

Table 32

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2009**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	355	60.0	14.0	33.3
Murder	6	353.0	102.0	41.9
Manslaughter	4	96.0	26.5	39.8
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	13	240.0	38.0	22.9
Assault	15	78.0	21.0	30.2
Robbery	14	141.0	26.0	24.2
Arson	1	--	--	--
Drugs - Trafficking	55	84.0	16.0	23.7
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	3	36.0	6.0	33.3
Firearms	58	98.5	20.0	29.0
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	6	30.0	12.0	125.0
Fraud	39	40.0	14.0	50.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	7	60.0	18.0	46.3
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	3	50.0	12.0	24.4
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	100	27.0	6.0	33.3
Pornography/Prostitution	12	180.0	40.0	38.2
Prison Offenses	1	--	--	--
Administration of Justice Offenses	8	51.0	10.5	36.7
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	6	90.0	20.5	38.2

¹Of the 81,372 cases, 382 received an upward departure from the guideline range. Of these, 355 had complete guideline application information. 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, 2009 Datafile, USSCFY09.