

Table 32B

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	855	51.0	13.0	41.2
Murder	3	300.0	90.0	42.9
Manslaughter	9	60.0	23.0	62.2
Kidnapping/Hostage Taking	3	300.0	65.0	50.0
Sexual Abuse	11	144.0	25.0	46.3
Assault	16	67.5	19.5	51.9
Robbery	30	140.5	33.0	39.6
Arson	1	--	--	--
Drugs - Trafficking	103	84.0	14.0	30.4
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	149	96.0	19.0	31.4
Burglary/B&E	1	--	--	--
Auto Theft	2	--	--	--
Larceny	20	33.0	8.0	50.0
Fraud	103	51.0	12.0	33.3
Embezzlement	0	--	--	--
Forgery/Counterfeiting	19	40.0	12.0	40.0
Bribery	1	--	--	--
Tax	4	43.5	12.0	19.6
Money Laundering	6	98.0	20.5	23.4
Racketeering/Extortion	8	186.0	48.0	38.1
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	261	24.0	8.0	50.0
Child Pornography	27	240.0	42.0	33.3
Prison Offenses	9	45.0	15.0	71.4
Administration of Justice Offenses	33	36.0	12.0	71.4
Environmental/Wildlife	1	--	--	--
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	3	9.0	3.0	50.0
Other Miscellaneous Offenses	26	30.0	9.0	86.7

¹ Of the 83,946 cases, 916 were sentenced above the guideline range with *Booker*/18 U.S.C § 3553. Of these, 868 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, 12 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.