

U.S. Sentencing Commission Preliminary Quarterly Data Report



**2nd Quarter Release
Preliminary Fiscal Year 2012 Data
Through March 31, 2012**

Introduction

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

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

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

¹ 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).

² Electronic copies of the 1995-2011 *Annual Report* and *Sourcebook of Federal Sentencing Statistics* are available at the Commission's website, www.ussc.gov.

³ See 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.

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

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

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

⁵ 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.

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

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**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹**
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

	N	%
TOTAL CASES	39,135	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	20,942	53.5
CASES SENTENCED ABOVE GUIDELINE RANGE	753	1.9
DEPARTURE ABOVE GUIDELINE RANGE	270	0.7
Upward Departure From Guideline Range ²	203	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	67	0.2
OTHERWISE ABOVE GUIDELINE RANGE	483	1.2
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	438	1.1
All Remaining Cases Above Guideline Range ⁵	45	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	10,706	27.4
§5K1.1 Substantial Assistance Departure	4,359	11.1
§5K3.1 Early Disposition Program Departure	4,429	11.3
Other Government Sponsored Below Range	1,918	4.9
NON-GOVERNMENT SPONSORED BELOW RANGE	6,734	17.2
DEPARTURE BELOW GUIDELINE RANGE	1,220	3.1
Downward Departure From Guideline Range ²	842	2.2
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	378	1.0
OTHERWISE BELOW GUIDELINE RANGE	5,514	14.1
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	5,260	13.4
All Remaining Cases Below Guideline Range ⁵	254	0.6

¹ This table reflects the 39,654 cases sentenced on or after October 1, 2011, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by June 28, 2012. Of these, 519 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.

² 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*.

³ 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.

⁴ 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.

⁵ 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.

⁶ 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.

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	39,135	20,942	53.5	203	0.5	67	0.2	438	1.1	45	0.1
D.C. CIRCUIT	186	65	34.9	0	0.0	0	0.0	0	0.0	0	0.0
District of Columbia	186	65	34.9	0	0.0	0	0.0	0	0.0	0	0.0
FIRST CIRCUIT	1,186	754	63.6	7	0.6	3	0.3	15	1.3	2	0.2
Maine	95	63	66.3	1	1.1	0	0.0	0	0.0	0	0.0
Massachusetts	248	108	43.5	1	0.4	2	0.8	1	0.4	1	0.4
New Hampshire	82	33	40.2	1	1.2	0	0.0	0	0.0	0	0.0
Puerto Rico	679	513	75.6	4	0.6	1	0.1	14	2.1	1	0.1
Rhode Island	82	37	45.1	0	0.0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	1,825	675	37.0	7	0.4	2	0.1	8	0.4	1	0.1
Connecticut	191	69	36.1	2	1.0	0	0.0	1	0.5	1	0.5
New York											
Eastern	468	139	29.7	1	0.2	2	0.4	3	0.6	0	0.0
Northern	302	155	51.3	2	0.7	0	0.0	0	0.0	0	0.0
Southern	405	120	29.6	0	0.0	0	0.0	2	0.5	0	0.0
Western	351	162	46.2	2	0.6	0	0.0	1	0.3	0	0.0
Vermont	108	30	27.8	0	0.0	0	0.0	1	0.9	0	0.0
THIRD CIRCUIT	1,307	578	44.2	5	0.4	1	0.1	17	1.3	3	0.2
Delaware	50	19	38.0	0	0.0	0	0.0	1	2.0	0	0.0
New Jersey	377	181	48.0	0	0.0	0	0.0	2	0.5	0	0.0
Pennsylvania											
Eastern	356	124	34.8	2	0.6	1	0.3	10	2.8	1	0.3
Middle	239	101	42.3	2	0.8	0	0.0	0	0.0	0	0.0
Western	254	137	53.9	1	0.4	0	0.0	2	0.8	0	0.0
Virgin Islands	31	16	51.6	0	0.0	0	0.0	2	6.5	2	6.5
FOURTH CIRCUIT	3,056	1,806	59.1	19	0.6	4	0.1	48	1.6	2	0.1
Maryland	480	174	36.3	2	0.4	1	0.2	10	2.1	0	0.0
North Carolina											
Eastern	348	195	56.0	6	1.7	2	0.6	8	2.3	0	0.0
Middle	185	134	72.4	0	0.0	0	0.0	3	1.6	0	0.0
Western	201	123	61.2	2	1.0	0	0.0	2	1.0	0	0.0
South Carolina	455	267	58.7	4	0.9	0	0.0	5	1.1	0	0.0
Virginia											
Eastern	917	661	72.1	5	0.5	1	0.1	11	1.2	1	0.1
Western	154	71	46.1	0	0.0	0	0.0	6	3.9	1	0.6
West Virginia											
Northern	170	112	65.9	0	0.0	0	0.0	3	1.8	0	0.0
Southern	146	69	47.3	0	0.0	0	0.0	0	0.0	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	4,359	11.1	4,429	11.3	1,918	4.9	842	2.2	378	1.0	5,260	13.4	254	0.6
D.C. CIRCUIT	47	25.3	0	0.0	28	15.1	10	5.4	2	1.1	31	16.7	3	1.6
District of Columbia	47	25.3	0	0.0	28	15.1	10	5.4	2	1.1	31	16.7	3	1.6
FIRST CIRCUIT	97	8.2	10	0.8	103	8.7	28	2.4	8	0.7	151	12.7	8	0.7
Maine	12	12.6	0	0.0	1	1.1	6	6.3	0	0.0	11	11.6	1	1.1
Massachusetts	27	10.9	0	0.0	42	16.9	9	3.6	3	1.2	54	21.8	0	0.0
New Hampshire	19	23.2	0	0.0	7	8.5	1	1.2	1	1.2	20	24.4	0	0.0
Puerto Rico	34	5.0	10	1.5	49	7.2	12	1.8	4	0.6	30	4.4	7	1.0
Rhode Island	5	6.1	0	0.0	4	4.9	0	0.0	0	0.0	36	43.9	0	0.0
SECOND CIRCUIT	378	20.7	1	0.1	60	3.3	74	4.1	56	3.1	554	30.4	9	0.5
Connecticut	31	16.2	0	0.0	7	3.7	14	7.3	5	2.6	60	31.4	1	0.5
New York														
Eastern	89	19.0	0	0.0	20	4.3	25	5.3	28	6.0	157	33.5	4	0.9
Northern	69	22.8	0	0.0	5	1.7	9	3.0	2	0.7	57	18.9	3	1.0
Southern	66	16.3	1	0.2	2	0.5	14	3.5	12	3.0	188	46.4	0	0.0
Western	97	27.6	0	0.0	17	4.8	3	0.9	0	0.0	68	19.4	1	0.3
Vermont	26	24.1	0	0.0	9	8.3	9	8.3	9	8.3	24	22.2	0	0.0
THIRD CIRCUIT	298	22.8	1	0.1	80	6.1	19	1.5	16	1.2	268	20.5	21	1.6
Delaware	4	8.0	0	0.0	6	12.0	0	0.0	0	0.0	18	36.0	2	4.0
New Jersey	102	27.1	1	0.3	13	3.4	6	1.6	4	1.1	64	17.0	4	1.1
Pennsylvania														
Eastern	92	25.8	0	0.0	21	5.9	5	1.4	5	1.4	86	24.2	9	2.5
Middle	57	23.8	0	0.0	31	13.0	3	1.3	1	0.4	44	18.4	0	0.0
Western	42	16.5	0	0.0	8	3.1	5	2.0	6	2.4	48	18.9	5	2.0
Virgin Islands	1	3.2	0	0.0	1	3.2	0	0.0	0	0.0	8	25.8	1	3.2
FOURTH CIRCUIT	437	14.3	6	0.2	130	4.3	63	2.1	22	0.7	496	16.2	23	0.8
Maryland	104	21.7	4	0.8	64	13.3	8	1.7	7	1.5	103	21.5	3	0.6
North Carolina														
Eastern	101	29.0	0	0.0	0	0.0	3	0.9	0	0.0	25	7.2	8	2.3
Middle	26	14.1	0	0.0	0	0.0	1	0.5	0	0.0	20	10.8	1	0.5
Western	44	21.9	0	0.0	12	6.0	2	1.0	0	0.0	15	7.5	1	0.5
South Carolina	59	13.0	1	0.2	15	3.3	9	2.0	0	0.0	91	20.0	4	0.9
Virginia														
Eastern	33	3.6	0	0.0	23	2.5	32	3.5	12	1.3	135	14.7	3	0.3
Western	36	23.4	0	0.0	6	3.9	7	4.5	3	1.9	23	14.9	1	0.6
West Virginia														
Northern	18	10.6	1	0.6	9	5.3	0	0.0	0	0.0	26	15.3	1	0.6
Southern	16	11.0	0	0.0	1	0.7	1	0.7	0	0.0	58	39.7	1	0.7

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	9,165	6,490	70.8	47	0.5	20	0.2	115	1.3	9	0.1
Louisiana											
Eastern	167	101	60.5	6	3.6	1	0.6	6	3.6	0	0.0
Middle	112	67	59.8	2	1.8	0	0.0	1	0.9	0	0.0
Western	178	102	57.3	1	0.6	6	3.4	7	3.9	0	0.0
Mississippi											
Northern	80	63	78.8	0	0.0	0	0.0	4	5.0	0	0.0
Southern	132	99	75.0	0	0.0	0	0.0	4	3.0	0	0.0
Texas											
Eastern	360	263	73.1	3	0.8	1	0.3	5	1.4	1	0.3
Northern	459	251	54.7	7	1.5	10	2.2	10	2.2	0	0.0
Southern	3,336	2,039	61.1	19	0.6	1	0.0	20	0.6	3	0.1
Western	4,341	3,505	80.7	9	0.2	1	0.0	58	1.3	5	0.1
SIXTH CIRCUIT	2,574	1,291	50.2	12	0.5	5	0.2	44	1.7	2	0.1
Kentucky											
Eastern	223	115	51.6	3	1.3	2	0.9	3	1.3	0	0.0
Western	211	140	66.4	0	0.0	0	0.0	0	0.0	0	0.0
Michigan											
Eastern	420	221	52.6	1	0.2	0	0.0	6	1.4	0	0.0
Western	233	125	53.6	2	0.9	1	0.4	9	3.9	0	0.0
Ohio											
Northern	411	187	45.5	0	0.0	0	0.0	9	2.2	0	0.0
Southern	297	95	32.0	1	0.3	0	0.0	4	1.3	0	0.0
Tennessee											
Eastern	403	249	61.8	0	0.0	1	0.2	5	1.2	1	0.2
Middle	137	47	34.3	2	1.5	1	0.7	3	2.2	0	0.0
Western	239	112	46.9	3	1.3	0	0.0	5	2.1	1	0.4
SEVENTH CIRCUIT	1,426	704	49.4	6	0.4	6	0.4	15	1.1	3	0.2
Illinois											
Central	164	83	50.6	1	0.6	0	0.0	3	1.8	0	0.0
Northern	377	166	44.0	1	0.3	2	0.5	2	0.5	0	0.0
Southern	199	142	71.4	3	1.5	0	0.0	4	2.0	1	0.5
Indiana											
Northern	191	120	62.8	1	0.5	2	1.0	0	0.0	0	0.0
Southern	195	103	52.8	0	0.0	0	0.0	6	3.1	1	0.5
Wisconsin											
Eastern	227	53	23.3	0	0.0	1	0.4	0	0.0	1	0.4
Western	73	37	50.7	0	0.0	1	1.4	0	0.0	0	0.0
EIGHTH CIRCUIT	2,328	1,273	54.7	8	0.3	5	0.2	40	1.7	1	0.0
Arkansas											
Eastern	206	117	56.8	0	0.0	0	0.0	13	6.3	0	0.0
Western	157	115	73.2	0	0.0	0	0.0	0	0.0	0	0.0
Iowa											
Northern	195	126	64.6	1	0.5	2	1.0	4	2.1	0	0.0
Southern	201	63	31.3	0	0.0	0	0.0	0	0.0	0	0.0
Minnesota	204	78	38.2	0	0.0	0	0.0	2	1.0	0	0.0
Missouri											
Eastern	364	193	53.0	1	0.3	2	0.5	6	1.6	0	0.0
Western	343	177	51.6	1	0.3	0	0.0	9	2.6	1	0.3
Nebraska	305	167	54.8	0	0.0	0	0.0	4	1.3	0	0.0
North Dakota	124	72	58.1	1	0.8	0	0.0	0	0.0	0	0.0
South Dakota	229	165	72.1	4	1.7	1	0.4	2	0.9	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	690	7.5	403	4.4	204	2.2	288	3.1	29	0.3	802	8.8	68	0.7
Louisiana														
Eastern	19	11.4	0	0.0	6	3.6	5	3.0	5	3.0	17	10.2	1	0.6
Middle	16	14.3	2	1.8	1	0.9	0	0.0	0	0.0	23	20.5	0	0.0
Western	19	10.7	0	0.0	2	1.1	0	0.0	3	1.7	38	21.3	0	0.0
Mississippi														
Northern	10	12.5	0	0.0	0	0.0	0	0.0	0	0.0	3	3.8	0	0.0
Southern	16	12.1	0	0.0	3	2.3	0	0.0	0	0.0	9	6.8	1	0.8
Texas														
Eastern	16	4.4	3	0.8	44	12.2	8	2.2	1	0.3	12	3.3	3	0.8
Northern	90	19.6	1	0.2	35	7.6	5	1.1	2	0.4	48	10.5	0	0.0
Southern	240	7.2	393	11.8	55	1.6	200	6.0	8	0.2	352	10.6	6	0.2
Western	264	6.1	4	0.1	58	1.3	70	1.6	10	0.2	300	6.9	57	1.3
SIXTH CIRCUIT	523	20.3	5	0.2	111	4.3	45	1.7	41	1.6	474	18.4	21	0.8
Kentucky														
Eastern	57	25.6	0	0.0	10	4.5	2	0.9	1	0.4	30	13.5	0	0.0
Western	25	11.8	5	2.4	12	5.7	3	1.4	1	0.5	23	10.9	2	0.9
Michigan														
Eastern	65	15.5	0	0.0	14	3.3	3	0.7	7	1.7	101	24.0	2	0.5
Western	29	12.4	0	0.0	1	0.4	7	3.0	9	3.9	48	20.6	2	0.9
Ohio														
Northern	122	29.7	0	0.0	8	1.9	4	1.0	2	0.5	71	17.3	8	1.9
Southern	74	24.9	0	0.0	26	8.8	14	4.7	12	4.0	67	22.6	4	1.3
Tennessee														
Eastern	96	23.8	0	0.0	3	0.7	6	1.5	4	1.0	37	9.2	1	0.2
Middle	17	12.4	0	0.0	28	20.4	2	1.5	0	0.0	37	27.0	0	0.0
Western	38	15.9	0	0.0	9	3.8	4	1.7	5	2.1	60	25.1	2	0.8
SEVENTH CIRCUIT	224	15.7	2	0.1	76	5.3	35	2.5	53	3.7	285	20.0	17	1.2
Illinois														
Central	27	16.5	0	0.0	10	6.1	2	1.2	3	1.8	33	20.1	2	1.2
Northern	52	13.8	2	0.5	7	1.9	13	3.4	32	8.5	88	23.3	12	3.2
Southern	11	5.5	0	0.0	6	3.0	5	2.5	12	6.0	13	6.5	2	1.0
Indiana														
Northern	38	19.9	0	0.0	9	4.7	3	1.6	0	0.0	17	8.9	1	0.5
Southern	26	13.3	0	0.0	12	6.2	1	0.5	0	0.0	46	23.6	0	0.0
Wisconsin														
Eastern	65	28.6	0	0.0	31	13.7	1	0.4	0	0.0	75	33.0	0	0.0
Western	5	6.8	0	0.0	1	1.4	10	13.7	6	8.2	13	17.8	0	0.0
EIGHTH CIRCUIT	340	14.6	33	1.4	101	4.3	36	1.5	22	0.9	460	19.8	9	0.4
Arkansas														
Eastern	25	12.1	0	0.0	5	2.4	3	1.5	3	1.5	39	18.9	1	0.5
Western	23	14.6	0	0.0	2	1.3	2	1.3	0	0.0	15	9.6	0	0.0
Iowa														
Northern	31	15.9	0	0.0	4	2.1	1	0.5	0	0.0	26	13.3	0	0.0
Southern	52	25.9	1	0.5	29	14.4	0	0.0	2	1.0	52	25.9	2	1.0
Minnesota	41	20.1	0	0.0	3	1.5	2	1.0	1	0.5	77	37.7	0	0.0
Missouri														
Eastern	54	14.8	0	0.0	14	3.8	5	1.4	10	2.7	77	21.2	2	0.5
Western	54	15.7	0	0.0	15	4.4	0	0.0	3	0.9	83	24.2	0	0.0
Nebraska	24	7.9	31	10.2	17	5.6	4	1.3	1	0.3	56	18.4	1	0.3
North Dakota	30	24.2	1	0.8	4	3.2	3	2.4	0	0.0	11	8.9	2	1.6
South Dakota	6	2.6	0	0.0	8	3.5	16	7.0	2	0.9	24	10.5	1	0.4

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	10,242	3,925	38.3	78	0.8	12	0.1	63	0.6	18	0.2
Alaska	86	30	34.9	0	0.0	2	2.3	1	1.2	0	0.0
Arizona	4,371	1,968	45.0	54	1.2	2	0.0	6	0.1	4	0.1
California											
Central	894	276	30.9	4	0.4	1	0.1	16	1.8	2	0.2
Eastern	485	195	40.2	2	0.4	0	0.0	6	1.2	1	0.2
Northern	330	150	45.5	0	0.0	3	0.9	7	2.1	0	0.0
Southern	2,572	617	24.0	7	0.3	0	0.0	5	0.2	9	0.3
Guam	24	13	54.2	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	123	47	38.2	1	0.8	0	0.0	0	0.0	0	0.0
Idaho	118	57	48.3	1	0.8	0	0.0	1	0.8	0	0.0
Montana	181	110	60.8	4	2.2	0	0.0	5	2.8	1	0.6
Nevada	298	166	55.7	3	1.0	0	0.0	6	2.0	1	0.3
Northern Mariana Islands	9	8	88.9	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	277	90	32.5	0	0.0	0	0.0	6	2.2	0	0.0
Washington											
Eastern	146	66	45.2	1	0.7	3	2.1	1	0.7	0	0.0
Western	328	132	40.2	1	0.3	1	0.3	3	0.9	0	0.0
TENTH CIRCUIT	2,613	1,426	54.6	13	0.5	2	0.1	15	0.6	1	0.0
Colorado	252	110	43.7	0	0.0	0	0.0	1	0.4	0	0.0
Kansas	278	142	51.1	1	0.4	1	0.4	6	2.2	0	0.0
New Mexico	1,286	765	59.5	6	0.5	1	0.1	2	0.2	1	0.1
Oklahoma											
Eastern	22	15	68.2	0	0.0	0	0.0	0	0.0	0	0.0
Northern	100	62	62.0	2	2.0	0	0.0	0	0.0	0	0.0
Western	244	159	65.2	1	0.4	0	0.0	6	2.5	0	0.0
Utah	309	111	35.9	2	0.6	0	0.0	0	0.0	0	0.0
Wyoming	122	62	50.8	1	0.8	0	0.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	3,227	1,955	60.6	1	0.0	7	0.2	58	1.8	3	0.1
Alabama											
Middle	94	48	51.1	0	0.0	0	0.0	1	1.1	0	0.0
Northern	209	148	70.8	0	0.0	0	0.0	1	0.5	0	0.0
Southern	210	131	62.4	0	0.0	0	0.0	1	0.5	0	0.0
Florida											
Middle	781	373	47.8	0	0.0	2	0.3	12	1.5	1	0.1
Northern	158	114	72.2	0	0.0	0	0.0	2	1.3	1	0.6
Southern	953	590	61.9	1	0.1	3	0.3	14	1.5	1	0.1
Georgia											
Middle	206	160	77.7	0	0.0	2	1.0	4	1.9	0	0.0
Northern	330	174	52.7	0	0.0	0	0.0	7	2.1	0	0.0
Southern	286	217	75.9	0	0.0	0	0.0	16	5.6	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	698	6.8	3,711	36.2	623	6.1	179	1.7	54	0.5	831	8.1	50	0.5
Alaska	17	19.8	0	0.0	17	19.8	0	0.0	2	2.3	17	19.8	0	0.0
Arizona	125	2.9	1,810	41.4	135	3.1	64	1.5	11	0.3	184	4.2	8	0.2
California														
Central	110	12.3	191	21.4	90	10.1	26	2.9	15	1.7	141	15.8	22	2.5
Eastern	58	12.0	141	29.1	25	5.2	6	1.2	2	0.4	46	9.5	3	0.6
Northern	30	9.1	46	13.9	47	14.2	4	1.2	6	1.8	36	10.9	1	0.3
Southern	169	6.6	1,442	56.1	102	4.0	59	2.3	10	0.4	144	5.6	8	0.3
Guam	7	29.2	0	0.0	0	0.0	0	0.0	0	0.0	4	16.7	0	0.0
Hawaii	28	22.8	0	0.0	1	0.8	2	1.6	0	0.0	42	34.1	2	1.6
Idaho	22	18.6	9	7.6	7	5.9	3	2.5	0	0.0	17	14.4	1	0.8
Montana	28	15.5	0	0.0	7	3.9	0	0.0	0	0.0	26	14.4	0	0.0
Nevada	35	11.7	4	1.3	27	9.1	8	2.7	1	0.3	45	15.1	2	0.7
Northern Mariana Islands	1	11.1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	40	14.4	41	14.8	43	15.5	2	0.7	1	0.4	54	19.5	0	0.0
Washington														
Eastern	7	4.8	13	8.9	25	17.1	2	1.4	1	0.7	26	17.8	1	0.7
Western	21	6.4	14	4.3	97	29.6	3	0.9	5	1.5	49	14.9	2	0.6
TENTH CIRCUIT	183	7.0	248	9.5	309	11.8	38	1.5	21	0.8	346	13.2	11	0.4
Colorado	57	22.6	1	0.4	50	19.8	1	0.4	0	0.0	31	12.3	1	0.4
Kansas	29	10.4	0	0.0	52	18.7	5	1.8	1	0.4	40	14.4	1	0.4
New Mexico	35	2.7	167	13.0	167	13.0	18	1.4	12	0.9	105	8.2	7	0.5
Oklahoma														
Eastern	7	31.8	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Northern	21	21.0	0	0.0	0	0.0	3	3.0	0	0.0	12	12.0	0	0.0
Western	10	4.1	0	0.0	4	1.6	1	0.4	2	0.8	61	25.0	0	0.0
Utah	14	4.5	77	24.9	21	6.8	7	2.3	2	0.6	73	23.6	2	0.6
Wyoming	10	8.2	3	2.5	15	12.3	3	2.5	4	3.3	24	19.7	0	0.0
ELEVENTH CIRCUIT	444	13.8	9	0.3	93	2.9	27	0.8	54	1.7	562	17.4	14	0.4
Alabama														
Middle	30	31.9	2	2.1	4	4.3	0	0.0	1	1.1	8	8.5	0	0.0
Northern	40	19.1	0	0.0	0	0.0	1	0.5	1	0.5	17	8.1	1	0.5
Southern	39	18.6	0	0.0	0	0.0	1	0.5	0	0.0	38	18.1	0	0.0
Florida														
Middle	138	17.7	2	0.3	20	2.6	12	1.5	12	1.5	208	26.6	1	0.1
Northern	14	8.9	0	0.0	0	0.0	4	2.5	5	3.2	17	10.8	1	0.6
Southern	85	8.9	4	0.4	27	2.8	4	0.4	31	3.3	184	19.3	9	0.9
Georgia														
Middle	21	10.2	0	0.0	4	1.9	0	0.0	1	0.5	14	6.8	0	0.0
Northern	44	13.3	0	0.0	34	10.3	4	1.2	2	0.6	65	19.7	0	0.0
Southern	33	11.5	1	0.3	4	1.4	1	0.3	1	0.3	11	3.8	2	0.7

¹ Of the 39,654 cases, 519 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Eastern North Carolina (6.7%), Western Louisiana (6.3%), and Middle Georgia (5.9%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through March 31, 2012).

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE WITH W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	39,135	20,942	53.5	203	0.5	67	0.2	438	1.1	45	0.1
Murder	33	17	51.5	1	3.0	0	0.0	1	3.0	0	0.0
Manslaughter	24	13	54.2	2	8.3	1	4.2	1	4.2	1	4.2
Kidnapping/Hostage Taking	23	12	52.2	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	193	120	62.2	6	3.1	4	2.1	6	3.1	0	0.0
Assault	307	170	55.4	10	3.3	5	1.6	4	1.3	1	0.3
Robbery	413	231	55.9	4	1.0	3	0.7	11	2.7	1	0.2
Arson	21	14	66.7	0	0.0	0	0.0	2	9.5	0	0.0
Drugs - Trafficking	11,731	5,358	45.7	27	0.2	4	0.0	51	0.4	6	0.1
Drugs - Communication Facility	167	88	52.7	1	0.6	0	0.0	3	1.8	1	0.6
Drugs - Simple Possession	324	305	94.1	2	0.6	0	0.0	2	0.6	0	0.0
Firearms	3,696	2,196	59.4	35	0.9	13	0.4	93	2.5	6	0.2
Burglary/B&E	21	12	57.1	1	4.8	0	0.0	1	4.8	0	0.0
Auto Theft	27	18	66.7	0	0.0	1	3.7	2	7.4	0	0.0
Larceny	611	426	69.7	0	0.0	1	0.2	7	1.1	0	0.0
Fraud	3,830	2,005	52.3	22	0.6	12	0.3	54	1.4	6	0.2
Embezzlement	151	87	57.6	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	444	300	67.6	2	0.5	2	0.5	7	1.6	0	0.0
Bribery	110	38	34.5	0	0.0	0	0.0	0	0.0	1	0.9
Tax	289	99	34.3	2	0.7	0	0.0	0	0.0	0	0.0
Money Laundering	387	135	34.9	1	0.3	0	0.0	5	1.3	0	0.0
Racketeering/Extortion	376	168	44.7	9	2.4	1	0.3	10	2.7	0	0.0
Gambling/Lottery	15	4	26.7	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	21	9	42.9	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	12,929	7,368	57.0	67	0.5	13	0.1	107	0.8	18	0.1
Child Pornography	921	327	35.5	1	0.1	3	0.3	20	2.2	0	0.0
Prison Offenses	205	155	75.6	1	0.5	0	0.0	16	7.8	0	0.0
Administration of Justice Offenses	612	378	61.8	4	0.7	2	0.3	22	3.6	1	0.2
Environmental/Wildlife	81	42	51.9	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	51	21	41.2	0	0.0	1	2.0	0	0.0	0	0.0
Antitrust	9	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	25	14	56.0	1	4.0	0	0.0	3	12.0	0	0.0
Other Miscellaneous Offenses	1,088	812	74.6	4	0.4	1	0.1	10	0.9	3	0.3

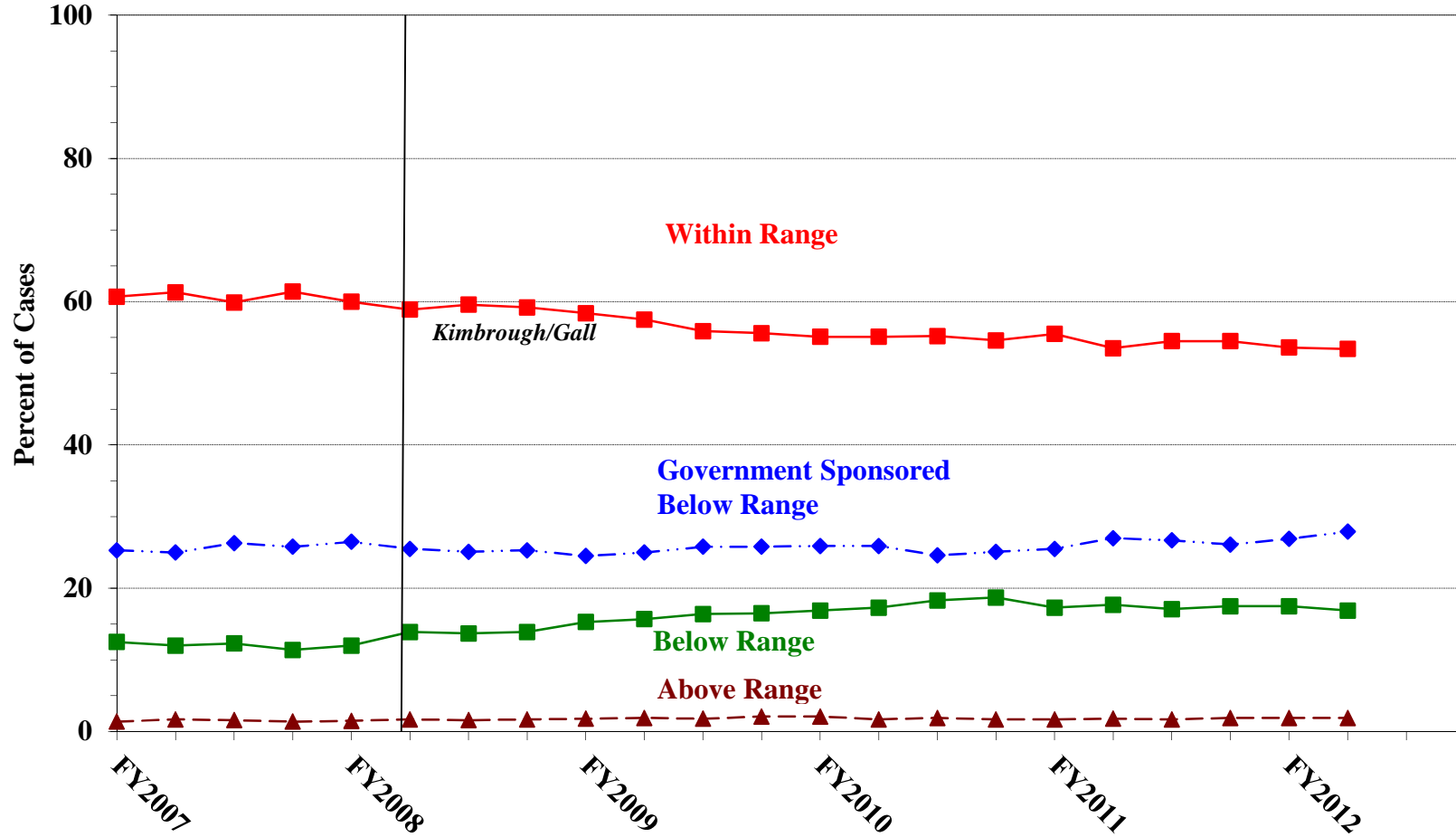
Table 3 (cont.)

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	4,359	11.1	4,429	11.3	1,918	4.9	842	2.2	378	1.0	5,260	13.4	254	0.6
Murder	2	6.1	0	0.0	8	24.2	0	0.0	0	0.0	3	9.1	1	3.0
Manslaughter	0	0.0	0	0.0	1	4.2	2	8.3	1	4.2	2	8.3	0	0.0
Kidnapping/Hostage Taking	4	17.4	0	0.0	3	13.0	2	8.7	1	4.3	1	4.3	0	0.0
Sexual Abuse	10	5.2	0	0.0	22	11.4	5	2.6	0	0.0	20	10.4	0	0.0
Assault	5	1.6	1	0.3	46	15.0	12	3.9	3	1.0	43	14.0	7	2.3
Robbery	33	8.0	2	0.5	27	6.5	10	2.4	4	1.0	86	20.8	1	0.2
Arson	5	23.8	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	2,638	22.5	898	7.7	640	5.5	233	2.0	135	1.2	1,691	14.4	50	0.4
Drugs - Communication Facility	13	7.8	0	0.0	19	11.4	2	1.2	1	0.6	38	22.8	1	0.6
Drugs - Simple Possession	3	0.9	1	0.3	2	0.6	0	0.0	0	0.0	5	1.5	4	1.2
Firearms	378	10.2	6	0.2	238	6.4	70	1.9	31	0.8	605	16.4	25	0.7
Burglary/B&E	2	9.5	0	0.0	1	4.8	0	0.0	1	4.8	3	14.3	0	0.0
Auto Theft	1	3.7	0	0.0	0	0.0	2	7.4	0	0.0	3	11.1	0	0.0
Larceny	40	6.5	0	0.0	27	4.4	9	1.5	7	1.1	87	14.2	7	1.1
Fraud	621	16.2	6	0.2	214	5.6	65	1.7	58	1.5	732	19.1	35	0.9
Embezzlement	4	2.6	0	0.0	8	5.3	1	0.7	1	0.7	46	30.5	4	2.6
Forgery/Counterfeiting	36	8.1	1	0.2	10	2.3	9	2.0	2	0.5	68	15.3	7	1.6
Bribery	29	26.4	0	0.0	5	4.5	1	0.9	0	0.0	36	32.7	0	0.0
Tax	48	16.6	0	0.0	23	8.0	7	2.4	6	2.1	100	34.6	4	1.4
Money Laundering	86	22.2	3	0.8	46	11.9	10	2.6	9	2.3	91	23.5	1	0.3
Racketeering/Extortion	62	16.5	1	0.3	35	9.3	13	3.5	12	3.2	63	16.8	2	0.5
Gambling/Lottery	5	33.3	0	0.0	1	6.7	0	0.0	1	6.7	4	26.7	0	0.0
Civil Rights	3	14.3	0	0.0	3	14.3	0	0.0	0	0.0	6	28.6	0	0.0
Immigration	142	1.1	3,505	27.1	291	2.3	338	2.6	57	0.4	950	7.3	73	0.6
Child Pornography	40	4.3	1	0.1	123	13.4	22	2.4	24	2.6	348	37.8	12	1.3
Prison Offenses	2	1.0	1	0.5	7	3.4	2	1.0	3	1.5	17	8.3	1	0.5
Administration of Justice Offenses	51	8.3	2	0.3	44	7.2	13	2.1	8	1.3	83	13.6	4	0.7
Environmental/Wildlife	5	6.2	0	0.0	8	9.9	1	1.2	6	7.4	16	19.8	3	3.7
National Defense	15	29.4	0	0.0	4	7.8	0	0.0	1	2.0	9	17.6	0	0.0
Antitrust	9	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	2	8.0	0	0.0	3	12.0	0	0.0	0	0.0	2	8.0	0	0.0
Other Miscellaneous Offenses	65	6.0	1	0.1	59	5.4	13	1.2	6	0.6	102	9.4	12	1.1

¹ Of the 39,654 cases, 519 were excluded due to missing information 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through March 31, 2012).

Figure A
QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2007 - 2011,
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

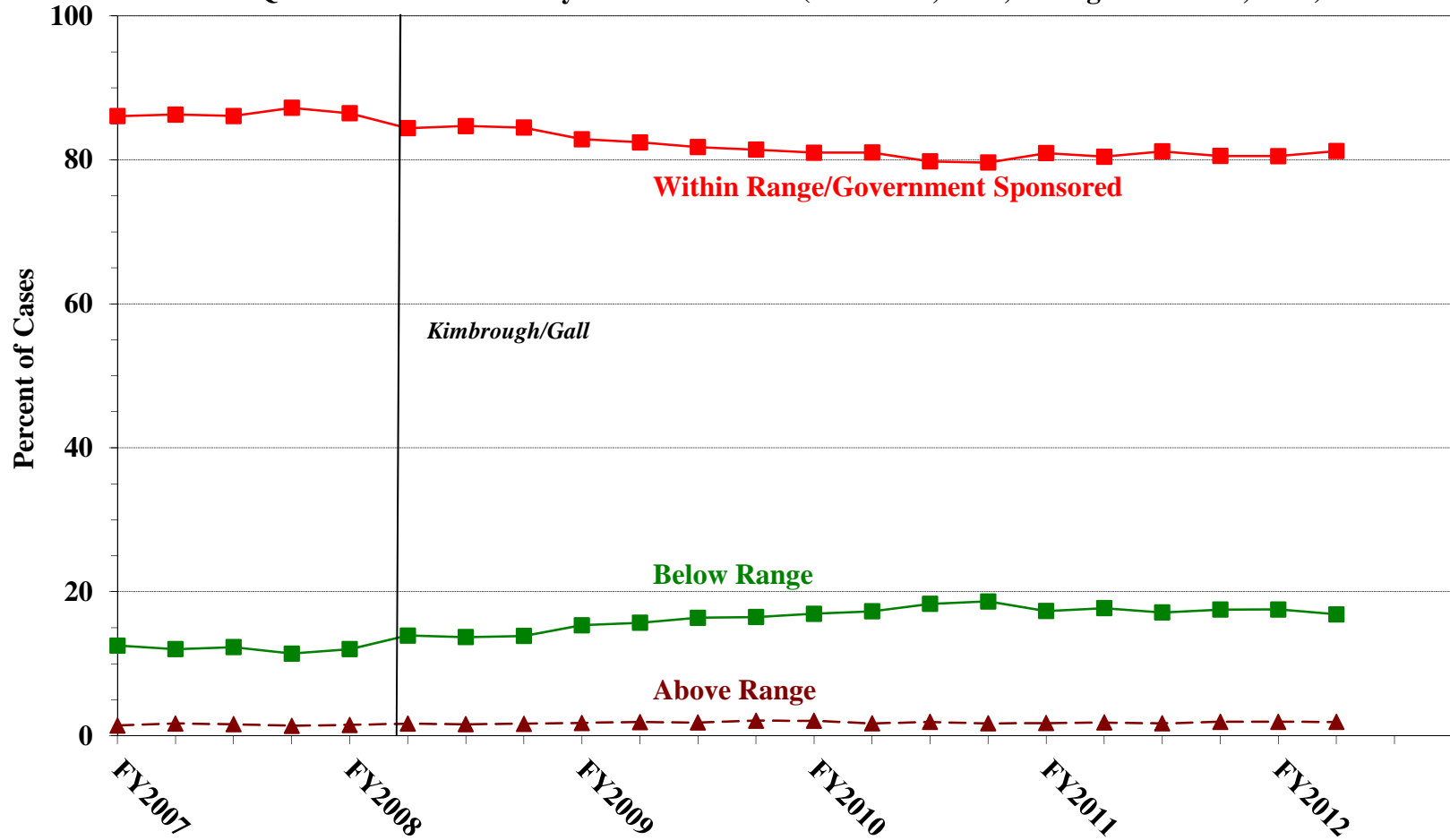


¹ Descriptions of variables used in this figure are provided in Appendix A.

Figure B

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

Fiscal Years 2007 - 2011,
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)



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

Table 4

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2007 - 2011,
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2007				
1st Quarter	60.7	25.3	12.5	1.4
2ndQuarter	61.3	25.0	12.0	1.7
3rd Quarter	59.9	26.3	12.3	1.6
4th Quarter	61.4	25.8	11.4	1.4
FY2008				
1st Quarter	60.0	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
FY2009				
1st Quarter	58.4	24.5	15.3	1.8
2ndQuarter	57.5	25.0	15.7	1.9
3rd Quarter	55.9	25.8	16.4	1.8
4th Quarter	55.6	25.8	16.5	2.1
FY2010				
1st Quarter	55.1	25.9	16.9	2.1
2ndQuarter	55.1	25.9	17.3	1.7
3rd Quarter	55.2	24.6	18.3	1.9
4th Quarter	54.6	25.1	18.7	1.7
FY2011				
1st Quarter	55.5	25.5	17.3	1.7
2ndQuarter	53.5	27.0	17.7	1.8
3rd Quarter	54.5	26.7	17.1	1.7
4th Quarter	54.5	26.1	17.5	1.9
FY2012				
1st Quarter	53.6	26.9	17.5	1.9
2ndQuarter	53.4	27.9	16.9	1.9
3rd Quarter	--	--	--	--
4th Quarter	--	--	--	--

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

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward		Below Range	
			Gdline Only	with Booker	Above Range with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2N1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	17	13	1	0	3	0	0	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	113	89	1	0	2	0	3	1	6	2	0	9	0
§2P1.2	61	50	0	0	2	0	0	0	0	0	2	7	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	1	0	0	0	0	0	0	0	0	0	0	1	0
§2Q1.2	20	7	0	0	0	0	1	0	2	0	0	10	0
§2Q1.3	13	5	0	0	0	0	1	0	1	1	4	1	0
§2Q1.4	1	0	0	0	0	0	0	0	1	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	47	24	0	0	0	0	5	0	4	0	2	11	1
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	4	0	0	0	0	0	4	0	0	0	0	0	0
§2S1.1	504	170	2	0	7	0	139	0	51	12	6	114	3
§2S1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	140	56	0	0	0	0	17	4	32	5	4	21	1
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	234	78	0	0	1	0	38	0	19	7	4	82	5
§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	67	30	0	0	0	0	10	0	3	2	5	17	0
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	19	3	0	0	0	0	0	0	0	1	0	15	0
§2T1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	3	1	0	0	0	0	0	0	0	0	0	2	0
§2T2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	3	2	0	0	0	0	1	0	0	0	0	0	0
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	11	7	0	0	0	0	1	0	0	3	0	0	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	43	15	0	0	4	0	10	0	4	3	0	7	0
§2X4.1	162	81	2	0	3	0	33	0	18	1	1	21	2
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	101	97	0	0	1	2	0	0	1	0	0	0	0
§2X6.1	0	0	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
§2X7.2	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	36,186	18,616	199	66	415	41	4,315	4,065	1,870	823	372	5,163	241

¹ Of the 39,654 cases, 3,468 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (519) or missing guideline applied (3,434). Descriptions of variables used in this table are provided in Appendix A.

² In 364 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 364 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 1,006 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 1,006 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

	Pursuant to a Plea Agreement										
	TOTAL CASES	§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	18,193	2,869	15.8	4,122	22.7	1,659	9.1	1,070	5.9	110	0.6
Above Range	753	3	0.4	12	1.6	127	16.9	72	9.6	0	0.0
Upward Departure From Guideline Range	203	1	0.5	3	1.5	57	28.1	47	23.2	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	67	0	0.0	0	0.0	6	9.0	3	4.5	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	438	0	0.0	0	0.0	63	14.4	21	4.8	0	0.0
All Remaining Cases Above Guideline Range	45	2	4.4	9	20.0	1	2.2	1	2.2	0	0.0
Government Sponsored Below Range	10,706	2,866	26.8	4,110	38.4	1,532	14.3	998	9.3	110	1.0
§5K1.1 Substantial Assistance Departure	4,359	2,866	65.7	64	1.5	79	1.8	76	1.7	15	0.3
§5K3.1 Early Disposition Program Departure	4,429	0	0.0	4,046	91.4	589	13.3	402	9.1	3	0.1
Other Government Sponsored Below Range	1,918	0	0.0	0	0.0	864	45.0	520	27.1	92	4.8
Below Range	6,734	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	842	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	378	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	5,260	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	254	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	1,349	7.4	165	0.9	689	3.8	2,158	11.9	2,205	12.1	2,796	15.4	1,872	10.3
Above Range	3	0.4	0	0.0	115	15.3	3	0.4	3	0.4	309	41.0	145	19.3
Upward Departure From Guideline Range	1	0.5	0	0.0	29	14.3	1	0.5	1	0.5	63	31.0	22	10.8
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	22	32.8	1	1.5	1	1.5	32	47.8	8	11.9
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	64	14.6	1	0.2	1	0.2	211	48.2	84	19.2
All Remaining Cases Above Guideline Range	2	4.4	0	0.0	0	0.0	0	0.0	0	0.0	3	6.7	31	68.9
Government Sponsored Below Range	1,346	12.6	165	1.5	574	5.4	531	5.0	372	3.5	362	3.4	386	3.6
§5K1.1 Substantial Assistance Departure	1,346	30.9	3	0.1	125	2.9	259	5.9	165	3.8	234	5.4	100	2.3
§5K3.1 Early Disposition Program Departure	0	0.0	162	3.7	28	0.6	105	2.4	147	3.3	64	1.4	201	4.5
Other Government Sponsored Below Range	0	0.0	0	0.0	421	21.9	167	8.7	60	3.1	64	3.3	85	4.4
Below Range	0	0.0	0	0.0	0	0.0	1,624	24.1	1,830	27.2	2,125	31.6	1,341	19.9
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	286	34.0	196	23.3	245	29.1	136	16.2
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	82	21.7	122	32.3	151	39.9	67	17.7
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	1,255	23.9	1,510	28.7	1,723	32.8	893	17.0
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	1	0.4	2	0.8	6	2.4	245	96.5

¹ 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, 2,410 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	4,190	36	30	48.6
Murder	2	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	4	118	72	38.1
Sexual Abuse	10	62	54	49.0
Assault	5	48	20	39.1
Robbery	33	44	37	41.5
Arson	5	40	24	40.0
Drugs - Trafficking	2,552	48	39	45.5
Drugs - Communication Facility	13	12	9	56.3
Drugs - Simple Possession	2	--	--	--
Firearms	353	60	33	40.9
Burglary/B&E	2	--	--	--
Auto Theft	1	--	--	--
Larceny	40	5	12	69.5
Fraud	600	8	18	70.3
Embezzlement	4	0	19	100.0
Forgery/Counterfeiting	34	6	10	52.7
Bribery	29	12	24	70.0
Tax	47	0	13	100.0
Money Laundering	83	16	24	70.2
Racketeering/Extortion	51	30	30	45.5
Gambling/Lottery	5	0	6	100.0
Civil Rights	3	6	6	50.0
Immigration	133	12	11	46.8
Child Pornography	39	97	54	35.5
Prison Offenses	2	--	--	--
Administration of Justice Offenses	51	0	15	100.0
Environmental/Wildlife	5	0	10	100.0
National Defense	14	35	21	37.6
Antitrust	4	13	16	56.1
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	62	11	17	53.8

¹ Of the 39,654 cases, 4,359 received a §5K1.1 substantial assistance departure. Of these, 4,230 cases 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 33 cases were also excluded from this table. Of the remaining 4,197 cases, seven 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 CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	4,000	18	9	33.3
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	1	--	--	--
Robbery	2	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	829	21	12	34.8
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	5	21	9	22.2
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	4	4	5	38.4
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	3	8	6	33.3
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	3,149	18	7	30.6
Child Pornography	1	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 39,654 cases, 4,429 received a §5K3.1 early disposition program departure. Of these, 4,000 cases had complete guideline application information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through March 31, 2012).

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,808	30	16	38.9
Murder	8	132	28	20.3
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	21	80	72	47.0
Assault	41	15	14	46.8
Robbery	26	47	26	32.4
Arson	0	--	--	--
Drugs - Trafficking	613	60	24	33.8
Drugs - Communication Facility	17	30	11	25.0
Drugs - Simple Possession	2	--	--	--
Firearms	227	48	18	34.3
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	25	0	10	100.0
Fraud	197	8	12	59.0
Embezzlement	8	0	10	99.9
Forgery/Counterfeiting	10	21	8	28.2
Bribery	5	15	13	57.9
Tax	21	3	12	75.0
Money Laundering	46	9	12	49.9
Racketeering/Extortion	29	88	21	20.5
Gambling/Lottery	1	--	--	--
Civil Rights	3	102	18	35.7
Immigration	272	10	5	34.8
Child Pornography	123	63	49	40.0
Prison Offenses	6	4	8	67.3
Administration of Justice Offenses	42	2	12	82.1
Environmental/Wildlife	6	0	9	100.0
National Defense	4	27	28	37.8
Antitrust	0	--	--	--
Food & Drug	3	36	27	42.9
Other Miscellaneous Offenses	48	1	10	89.5

¹ Of the 39,654 cases, 1,918 received an other government sponsored downward departure. Of these, 1,827 cases 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 14 cases were also excluded from this table. Of the remaining 1,813 cases, five were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through March 31, 2012).

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	804	25	12	30.7
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	5	33	15	37.8
Assault	11	12	12	36.3
Robbery	8	30	17	32.5
Arson	0	--	--	--
Drugs - Trafficking	224	51	14	25.6
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	66	40	11	21.6
Burglary/B&E	0	--	--	--
Auto Theft	2	--	--	--
Larceny	7	0	10	100.0
Fraud	65	6	10	63.5
Embezzlement	1	--	--	--
Forgery/Counterfeiting	9	12	6	33.2
Bribery	1	--	--	--
Tax	7	4	12	83.3
Money Laundering	8	11	10	50.8
Racketeering/Extortion	12	30	14	26.6
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	321	24	10	30.0
Child Pornography	22	84	41	38.0
Prison Offenses	2	--	--	--
Administration of Justice Offenses	13	6	9	66.7
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	13	6	9	49.9

¹ Of the 39,654 cases, 842 received a downward departure from the guideline range. Of these, 808 cases 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 one case was also excluded from this table. Of the remaining 807 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 WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	359	30	17	40.0
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	0	--	--	--
Assault	2	--	--	--
Robbery	4	15	18	54.5
Arson	0	--	--	--
Drugs - Trafficking	128	48	22	35.0
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	30	27	16	24.9
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	6	6	10	71.4
Fraud	55	18	11	42.7
Embezzlement	1	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	6	6	11	74.9
Money Laundering	9	0	30	100.0
Racketeering/Extortion	12	35	14	41.7
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	54	24	14	34.7
Child Pornography	24	60	37	38.1
Prison Offenses	2	--	--	--
Administration of Justice Offenses	8	3	16	90.1
Environmental/Wildlife	6	0	14	100.0
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	5	0	15	100.0

¹ Of the 39,654 cases, 378 received a downward departure from the guideline range with *Booker*/ 18 U.S.C § 3553. Of these, 362 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional three cases were also excluded from this table. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**BELOW GUIDELINE RANGE WITH *BOOKER*/18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	5,060	24	13	35.1
Murder	2	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	18	36	14	45.0
Assault	41	18	11	44.4
Robbery	84	42	15	26.9
Arson	0	--	--	--
Drugs - Trafficking	1,646	48	18	29.4
Drugs - Communication Facility	38	12	12	50.0
Drugs - Simple Possession	5	0	1	100.0
Firearms	597	30	12	28.9
Burglary/B&E	3	12	5	25.0
Auto Theft	3	0	12	100.0
Larceny	87	0	10	100.0
Fraud	712	12	12	55.5
Embezzlement	43	5	10	66.7
Forgery/Counterfeiting	68	5	7	70.7
Bribery	36	19	17	54.6
Tax	98	3	10	81.7
Money Laundering	89	20	13	42.9
Racketeering/Extortion	58	33	13	29.6
Gambling/Lottery	4	0	7	100.0
Civil Rights	6	10	11	55.5
Immigration	857	18	9	33.2
Child Pornography	345	63	40	37.1
Prison Offenses	16	11	6	33.3
Administration of Justice Offenses	80	8	10	60.0
Environmental/Wildlife	13	0	9	100.0
National Defense	9	14	10	69.6
Antitrust	0	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	98	3	10	79.2

¹ Of the 39,654 cases, 5,260 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 5,079 cases 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 12 cases were also excluded from this table. Of the remaining 5,067 cases, seven were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through March 31, 2012).

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	227	4	6	55.6
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	6	5	5	52.1
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	45	41	10	33.3
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	3	0	1	100.0
Firearms	25	36	10	22.1
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	6	0	7	100.0
Fraud	30	1	7	88.2
Embezzlement	4	0	6	100.0
Forgery/Counterfeiting	7	0	6	100.0
Bribery	0	--	--	--
Tax	4	0	6	100.0
Money Laundering	1	--	--	--
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	67	0	2	100.0
Child Pornography	12	240	85	22.8
Prison Offenses	1	--	--	--
Administration of Justice Offenses	4	5	5	72.2
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	7	0	3	100.0

¹ Of the 39,654 cases, 254 were otherwise sentenced below the guideline range. Of these, 230 cases 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 228 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	191	46	11	33.3
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	6	132	39	37.6
Assault	10	72	21	58.5
Robbery	4	120	17	30.3
Arson	0	--	--	--
Drugs - Trafficking	27	84	16	25.0
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	30	94	14	15.0
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	19	65	8	30.4
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	8	102	23	31.4
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	65	24	7	36.7
Child Pornography	1	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	4	37	5	16.7
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	4	38	16	111.1

¹ Of the 39,654 cases, 203 received an upward departure from the guideline range. Of these, 195 cases 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 CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	62	73	23	50.9
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	5	66	33	62.2
Robbery	3	120	33	57.9
Arson	0	--	--	--
Drugs - Trafficking	4	63	8	13.9
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	12	150	35	35.1
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	1	--	--	--
Fraud	12	39	18	114.3
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	12	36	12	50.0
Child Pornography	3	235	25	14.5
Prison Offenses	0	--	--	--
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 39,654 cases, 67 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 65 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional two 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 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 CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	401	60	15	40.7
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	6	200	39	30.4
Assault	4	75	39	66.8
Robbery	11	135	48	27.7
Arson	2	--	--	--
Drugs - Trafficking	45	87	15	23.9
Drugs - Communication Facility	3	84	15	20.3
Drugs - Simple Possession	2	--	--	--
Firearms	82	108	24	31.5
Burglary/B&E	1	--	--	--
Auto Theft	2	--	--	--
Larceny	6	45	11	48.2
Fraud	53	50	12	36.1
Embezzlement	0	--	--	--
Forgery/Counterfeiting	7	19	7	60.0
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	4	65	20	35.3
Racketeering/Extortion	10	96	35	45.9
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	104	24	8	50.0
Child Pornography	20	240	34	35.4
Prison Offenses	5	48	12	33.3
Administration of Justice Offenses	21	60	18	60.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	3	9	3	50.0
Other Miscellaneous Offenses	8	84	33	33.3

¹ Of the 39,654 cases, 438 were sentenced above the guideline range with *Booker*/18 U.S.C. § 3553. Of these, 408 cases had complete guideline application information. An additional seven 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 CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	24	45	10	27.4
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	4	114	30	19.4
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	4	45	8	21.6
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	2	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	12	33	8	37.0
Child Pornography	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹ Of the 39,654 cases, 45 were otherwise sentenced above the guideline range. Of these, 38 cases had complete guideline application information. An additional 14 cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through March 31, 2012).

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	39,319	35,457	90.2	34,356	87.4	1,101	2.8	3,862	9.8	1,096	2.8	2,766	7.0
Murder	34	34	100.0	34	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	24	24	100.0	24	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	23	23	100.0	23	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	193	188	97.4	181	93.8	7	3.6	5	2.6	1	0.5	4	2.1
Assault	312	269	86.2	248	79.5	21	6.7	43	13.8	12	3.8	31	9.9
Robbery	411	396	96.4	390	94.9	6	1.5	15	3.6	10	2.4	5	1.2
Arson	21	21	100.0	21	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	11,743	11,331	96.5	10,997	93.6	334	2.8	412	3.5	166	1.4	246	2.1
Drugs - Communication Facility	167	139	83.2	130	77.8	9	5.4	28	16.8	10	6.0	18	10.8
Drugs - Simple Possession	360	199	55.3	195	54.2	4	1.1	161	44.7	5	1.4	156	43.3
Firearms	3,694	3,510	95.0	3,404	92.1	106	2.9	184	5.0	71	1.9	113	3.1
Burglary/B&E	21	19	90.5	18	85.7	1	4.8	2	9.5	0	0.0	2	9.5
Auto Theft	26	23	88.5	20	76.9	3	11.5	3	11.5	2	7.7	1	3.8
Larceny	590	265	44.9	224	38.0	41	6.9	325	55.1	80	13.6	245	41.5
Fraud	3,977	2,981	75.0	2,725	68.5	256	6.4	996	25.0	367	9.2	629	15.8
Embezzlement	146	77	52.7	57	39.0	20	13.7	69	47.3	22	15.1	47	32.2
Forgery/Counterfeiting	444	330	74.3	307	69.1	23	5.2	114	25.7	41	9.2	73	16.4
Bribery	111	94	84.7	85	76.6	9	8.1	17	15.3	6	5.4	11	9.9
Tax	288	185	64.2	147	51.0	38	13.2	103	35.8	48	16.7	55	19.1
Money Laundering	387	311	80.4	297	76.7	14	3.6	76	19.6	30	7.8	46	11.9
Racketeering/Extortion	377	358	95.0	347	92.0	11	2.9	19	5.0	6	1.6	13	3.4
Gambling/Lottery	15	3	20.0	2	13.3	1	6.7	12	80.0	2	13.3	10	66.7
Civil Rights	21	18	85.7	18	85.7	0	0.0	3	14.3	1	4.8	2	9.5
Immigration	13,037	12,521	96.0	12,425	95.3	96	0.7	516	4.0	58	0.4	458	3.5
Child Pornography	921	913	99.1	896	97.3	17	1.8	8	0.9	3	0.3	5	0.5
Prison Offenses	210	197	93.8	191	91.0	6	2.9	13	6.2	4	1.9	9	4.3
Administration of Justice Offenses	617	487	78.9	455	73.7	32	5.2	130	21.1	36	5.8	94	15.2
Environmental/Wildlife	83	18	21.7	14	16.9	4	4.8	65	78.3	7	8.4	58	69.9
National Defense	51	49	96.1	46	90.2	3	5.9	2	3.9	0	0.0	2	3.9
Antitrust	9	9	100.0	9	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	23	12	52.2	11	47.8	1	4.3	11	47.8	2	8.7	9	39.1
Other Miscellaneous Offenses	983	453	46.1	415	42.2	38	3.9	530	53.9	106	10.8	424	43.1

¹ Of the 39,654 cases, 335 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (331), or missing sentencing information (4). Descriptions of variables used in this table are provided in Appendix A.

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

Table 19

SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

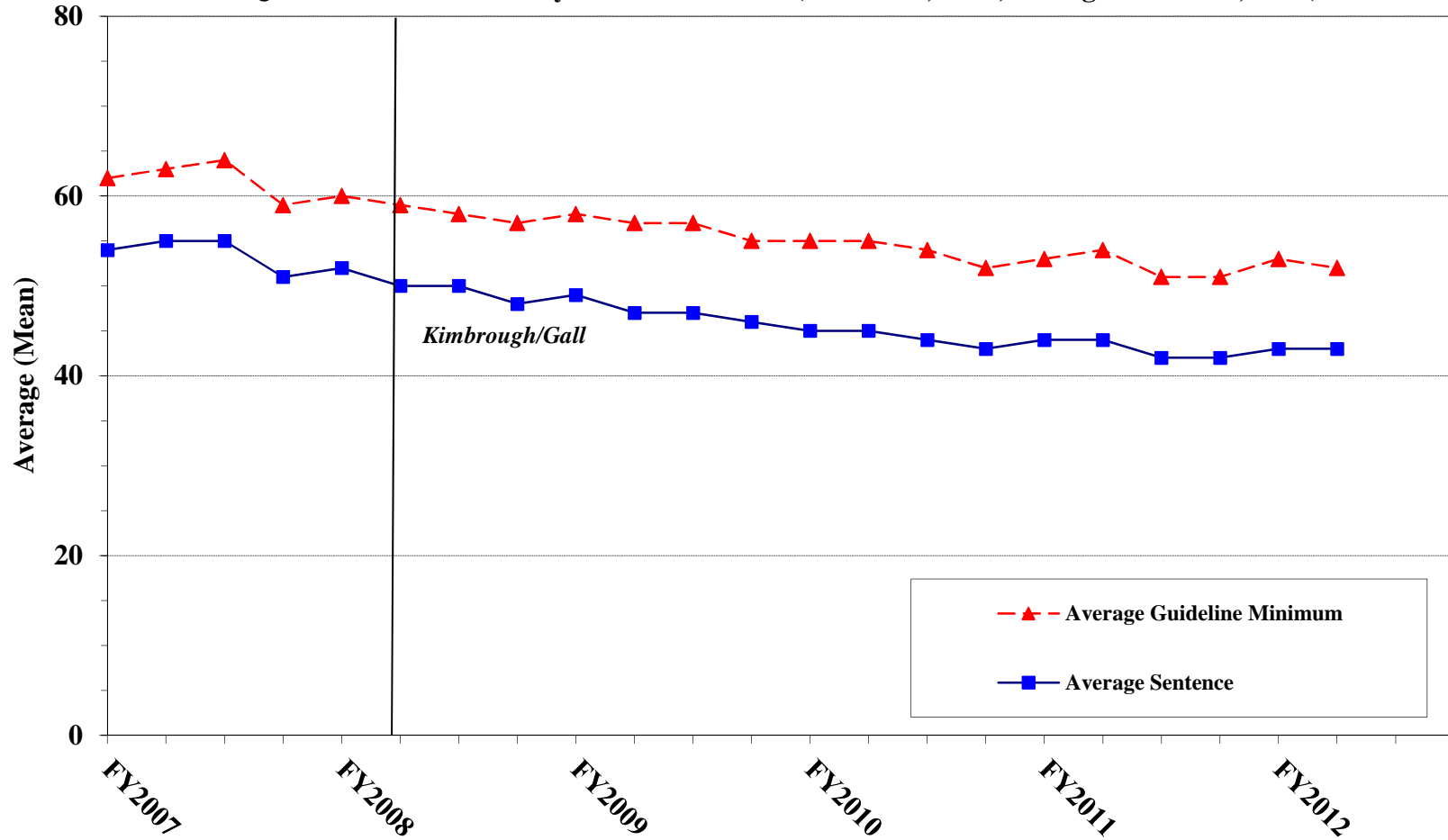
PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	43	24	39,647
Murder	231	194	34
Manslaughter	48	40	24
Kidnapping/Hostage Taking	236	204	23
Sexual Abuse	122	120	193
Assault	32	21	316
Robbery	76	60	413
Arson	85	60	21
Drugs - Trafficking	67	48	11,746
Drugs - Communication Facility	35	36	167
Drugs - Simple Possession	2	0	380
Firearms	80	52	3,697
Burglary/B&E	20	18	21
Auto Theft	47	31	27
Larceny	9	1	640
Fraud	23	12	3,991
Embezzlement	10	6	152
Forgery/Counterfeiting	17	12	444
Bribery	19	18	111
Tax	15	12	289
Money Laundering	36	18	388
Racketeering/Extortion	87	57	377
Gambling/Lottery	5	0	15
Civil Rights	45	12	21
Immigration	17	11	13,041
Child Pornography	134	90	920
Prison Offenses	14	12	210
Administration of Justice Offenses	19	14	622
Environmental/Wildlife	2	0	91
National Defense	39	36	51
Antitrust	17	15	9
Food & Drug	9	3	25
Other Miscellaneous Offenses	15	0	1,188

¹ Of the 39,654 cases, seven were excluded due to missing or indeterminable sentencing information. Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure C

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
QUARTERLY DATA FOR ALL CASES¹**

**Fiscal Years 2007 - 2011,
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

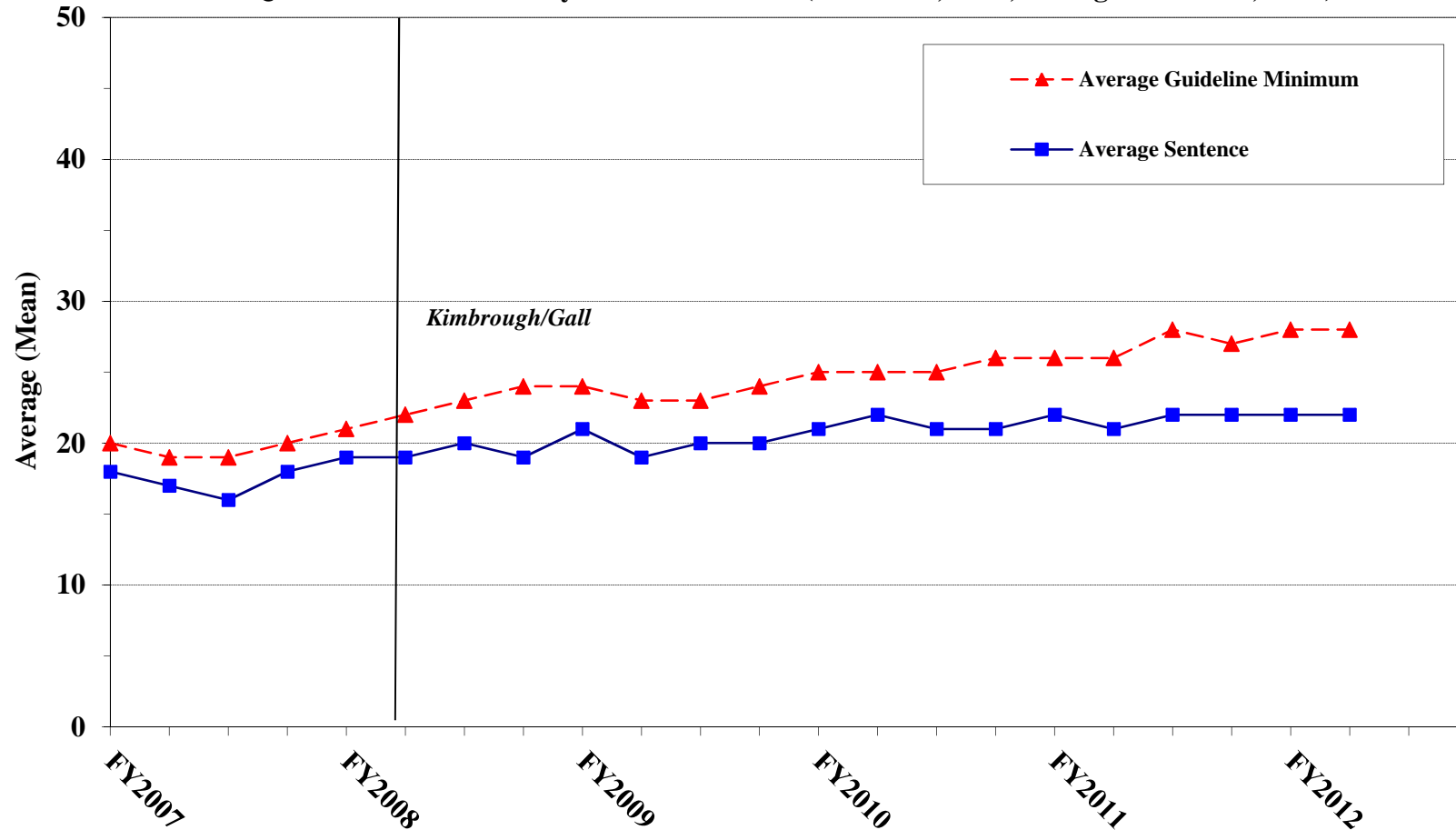


¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 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 figure 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)¹**

**Fiscal Years 2007 - 2011,
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

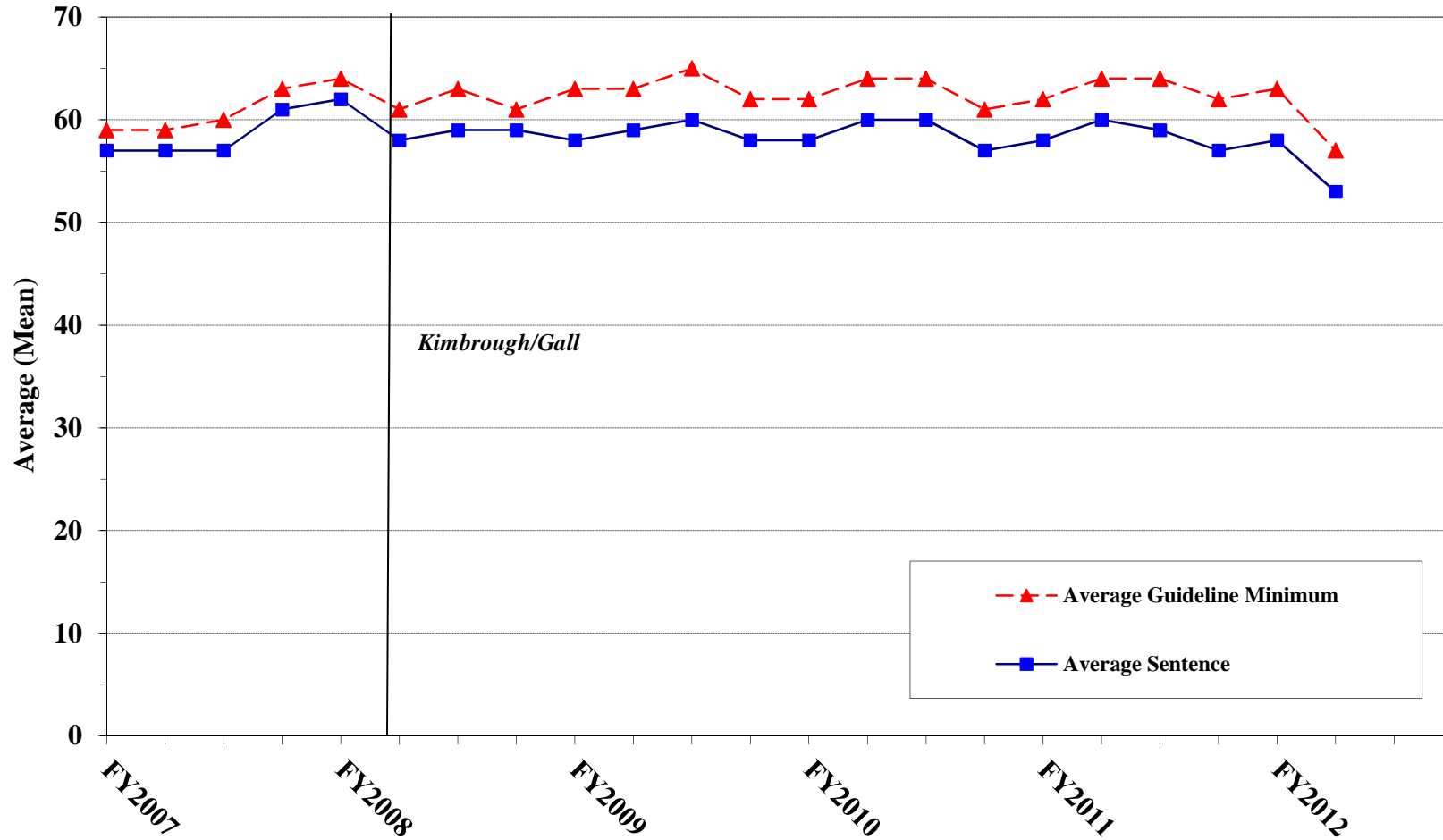


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit 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 figure 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)¹

**Fiscal Years 2007 - 2011,
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

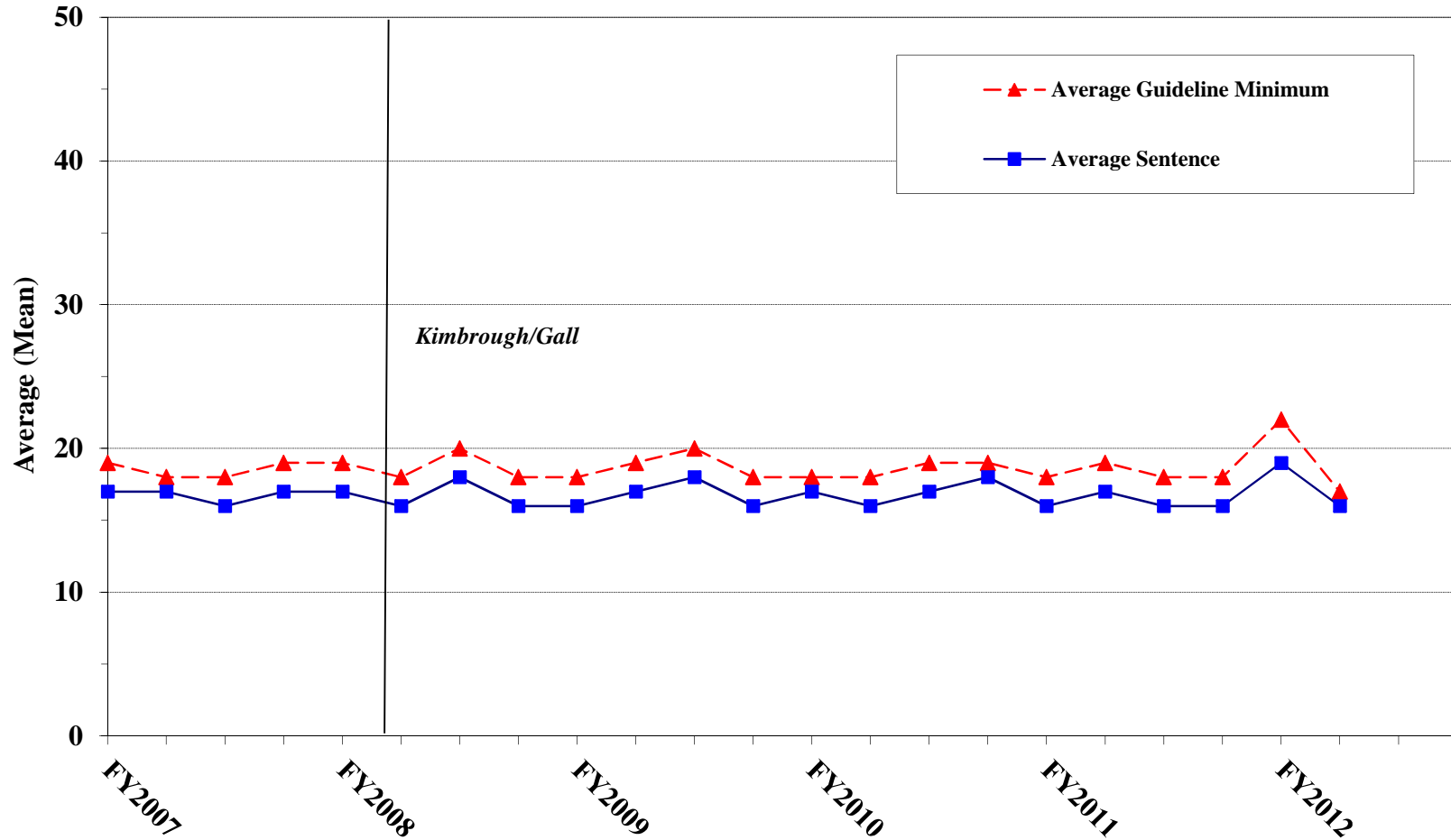


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum 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 figure are provided in Appendix A.

Figure F

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

**Fiscal Years 2007 - 2011,
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

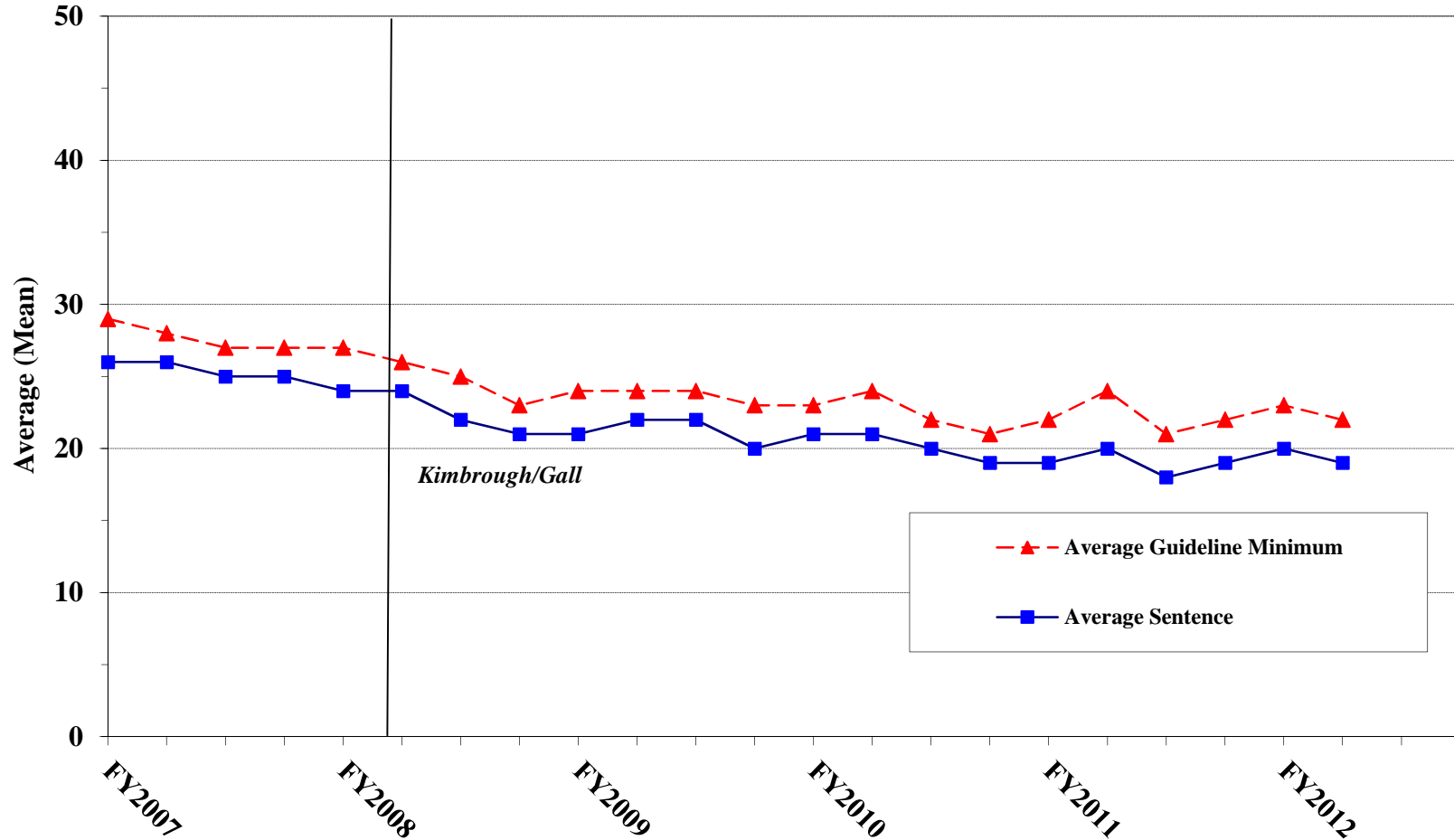


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, 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 figure 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)¹

**Fiscal Years 2007 - 2011,
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

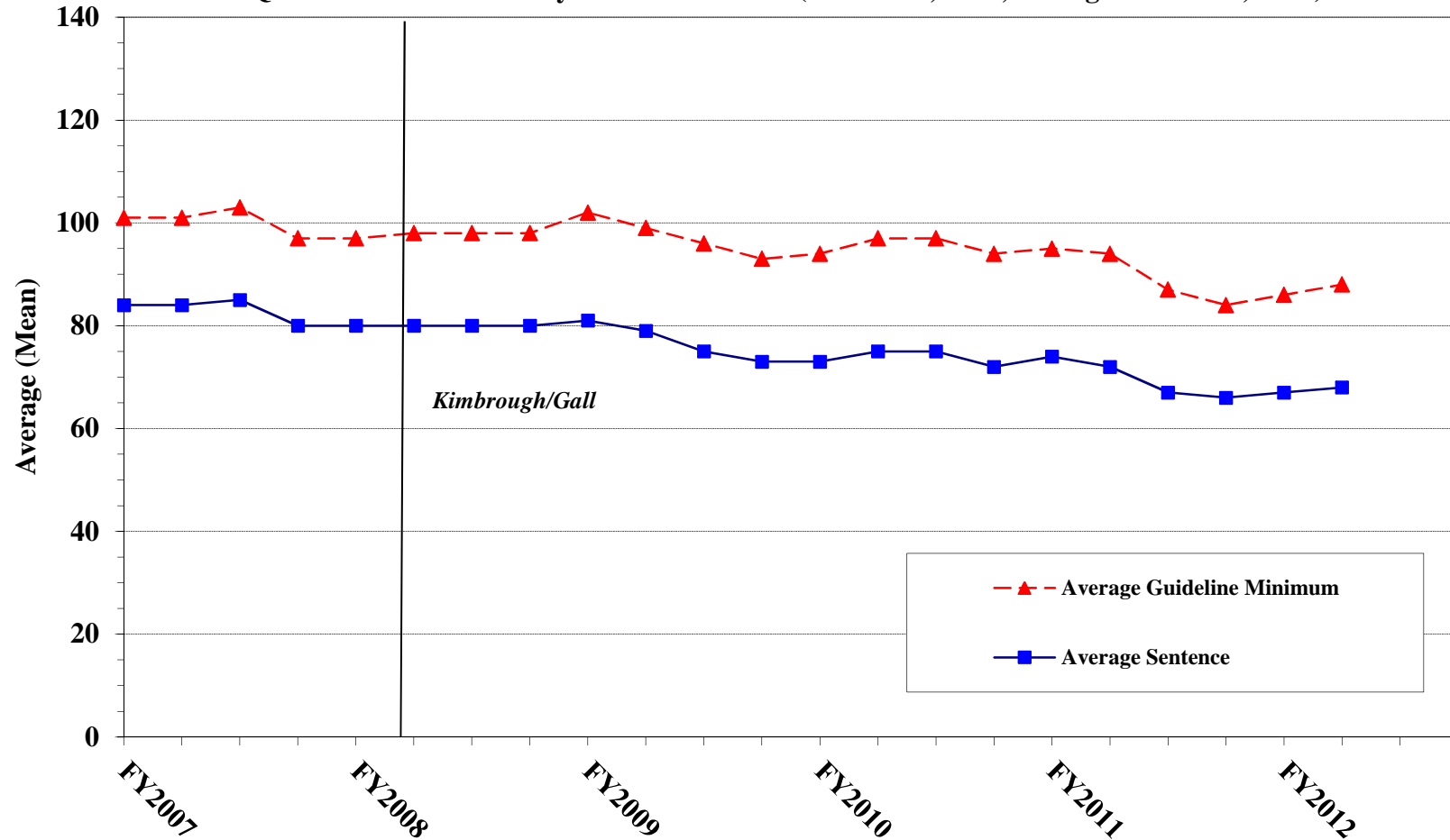


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including 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 figure are provided in Appendix A.

Figure H

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

**Fiscal Years 2007 - 2011,
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

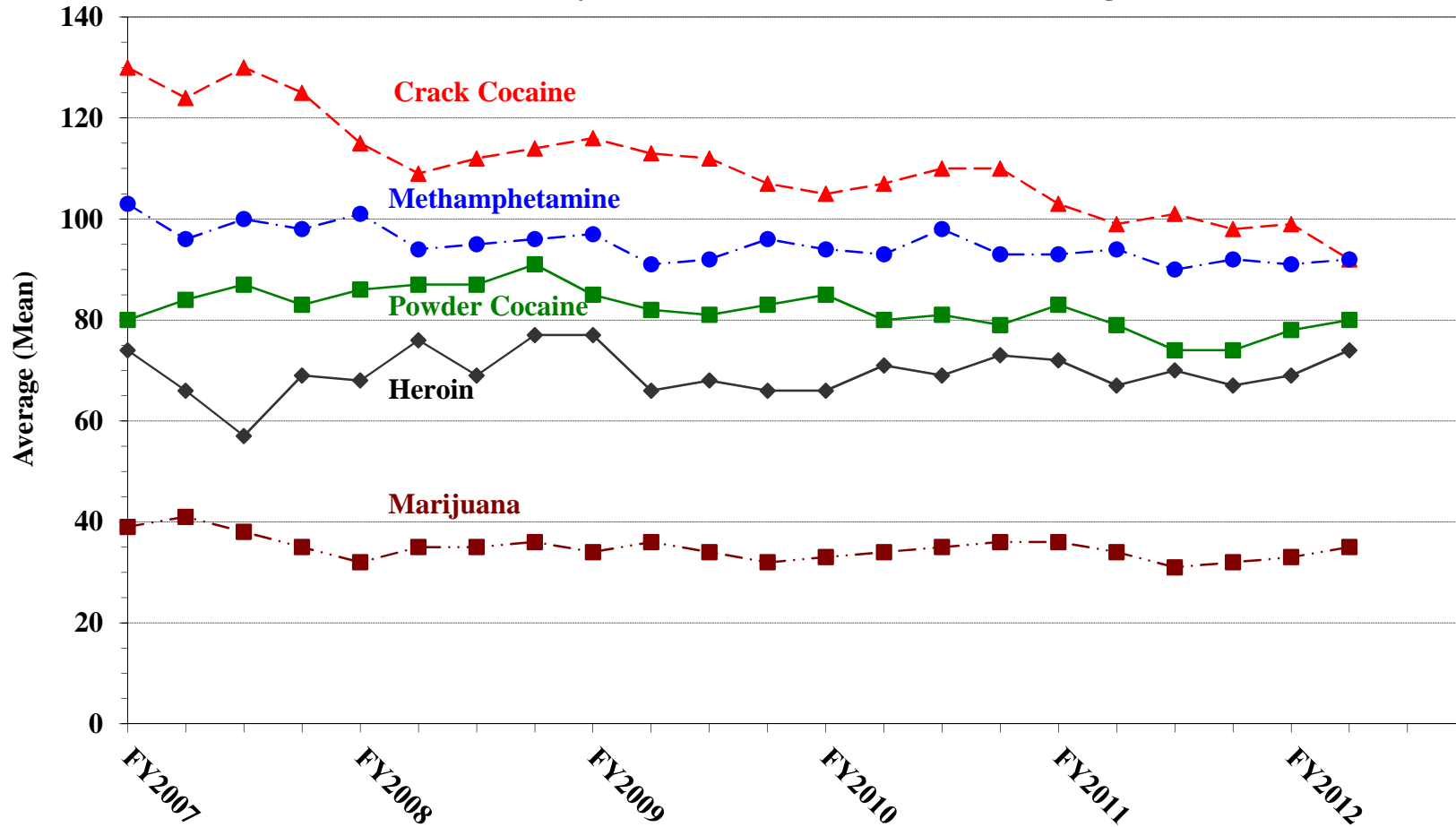


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline 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 figure are provided in Appendix A.

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹

Fiscal Years 2007 - 2011,
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)



¹ 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. 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 figure are provided in Appendix A.

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹**
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
TOTAL	17,214	8,767	50.9	3,381	19.6	1,836	10.7	1,468	8.5	1,762	10.2
Murder	11	2	18.2	4	36.4	0	0.0	2	18.2	3	27.3
Manslaughter	13	5	38.5	2	15.4	1	7.7	1	7.7	4	30.8
Kidnapping/Hostage Taking	6	4	66.7	0	0.0	0	0.0	1	16.7	1	16.7
Sexual Abuse	90	31	34.4	20	22.2	11	12.2	11	12.2	17	18.9
Assault	149	54	36.2	33	22.1	16	10.7	13	8.7	33	22.1
Robbery	218	106	48.6	41	18.8	25	11.5	21	9.6	25	11.5
Arson	8	3	37.5	1	12.5	0	0.0	3	37.5	1	12.5
Drugs - Trafficking	4,872	3,049	62.6	1,035	21.2	358	7.3	195	4.0	235	4.8
Drugs - Communication Facility	41	27	65.9	4	9.8	3	7.3	1	2.4	6	14.6
Drugs - Simple Possession	96	67	69.8	13	13.5	6	6.3	3	3.1	7	7.3
Firearms	1,935	1,061	54.8	268	13.9	180	9.3	152	7.9	274	14.2
Burglary/B&E	12	5	41.7	2	16.7	1	8.3	1	8.3	3	25.0
Auto Theft	17	7	41.2	3	17.6	0	0.0	3	17.6	4	23.5
Larceny	334	233	69.8	31	9.3	26	7.8	15	4.5	29	8.7
Fraud	1,562	875	56.0	232	14.9	132	8.5	115	7.4	208	13.3
Embezzlement	77	61	79.2	10	13.0	1	1.3	0	0.0	5	6.5
Forgery/Counterfeiting	280	150	53.6	33	11.8	31	11.1	25	8.9	41	14.6
Bribery	37	26	70.3	6	16.2	0	0.0	2	5.4	3	8.1
Tax	84	53	63.1	10	11.9	8	9.5	6	7.1	7	8.3
Money Laundering	126	80	63.5	23	18.3	9	7.1	2	1.6	12	9.5
Racketeering/Extortion	130	57	43.8	22	16.9	13	10.0	16	12.3	22	16.9
Gambling/Lottery	4	2	50.0	1	25.0	0	0.0	1	25.0	0	0.0
Civil Rights	6	3	50.0	1	16.7	0	0.0	0	0.0	2	33.3
Immigration	5,924	2,122	35.8	1,398	23.6	912	15.4	799	13.5	693	11.7
Child Pornography	261	153	58.6	41	15.7	19	7.3	26	10.0	22	8.4
Prison Offenses	146	58	39.7	35	24.0	23	15.8	7	4.8	23	15.8
Administration of Justice Offenses	343	189	55.1	51	14.9	39	11.4	16	4.7	48	14.0
Environmental/Wildlife	26	22	84.6	2	7.7	0	0.0	2	7.7	0	0.0
National Defense	21	12	57.1	6	28.6	1	4.8	1	4.8	1	4.8
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Food & Drug	12	8	66.7	1	8.3	1	8.3	2	16.7	0	0.0
Other Miscellaneous Offenses	373	242	64.9	52	13.9	20	5.4	26	7.0	33	8.8

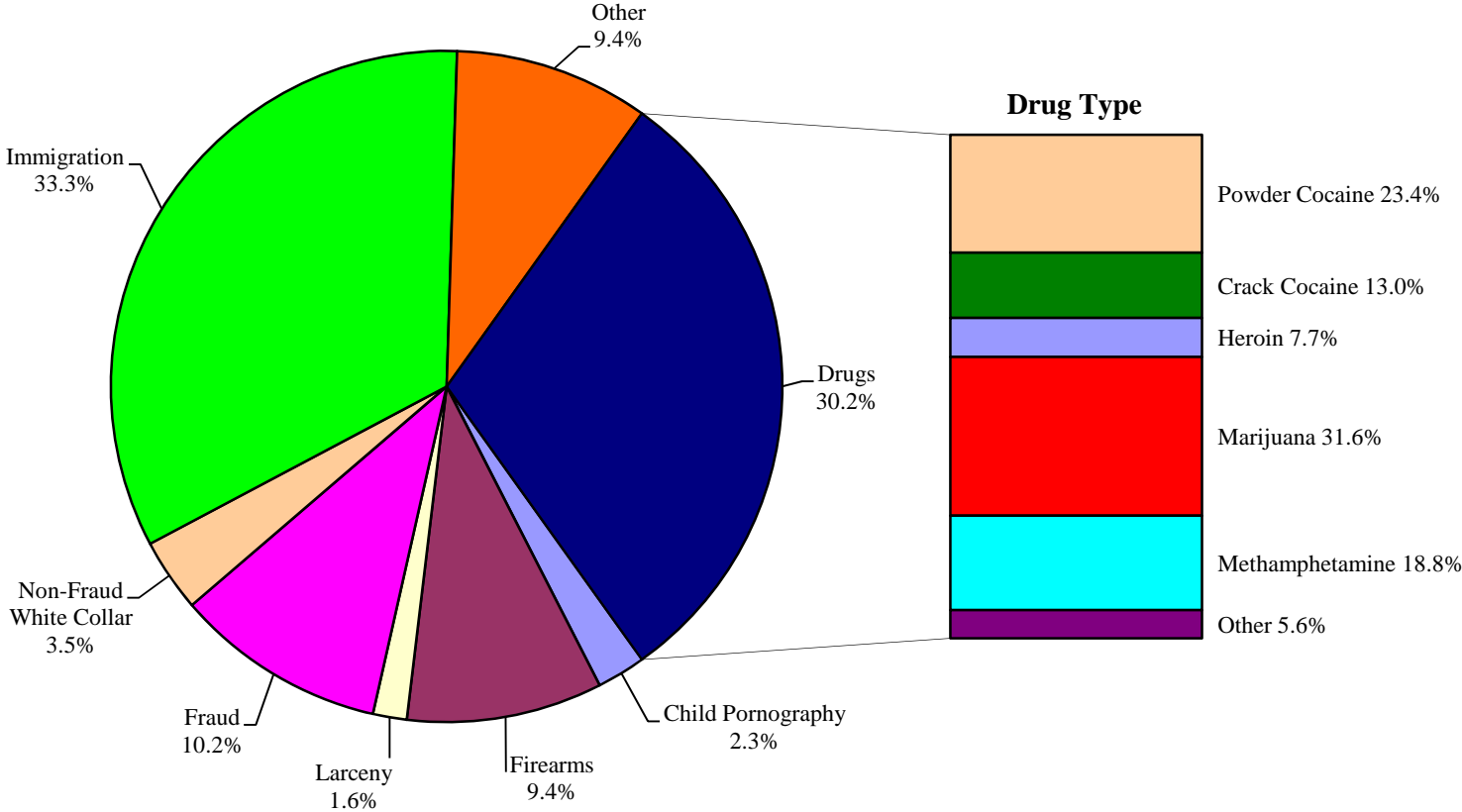
¹ Of the 39,654 cases, 20,942 were sentenced within the applicable guideline range. Of those, 18,356 cases had complete guideline application information. An additional 1,142 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through March 31, 2012).

Figure J

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹

2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)



¹ Of the 39,654 guideline cases, 12,294 were drug cases. Of these, 429 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

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

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through March 31, 2012).

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

PRIMARY OFFENSE	N	%
TOTAL	39,654	100.0
Murder	34	0.1
Manslaughter	24	0.1
Kidnapping/Hostage Taking	23	0.1
Sexual Abuse	193	0.5
Assault	316	0.8
Robbery	413	1.0
Arson	21	0.1
Drugs - Trafficking	11,746	29.6
Drugs - Communication Facility	167	0.4
Drugs - Simple Possession	381	1.0
Firearms	3,698	9.3
Burglary/B&E	21	0.1
Auto Theft	27	0.1
Larceny	640	1.6
Fraud	3,992	10.1
Embezzlement	152	0.4
Forgery/Counterfeiting	444	1.1
Bribery	111	0.3
Tax	289	0.7
Money Laundering	388	1.0
Racketeering/Extortion	377	1.0
Gambling/Lottery	15	0.0
Civil Rights	21	0.1
Immigration	13,044	32.9
Child Pornography	921	2.3
Prison Offenses	210	0.5
Administration of Justice Offenses	622	1.6
Environmental/Wildlife	91	0.2
National Defense	51	0.1
Antitrust	9	0.0
Food & Drug	25	0.1
Other Miscellaneous Offenses	1,188	3.0

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

Table 22

GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

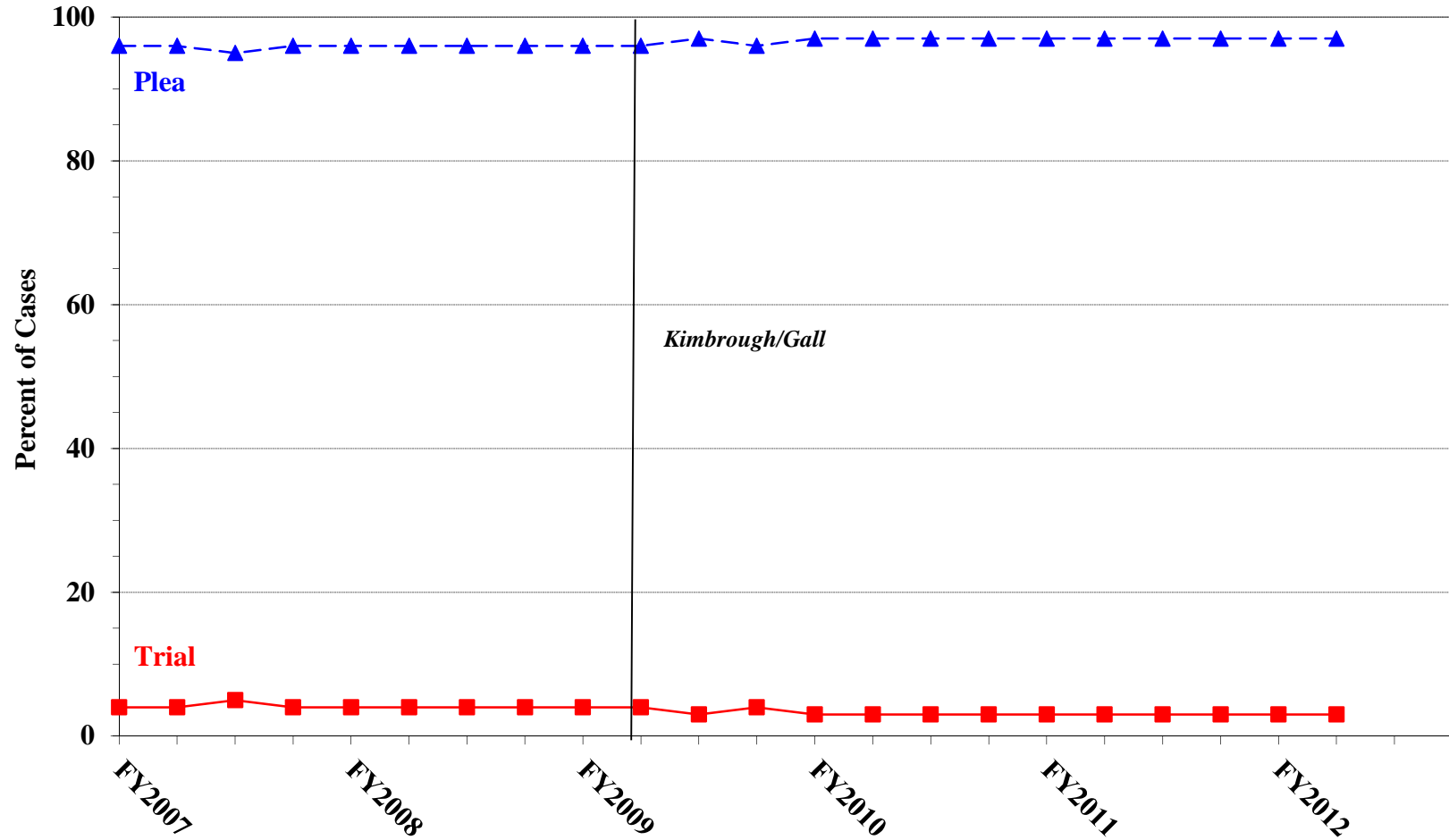
PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	39,652	38,509	97.1	1,143	2.9
Murder	34	27	79.4	7	20.6
Manslaughter	24	23	95.8	1	4.2
Kidnapping/Hostage Taking	23	21	91.3	2	8.7
Sexual Abuse	193	168	87.0	25	13.0
Assault	316	292	92.4	24	7.6
Robbery	413	404	97.8	9	2.2
Arson	21	19	90.5	2	9.5
Drugs - Trafficking	11,746	11,404	97.1	342	2.9
Drugs - Communication Facility	167	167	100.0	0	0.0
Drugs - Simple Possession	380	372	97.9	8	2.1
Firearms	3,698	3,475	94.0	223	6.0
Burglary/B&E	21	20	95.2	1	4.8
Auto Theft	27	26	96.3	1	3.7
Larceny	639	629	98.4	10	1.6
Fraud	3,992	3,774	94.5	218	5.5
Embezzlement	152	148	97.4	4	2.6
Forgery/Counterfeiting	444	436	98.2	8	1.8
Bribery	111	104	93.7	7	6.3
Tax	289	277	95.8	12	4.2
Money Laundering	388	355	91.5	33	8.5
Racketeering/Extortion	377	355	94.2	22	5.8
Gambling/Lottery	15	14	93.3	1	6.7
Civil Rights	21	18	85.7	3	14.3
Immigration	13,044	12,968	99.4	76	0.6
Child Pornography	921	885	96.1	36	3.9
Prison Offenses	210	208	99.0	2	1.0
Administration of Justice Offenses	622	601	96.6	21	3.4
Environmental/Wildlife	91	89	97.8	2	2.2
National Defense	51	51	100.0	0	0.0
Antitrust	9	9	100.0	0	0.0
Food & Drug	25	24	96.0	1	4.0
Other Miscellaneous Offenses	1,188	1,146	96.5	42	3.5

¹ Of the 39,654 cases, two were excluded due to missing information on mode of conviction. Descriptions of variables used in this table are provided in Appendix A.

Figure K

QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS¹

Fiscal Years 2007 - 2011,
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)



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

Table 23

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	36,186	9,734	26.9	7,198	19.9	17,881	49.4	1,373	3.8
Murder	34	11	32.4	7	20.6	4	11.8	12	35.3
Manslaughter	24	1	4.2	0	0.0	2	8.3	21	87.5
Kidnapping/Hostage Taking	23	6	26.1	6	26.1	7	30.4	4	17.4
Sexual Abuse	193	83	43.0	27	14.0	15	7.8	68	35.2
Assault	289	72	24.9	27	9.3	44	15.2	146	50.5
Robbery	407	188	46.2	171	42.0	31	7.6	17	4.2
Arson	21	12	57.1	6	28.6	0	0.0	3	14.3
Drugs - Trafficking	11,653	2,963	25.4	2,856	24.5	5,513	47.3	321	2.8
Drugs - Communication Facility	166	46	27.7	57	34.3	52	31.3	11	6.6
Drugs - Simple Possession	128	64	50.0	32	25.0	25	19.5	7	5.5
Firearms	3,671	1,001	27.3	1,785	48.6	765	20.8	120	3.3
Burglary/B&E	21	4	19.0	5	23.8	3	14.3	9	42.9
Auto Theft	26	9	34.6	5	19.2	12	46.2	0	0.0
Larceny	526	258	49.0	159	30.2	67	12.7	42	8.0
Fraud	3,475	1,609	46.3	1,052	30.3	583	16.8	231	6.6
Embezzlement	143	86	60.1	24	16.8	14	9.8	19	13.3
Forgery/Counterfeiting	439	196	44.6	180	41.0	53	12.1	10	2.3
Bribery	110	53	48.2	24	21.8	14	12.7	19	17.3
Tax	286	174	60.8	66	23.1	27	9.4	19	6.6
Money Laundering	383	137	35.8	50	13.1	176	46.0	20	5.2
Racketeering/Extortion	375	139	37.1	99	26.4	110	29.3	27	7.2
Gambling/Lottery	15	12	80.0	2	13.3	1	6.7	0	0.0
Civil Rights	21	12	57.1	5	23.8	2	9.5	2	9.5
Immigration	11,228	1,038	9.2	171	1.5	9,951	88.6	68	0.6
Child Pornography	919	807	87.8	27	2.9	72	7.8	13	1.4
Prison Offenses	188	47	25.0	74	39.4	53	28.2	14	7.4
Administration of Justice Offenses	596	283	47.5	138	23.2	123	20.6	52	8.7
Environmental/Wildlife	65	43	66.2	1	1.5	5	7.7	16	24.6
National Defense	50	17	34.0	2	4.0	24	48.0	7	14.0
Antitrust	6	2	33.3	0	0.0	0	0.0	4	66.7
Food & Drug	24	20	83.3	0	0.0	4	16.7	0	0.0
Other Miscellaneous Offenses	681	341	50.1	140	20.6	129	18.9	71	10.4

¹ Of the 39,654 cases, 3,468 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 24

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	38,188	33,377	87.4	4,811	12.6
Murder	34	30	88.2	4	11.8
Manslaughter	24	19	79.2	5	20.8
Kidnapping/Hostage Taking	23	21	91.3	2	8.7
Sexual Abuse	193	180	93.3	13	6.7
Assault	308	266	86.4	42	13.6
Robbery	413	379	91.8	34	8.2
Arson	21	18	85.7	3	14.3
Drugs - Trafficking	11,726	10,256	87.5	1,470	12.5
Drugs - Communication Facility	167	136	81.4	31	18.6
Drugs - Simple Possession	293	221	75.4	72	24.6
Firearms	3,687	3,558	96.5	129	3.5
Burglary/B&E	21	19	90.5	2	9.5
Auto Theft	27	26	96.3	1	3.7
Larceny	572	377	65.9	195	34.1
Fraud	3,902	2,656	68.1	1,246	31.9
Embezzlement	150	57	38.0	93	62.0
Forgery/Counterfeiting	442	338	76.5	104	23.5
Bribery	111	98	88.3	13	11.7
Tax	288	217	75.3	71	24.7
Money Laundering	385	290	75.3	95	24.7
Racketeering/Extortion	377	355	94.2	22	5.8
Gambling/Lottery	15	13	86.7	2	13.3
Civil Rights	21	20	95.2	1	4.8
Immigration	12,126	11,342	93.5	784	6.5
Child Pornography	921	907	98.5	14	1.5
Prison Offenses	206	186	90.3	20	9.7
Administration of Justice Offenses	615	507	82.4	108	17.6
Environmental/Wildlife	80	73	91.3	7	8.8
National Defense	50	43	86.0	7	14.0
Antitrust	7	7	100.0	0	0.0
Food & Drug	24	18	75.0	6	25.0
Other Miscellaneous Offenses	959	744	77.6	215	22.4

¹ Of the 39,654 cases, 1,466 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 25

AGE, RACE, AND GENDER OF OFFENDERS¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
Males	7,956	100.0	6,289	100.0	16,449	100.0	1,103	100.0
Under 21	213	2.7	163	2.6	609	3.7	41	3.7
21 - 25	816	10.3	995	15.8	2,538	15.4	189	17.1
26 - 30	1,119	14.1	1,284	20.4	3,301	20.1	207	18.8
31 - 35	1,181	14.8	1,316	20.9	3,365	20.5	176	16.0
36 - 40	1,052	13.2	954	15.2	2,772	16.9	151	13.7
41 - 50	1,887	23.7	1,071	17.0	2,928	17.8	196	17.8
Over 50	1,688	21.2	506	8.0	936	5.7	143	13.0
Females	1,769	100.0	903	100.0	1,416	100.0	265	100.0
Under 21	51	2.9	11	1.2	72	5.1	6	2.3
21 - 25	228	12.9	120	13.3	236	16.7	41	15.5
26 - 30	289	16.3	159	17.6	264	18.6	32	12.1
31 - 35	249	14.1	163	18.1	266	18.8	43	16.2
36 - 40	238	13.5	115	12.7	198	14.0	40	15.1
41 - 50	398	22.5	215	23.8	252	17.8	59	22.3
Over 50	316	17.9	120	13.3	128	9.0	44	16.6

¹ Of the 39,654 cases, 3,504 were excluded due to one or more of the following reasons: missing information on offender's race (3,468), missing information on offender's gender (1,466), or missing information on offender's age (152). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through March 31, 2012).

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	38,481	20,389	53.0	18,092	47.0
Murder	34	31	91.2	3	8.8
Manslaughter	24	24	100.0	0	0.0
Kidnapping/Hostage Taking	23	10	43.5	13	56.5
Sexual Abuse	193	184	95.3	9	4.7
Assault	296	262	88.5	34	11.5
Robbery	410	399	97.3	11	2.7
Arson	21	20	95.2	1	4.8
Drugs - Trafficking	11,696	7,903	67.6	3,793	32.4
Drugs - Communication Facility	166	134	80.7	32	19.3
Drugs - Simple Possession	231	155	67.1	76	32.9
Firearms	3,684	3,358	91.2	326	8.8
Burglary/B&E	21	21	100.0	0	0.0
Auto Theft	26	22	84.6	4	15.4
Larceny	534	501	93.8	33	6.2
Fraud	3,802	2,886	75.9	916	24.1
Embezzlement	142	137	96.5	5	3.5
Forgery/Counterfeiting	442	397	89.8	45	10.2
Bribery	111	95	85.6	16	14.4
Tax	287	262	91.3	25	8.7
Money Laundering	386	281	72.8	105	27.2
Racketeering/Extortion	376	301	80.1	75	19.9
Gambling/Lottery	15	14	93.3	1	6.7
Civil Rights	21	19	90.5	2	9.5
Immigration	12,924	649	5.0	12,275	95.0
Child Pornography	921	899	97.6	22	2.4
Prison Offenses	189	174	92.1	15	7.9
Administration of Justice Offenses	600	523	87.2	77	12.8
Environmental/Wildlife	68	64	94.1	4	5.9
National Defense	50	34	68.0	16	32.0
Antitrust	7	0	0.0	7	100.0
Food & Drug	24	22	91.7	2	8.3
Other Miscellaneous Offenses	757	608	80.3	149	19.7

¹ Of the 39,654 cases, 1,173 were excluded due to missing information on the offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 27

DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT¹
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		N	N	N	N	N	N	N	N
TOTAL	39,654	184,058	39,654	39,129	29,097	10,464	39,584	36,594	3,060
D.C. CIRCUIT	187	921	187	186	176	11	187	185	2
District of Columbia	187	921	187	186	176	11	187	185	2
FIRST CIRCUIT	1,191	5,481	1,191	1,185	886	302	1,186	1,033	158
Maine	95	418	95	95	39	56	95	94	1
Massachusetts	250	1,073	250	248	78	171	250	247	3
New Hampshire	82	404	82	82	76	6	82	82	0
Puerto Rico	681	3,208	681	678	645	34	676	528	153
Rhode Island	83	378	83	82	48	35	83	82	1
SECOND CIRCUIT	1,827	8,661	1,827	1,824	1,429	394	1,826	1,755	72
Connecticut	192	944	192	191	179	13	192	190	2
New York									
Eastern	469	2,284	469	469	411	58	469	466	3
Northern	302	1,348	302	300	183	119	302	261	41
Southern	405	1,851	405	405	231	172	405	405	0
Western	351	1,715	351	351	333	17	350	330	21
Vermont	108	519	108	108	92	15	108	103	5
THIRD CIRCUIT	1,312	6,222	1,312	1,307	1,020	291	1,305	1,278	34
Delaware	50	242	50	50	42	8	50	50	0
New Jersey	379	1,847	379	376	343	35	375	374	5
Pennsylvania									
Eastern	357	1,675	357	356	250	107	357	355	2
Middle	240	1,166	240	240	208	32	240	238	2
Western	255	1,151	255	254	158	97	253	231	24
Virgin Islands	31	141	31	31	19	12	30	30	1
FOURTH CIRCUIT	3,130	14,244	3,130	3,059	2,213	908	3,124	2,718	412
Maryland	492	2,372	492	482	435	56	491	472	20
North Carolina									
Eastern	373	1,695	373	348	267	106	373	334	39
Middle	185	916	185	185	177	7	184	185	0
Western	201	937	201	201	133	68	201	201	0
South Carolina	456	2,111	456	455	290	164	456	454	2
Virginia									
Eastern	949	3,896	949	917	481	463	945	604	345
Western	156	757	156	155	136	20	156	154	2
West Virginia									
Northern	170	842	170	170	164	6	170	168	2
Southern	148	718	148	146	130	18	148	146	2

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
FIFTH CIRCUIT	9,421	41,234	9,421	9,170	4,721	4,681	9,402	8,520	901
Louisiana									
Eastern	167	777	167	166	110	56	167	167	0
Middle	112	520	112	112	72	40	112	112	0
Western	190	896	190	176	162	28	190	178	12
Mississippi									
Northern	81	395	81	81	72	9	81	80	1
Southern	137	656	137	132	119	18	136	132	5
Texas									
Eastern	360	1,769	360	360	333	26	360	356	4
Northern	463	2,189	463	460	346	117	462	458	5
Southern	3,344	15,486	3,344	3,339	2,172	1,163	3,339	3,292	52
Western	4,567	18,546	4,567	4,344	1,335	3,224	4,555	3,745	822
SIXTH CIRCUIT	2,585	12,319	2,585	2,568	2,107	463	2,578	2,481	104
Kentucky									
Eastern	223	1,099	223	223	214	8	223	216	7
Western	211	940	211	211	153	58	211	154	57
Michigan									
Eastern	423	2,019	423	418	347	75	422	409	14
Western	233	1,077	233	233	153	80	231	227	6
Ohio									
Northern	411	1,958	411	410	316	95	410	411	0
Southern	297	1,464	297	295	282	15	297	293	4
Tennessee									
Eastern	405	1,954	405	403	340	65	405	401	4
Middle	142	665	142	135	114	15	139	135	7
Western	240	1,143	240	240	188	52	240	235	5
SEVENTH CIRCUIT	1,427	6,882	1,427	1,419	1,195	229	1,425	1,416	11
Illinois									
Central	164	760	164	164	105	59	164	163	1
Northern	377	1,816	377	375	312	65	376	376	1
Southern	199	936	199	199	145	54	199	194	5
Indiana									
Northern	191	926	191	185	169	20	190	191	0
Southern	195	961	195	195	181	13	195	195	0
Wisconsin									
Eastern	228	1,129	228	228	221	7	228	224	4
Western	73	354	73	73	62	11	73	73	0
EIGHTH CIRCUIT	2,337	11,175	2,337	2,321	1,862	473	2,334	2,321	16
Arkansas									
Eastern	207	976	207	207	152	54	206	204	3
Western	157	778	157	157	154	3	157	153	4
Iowa									
Northern	195	882	195	195	102	93	195	195	0
Southern	201	953	201	201	150	51	200	201	0
Minnesota	204	1,004	204	204	188	16	204	204	0
Missouri									
Eastern	365	1,816	365	364	358	7	364	365	0
Western	349	1,598	349	337	221	128	349	342	7
Nebraska	305	1,453	305	305	235	70	305	303	2
North Dakota	125	588	125	122	91	33	125	125	0
South Dakota	229	1,127	229	229	211	18	229	229	0

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
NINTH CIRCUIT	10,337	49,512	10,337	10,241	9,418	901	10,322	9,194	1,143
Alaska	86	406	86	86	62	24	86	86	0
Arizona	4,439	21,473	4,439	4,367	4,122	309	4,434	4,111	328
California									
Central	896	4,382	896	894	821	70	892	879	17
Eastern	488	2,344	488	483	398	90	488	487	1
Northern	333	1,580	333	329	281	51	331	306	27
Southern	2,575	12,075	2,575	2,572	2,466	108	2,574	1,888	687
Guam	25	122	25	25	23	2	25	24	1
Hawaii	123	546	123	123	58	65	123	119	4
Idaho	119	578	119	117	105	14	119	118	1
Montana	181	859	181	181	137	44	180	180	1
Nevada	299	1,418	299	298	226	71	299	296	3
Northern Mariana Islands	9	42	9	9	7	2	9	8	1
Oregon	286	1,383	286	279	278	8	284	256	30
Washington									
Eastern	146	702	146	146	123	22	146	141	5
Western	332	1,602	332	332	311	21	332	295	37
TENTH CIRCUIT	2,622	12,173	2,622	2,617	1,786	824	2,622	2,526	96
Colorado	254	1,252	254	253	247	7	254	244	10
Kansas	285	1,366	285	281	242	43	285	273	12
New Mexico	1,286	5,894	1,286	1,286	755	531	1,286	1,281	5
Oklahoma									
Eastern	22	105	22	22	17	5	22	22	0
Northern	100	465	100	100	65	35	100	100	0
Western	244	1,055	244	244	116	120	244	207	37
Utah	309	1,474	309	309	267	39	309	280	29
Wyoming	122	562	122	122	77	44	122	119	3
ELEVENTH CIRCUIT	3,278	15,234	3,278	3,232	2,284	987	3,273	3,167	111
Alabama									
Middle	95	461	95	94	83	12	95	94	1
Northern	213	992	213	209	155	57	213	202	11
Southern	210	1,012	210	210	172	38	210	210	0
Florida									
Middle	781	3,595	781	780	475	304	779	780	1
Northern	158	744	158	158	114	44	158	156	2
Southern	969	4,523	969	948	683	284	967	956	13
Georgia									
Middle	219	996	219	217	136	83	219	205	14
Northern	347	1,624	347	330	272	74	346	329	18
Southern	286	1,287	286	286	194	91	286	235	51

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

² The figures presented in this table regarding Plea Agreement Submission exclude from the analysis five cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through March 31, 2012).

Table 28

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM
BY EACH CIRCUIT AND DISTRICT
2nd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through March 31, 2012)**

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
TOTAL	39,654	36,905	93.1	2,237	5.6	512	1.3
D.C. CIRCUIT	187	187	100.0	0	0.0	0	0.0
District of Columbia	187	187	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,191	1,185	99.5	0	0.0	6	0.5
Maine	95	95	100.0	0	0.0	0	0.0
Massachusetts	250	248	99.2	0	0.0	2	0.8
New Hampshire	82	82	100.0	0	0.0	0	0.0
Puerto Rico	681	678	99.6	0	0.0	3	0.4
Rhode Island	83	82	98.8	0	0.0	1	1.2
SECOND CIRCUIT	1,827	1,796	98.3	28	1.5	3	0.2
Connecticut	192	189	98.4	2	1.0	1	0.5
New York							
Eastern	469	446	95.1	23	4.9	0	0.0
Northern	302	300	99.3	0	0.0	2	0.7
Southern	405	404	99.8	1	0.2	0	0.0
Western	351	351	100.0	0	0.0	0	0.0
Vermont	108	106	98.1	2	1.9	0	0.0
THIRD CIRCUIT	1,312	1,306	99.5	1	0.1	5	0.4
Delaware	50	50	100.0	0	0.0	0	0.0
New Jersey	379	376	99.2	0	0.0	3	0.8
Pennsylvania							
Eastern	357	356	99.7	0	0.0	1	0.3
Middle	240	240	100.0	0	0.0	0	0.0
Western	255	253	99.2	1	0.4	1	0.4
Virgin Islands	31	31	100.0	0	0.0	0	0.0
FOURTH CIRCUIT	3,130	3,027	96.7	33	1.1	70	2.2
Maryland	492	481	97.8	1	0.2	10	2.0
North Carolina							
Eastern	373	348	93.3	0	0.0	25	6.7
Middle	185	185	100.0	0	0.0	0	0.0
Western	201	201	100.0	0	0.0	0	0.0
South Carolina	456	456	100.0	0	0.0	0	0.0
Virginia							
Eastern	949	885	93.3	32	3.4	32	3.4
Western	156	155	99.4	0	0.0	1	0.6
West Virginia							
Northern	170	170	100.0	0	0.0	0	0.0
Southern	148	146	98.6	0	0.0	2	1.4

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
FIFTH CIRCUIT	9,421	7,465	79.2	1,706	18.1	250	2.7
Louisiana							
Eastern	167	165	98.8	1	0.6	1	0.6
Middle	112	112	100.0	0	0.0	0	0.0
Western	190	144	75.8	32	16.8	14	7.4
Mississippi							
Northern	81	81	100.0	0	0.0	0	0.0
Southern	137	132	96.4	0	0.0	5	3.6
Texas							
Eastern	360	360	100.0	0	0.0	0	0.0
Northern	463	460	99.4	0	0.0	3	0.6
Southern	3,344	3,339	99.9	1	0.0	4	0.1
Western	4,567	2,672	58.5	1,672	36.6	223	4.9
SIXTH CIRCUIT	2,585	2,475	95.7	95	3.7	15	0.6
Kentucky							
Eastern	223	222	99.6	1	0.4	0	0.0
Western	211	211	100.0	0	0.0	0	0.0
Michigan							
Eastern	423	420	99.3	0	0.0	3	0.7
Western	233	233	100.0	0	0.0	0	0.0
Ohio							
Northern	411	410	99.8	0	0.0	1	0.2
Southern	297	265	89.2	30	10.1	2	0.7
Tennessee							
Eastern	405	403	99.5	0	0.0	2	0.5
Middle	142	89	62.7	46	32.4	7	4.9
Western	240	222	92.5	18	7.5	0	0.0
SEVENTH CIRCUIT	1,427	1,376	96.4	43	3.0	8	0.6
Illinois							
Central	164	164	100.0	0	0.0	0	0.0
Northern	377	375	99.5	0	0.0	2	0.5
Southern	199	199	100.0	0	0.0	0	0.0
Indiana							
Northern	191	184	96.3	1	0.5	6	3.1
Southern	195	195	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	228	186	81.6	42	18.4	0	0.0
Western	73	73	100.0	0	0.0	0	0.0
EIGHTH CIRCUIT	2,337	2,316	99.1	5	0.2	16	0.7
Arkansas							
Eastern	207	207	100.0	0	0.0	0	0.0
Western	157	157	100.0	0	0.0	0	0.0
Iowa							
Northern	195	195	100.0	0	0.0	0	0.0
Southern	201	201	100.0	0	0.0	0	0.0
Minnesota	204	199	97.5	5	2.5	0	0.0
Missouri							
Eastern	365	364	99.7	0	0.0	1	0.3
Western	349	337	96.6	0	0.0	12	3.4
Nebraska	305	305	100.0	0	0.0	0	0.0
North Dakota	125	122	97.6	0	0.0	3	2.4
South Dakota	229	229	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
NINTH CIRCUIT	10,337	9,966	96.4	280	2.7	91	0.9
Alaska	86	86	100.0	0	0.0	0	0.0
Arizona	4,439	4,370	98.4	1	0.0	68	1.5
California							
Central	896	894	99.8	0	0.0	2	0.2
Eastern	488	483	99.0	0	0.0	5	1.0
Northern	333	330	99.1	0	0.0	3	0.9
Southern	2,575	2,572	99.9	0	0.0	3	0.1
Guam	25	25	100.0	0	0.0	0	0.0
Hawaii	123	119	96.7	4	3.3	0	0.0
Idaho	119	117	98.3	0	0.0	2	1.7
Montana	181	181	100.0	0	0.0	0	0.0
Nevada	299	298	99.7	0	0.0	1	0.3
Northern Mariana Islands	9	9	100.0	0	0.0	0	0.0
Oregon	286	4	1.4	275	96.2	7	2.4
Washington							
Eastern	146	146	100.0	0	0.0	0	0.0
Western	332	332	100.0	0	0.0	0	0.0
TENTH CIRCUIT	2,622	2,595	99.0	23	0.9	4	0.2
Colorado	254	253	99.6	0	0.0	1	0.4
Kansas	285	282	98.9	0	0.0	3	1.1
New Mexico	1,286	1,286	100.0	0	0.0	0	0.0
Oklahoma							
Eastern	22	22	100.0	0	0.0	0	0.0
Northern	100	100	100.0	0	0.0	0	0.0
Western	244	244	100.0	0	0.0	0	0.0
Utah	309	286	92.6	23	7.4	0	0.0
Wyoming	122	122	100.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	3,278	3,211	98.0	23	0.7	44	1.3
Alabama							
Middle	95	95	100.0	0	0.0	0	0.0
Northern	213	209	98.1	0	0.0	4	1.9
Southern	210	208	99.0	2	1.0	0	0.0
Florida							
Middle	781	780	99.9	1	0.1	0	0.0
Northern	158	158	100.0	0	0.0	0	0.0
Southern	969	946	97.6	2	0.2	21	2.2
Georgia							
Middle	219	217	99.1	0	0.0	2	0.9
Northern	347	312	89.9	18	5.2	17	4.9
Southern	286	286	100.0	0	0.0	0	0.0

¹ Cases included in this category are those in which the court submitted Form AO 245B (Revision 06/05 or Revision 09/08) 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.

² 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 were missing; deletions or substantive changes were made in Form AO 245B 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. Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.

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.

Sentence Length

Using sentencing information obtained from the Judgment and Commitment Order, *Sentence Length* is reported as the mean and median terms of imprisonment ordered (including any months of alternative

confinement as defined in USSG §5C1.1). Cases that receive no term of imprisonment (i.e. probation) are also included. 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 USSG §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, USSG §5K1.1 substantial assistance cases, USSG §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 USSG §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 range.

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 (USSG §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). 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 below range sentence is determined by a yearly case review by USSC staff of both the reasons for the below range sentence 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, 06/05, and 09/08 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 USSG §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 (12/03, 06/05, and 09/08 versions). 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 USSG §5K1.1, USSG §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 USSG §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 Taking 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 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.

Racketeering/Extortion 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, 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. This primary offense category was discontinued in fiscal year 2010. Some of the offenses that were grouped into this primary offense category in prior fiscal years are grouped into the *Child Pornography* primary offense type. All other offenses that were grouped into this primary offense category in prior fiscal years are included in the *Other Miscellaneous Offenses* primary offense category.

Child Pornography includes the sale, distribution, transportation, shipment, receipt, or possession of materials involving the sexual exploitation of minors. This primary offense category was created in fiscal year 2010.

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

Administration of Justice Offenses 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/Wildlife includes waste discharge, specially protected fish, wildlife, and plants.

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 & 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 FY11 *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 12
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	Table 1
Table 28	N/A