

U.S. Sentencing Commission Preliminary Quarterly Data Report



**4th Quarter Release
Preliminary Fiscal Year 2012 Data
Through September 30, 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**
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)

	N	%
TOTAL CASES	80,694	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	42,328	52.5
CASES SENTENCED ABOVE GUIDELINE RANGE	1,588	2.0
DEPARTURE ABOVE GUIDELINE RANGE	559	0.7
Upward Departure From Guideline Range ²	434	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	125	0.2
OTHERWISE ABOVE GUIDELINE RANGE	1,029	1.3
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	954	1.2
All Remaining Cases Above Guideline Range ⁵	75	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	22,511	27.9
§5K1.1 Substantial Assistance Departure	9,443	11.7
§5K3.1 Early Disposition Program Departure	9,150	11.3
Other Government Sponsored Below Range	3,918	4.9
NON-GOVERNMENT SPONSORED BELOW RANGE	14,267	17.7
DEPARTURE BELOW GUIDELINE RANGE	2,647	3.3
Downward Departure From Guideline Range ²	1,860	2.3
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	787	1.0
OTHERWISE BELOW GUIDELINE RANGE	11,620	14.4
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	11,087	13.7
All Remaining Cases Below Guideline Range ⁵	533	0.7

¹ This table reflects the 81,882 cases sentenced on or after October 1, 2011, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by January 29, 2013. Of these, 1,188 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
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 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	80,694	42,328	52.5	434	0.5	125	0.2	954	1.2	75	0.1
D.C. CIRCUIT	346	118	34.1	2	0.6	0	0.0	3	0.9	0	0.0
District of Columbia	346	118	34.1	2	0.6	0	0.0	3	0.9	0	0.0
FIRST CIRCUIT	2,426	1,519	62.6	14	0.6	4	0.2	40	1.6	9	0.4
Maine	190	112	58.9	1	0.5	0	0.0	2	1.1	0	0.0
Massachusetts	505	217	43.0	2	0.4	2	0.4	4	0.8	2	0.4
New Hampshire	154	64	41.6	2	1.3	0	0.0	1	0.6	0	0.0
Puerto Rico	1,383	1,042	75.3	9	0.7	2	0.1	32	2.3	7	0.5
Rhode Island	194	84	43.3	0	0.0	0	0.0	1	0.5	0	0.0
SECOND CIRCUIT	4,061	1,506	37.1	10	0.2	5	0.1	29	0.7	1	0.0
Connecticut	435	162	37.2	2	0.5	0	0.0	8	1.8	1	0.2
New York											
Eastern	949	282	29.7	1	0.1	3	0.3	6	0.6	0	0.0
Northern	607	293	48.3	3	0.5	0	0.0	1	0.2	0	0.0
Southern	1,186	391	33.0	0	0.0	1	0.1	10	0.8	0	0.0
Western	659	316	48.0	4	0.6	1	0.2	3	0.5	0	0.0
Vermont	225	62	27.6	0	0.0	0	0.0	1	0.4	0	0.0
THIRD CIRCUIT	2,807	1,226	43.7	5	0.2	2	0.1	28	1.0	3	0.1
Delaware	92	33	35.9	0	0.0	0	0.0	1	1.1	0	0.0
New Jersey	840	412	49.0	0	0.0	0	0.0	3	0.4	0	0.0
Pennsylvania											
Eastern	805	273	33.9	3	0.4	1	0.1	18	2.2	1	0.1
Middle	499	201	40.3	2	0.4	0	0.0	1	0.2	0	0.0
Western	510	274	53.7	0	0.0	1	0.2	3	0.6	0	0.0
Virgin Islands	61	33	54.1	0	0.0	0	0.0	2	3.3	2	3.3
FOURTH CIRCUIT	6,265	3,596	57.4	47	0.8	14	0.2	103	1.6	4	0.1
Maryland	996	322	32.3	9	0.9	1	0.1	25	2.5	1	0.1
North Carolina											
Eastern	757	411	54.3	17	2.2	4	0.5	12	1.6	0	0.0
Middle	413	306	74.1	2	0.5	1	0.2	7	1.7	1	0.2
Western	431	261	60.6	2	0.5	0	0.0	5	1.2	0	0.0
South Carolina	911	514	56.4	5	0.5	0	0.0	6	0.7	0	0.0
Virginia											
Eastern	1,774	1,257	70.9	9	0.5	6	0.3	29	1.6	1	0.1
Western	362	179	49.4	3	0.8	0	0.0	8	2.2	1	0.3
West Virginia											
Northern	320	194	60.6	0	0.0	1	0.3	6	1.9	0	0.0
Southern	301	152	50.5	0	0.0	1	0.3	5	1.7	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	9,443	11.7	9,150	11.3	3,918	4.9	1,860	2.3	787	1.0	11,087	13.7	533	0.7
D.C. CIRCUIT	94	27.2	2	0.6	48	13.9	17	4.9	7	2.0	52	15.0	3	0.9
District of Columbia	94	27.2	2	0.6	48	13.9	17	4.9	7	2.0	52	15.0	3	0.9
FIRST CIRCUIT	201	8.3	19	0.8	191	7.9	54	2.2	25	1.0	329	13.6	21	0.9
Maine	38	20.0	0	0.0	1	0.5	11	5.8	0	0.0	22	11.6	3	1.6
Massachusetts	51	10.1	1	0.2	82	16.2	12	2.4	10	2.0	120	23.8	2	0.4
New Hampshire	34	22.1	0	0.0	14	9.1	4	2.6	3	1.9	31	20.1	1	0.6
Puerto Rico	67	4.8	18	1.3	84	6.1	27	2.0	12	0.9	68	4.9	15	1.1
Rhode Island	11	5.7	0	0.0	10	5.2	0	0.0	0	0.0	88	45.4	0	0.0
SECOND CIRCUIT	829	20.4	19	0.5	138	3.4	173	4.3	115	2.8	1,208	29.7	28	0.7
Connecticut	85	19.5	0	0.0	11	2.5	36	8.3	11	2.5	116	26.7	3	0.7
New York														
Eastern	169	17.8	7	0.7	59	6.2	54	5.7	45	4.7	315	33.2	8	0.8
Northern	150	24.7	0	0.0	8	1.3	15	2.5	4	0.7	126	20.8	7	1.2
Southern	199	16.8	12	1.0	9	0.8	36	3.0	37	3.1	483	40.7	8	0.7
Western	176	26.7	0	0.0	31	4.7	8	1.2	1	0.2	117	17.8	2	0.3
Vermont	50	22.2	0	0.0	20	8.9	24	10.7	17	7.6	51	22.7	0	0.0
THIRD CIRCUIT	690	24.6	11	0.4	172	6.1	32	1.1	37	1.3	572	20.4	29	1.0
Delaware	7	7.6	0	0.0	12	13.0	0	0.0	0	0.0	37	40.2	2	2.2
New Jersey	226	26.9	3	0.4	24	2.9	7	0.8	11	1.3	147	17.5	7	0.8
Pennsylvania														
Eastern	247	30.7	5	0.6	44	5.5	12	1.5	9	1.1	178	22.1	14	1.7
Middle	113	22.6	0	0.0	77	15.4	4	0.8	6	1.2	94	18.8	1	0.2
Western	88	17.3	3	0.6	14	2.7	8	1.6	11	2.2	104	20.4	4	0.8
Virgin Islands	9	14.8	0	0.0	1	1.6	1	1.6	0	0.0	12	19.7	1	1.6
FOURTH CIRCUIT	1,003	16.0	12	0.2	279	4.5	109	1.7	49	0.8	1,009	16.1	40	0.6
Maryland	270	27.1	7	0.7	129	13.0	18	1.8	19	1.9	183	18.4	12	1.2
North Carolina														
Eastern	237	31.3	0	0.0	1	0.1	7	0.9	5	0.7	55	7.3	8	1.1
Middle	43	10.4	0	0.0	1	0.2	3	0.7	0	0.0	48	11.6	1	0.2
Western	91	21.1	0	0.0	19	4.4	5	1.2	4	0.9	43	10.0	1	0.2
South Carolina	153	16.8	3	0.3	38	4.2	13	1.4	0	0.0	175	19.2	4	0.4
Virginia														
Eastern	54	3.0	1	0.1	42	2.4	50	2.8	17	1.0	299	16.9	9	0.5
Western	94	26.0	0	0.0	15	4.1	12	3.3	3	0.8	45	12.4	2	0.6
West Virginia														
Northern	31	9.7	1	0.3	27	8.4	0	0.0	0	0.0	59	18.4	1	0.3
Southern	30	10.0	0	0.0	7	2.3	1	0.3	1	0.3	102	33.9	2	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	18,424	12,864	69.8	103	0.6	43	0.2	274	1.5	13	0.1
Louisiana											
Eastern	359	214	59.6	9	2.5	5	1.4	17	4.7	1	0.3
Middle	226	132	58.4	4	1.8	0	0.0	4	1.8	0	0.0
Western	390	226	57.9	4	1.0	6	1.5	18	4.6	1	0.3
Mississippi											
Northern	163	112	68.7	0	0.0	0	0.0	6	3.7	0	0.0
Southern	268	208	77.6	0	0.0	0	0.0	5	1.9	0	0.0
Texas											
Eastern	872	600	68.8	12	1.4	1	0.1	10	1.1	1	0.1
Northern	990	550	55.6	10	1.0	24	2.4	29	2.9	0	0.0
Southern	6,486	4,001	61.7	42	0.6	5	0.1	36	0.6	4	0.1
Western	8,670	6,821	78.7	22	0.3	2	0.0	149	1.7	6	0.1
SIXTH CIRCUIT	5,481	2,726	49.7	24	0.4	9	0.2	82	1.5	5	0.1
Kentucky											
Eastern	493	273	55.4	3	0.6	2	0.4	9	1.8	0	0.0
Western	402	257	63.9	0	0.0	0	0.0	0	0.0	0	0.0
Michigan											
Eastern	890	471	52.9	1	0.1	0	0.0	9	1.0	0	0.0
Western	458	265	57.9	4	0.9	3	0.7	11	2.4	1	0.2
Ohio											
Northern	895	406	45.4	1	0.1	0	0.0	15	1.7	1	0.1
Southern	620	182	29.4	4	0.6	0	0.0	6	1.0	0	0.0
Tennessee											
Eastern	852	505	59.3	2	0.2	2	0.2	15	1.8	1	0.1
Middle	305	105	34.4	3	1.0	1	0.3	9	3.0	1	0.3
Western	566	262	46.3	6	1.1	1	0.2	8	1.4	1	0.2
SEVENTH CIRCUIT	3,122	1,511	48.4	15	0.5	9	0.3	40	1.3	4	0.1
Illinois											
Central	413	239	57.9	2	0.5	0	0.0	6	1.5	0	0.0
Northern	833	333	40.0	2	0.2	2	0.2	6	0.7	0	0.0
Southern	409	296	72.4	5	1.2	2	0.5	6	1.5	2	0.5
Indiana											
Northern	401	231	57.6	2	0.5	2	0.5	4	1.0	0	0.0
Southern	423	217	51.3	2	0.5	0	0.0	13	3.1	1	0.2
Wisconsin											
Eastern	490	118	24.1	0	0.0	1	0.2	5	1.0	1	0.2
Western	153	77	50.3	2	1.3	2	1.3	0	0.0	0	0.0
EIGHTH CIRCUIT	4,801	2,532	52.7	30	0.6	8	0.2	81	1.7	3	0.1
Arkansas											
Eastern	392	242	61.7	0	0.0	1	0.3	18	4.6	0	0.0
Western	319	225	70.5	1	0.3	0	0.0	0	0.0	0	0.0
Iowa											
Northern	383	218	56.9	11	2.9	3	0.8	6	1.6	0	0.0
Southern	421	141	33.5	0	0.0	0	0.0	2	0.5	0	0.0
Minnesota	433	129	29.8	0	0.0	0	0.0	5	1.2	0	0.0
Missouri											
Eastern	772	398	51.6	1	0.1	2	0.3	13	1.7	0	0.0
Western	766	396	51.7	3	0.4	0	0.0	22	2.9	1	0.1
Nebraska	597	337	56.4	1	0.2	0	0.0	8	1.3	0	0.0
North Dakota	273	142	52.0	1	0.4	0	0.0	4	1.5	2	0.7
South Dakota	445	304	68.3	12	2.7	2	0.4	3	0.7	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	1,439	7.8	751	4.1	388	2.1	678	3.7	69	0.4	1,635	8.9	167	0.9
Louisiana														
Eastern	43	12.0	2	0.6	12	3.3	6	1.7	10	2.8	36	10.0	4	1.1
Middle	37	16.4	11	4.9	2	0.9	0	0.0	0	0.0	36	15.9	0	0.0
Western	55	14.1	1	0.3	4	1.0	2	0.5	3	0.8	70	17.9	0	0.0
Mississippi														
Northern	26	16.0	0	0.0	2	1.2	1	0.6	0	0.0	16	9.8	0	0.0
Southern	23	8.6	0	0.0	3	1.1	5	1.9	0	0.0	22	8.2	2	0.7
Texas														
Eastern	75	8.6	8	0.9	100	11.5	17	1.9	2	0.2	41	4.7	5	0.6
Northern	180	18.2	12	1.2	53	5.4	12	1.2	5	0.5	114	11.5	1	0.1
Southern	461	7.1	677	10.4	88	1.4	461	7.1	28	0.4	674	10.4	9	0.1
Western	539	6.2	40	0.5	124	1.4	174	2.0	21	0.2	626	7.2	146	1.7
SIXTH CIRCUIT	1,155	21.1	31	0.6	263	4.8	93	1.7	91	1.7	975	17.8	27	0.5
Kentucky														
Eastern	105	21.3	0	0.0	15	3.0	2	0.4	2	0.4	82	16.6	0	0.0
Western	57	14.2	18	4.5	21	5.2	8	2.0	3	0.7	38	9.5	0	0.0
Michigan														
Eastern	142	16.0	3	0.3	32	3.6	10	1.1	11	1.2	208	23.4	3	0.3
Western	53	11.6	0	0.0	4	0.9	14	3.1	13	2.8	89	19.4	1	0.2
Ohio														
Northern	255	28.5	0	0.0	27	3.0	9	1.0	8	0.9	162	18.1	11	1.2
Southern	165	26.6	7	1.1	73	11.8	25	4.0	26	4.2	126	20.3	6	1.0
Tennessee														
Eastern	206	24.2	0	0.0	12	1.4	14	1.6	6	0.7	87	10.2	2	0.2
Middle	59	19.3	0	0.0	57	18.7	4	1.3	4	1.3	62	20.3	0	0.0
Western	113	20.0	3	0.5	22	3.9	7	1.2	18	3.2	121	21.4	4	0.7
SEVENTH CIRCUIT	472	15.1	18	0.6	159	5.1	77	2.5	111	3.6	665	21.3	41	1.3
Illinois														
Central	59	14.3	0	0.0	12	2.9	8	1.9	9	2.2	78	18.9	0	0.0
Northern	122	14.6	15	1.8	18	2.2	26	3.1	66	7.9	216	25.9	27	3.2
Southern	20	4.9	0	0.0	12	2.9	7	1.7	22	5.4	32	7.8	5	1.2
Indiana														
Northern	85	21.2	1	0.2	22	5.5	5	1.2	4	1.0	43	10.7	2	0.5
Southern	66	15.6	0	0.0	32	7.6	5	1.2	0	0.0	86	20.3	1	0.2
Wisconsin														
Eastern	111	22.7	0	0.0	62	12.7	1	0.2	0	0.0	185	37.8	6	1.2
Western	9	5.9	2	1.3	1	0.7	25	16.3	10	6.5	25	16.3	0	0.0
EIGHTH CIRCUIT	732	15.2	74	1.5	239	5.0	89	1.9	48	1.0	943	19.6	22	0.5
Arkansas														
Eastern	39	9.9	0	0.0	9	2.3	4	1.0	7	1.8	69	17.6	3	0.8
Western	47	14.7	5	1.6	3	0.9	4	1.3	0	0.0	34	10.7	0	0.0
Iowa														
Northern	84	21.9	0	0.0	11	2.9	1	0.3	0	0.0	49	12.8	0	0.0
Southern	105	24.9	1	0.2	54	12.8	0	0.0	3	0.7	112	26.6	3	0.7
Minnesota	91	21.0	4	0.9	7	1.6	10	2.3	8	1.8	178	41.1	1	0.2
Missouri														
Eastern	106	13.7	1	0.1	54	7.0	13	1.7	18	2.3	163	21.1	3	0.4
Western	144	18.8	0	0.0	37	4.8	7	0.9	4	0.5	149	19.5	3	0.4
Nebraska	36	6.0	51	8.5	39	6.5	5	0.8	3	0.5	111	18.6	6	1.0
North Dakota	72	26.4	9	3.3	9	3.3	6	2.2	2	0.7	24	8.8	2	0.7
South Dakota	8	1.8	3	0.7	16	3.6	39	8.8	3	0.7	54	12.1	1	0.2

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	20,352	7,563	37.2	153	0.8	19	0.1	132	0.6	27	0.1
Alaska	202	71	35.1	0	0.0	2	1.0	2	1.0	0	0.0
Arizona	8,238	3,607	43.8	115	1.4	5	0.1	25	0.3	5	0.1
California											
Central	1,756	540	30.8	7	0.4	2	0.1	25	1.4	2	0.1
Eastern	1,017	444	43.7	3	0.3	1	0.1	10	1.0	1	0.1
Northern	739	314	42.5	0	0.0	4	0.5	12	1.6	1	0.1
Southern	5,235	1,203	23.0	9	0.2	0	0.0	13	0.2	15	0.3
Guam	56	29	51.8	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	231	92	39.8	1	0.4	0	0.0	2	0.9	0	0.0
Idaho	281	136	48.4	2	0.7	0	0.0	2	0.7	0	0.0
Montana	379	239	63.1	4	1.1	0	0.0	8	2.1	1	0.3
Nevada	600	322	53.7	6	1.0	0	0.0	12	2.0	1	0.2
Northern Mariana Islands	15	12	80.0	0	0.0	1	6.7	0	0.0	0	0.0
Oregon	609	183	30.0	1	0.2	0	0.0	7	1.1	1	0.2
Washington											
Eastern	299	121	40.5	2	0.7	3	1.0	6	2.0	0	0.0
Western	695	250	36.0	3	0.4	1	0.1	8	1.2	0	0.0
TENTH CIRCUIT	5,941	3,238	54.5	24	0.4	2	0.0	43	0.7	1	0.0
Colorado	556	229	41.2	0	0.0	0	0.0	2	0.4	0	0.0
Kansas	691	338	48.9	2	0.3	1	0.1	20	2.9	0	0.0
New Mexico	2,986	1,824	61.1	11	0.4	1	0.0	4	0.1	1	0.0
Oklahoma											
Eastern	89	54	60.7	0	0.0	0	0.0	1	1.1	0	0.0
Northern	203	127	62.6	2	1.0	0	0.0	0	0.0	0	0.0
Western	504	319	63.3	2	0.4	0	0.0	12	2.4	0	0.0
Utah	649	218	33.6	5	0.8	0	0.0	3	0.5	0	0.0
Wyoming	263	129	49.0	2	0.8	0	0.0	1	0.4	0	0.0
ELEVENTH CIRCUIT	6,668	3,929	58.9	7	0.1	10	0.1	99	1.5	5	0.1
Alabama											
Middle	203	101	49.8	1	0.5	0	0.0	6	3.0	0	0.0
Northern	419	275	65.6	0	0.0	0	0.0	2	0.5	2	0.5
Southern	442	268	60.6	0	0.0	0	0.0	2	0.5	0	0.0
Florida											
Middle	1,647	757	46.0	2	0.1	2	0.1	19	1.2	1	0.1
Northern	344	218	63.4	0	0.0	0	0.0	2	0.6	1	0.3
Southern	2,068	1,285	62.1	1	0.0	5	0.2	26	1.3	1	0.0
Georgia											
Middle	403	307	76.2	0	0.0	3	0.7	6	1.5	0	0.0
Northern	627	303	48.3	3	0.5	0	0.0	13	2.1	0	0.0
Southern	515	415	80.6	0	0.0	0	0.0	23	4.5	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	1,464	7.2	7,344	36.1	1,299	6.4	385	1.9	112	0.6	1,748	8.6	106	0.5
Alaska	47	23.3	0	0.0	31	15.3	0	0.0	3	1.5	45	22.3	1	0.5
Arizona	232	2.8	3,468	42.1	255	3.1	104	1.3	18	0.2	386	4.7	18	0.2
California														
Central	229	13.0	382	21.8	164	9.3	55	3.1	31	1.8	273	15.5	46	2.6
Eastern	122	12.0	273	26.8	46	4.5	9	0.9	2	0.2	101	9.9	5	0.5
Northern	82	11.1	80	10.8	119	16.1	6	0.8	12	1.6	108	14.6	1	0.1
Southern	360	6.9	2,911	55.6	218	4.2	165	3.2	28	0.5	294	5.6	19	0.4
Guam	19	33.9	0	0.0	1	1.8	1	1.8	0	0.0	6	10.7	0	0.0
Hawaii	54	23.4	0	0.0	2	0.9	2	0.9	0	0.0	76	32.9	2	0.9
Idaho	57	20.3	22	7.8	10	3.6	6	2.1	2	0.7	41	14.6	3	1.1
Montana	57	15.0	0	0.0	14	3.7	1	0.3	0	0.0	54	14.2	1	0.3
Nevada	69	11.5	33	5.5	48	8.0	20	3.3	1	0.2	82	13.7	6	1.0
Northern Mariana Islands	1	6.7	0	0.0	1	6.7	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	78	12.8	109	17.9	103	16.9	5	0.8	2	0.3	120	19.7	0	0.0
Washington														
Eastern	18	6.0	29	9.7	55	18.4	3	1.0	4	1.3	57	19.1	1	0.3
Western	39	5.6	37	5.3	232	33.4	8	1.2	9	1.3	105	15.1	3	0.4
TENTH CIRCUIT	396	6.7	812	13.7	551	9.3	90	1.5	41	0.7	718	12.1	25	0.4
Colorado	115	20.7	45	8.1	87	15.6	3	0.5	4	0.7	70	12.6	1	0.2
Kansas	71	10.3	19	2.7	119	17.2	9	1.3	4	0.6	104	15.1	4	0.6
New Mexico	77	2.6	554	18.6	221	7.4	50	1.7	21	0.7	205	6.9	17	0.6
Oklahoma														
Eastern	17	19.1	0	0.0	3	3.4	0	0.0	1	1.1	13	14.6	0	0.0
Northern	35	17.2	1	0.5	0	0.0	5	2.5	1	0.5	32	15.8	0	0.0
Western	30	6.0	0	0.0	9	1.8	4	0.8	2	0.4	125	24.8	1	0.2
Utah	33	5.1	182	28.0	63	9.7	14	2.2	3	0.5	126	19.4	2	0.3
Wyoming	18	6.8	11	4.2	49	18.6	5	1.9	5	1.9	43	16.3	0	0.0
ELEVENTH CIRCUIT	968	14.5	57	0.9	191	2.9	63	0.9	82	1.2	1,233	18.5	24	0.4
Alabama														
Middle	54	26.6	4	2.0	8	3.9	2	1.0	1	0.5	26	12.8	0	0.0
Northern	85	20.3	0	0.0	1	0.2	1	0.2	2	0.5	50	11.9	1	0.2
Southern	76	17.2	0	0.0	2	0.5	4	0.9	1	0.2	89	20.1	0	0.0
Florida														
Middle	330	20.0	23	1.4	30	1.8	26	1.6	22	1.3	430	26.1	5	0.3
Northern	58	16.9	3	0.9	0	0.0	7	2.0	7	2.0	47	13.7	1	0.3
Southern	207	10.0	21	1.0	48	2.3	10	0.5	44	2.1	409	19.8	11	0.5
Georgia														
Middle	36	8.9	5	1.2	6	1.5	0	0.0	1	0.2	38	9.4	1	0.2
Northern	77	12.3	0	0.0	91	14.5	11	1.8	3	0.5	125	19.9	1	0.2
Southern	45	8.7	1	0.2	5	1.0	2	0.4	1	0.2	19	3.7	4	0.8

¹ Of the 81,882 cases, 1,188 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: Western Louisiana (8.7%), Middle Georgia (7.1%), Eastern North Carolina (5.5%), and Middle Tennessee (5.0%). 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 September 30, 2012).

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 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	80,694	42,328	52.5	434	0.5	125	0.2	954	1.2	75	0.1
Murder	59	31	52.5	2	3.4	0	0.0	1	1.7	0	0.0
Manslaughter	46	27	58.7	6	13.0	1	2.2	2	4.3	1	2.2
Kidnapping/Hostage Taking	44	20	45.5	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	401	236	58.9	7	1.7	5	1.2	15	3.7	1	0.2
Assault	656	377	57.5	13	2.0	7	1.1	15	2.3	3	0.5
Robbery	832	455	54.7	9	1.1	5	0.6	21	2.5	1	0.1
Arson	47	25	53.2	2	4.3	0	0.0	5	10.6	0	0.0
Drugs - Trafficking	24,148	10,407	43.1	63	0.3	14	0.1	115	0.5	10	0.0
Drugs - Communication Facility	366	181	49.5	1	0.3	1	0.3	8	2.2	1	0.3
Drugs - Simple Possession	918	890	96.9	3	0.3	0	0.0	3	0.3	0	0.0
Firearms	7,919	4,678	59.1	73	0.9	28	0.4	199	2.5	15	0.2
Burglary/B&E	38	24	63.2	2	5.3	0	0.0	1	2.6	0	0.0
Auto Theft	61	36	59.0	0	0.0	1	1.6	3	4.9	0	0.0
Larceny	1,286	892	69.4	3	0.2	3	0.2	17	1.3	0	0.0
Fraud	7,982	4,033	50.5	36	0.5	16	0.2	111	1.4	9	0.1
Embezzlement	317	182	57.4	0	0.0	0	0.0	1	0.3	0	0.0
Forgery/Counterfeiting	860	567	65.9	3	0.3	7	0.8	18	2.1	0	0.0
Bribery	222	70	31.5	0	0.0	0	0.0	0	0.0	1	0.5
Tax	588	219	37.2	2	0.3	0	0.0	5	0.9	0	0.0
Money Laundering	803	287	35.7	1	0.1	0	0.0	7	0.9	0	0.0
Racketeering/Extortion	871	380	43.6	13	1.5	2	0.2	18	2.1	1	0.1
Gambling/Lottery	43	17	39.5	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	52	18	34.6	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	25,946	14,746	56.8	165	0.6	25	0.1	246	0.9	26	0.1
Child Pornography	1,950	688	35.3	10	0.5	5	0.3	36	1.8	0	0.0
Prison Offenses	414	314	75.8	2	0.5	0	0.0	25	6.0	0	0.0
Administration of Justice Offenses	1,281	749	58.5	13	1.0	2	0.2	53	4.1	2	0.2
Environmental/Wildlife	178	97	54.5	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	105	40	38.1	0	0.0	1	1.0	0	0.0	0	0.0
Antitrust	20	1	5.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	55	38	69.1	1	1.8	0	0.0	3	5.5	0	0.0
Other Miscellaneous Offenses	2,186	1,603	73.3	4	0.2	2	0.1	26	1.2	4	0.2

Table 3 (cont.)

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	9,443	11.7	9,150	11.3	3,918	4.9	1,860	2.3	787	1.0	11,087	13.7	533	0.7
Murder	7	11.9	0	0.0	10	16.9	0	0.0	0	0.0	8	13.6	0	0.0
Manslaughter	0	0.0	0	0.0	3	6.5	2	4.3	2	4.3	2	4.3	0	0.0
Kidnapping/Hostage Taking	6	13.6	0	0.0	8	18.2	3	6.8	1	2.3	6	13.6	0	0.0
Sexual Abuse	19	4.7	2	0.5	46	11.5	8	2.0	1	0.2	61	15.2	0	0.0
Assault	11	1.7	4	0.6	96	14.6	23	3.5	8	1.2	89	13.6	10	1.5
Robbery	86	10.3	4	0.5	59	7.1	21	2.5	12	1.4	155	18.6	4	0.5
Arson	11	23.4	0	0.0	2	4.3	0	0.0	0	0.0	2	4.3	0	0.0
Drugs - Trafficking	5,682	23.5	1,970	8.2	1,300	5.4	494	2.0	285	1.2	3,700	15.3	108	0.4
Drugs - Communication Facility	34	9.3	3	0.8	42	11.5	5	1.4	5	1.4	83	22.7	2	0.5
Drugs - Simple Possession	4	0.4	2	0.2	4	0.4	0	0.0	0	0.0	7	0.8	5	0.5
Firearms	843	10.6	12	0.2	511	6.5	166	2.1	85	1.1	1,255	15.8	54	0.7
Burglary/B&E	3	7.9	0	0.0	1	2.6	1	2.6	1	2.6	5	13.2	0	0.0
Auto Theft	7	11.5	0	0.0	3	4.9	2	3.3	0	0.0	9	14.8	0	0.0
Larceny	79	6.1	0	0.0	48	3.7	22	1.7	14	1.1	193	15.0	15	1.2
Fraud	1,398	17.5	10	0.1	483	6.1	144	1.8	116	1.5	1,535	19.2	91	1.1
Embezzlement	10	3.2	1	0.3	17	5.4	6	1.9	5	1.6	86	27.1	9	2.8
Forgery/Counterfeiting	70	8.1	2	0.2	29	3.4	14	1.6	6	0.7	135	15.7	9	1.0
Bribery	64	28.8	3	1.4	11	5.0	6	2.7	2	0.9	65	29.3	0	0.0
Tax	80	13.6	0	0.0	42	7.1	26	4.4	10	1.7	195	33.2	9	1.5
Money Laundering	200	24.9	5	0.6	92	11.5	17	2.1	12	1.5	173	21.5	9	1.1
Racketeering/Extortion	162	18.6	1	0.1	103	11.8	24	2.8	16	1.8	147	16.9	4	0.5
Gambling/Lottery	14	32.6	0	0.0	3	7.0	1	2.3	1	2.3	7	16.3	0	0.0
Civil Rights	13	25.0	0	0.0	5	9.6	1	1.9	1	1.9	12	23.1	2	3.8
Immigration	262	1.0	7,122	27.4	478	1.8	752	2.9	104	0.4	1,861	7.2	159	0.6
Child Pornography	77	3.9	1	0.1	258	13.2	42	2.2	55	2.8	768	39.4	10	0.5
Prison Offenses	6	1.4	1	0.2	25	6.0	6	1.4	4	1.0	30	7.2	1	0.2
Administration of Justice Offenses	94	7.3	4	0.3	97	7.6	25	2.0	18	1.4	217	16.9	7	0.5
Environmental/Wildlife	13	7.3	0	0.0	21	11.8	2	1.1	8	4.5	34	19.1	3	1.7
National Defense	36	34.3	1	1.0	8	7.6	3	2.9	1	1.0	15	14.3	0	0.0
Antitrust	16	80.0	0	0.0	0	0.0	0	0.0	1	5.0	2	10.0	0	0.0
Food & Drug	6	10.9	0	0.0	3	5.5	0	0.0	0	0.0	4	7.3	0	0.0
Other Miscellaneous Offenses	130	5.9	2	0.1	110	5.0	44	2.0	13	0.6	226	10.3	22	1.0

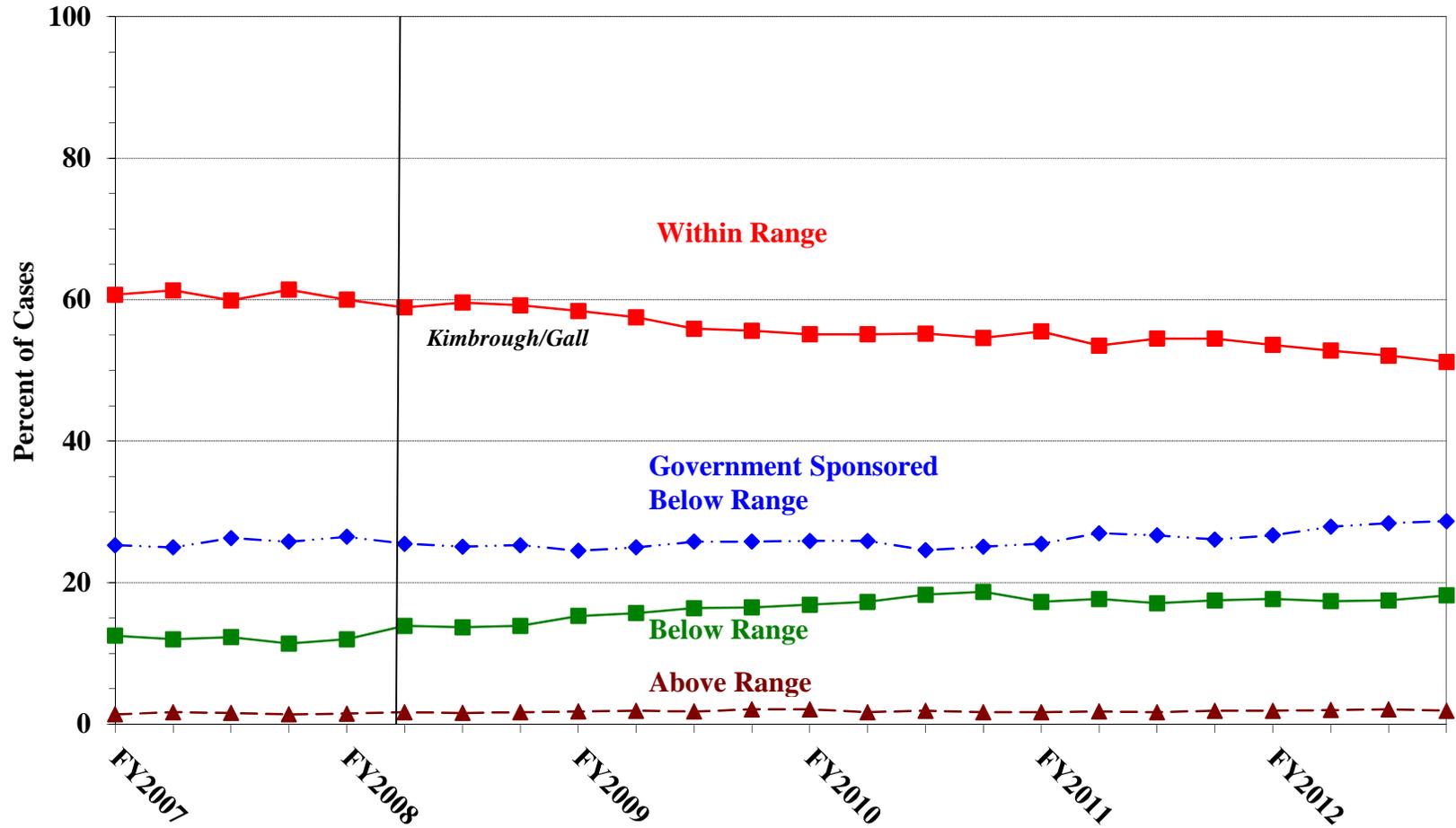
¹ Of the 81,882 cases, 1,188 were excluded due to information that was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through September 30, 2012).

Figure A

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹

Fiscal Years 2007 - 2011,
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)

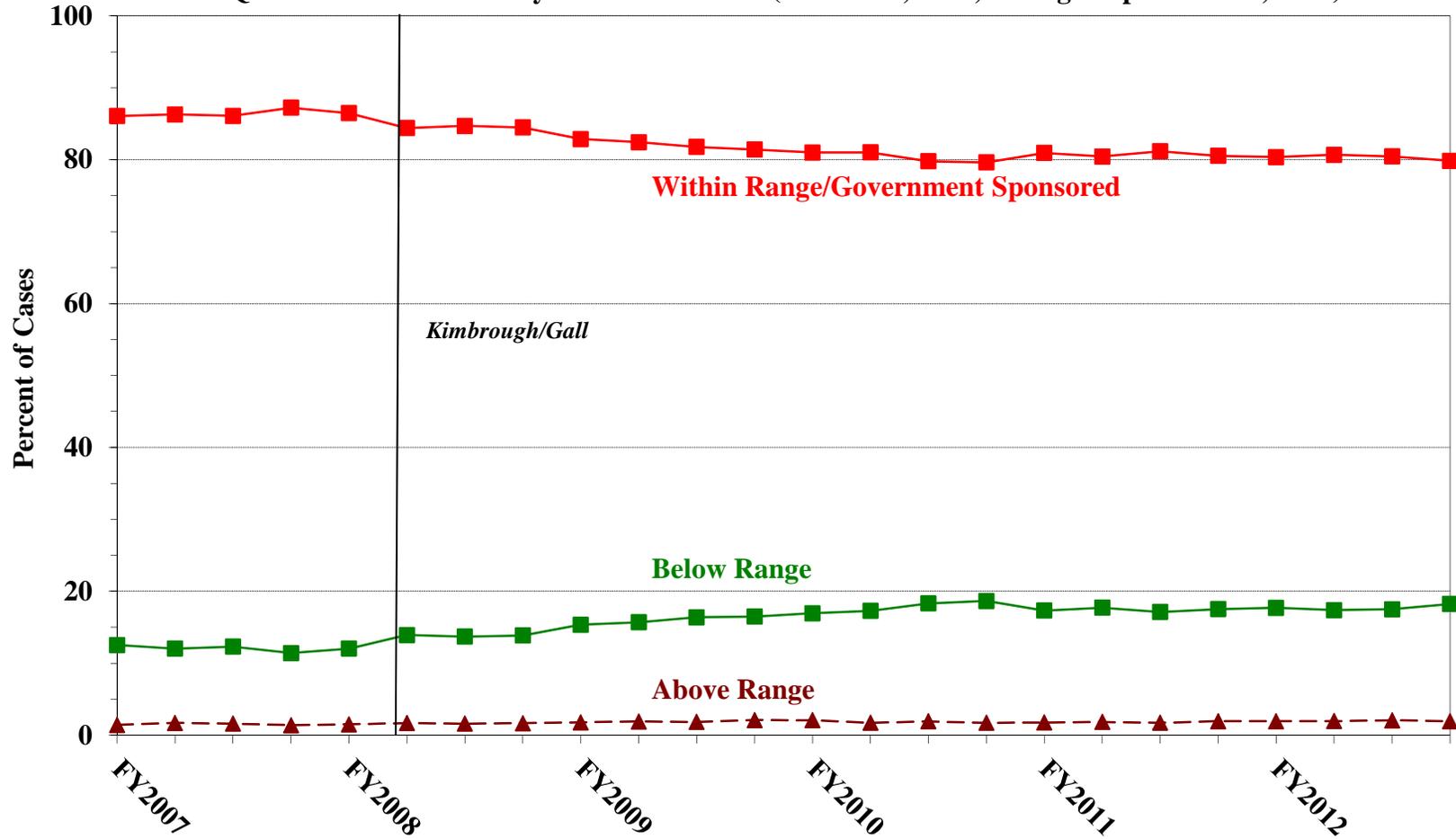


¹ Descriptions of variables used in this figure are provided in Appendix A.

Figure B

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

Fiscal Years 2007 - 2011,
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 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,
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 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	26.7	17.7	1.9
2ndQuarter	52.8	27.9	17.4	2.0
3rd Quarter	52.1	28.4	17.5	2.1
4th Quarter	51.2	28.7	18.2	1.9

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	33	28	1	0	3	0	0	0	1	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	224	181	1	0	8	1	4	1	10	4	0	14	0
§2P1.2	126	99	1	0	4	0	3	0	5	0	3	11	0
§2P1.3	5	1	0	0	0	0	0	0	3	1	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	49	14	0	0	0	0	10	0	4	2	0	18	1
§2Q1.3	39	16	0	0	0	0	8	0	1	2	7	5	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	102	52	0	0	0	0	8	0	13	0	2	25	2
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	14	1	0	0	0	0	10	0	0	0	1	2	0
§2S1.1	1,091	353	2	0	12	1	327	0	128	16	13	233	6
§2S1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	274	108	0	0	1	0	39	6	47	9	7	52	5
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	491	179	0	1	5	0	69	0	34	23	5	167	8
§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	142	55	0	0	0	0	19	0	8	4	8	47	1
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	38	6	0	0	2	0	0	0	1	1	1	27	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	17	7	0	0	0	0	0	0	2	1	0	6	1
§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	15	10	0	0	0	0	3	0	0	0	0	2	0
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	27	14	0	1	0	0	2	0	1	5	1	3	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	88	37	1	0	8	0	16	0	9	3	0	14	0
§2X4.1	351	177	6	0	11	1	50	2	32	5	6	59	2
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	219	211	0	0	3	2	0	0	2	0	1	0	0
§2X6.1	1	1	0	0	0	0	0	0	0	0	0	0	0
§2X7.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.2	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	74,250	37,230	427	121	906	68	9,363	8,383	3,790	1,823	777	10,863	499

¹ Of the 81,882 cases, 7,632 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 (1,188) or missing guideline applied (7,584). Descriptions of variables used in this table are provided in Appendix A.

² In 840 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 840 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 2,157 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 924(c). By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 2,157 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
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 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	38,366	6,101	15.9	8,493	22.1	3,625	9.4	2,294	6.0	227	0.6
Above Range	1,588	6	0.4	25	1.6	298	18.8	148	9.3	3	0.2
Upward Departure From Guideline Range	434	3	0.7	9	2.1	142	32.7	89	20.5	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	125	0	0.0	0	0.0	16	12.8	4	3.2	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	954	0	0.0	0	0.0	137	14.4	53	5.6	2	0.2
All Remaining Cases Above Guideline Range	75	3	4.0	16	21.3	3	4.0	2	2.7	1	1.3
Government Sponsored Below Range	22,511	6,095	27.1	8,468	37.6	3,327	14.8	2,146	9.5	224	1.0
§5K1.1 Substantial Assistance Departure	9,443	6,095	64.5	121	1.3	183	1.9	172	1.8	38	0.4
§5K3.1 Early Disposition Program Departure	9,150	0	0.0	8,347	91.2	1,424	15.6	883	9.7	7	0.1
Other Government Sponsored Below Range	3,918	0	0.0	0	0.0	1,720	43.9	1,091	27.8	179	4.6
Below Range	14,267	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,860	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	787	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	11,087	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	533	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	3,064	8.0	325	0.8	1,405	3.7	4,636	12.1	4,750	12.4	5,696	14.8	3,983	10.4
Above Range	4	0.3	0	0.0	242	15.2	7	0.4	2	0.1	661	41.6	286	18.0
Upward Departure From Guideline Range	1	0.2	0	0.0	61	14.1	4	0.9	0	0.0	132	30.4	49	11.3
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	37	29.6	0	0.0	0	0.0	66	52.8	11	8.8
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	143	15.0	2	0.2	2	0.2	456	47.8	180	18.9
All Remaining Cases Above Guideline Range	3	4.0	0	0.0	1	1.3	1	1.3	0	0.0	7	9.3	46	61.3
Government Sponsored Below Range	3,060	13.6	325	1.4	1,163	5.2	1,130	5.0	766	3.4	738	3.3	814	3.6
§5K1.1 Substantial Assistance Departure	3,060	32.4	5	0.1	250	2.6	578	6.1	356	3.8	445	4.7	222	2.4
§5K3.1 Early Disposition Program Departure	0	0.0	320	3.5	63	0.7	186	2.0	290	3.2	142	1.6	407	4.4
Other Government Sponsored Below Range	0	0.0	0	0.0	850	21.7	366	9.3	120	3.1	151	3.9	185	4.7
Below Range	0	0.0	0	0.0	0	0.0	3,499	24.5	3,982	27.9	4,297	30.1	2,883	20.2
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	678	36.5	394	21.2	526	28.3	312	16.8
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	180	22.9	264	33.5	294	37.4	142	18.0
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	2,640	23.8	3,318	29.9	3,458	31.2	1,922	17.3
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	1	0.2	6	1.1	19	3.6	507	95.1

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, 5,280 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
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	9,044	36	30	49.0
Murder	4	134	58	25.0
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	5	100	75	40.5
Sexual Abuse	19	63	57	50.0
Assault	10	42	18	38.3
Robbery	86	43	28	34.0
Arson	11	36	30	50.0
Drugs - Trafficking	5,457	48	40	45.4
Drugs - Communication Facility	34	11	14	68.1
Drugs - Simple Possession	2	--	--	--
Firearms	789	58	30	41.3
Burglary/B&E	3	18	12	51.4
Auto Theft	7	24	12	38.1
Larceny	78	5	11	70.3
Fraud	1,351	10	18	69.5
Embezzlement	10	0	19	100.0
Forgery/Counterfeiting	68	6	10	59.0
Bribery	63	12	24	75.0
Tax	78	0	13	100.0
Money Laundering	193	9	25	73.3
Racketeering/Extortion	138	30	30	47.8
Gambling/Lottery	12	0	7	100.0
Civil Rights	13	7	10	55.6
Immigration	250	12	12	50.0
Child Pornography	75	97	60	37.1
Prison Offenses	6	8	6	38.5
Administration of Justice Offenses	93	0	15	100.0
Environmental/Wildlife	12	0	11	100.0
National Defense	35	24	25	46.7
Antitrust	9	12	15	56.7
Food & Drug	6	0	11	100.0
Other Miscellaneous Offenses	127	5	18	67.5

¹ Of the 81,882 cases, 9,443 received a §5K1.1 substantial assistance departure. Of these, 9,141 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 88 cases were also excluded from this table. Of the remaining 9,053 cases, nine 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
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	8,217	18	8	34.1
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	4	16	12	45.7
Robbery	4	35	17	32.3
Arson	0	--	--	--
Drugs - Trafficking	1,821	18	10	36.4
Drugs - Communication Facility	3	33	24	47.1
Drugs - Simple Possession	0	--	--	--
Firearms	12	32	20	45.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	7	4	5	50.0
Embezzlement	1	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	1	--	--	--
Tax	0	--	--	--
Money Laundering	5	12	6	33.2
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	6,346	15	7	33.3
Child Pornography	1	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	4	5	11	75.0
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 81,882 cases, 9,150 received a §5K3.1 early disposition program departure. Of these, 8,217 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 September 30, 2012).

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	3,673	33	17	38.1
Murder	10	132	42	34.2
Manslaughter	3	24	6	19.2
Kidnapping/Hostage Taking	7	108	120	50.0
Sexual Abuse	37	96	51	42.9
Assault	79	15	13	50.0
Robbery	58	60	29	28.2
Arson	2	--	--	--
Drugs - Trafficking	1,248	60	27	33.3
Drugs - Communication Facility	39	30	12	31.0
Drugs - Simple Possession	3	0	6	100.0
Firearms	490	51	18	33.2
Burglary/B&E	1	--	--	--
Auto Theft	3	0	16	98.3
Larceny	45	0	10	100.0
Fraud	452	12	12	59.9
Embezzlement	16	0	11	99.7
Forgery/Counterfeiting	29	12	10	33.2
Bribery	8	14	13	58.9
Tax	39	1	12	90.0
Money Laundering	89	15	14	47.4
Racketeering/Extortion	89	60	21	31.0
Gambling/Lottery	3	0	6	100.0
Civil Rights	4	53	18	60.7
Immigration	446	12	6	34.8
Child Pornography	255	63	52	42.9
Prison Offenses	19	6	6	40.0
Administration of Justice Offenses	88	6	12	67.7
Environmental/Wildlife	16	0	10	100.0
National Defense	7	30	22	35.1
Antitrust	0	--	--	--
Food & Drug	3	36	27	42.9
Other Miscellaneous Offenses	85	1	10	85.9

¹ Of the 81,882 cases, 3,918 received an other government sponsored downward departure. Of these, 3,716 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 34 cases were also excluded from this table. Of the remaining 3,682 cases, nine 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 September 30, 2012).

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,776	24	12	33.3
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	3	97	45	35.8
Sexual Abuse	8	47	21	26.5
Assault	22	17	12	38.4
Robbery	18	54	14	20.0
Arson	0	--	--	--
Drugs - Trafficking	471	48	14	27.0
Drugs - Communication Facility	5	42	14	34.1
Drugs - Simple Possession	0	--	--	--
Firearms	160	37	10	23.0
Burglary/B&E	1	--	--	--
Auto Theft	2	--	--	--
Larceny	19	0	10	100.0
Fraud	138	11	10	53.6
Embezzlement	6	0	11	100.0
Forgery/Counterfeiting	14	14	7	39.9
Bribery	5	30	3	33.3
Tax	26	1	12	94.4
Money Laundering	14	13	8	48.9
Racketeering/Extortion	21	48	13	19.8
Gambling/Lottery	1	--	--	--
Civil Rights	1	--	--	--
Immigration	720	24	10	33.3
Child Pornography	42	78	41	38.0
Prison Offenses	6	8	5	33.3
Administration of Justice Offenses	25	6	10	71.4
Environmental/Wildlife	2	--	--	--
National Defense	3	7	3	30.5
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	41	0	10	100.0

¹ Of the 81,882 cases, 1,860 received a downward departure from the guideline range. Of these, 1,781 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 1,779 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
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	752	30	18	41.5
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	1	--	--	--
Assault	5	14	13	48.1
Robbery	12	36	10	20.3
Arson	0	--	--	--
Drugs - Trafficking	271	48	25	36.2
Drugs - Communication Facility	4	27	28	51.6
Drugs - Simple Possession	0	--	--	--
Firearms	83	36	16	30.3
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	13	0	12	100.0
Fraud	113	18	13	44.4
Embezzlement	5	0	12	100.0
Forgery/Counterfeiting	5	0	9	100.0
Bribery	2	--	--	--
Tax	10	15	12	46.5
Money Laundering	12	3	27	85.7
Racketeering/Extortion	14	41	22	41.2
Gambling/Lottery	1	--	--	--
Civil Rights	1	--	--	--
Immigration	99	24	15	39.1
Child Pornography	54	60	41	39.8
Prison Offenses	3	12	6	33.2
Administration of Justice Offenses	18	5	13	77.1
Environmental/Wildlife	8	0	14	100.0
National Defense	1	--	--	--
Antitrust	1	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	12	1	17	90.0

¹ Of the 81,882 cases, 787 received a downward departure from the guideline range with *Booker*/18 U.S.C. § 3553. Of these, 755 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
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	10,608	24	14	35.1
Murder	6	72	35	40.2
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	4	150	64	36.7
Sexual Abuse	52	44	15	32.8
Assault	87	15	11	44.4
Robbery	152	46	16	23.8
Arson	2	--	--	--
Drugs - Trafficking	3,576	48	19	31.0
Drugs - Communication Facility	82	18	12	50.0
Drugs - Simple Possession	7	0	2	100.0
Firearms	1,233	30	12	28.0
Burglary/B&E	5	10	5	33.3
Auto Theft	8	12	11	66.2
Larceny	191	0	9	100.0
Fraud	1,488	12	12	54.5
Embezzlement	84	1	10	90.0
Forgery/Counterfeiting	135	7	8	66.7
Bribery	65	12	15	51.4
Tax	189	1	12	91.7
Money Laundering	162	18	13	47.2
Racketeering/Extortion	134	36	15	27.8
Gambling/Lottery	7	0	6	100.0
Civil Rights	12	23	13	41.7
Immigration	1,657	18	9	33.3
Child Pornography	762	66	39	37.8
Prison Offenses	26	9	6	33.3
Administration of Justice Offenses	209	6	10	64.0
Environmental/Wildlife	29	0	10	100.0
National Defense	15	18	16	69.6
Antitrust	2	--	--	--
Food & Drug	4	1	32	90.0
Other Miscellaneous Offenses	221	1	10	88.7

¹ Of the 81,882 cases, 11,087 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 10,656 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 36 cases were also excluded from this table. Of the remaining 10,620 cases, 12 were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through September 30, 2012).

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	475	4	6	66.7
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	9	4	5	64.1
Robbery	4	77	9	17.0
Arson	0	--	--	--
Drugs - Trafficking	98	48	10	33.2
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	4	0	2	100.0
Firearms	53	61	10	22.1
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	13	0	6	100.0
Fraud	77	0	6	100.0
Embezzlement	9	0	6	100.0
Forgery/Counterfeiting	9	0	6	100.0
Bribery	0	--	--	--
Tax	8	0	6	100.0
Money Laundering	9	1	7	92.8
Racketeering/Extortion	4	56	39	30.8
Gambling/Lottery	0	--	--	--
Civil Rights	2	--	--	--
Immigration	142	0	2	100.0
Child Pornography	10	214	39	12.7
Prison Offenses	1	--	--	--
Administration of Justice Offenses	7	17	4	29.2
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	13	0	6	100.0

¹ Of the 81,882 cases, 533 were otherwise sentenced below the guideline range. Of these, 476 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, one additional case was 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.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	411	46	11	33.3
Murder	1	--	--	--
Manslaughter	6	114	28	49.5
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	7	96	48	40.0
Assault	13	84	27	64.7
Robbery	9	120	22	25.0
Arson	2	--	--	--
Drugs - Trafficking	61	87	21	29.7
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	64	97	16	25.0
Burglary/B&E	2	--	--	--
Auto Theft	0	--	--	--
Larceny	3	51	14	37.8
Fraud	33	57	12	28.6
Embezzlement	0	--	--	--
Forgery/Counterfeiting	3	24	4	14.3
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	12	102	23	29.0
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	160	24	6	35.9
Child Pornography	10	150	23	21.5
Prison Offenses	2	--	--	--
Administration of Justice Offenses	12	36	5	18.3
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	4	38	16	111.1

¹ Of the 81,882 cases, 434 received an upward departure from the guideline range. Of these, 415 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, two cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through September 30, 2012).

**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	116	71	23	52.3
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	3	180	59	57.1
Assault	6	81	33	81.1
Robbery	4	180	83	90.1
Arson	0	--	--	--
Drugs - Trafficking	14	86	16	19.2
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	25	120	33	32.4
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	3	48	27	69.0
Fraud	16	42	18	100.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	7	60	24	80.0
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	25	36	16	68.4
Child Pornography	4	235	32	15.5
Prison Offenses	0	--	--	--
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	2	--	--	--

¹ Of the 81,882 cases, 125 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 119 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
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	873	58	13	40.0
Murder	1	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	15	120	20	24.3
Assault	15	60	19	46.3
Robbery	21	135	41	27.7
Arson	5	180	84	75.2
Drugs - Trafficking	107	87	15	25.0
Drugs - Communication Facility	8	66	13	25.0
Drugs - Simple Possession	3	24	12	100.0
Firearms	170	108	21	29.7
Burglary/B&E	1	--	--	--
Auto Theft	3	144	55	100.0
Larceny	15	48	19	62.2
Fraud	104	48	13	45.5
Embezzlement	1	--	--	--
Forgery/Counterfeiting	16	22	6	54.2
Bribery	0	--	--	--
Tax	5	60	12	29.3
Money Laundering	6	60	16	43.6
Racketeering/Extortion	17	108	27	46.3
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	238	23	6	50.0
Child Pornography	32	226	33	23.7
Prison Offenses	11	36	14	71.4
Administration of Justice Offenses	51	56	19	69.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	3	9	3	50.0
Other Miscellaneous Offenses	23	48	9	33.3

¹ Of the 81,882 cases, 954 were sentenced above the guideline range with *Booker*/18 U.S.C § 3553. Of these, 888 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, 13 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
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	45	60	11	28.6
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	1	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	6	150	21	13.2
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	9	50	11	26.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	4	89	21	47.6
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	19	36	7	40.7
Child Pornography	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 81,882 cases, 75 were otherwise sentenced above the guideline range. Of these, 62 cases had complete guideline application information. Furthermore, 17 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 September 30, 2012).

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 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	81,224	73,234	90.2	70,950	87.4	2,284	2.8	7,990	9.8	2,311	2.8	5,679	7.0
Murder	61	61	100.0	60	98.4	1	1.6	0	0.0	0	0.0	0	0.0
Manslaughter	46	46	100.0	45	97.8	1	2.2	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	44	44	100.0	44	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	402	393	97.8	376	93.5	17	4.2	9	2.2	2	0.5	7	1.7
Assault	670	580	86.6	538	80.3	42	6.3	90	13.4	20	3.0	70	10.4
Robbery	832	805	96.8	789	94.8	16	1.9	27	3.2	13	1.6	14	1.7
Arson	47	45	95.7	44	93.6	1	2.1	2	4.3	0	0.0	2	4.3
Drugs - Trafficking	24,162	23,325	96.5	22,635	93.7	690	2.9	837	3.5	349	1.4	488	2.0
Drugs - Communication Facility	366	307	83.9	293	80.1	14	3.8	59	16.1	26	7.1	33	9.0
Drugs - Simple Possession	1,077	824	76.5	820	76.1	4	0.4	253	23.5	9	0.8	244	22.7
Firearms	7,918	7,518	94.9	7,305	92.3	213	2.7	400	5.1	169	2.1	231	2.9
Burglary/B&E	38	35	92.1	33	86.8	2	5.3	3	7.9	1	2.6	2	5.3
Auto Theft	60	54	90.0	51	85.0	3	5.0	6	10.0	4	6.7	2	3.3
Larceny	1,253	550	43.9	480	38.3	70	5.6	703	56.1	188	15.0	515	41.1
Fraud	8,280	6,203	74.9	5,667	68.4	536	6.5	2,077	25.1	726	8.8	1,351	16.3
Embezzlement	314	151	48.1	113	36.0	38	12.1	163	51.9	52	16.6	111	35.4
Forgery/Counterfeiting	862	663	76.9	610	70.8	53	6.1	199	23.1	75	8.7	124	14.4
Bribery	221	174	78.7	154	69.7	20	9.0	47	21.3	19	8.6	28	12.7
Tax	588	381	64.8	322	54.8	59	10.0	207	35.2	95	16.2	112	19.0
Money Laundering	804	638	79.4	600	74.6	38	4.7	166	20.6	67	8.3	99	12.3
Racketeering/Extortion	870	826	94.9	798	91.7	28	3.2	44	5.1	18	2.1	26	3.0
Gambling/Lottery	43	10	23.3	6	14.0	4	9.3	33	76.7	7	16.3	26	60.5
Civil Rights	52	41	78.8	39	75.0	2	3.8	11	21.2	2	3.8	9	17.3
Immigration	26,190	25,141	96.0	24,942	95.2	199	0.8	1,049	4.0	129	0.5	920	3.5
Child Pornography	1,952	1,929	98.8	1,895	97.1	34	1.7	23	1.2	8	0.4	15	0.8
Prison Offenses	423	394	93.1	381	90.1	13	3.1	29	6.9	14	3.3	15	3.5
Administration of Justice Offenses	1,284	996	77.6	909	70.8	87	6.8	288	22.4	84	6.5	204	15.9
Environmental/Wildlife	183	39	21.3	32	17.5	7	3.8	144	78.7	18	9.8	126	68.9
National Defense	105	99	94.3	93	88.6	6	5.7	6	5.7	1	1.0	5	4.8
Antitrust	20	19	95.0	17	85.0	2	10.0	1	5.0	1	5.0	0	0.0
Food & Drug	55	20	36.4	19	34.5	1	1.8	35	63.6	5	9.1	30	54.5
Other Miscellaneous Offenses	2,002	923	46.1	840	42.0	83	4.1	1,079	53.9	209	10.4	870	43.5

¹ Of the 81,882 cases, 658 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (651), or missing sentencing information (7). 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
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)

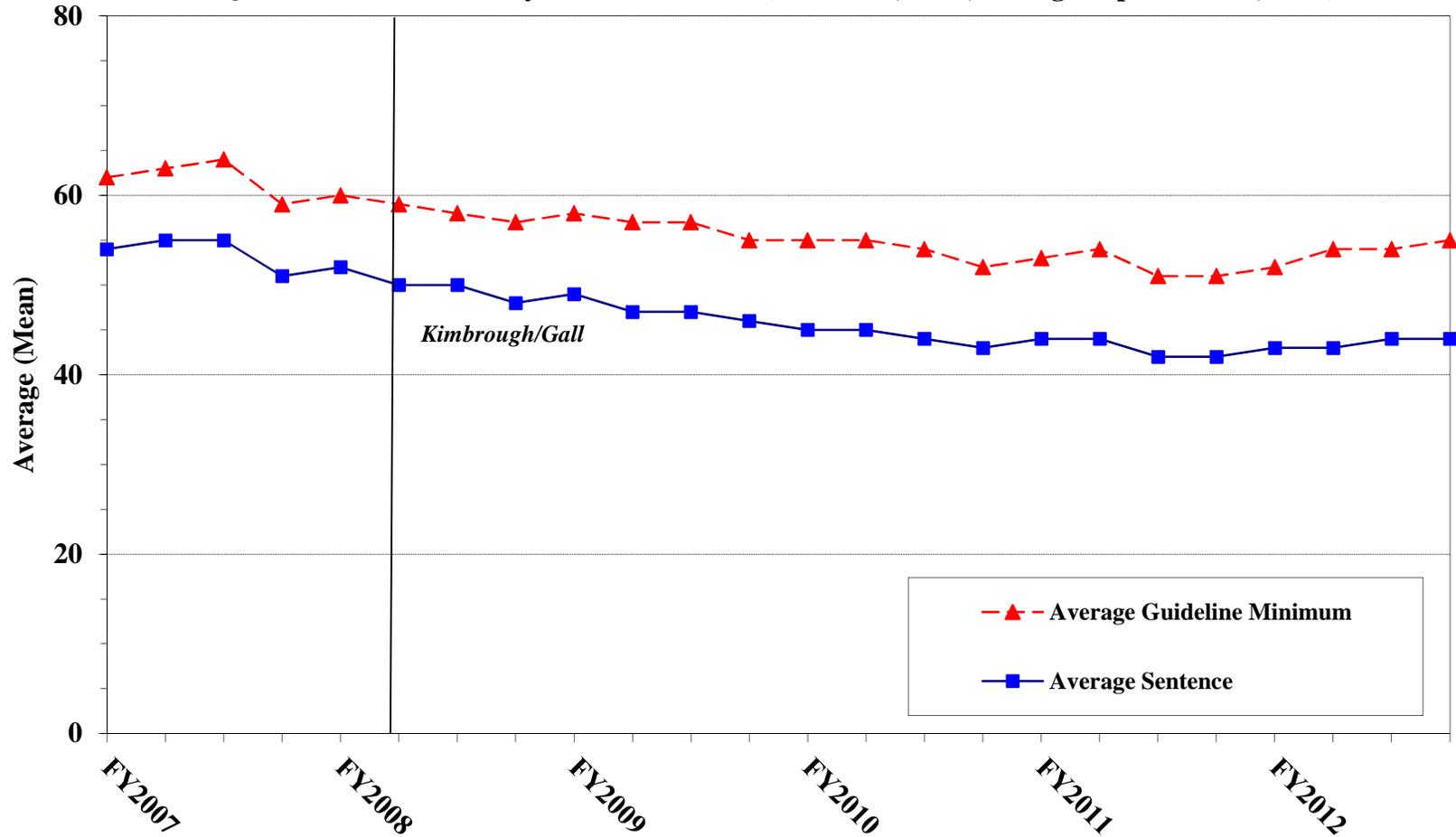
PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	44	24	81,880
Murder	249	210	61
Manslaughter	59	43	46
Kidnapping/Hostage Taking	203	166	44
Sexual Abuse	124	120	402
Assault	31	21	678
Robbery	77	60	834
Arson	76	60	47
Drugs - Trafficking	68	51	24,168
Drugs - Communication Facility	34	36	366
Drugs - Simple Possession	3	4	1,122
Firearms	83	55	7,926
Burglary/B&E	20	18	38
Auto Theft	63	25	61
Larceny	9	1	1,349
Fraud	24	12	8,309
Embezzlement	8	5	321
Forgery/Counterfeiting	18	12	862
Bribery	19	14	222
Tax	17	12	590
Money Laundering	33	18	805
Racketeering/Extortion	86	57	872
Gambling/Lottery	4	0	43
Civil Rights	44	12	52
Immigration	16	10	26,207
Child Pornography	125	87	1,952
Prison Offenses	14	12	423
Administration of Justice Offenses	18	13	1,295
Environmental/Wildlife	2	0	198
National Defense	47	36	105
Antitrust	15	14	20
Food & Drug	7	0	57
Other Miscellaneous Offenses	14	0	2,405

¹ Of the 81,882 cases, two 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**

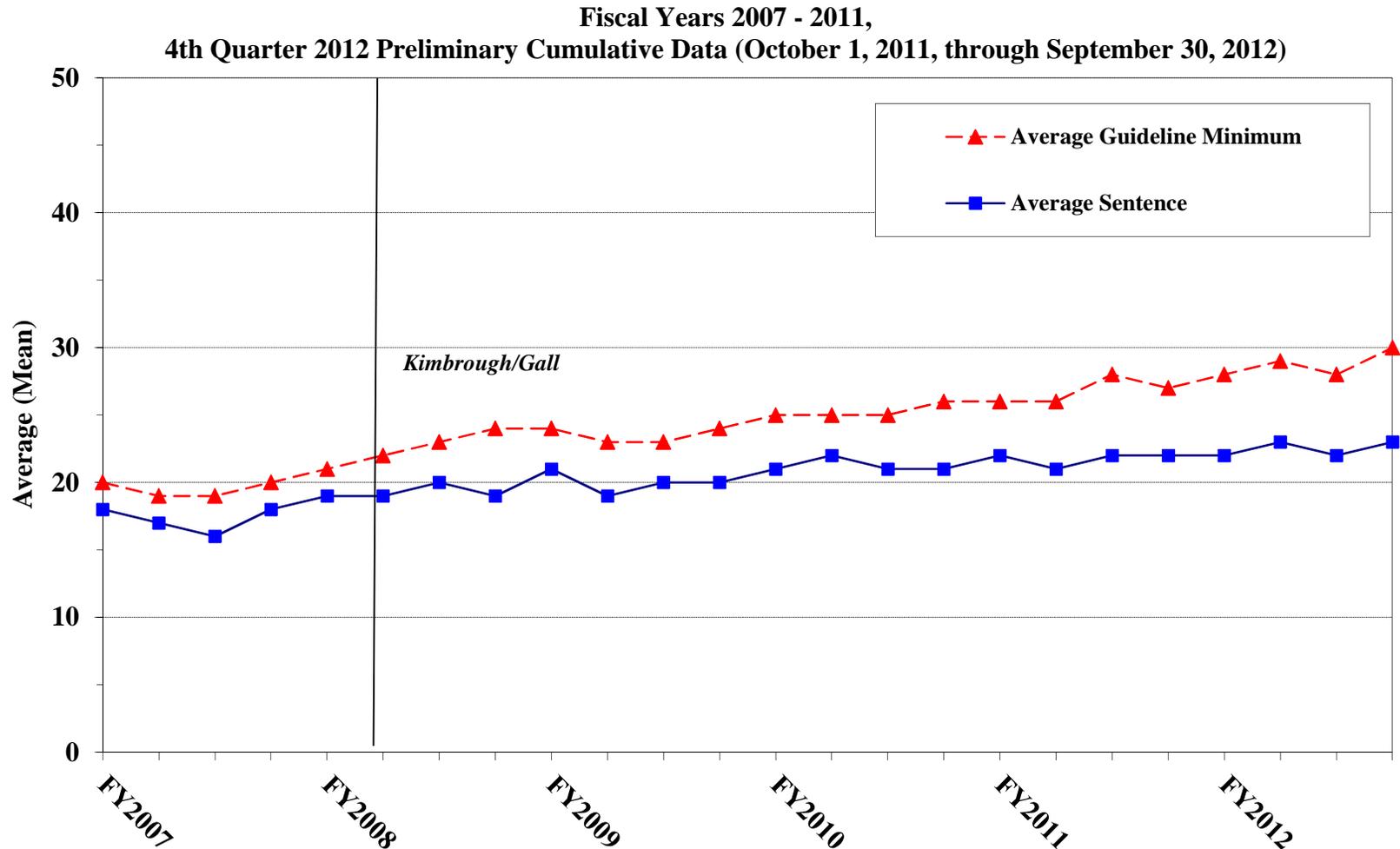
**Fiscal Years 2007 - 2011,
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)**



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

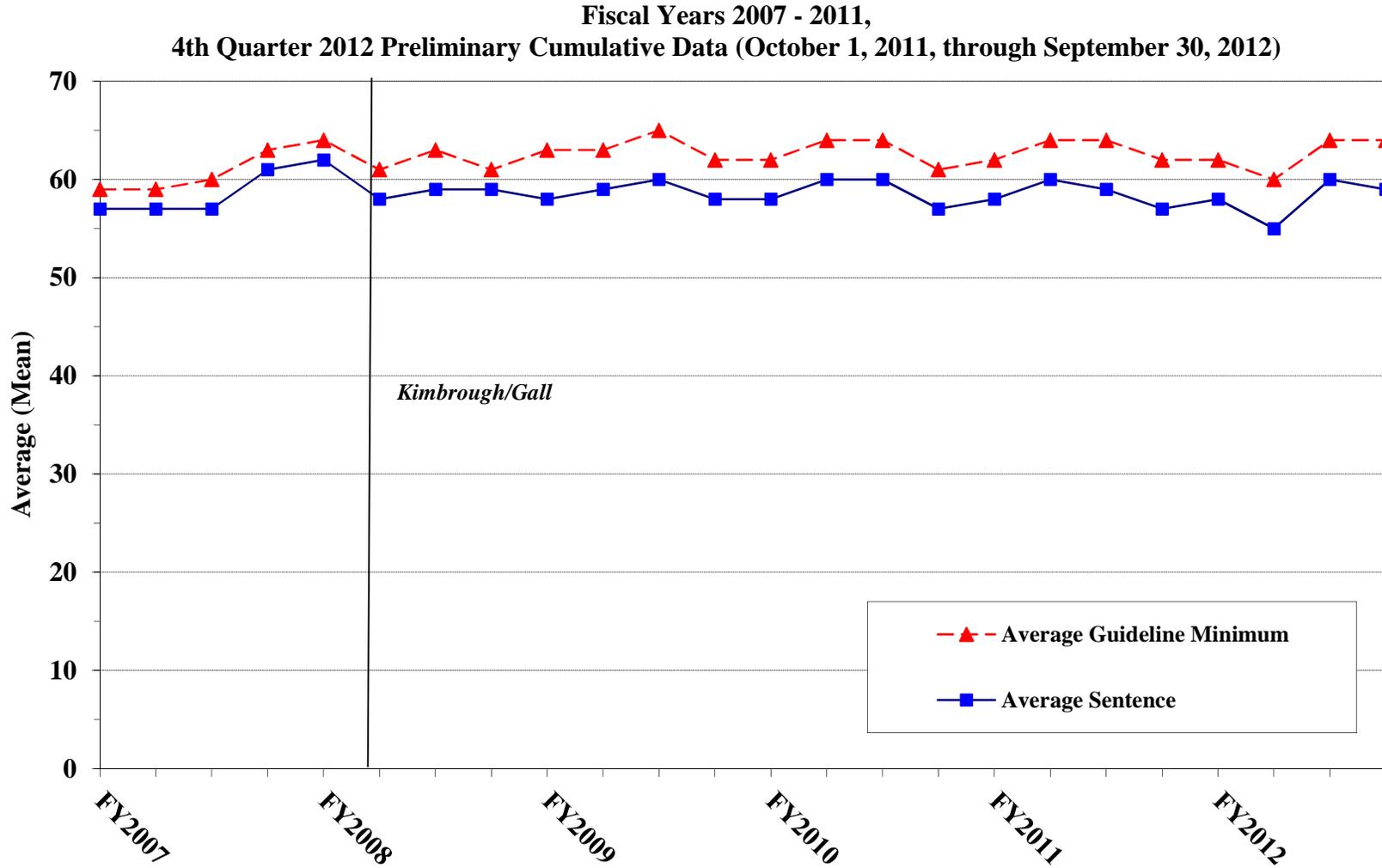
AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)¹



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

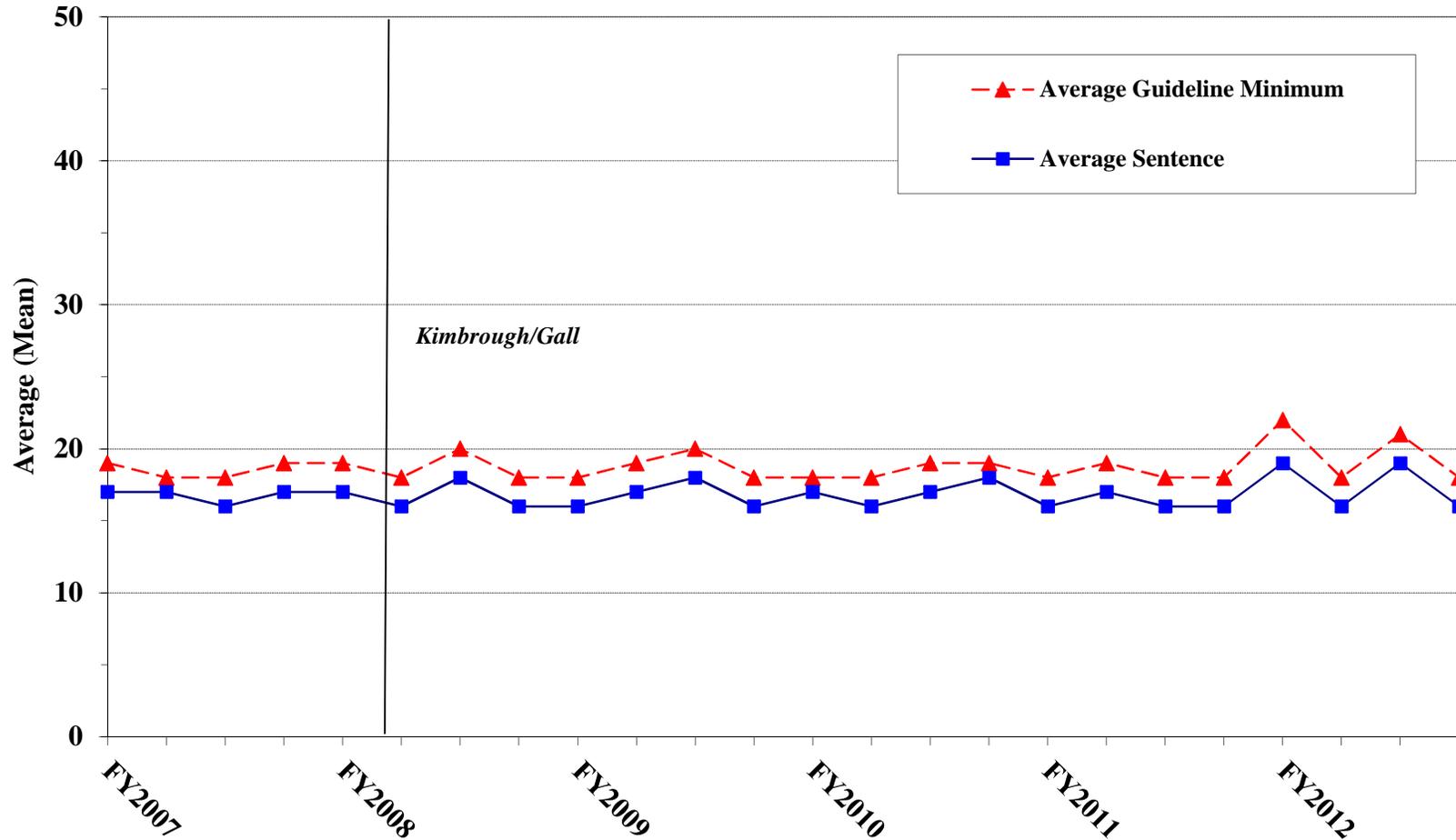


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum 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,
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)**

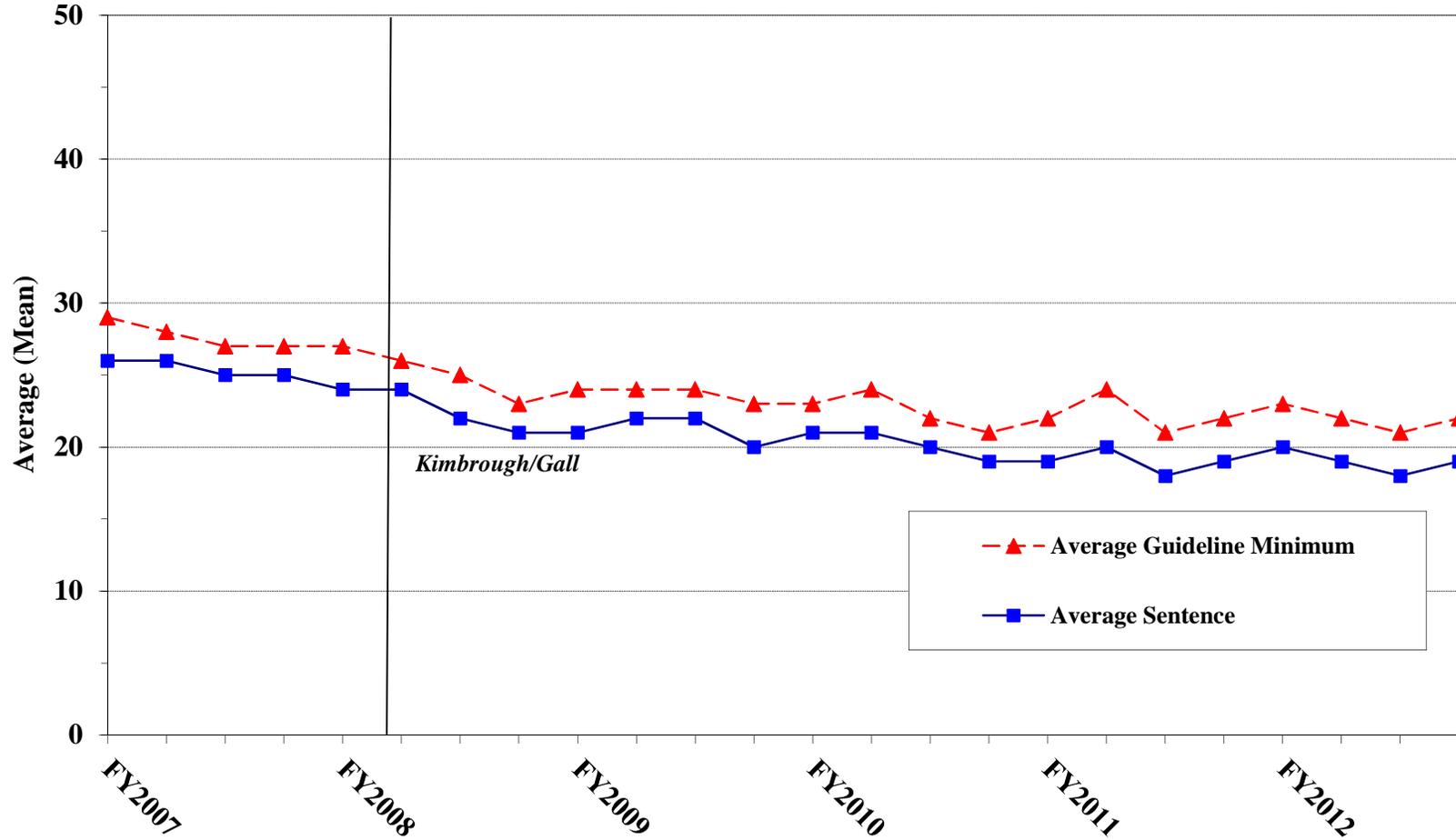


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, 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,
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)**

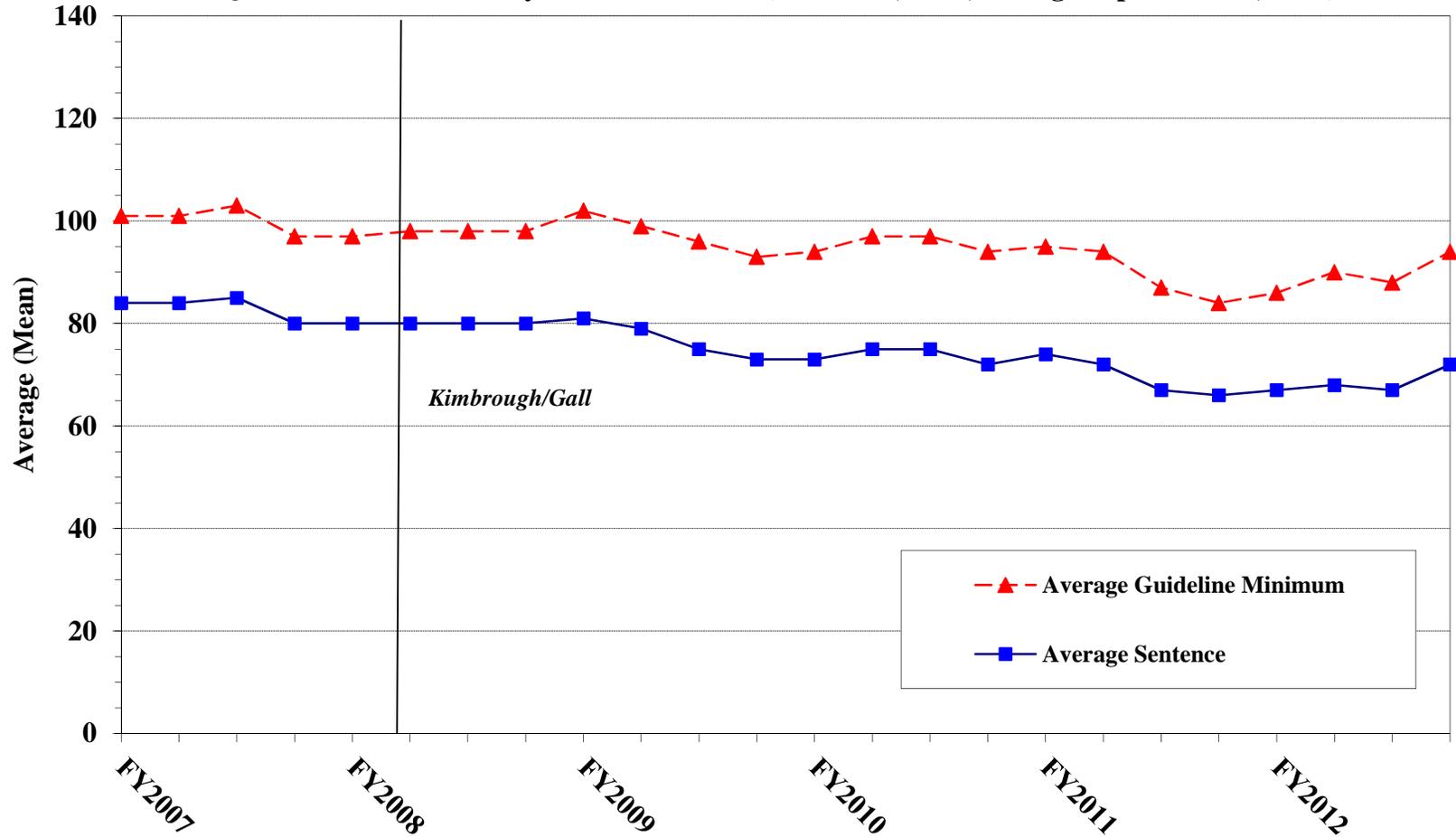


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including 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,
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)**

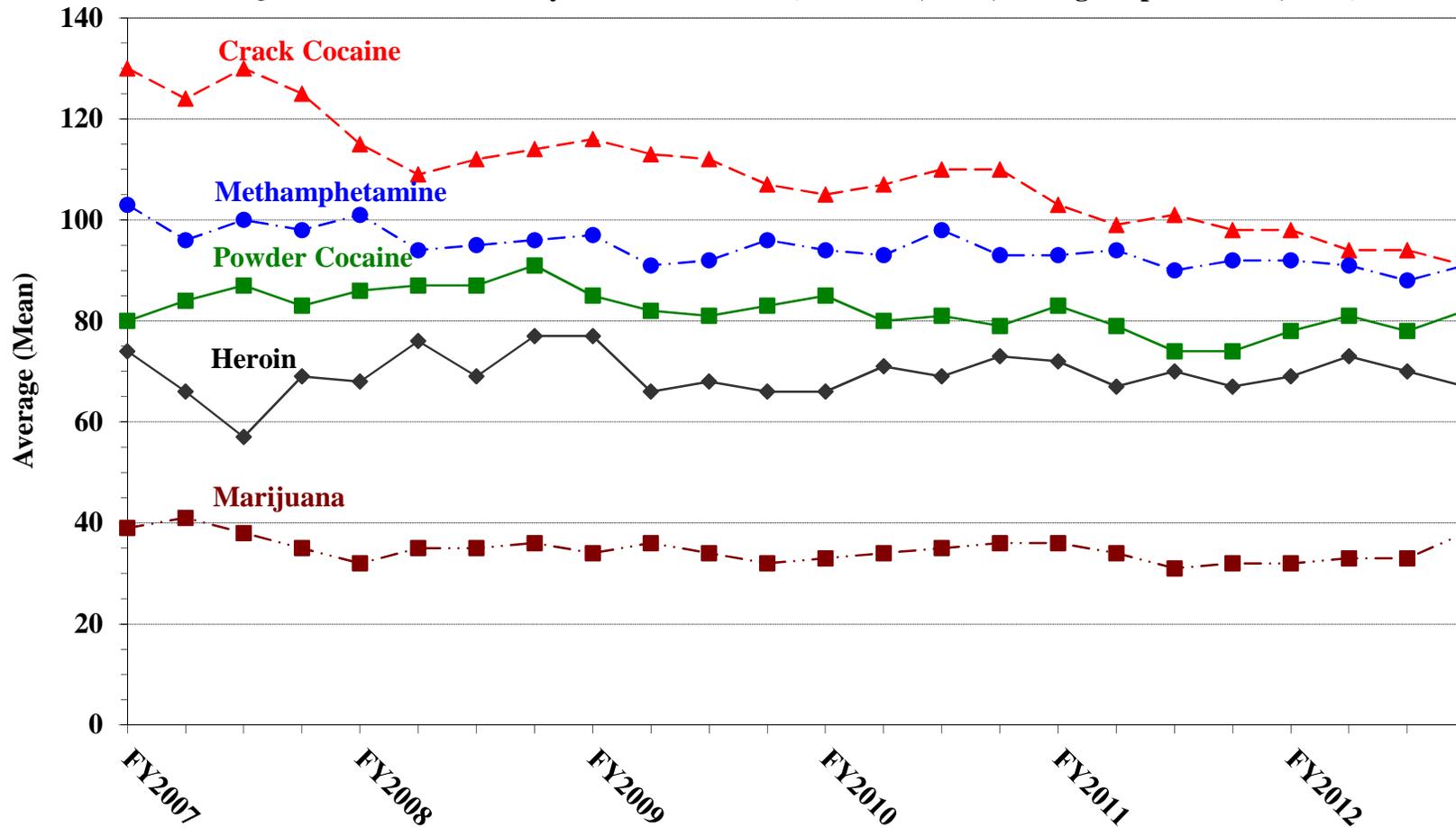


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline 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,
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 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**
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 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	34,346	17,779	51.8	6,619	19.3	3,517	10.2	2,817	8.2	3,614	10.5
Murder	19	2	10.5	7	36.8	1	5.3	4	21.1	5	26.3
Manslaughter	27	10	37.0	3	11.1	2	7.4	2	7.4	10	37.0
Kidnapping/Hostage Taking	11	8	72.7	1	9.1	0	0.0	1	9.1	1	9.1
Sexual Abuse	173	61	35.3	32	18.5	22	12.7	21	12.1	37	21.4
Assault	321	123	38.3	59	18.4	42	13.1	28	8.7	69	21.5
Robbery	432	220	50.9	72	16.7	41	9.5	45	10.4	54	12.5
Arson	13	5	38.5	2	15.4	0	0.0	4	30.8	2	15.4
Drugs - Trafficking	9,412	6,191	65.8	1,648	17.5	672	7.1	399	4.2	502	5.3
Drugs - Communication Facility	84	55	65.5	9	10.7	6	7.1	3	3.6	11	13.1
Drugs - Simple Possession	165	113	68.5	25	15.2	8	4.8	7	4.2	12	7.3
Firearms	4,119	2,272	55.2	554	13.4	419	10.2	304	7.4	570	13.8
Burglary/B&E	23	11	47.8	4	17.4	1	4.3	2	8.7	5	21.7
Auto Theft	31	10	32.3	4	12.9	1	3.2	4	12.9	12	38.7
Larceny	678	489	72.1	69	10.2	36	5.3	29	4.3	55	8.1
Fraud	3,134	1,800	57.4	441	14.1	243	7.8	227	7.2	423	13.5
Embezzlement	160	125	78.1	23	14.4	1	0.6	2	1.3	9	5.6
Forgery/Counterfeiting	535	280	52.3	77	14.4	45	8.4	48	9.0	85	15.9
Bribery	66	44	66.7	12	18.2	2	3.0	2	3.0	6	9.1
Tax	192	123	64.1	23	12.0	13	6.8	10	5.2	23	12.0
Money Laundering	260	165	63.5	41	15.8	17	6.5	10	3.8	27	10.4
Racketeering/Extortion	297	149	50.2	50	16.8	26	8.8	29	9.8	43	14.5
Gambling/Lottery	16	12	75.0	2	12.5	1	6.3	1	6.3	0	0.0
Civil Rights	12	9	75.0	1	8.3	0	0.0	0	0.0	2	16.7
Immigration	11,766	4,054	34.5	3,117	26.5	1,708	14.5	1,491	12.7	1,396	11.9
Child Pornography	550	353	64.2	79	14.4	33	6.0	41	7.5	44	8.0
Prison Offenses	294	115	39.1	74	25.2	39	13.3	16	5.4	50	17.0
Administration of Justice Offenses	677	379	56.0	83	12.3	82	12.1	39	5.8	94	13.9
Environmental/Wildlife	57	46	80.7	5	8.8	3	5.3	2	3.5	1	1.8
National Defense	39	21	53.8	8	20.5	2	5.1	4	10.3	4	10.3
Antitrust	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	34	27	79.4	2	5.9	3	8.8	2	5.9	0	0.0
Other Miscellaneous Offenses	748	506	67.6	92	12.3	48	6.4	40	5.3	62	8.3

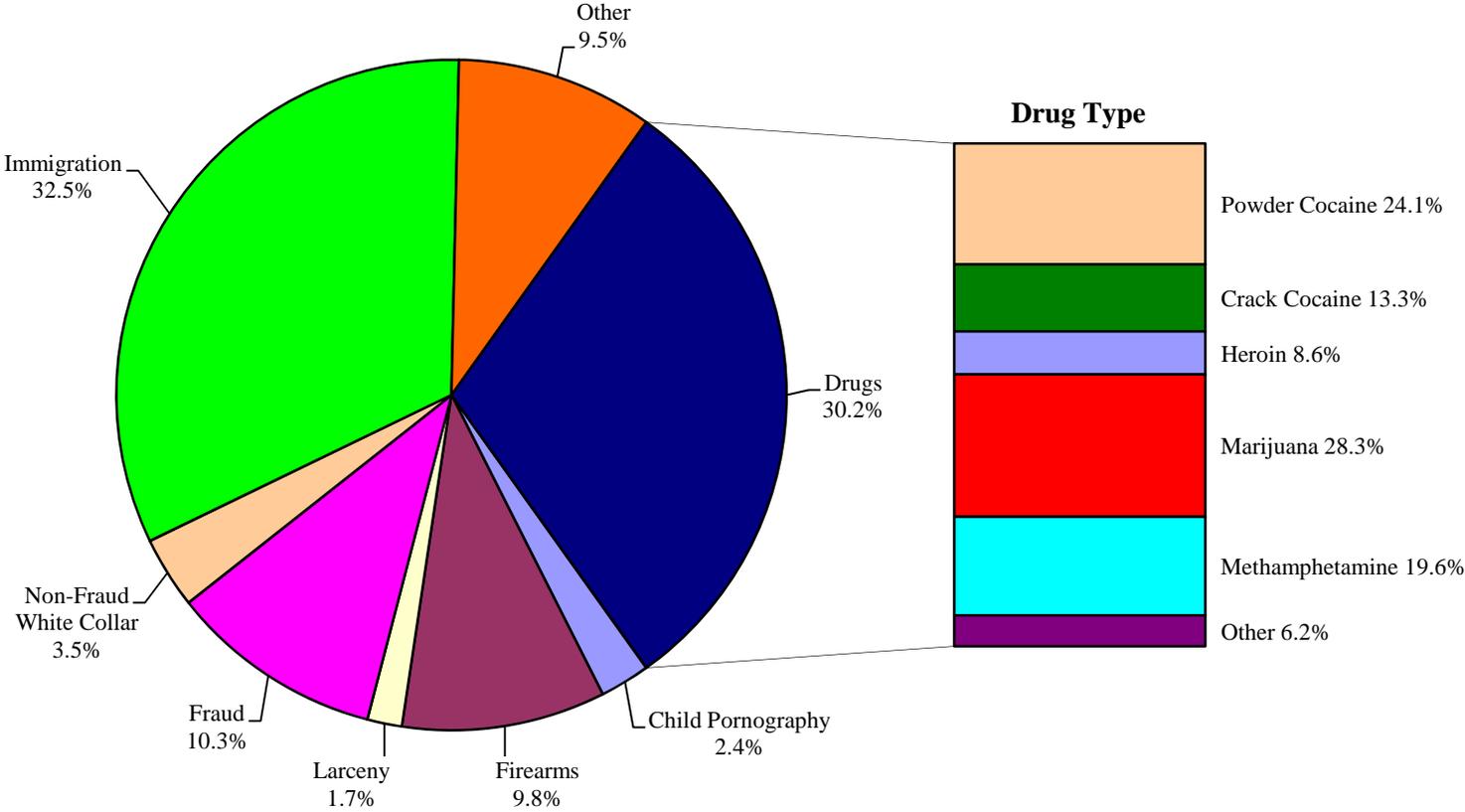
¹ Of the 81,882 cases, 42,328 were sentenced within the applicable guideline range. Of those, 36,612 cases had complete guideline application information. An additional 2,266 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through September 30, 2012).

Figure J

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹

4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)



¹ Of the 81,882 guideline cases, 25,656 were drug cases. Of these, 1,280 were excluded due to missing drug type. The Drugs 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 September 30, 2012).

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)

PRIMARY OFFENSE	N	%
TOTAL	81,882	100.0
Murder	61	0.1
Manslaughter	46	0.1
Kidnapping/Hostage Taking	44	0.1
Sexual Abuse	402	0.5
Assault	678	0.8
Robbery	834	1.0
Arson	47	0.1
Drugs - Trafficking	24,168	29.5
Drugs - Communication Facility	366	0.4
Drugs - Simple Possession	1,122	1.4
Firearms	7,926	9.7
Burglary/B&E	38	0.0
Auto Theft	61	0.1
Larceny	1,349	1.6
Fraud	8,310	10.1
Embezzlement	321	0.4
Forgery/Counterfeiting	862	1.1
Bribery	222	0.3
Tax	590	0.7
Money Laundering	805	1.0
Racketeering/Extortion	872	1.1
Gambling/Lottery	43	0.1
Civil Rights	52	0.1
Immigration	26,207	32.0
Child Pornography	1,952	2.4
Prison Offenses	423	0.5
Administration of Justice Offenses	1,295	1.6
Environmental/Wildlife	198	0.2
National Defense	105	0.1
Antitrust	20	0.0
Food & Drug	57	0.1
Other Miscellaneous Offenses	2,406	2.9

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

Table 22

GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)

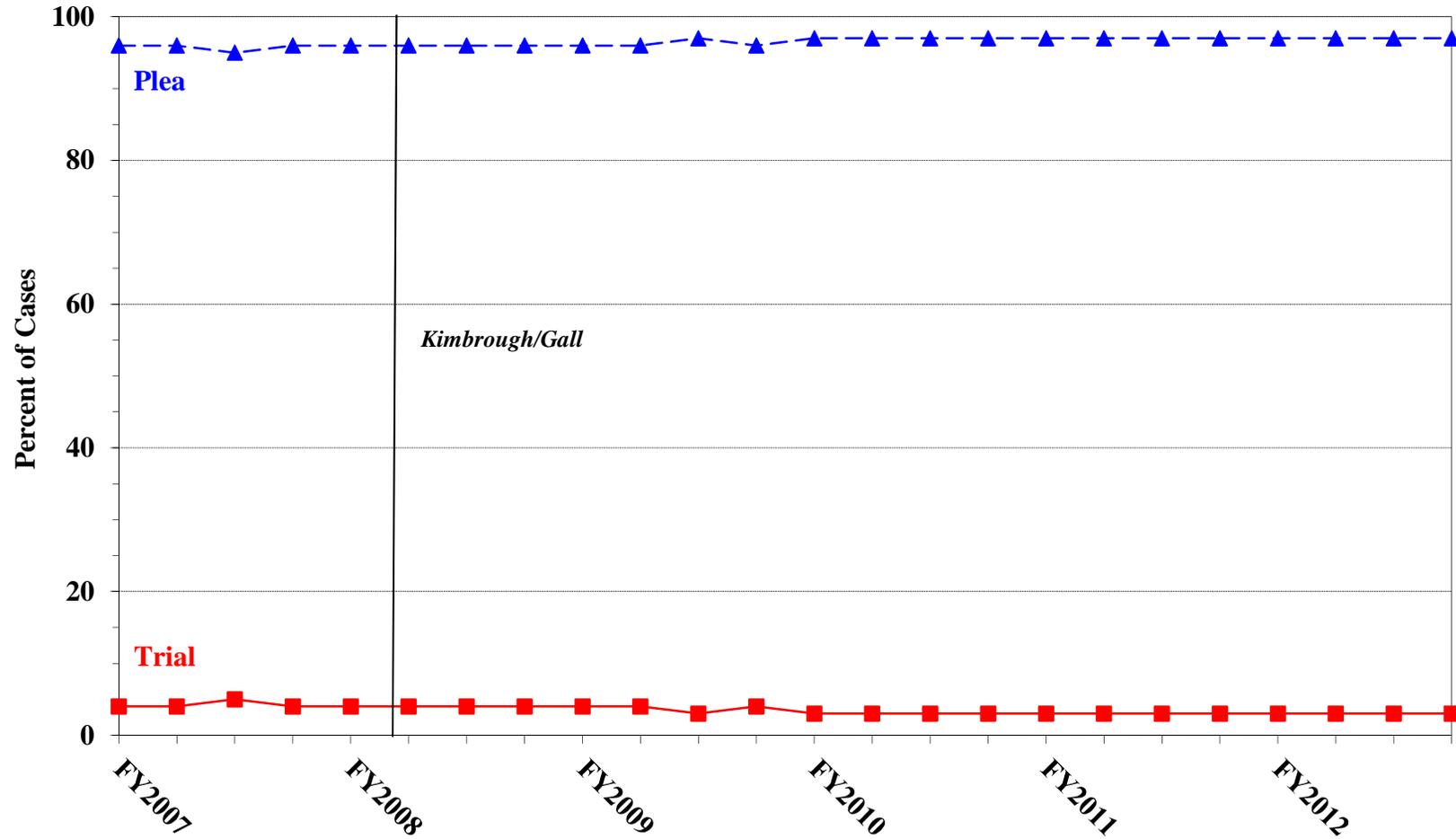
PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	81,878	79,457	97.0	2,421	3.0
Murder	61	46	75.4	15	24.6
Manslaughter	46	45	97.8	1	2.2
Kidnapping/Hostage Taking	44	40	90.9	4	9.1
Sexual Abuse	402	349	86.8	53	13.2
Assault	678	623	91.9	55	8.1
Robbery	834	807	96.8	27	3.2
Arson	47	45	95.7	2	4.3
Drugs - Trafficking	24,168	23,440	97.0	728	3.0
Drugs - Communication Facility	366	366	100.0	0	0.0
Drugs - Simple Possession	1,121	1,111	99.1	10	0.9
Firearms	7,926	7,435	93.8	491	6.2
Burglary/B&E	38	37	97.4	1	2.6
Auto Theft	61	58	95.1	3	4.9
Larceny	1,348	1,322	98.1	26	1.9
Fraud	8,310	7,862	94.6	448	5.4
Embezzlement	321	314	97.8	7	2.2
Forgery/Counterfeiting	862	850	98.6	12	1.4
Bribery	222	208	93.7	14	6.3
Tax	590	554	93.9	36	6.1
Money Laundering	805	753	93.5	52	6.5
Racketeering/Extortion	872	823	94.4	49	5.6
Gambling/Lottery	43	42	97.7	1	2.3
Civil Rights	52	42	80.8	10	19.2
Immigration	26,206	26,051	99.4	155	0.6
Child Pornography	1,952	1,876	96.1	76	3.9
Prison Offenses	423	417	98.6	6	1.4
Administration of Justice Offenses	1,295	1,249	96.4	46	3.6
Environmental/Wildlife	198	192	97.0	6	3.0
National Defense	105	105	100.0	0	0.0
Antitrust	20	18	90.0	2	10.0
Food & Drug	57	55	96.5	2	3.5
Other Miscellaneous Offenses	2,405	2,322	96.5	83	3.5

¹ Of the 81,882 cases, four 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,
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)



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

Table 23

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	74,273	20,370	27.4	15,114	20.3	36,085	48.6	2,704	3.6
Murder	60	19	31.7	14	23.3	6	10.0	21	35.0
Manslaughter	46	2	4.3	1	2.2	3	6.5	40	87.0
Kidnapping/Hostage Taking	44	11	25.0	10	22.7	17	38.6	6	13.6
Sexual Abuse	402	163	40.5	53	13.2	36	9.0	150	37.3
Assault	614	166	27.0	73	11.9	102	16.6	273	44.5
Robbery	827	397	48.0	332	40.1	64	7.7	34	4.1
Arson	46	24	52.2	10	21.7	3	6.5	9	19.6
Drugs - Trafficking	23,979	6,237	26.0	5,996	25.0	11,143	46.5	603	2.5
Drugs - Communication Facility	364	95	26.1	132	36.3	118	32.4	19	5.2
Drugs - Simple Possession	224	112	50.0	52	23.2	49	21.9	11	4.9
Firearms	7,876	2,181	27.7	3,753	47.7	1,703	21.6	239	3.0
Burglary/B&E	38	7	18.4	7	18.4	3	7.9	21	55.3
Auto Theft	60	18	30.0	13	21.7	28	46.7	1	1.7
Larceny	1,102	550	49.9	321	29.1	137	12.4	94	8.5
Fraud	7,283	3,388	46.5	2,196	30.2	1,232	16.9	467	6.4
Embezzlement	304	183	60.2	54	17.8	27	8.9	40	13.2
Forgery/Counterfeiting	852	353	41.4	377	44.2	93	10.9	29	3.4
Bribery	214	100	46.7	46	21.5	40	18.7	28	13.1
Tax	577	340	58.9	124	21.5	68	11.8	45	7.8
Money Laundering	789	291	36.9	118	15.0	339	43.0	41	5.2
Racketeering/Extortion	867	313	36.1	294	33.9	217	25.0	43	5.0
Gambling/Lottery	41	34	82.9	3	7.3	2	4.9	2	4.9
Civil Rights	51	30	58.8	11	21.6	7	13.7	3	5.9
Immigration	22,376	2,133	9.5	326	1.5	19,780	88.4	137	0.6
Child Pornography	1,948	1,704	87.5	62	3.2	161	8.3	21	1.1
Prison Offenses	380	90	23.7	150	39.5	115	30.3	25	6.6
Administration of Justice Offenses	1,234	585	47.4	283	22.9	261	21.2	105	8.5
Environmental/Wildlife	137	96	70.1	4	2.9	6	4.4	31	22.6
National Defense	103	29	28.2	5	4.9	55	53.4	14	13.6
Antitrust	15	3	20.0	0	0.0	2	13.3	10	66.7
Food & Drug	52	37	71.2	3	5.8	9	17.3	3	5.8
Other Miscellaneous Offenses	1,368	679	49.6	291	21.3	259	18.9	139	10.2

¹ Of the 81,882 cases, 7,609 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
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	78,842	68,918	87.4	9,924	12.6
Murder	61	49	80.3	12	19.7
Manslaughter	46	37	80.4	9	19.6
Kidnapping/Hostage Taking	44	40	90.9	4	9.1
Sexual Abuse	402	380	94.5	22	5.5
Assault	664	577	86.9	87	13.1
Robbery	832	753	90.5	79	9.5
Arson	47	42	89.4	5	10.6
Drugs - Trafficking	24,138	21,062	87.3	3,076	12.7
Drugs - Communication Facility	365	295	80.8	70	19.2
Drugs - Simple Possession	782	653	83.5	129	16.5
Firearms	7,913	7,630	96.4	283	3.6
Burglary/B&E	38	35	92.1	3	7.9
Auto Theft	61	56	91.8	5	8.2
Larceny	1,209	770	63.7	439	36.3
Fraud	8,167	5,654	69.2	2,513	30.8
Embezzlement	318	135	42.5	183	57.5
Forgery/Counterfeiting	860	639	74.3	221	25.7
Bribery	220	193	87.7	27	12.3
Tax	587	435	74.1	152	25.9
Money Laundering	799	606	75.8	193	24.2
Racketeering/Extortion	870	821	94.4	49	5.6
Gambling/Lottery	43	41	95.3	2	4.7
Civil Rights	52	49	94.2	3	5.8
Immigration	24,289	22,744	93.6	1,545	6.4
Child Pornography	1,952	1,933	99.0	19	1.0
Prison Offenses	414	373	90.1	41	9.9
Administration of Justice Offenses	1,275	1,042	81.7	233	18.3
Environmental/Wildlife	181	167	92.3	14	7.7
National Defense	104	93	89.4	11	10.6
Antitrust	18	18	100.0	0	0.0
Food & Drug	55	42	76.4	13	23.6
Other Miscellaneous Offenses	2,036	1,554	76.3	482	23.7

¹ Of the 81,882 cases, 3,040 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
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
Males	16,696	100.0	13,236	100.0	33,197	100.0	2,178	100.0
Under 21	375	2.2	345	2.6	1,259	3.8	83	3.8
21 - 25	1,661	9.9	2,057	15.5	5,115	15.4	370	17.0
26 - 30	2,365	14.2	2,661	20.1	6,673	20.1	389	17.9
31 - 35	2,571	15.4	2,740	20.7	6,763	20.4	331	15.2
36 - 40	2,197	13.2	2,116	16.0	5,569	16.8	301	13.8
41 - 50	3,983	23.9	2,231	16.9	5,806	17.5	399	18.3
Over 50	3,544	21.2	1,086	8.2	2,012	6.1	305	14.0
Females	3,666	100.0	1,875	100.0	2,884	100.0	522	100.0
Under 21	95	2.6	21	1.1	142	4.9	14	2.7
21 - 25	490	13.4	246	13.1	486	16.9	78	14.9
26 - 30	545	14.9	318	17.0	528	18.3	77	14.8
31 - 35	515	14.0	341	18.2	498	17.3	81	15.5
36 - 40	509	13.9	260	13.9	434	15.0	61	11.7
41 - 50	834	22.7	421	22.5	538	18.7	119	22.8
Over 50	678	18.5	268	14.3	258	8.9	92	17.6

¹ Of the 81,882 cases, 7,628 were excluded due to one or more of the following reasons: missing information on offender's race (7,609), missing information on offender's gender (3,040), or missing information on offender's age (217). Descriptions of variables used in this table are provided in Appendix A.

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	79,344	42,705	53.8	36,639	46.2
Murder	60	55	91.7	5	8.3
Manslaughter	46	46	100.0	0	0.0
Kidnapping/Hostage Taking	44	23	52.3	21	47.7
Sexual Abuse	402	376	93.5	26	6.5
Assault	626	560	89.5	66	10.5
Robbery	830	807	97.2	23	2.8
Arson	47	45	95.7	2	4.3
Drugs - Trafficking	24,067	16,581	68.9	7,486	31.1
Drugs - Communication Facility	364	299	82.1	65	17.9
Drugs - Simple Possession	805	282	35.0	523	65.0
Firearms	7,901	7,204	91.2	697	8.8
Burglary/B&E	38	38	100.0	0	0.0
Auto Theft	60	50	83.3	10	16.7
Larceny	1,126	1,057	93.9	69	6.1
Fraud	7,912	6,072	76.7	1,840	23.3
Embezzlement	305	295	96.7	10	3.3
Forgery/Counterfeiting	856	768	89.7	88	10.3
Bribery	216	191	88.4	25	11.6
Tax	584	533	91.3	51	8.7
Money Laundering	793	550	69.4	243	30.6
Racketeering/Extortion	869	722	83.1	147	16.9
Gambling/Lottery	41	39	95.1	2	4.9
Civil Rights	52	49	94.2	3	5.8
Immigration	25,880	1,240	4.8	24,640	95.2
Child Pornography	1,951	1,899	97.3	52	2.7
Prison Offenses	386	353	91.5	33	8.5
Administration of Justice Offenses	1,244	1,074	86.3	170	13.7
Environmental/Wildlife	149	137	91.9	12	8.1
National Defense	104	63	60.6	41	39.4
Antitrust	16	3	18.8	13	81.3
Food & Drug	52	47	90.4	5	9.6
Other Miscellaneous Offenses	1,518	1,247	82.1	271	17.9

¹ Of the 81,882 cases, 2,538 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
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)

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
TOTAL	81,882	379,490	81,880	80,721	59,970	21,816	81,824	75,095	6,782
D.C. CIRCUIT	348	1,710	348	346	322	26	348	346	2
District of Columbia	348	1,710	348	346	322	26	348	346	2
FIRST CIRCUIT	2,436	11,233	2,436	2,423	1,832	603	2,435	2,107	328
Maine	190	852	190	190	93	97	190	189	1
Massachusetts	506	2,193	506	505	177	329	506	499	6
New Hampshire	154	761	154	154	145	9	154	154	0
Puerto Rico	1,391	6,530	1,391	1,380	1,297	93	1,390	1,072	319
Rhode Island	195	897	195	194	120	75	195	193	2
SECOND CIRCUIT	4,071	19,288	4,071	4,055	3,170	896	4,067	3,925	146
Connecticut	439	2,162	439	434	416	23	439	434	5
New York									
Eastern	949	4,614	949	949	823	124	949	944	5
Northern	609	2,750	609	606	395	214	609	531	78
Southern	1,190	5,437	1,190	1,182	700	487	1,186	1,179	11
Western	659	3,225	659	659	631	28	659	617	42
Vermont	225	1,100	225	225	205	20	225	220	5
THIRD CIRCUIT	2,820	13,443	2,820	2,804	2,246	570	2,817	2,756	64
Delaware	92	449	92	91	82	10	92	92	0
New Jersey	846	4,138	846	838	773	70	846	835	11
Pennsylvania									
Eastern	809	3,810	809	804	588	221	807	802	7
Middle	500	2,428	500	500	432	68	500	496	4
Western	512	2,335	512	510	330	181	512	471	41
Virgin Islands	61	283	61	61	41	20	60	60	1
FOURTH CIRCUIT	6,404	29,280	6,402	6,275	4,583	1,814	6,399	5,621	783
Maryland	1,024	4,935	1,024	1,004	900	123	1,023	984	40
North Carolina									
Eastern	801	3,655	801	757	565	236	801	731	70
Middle	413	2,039	413	413	389	22	411	413	0
Western	431	2,002	431	431	279	151	431	430	1
South Carolina	913	4,242	913	910	596	316	913	910	3
Virginia									
Eastern	1,834	7,572	1,832	1,776	953	879	1,833	1,178	656
Western	364	1,774	364	363	322	42	363	362	2
West Virginia									
Northern	320	1,580	320	320	307	13	320	313	7
Southern	304	1,481	304	301	272	32	304	300	4

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	18,941	82,535	18,941	18,434	9,342	9,578	18,927	16,891	2,047
Louisiana									
Eastern	359	1,668	359	358	233	125	359	359	0
Middle	226	1,061	226	226	157	69	226	226	0
Western	427	1,985	427	388	356	69	427	387	40
Mississippi									
Northern	165	802	165	164	146	19	165	162	3
Southern	279	1,344	279	269	249	30	278	269	10
Texas									
Eastern	873	4,297	873	873	815	56	873	863	10
Northern	996	4,707	996	991	735	261	996	989	7
Southern	6,495	29,836	6,495	6,489	3,971	2,520	6,492	6,389	106
Western	9,121	36,835	9,121	8,676	2,680	6,429	9,111	7,247	1,871
SIXTH CIRCUIT	5,512	26,289	5,512	5,480	4,471	1,010	5,509	5,317	195
Kentucky									
Eastern	493	2,415	493	493	452	40	493	484	9
Western	402	1,820	402	402	307	95	402	307	95
Michigan									
Eastern	894	4,278	894	890	735	156	892	867	27
Western	459	2,110	459	458	290	168	458	445	14
Ohio									
Northern	896	4,244	896	895	665	231	896	892	4
Southern	622	3,068	622	619	591	31	622	614	8
Tennessee									
Eastern	856	4,118	856	852	710	146	856	844	12
Middle	321	1,510	321	303	261	34	321	304	17
Western	569	2,726	569	568	460	109	569	560	9
SEVENTH CIRCUIT	3,127	15,044	3,127	3,112	2,578	549	3,126	3,101	26
Illinois									
Central	413	1,896	413	413	249	164	413	408	5
Northern	833	4,021	833	829	695	138	832	832	1
Southern	409	1,896	409	409	267	142	409	402	7
Indiana									
Northern	404	1,968	404	393	367	37	404	400	4
Southern	424	2,080	424	424	385	39	424	423	1
Wisconsin									
Eastern	491	2,431	491	491	475	16	491	483	8
Western	153	752	153	153	140	13	153	153	0
EIGHTH CIRCUIT	4,817	23,091	4,817	4,793	3,886	929	4,811	4,784	33
Arkansas									
Eastern	393	1,857	393	392	296	97	391	385	8
Western	320	1,581	320	319	307	13	320	315	5
Iowa									
Northern	383	1,747	383	383	215	166	383	383	0
Southern	421	1,981	421	421	298	123	420	421	0
Minnesota	434	2,136	434	434	400	34	434	434	0
Missouri									
Eastern	772	3,843	772	771	759	13	770	771	1
Western	774	3,599	774	757	529	245	774	765	9
Nebraska	599	2,824	599	597	438	161	598	592	7
North Dakota	273	1,316	273	271	227	46	273	272	1
South Dakota	448	2,207	448	448	417	31	448	446	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
NINTH CIRCUIT	20,662	98,518	20,662	20,356	18,859	1,790	20,646	17,995	2,666
Alaska	204	960	204	203	154	50	204	195	9
Arizona	8,500	40,563	8,500	8,228	7,903	595	8,495	7,437	1,063
California									
Central	1,759	8,585	1,759	1,755	1,605	149	1,754	1,712	47
Eastern	1,018	4,895	1,018	1,017	829	189	1,018	1,013	5
Northern	743	3,544	743	738	631	111	741	691	51
Southern	5,239	24,682	5,239	5,236	5,008	229	5,237	3,962	1,277
Guam	57	274	57	57	47	10	57	56	1
Hawaii	231	1,025	231	231	108	123	231	224	7
Idaho	282	1,378	282	280	253	29	282	281	1
Montana	379	1,801	379	379	290	89	378	375	4
Nevada	601	2,880	601	600	480	120	601	598	3
Northern Mariana Islands	15	70	15	15	12	3	15	13	2
Oregon	630	3,033	630	614	618	12	629	542	88
Washington									
Eastern	299	1,444	299	299	257	40	299	290	9
Western	705	3,384	705	704	664	41	705	606	99
TENTH CIRCUIT	5,962	27,618	5,962	5,954	4,002	1,953	5,960	5,740	222
Colorado	558	2,733	558	557	532	26	558	528	30
Kansas	707	3,396	707	702	610	96	707	670	37
New Mexico	2,988	13,624	2,988	2,986	1,704	1,283	2,986	2,960	28
Oklahoma									
Eastern	89	396	89	89	40	49	89	89	0
Northern	203	935	203	203	123	80	203	203	0
Western	504	2,182	504	504	229	271	504	441	63
Utah	649	3,122	649	649	580	68	649	595	54
Wyoming	264	1,230	264	264	184	80	264	254	10
ELEVENTH CIRCUIT	6,782	31,441	6,782	6,689	4,679	2,098	6,779	6,512	270
Alabama									
Middle	204	990	204	204	175	29	204	203	1
Northern	427	1,979	427	418	311	116	427	396	31
Southern	442	2,148	442	442	380	62	442	442	0
Florida									
Middle	1,648	7,594	1,648	1,645	1,009	639	1,647	1,645	3
Northern	348	1,624	348	345	248	100	346	337	11
Southern	2,115	9,827	2,115	2,061	1,472	640	2,115	2,064	51
Georgia									
Middle	434	1,933	434	432	244	190	434	389	45
Northern	648	3,072	648	627	525	121	648	624	24
Southern	516	2,274	516	515	315	201	516	412	104

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.

Table 28

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM
BY EACH CIRCUIT AND DISTRICT
4th Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through September 30, 2012)**

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
TOTAL	81,882	76,583	93.5	4,161	5.1	1,138	1.4
D.C. CIRCUIT	348	348	100.0	0	0.0	0	0.0
District of Columbia	348	348	100.0	0	0.0	0	0.0
FIRST CIRCUIT	2,436	2,422	99.4	1	0.0	13	0.5
Maine	190	190	100.0	0	0.0	0	0.0
Massachusetts	506	505	99.8	0	0.0	1	0.2
New Hampshire	154	154	100.0	0	0.0	0	0.0
Puerto Rico	1,391	1,379	99.1	1	0.1	11	0.8
Rhode Island	195	194	99.5	0	0.0	1	0.5
SECOND CIRCUIT	4,071	4,006	98.4	49	1.2	16	0.4
Connecticut	439	432	98.4	2	0.5	5	1.1
New York							
Eastern	949	905	95.4	44	4.6	0	0.0
Northern	609	606	99.5	0	0.0	3	0.5
Southern	1,190	1,181	99.2	1	0.1	8	0.7
Western	659	659	100.0	0	0.0	0	0.0
Vermont	225	223	99.1	2	0.9	0	0.0
THIRD CIRCUIT	2,820	2,800	99.3	4	0.1	16	0.6
Delaware	92	91	98.9	0	0.0	1	1.1
New Jersey	846	838	99.1	0	0.0	8	0.9
Pennsylvania							
Eastern	809	803	99.3	1	0.1	5	0.6
Middle	500	500	100.0	0	0.0	0	0.0
Western	512	508	99.2	2	0.4	2	0.4
Virgin Islands	61	60	98.4	1	1.6	0	0.0
FOURTH CIRCUIT	6,404	6,205	96.9	77	1.2	122	1.9
Maryland	1,024	1,007	98.3	3	0.3	14	1.4
North Carolina							
Eastern	801	757	94.5	0	0.0	44	5.5
Middle	413	413	100.0	0	0.0	0	0.0
Western	431	431	100.0	0	0.0	0	0.0
South Carolina	913	911	99.8	0	0.0	2	0.2
Virginia							
Eastern	1,834	1,702	92.8	74	4.0	58	3.2
Western	364	363	99.7	0	0.0	1	0.3
West Virginia							
Northern	320	320	100.0	0	0.0	0	0.0
Southern	304	301	99.0	0	0.0	3	1.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
FIFTH CIRCUIT	18,941	15,445	81.5	2,990	15.8	506	2.7
Louisiana							
Eastern	359	358	99.7	0	0.0	1	0.3
Middle	226	226	100.0	0	0.0	0	0.0
Western	427	322	75.4	66	15.5	39	9.1
Mississippi							
Northern	165	164	99.4	0	0.0	1	0.6
Southern	279	269	96.4	0	0.0	10	3.6
Texas							
Eastern	873	871	99.8	2	0.2	0	0.0
Northern	996	991	99.5	0	0.0	5	0.5
Southern	6,495	6,489	99.9	1	0.0	5	0.1
Western	9,121	5,755	63.1	2,921	32.0	445	4.9
SIXTH CIRCUIT	5,512	5,288	95.9	193	3.5	31	0.6
Kentucky							
Eastern	493	491	99.6	2	0.4	0	0.0
Western	402	402	100.0	0	0.0	0	0.0
Michigan							
Eastern	894	891	99.7	0	0.0	3	0.3
Western	459	458	99.8	0	0.0	1	0.2
Ohio							
Northern	896	895	99.9	0	0.0	1	0.1
Southern	622	564	90.7	55	8.8	3	0.5
Tennessee							
Eastern	856	852	99.5	0	0.0	4	0.5
Middle	321	219	68.2	84	26.2	18	5.6
Western	569	516	90.7	52	9.1	1	0.2
SEVENTH CIRCUIT	3,127	2,975	95.1	137	4.4	15	0.5
Illinois							
Central	413	413	100.0	0	0.0	0	0.0
Northern	833	829	99.5	0	0.0	4	0.5
Southern	409	409	100.0	0	0.0	0	0.0
Indiana							
Northern	404	391	96.8	2	0.5	11	2.7
Southern	424	424	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	491	356	72.5	135	27.5	0	0.0
Western	153	153	100.0	0	0.0	0	0.0
EIGHTH CIRCUIT	4,817	4,786	99.4	7	0.1	24	0.5
Arkansas							
Eastern	393	392	99.7	0	0.0	1	0.3
Western	320	319	99.7	0	0.0	1	0.3
Iowa							
Northern	383	383	100.0	0	0.0	0	0.0
Southern	421	421	100.0	0	0.0	0	0.0
Minnesota	434	427	98.4	7	1.6	0	0.0
Missouri							
Eastern	772	771	99.9	0	0.0	1	0.1
Western	774	757	97.8	0	0.0	17	2.2
Nebraska	599	597	99.7	0	0.0	2	0.3
North Dakota	273	271	99.3	0	0.0	2	0.7
South Dakota	448	448	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	20,662	19,740	95.5	624	3.0	298	1.4
Alaska	204	203	99.5	0	0.0	1	0.5
Arizona	8,500	8,227	96.8	6	0.1	267	3.1
California							
Central	1,759	1,757	99.9	0	0.0	2	0.1
Eastern	1,018	1,017	99.9	0	0.0	1	0.1
Northern	743	739	99.5	0	0.0	4	0.5
Southern	5,239	5,235	99.9	1	0.0	3	0.1
Guam	57	57	100.0	0	0.0	0	0.0
Hawaii	231	224	97.0	7	3.0	0	0.0
Idaho	282	280	99.3	0	0.0	2	0.7
Montana	379	379	100.0	0	0.0	0	0.0
Nevada	601	600	99.8	0	0.0	1	0.2
Northern Mariana Islands	15	15	100.0	0	0.0	0	0.0
Oregon	630	5	0.8	609	96.7	16	2.5
Washington							
Eastern	299	299	100.0	0	0.0	0	0.0
Western	705	703	99.7	1	0.1	1	0.1
TENTH CIRCUIT	5,962	5,905	99.0	49	0.8	8	0.1
Colorado	558	556	99.6	1	0.2	1	0.2
Kansas	707	699	98.9	3	0.4	5	0.7
New Mexico	2,988	2,986	99.9	0	0.0	2	0.1
Oklahoma							
Eastern	89	89	100.0	0	0.0	0	0.0
Northern	203	203	100.0	0	0.0	0	0.0
Western	504	504	100.0	0	0.0	0	0.0
Utah	649	604	93.1	45	6.9	0	0.0
Wyoming	264	264	100.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	6,782	6,663	98.2	30	0.4	89	1.3
Alabama							
Middle	204	204	100.0	0	0.0	0	0.0
Northern	427	418	97.9	0	0.0	9	2.1
Southern	442	440	99.5	2	0.5	0	0.0
Florida							
Middle	1,648	1,647	99.9	0	0.0	1	0.1
Northern	348	345	99.1	0	0.0	3	0.9
Southern	2,115	2,060	97.4	2	0.1	53	2.5
Georgia							
Middle	434	433	99.8	0	0.0	1	0.2
Northern	648	601	92.7	26	4.0	21	3.2
Southern	516	515	99.8	0	0.0	1	0.2

¹ Cases included in this category are those in which the court submitted Form AO 245B (Revision 06/05, 09/08, or 09/11) 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); an 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.

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.

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.

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