	--	--
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	1	--	--	--

<sup>1</sup>Of the 76,478 cases, 100 were otherwise sentenced above the guideline range. Of these, 94 had complete guideline application information. Furthermore, 31 cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2008**

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>75,657</b>	<b>67,354</b>	<b>89.0</b>	<b>65,376</b>	<b>86.4</b>	<b>1,978</b>	<b>2.6</b>	<b>8,303</b>	<b>11.0</b>	<b>2,707</b>	<b>3.6</b>	<b>5,596</b>	<b>7.4</b>
Murder	69	69	100.0	68	98.6	1	1.4	0	0.0	0	0.0	0	0.0
Manslaughter	54	51	94.4	49	90.7	2	3.7	3	5.6	0	0.0	3	5.6
Kidnapping/Hostage Taking	56	56	100.0	56	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	484	473	97.7	462	95.5	11	2.3	11	2.3	8	1.7	3	0.6
Assault	667	576	86.4	548	82.2	28	4.2	91	13.6	22	3.3	69	10.3
Robbery	1,051	1,024	97.4	1,002	95.3	22	2.1	27	2.6	8	0.8	19	1.8
Arson	60	58	96.7	57	95.0	1	1.7	2	3.3	0	0.0	2	3.3
Drugs - Trafficking	24,282	23,460	96.6	22,939	94.5	521	2.1	822	3.4	376	1.5	446	1.8
Drugs - Communication Facility	354	289	81.6	281	79.4	8	2.3	65	18.4	28	7.9	37	10.5
Drugs - Simple Possession	457	181	39.6	178	38.9	3	0.7	276	60.4	18	3.9	258	56.5
Firearms	8,235	7,759	94.2	7,577	92.0	182	2.2	476	5.8	224	2.7	252	3.1
Burglary/B&E	45	40	88.9	36	80.0	4	8.9	5	11.1	5	11.1	0	0.0
Auto Theft	60	51	85.0	49	81.7	2	3.3	9	15.0	4	6.7	5	8.3
Larceny	1,570	678	43.2	608	38.7	70	4.5	892	56.8	216	13.8	676	43.1
Fraud	7,445	5,573	74.9	5,082	68.3	491	6.6	1,872	25.1	706	9.5	1,166	15.7
Embezzlement	491	253	51.5	195	39.7	58	11.8	238	48.5	69	14.1	169	34.4
Forgery/Counterfeiting	1,015	710	70.0	646	63.6	64	6.3	305	30.0	146	14.4	159	15.7
Bribery	219	165	75.3	155	70.8	10	4.6	54	24.7	29	13.2	25	11.4
Tax	585	344	58.8	295	50.4	49	8.4	241	41.2	123	21.0	118	20.2
Money Laundering	889	691	77.7	660	74.2	31	3.5	198	22.3	72	8.1	126	14.2
Racketeering/Extortion	738	670	90.8	648	87.8	22	3.0	68	9.2	27	3.7	41	5.6
Gambling/Lottery	127	47	37.0	39	30.7	8	6.3	80	63.0	45	35.4	35	27.6
Civil Rights	70	47	67.1	43	61.4	4	5.7	23	32.9	10	14.3	13	18.6
Immigration	21,404	20,660	96.5	20,419	95.4	241	1.1	744	3.5	196	0.9	548	2.6
Pornography/Prostitution	1,656	1,624	98.1	1,604	96.9	20	1.2	32	1.9	16	1.0	16	1.0
Prison Offenses	370	347	93.8	337	91.1	10	2.7	23	6.2	9	2.4	14	3.8
Administration of Justice Offenses	1,016	647	63.7	606	59.6	41	4.0	369	36.3	105	10.3	264	26.0
Environmental/Wildlife	188	35	18.6	30	16.0	5	2.7	153	81.4	27	14.4	126	67.0
National Defense	53	45	84.9	41	77.4	4	7.5	8	15.1	4	7.5	4	7.5
Antitrust	21	11	52.4	8	38.1	3	14.3	10	47.6	6	28.6	4	19.0
Food & Drug	66	22	33.3	16	24.2	6	9.1	44	66.7	12	18.2	32	48.5
Other Miscellaneous Offenses	1,860	698	37.5	642	34.5	56	3.0	1,162	62.5	196	10.5	966	51.9

<sup>1</sup>Of the 76,478 cases, 821 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (718), missing primary offense category (50), or missing sentencing information (102). Descriptions of variables used in this table are provided in Appendix A.

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

Table 19

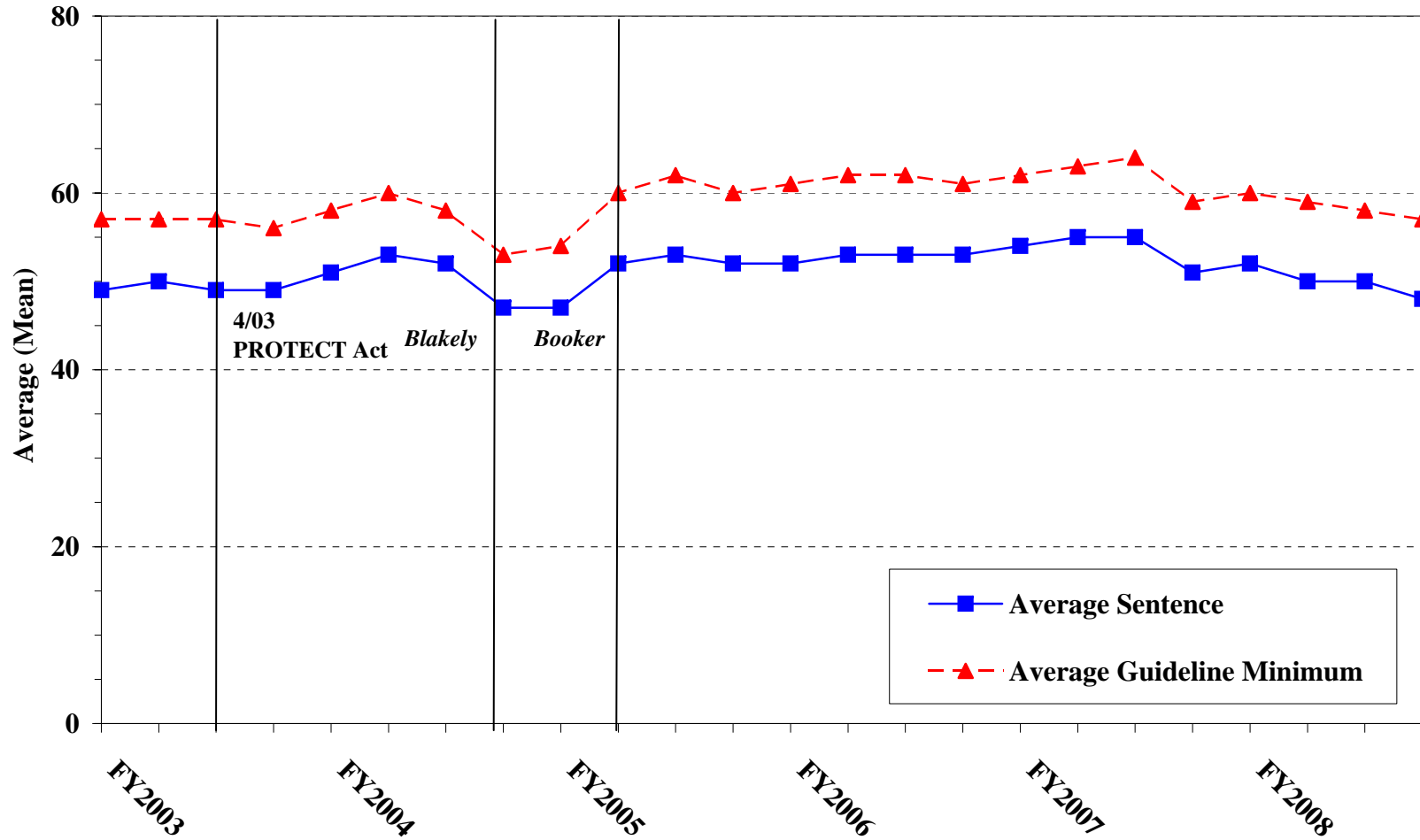
**AVERAGE SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2008**

<b>PRIMARY OFFENSE</b>	<b>Mean Months</b>	<b>Median Months</b>	<b>N</b>
<b>TOTAL</b>	<b>49.6</b>	<b>24.0</b>	<b>76,366</b>
<b>Murder</b>	221.6	210.0	69
<b>Manslaughter</b>	46.1	37.0	54
<b>Kidnapping/Hostage Taking</b>	205.3	180.0	56
<b>Sexual Abuse</b>	92.1	63.0	485
<b>Assault</b>	37.7	27.0	676
<b>Robbery</b>	80.2	63.0	1,052
<b>Arson</b>	78.5	60.0	60
<b>Drugs - Trafficking</b>	79.9	60.0	24,286
<b>Drugs - Communication Facility</b>	35.1	36.0	354
<b>Drugs - Simple Possession</b>	6.4	0.0	511
<b>Firearms</b>	83.7	56.0	8,246
<b>Burglary/B&amp;E</b>	19.2	18.0	45
<b>Auto Theft</b>	48.0	24.0	60
<b>Larceny</b>	8.3	1.5	1,683
<b>Fraud</b>	21.6	12.0	7,465
<b>Embezzlement</b>	8.7	6.0	495
<b>Forgery/Counterfeiting</b>	16.3	12.0	1,015
<b>Bribery</b>	19.9	12.0	219
<b>Tax</b>	16.2	10.0	587
<b>Money Laundering</b>	33.1	18.0	893
<b>Racketeering/Extortion</b>	83.1	51.0	740
<b>Gambling/Lottery</b>	6.9	6.0	127
<b>Civil Rights</b>	39.1	14.5	70
<b>Immigration</b>	18.9	12.0	21,417
<b>Pornography/Prostitution</b>	119.8	78.0	1,656
<b>Prison Offenses</b>	16.7	14.0	371
<b>Administration of Justice Offenses</b>	16.3	8.0	1,037
<b>Environmental/Wildlife</b>	3.0	0.0	204
<b>National Defense</b>	53.2	26.5	54
<b>Antitrust</b>	7.8	6.0	24
<b>Food &amp; Drug</b>	4.5	0.0	76
<b>Other Miscellaneous Offenses</b>	5.7	0.0	2,279

<sup>1</sup>Of the 76,478 cases, 112 were excluded due to one or both of the following reasons: missing primary offense (50) or missing or indeterminable sentencing information (106). Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure C

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
 QUARTERLY DATA FOR ALL CASES<sup>1</sup>  
 Fiscal Years 2003 - 2008**

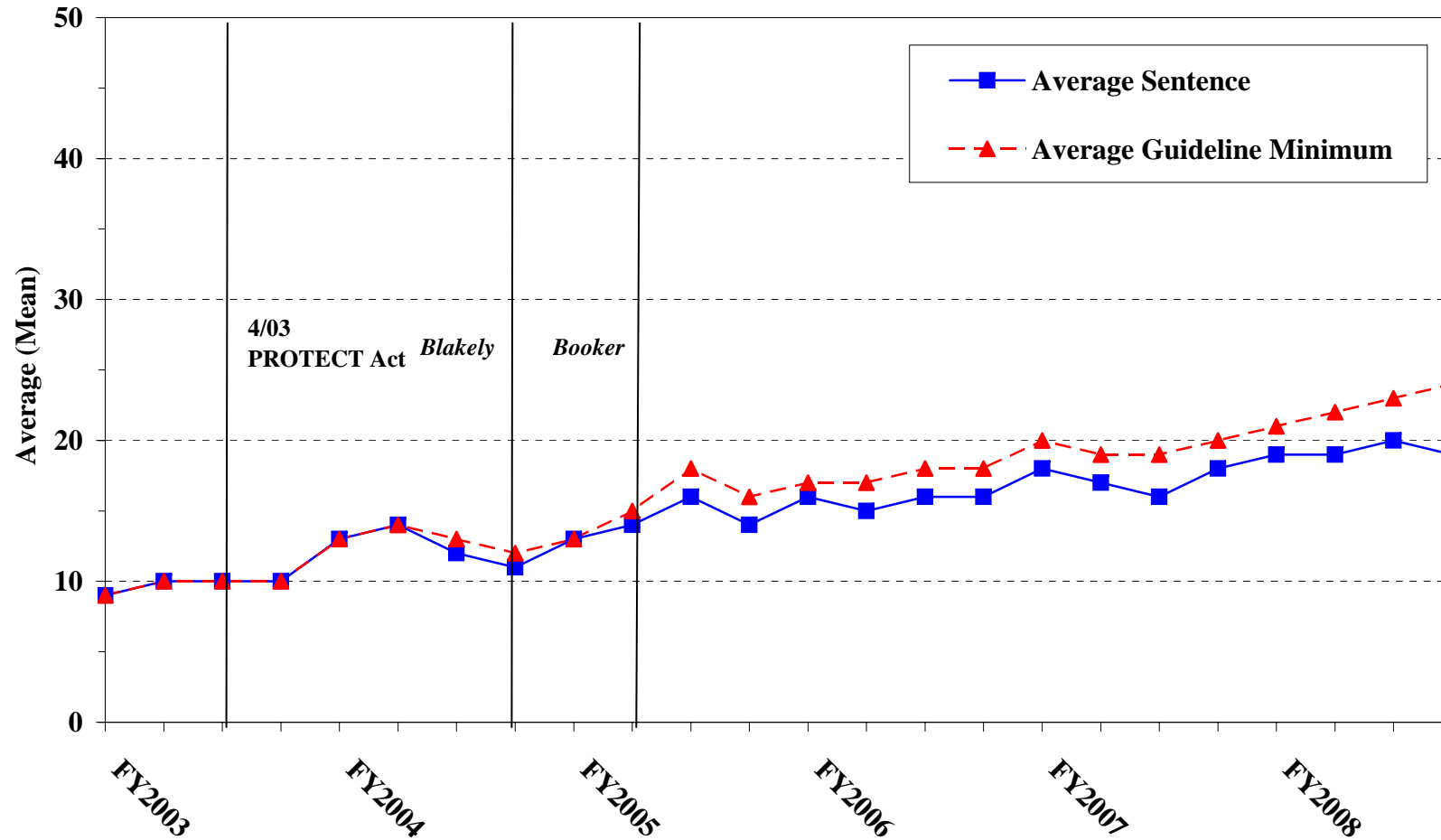


<sup>1</sup>Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations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

Figure D

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

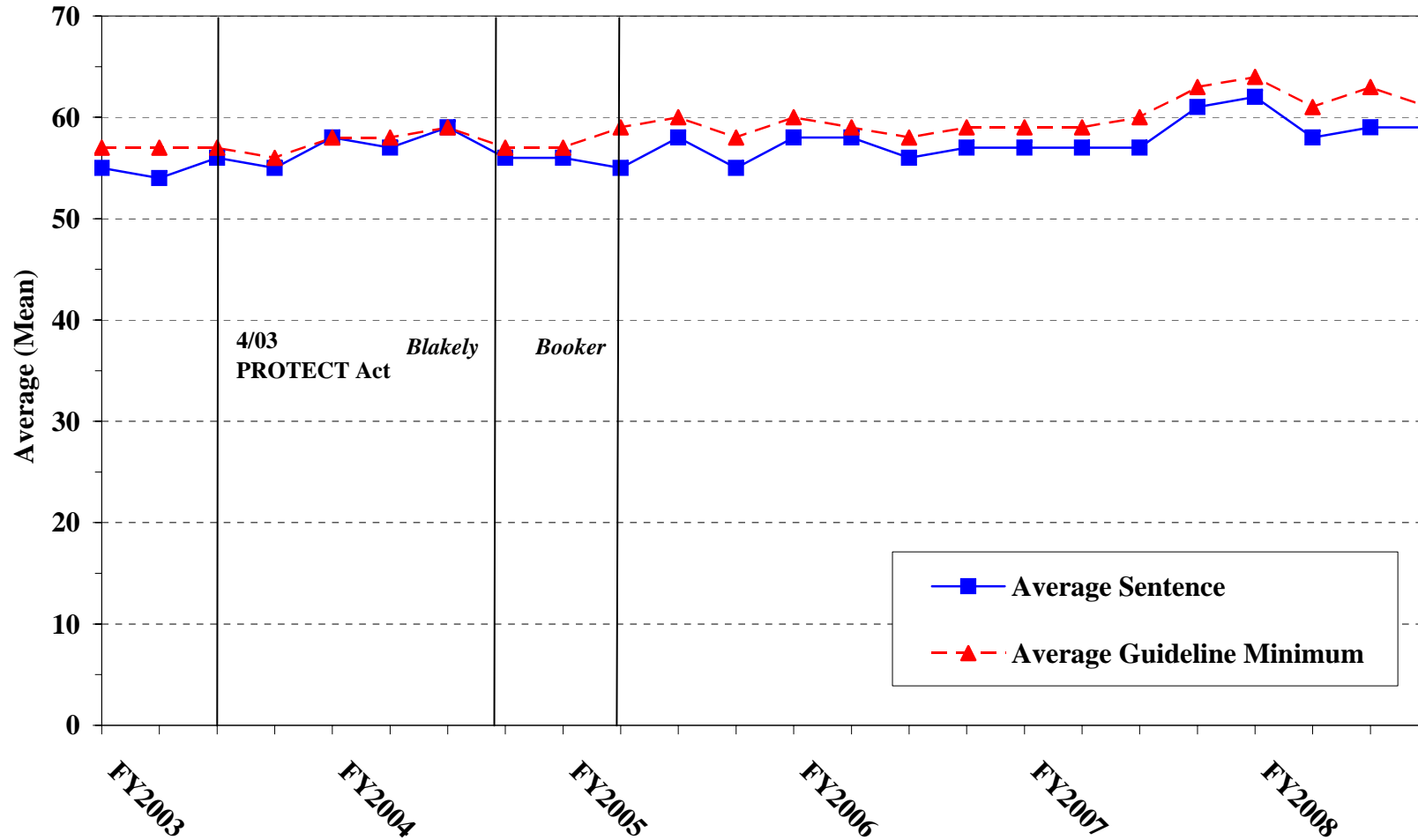
**Fiscal Years 2003 - 2008**



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

Figure E

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)<sup>1</sup>**  
**Fiscal Years 2003 - 2008**

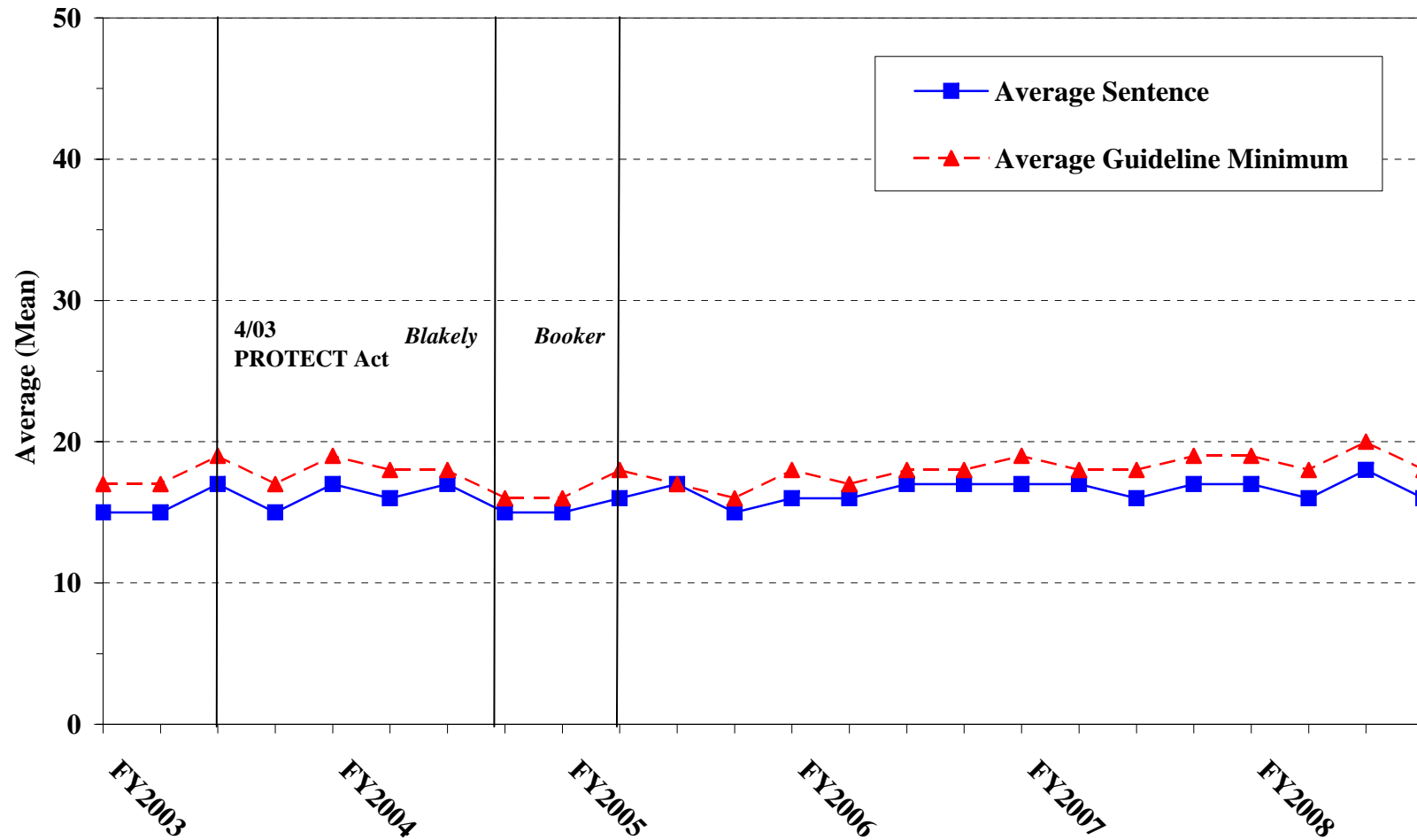


<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline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



Figure F

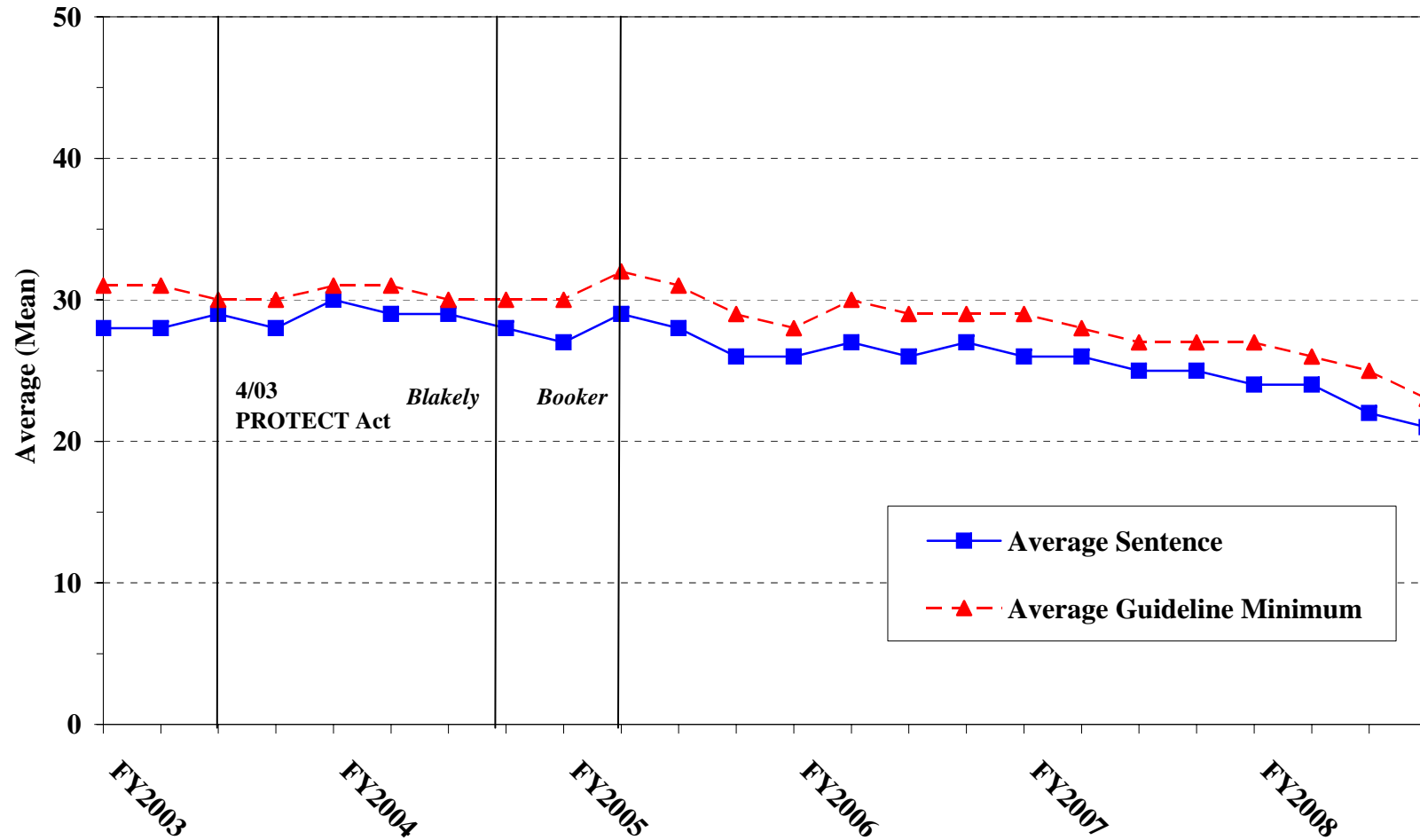
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
QUARTERLY DATA FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)<sup>1</sup>  
Fiscal Years 2003 - 2008**



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

Figure G

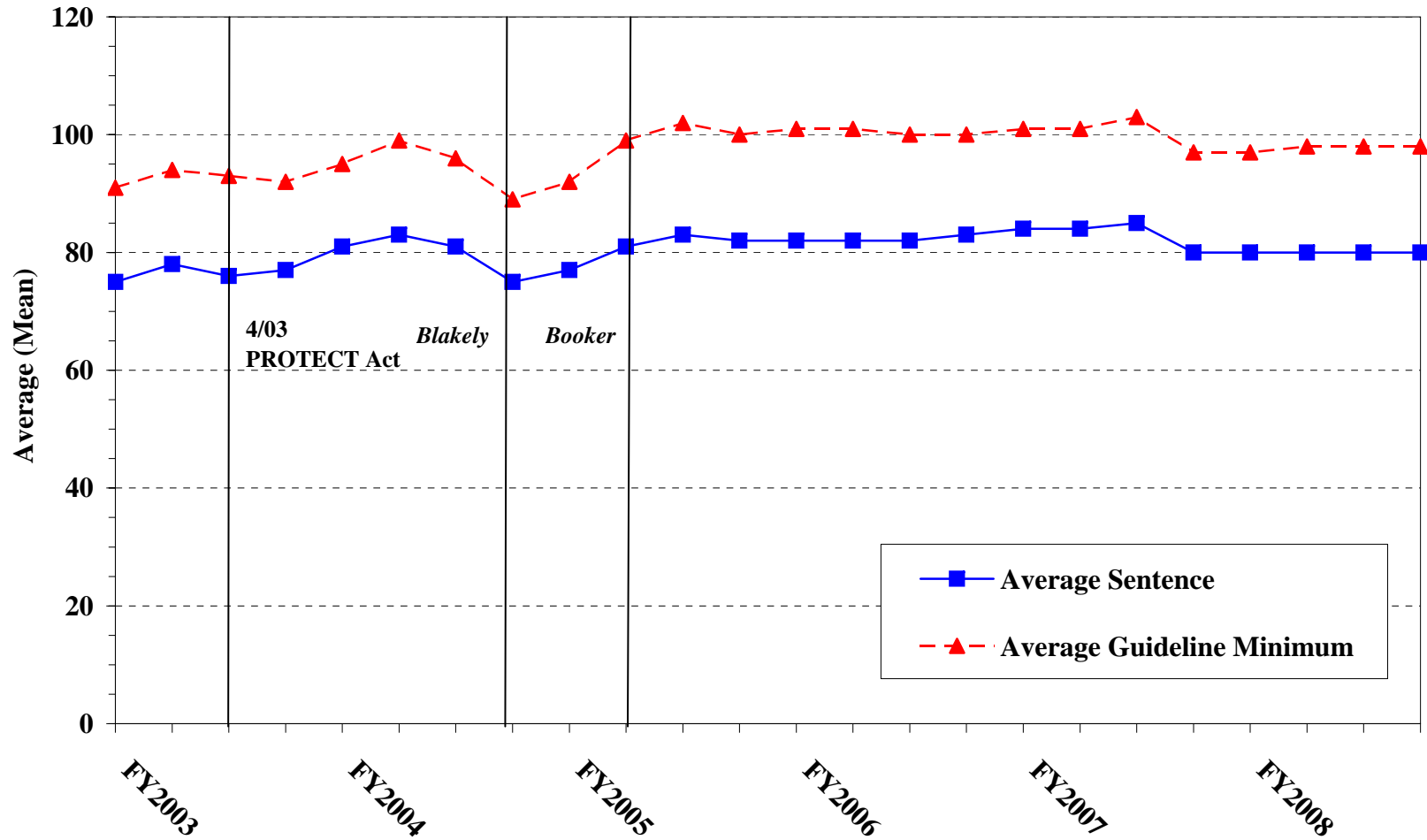
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR  
§2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)<sup>1</sup>  
Fiscal Years 2003 - 2008**



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

**Figure H**

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)<sup>1</sup>**  
**Fiscal Years 2003 - 2008**

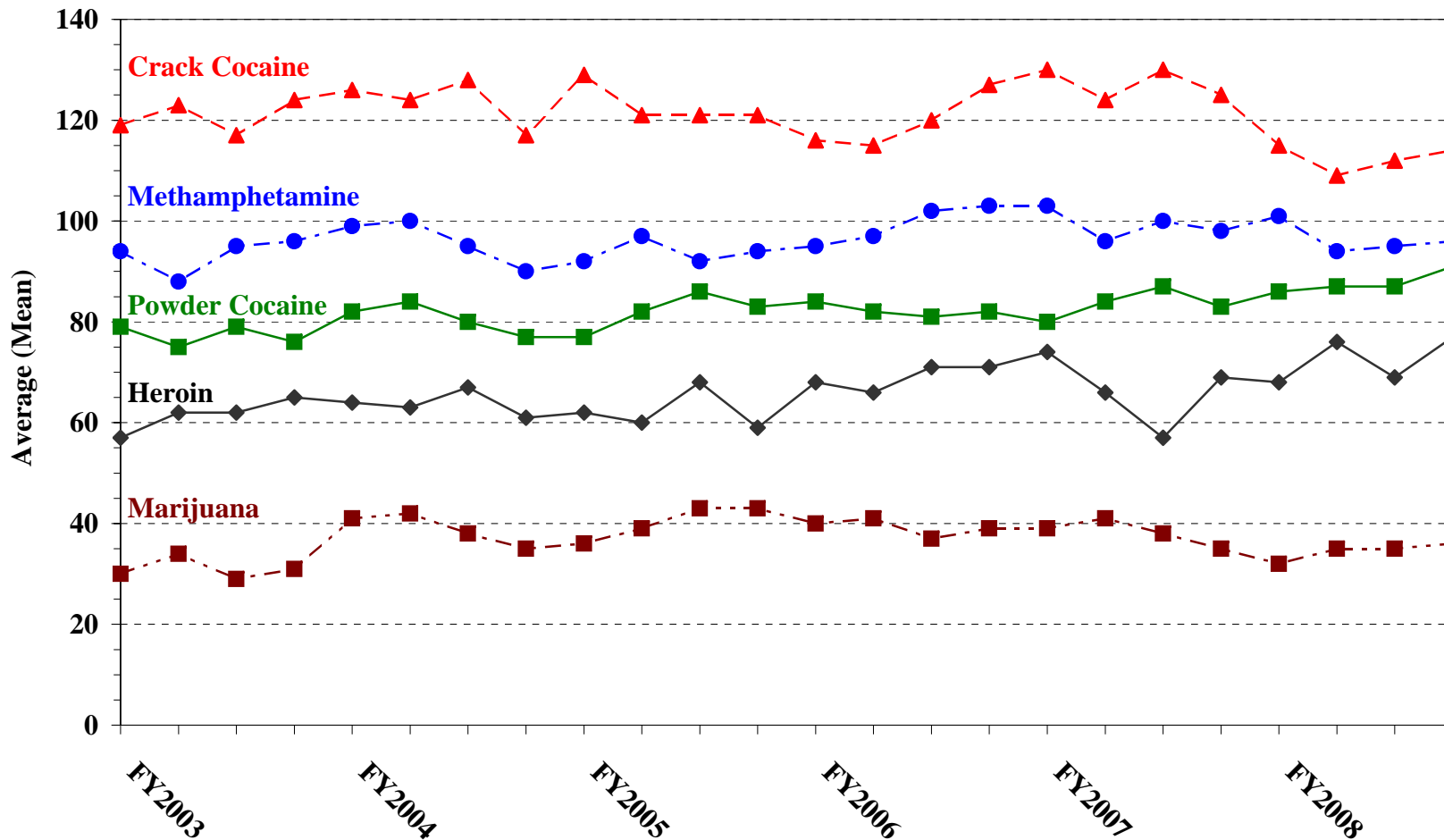


<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included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

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE<sup>1</sup>

Fiscal Years 2003 - 2008



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

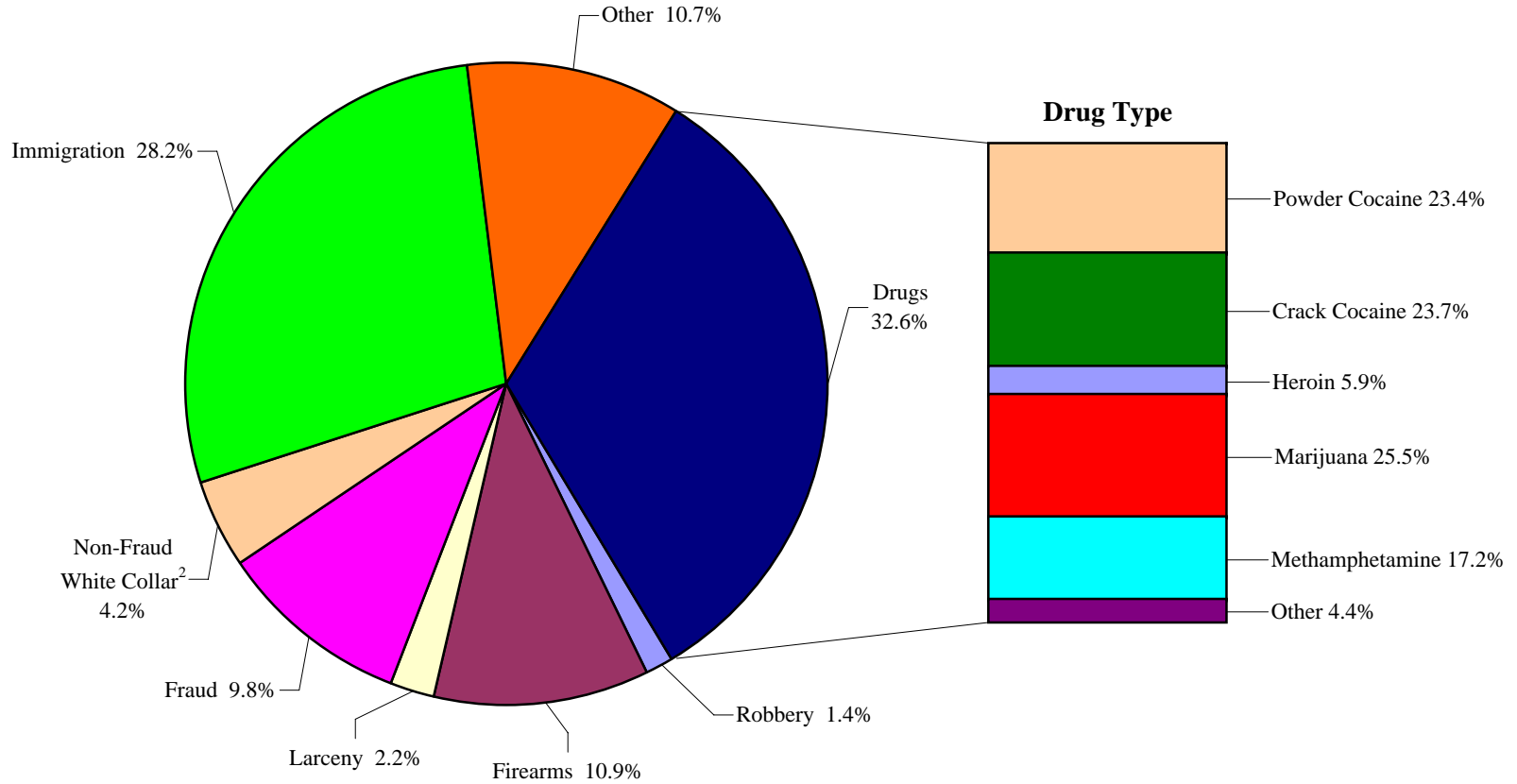
**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS  
IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2008**

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 missing point in range information. Descriptions of variables used in this table are provided in Appendix A.

**Figure J**

**DISTRIBUTION OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2008**



<sup>1</sup>Of the 76,478 guideline cases, 50 were excluded due to missing primary offense category. An additional 417 of the 25,176 drug cases were excluded due to missing drug type. The Drug category includes the following offense types: trafficking, use of a communication facility, and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

<sup>2</sup>The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax.

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

Table 21

**GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2008**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>76,428</b>	<b>100.0</b>
Murder	69	0.1
Manslaughter	54	0.1
Kidnapping/Hostage Taking	56	0.1
Sexual Abuse	486	0.6
Assault	676	0.9
Robbery	1,052	1.4
Arson	60	0.1
Drugs - Trafficking	24,306	31.8
Drugs - Communication Facility	355	0.5
Drugs - Simple Possession	515	0.7
Firearms	8,250	10.8
Burglary/B&E	45	0.1
Auto Theft	60	0.1
Larceny	1,683	2.2
Fraud	7,472	9.8
Embezzlement	495	0.6
Forgery/Counterfeiting	1,018	1.3
Bribery	219	0.3
Tax	588	0.8
Money Laundering	893	1.2
Racketeering/Extortion	740	1.0
Gambling/Lottery	127	0.2
Civil Rights	70	0.1
Immigration	21,429	28.0
Pornography/Prostitution	1,657	2.2
Prison Offenses	371	0.5
Administration of Justice Offenses	1,039	1.4
Environmental/Wildlife	204	0.3
National Defense	54	0.1
Antitrust	24	0.0
Food & Drug	76	0.1
Other Miscellaneous Offenses	2,285	3.0

<sup>1</sup>Of the 76,478 cases, 50 were excluded due to missing information on primary offense category. Descriptions of variables used in this table are provided in Appendix A.

Table 22

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2008**

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
<b>TOTAL</b>	<b>76,426</b>	<b>73,616</b>	<b>96.3</b>	<b>2,810</b>	<b>3.7</b>
Murder	69	55	79.7	14	20.3
Manslaughter	54	50	92.6	4	7.4
Kidnapping/Hostage Taking	56	45	80.4	11	19.6
Sexual Abuse	486	429	88.3	57	11.7
Assault	676	601	88.9	75	11.1
Robbery	1,052	1,022	97.1	30	2.9
Arson	60	53	88.3	7	11.7
Drugs - Trafficking	24,306	23,368	96.1	938	3.9
Drugs - Communication Facility	355	352	99.2	3	0.8
Drugs - Simple Possession	515	503	97.7	12	2.3
Firearms	8,250	7,641	92.6	609	7.4
Burglary/B&E	45	44	97.8	1	2.2
Auto Theft	60	57	95.0	3	5.0
Larceny	1,683	1,636	97.2	47	2.8
Fraud	7,471	7,082	94.8	389	5.2
Embezzlement	495	483	97.6	12	2.4
Forgery/Counterfeiting	1,018	1,001	98.3	17	1.7
Bribery	219	210	95.9	9	4.1
Tax	588	532	90.5	56	9.5
Money Laundering	893	844	94.5	49	5.5
Racketeering/Extortion	740	682	92.2	58	7.8
Gambling/Lottery	127	123	96.9	4	3.1
Civil Rights	70	59	84.3	11	15.7
Immigration	21,429	21,270	99.3	159	0.7
Pornography/Prostitution	1,657	1,592	96.1	65	3.9
Prison Offenses	371	363	97.8	8	2.2
Administration of Justice Offenses	1,039	984	94.7	55	5.3
Environmental/Wildlife	204	195	95.6	9	4.4
National Defense	54	49	90.7	5	9.3
Antitrust	24	23	95.8	1	4.2
Food & Drug	76	73	96.1	3	3.9
Other Miscellaneous Offenses	2,284	2,195	96.1	89	3.9

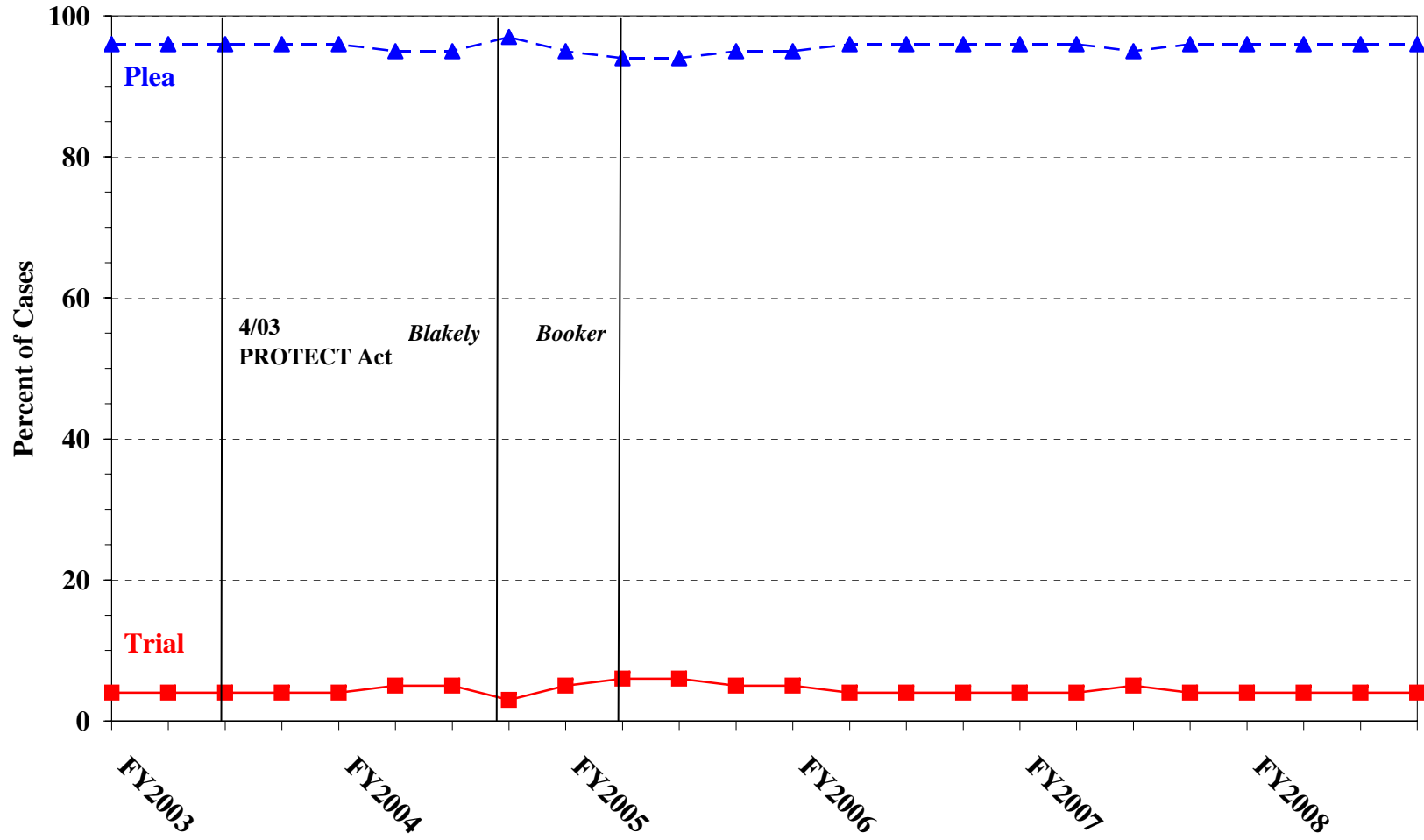
<sup>1</sup>Of the 76,478 cases, 52 were excluded due to one or both of the following reasons: missing primary offense category (50) or missing information on mode of conviction (51). Descriptions of variables used in this table are provided in Appendix A.



Figure K

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

Fiscal Years 2003 - 2008



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

Table 23

**RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2008**

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>69,814</b>	<b>20,770</b>	<b>29.8</b>	<b>16,767</b>	<b>24.0</b>	<b>29,471</b>	<b>42.2</b>	<b>2,806</b>	<b>4.0</b>
Murder	67	14	20.9	9	13.4	18	26.9	26	38.8
Manslaughter	54	4	7.4	3	5.6	1	1.9	46	85.2
Kidnapping/Hostage Taking	55	13	23.6	16	29.1	21	38.2	5	9.1
Sexual Abuse	481	254	52.8	40	8.3	43	8.9	144	29.9
Assault	608	171	28.1	92	15.1	103	16.9	242	39.8
Robbery	1,041	509	48.9	410	39.4	87	8.4	35	3.4
Arson	59	32	54.2	10	16.9	8	13.6	9	15.3
Drugs - Trafficking	24,149	6,056	25.1	7,425	30.7	9,898	41.0	770	3.2
Drugs - Communication Facility	348	110	31.6	105	30.2	120	34.5	13	3.7
Drugs - Simple Possession	325	197	60.6	89	27.4	30	9.2	9	2.8
Firearms	8,175	2,544	31.1	4,122	50.4	1,291	15.8	218	2.7
Burglary/B&E	45	22	48.9	8	17.8	2	4.4	13	28.9
Auto Theft	60	34	56.7	10	16.7	15	25.0	1	1.7
Larceny	1,399	690	49.3	445	31.8	189	13.5	75	5.4
Fraud	6,752	3,138	46.5	2,021	29.9	1,194	17.7	399	5.9
Embezzlement	464	274	59.1	108	23.3	37	8.0	45	9.7
Forgery/Counterfeiting	1,001	458	45.8	376	37.6	132	13.2	35	3.5
Bribery	207	98	47.3	54	26.1	38	18.4	17	8.2
Tax	575	408	71.0	88	15.3	36	6.3	43	7.5
Money Laundering	859	315	36.7	131	15.3	340	39.6	73	8.5
Racketeering/Extortion	732	276	37.7	202	27.6	177	24.2	77	10.5
Gambling/Lottery	127	110	86.6	2	1.6	2	1.6	13	10.2
Civil Rights	67	34	50.7	17	25.4	11	16.4	5	7.5
Immigration	17,831	2,243	12.6	356	2.0	15,029	84.3	203	1.1
Pornography/Prostitution	1,648	1,411	85.6	78	4.7	117	7.1	42	2.5
Prison Offenses	339	92	27.1	130	38.3	89	26.3	28	8.3
Administration of Justice Offenses	944	423	44.8	190	20.1	262	27.8	69	7.3
Environmental/Wildlife	141	107	75.9	6	4.3	8	5.7	20	14.2
National Defense	53	20	37.7	6	11.3	17	32.1	10	18.9
Antitrust	20	18	90.0	1	5.0	0	0.0	1	5.0
Food & Drug	67	49	73.1	1	1.5	7	10.4	10	14.9
Other Miscellaneous Offenses	1,121	646	57.6	216	19.3	149	13.3	110	9.8

<sup>1</sup>Of the 76,478 cases, 6,664 were excluded due to one or both of the following reasons: missing primary offense category (50) or missing race (6,662). Descriptions of variables used in this table are provided in Appendix A.

Table 24

**GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2008**

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>72,817</b>	<b>63,515</b>	<b>87.2</b>	<b>9,302</b>	<b>12.8</b>
Murder	67	58	86.6	9	13.4
Manslaughter	54	45	83.3	9	16.7
Kidnapping/Hostage Taking	56	52	92.9	4	7.1
Sexual Abuse	485	468	96.5	17	3.5
Assault	641	575	89.7	66	10.3
Robbery	1,048	947	90.4	101	9.6
Arson	59	56	94.9	3	5.1
Drugs - Trafficking	24,236	21,266	87.7	2,970	12.3
Drugs - Communication Facility	352	279	79.3	73	20.7
Drugs - Simple Possession	389	300	77.1	89	22.9
Firearms	8,215	7,950	96.8	265	3.2
Burglary/B&E	45	36	80.0	9	20.0
Auto Theft	60	57	95.0	3	5.0
Larceny	1,503	903	60.1	600	39.9
Fraud	7,041	5,063	71.9	1,978	28.1
Embezzlement	480	222	46.3	258	53.8
Forgery/Counterfeiting	1,009	763	75.6	246	24.4
Bribery	211	177	83.9	34	16.1
Tax	583	495	84.9	88	15.1
Money Laundering	877	687	78.3	190	21.7
Racketeering/Extortion	736	667	90.6	69	9.4
Gambling/Lottery	127	110	86.6	17	13.4
Civil Rights	70	58	82.9	12	17.1
Immigration	19,671	18,234	92.7	1,437	7.3
Pornography/Prostitution	1,655	1,623	98.1	32	1.9
Prison Offenses	356	321	90.2	35	9.8
Administration of Justice Offenses	973	658	67.6	315	32.4
Environmental/Wildlife	160	146	91.3	14	8.8
National Defense	53	45	84.9	8	15.1
Antitrust	23	23	100.0	0	0.0
Food & Drug	70	52	74.3	18	25.7
Other Miscellaneous Offenses	1,512	1,179	78.0	333	22.0

<sup>1</sup>Of the 76,478 cases, 3,661 were excluded due to one or both of the following reasons: missing primary offense category (50) or missing gender (3,652). Descriptions of variables used in this table are provided in Appendix A.

Table 25

**AGE, RACE, AND GENDER OF OFFENDERS<sup>1</sup>**  
**Fiscal Year 2008**

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
<b>Males</b>	<b>17,243</b>	<b>100.0</b>	<b>14,720</b>	<b>100.0</b>	<b>26,747</b>	<b>100.0</b>	<b>2,243</b>	<b>100.0</b>
<b>Under 21</b>	495	2.9	504	3.4	1,255	4.7	110	4.9
<b>21 - 25</b>	1,965	11.4	2,738	18.6	4,578	17.1	390	17.4
<b>26 - 30</b>	2,728	15.8	3,717	25.3	5,859	21.9	404	18.0
<b>31 - 35</b>	2,437	14.1	2,891	19.6	5,382	20.1	355	15.8
<b>36 - 40</b>	2,356	13.7	1,998	13.6	3,981	14.9	322	14.4
<b>41 - 50</b>	3,947	22.9	1,999	13.6	4,243	15.9	402	17.9
<b>Over 50</b>	3,315	19.2	873	5.9	1,449	5.4	260	11.6
<b>Females</b>	<b>3,513</b>	<b>100.0</b>	<b>2,047</b>	<b>100.0</b>	<b>2,704</b>	<b>100.0</b>	<b>557</b>	<b>100.0</b>
<b>Under 21</b>	125	3.6	49	2.4	143	5.3	17	3.1
<b>21 - 25</b>	511	14.5	365	17.8	468	17.3	81	14.5
<b>26 - 30</b>	568	16.2	411	20.1	585	21.6	105	18.9
<b>31 - 35</b>	501	14.3	354	17.3	437	16.2	82	14.7
<b>36 - 40</b>	488	13.9	300	14.7	406	15.0	70	12.6
<b>41 - 50</b>	811	23.1	360	17.6	447	16.5	109	19.6
<b>Over 50</b>	509	14.5	208	10.2	218	8.1	93	16.7

<sup>1</sup>Of the 76,478 cases, 6,704 were excluded due to one or more of the following reasons: missing race (6,662), missing gender (3,652), or missing age (709). Descriptions of variables used in this table are provided in Appendix A.

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

Table 26

**CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2008**

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>73,179</b>	<b>43,521</b>	<b>59.5</b>	<b>29,658</b>	<b>40.5</b>
Murder	67	59	88.1	8	11.9
Manslaughter	54	54	100.0	0	0.0
Kidnapping/Hostage Taking	55	30	54.5	25	45.5
Sexual Abuse	484	446	92.1	38	7.9
Assault	615	537	87.3	78	12.7
Robbery	1,046	1,014	96.9	32	3.1
Arson	59	57	96.6	2	3.4
Drugs - Trafficking	24,197	17,150	70.9	7,047	29.1
Drugs - Communication Facility	349	264	75.6	85	24.4
Drugs - Simple Possession	340	329	96.8	11	3.2
Firearms	8,208	7,507	91.5	701	8.5
Burglary/B&E	45	45	100.0	0	0.0
Auto Theft	60	56	93.3	4	6.7
Larceny	1,430	1,326	92.7	104	7.3
Fraud	7,018	5,450	77.7	1,568	22.3
Embezzlement	470	459	97.7	11	2.3
Forgery/Counterfeiting	1,006	901	89.6	105	10.4
Bribery	208	186	89.4	22	10.6
Tax	581	542	93.3	39	6.7
Money Laundering	866	556	64.2	310	35.8
Racketeering/Extortion	734	598	81.5	136	18.5
Gambling/Lottery	127	120	94.5	7	5.5
Civil Rights	68	61	89.7	7	10.3
Immigration	20,679	1,836	8.9	18,843	91.1
Pornography/Prostitution	1,654	1,586	95.9	68	4.1
Prison Offenses	341	313	91.8	28	8.2
Administration of Justice Offenses	955	769	80.5	186	19.5
Environmental/Wildlife	146	133	91.1	13	8.9
National Defense	53	30	56.6	23	43.4
Antitrust	20	17	85.0	3	15.0
Food & Drug	68	58	85.3	10	14.7
Other Miscellaneous Offenses	1,176	1,032	87.8	144	12.2

<sup>1</sup>Of the 76,478 cases, 3,299 were excluded due to one or both of the following reasons: missing primary offense category (50) or missing citizenship information (3,298). Descriptions of variables used in this table are provided in Appendix A.

Table 27

**DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2008**

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
<b>TOTAL</b>	<b>76,478</b>	<b>355,849</b>	<b>76,401</b>	<b>74,698</b>	<b>56,987</b>	<b>17,427</b>	<b>76,218</b>	<b>71,545</b>	<b>4,757</b>
<b>D.C. CIRCUIT</b>	<b>409</b>	<b>1,984</b>	<b>409</b>	<b>407</b>	<b>368</b>	<b>40</b>	<b>409</b>	<b>391</b>	<b>14</b>
District of Columbia	409	1,984	409	407	368	40	409	391	14
<b>FIRST CIRCUIT</b>	<b>1,748</b>	<b>7,825</b>	<b>1,748</b>	<b>1,735</b>	<b>1,021</b>	<b>673</b>	<b>1,744</b>	<b>1,577</b>	<b>170</b>
Maine	210	923	210	210	85	125	210	208	2
Massachusetts	472	2,036	472	466	174	288	472	452	20
New Hampshire	223	1,068	223	223	176	46	223	223	0
Puerto Rico	754	3,380	754	748	521	193	752	605	148
Rhode Island	89	418	89	88	65	21	87	89	0
<b>SECOND CIRCUIT</b>	<b>4,607</b>	<b>21,641</b>	<b>4,606</b>	<b>4,542</b>	<b>3,484</b>	<b>1,031</b>	<b>4,590</b>	<b>4,419</b>	<b>183</b>
Connecticut	419	2,078	419	419	406	11	417	417	2
New York									
Eastern	1,246	6,073	1,246	1,244	1,100	137	1,246	1,237	9
Northern	533	2,370	533	487	354	144	533	463	69
Southern	1,588	7,165	1,587	1,574	845	701	1,582	1,577	8
Western	657	3,150	657	655	625	30	648	565	91
Vermont	164	805	164	163	154	8	164	160	4
<b>THIRD CIRCUIT</b>	<b>3,173</b>	<b>15,094</b>	<b>3,168</b>	<b>3,157</b>	<b>2,521</b>	<b>603</b>	<b>3,164</b>	<b>3,084</b>	<b>88</b>
Delaware	146	713	146	145	131	14	146	145	1
New Jersey	1,000	4,881	995	990	906	90	995	995	4
Pennsylvania									
Eastern	752	3,484	752	751	490	258	750	741	11
Middle	649	3,185	649	649	607	37	648	632	17
Western	544	2,451	544	542	333	178	543	489	55
Virgin Islands	82	380	82	80	54	26	82	82	0
<b>FOURTH CIRCUIT</b>	<b>7,026</b>	<b>31,985</b>	<b>7,023</b>	<b>6,454</b>	<b>5,222</b>	<b>1,572</b>	<b>6,952</b>	<b>6,334</b>	<b>651</b>
Maryland	783	3,650	782	731	637	124	780	720	57
North Carolina									
Eastern	692	3,221	692	670	528	149	692	639	53
Middle	355	1,750	355	354	332	22	355	354	1
Western	807	3,804	806	799	591	207	805	803	4
South Carolina	1,212	5,615	1,211	1,207	784	420	1,212	1,201	11
Virginia									
Eastern	2,032	8,367	2,032	1,551	1,324	534	1,963	1,497	500
Western	404	1,944	404	401	337	65	404	398	6
West Virginia									
Northern	469	2,306	469	469	448	21	469	451	18
Southern	272	1,328	272	272	241	30	272	271	1

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		N	N	N	N	N	N	N	N
<b>FIFTH CIRCUIT</b>	<b>17,511</b>	<b>80,049</b>	<b>17,505</b>	<b>17,415</b>	<b>11,294</b>	<b>5,564</b>	<b>17,494</b>	<b>16,341</b>	<b>1,156</b>
Louisiana									
Eastern	480	2,190	480	477	273	205	480	480	0
Middle	204	973	204	204	162	37	204	199	5
Western	340	1,625	340	340	277	55	338	330	9
Mississippi									
Northern	185	897	185	180	176	9	185	171	14
Southern	453	2,143	453	424	396	51	452	418	34
Texas									
Eastern	1,016	4,910	1,016	1,013	898	116	1,015	968	45
Northern	1,083	5,143	1,083	1,081	819	263	1,082	1,078	4
Southern	6,516	31,157	6,514	6,513	5,200	1,274	6,514	6,416	97
Western	7,234	31,011	7,230	7,183	3,093	3,554	7,224	6,281	948
<b>SIXTH CIRCUIT</b>	<b>5,409</b>	<b>25,719</b>	<b>5,407</b>	<b>5,353</b>	<b>4,371</b>	<b>972</b>	<b>5,395</b>	<b>5,193</b>	<b>213</b>
Kentucky									
Eastern	681	3,300	681	680	591	87	681	667	14
Western	497	2,200	497	487	354	120	496	366	131
Michigan									
Eastern	737	3,565	737	736	624	110	737	731	6
Western	455	2,148	455	454	339	113	454	446	9
Ohio									
Northern	905	4,309	904	903	704	198	904	894	10
Southern	627	3,072	626	618	585	39	626	617	9
Tennessee									
Eastern	593	2,822	593	589	464	123	588	588	5
Middle	308	1,409	308	283	228	58	304	286	22
Western	606	2,894	606	603	482	124	605	598	7
<b>SEVENTH CIRCUIT</b>	<b>3,068</b>	<b>14,659</b>	<b>3,066</b>	<b>3,036</b>	<b>2,452</b>	<b>608</b>	<b>3,064</b>	<b>3,041</b>	<b>26</b>
Illinois									
Central	392	1,780	391	386	223	167	391	389	3
Northern	928	4,423	927	915	735	189	926	920	7
Southern	312	1,446	312	310	210	101	312	302	10
Indiana									
Northern	455	2,200	455	445	390	65	455	455	0
Southern	295	1,440	295	295	263	31	294	293	2
Wisconsin									
Eastern	492	2,424	492	492	459	33	492	489	3
Western	194	946	194	193	172	22	194	193	1
<b>EIGHTH CIRCUIT</b>	<b>5,428</b>	<b>25,739</b>	<b>5,427</b>	<b>5,400</b>	<b>4,136</b>	<b>1,006</b>	<b>5,427</b>	<b>5,349</b>	<b>73</b>
Arkansas									
Eastern	434	2,007	434	431	318	77	434	390	44
Western	209	1,036	208	208	202	7	209	209	0
Iowa									
Northern	590	2,569	590	590	209	143	590	590	0
Southern	472	2,175	472	472	295	175	472	464	7
Minnesota	579	2,843	579	576	540	37	579	569	9
Missouri									
Eastern	1,015	5,024	1,015	1,007	978	36	1,014	1,010	3
Western	779	3,555	779	773	447	332	779	777	2
Nebraska	642	3,160	642	641	597	44	642	638	4
North Dakota	254	1,203	254	248	195	58	254	252	1
South Dakota	454	2,167	454	454	355	97	454	450	3

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		N	N	N	N	N	N	N	N
<b>NINTH CIRCUIT</b>	<b>14,667</b>	<b>69,555</b>	<b>14,616</b>	<b>14,008</b>	<b>13,072</b>	<b>1,334</b>	<b>14,562</b>	<b>13,297</b>	<b>1,290</b>
Alaska	169	761	169	163	104	61	168	157	12
Arizona	3,869	18,726	3,869	3,712	3,550	281	3,860	3,735	130
California									
Central	1,892	8,496	1,848	1,526	1,556	174	1,811	1,755	77
Eastern	892	4,332	891	883	785	102	890	883	9
Northern	718	3,386	716	694	635	75	717	624	91
Southern	3,822	18,060	3,819	3,747	3,596	210	3,816	3,082	730
Guam	68	328	68	68	56	12	68	68	0
Hawaii	279	1,264	279	278	161	111	278	268	10
Idaho	267	1,289	267	265	228	39	267	262	5
Montana	420	2,006	420	416	333	84	420	417	2
Nevada	433	2,069	433	429	371	61	432	404	28
Northern Mariana Islands	18	86	18	18	14	2	18	18	0
Oregon	644	3,137	643	638	588	56	643	625	19
Washington									
Eastern	338	1,653	338	337	311	23	337	330	8
Western	838	3,962	838	834	784	43	837	669	169
<b>TENTH CIRCUIT</b>	<b>6,140</b>	<b>28,111</b>	<b>6,136</b>	<b>6,073</b>	<b>4,080</b>	<b>1,966</b>	<b>6,136</b>	<b>5,686</b>	<b>445</b>
Colorado	488	2,382	488	473	471	16	488	462	26
Kansas	679	3,247	679	665	577	90	678	648	30
New Mexico	2,905	13,158	2,901	2,897	1,574	1,324	2,903	2,883	19
Oklahoma									
Eastern	89	399	89	89	43	45	89	89	0
Northern	214	963	214	212	109	104	214	214	0
Western	556	2,214	556	531	255	265	556	316	236
Utah	870	4,159	870	868	772	79	870	779	91
Wyoming	339	1,589	339	338	279	43	338	295	43
<b>ELEVENTH CIRCUIT</b>	<b>7,292</b>	<b>33,488</b>	<b>7,290</b>	<b>7,118</b>	<b>4,966</b>	<b>2,058</b>	<b>7,281</b>	<b>6,833</b>	<b>448</b>
Alabama									
Middle	269	1,268	269	266	200	66	269	264	5
Northern	493	2,314	493	483	378	96	492	468	25
Southern	556	2,643	556	556	424	129	555	552	4
Florida									
Middle	1,670	7,716	1,670	1,664	1,054	611	1,664	1,664	1
Northern	351	1,609	351	345	222	126	351	340	11
Southern	2,273	10,323	2,273	2,140	1,505	666	2,272	2,133	136
Georgia									
Middle	443	1,946	441	441	278	124	443	343	100
Northern	720	3,404	720	706	558	152	718	702	16
Southern	517	2,265	517	517	347	88	517	367	150

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

<sup>2</sup>The figures presented in this table regarding plea agreement submission exclude from the analysis 1,264 cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

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



**Table 28**  
**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM**  
**IN EACH CIRCUIT AND DISTRICT**  
**Fiscal Year 2008**

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		N	%	N	%	N	%
<b>TOTAL</b>	<b>76,478</b>	<b>66,641</b>	<b>87.1</b>	<b>8,094</b>	<b>10.6</b>	<b>1,743</b>	<b>2.3</b>
<b>D.C. CIRCUIT</b>	<b>409</b>	<b>393</b>	<b>96.1</b>	<b>15</b>	<b>3.7</b>	<b>1</b>	<b>0.2</b>
District of Columbia	409	393	96.1	15	3.7	1	0.2
<b>FIRST CIRCUIT</b>	<b>1,748</b>	<b>1,728</b>	<b>98.9</b>	<b>9</b>	<b>0.5</b>	<b>11</b>	<b>0.6</b>
Maine	210	209	99.5	1	0.5	0	0.0
Massachusetts	472	463	98.1	3	0.6	6	1.3
New Hampshire	223	222	99.6	1	0.4	0	0.0
Puerto Rico	754	746	98.9	4	0.5	4	0.5
Rhode Island	89	88	98.9	0	0.0	1	1.1
<b>SECOND CIRCUIT</b>	<b>4,607</b>	<b>4,361</b>	<b>94.7</b>	<b>181</b>	<b>3.9</b>	<b>65</b>	<b>1.4</b>
Connecticut	419	416	99.3	3	0.7	0	0.0
New York							
Eastern	1,246	1,099	88.2	145	11.6	2	0.2
Northern	533	484	90.8	3	0.6	46	8.6
Southern	1,588	1,554	97.9	20	1.3	14	0.9
Western	657	652	99.2	3	0.5	2	0.3
Vermont	164	156	95.1	7	4.3	1	0.6
<b>THIRD CIRCUIT</b>	<b>3,173</b>	<b>2,254</b>	<b>71.0</b>	<b>903</b>	<b>28.5</b>	<b>16</b>	<b>0.5</b>
Delaware	146	144	98.6	1	0.7	1	0.7
New Jersey	1,000	105	10.5	885	88.5	10	1.0
Pennsylvania							
Eastern	752	744	98.9	7	0.9	1	0.1
Middle	649	646	99.5	3	0.5	0	0.0
Western	544	537	98.7	5	0.9	2	0.4
Virgin Islands	82	78	95.1	2	2.4	2	2.4
<b>FOURTH CIRCUIT</b>	<b>7,026</b>	<b>6,279</b>	<b>89.4</b>	<b>190</b>	<b>2.7</b>	<b>557</b>	<b>7.9</b>
Maryland	783	729	93.1	16	2.0	38	4.9
North Carolina							
Eastern	692	664	96.0	6	0.9	22	3.2
Middle	355	353	99.4	1	0.3	1	0.3
Western	807	788	97.6	11	1.4	8	1.0
South Carolina	1,212	1,202	99.2	5	0.4	5	0.4
Virginia							
Eastern	2,032	1,412	69.5	140	6.9	480	23.6
Western	404	399	98.8	2	0.5	3	0.7
West Virginia							
Northern	469	465	99.1	4	0.9	0	0.0
Southern	272	267	98.2	5	1.8	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>17,511</b>	<b>12,095</b>	<b>69.1</b>	<b>5,327</b>	<b>30.4</b>	<b>89</b>	<b>0.5</b>
Louisiana							
Eastern	480	466	97.1	13	2.7	1	0.2
Middle	204	204	100.0	0	0.0	0	0.0
Western	340	312	91.8	28	8.2	0	0.0
Mississippi							
Northern	185	179	96.8	1	0.5	5	2.7
Southern	453	419	92.5	5	1.1	29	6.4
Texas							
Eastern	1,016	1,006	99.0	7	0.7	3	0.3
Northern	1,083	1,068	98.6	13	1.2	2	0.2
Southern	6,516	6,497	99.7	16	0.2	3	0.0
Western	7,234	1,944	26.9	5,244	72.5	46	0.6
<b>SIXTH CIRCUIT</b>	<b>5,409</b>	<b>5,057</b>	<b>93.5</b>	<b>296</b>	<b>5.5</b>	<b>56</b>	<b>1.0</b>
Kentucky							
Eastern	681	677	99.4	3	0.4	1	0.1
Western	497	486	97.8	1	0.2	10	2.0
Michigan							
Eastern	737	609	82.6	127	17.2	1	0.1
Western	455	452	99.3	2	0.4	1	0.2
Ohio							
Northern	905	901	99.6	2	0.2	2	0.2
Southern	627	560	89.3	58	9.3	9	1.4
Tennessee							
Eastern	593	587	99.0	2	0.3	4	0.7
Middle	308	194	63.0	89	28.9	25	8.1
Western	606	591	97.5	12	2.0	3	0.5
<b>SEVENTH CIRCUIT</b>	<b>3,068</b>	<b>2,813</b>	<b>91.7</b>	<b>224</b>	<b>7.3</b>	<b>31</b>	<b>1.0</b>
Illinois							
Central	392	385	98.2	1	0.3	6	1.5
Northern	928	860	92.7	56	6.0	12	1.3
Southern	312	310	99.4	0	0.0	2	0.6
Indiana							
Northern	455	394	86.6	51	11.2	10	2.2
Southern	295	293	99.3	2	0.7	0	0.0
Wisconsin							
Eastern	492	411	83.5	81	16.5	0	0.0
Western	194	160	82.5	33	17.0	1	0.5
<b>EIGHTH CIRCUIT</b>	<b>5,428</b>	<b>5,312</b>	<b>97.9</b>	<b>88</b>	<b>1.6</b>	<b>28</b>	<b>0.5</b>
Arkansas							
Eastern	434	429	98.8	2	0.5	3	0.7
Western	209	205	98.1	3	1.4	1	0.5
Iowa							
Northern	590	584	99.0	6	1.0	0	0.0
Southern	472	465	98.5	7	1.5	0	0.0
Minnesota	579	532	91.9	44	7.6	3	0.5
Missouri							
Eastern	1,015	987	97.2	20	2.0	8	0.8
Western	779	771	99.0	2	0.3	6	0.8
Nebraska	642	639	99.5	2	0.3	1	0.2
North Dakota	254	247	97.2	1	0.4	6	2.4
South Dakota	454	453	99.8	1	0.2	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>14,667</b>	<b>13,413</b>	<b>91.5</b>	<b>602</b>	<b>4.1</b>	<b>652</b>	<b>4.4</b>
Alaska	169	162	95.9	1	0.6	6	3.6
Arizona	3,869	3,645	94.2	71	1.8	153	4.0
California							
Central	1,892	1,491	78.8	36	1.9	365	19.3
Eastern	892	874	98.0	9	1.0	9	1.0
Northern	718	688	95.8	6	0.8	24	3.3
Southern	3,822	3,733	97.7	15	0.4	74	1.9
Guam	68	67	98.5	1	1.5	0	0.0
Hawaii	279	264	94.6	14	5.0	1	0.4
Idaho	267	265	99.3	0	0.0	2	0.7
Montana	420	412	98.1	4	1.0	4	1.0
Nevada	433	425	98.2	4	0.9	4	0.9
Northern Mariana Islands	18	18	100.0	0	0.0	0	0.0
Oregon	644	204	31.7	434	67.4	6	0.9
Washington							
Eastern	338	335	99.1	2	0.6	1	0.3
Western	838	830	99.0	5	0.6	3	0.4
<b>TENTH CIRCUIT</b>	<b>6,140</b>	<b>5,916</b>	<b>96.4</b>	<b>161</b>	<b>2.6</b>	<b>63</b>	<b>1.0</b>
Colorado	488	415	85.0	60	12.3	13	2.7
Kansas	679	664	97.8	1	0.1	14	2.1
New Mexico	2,905	2,879	99.1	18	0.6	8	0.3
Oklahoma							
Eastern	89	89	100.0	0	0.0	0	0.0
Northern	214	212	99.1	0	0.0	2	0.9
Western	556	522	93.9	11	2.0	23	4.1
Utah	870	797	91.6	71	8.2	2	0.2
Wyoming	339	338	99.7	0	0.0	1	0.3
<b>ELEVENTH CIRCUIT</b>	<b>7,292</b>	<b>7,020</b>	<b>96.3</b>	<b>98</b>	<b>1.3</b>	<b>174</b>	<b>2.4</b>
Alabama							
Middle	269	264	98.1	2	0.7	3	1.1
Northern	493	480	97.4	3	0.6	10	2.0
Southern	556	554	99.6	2	0.4	0	0.0
Florida							
Middle	1,670	1,656	99.2	8	0.5	6	0.4
Northern	351	344	98.0	1	0.3	6	1.7
Southern	2,273	2,129	93.7	11	0.5	133	5.9
Georgia							
Middle	443	414	93.5	27	6.1	2	0.5
Northern	720	664	92.2	42	5.8	14	1.9
Southern	517	515	99.6	2	0.4	0	0.0

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

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

## **Appendix A**

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

#### **Introduction**

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

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

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

#### **Variables**

The following section describes the variables used in this report.

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

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

##### **Age**

The *Age* of the offender on the day of sentencing is calculated using the offender's date of birth as reported in the presentence report and the date of sentencing as reported in the Judgment and Commitment Order.

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

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

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

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

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

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

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

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

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

### **Circuit**

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

### **Citizenship Status**

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

### **Degree of Decrease**

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

### **Degree of Increase**

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

### **District**

Information on the judicial *District* in which sentencing occurred is obtained from the Judgment and Commitment Order.

### **Document Submission Rates**

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

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

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

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

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

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

### **Drug Offense Guideline**

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

### **Drug Type**

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

### **Education**

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

### **Gender**

*Gender* of the offender is obtained from the presentence report or probation office.

### **Government Sponsored**

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

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

### **Guideline Offenders Sentenced**

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

### **Guideline Sentencing Range**

The *Guideline Sentencing Range* is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, then the information is taken from the presentence report.

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

### **Mode of Conviction**

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

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

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

### **Position of Sentence**

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

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

### **Primary Offense Category**

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

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

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

*Manslaughter* includes both involuntary and voluntary manslaughter.

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

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

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

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

*Arson* also includes damage by explosives.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Race**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Year**

Information on Year is obtained from the Judgment and Commitment Order. Unless otherwise indicated, the sentencing year is defined as the fiscal year in which the offender was sentenced.

### **Zone**

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

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

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

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

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

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

**Appendix B:  
List of Quarterly Report Tables and Figures  
and Comparable FY08 *Sourcebook* Number/Letter**

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

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