

Table 29

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2009**

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
TOTAL	35,870	18,675	52.1	6,784	18.9	3,344	9.3	3,179	8.9	3,888	10.8
Murder	20	7	35.0	2	10.0	1	5.0	4	20.0	6	30.0
Manslaughter	33	9	27.3	4	12.1	4	12.1	5	15.2	11	33.3
Kidnapping/Hostage Taking	7	5	71.4	1	14.3	0	0.0	1	14.3	0	0.0
Sexual Abuse	247	116	47.0	37	15.0	19	7.7	28	11.3	47	19.0
Assault	300	126	42.0	50	16.7	28	9.3	30	10.0	66	22.0
Robbery	556	284	51.1	96	17.3	36	6.5	61	11.0	79	14.2
Arson	20	8	40.0	6	30.0	1	5.0	2	10.0	3	15.0
Drugs - Trafficking	9,490	6,525	68.8	1,303	13.7	639	6.7	428	4.5	595	6.3
Drugs - Communication Facility	107	67	62.6	7	6.5	11	10.3	4	3.7	18	16.8
Drugs - Simple Possession	207	142	68.6	24	11.6	16	7.7	7	3.4	18	8.7
Firearms	4,419	2,465	55.8	594	13.4	419	9.5	313	7.1	628	14.2
Burglary/B&E	27	15	55.6	4	14.8	2	7.4	1	3.7	5	18.5
Auto Theft	36	18	50.0	6	16.7	4	11.1	3	8.3	5	13.9
Larceny	855	607	71.0	96	11.2	52	6.1	32	3.7	68	8.0
Fraud	3,254	1,842	56.6	508	15.6	282	8.7	242	7.4	380	11.7
Embezzlement	278	213	76.6	37	13.3	10	3.6	10	3.6	8	2.9
Forgery/Counterfeiting	565	300	53.1	81	14.3	63	11.2	41	7.3	80	14.2
Bribery	59	30	50.8	13	22.0	3	5.1	3	5.1	10	16.9
Tax	201	112	55.7	40	19.9	20	10.0	8	4.0	21	10.4
Money Laundering	297	191	64.3	46	15.5	22	7.4	14	4.7	24	8.1
Racketeering/Extortion	179	98	54.7	31	17.3	13	7.3	16	8.9	21	11.7
Gambling/Lottery	31	20	64.5	2	6.5	3	9.7	2	6.5	4	12.9
Civil Rights	26	19	73.1	1	3.8	2	7.7	2	7.7	2	7.7
Immigration	12,298	3,960	32.2	3,494	28.4	1,544	12.6	1,787	14.5	1,513	12.3
Pornography/Prostitution	748	492	65.8	87	11.6	37	4.9	54	7.2	78	10.4
Prison Offenses	274	111	40.5	52	19.0	32	11.7	20	7.3	59	21.5
Administration of Justice Offenses	446	262	58.7	59	13.2	36	8.1	23	5.2	66	14.8
Environmental/Wildlife	81	69	85.2	5	6.2	2	2.5	2	2.5	3	3.7
National Defense	19	15	78.9	2	10.5	1	5.3	0	0.0	1	5.3
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Food & Drug	41	37	90.2	2	4.9	1	2.4	0	0.0	1	2.4
Other Miscellaneous Offenses	749	510	68.1	94	12.6	41	5.5	36	4.8	68	9.1

¹Of the 81,372 cases, 44,991 were sentenced within the applicable guideline range. Of those, 38,826 had complete guideline application information. An additional 2,956 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, 2009 Datafile, USSCFY09.