

U.S. Sentencing Commission
Preliminary Quarterly Data Report



**3rd Quarter Release
Preliminary Fiscal Year 2007 Data
Through June 30, 2007**

Introduction

As part of its ongoing mission, the United States Sentencing Commission (USSC) 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 In past years, data has been reported on an annual basis in the Commission's *Sourcebook* and *Annual Report*.² After the Supreme Court's decision in *U.S. 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 the 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* in prior years 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

¹In 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).

²See the Commission's website, www.ussc.gov, for electronic copies of the 1995-2006 Sourcebook and Annual Report.

³See 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.

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

quarterly data can 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 this initial release for the first quarter of fiscal year 2007 may change as the Commission receives and analyzes documents during the remaining quarters for additional cases sentenced during the first quarter.⁶ Any subsequent changes in the quarterly data for the first 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 *Sourcebook* and *Annual Report*.**

⁵The 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.

⁶The 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 U.S. 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**
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

	N	%
TOTAL CASES	48,376	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	29,595	61.2
CASES SENTENCED ABOVE GUIDELINE RANGE	757	1.6
DEPARTURE ABOVE GUIDELINE RANGE	331	0.7
Upward Departure From Guideline Range ²	226	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	105	0.2
OTHERWISE ABOVE GUIDELINE RANGE	426	0.9
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	377	0.8
All Remaining Cases Above Guideline Range ⁵	49	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	12,188	25.2
§5K1.1 Substantial Assistance Departure	7,090	14.7
§5K3.1 Early Disposition Program Departure	3,354	6.9
Other Government Sponsored Below Range	1,744	3.6
NON-GOVERNMENT SPONSORED BELOW RANGE	5,836	12.1
DEPARTURE BELOW GUIDELINE RANGE	1,960	4.1
Downward Departure From Guideline Range ²	1,258	2.6
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	702	1.5
OTHERWISE BELOW GUIDELINE RANGE	3,876	8.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	3,402	7.0
All Remaining Cases Below Guideline Range ⁵	474	1.0

¹This table reflects the 49,518 cases sentenced subsequent to October 1, 2006, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by August 24, 2007. Of these, 1,142 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.

²All cases with departures in which the court did not indicate as a reason either *U.S. 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*.

³All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

⁴All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

⁵All 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.

⁶Cases 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through June 30, 2007).

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

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	48,376	29,595	61.2	226	0.5	105	0.2	377	0.8	49	0.1
D.C. CIRCUIT	360	149	41.4	0	0.0	1	0.3	0	0.0	1	0.3
District of Columbia	360	149	41.4	0	0.0	1	0.3	0	0.0	1	0.3
FIRST CIRCUIT	1,382	951	68.8	6	0.4	2	0.1	4	0.3	3	0.2
Maine	141	94	66.7	1	0.7	0	0.0	0	0.0	0	0.0
Massachusetts	439	237	54.0	1	0.2	0	0.0	2	0.5	2	0.5
New Hampshire	172	99	57.6	3	1.7	0	0.0	0	0.0	0	0.0
Puerto Rico	523	453	86.6	0	0.0	1	0.2	1	0.2	1	0.2
Rhode Island	107	68	63.6	1	0.9	1	0.9	1	0.9	0	0.0
SECOND CIRCUIT	3,080	1,591	51.7	5	0.2	4	0.1	9	0.3	0	0.0
Connecticut	273	130	47.6	1	0.4	1	0.4	0	0.0	0	0.0
New York											
Eastern	759	314	41.4	1	0.1	3	0.4	4	0.5	0	0.0
Northern	296	158	53.4	0	0.0	0	0.0	2	0.7	0	0.0
Southern	1,088	597	54.9	1	0.1	0	0.0	3	0.3	0	0.0
Western	550	331	60.2	2	0.4	0	0.0	0	0.0	0	0.0
Vermont	114	61	53.5	0	0.0	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	2,146	1,129	52.6	2	0.1	3	0.1	19	0.9	1	0.0
Delaware	51	31	60.8	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	656	352	53.7	0	0.0	0	0.0	2	0.3	0	0.0
Pennsylvania											
Eastern	562	233	41.5	1	0.2	3	0.5	7	1.2	1	0.2
Middle	437	203	46.5	1	0.2	0	0.0	2	0.5	0	0.0
Western	373	260	69.7	0	0.0	0	0.0	5	1.3	0	0.0
Virgin Islands	67	50	74.6	0	0.0	0	0.0	3	4.5	0	0.0
FOURTH CIRCUIT	4,173	3,016	72.3	22	0.5	7	0.2	23	0.6	2	0.0
Maryland	451	231	51.2	1	0.2	2	0.4	0	0.0	1	0.2
North Carolina											
Eastern	328	208	63.4	5	1.5	1	0.3	6	1.8	0	0.0
Middle	307	238	77.5	1	0.3	0	0.0	0	0.0	0	0.0
Western	516	362	70.2	1	0.2	0	0.0	3	0.6	0	0.0
South Carolina	829	638	77.0	2	0.2	1	0.1	2	0.2	0	0.0
Virginia											
Eastern	883	694	78.6	3	0.3	1	0.1	8	0.9	0	0.0
Western	458	311	67.9	4	0.9	1	0.2	2	0.4	1	0.2
West Virginia											
Northern	214	172	80.4	3	1.4	0	0.0	2	0.9	0	0.0
Southern	187	162	86.6	2	1.1	1	0.5	0	0.0	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	7,090	14.7	3,354	6.9	1,744	3.6	1,258	2.6	702	1.5	3,402	7.0	474	1.0
D.C. CIRCUIT	122	33.9	0	0.0	31	8.6	5	1.4	16	4.4	29	8.1	6	1.7
District of Columbia	122	33.9	0	0.0	31	8.6	5	1.4	16	4.4	29	8.1	6	1.7
FIRST CIRCUIT	144	10.4	0	0.0	37	2.7	73	5.3	21	1.5	130	9.4	11	0.8
Maine	25	17.7	0	0.0	0	0.0	6	4.3	2	1.4	12	8.5	1	0.7
Massachusetts	52	11.8	0	0.0	17	3.9	36	8.2	11	2.5	76	17.3	5	1.1
New Hampshire	40	23.3	0	0.0	10	5.8	12	7.0	1	0.6	5	2.9	2	1.2
Puerto Rico	22	4.2	0	0.0	8	1.5	13	2.5	5	1.0	16	3.1	3	0.6
Rhode Island	5	4.7	0	0.0	2	1.9	6	5.6	2	1.9	21	19.6	0	0.0
SECOND CIRCUIT	652	21.2	2	0.1	69	2.2	167	5.4	131	4.3	403	13.1	47	1.5
Connecticut	45	16.5	0	0.0	4	1.5	35	12.8	19	7.0	37	13.6	1	0.4
New York														
Eastern	184	24.2	2	0.3	26	3.4	50	6.6	61	8.0	94	12.4	20	2.6
Northern	85	28.7	0	0.0	5	1.7	27	9.1	8	2.7	11	3.7	0	0.0
Southern	157	14.4	0	0.0	21	1.9	38	3.5	36	3.3	218	20.0	17	1.6
Western	157	28.5	0	0.0	12	2.2	3	0.5	0	0.0	36	6.5	9	1.6
Vermont	24	21.1	0	0.0	1	0.9	14	12.3	7	6.1	7	6.1	0	0.0
THIRD CIRCUIT	572	26.7	0	0.0	39	1.8	54	2.5	49	2.3	245	11.4	33	1.5
Delaware	6	11.8	0	0.0	2	3.9	0	0.0	0	0.0	12	23.5	0	0.0
New Jersey	183	27.9	0	0.0	5	0.8	20	3.0	6	0.9	79	12.0	9	1.4
Pennsylvania														
Eastern	179	31.9	0	0.0	10	1.8	8	1.4	19	3.4	87	15.5	14	2.5
Middle	151	34.6	0	0.0	18	4.1	7	1.6	6	1.4	43	9.8	6	1.4
Western	50	13.4	0	0.0	3	0.8	19	5.1	14	3.8	21	5.6	1	0.3
Virgin Islands	3	4.5	0	0.0	1	1.5	0	0.0	4	6.0	3	4.5	3	4.5
FOURTH CIRCUIT	699	16.8	1	0.0	39	0.9	66	1.6	67	1.6	201	4.8	30	0.7
Maryland	123	27.3	0	0.0	9	2.0	17	3.8	19	4.2	40	8.9	8	1.8
North Carolina														
Eastern	87	26.5	0	0.0	0	0.0	1	0.3	4	1.2	10	3.0	6	1.8
Middle	50	16.3	0	0.0	1	0.3	1	0.3	1	0.3	15	4.9	0	0.0
Western	121	23.4	0	0.0	6	1.2	2	0.4	3	0.6	14	2.7	4	0.8
South Carolina	126	15.2	0	0.0	10	1.2	12	1.4	1	0.1	33	4.0	4	0.5
Virginia														
Eastern	52	5.9	1	0.1	6	0.7	20	2.3	35	4.0	55	6.2	8	0.9
Western	107	23.4	0	0.0	6	1.3	7	1.5	1	0.2	18	3.9	0	0.0
West Virginia														
Northern	18	8.4	0	0.0	1	0.5	5	2.3	2	0.9	11	5.1	0	0.0
Southern	15	8.0	0	0.0	0	0.0	1	0.5	1	0.5	5	2.7	0	0.0

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	10,579	7,634	72.2	55	0.5	38	0.4	132	1.2	14	0.1
Louisiana											
Eastern	288	214	74.3	3	1.0	5	1.7	6	2.1	0	0.0
Middle	113	82	72.6	2	1.8	1	0.9	1	0.9	0	0.0
Western	356	277	77.8	2	0.6	2	0.6	5	1.4	0	0.0
Mississippi											
Northern	134	62	46.3	1	0.7	0	0.0	3	2.2	0	0.0
Southern	299	235	78.6	3	1.0	0	0.0	4	1.3	3	1.0
Texas											
Eastern	793	644	81.2	1	0.1	0	0.0	0	0.0	1	0.1
Northern	775	567	73.2	7	0.9	13	1.7	45	5.8	1	0.1
Southern	3,972	2,461	62.0	20	0.5	2	0.1	20	0.5	3	0.1
Western	3,849	3,092	80.3	16	0.4	15	0.4	48	1.2	6	0.2
SIXTH CIRCUIT	3,676	2,065	56.2	13	0.4	8	0.2	23	0.6	3	0.1
Kentucky											
Eastern	412	218	52.9	2	0.5	2	0.5	2	0.5	0	0.0
Western	305	232	76.1	0	0.0	0	0.0	1	0.3	0	0.0
Michigan											
Eastern	544	306	56.3	0	0.0	1	0.2	1	0.2	2	0.4
Western	341	191	56.0	5	1.5	1	0.3	6	1.8	0	0.0
Ohio											
Northern	657	355	54.0	1	0.2	1	0.2	5	0.8	0	0.0
Southern	420	166	39.5	0	0.0	2	0.5	0	0.0	0	0.0
Tennessee											
Eastern	413	284	68.8	0	0.0	1	0.2	5	1.2	0	0.0
Middle	201	117	58.2	0	0.0	0	0.0	1	0.5	0	0.0
Western	383	196	51.2	5	1.3	0	0.0	2	0.5	1	0.3
SEVENTH CIRCUIT	2,080	1,244	59.8	6	0.3	4	0.2	14	0.7	2	0.1
Illinois											
Central	283	156	55.1	0	0.0	0	0.0	3	1.1	0	0.0
Northern	511	248	48.5	3	0.6	0	0.0	3	0.6	2	0.4
Southern	251	206	82.1	1	0.4	4	1.6	2	0.8	0	0.0
Indiana											
Northern	337	231	68.5	0	0.0	0	0.0	2	0.6	0	0.0
Southern	225	120	53.3	1	0.4	0	0.0	3	1.3	0	0.0
Wisconsin											
Eastern	323	153	47.4	0	0.0	0	0.0	0	0.0	0	0.0
Western	150	130	86.7	1	0.7	0	0.0	1	0.7	0	0.0
EIGHTH CIRCUIT	3,626	2,470	68.1	28	0.8	8	0.2	20	0.6	2	0.1
Arkansas											
Eastern	213	128	60.1	0	0.0	0	0.0	0	0.0	0	0.0
Western	139	105	75.5	0	0.0	0	0.0	1	0.7	0	0.0
Iowa											
Northern	360	251	69.7	11	3.1	0	0.0	5	1.4	0	0.0
Southern	222	137	61.7	4	1.8	1	0.5	0	0.0	0	0.0
Minnesota	408	208	51.0	1	0.2	1	0.2	0	0.0	0	0.0
Missouri											
Eastern	718	507	70.6	1	0.1	2	0.3	1	0.1	0	0.0
Western	592	436	73.6	0	0.0	2	0.3	1	0.2	0	0.0
Nebraska	516	376	72.9	6	1.2	0	0.0	6	1.2	1	0.2
North Dakota	134	74	55.2	1	0.7	0	0.0	0	0.0	0	0.0
South Dakota	324	248	76.5	4	1.2	2	0.6	6	1.9	1	0.3

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	901	8.5	659	6.2	442	4.2	265	2.5	31	0.3	356	3.4	52	0.5
Louisiana														
Eastern	32	11.1	0	0.0	11	3.8	3	1.0	5	1.7	6	2.1	3	1.0
Middle	21	18.6	0	0.0	0	0.0	3	2.7	1	0.9	2	1.8	0	0.0
Western	52	14.6	0	0.0	0	0.0	2	0.6	1	0.3	11	3.1	4	1.1
Mississippi														
Northern	49	36.6	0	0.0	15	11.2	0	0.0	0	0.0	3	2.2	1	0.7
Southern	26	8.7	1	0.3	1	0.3	4	1.3	0	0.0	13	4.3	9	3.0
Texas														
Eastern	76	9.6	0	0.0	26	3.3	26	3.3	4	0.5	11	1.4	4	0.5
Northern	87	11.2	1	0.1	13	1.7	11	1.4	3	0.4	24	3.1	3	0.4
Southern	276	6.9	562	14.1	334	8.4	148	3.7	6	0.2	136	3.4	4	0.1
Western	282	7.3	95	2.5	42	1.1	68	1.8	11	0.3	150	3.9	24	0.6
SIXTH CIRCUIT	946	25.7	2	0.1	87	2.4	73	2.0	63	1.7	349	9.5	44	1.2
Kentucky														
Eastern	141	34.2	0	0.0	1	0.2	2	0.5	2	0.5	37	9.0	5	1.2
Western	31	10.2	0	0.0	18	5.9	2	0.7	2	0.7	16	5.2	3	1.0
Michigan														
Eastern	134	24.6	0	0.0	6	1.1	19	3.5	12	2.2	56	10.3	7	1.3
Western	63	18.5	0	0.0	5	1.5	8	2.3	3	0.9	55	16.1	4	1.2
Ohio														
Northern	170	25.9	0	0.0	19	2.9	16	2.4	10	1.5	68	10.4	12	1.8
Southern	163	38.8	2	0.5	12	2.9	14	3.3	18	4.3	40	9.5	3	0.7
Tennessee														
Eastern	99	24.0	0	0.0	1	0.2	2	0.5	1	0.2	16	3.9	4	1.0
Middle	45	22.4	0	0.0	5	2.5	5	2.5	3	1.5	21	10.4	4	2.0
Western	100	26.1	0	0.0	20	5.2	5	1.3	12	3.1	40	10.4	2	0.5
SEVENTH CIRCUIT	391	18.8	0	0.0	47	2.3	53	2.5	42	2.0	228	11.0	49	2.4
Illinois														
Central	59	20.8	0	0.0	10	3.5	5	1.8	8	2.8	39	13.8	3	1.1
Northern	118	23.1	0	0.0	12	2.3	31	6.1	23	4.5	47	9.2	24	4.7
Southern	13	5.2	0	0.0	2	0.8	4	1.6	3	1.2	12	4.8	4	1.6
Indiana														
Northern	78	23.1	0	0.0	4	1.2	1	0.3	0	0.0	15	4.5	6	1.8
Southern	51	22.7	0	0.0	7	3.1	6	2.7	2	0.9	35	15.6	0	0.0
Wisconsin														
Eastern	66	20.4	0	0.0	12	3.7	5	1.5	4	1.2	71	22.0	12	3.7
Western	6	4.0	0	0.0	0	0.0	1	0.7	2	1.3	9	6.0	0	0.0
EIGHTH CIRCUIT	525	14.5	24	0.7	96	2.6	99	2.7	55	1.5	268	7.4	31	0.9
Arkansas														
Eastern	57	26.8	0	0.0	6	2.8	5	2.3	1	0.5	15	7.0	1	0.5
Western	20	14.4	0	0.0	2	1.4	3	2.2	0	0.0	8	5.8	0	0.0
Iowa														
Northern	56	15.6	0	0.0	6	1.7	3	0.8	2	0.6	26	7.2	0	0.0
Southern	36	16.2	0	0.0	5	2.3	5	2.3	3	1.4	31	14.0	0	0.0
Minnesota	101	24.8	0	0.0	11	2.7	17	4.2	22	5.4	44	10.8	3	0.7
Missouri														
Eastern	106	14.8	0	0.0	17	2.4	19	2.6	10	1.4	49	6.8	6	0.8
Western	80	13.5	0	0.0	10	1.7	9	1.5	9	1.5	31	5.2	14	2.4
Nebraska	19	3.7	21	4.1	26	5.0	24	4.7	2	0.4	33	6.4	2	0.4
North Dakota	41	30.6	3	2.2	4	3.0	3	2.2	0	0.0	4	3.0	4	3.0
South Dakota	9	2.8	0	0.0	9	2.8	11	3.4	6	1.9	27	8.3	1	0.3

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	8,607	3,801	44.2	65	0.8	19	0.2	42	0.5	7	0.1
Alaska	69	47	68.1	0	0.0	1	1.4	0	0.0	0	0.0
Arizona	2,650	831	31.4	44	1.7	9	0.3	5	0.2	0	0.0
California											
Central	818	441	53.9	2	0.2	1	0.1	2	0.2	0	0.0
Eastern	711	374	52.6	1	0.1	3	0.4	2	0.3	0	0.0
Northern	438	229	52.3	2	0.5	1	0.2	3	0.7	1	0.2
Southern	1,552	607	39.1	1	0.1	0	0.0	5	0.3	1	0.1
Guam	25	6	24.0	1	4.0	0	0.0	0	0.0	0	0.0
Hawaii	252	116	46.0	0	0.0	1	0.4	3	1.2	0	0.0
Idaho	172	81	47.1	0	0.0	0	0.0	2	1.2	0	0.0
Montana	266	203	76.3	3	1.1	1	0.4	5	1.9	1	0.4
Nevada	503	347	69.0	1	0.2	1	0.2	3	0.6	2	0.4
Northern Mariana Islands	11	7	63.6	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	361	188	52.1	3	0.8	1	0.3	2	0.6	2	0.6
Washington											
Eastern	260	104	40.0	0	0.0	0	0.0	5	1.9	0	0.0
Western	519	220	42.4	7	1.3	0	0.0	5	1.0	0	0.0
TENTH CIRCUIT	3,786	2,258	59.6	11	0.3	1	0.0	42	1.1	9	0.2
Colorado	390	228	58.5	0	0.0	0	0.0	3	0.8	2	0.5
Kansas	498	292	58.6	1	0.2	0	0.0	27	5.4	0	0.0
New Mexico	1,726	994	57.6	1	0.1	0	0.0	1	0.1	2	0.1
Oklahoma											
Eastern	71	56	78.9	1	1.4	0	0.0	0	0.0	0	0.0
Northern	159	130	81.8	1	0.6	0	0.0	1	0.6	0	0.0
Western	219	154	70.3	3	1.4	0	0.0	5	2.3	0	0.0
Utah	462	230	49.8	4	0.9	1	0.2	4	0.9	4	0.9
Wyoming	261	174	66.7	0	0.0	0	0.0	1	0.4	1	0.4
ELEVENTH CIRCUIT	4,881	3,287	67.3	13	0.3	10	0.2	49	1.0	5	0.1
Alabama											
Middle	187	96	51.3	1	0.5	0	0.0	4	2.1	0	0.0
Northern	395	261	66.1	0	0.0	0	0.0	3	0.8	1	0.3
Southern	178	112	62.9	0	0.0	1	0.6	0	0.0	0	0.0
Florida											
Middle	1,194	703	58.9	2	0.2	1	0.1	4	0.3	0	0.0
Northern	301	203	67.4	2	0.7	3	1.0	1	0.3	0	0.0
Southern	1,546	1,112	71.9	2	0.1	4	0.3	10	0.6	1	0.1
Georgia											
Middle	286	205	71.7	2	0.7	0	0.0	5	1.7	0	0.0
Northern	409	276	67.5	1	0.2	1	0.2	4	1.0	3	0.7
Southern	385	319	82.9	3	0.8	0	0.0	18	4.7	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	%
NINTH CIRCUIT	891	10.4	2,317	26.9	480	5.6	200	2.3	125	1.5	555	6.4	105	1.2
Alaska	3	4.3	0	0.0	5	7.2	3	4.3	2	2.9	8	11.6	0	0.0
Arizona	146	5.5	1,381	52.1	79	3.0	39	1.5	30	1.1	62	2.3	24	0.9
California														
Central	131	16.0	38	4.6	64	7.8	21	2.6	24	2.9	73	8.9	21	2.6
Eastern	94	13.2	107	15.0	37	5.2	17	2.4	7	1.0	59	8.3	10	1.4
Northern	64	14.6	20	4.6	39	8.9	10	2.3	13	3.0	48	11.0	8	1.8
Southern	72	4.6	657	42.3	68	4.4	58	3.7	12	0.8	48	3.1	23	1.5
Guam	9	36.0	0	0.0	0	0.0	0	0.0	0	0.0	9	36.0	0	0.0
Hawaii	86	34.1	0	0.0	4	1.6	2	0.8	2	0.8	36	14.3	2	0.8
Idaho	43	25.0	19	11.0	3	1.7	1	0.6	4	2.3	16	9.3	3	1.7
Montana	34	12.8	0	0.0	0	0.0	2	0.8	0	0.0	17	6.4	0	0.0
Nevada	50	9.9	0	0.0	39	7.8	8	1.6	5	1.0	42	8.3	5	1.0
Northern Mariana Islands	1	9.1	0	0.0	2	18.2	0	0.0	0	0.0	1	9.1	0	0.0
Oregon	51	14.1	10	2.8	31	8.6	17	4.7	3	0.8	46	12.7	7	1.9
Washington														
Eastern	25	9.6	68	26.2	21	8.1	4	1.5	1	0.4	32	12.3	0	0.0
Western	82	15.8	17	3.3	88	17.0	18	3.5	22	4.2	58	11.2	2	0.4
TENTH CIRCUIT	366	9.7	325	8.6	338	8.9	127	3.4	46	1.2	231	6.1	32	0.8
Colorado	103	26.4	0	0.0	12	3.1	18	4.6	3	0.8	16	4.1	5	1.3
Kansas	94	18.9	0	0.0	44	8.8	2	0.4	0	0.0	36	7.2	2	0.4
New Mexico	49	2.8	223	12.9	248	14.4	70	4.1	22	1.3	103	6.0	13	0.8
Oklahoma														
Eastern	9	12.7	0	0.0	1	1.4	0	0.0	0	0.0	4	5.6	0	0.0
Northern	20	12.6	0	0.0	3	1.9	0	0.0	0	0.0	4	2.5	0	0.0
Western	18	8.2	0	0.0	1	0.5	3	1.4	0	0.0	31	14.2	4	1.8
Utah	43	9.3	102	22.1	19	4.1	17	3.7	13	2.8	19	4.1	6	1.3
Wyoming	30	11.5	0	0.0	10	3.8	17	6.5	8	3.1	18	6.9	2	0.8
ELEVENTH CIRCUIT	881	18.0	24	0.5	39	0.8	76	1.6	56	1.1	407	8.3	34	0.7
Alabama														
Middle	69	36.9	0	0.0	3	1.6	1	0.5	0	0.0	13	7.0	0	0.0
Northern	93	23.5	0	0.0	4	1.0	5	1.3	0	0.0	28	7.1	0	0.0
Southern	44	24.7	0	0.0	1	0.6	0	0.0	1	0.6	19	10.7	0	0.0
Florida														
Middle	290	24.3	24	2.0	10	0.8	25	2.1	16	1.3	109	9.1	10	0.8
Northern	68	22.6	0	0.0	0	0.0	2	0.7	5	1.7	16	5.3	1	0.3
Southern	174	11.3	0	0.0	11	0.7	18	1.2	22	1.4	170	11.0	22	1.4
Georgia														
Middle	57	19.9	0	0.0	2	0.7	4	1.4	1	0.3	10	3.5	0	0.0
Northern	54	13.2	0	0.0	7	1.7	17	4.2	11	2.7	34	8.3	1	0.2
Southern	32	8.3	0	0.0	1	0.3	4	1.0	0	0.0	8	2.1	0	0.0

¹Of the 49,518 cases, 1,142 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Districts missing this information in five percent or more of the cases received included: Middle Georgia (25.3%), Western Oklahoma (22.9%), Central California (22.2%), Eastern Virginia (18.9%), Middle Tennessee (11.1%), Western Washington (9.6%), Alaska (9.2%), Western Kentucky (5.6%), and Northern Alabama (5.0%). Descriptions of variables used in this table are provided in Appendix A.

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**

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	48,168	29,488	61.2	226	0.5	105	0.2	373	0.8	49	0.1
Murder	58	41	70.7	1	1.7	0	0.0	1	1.7	0	0.0
Manslaughter	49	26	53.1	2	4.1	4	8.2	4	8.2	0	0.0
Kidnapping/Hostage Taking	35	13	37.1	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	177	123	69.5	2	1.1	3	1.7	6	3.4	0	0.0
Assault	350	245	70.0	7	2.0	1	0.3	6	1.7	1	0.3
Robbery	807	537	66.5	4	0.5	5	0.6	9	1.1	1	0.1
Arson	55	27	49.1	1	1.8	1	1.8	4	7.3	0	0.0
Drugs - Trafficking	17,191	9,406	54.7	26	0.2	10	0.1	26	0.2	9	0.1
Drugs - Communication Facility	255	157	61.6	2	0.8	0	0.0	0	0.0	0	0.0
Drugs - Simple Possession	338	309	91.4	3	0.9	1	0.3	7	2.1	1	0.3
Firearms	5,839	4,093	70.1	27	0.5	20	0.3	42	0.7	7	0.1
Burglary/B&E	34	23	67.6	0	0.0	0	0.0	1	2.9	0	0.0
Auto Theft	40	29	72.5	0	0.0	1	2.5	1	2.5	0	0.0
Larceny	1,077	840	78.0	6	0.6	1	0.1	7	0.6	4	0.4
Fraud	4,997	3,226	64.6	27	0.5	19	0.4	62	1.2	8	0.2
Embezzlement	314	228	72.6	0	0.0	0	0.0	1	0.3	0	0.0
Forgery/Counterfeiting	751	548	73.0	8	1.1	2	0.3	7	0.9	1	0.1
Bribery	152	73	48.0	0	0.0	0	0.0	2	1.3	0	0.0
Tax	404	198	49.0	0	0.0	0	0.0	1	0.2	2	0.5
Money Laundering	607	289	47.6	4	0.7	1	0.2	2	0.3	0	0.0
Racketeering/Extortion	439	237	54.0	2	0.5	2	0.5	3	0.7	1	0.2
Gambling/Lottery	66	40	60.6	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	42	24	57.1	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	11,231	6,839	60.9	83	0.7	20	0.2	146	1.3	9	0.1
Pornography/Prostitution	1,047	687	65.6	7	0.7	5	0.5	17	1.6	2	0.2
Prison Offenses	224	168	75.0	2	0.9	0	0.0	1	0.4	2	0.9
Administration of Justice Offenses	661	410	62.0	5	0.8	6	0.9	13	2.0	1	0.2
Environmental/Wildlife	101	57	56.4	0	0.0	1	1.0	0	0.0	0	0.0
National Defense	16	5	31.3	0	0.0	0	0.0	0	0.0	0	0.0
Antitrust	13	2	15.4	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	39	29	74.4	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	759	559	73.6	7	0.9	2	0.3	4	0.5	0	0.0

Table 3 (cont.)

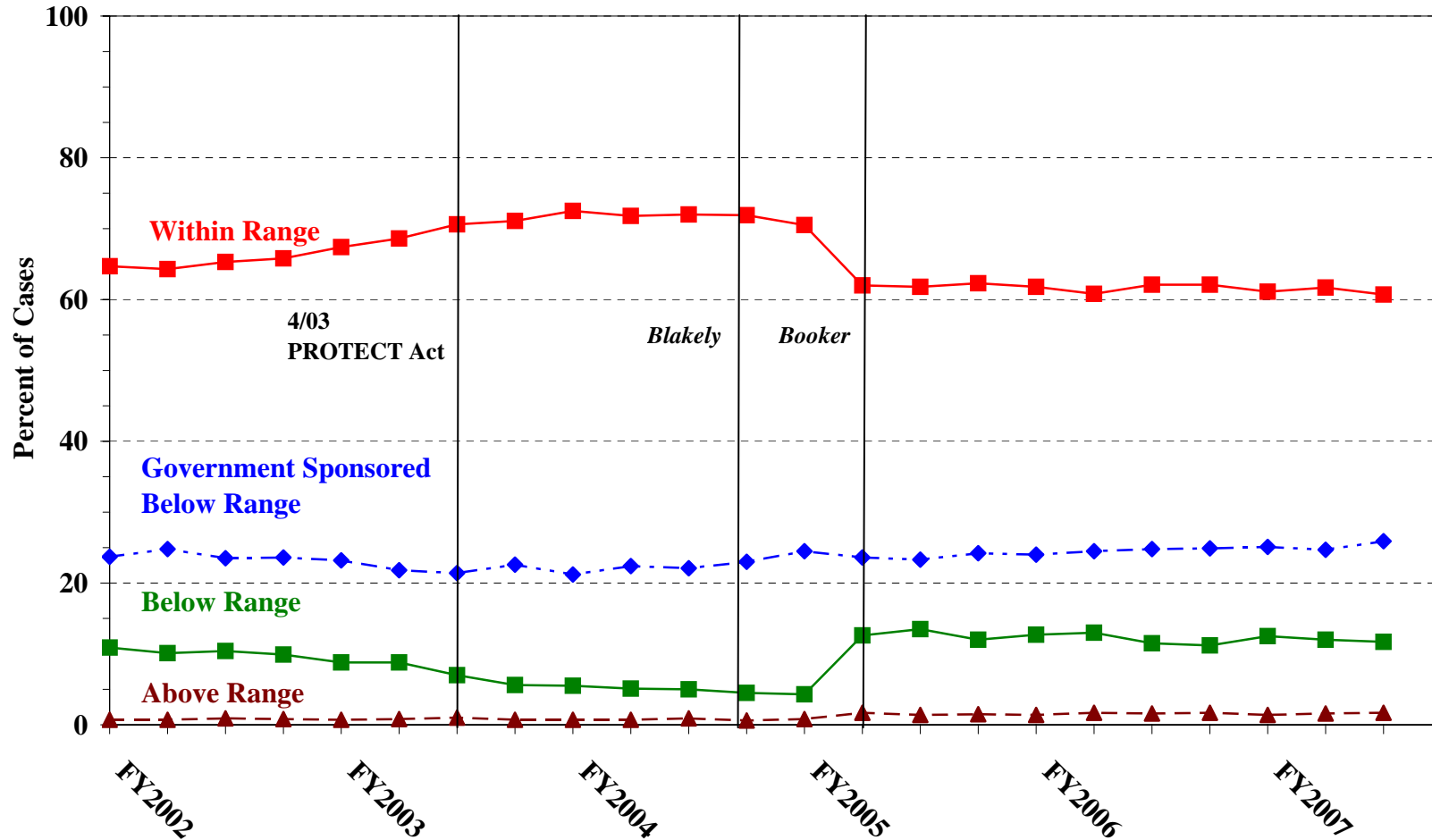
PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K1.3 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	7,061	14.7	3,338	6.9	1,721	3.6	1,252	2.6	694	1.4	3,388	7.0	473	1.0
Murder	3	5.2	0	0.0	5	8.6	1	1.7	3	5.2	3	5.2	0	0.0
Manslaughter	1	2.0	0	0.0	3	6.1	1	2.0	1	2.0	6	12.2	1	2.0
Kidnapping/Hostage Taking	13	37.1	1	2.9	6	17.1	0	0.0	0	0.0	2	5.7	0	0.0
Sexual Abuse	4	2.3	0	0.0	14	7.9	6	3.4	5	2.8	12	6.8	2	1.1
Assault	8	2.3	5	1.4	27	7.7	13	3.7	6	1.7	27	7.7	4	1.1
Robbery	103	12.8	1	0.1	26	3.2	37	4.6	12	1.5	66	8.2	6	0.7
Arson	17	30.9	0	0.0	2	3.6	2	3.6	0	0.0	1	1.8	0	0.0
Drugs - Trafficking	4,441	25.8	756	4.4	553	3.2	381	2.2	256	1.5	1,190	6.9	137	0.8
Drugs - Communication Facility	40	15.7	0	0.0	12	4.7	6	2.4	6	2.4	30	11.8	2	0.8
Drugs - Simple Possession	6	1.8	0	0.0	1	0.3	0	0.0	2	0.6	5	1.5	3	0.9
Firearms	670	11.5	32	0.5	170	2.9	172	2.9	116	2.0	440	7.5	50	0.9
Burglary/B&E	0	0.0	0	0.0	3	8.8	2	5.9	2	5.9	2	5.9	1	2.9
Auto Theft	2	5.0	0	0.0	1	2.5	2	5.0	0	0.0	4	10.0	0	0.0
Larceny	69	6.4	4	0.4	24	2.2	24	2.2	12	1.1	66	6.1	20	1.9
Fraud	767	15.3	3	0.1	111	2.2	139	2.8	88	1.8	456	9.1	91	1.8
Embezzlement	12	3.8	0	0.0	7	2.2	5	1.6	11	3.5	45	14.3	5	1.6
Forgery/Counterfeiting	94	12.5	0	0.0	13	1.7	8	1.1	9	1.2	52	6.9	9	1.2
Bribery	52	34.2	0	0.0	5	3.3	2	1.3	3	2.0	14	9.2	1	0.7
Tax	59	14.6	5	1.2	14	3.5	23	5.7	10	2.5	81	20.0	11	2.7
Money Laundering	160	26.4	7	1.2	31	5.1	17	2.8	15	2.5	74	12.2	7	1.2
Racketeering/Extortion	92	21.0	0	0.0	32	7.3	14	3.2	5	1.1	45	10.3	6	1.4
Gambling/Lottery	7	10.6	0	0.0	1	1.5	3	4.5	2	3.0	11	16.7	2	3.0
Civil Rights	6	14.3	0	0.0	2	4.8	3	7.1	0	0.0	5	11.9	2	4.8
Immigration	219	1.9	2,502	22.3	528	4.7	320	2.8	74	0.7	419	3.7	72	0.6
Pornography/Prostitution	38	3.6	3	0.3	47	4.5	25	2.4	31	3.0	177	16.9	8	0.8
Prison Offenses	13	5.8	9	4.0	10	4.5	2	0.9	2	0.9	10	4.5	5	2.2
Administration of Justice Offenses	77	11.6	5	0.8	40	6.1	12	1.8	10	1.5	73	11.0	9	1.4
Environmental/Wildlife	14	13.9	0	0.0	8	7.9	8	7.9	1	1.0	10	9.9	2	2.0
National Defense	6	37.5	0	0.0	2	12.5	1	6.3	0	0.0	0	0.0	2	12.5
Antitrust	6	46.2	0	0.0	0	0.0	0	0.0	2	15.4	3	23.1	0	0.0
Food & Drug	4	10.3	0	0.0	3	7.7	1	2.6	0	0.0	2	5.1	0	0.0
Other Miscellaneous Offenses	58	7.6	5	0.7	20	2.6	22	2.9	10	1.3	57	7.5	15	2.0

¹Of the 49,518 cases, 1,350 were excluded due to one or both of the following reasons: missing primary offense (212) or missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (1,142). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through June 30, 2007).

Figure A

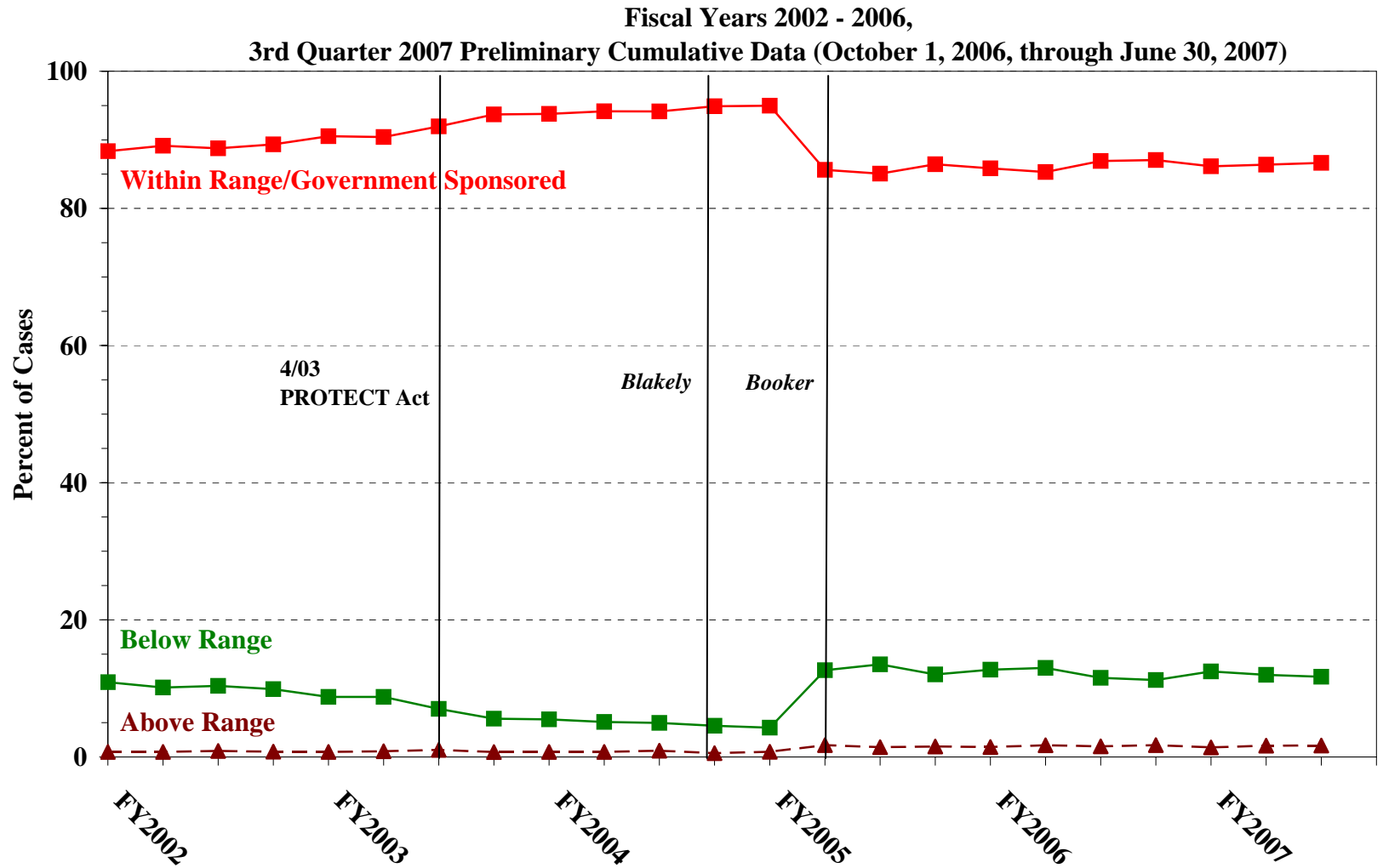
QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
 Fiscal Years 2002 - 2006,
 3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)



¹The Commission's methods for distinguishing government sponsored from other downward departures were refined beginning in Fiscal Year 2003. In Figures A and B, the rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government sponsorship. (See 2003 Departure Report). In later years, plea agreements and the new Statement of Reasons form were scrutinized to more accurately identify government sponsored departures. Descriptions of variables used in this table are provided in Appendix A.

Figure B

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



¹The Commission’s methods for distinguishing government sponsored from other downward departures were refined beginning in Fiscal Year 2003. In Figures A and B, the rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government sponsorship. (See 2003 Departure Report). In later years, plea agreements and the new Statement of Reasons form were scrutinized to more accurately identify government sponsored departures. Descriptions of variables used in this table are provided in Appendix A.

Table 4

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2002 - 2006,
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2002				
1st Quarter	64.7	23.7	10.9	0.7
2ndQuarter	64.3	24.8	10.1	0.7
3rd Quarter	65.3	23.5	10.4	0.9
4th Quarter	65.8	23.6	9.9	0.8
FY2003				
1st Quarter	67.4	23.2	8.8	0.7
2ndQuarter	68.6	21.8	8.8	0.8
3rd Quarter	70.6	21.4	7.0	1.0
4th Quarter	71.1	22.6	5.6	0.7
FY2004				
1st Quarter	72.5	21.2	5.5	0.7
2ndQuarter	71.8	22.4	5.1	0.7
3rd Quarter	72.0	22.1	5.0	0.9
4th Quarter	71.9	23.0	4.5	0.6
FY2005				
1st Quarter	70.5	24.5	4.3	0.8
2ndQuarter	62.0	23.6	12.6	1.7
3rd Quarter	61.8	23.3	13.5	1.4
4th Quarter	62.3	24.2	12.0	1.5
FY2006				
1st Quarter	61.8	24.0	12.7	1.4
2ndQuarter	60.8	24.5	13.0	1.7
3rd Quarter	62.1	24.8	11.5	1.6
4th Quarter	62.1	24.9	11.2	1.7
FY2007				
1st Quarter	61.1	25.1	12.5	1.4
2ndQuarter	61.7	24.7	12.0	1.6
3rd Quarter	60.7	25.9	11.7	1.7
4th Quarter	--	--	--	--

¹The Commission's methods for distinguishing government sponsored from other downward departures were refined beginning in Fiscal Year 2003. The rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government sponsorship (See 2003 Departure Report). In later years, plea agreements and the new Statement of Reasons form were scrutinized to more accurately identify government sponsored departures. 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
§2N1.1	2	0	0	0	0	0	0	0	0	1	0	1	0
§2N1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N1.3	1	1	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	22	21	0	0	0	0	1	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	136	101	1	0	1	1	7	3	10	1	2	5	4
§2P1.2	63	55	1	0	0	0	3	0	0	0	0	3	1
§2P1.3	10	2	0	0	0	0	0	6	1	1	0	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	28	13	0	0	0	0	3	0	1	5	2	3	1
§2Q1.3	22	8	0	0	0	0	5	0	4	3	0	1	1
§2Q1.4	0	0	0	0	0	0	0	0	0	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	56	31	0	1	0	0	9	0	5	2	1	6	1
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	13	2	0	0	0	0	6	0	0	0	0	5	0
§2S1.1	703	296	4	1	2	1	233	3	27	26	13	88	9
§2S1.2	7	1	0	0	0	0	6	0	0	0	0	0	0
§2S1.3	160	97	0	0	0	0	13	5	14	3	7	19	2
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	359	169	0	0	2	0	57	1	17	28	8	67	10
§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	65	31	0	0	1	1	11	3	3	3	1	10	1
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	3	1	0	0	0	0	1	0	0	0	0	1	0
§2T1.7	1	0	0	0	0	0	0	0	0	0	0	1	0
§2T1.8	1	1	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	17	7	0	0	0	0	4	0	0	0	1	5	0
§2T2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	8	6	0	0	0	0	1	0	0	0	0	1	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	175	96	1	0	1	0	46	1	5	3	4	15	3
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	87	46	0	1	1	0	19	0	4	0	2	13	1
§2X4.1	319	211	4	3	5	1	32	5	16	6	2	30	4
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	45	40	2	0	2	0	0	0	0	0	0	1	0
§2X6.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.1	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	46,387	27,954	218	104	369	43	6,995	3,302	1,642	1,243	689	3,366	462

¹Of the 49,518 cases, 3,131 were excluded due to one or both of the following reasons: missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (1,142) or missing guideline applied (2,852). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through June 30, 2007).

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
IN EACH OUTSIDE OF THE RANGE ATTRIBUTION CATEGORIES¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**

	Pursuant to a Plea Agreement										
	TOTAL CASES	§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		n	%	n	%	n	%	n	%	n	%
TOTAL	18,781	4,997	26.6	3,241	17.3	1,537	8.2	1,080	5.8	109	0.6
Above Range	757	1	0.1	2	0.3	118	15.6	68	9.0	3	0.4
Upward Departure From Guideline Range	226	0	0.0	2	0.9	48	21.2	27	11.9	1	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	105	1	1.0	0	0.0	19	18.1	17	16.2	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	377	0	0.0	0	0.0	47	12.5	22	5.8	2	0.5
All Remaining Cases Above Guideline Range	49	0	0.0	0	0.0	4	8.2	2	4.1	0	0.0
Government Sponsored Below Range	12,188	4,996	41.0	3,239	26.6	1,419	11.6	1,012	8.3	106	0.9
§5K1.1 Substantial Assistance Departure	7,090	4,996	70.5	61	0.9	177	2.5	174	2.5	25	0.4
§5K3.1 Early Disposition Program Departure	3,354	0	0.0	3,178	94.8	524	15.6	135	4.0	5	0.1
Other Government Sponsored Below Range	1,744	0	0.0	0	0.0	718	41.2	703	40.3	76	4.4
Below Range	5,836	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,258	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	702	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	3,402	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	474	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	1,919	10.2	119	0.6	553	2.9	1,611	8.6	1,674	8.9	2,750	14.6	2,252	12.0
Above Range	2	0.3	0	0.0	74	9.8	14	1.8	3	0.4	370	48.9	165	21.8
Upward Departure From Guideline Range	2	0.9	0	0.0	30	13.3	6	2.7	2	0.9	82	36.3	35	15.5
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	19	18.1	6	5.7	1	1.0	72	68.6	22	21.0
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	24	6.4	2	0.5	0	0.0	214	56.8	67	17.8
All Remaining Cases Above Guideline Range	0	0.0	0	0.0	1	2.0	0	0.0	0	0.0	2	4.1	41	83.7
Government Sponsored Below Range	1,917	15.7	119	1.0	479	3.9	484	4.0	263	2.2	380	3.1	377	3.1
§5K1.1 Substantial Assistance Departure	1,917	27.0	6	0.1	232	3.3	212	3.0	105	1.5	203	2.9	260	3.7
§5K3.1 Early Disposition Program Departure	0	0.0	113	3.4	38	1.1	126	3.8	83	2.5	56	1.7	38	1.1
Other Government Sponsored Below Range	0	0.0	0	0.0	209	12.0	146	8.4	75	4.3	121	6.9	79	4.5
Below Range	0	0.0	0	0.0	0	0.0	1,113	19.1	1,408	24.1	2,000	34.3	1,710	29.3
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	361	28.7	302	24.0	349	27.7	275	21.9
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	194	27.6	279	39.7	402	57.3	141	20.1
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	533	15.7	812	23.9	1,230	36.2	874	25.7
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	25	5.3	15	3.2	19	4.0	420	88.6

¹Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 2,727 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
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	6,671	37.0	29.0	46.6
Murder	3	78.0	43.0	35.5
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	12	144.5	49.0	28.9
Sexual Abuse	4	22.5	17.5	45.1
Assault	8	18.0	15.5	61.3
Robbery	101	48.0	21.2	31.4
Arson	13	52.0	33.0	52.3
Drugs - Trafficking	4,216	54.0	39.0	42.0
Drugs - Communication Facility	38	16.5	12.0	50.0
Drugs - Simple Possession	5	2.0	6.0	66.7
Firearms	615	42.0	24.0	41.5
Burglary/B&E	0	--	--	--
Auto Theft	2	--	--	--
Larceny	67	5.0	12.0	83.3
Fraud	724	4.0	12.0	78.6
Embezzlement	11	0.0	12.0	99.8
Forgery/Counterfeiting	94	6.0	9.0	50.3
Bribery	52	5.0	16.5	85.7
Tax	56	0.0	11.0	100.0
Money Laundering	152	18.0	25.0	60.2
Racketeering/Extortion	80	31.2	30.5	51.3
Gambling/Lottery	6	0.0	8.0	100.0
Civil Rights	6	6.0	14.0	71.3
Immigration	208	12.0	11.8	49.9
Pornography/Prostitution	33	48.0	42.0	41.5
Prison Offenses	11	15.0	21.0	50.0
Administration of Justice Offenses	72	0.0	12.0	100.0
Environmental/Wildlife	12	0.0	12.0	100.0
National Defense	6	10.2	21.8	64.2
Antitrust	3	0.0	12.0	100.0
Food & Drug	4	17.0	25.5	58.3
Other Miscellaneous Offenses	56	0.0	12.0	100.0

¹Of the 49,518 cases, 7,090 received a §5K1.1 substantial assistance departure. Of these, 6,778 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 93 cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Of the remaining 6,682 cases, 11 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 defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through June 30, 2007).

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	3,201	21.0	7.0	27.6
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	0	--	--	--
Assault	4	14.5	6.0	38.5
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	701	18.0	10.0	35.1
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	31	13.0	7.0	30.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	3	10.0	6.0	44.4
Fraud	1	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	4	6.0	12.0	74.9
Money Laundering	6	4.0	5.2	43.2
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	2,427	21.0	6.0	26.0
Pornography/Prostitution	3	30.0	30.0	38.5
Prison Offenses	9	46.0	11.0	20.9
Administration of Justice Offenses	5	1.2	8.0	69.3
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	5	5.9	4.0	60.0

¹Of the 49,518 cases, 3,354 received a §5K3.1 early disposition program departure. Of these, 3,207 had complete guideline application information. Five cases were excluded due to several logical criteria. Of the remaining 3,202 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,584	24.0	10.0	26.6
Murder	4	135.0	57.5	28.4
Manslaughter	3	37.0	10.0	47.1
Kidnapping/Hostage Taking	6	214.0	33.0	10.4
Sexual Abuse	14	36.5	15.8	29.4
Assault	25	27.0	12.0	40.0
Robbery	26	58.5	30.0	30.6
Arson	2	--	--	--
Drugs - Trafficking	523	63.0	17.0	21.4
Drugs - Communication Facility	12	36.0	12.0	31.3
Drugs - Simple Possession	1	--	--	--
Firearms	149	37.0	15.0	33.3
Burglary/B&E	3	27.0	3.0	10.0
Auto Theft	1	--	--	--
Larceny	21	3.0	8.0	80.0
Fraud	100	9.0	10.0	50.0
Embezzlement	7	0.0	10.0	100.0
Forgery/Counterfeiting	12	7.6	10.0	61.6
Bribery	5	0.0	10.0	100.0
Tax	13	2.5	12.0	90.2
Money Laundering	26	8.0	13.4	59.9
Racketeering/Extortion	29	65.0	40.0	48.5
Gambling/Lottery	1	--	--	--
Civil Rights	2	--	--	--
Immigration	477	12.0	3.0	20.0
Pornography/Prostitution	45	60.0	30.0	31.0
Prison Offenses	10	6.0	6.0	25.0
Administration of Justice Offenses	36	6.0	11.0	47.2
Environmental/Wildlife	7	0.0	12.0	100.0
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	3	18.0	18.0	50.0
Other Miscellaneous Offenses	19	0.0	10.0	100.0

¹Of the 49,518 cases, 1,744 received an other government sponsored downward departure. Of these, 1,598 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 seven cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Of the remaining 1,588 cases, four 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 defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through June 30, 2007).

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,192	24.7	10.0	26.8
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	6	32.0	8.5	17.1
Assault	12	4.0	7.5	60.4
Robbery	37	42.0	11.0	19.6
Arson	0	--	--	--
Drugs - Trafficking	357	60.0	14.8	19.8
Drugs - Communication Facility	6	6.0	8.0	66.6
Drugs - Simple Possession	0	--	--	--
Firearms	165	33.0	11.0	24.9
Burglary/B&E	2	--	--	--
Auto Theft	2	--	--	--
Larceny	22	0.0	7.5	99.9
Fraud	133	10.0	10.0	60.0
Embezzlement	5	0.0	10.0	100.0
Forgery/Counterfeiting	8	0.0	9.0	100.0
Bribery	1	--	--	--
Tax	22	0.0	10.5	100.0
Money Laundering	15	15.0	15.0	54.5
Racketeering/Extortion	14	39.5	18.0	48.5
Gambling/Lottery	3	0.0	9.0	100.0
Civil Rights	3	0.0	10.0	100.0
Immigration	309	24.0	6.0	21.1
Pornography/Prostitution	25	80.0	21.0	19.5
Prison Offenses	2	--	--	--
Administration of Justice Offenses	10	0.0	12.0	100.0
Environmental/Wildlife	8	0.0	10.5	100.0
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	21	0.0	12.0	100.0

¹Of the 49,518 cases, 1,258 received a downward departure from the guideline range. Of these, 1,199 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 five cases were also excluded from this table. Of the remaining 1,194 cases, two 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 defined 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
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	646	24.0	15.0	37.5
Murder	3	72.0	36.0	30.0
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	5	24.0	25.0	47.8
Assault	6	8.5	11.5	63.4
Robbery	11	36.0	13.0	21.7
Arson	0	--	--	--
Drugs - Trafficking	233	60.0	21.4	31.3
Drugs - Communication Facility	5	15.0	12.0	59.5
Drugs - Simple Possession	2	--	--	--
Firearms	107	25.0	15.0	31.3
Burglary/B&E	2	--	--	--
Auto Theft	0	--	--	--
Larceny	12	0.0	11.0	100.0
Fraud	82	8.5	12.0	54.4
Embezzlement	11	0.0	10.0	99.8
Forgery/Counterfeiting	9	15.0	6.0	36.3
Bribery	2	--	--	--
Tax	10	0.0	12.0	100.0
Money Laundering	14	19.0	18.0	51.7
Racketeering/Extortion	4	16.0	26.5	69.2
Gambling/Lottery	2	--	--	--
Civil Rights	0	--	--	--
Immigration	71	22.0	15.0	35.1
Pornography/Prostitution	29	33.0	28.6	46.7
Prison Offenses	2	--	--	--
Administration of Justice Offenses	10	8.5	15.0	75.8
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	2	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	10	1.5	11.0	92.9

¹Of the 49,518 cases, 702 received a downward departure from the guideline range with *Booker* /18 U.S.C § 3553. Of these, 650 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. Furthermore, one case was excluded due to several logical criteria. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through June 30, 2007).

**BELOW GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	3,203	25.0	12.0	33.2
Murder	3	70.0	17.0	19.5
Manslaughter	6	14.0	12.0	53.3
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	8	42.0	13.5	33.3
Assault	26	12.0	7.5	35.4
Robbery	63	57.0	13.0	20.5
Arson	1	--	--	--
Drugs - Trafficking	1,119	60.0	18.0	23.1
Drugs - Communication Facility	28	36.0	16.0	25.0
Drugs - Simple Possession	5	60.0	3.0	21.4
Firearms	416	26.5	12.0	27.2
Burglary/B&E	2	--	--	--
Auto Theft	4	4.0	6.5	73.3
Larceny	62	0.0	10.0	99.7
Fraud	434	5.5	10.0	63.7
Embezzlement	44	0.0	10.0	99.7
Forgery/Counterfeiting	50	4.5	8.0	63.0
Bribery	13	11.5	8.0	36.3
Tax	76	5.0	9.5	60.0
Money Laundering	68	12.0	15.0	53.9
Racketeering/Extortion	43	15.8	10.0	38.1
Gambling/Lottery	11	0.0	9.0	100.0
Civil Rights	5	1.0	12.0	91.8
Immigration	399	24.0	10.0	29.2
Pornography/Prostitution	169	60.0	27.0	33.3
Prison Offenses	9	15.0	10.0	27.0
Administration of Justice Offenses	67	6.7	10.0	60.0
Environmental/Wildlife	9	0.0	6.0	100.0
National Defense	0	--	--	--
Antitrust	3	14.0	6.0	33.3
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	56	0.0	10.0	100.0

¹Of the 49,518 cases, 3,402 were sentenced below the guideline range with *Booker* /18 U.S.C § 3553. Of these, 3,235 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 23 cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Of the remaining 3,209 cases, six were excluded due to one or both of the following reasons: missing primary offense category (1) or missing sentence information (5). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	413	12.0	6.0	45.2
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	4	7.5	3.0	32.6
Robbery	4	32.0	10.0	23.0
Arson	0	--	--	--
Drugs - Trafficking	109	50.0	13.0	28.6
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	47	28.0	8.0	25.5
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	20	0.0	6.0	100.0
Fraud	81	0.0	6.0	100.0
Embezzlement	5	0.0	6.0	99.3
Forgery/Counterfeiting	9	0.0	6.0	100.0
Bribery	1	--	--	--
Tax	10	2.5	6.0	86.1
Money Laundering	6	7.1	6.0	77.8
Racketeering/Extortion	5	84.0	12.0	13.9
Gambling/Lottery	2	--	--	--
Civil Rights	2	--	--	--
Immigration	62	12.0	5.0	28.8
Pornography/Prostitution	7	99.0	22.0	19.3
Prison Offenses	5	12.0	3.0	25.0
Administration of Justice Offenses	9	3.4	9.0	57.6
Environmental/Wildlife	2	--	--	--
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	13	0.0	6.0	100.0

¹Of the 49,518 cases, 474 were otherwise sentenced below the guideline range. Of these, 421 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 five cases were also excluded from this table. Furthermore, one case was excluded due to several logical criteria. Of the remaining 415 cases, two 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 defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through June 30, 2007).

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	209	46.0	9.0	29.7
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	7	80.0	19.0	70.4
Robbery	3	188.0	63.0	50.4
Arson	1	--	--	--
Drugs - Trafficking	24	86.0	16.0	24.5
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	3	12.0	6.0	100.0
Firearms	23	84.0	12.0	19.6
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	6	46.5	8.0	35.4
Fraud	24	41.0	12.5	60.2
Embezzlement	0	--	--	--
Forgery/Counterfeiting	8	47.0	15.5	51.2
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	4	61.0	15.5	46.2
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	77	21.0	6.0	25.0
Pornography/Prostitution	7	240.0	42.0	39.4
Prison Offenses	2	--	--	--
Administration of Justice Offenses	5	36.0	6.0	100.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	7	41.0	14.0	52.4

¹Of the 49,518 cases, 226 received an upward departure from the guideline range. Of these, 214 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. Of the remaining 210 cases, one was excluded due to missing sentence information. Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	99	61.0	18.0	42.9
Murder	0	--	--	--
Manslaughter	4	96.0	31.5	33.1
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	1	--	--	--
Robbery	5	96.0	18.0	39.1
Arson	1	--	--	--
Drugs - Trafficking	10	165.0	47.5	43.6
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	17	48.0	11.0	29.7
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	1	--	--	--
Fraud	19	52.0	15.0	53.8
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	19	40.0	15.0	94.6
Pornography/Prostitution	5	156.0	45.0	37.9
Prison Offenses	0	--	--	--
Administration of Justice Offenses	5	30.0	6.0	66.7
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	2	--	--	--

¹Of the 49,518 cases, 105 received an upward departure from the guideline range with *Booker* /18 U.S.C § 3553. Of these, 102 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 defined 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
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	353	39.0	11.0	50.0
Murder	1	--	--	--
Manslaughter	4	58.0	12.0	22.6
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	6	120.0	30.5	19.0
Assault	6	60.0	21.0	63.6
Robbery	8	160.0	42.5	32.8
Arson	4	120.0	46.5	69.0
Drugs - Trafficking	24	120.0	17.0	31.5
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	7	12.0	6.0	99.8
Firearms	41	72.0	18.0	45.9
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	7	36.0	15.0	55.5
Fraud	56	37.5	10.0	33.3
Embezzlement	1	--	--	--
Forgery/Counterfeiting	5	24.0	6.0	50.0
Bribery	1	--	--	--
Tax	1	--	--	--
Money Laundering	2	--	--	--
Racketeering/Extortion	3	161.0	24.0	26.3
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	142	18.0	7.0	70.1
Pornography/Prostitution	16	208.0	71.5	66.7
Prison Offenses	1	--	--	--
Administration of Justice Offenses	11	36.0	9.0	36.7
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	4	40.0	10.0	32.0

¹Of the 49,518 cases, 377 were sentenced above the guideline range with *Booker* /18 U.S.C § 3553. Of these, 357 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as defined 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
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	29	60.0	9.0	24.4
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	7	93.0	12.0	11.9
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	4	144.0	31.5	62.2
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	3	12.0	2.0	33.3
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	6	33.5	5.0	20.2
Pornography/Prostitution	2	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹Of the 49,518 cases, 49 were otherwise sentenced above the guideline range. Of these, 38 had complete guideline application information. Nine 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 defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through June 30, 2007).

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	48,945	43,624	89.1	42,117	86.0	1,507	3.1	5,321	10.9	1,862	3.8	3,459	7.1
Murder	59	59	100.0	58	98.3	1	1.7	0	0.0	0	0.0	0	0.0
Manslaughter	49	47	95.9	46	93.9	1	2.0	2	4.1	2	4.1	0	0.0
Kidnapping/Hostage Taking	35	35	100.0	35	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	178	169	94.9	164	92.1	5	2.8	9	5.1	4	2.2	5	2.8
Assault	367	314	85.6	296	80.7	18	4.9	53	14.4	22	6.0	31	8.4
Robbery	811	800	98.6	789	97.3	11	1.4	11	1.4	3	0.4	8	1.0
Arson	55	52	94.5	50	90.9	2	3.6	3	5.5	2	3.6	1	1.8
Drugs - Trafficking	17,263	16,830	97.5	16,468	95.4	362	2.1	433	2.5	194	1.1	239	1.4
Drugs - Communication Facility	259	220	84.9	213	82.2	7	2.7	39	15.1	14	5.4	25	9.7
Drugs - Simple Possession	361	152	42.1	148	41.0	4	1.1	209	57.9	18	5.0	191	52.9
Firearms	5,844	5,518	94.4	5,382	92.1	136	2.3	326	5.6	166	2.8	160	2.7
Burglary/B&E	34	31	91.2	27	79.4	4	11.8	3	8.8	0	0.0	3	8.8
Auto Theft	41	32	78.0	29	70.7	3	7.3	9	22.0	4	9.8	5	12.2
Larceny	1,086	480	44.2	419	38.6	61	5.6	606	55.8	171	15.7	435	40.1
Fraud	5,067	3,586	70.8	3,168	62.5	418	8.2	1,481	29.2	563	11.1	918	18.1
Embezzlement	319	151	47.3	112	35.1	39	12.2	168	52.7	56	17.6	112	35.1
Forgery/Counterfeiting	760	552	72.6	499	65.7	53	7.0	208	27.4	97	12.8	111	14.6
Bribery	155	110	71.0	95	61.3	15	9.7	45	29.0	28	18.1	17	11.0
Tax	412	253	61.4	204	49.5	49	11.9	159	38.6	71	17.2	88	21.4
Money Laundering	617	520	84.3	493	79.9	27	4.4	97	15.7	47	7.6	50	8.1
Racketeering/Extortion	446	405	90.8	401	89.9	4	0.9	41	9.2	22	4.9	19	4.3
Gambling/Lottery	67	19	28.4	16	23.9	3	4.5	48	71.6	29	43.3	19	28.4
Civil Rights	42	26	61.9	24	57.1	2	4.8	16	38.1	9	21.4	7	16.7
Immigration	11,415	11,077	97.0	10,910	95.6	167	1.5	338	3.0	95	0.8	243	2.1
Pornography/Prostitution	1,056	1,037	98.2	1,029	97.4	8	0.8	19	1.8	9	0.9	10	0.9
Prison Offenses	226	219	96.9	211	93.4	8	3.5	7	3.1	3	1.3	4	1.8
Administration of Justice Offenses	675	470	69.6	430	63.7	40	5.9	205	30.4	76	11.3	129	19.1
Environmental/Wildlife	97	26	26.8	17	17.5	9	9.3	71	73.2	21	21.6	50	51.5
National Defense	16	14	87.5	12	75.0	2	12.5	2	12.5	1	6.3	1	6.3
Antitrust	13	10	76.9	8	61.5	2	15.4	3	23.1	0	0.0	3	23.1
Food & Drug	35	15	42.9	13	37.1	2	5.7	20	57.1	1	2.9	19	54.3
Other Miscellaneous Offenses	1,085	395	36.4	351	32.4	44	4.1	690	63.6	134	12.4	556	51.2

¹Of the 49,518 cases, 573 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (298), missing primary offense category (212), or missing sentencing information (267). Descriptions of variables used in this table are provided in Appendix A.

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

Table 19

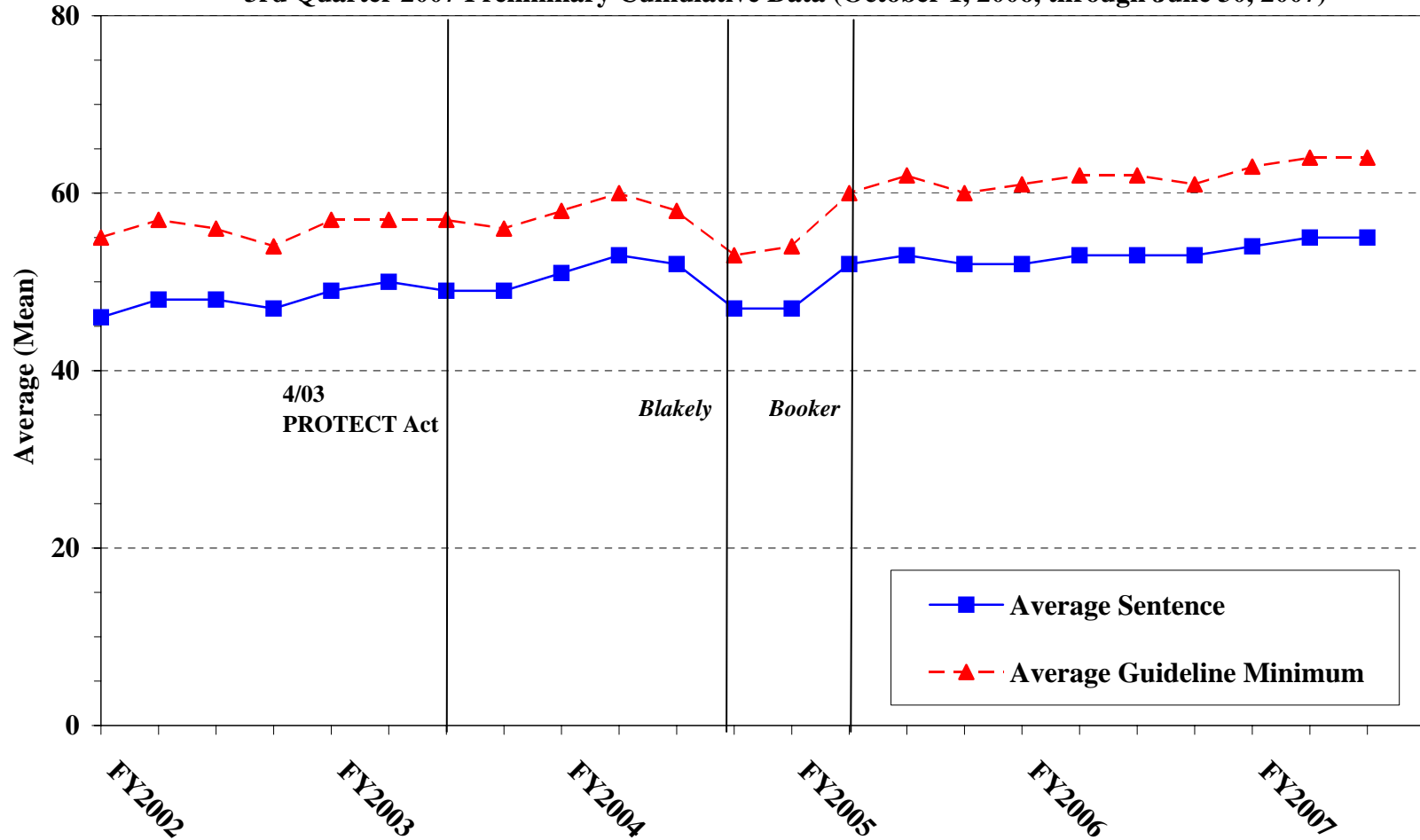
AVERAGE SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

PRIMARY OFFENSE	Mean Months	Median Months	Number
TOTAL	54.1	30.0	49,245
Murder	278.4	240.0	59
Manslaughter	49.8	37.0	49
Kidnapping/Hostage Taking	197.5	188.0	35
Sexual Abuse	93.0	51.0	178
Assault	31.8	24.0	371
Robbery	88.4	70.0	812
Arson	86.9	60.0	55
Drugs - Trafficking	84.8	60.0	17,266
Drugs - Communication Facility	37.1	37.0	260
Drugs - Simple Possession	5.8	0.0	398
Firearms	79.1	55.0	5,849
Burglary/B&E	20.0	23.0	34
Auto Theft	61.2	18.0	41
Larceny	8.8	3.0	1,160
Fraud	20.0	10.0	5,091
Embezzlement	9.1	4.0	320
Forgery/Counterfeiting	15.2	12.0	761
Bribery	23.6	12.0	155
Tax	14.6	10.0	414
Money Laundering	35.6	24.0	618
Racketeering/Extortion	93.7	57.0	446
Gambling/Lottery	6.1	6.0	67
Civil Rights	32.3	12.0	44
Immigration	22.2	16.0	11,419
Pornography/Prostitution	105.1	78.0	1,057
Prison Offenses	19.3	14.0	226
Administration of Justice Offenses	19.9	10.0	681
Environmental/Wildlife	4.2	0.0	114
National Defense	17.1	10.0	17
Antitrust	16.2	8.0	13
Food & Drug	11.6	0.0	40
Other Miscellaneous Offenses	6.1	0.0	1,195

¹Of the 49,518 cases, 273 were excluded due to one or both of the following reasons: missing primary offense (212) or missing or indeterminable sentencing information (265). 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 defined 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 2002 - 2006,
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**



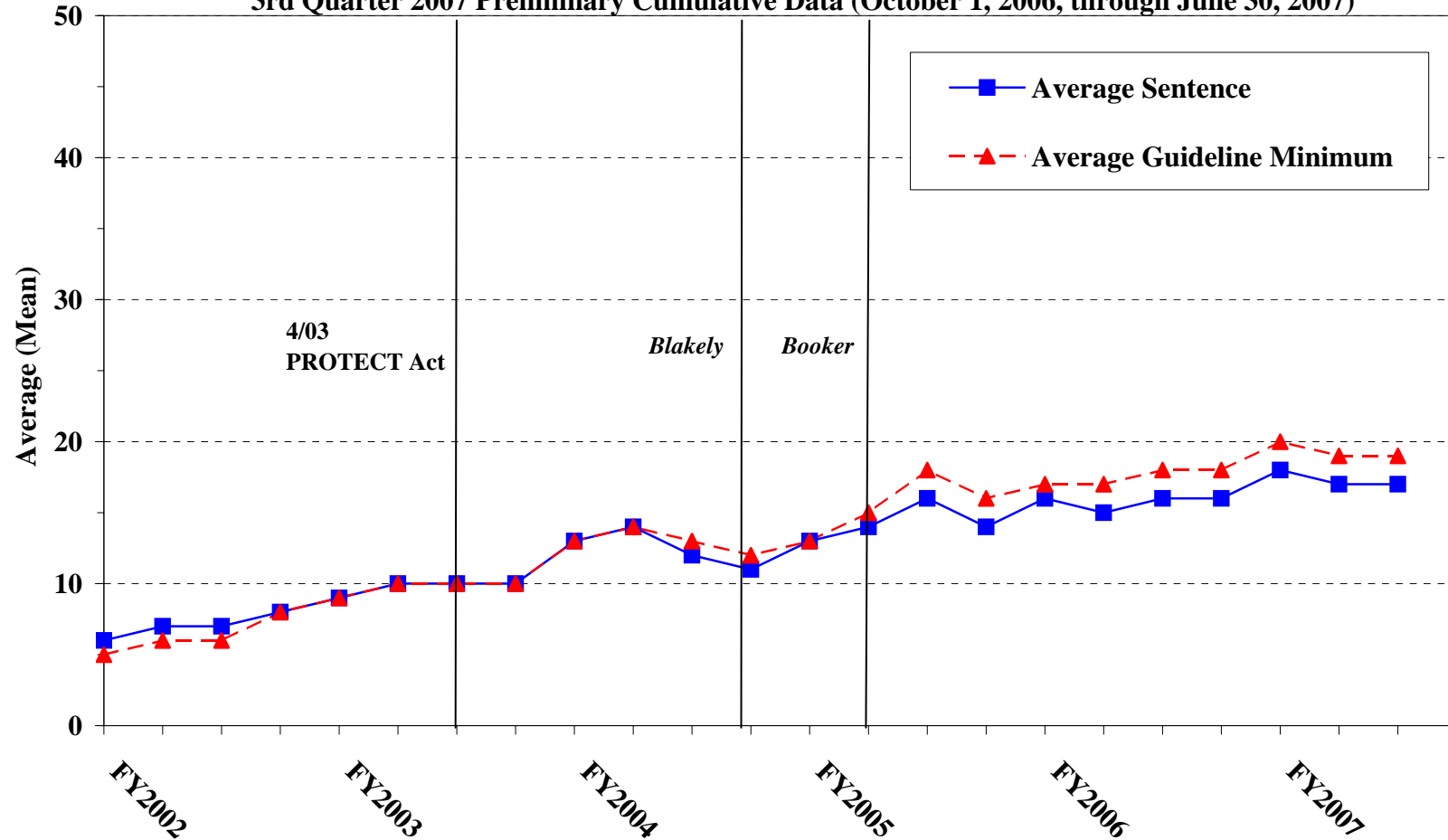
¹Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure D

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

Fiscal Years 2002 - 2006,

3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)



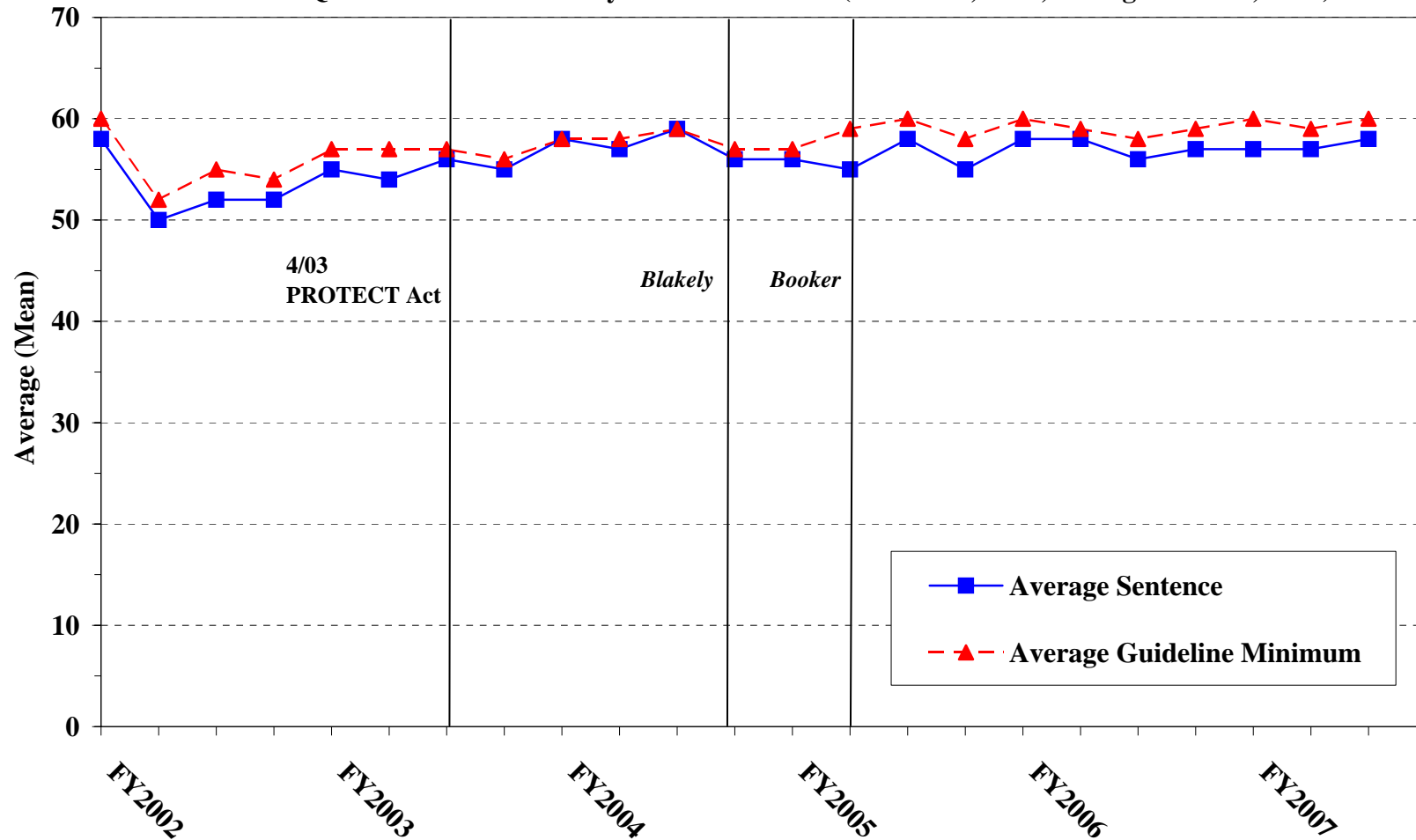
¹Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit 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 defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure E

AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹

Fiscal Years 2002 - 2006,

3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

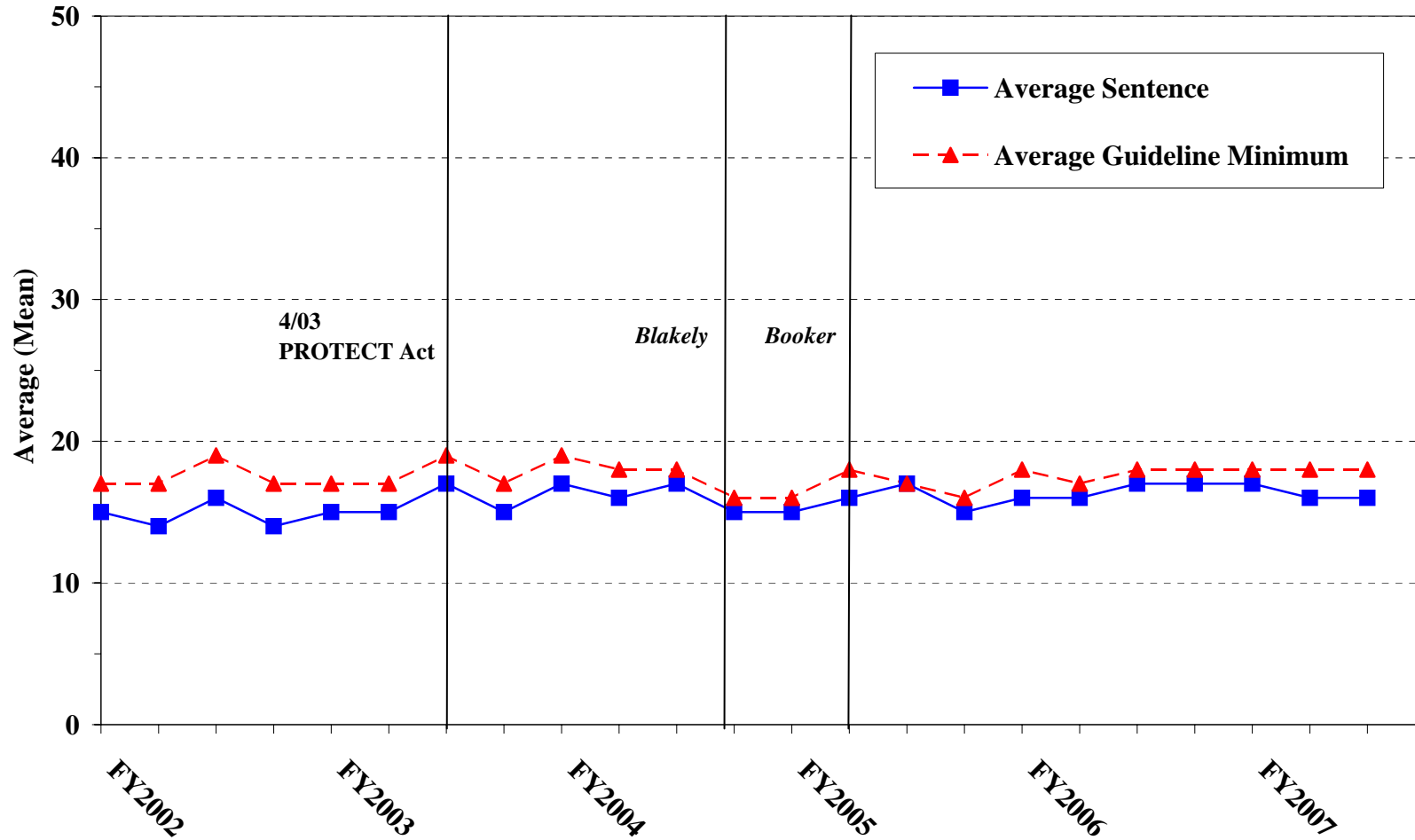


¹Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum 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 defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table 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 2002 - 2006,
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**



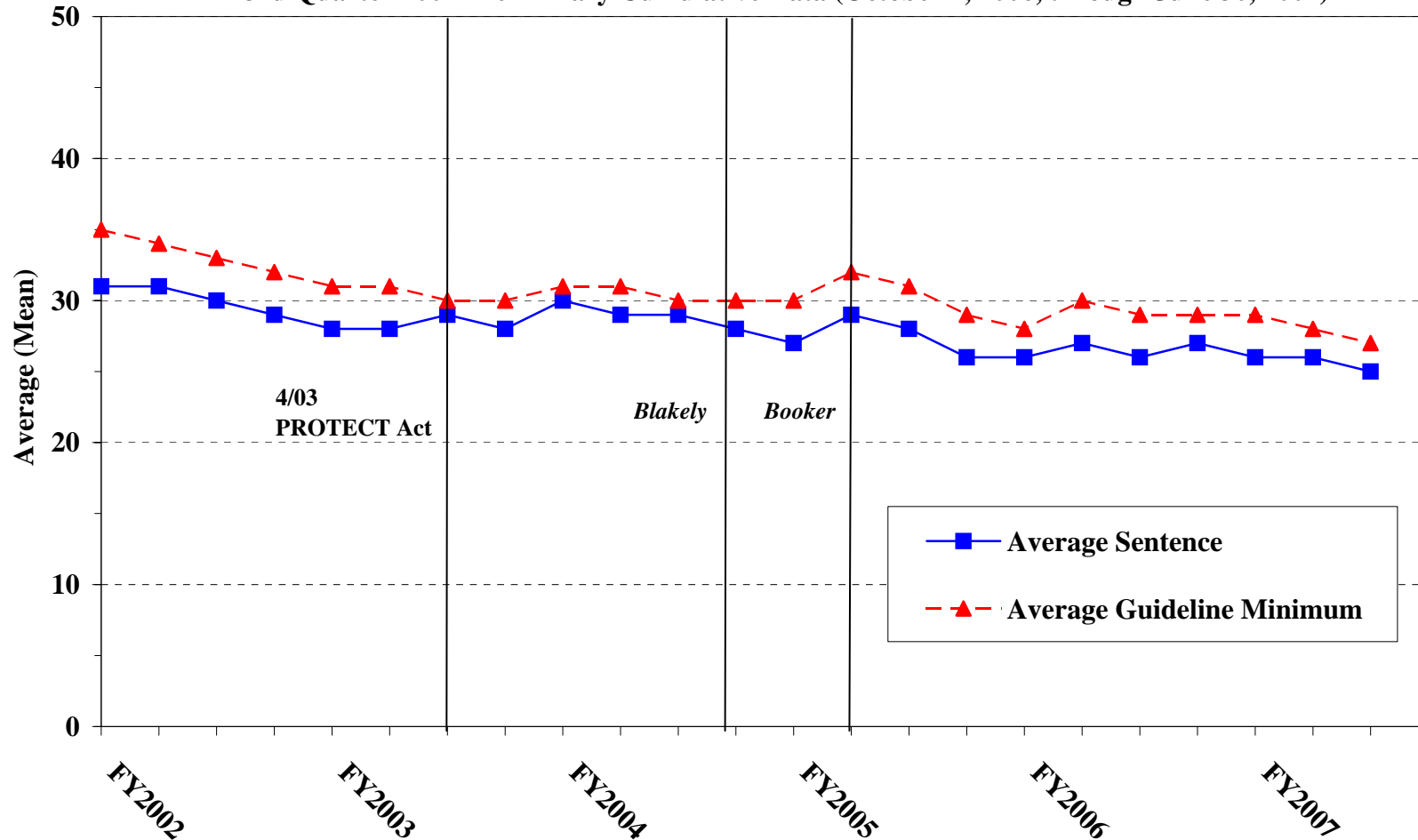
¹Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, 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 defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table 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 2002 - 2006,

3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)



¹Figure includes only cases with a primary sentencing guideline of USSG §2L2.1. 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 defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

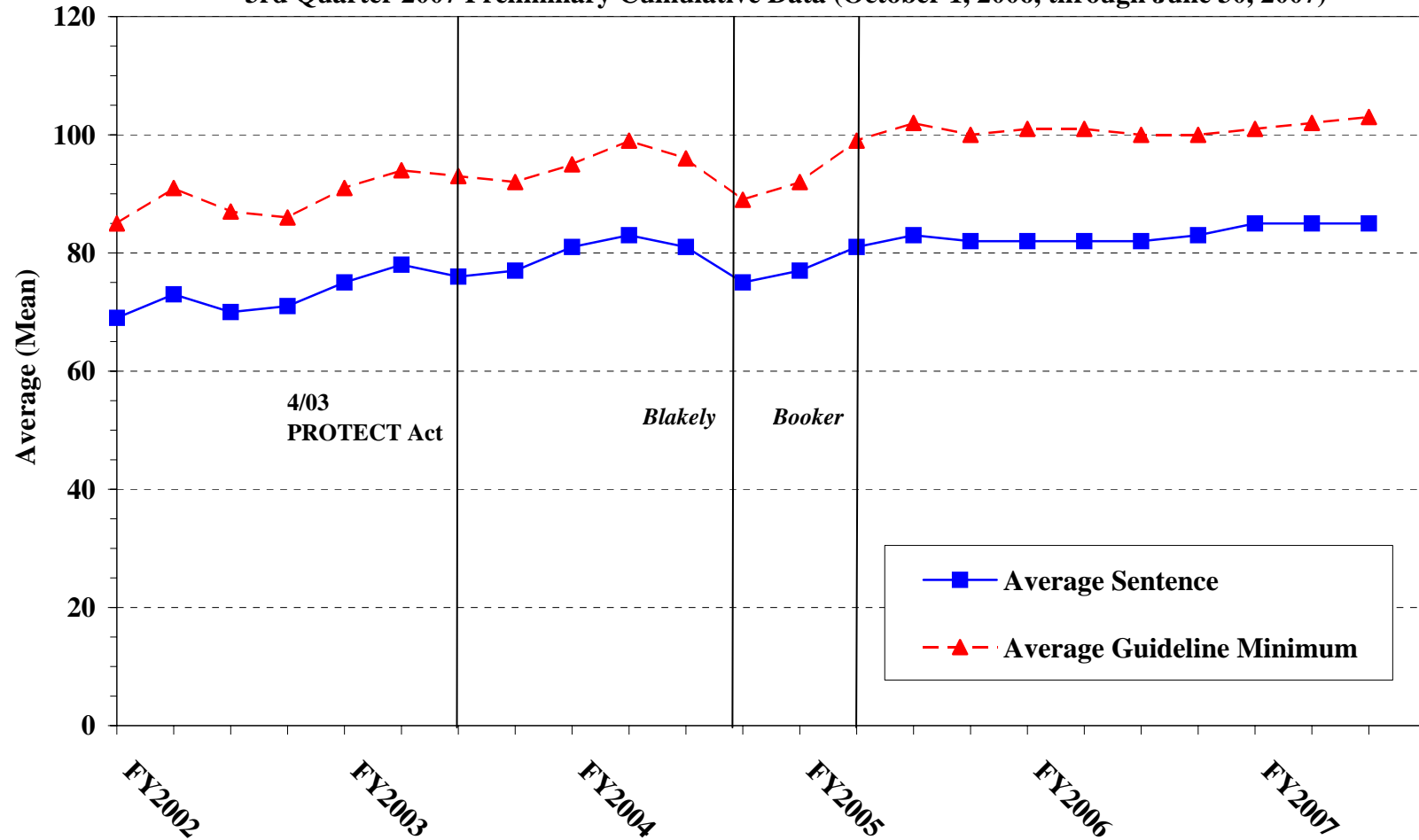
SOURCE: U.S. Sentencing Commission, 2002 - 2006 Datafiles, USSCFY02 - USSCFY06, and Preliminary Data from USSCFY07 (October 1, 2006, through June 30, 2007).

Figure H

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

Fiscal Years 2002 - 2006,

3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

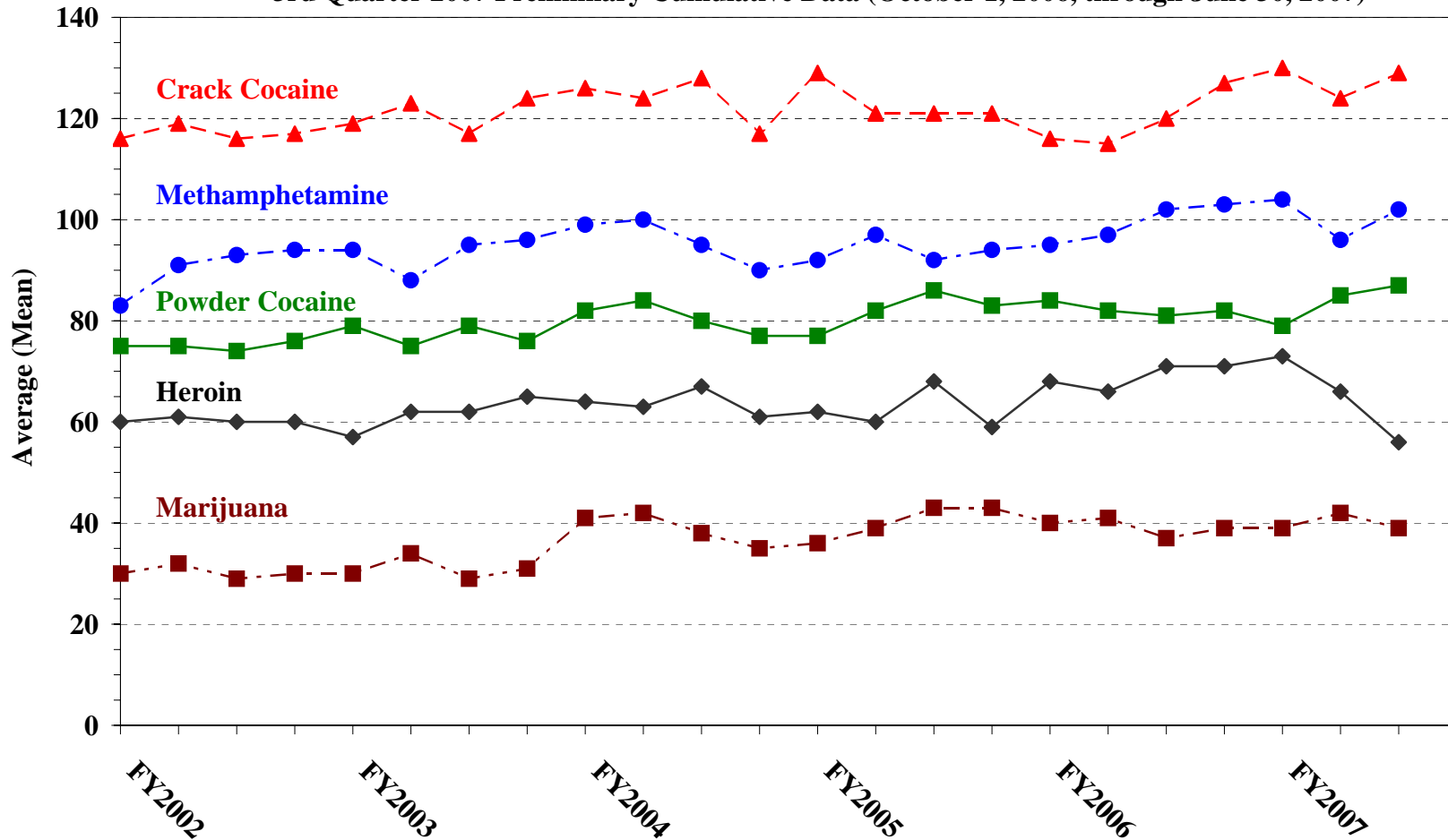


¹Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline 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 defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹

Fiscal Years 2002 - 2006,
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)



¹Only 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. Figure includes only cases with a primary sentencing guideline of USSG §2D1.1. 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 defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2002 - 2006 Datafiles, USSCFY02 - USSCFY06, and Preliminary Data from USSCFY07 (October 1, 2006, through June 30, 2007).

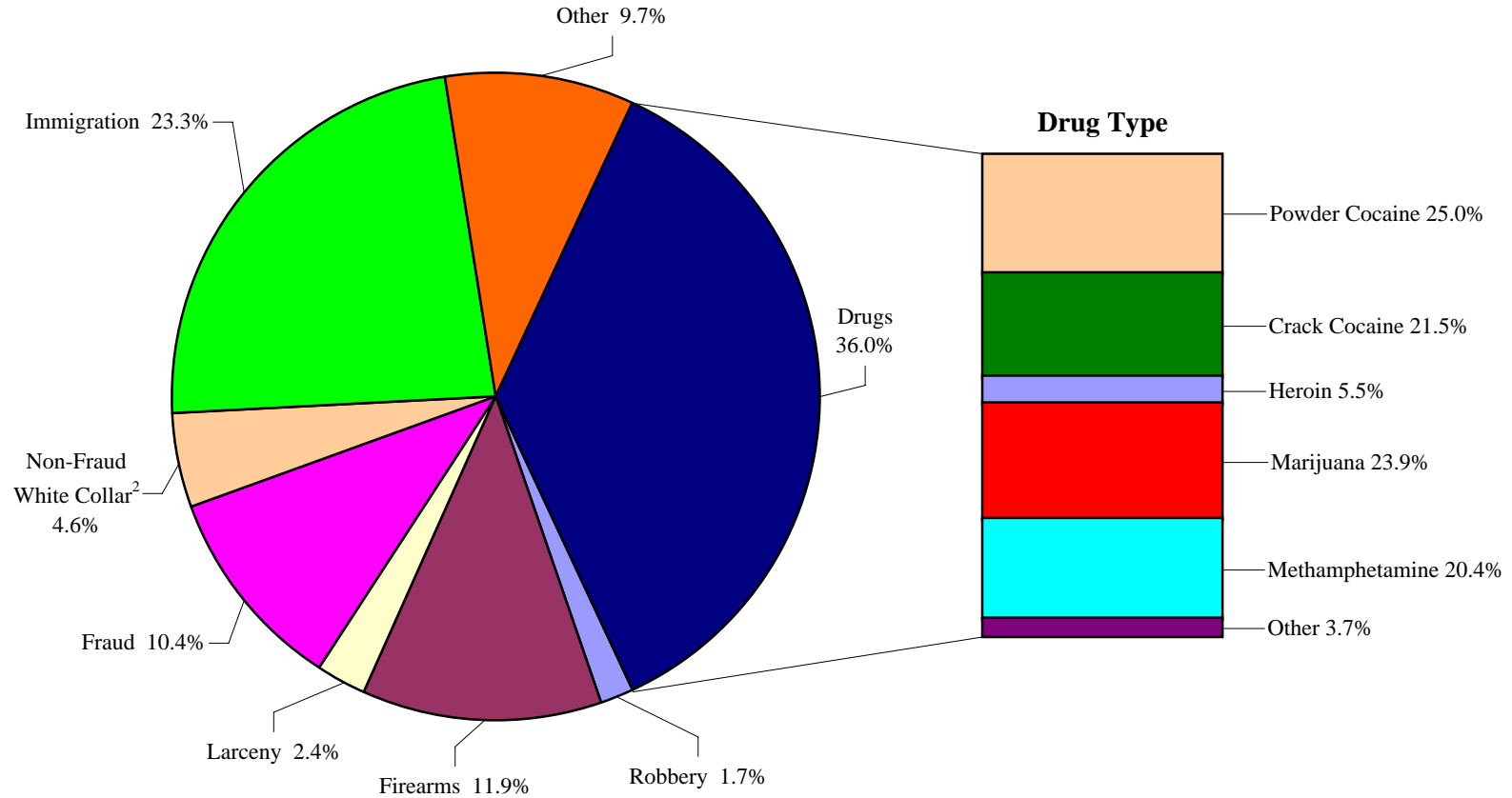
**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		n	%	n	%	n	%	n	%	n	%
TOTAL	24,055	14,225	59.1	3,838	16.0	1,902	7.9	1,617	6.7	2,473	10.3
Murder	22	5	22.7	5	22.7	1	4.5	3	13.6	8	36.4
Manslaughter	25	5	20.0	5	20.0	3	12.0	3	12.0	9	36.0
Kidnapping/Hostage Taking	11	7	63.6	2	18.2	0	0.0	0	0.0	2	18.2
Sexual Abuse	103	45	43.7	15	14.6	10	9.7	13	12.6	20	19.4
Assault	201	102	50.7	19	9.5	20	10.0	13	6.5	47	23.4
Robbery	487	269	55.2	84	17.2	45	9.2	41	8.4	48	9.9
Arson	20	15	75.0	1	5.0	0	0.0	1	5.0	3	15.0
Drugs - Trafficking	7,950	5,622	70.7	1,098	13.8	463	5.8	314	3.9	453	5.7
Drugs - Communication Facility	48	31	64.6	7	14.6	3	6.3	1	2.1	6	12.5
Drugs - Simple Possession	171	117	68.4	26	15.2	9	5.3	10	5.8	9	5.3
Firearms	3,413	1,956	57.3	512	15.0	271	7.9	225	6.6	449	13.2
Burglary/B&E	23	9	39.1	5	21.7	4	17.4	1	4.3	4	17.4
Auto Theft	25	12	48.0	4	16.0	1	4.0	2	8.0	6	24.0
Larceny	635	443	69.8	63	9.9	41	6.5	26	4.1	62	9.8
Fraud	2,668	1,581	59.3	375	14.1	192	7.2	212	7.9	308	11.5
Embezzlement	205	154	75.1	35	17.1	6	2.9	2	1.0	8	3.9
Forgery/Counterfeiting	480	237	49.4	73	15.2	48	10.0	36	7.5	86	17.9
Bribery	62	36	58.1	11	17.7	5	8.1	5	8.1	5	8.1
Tax	163	99	60.7	27	16.6	12	7.4	10	6.1	15	9.2
Money Laundering	244	159	65.2	37	15.2	8	3.3	16	6.6	24	9.8
Racketeering/Extortion	162	91	56.2	32	19.8	13	8.0	11	6.8	15	9.3
Gambling/Lottery	34	29	85.3	3	8.8	1	2.9	1	2.9	0	0.0
Civil Rights	18	10	55.6	2	11.1	2	11.1	0	0.0	4	22.2
Immigration	5,462	2,329	42.6	1,222	22.4	645	11.8	585	10.7	681	12.5
Pornography/Prostitution	529	311	58.8	65	12.3	36	6.8	39	7.4	78	14.7
Prison Offenses	151	62	41.1	32	21.2	19	12.6	7	4.6	31	20.5
Administration of Justice Offenses	347	206	59.4	35	10.1	23	6.6	24	6.9	59	17.0
Environmental/Wildlife	36	32	88.9	2	5.6	1	2.8	0	0.0	1	2.8
National Defense	4	3	75.0	0	0.0	0	0.0	1	25.0	0	0.0
Antitrust	2	1	50.0	1	50.0	0	0.0	0	0.0	0	0.0
Food & Drug	23	17	73.9	3	13.0	0	0.0	1	4.3	2	8.7
Other Miscellaneous Offenses	331	230	69.5	37	11.2	20	6.0	14	4.2	30	9.1

¹Of the 49,518 cases, 29,595 were sentenced within the applicable guideline range. Of those, 26,862 had complete guideline application information. An additional 1,555 cases were excluded due to several logical criteria. Of the remaining 25,307 cases, 1,252 were excluded due to missing point in range information. Descriptions of variables used in this table are provided in Appendix A.

Figure J

DISTRIBUTION OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)



¹Of the 49,518 guideline cases, 212 were excluded due to missing primary offense category. An additional 307 of the 17,948 drug cases were excluded due to missing drug type. The Drug category includes the following offense types: Trafficking, Use of a Communication Facility, and Simple Possession. The Non-Fraud White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering, and Tax. Descriptions of variables used in this figure are provided in Appendix A.

²The Non-Fraud White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering and Tax.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through June 30, 2007).

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

PRIMARY OFFENSE	Number	Percent
TOTAL	49,306	100.0
Murder	59	0.1
Manslaughter	49	0.1
Kidnapping/Hostage Taking	35	0.1
Sexual Abuse	178	0.4
Assault	372	0.8
Robbery	813	1.6
Arson	55	0.1
Drugs - Trafficking	17,284	35.1
Drugs - Communication Facility	262	0.5
Drugs - Simple Possession	402	0.8
Firearms	5,855	11.9
Burglary/B&E	34	0.1
Auto Theft	41	0.1
Larceny	1,166	2.4
Fraud	5,095	10.3
Embezzlement	320	0.6
Forgery/Counterfeiting	762	1.5
Bribery	155	0.3
Tax	414	0.8
Money Laundering	618	1.3
Racketeering/Extortion	447	0.9
Gambling/Lottery	67	0.1
Civil Rights	44	0.1
Immigration	11,429	23.2
Pornography/Prostitution	1,058	2.1
Prison Offenses	227	0.5
Administration of Justice Offenses	682	1.4
Environmental/Wildlife	114	0.2
National Defense	17	0.0
Antitrust	13	0.0
Food & Drug	40	0.1
Other Miscellaneous Offenses	1,199	2.4

¹Of the 49,518 cases, 212 were excluded due to missing information on primary offense category. Descriptions of variables used in this table are provided in Appendix A.

Table 22

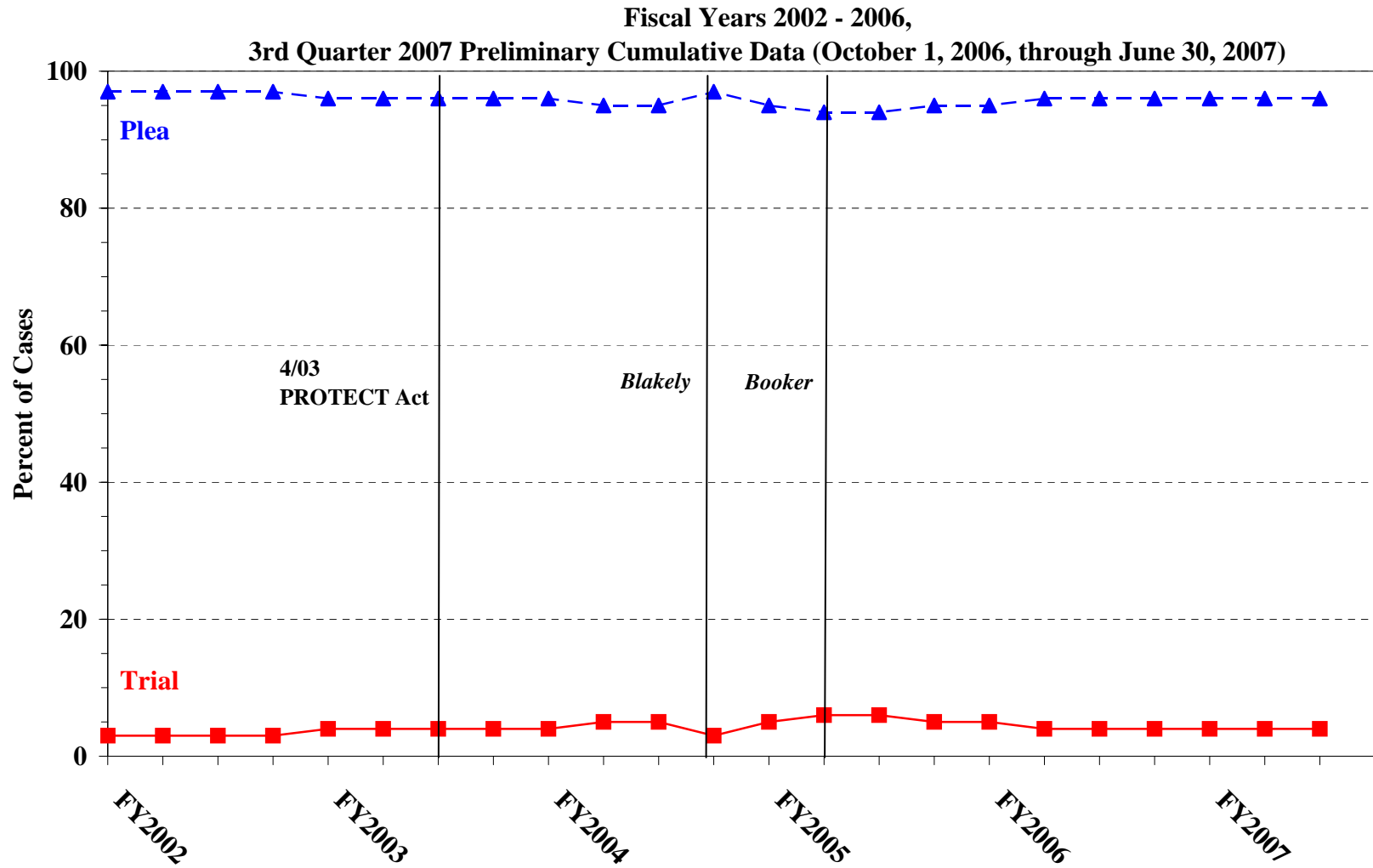
GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	49,304	47,158	95.6	2,146	4.4
Murder	59	40	67.8	19	32.2
Manslaughter	49	44	89.8	5	10.2
Kidnapping/Hostage Taking	35	32	91.4	3	8.6
Sexual Abuse	178	148	83.1	30	16.9
Assault	372	339	91.1	33	8.9
Robbery	813	774	95.2	39	4.8
Arson	55	45	81.8	10	18.2
Drugs - Trafficking	17,284	16,506	95.5	778	4.5
Drugs - Communication Facility	262	260	99.2	2	0.8
Drugs - Simple Possession	402	395	98.3	7	1.7
Firearms	5,855	5,430	92.7	425	7.3
Burglary/B&E	34	32	94.1	2	5.9
Auto Theft	41	40	97.6	1	2.4
Larceny	1,166	1,131	97.0	35	3.0
Fraud	5,095	4,828	94.8	267	5.2
Embezzlement	320	311	97.2	9	2.8
Forgery/Counterfeiting	762	748	98.2	14	1.8
Bribery	155	138	89.0	17	11.0
Tax	414	378	91.3	36	8.7
Money Laundering	618	570	92.2	48	7.8
Racketeering/Extortion	447	385	86.1	62	13.9
Gambling/Lottery	67	67	100.0	0	0.0
Civil Rights	44	38	86.4	6	13.6
Immigration	11,428	11,307	98.9	121	1.1
Pornography/Prostitution	1,058	1,003	94.8	55	5.2
Prison Offenses	227	219	96.5	8	3.5
Administration of Justice Offenses	682	631	92.5	51	7.5
Environmental/Wildlife	114	110	96.5	4	3.5
National Defense	17	17	100.0	0	0.0
Antitrust	13	13	100.0	0	0.0
Food & Drug	40	38	95.0	2	5.0
Other Miscellaneous Offenses	1,198	1,141	95.2	57	4.8

¹Of the 49,518 cases, 214 were excluded due to one or both of the following reasons: missing primary offense category (212) or missing information on mode of conviction (212). Descriptions of variables used in this table are provided in Appendix A.

Figure K

QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS¹



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

Table 23

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	47,144	13,443	28.5	11,628	24.7	20,163	42.8	1,910	4.1
Murder	56	19	33.9	10	17.9	7	12.5	20	35.7
Manslaughter	48	4	8.3	0	0.0	2	4.2	42	87.5
Kidnapping/Hostage Taking	35	2	5.7	8	22.9	23	65.7	2	5.7
Sexual Abuse	177	62	35.0	6	3.4	12	6.8	97	54.8
Assault	338	102	30.2	41	12.1	56	16.6	139	41.1
Robbery	809	364	45.0	346	42.8	71	8.8	28	3.5
Arson	55	38	69.1	8	14.5	3	5.5	6	10.9
Drugs - Trafficking	17,198	4,184	24.3	5,022	29.2	7,393	43.0	599	3.5
Drugs - Communication Facility	260	63	24.2	104	40.0	88	33.8	5	1.9
Drugs - Simple Possession	251	133	53.0	69	27.5	38	15.1	11	4.4
Firearms	5,815	1,917	33.0	2,789	48.0	948	16.3	161	2.8
Burglary/B&E	34	11	32.4	3	8.8	0	0.0	20	58.8
Auto Theft	40	6	15.0	17	42.5	15	37.5	2	5.0
Larceny	983	527	53.6	309	31.4	89	9.1	58	5.9
Fraud	4,921	2,352	47.8	1,547	31.4	776	15.8	246	5.0
Embezzlement	312	179	57.4	73	23.4	28	9.0	32	10.3
Forgery/Counterfeiting	747	368	49.3	276	36.9	91	12.2	12	1.6
Bribery	155	79	51.0	34	21.9	34	21.9	8	5.2
Tax	401	299	74.6	56	14.0	24	6.0	22	5.5
Money Laundering	605	209	34.5	84	13.9	248	41.0	64	10.6
Racketeering/Extortion	437	175	40.0	129	29.5	110	25.2	23	5.3
Gambling/Lottery	67	51	76.1	1	1.5	3	4.5	12	17.9
Civil Rights	41	31	75.6	6	14.6	2	4.9	2	4.9
Immigration	10,637	534	5.0	302	2.8	9,675	91.0	126	1.2
Pornography/Prostitution	1,052	882	83.8	41	3.9	82	7.8	47	4.5
Prison Offenses	212	71	33.5	62	29.2	66	31.1	13	6.1
Administration of Justice Offenses	644	264	41.0	150	23.3	197	30.6	33	5.1
Environmental/Wildlife	94	72	76.6	5	5.3	5	5.3	12	12.8
National Defense	15	8	53.3	0	0.0	5	33.3	2	13.3
Antitrust	10	9	90.0	0	0.0	1	10.0	0	0.0
Food & Drug	38	27	71.1	0	0.0	10	26.3	1	2.6
Other Miscellaneous Offenses	657	401	61.0	130	19.8	61	9.3	65	9.9

¹Of the 49,518 cases, 2,374 were excluded due to one or both of the following reasons: missing primary offense category (212) or missing race (2,366). Descriptions of variables used in this table are provided in Appendix A.

Table 24

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		Number	Percent	Number	Percent
TOTAL	47,930	41,531	86.6	6,399	13.4
Murder	58	51	87.9	7	12.1
Manslaughter	49	41	83.7	8	16.3
Kidnapping/Hostage Taking	35	33	94.3	2	5.7
Sexual Abuse	177	173	97.7	4	2.3
Assault	352	317	90.1	35	9.9
Robbery	811	738	91.0	73	9.0
Arson	55	52	94.5	3	5.5
Drugs - Trafficking	17,235	15,087	87.5	2,148	12.5
Drugs - Communication Facility	261	207	79.3	54	20.7
Drugs - Simple Possession	306	232	75.8	74	24.2
Firearms	5,838	5,632	96.5	206	3.5
Burglary/B&E	34	31	91.2	3	8.8
Auto Theft	40	35	87.5	5	12.5
Larceny	1,042	644	61.8	398	38.2
Fraud	4,976	3,492	70.2	1,484	29.8
Embezzlement	314	141	44.9	173	55.1
Forgery/Counterfeiting	754	537	71.2	217	28.8
Bribery	155	138	89.0	17	11.0
Tax	410	333	81.2	77	18.8
Money Laundering	610	462	75.7	148	24.3
Racketeering/Extortion	441	405	91.8	36	8.2
Gambling/Lottery	67	59	88.1	8	11.9
Civil Rights	43	34	79.1	9	20.9
Immigration	10,896	10,136	93.0	760	7.0
Pornography/Prostitution	1,054	1,016	96.4	38	3.6
Prison Offenses	220	201	91.4	19	8.6
Administration of Justice Offenses	658	464	70.5	194	29.5
Environmental/Wildlife	104	100	96.2	4	3.8
National Defense	16	16	100.0	0	0.0
Antitrust	11	11	100.0	0	0.0
Food & Drug	38	35	92.1	3	7.9
Other Miscellaneous Offenses	870	678	77.9	192	22.1

¹Of the 49,518 cases, 1,588 were excluded due to one or both of the following reasons: missing primary offense category (212) or missing gender (1,538). Descriptions of variables used in this table are provided in Appendix A.

Table 25

AGE, RACE, AND GENDER OF OFFENDERS¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

Gender and Age	White		Black		Hispanic		Other	
	n	%	n	%	n	%	n	%
Males	11,031	100.0	10,042	100.0	18,045	100.0	1,533	100.0
Under 21	252	2.3	315	3.1	881	4.9	71	4.6
21 - 25	1,243	11.3	1,883	18.8	3,273	18.1	283	18.5
26 - 30	1,549	14.0	2,474	24.6	3,962	22.0	289	18.9
31 - 35	1,496	13.6	2,133	21.2	3,548	19.7	255	16.6
36 - 40	1,540	14.0	1,293	12.9	2,620	14.5	216	14.1
41 - 50	2,721	24.7	1,380	13.7	2,809	15.6	284	18.5
Over 50	2,230	20.2	564	5.6	952	5.3	135	8.8
Females	2,378	100.0	1,563	100.0	1,899	100.0	371	100.0
Under 21	77	3.2	38	2.4	130	6.8	6	1.6
21 - 25	359	15.1	271	17.3	344	18.1	56	15.1
26 - 30	378	15.9	325	20.8	381	20.1	65	17.5
31 - 35	352	14.8	251	16.1	325	17.1	55	14.8
36 - 40	320	13.5	224	14.3	238	12.5	50	13.5
41 - 50	538	22.6	300	19.2	343	18.1	90	24.3
Over 50	354	14.9	154	9.9	138	7.3	49	13.2

¹Of the 49,518 cases, 2,656 were excluded due to one or more of the following reasons: missing race (2,366), missing gender (1,538), or missing age (684). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through June 30, 2007).

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		Number	Percent	Number	Percent
TOTAL	47,660	30,508	64.0	17,152	36.0
Murder	56	50	89.3	6	10.7
Manslaughter	48	46	95.8	2	4.2
Kidnapping/Hostage Taking	35	15	42.9	20	57.1
Sexual Abuse	177	160	90.4	17	9.6
Assault	338	302	89.3	36	10.7
Robbery	809	784	96.9	25	3.1
Arson	55	52	94.5	3	5.5
Drugs - Trafficking	17,179	12,263	71.4	4,916	28.6
Drugs - Communication Facility	261	206	78.9	55	21.1
Drugs - Simple Possession	254	224	88.2	30	11.8
Firearms	5,815	5,391	92.7	424	7.3
Burglary/B&E	34	34	100.0	0	0.0
Auto Theft	40	35	87.5	5	12.5
Larceny	980	915	93.4	65	6.6
Fraud	4,926	4,113	83.5	813	16.5
Embezzlement	311	300	96.5	11	3.5
Forgery/Counterfeiting	746	675	90.5	71	9.5
Bribery	155	139	89.7	16	10.3
Tax	404	377	93.3	27	6.7
Money Laundering	603	399	66.2	204	33.8
Racketeering/Extortion	436	349	80.0	87	20.0
Gambling/Lottery	67	56	83.6	11	16.4
Civil Rights	41	38	92.7	3	7.3
Immigration	11,166	1,163	10.4	10,003	89.6
Pornography/Prostitution	1,053	998	94.8	55	5.2
Prison Offenses	214	198	92.5	16	7.5
Administration of Justice Offenses	640	500	78.1	140	21.9
Environmental/Wildlife	92	82	89.1	10	10.9
National Defense	15	11	73.3	4	26.7
Antitrust	10	10	100.0	0	0.0
Food & Drug	38	33	86.8	5	13.2
Other Miscellaneous Offenses	662	590	89.1	72	10.9

¹Of the 49,518 cases, 1,858 were excluded due to one or both of the following reasons: missing primary offense category (212) or missing citizenship information (1,858). Descriptions of variables used in this table are provided in Appendix A.

Table 27

DOCUMENT SUBMISSION RATE OF EACH CIRCUIT AND DISTRICT¹
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)

CIRCUIT District	Number of Cases	Total Requested Documents				Judgment and Commitment Order				Statement of Reasons			
		Received		Not Received		Received		Not Received		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	49,518	231,281	98.7	3,084	1.3	49,264	99.5	254	0.5	48,317	97.6	1,201	2.4
D.C. CIRCUIT	360	1,767	99.9	1	0.1	360	100.0	0	0.0	360	100.0	0	0.0
District of Columbia	360	1,767	99.9	1	0.1	360	100.0	0	0.0	360	100.0	0	0.0
FIRST CIRCUIT	1,389	6,391	99.6	23	0.4	1,388	99.9	1	0.1	1,380	99.4	9	0.6
Maine	141	622	99.8	1	0.2	141	100.0	0	0.0	141	100.0	0	0.0
Massachusetts	442	1,971	99.8	3	0.2	442	100.0	0	0.0	440	99.5	2	0.5
New Hampshire	173	841	99.3	6	0.7	172	99.4	1	0.6	171	98.8	2	1.2
Puerto Rico	525	2,453	99.7	8	0.3	525	100.0	0	0.0	523	99.6	2	0.4
Rhode Island	108	504	99.0	5	1.0	108	100.0	0	0.0	105	97.2	3	2.8
SECOND CIRCUIT	3,092	14,635	99.3	110	0.7	3,091	100.0	1	0.0	3,075	99.5	17	0.5
Connecticut	274	1,349	99.6	5	0.4	273	99.6	1	0.4	274	100.0	0	0.0
New York													
Eastern	760	3,690	100.0	1	0.0	760	100.0	0	0.0	759	99.9	1	0.1
Northern	303	1,415	99.3	10	0.7	303	100.0	0	0.0	296	97.7	7	2.3
Southern	1,090	4,925	98.2	89	1.8	1,090	100.0	0	0.0	1,083	99.4	7	0.6
Western	550	2,686	99.9	4	0.1	550	100.0	0	0.0	549	99.8	1	0.2
Vermont	115	570	99.8	1	0.2	115	100.0	0	0.0	114	99.1	1	0.9
THIRD CIRCUIT	2,161	10,322	99.3	71	0.7	2,157	99.8	4	0.2	2,143	99.2	18	0.8
Delaware	51	252	100.0	0	0.0	51	100.0	0	0.0	51	100.0	0	0.0
New Jersey	659	3,198	98.7	42	1.3	655	99.4	4	0.6	654	99.2	5	0.8
Pennsylvania													
Eastern	570	2,680	99.4	16	0.6	570	100.0	0	0.0	560	98.2	10	1.8
Middle	439	2,166	99.9	3	0.1	439	100.0	0	0.0	439	100.0	0	0.0
Western	375	1,716	99.5	8	0.5	375	100.0	0	0.0	372	99.2	3	0.8
Virgin Islands	67	310	99.4	2	0.6	67	100.0	0	0.0	67	100.0	0	0.0
FOURTH CIRCUIT	4,421	20,354	97.9	434	2.1	4,414	99.8	7	0.2	4,146	93.8	275	6.2
Maryland	473	2,254	98.3	38	1.7	473	100.0	0	0.0	450	95.1	23	4.9
North Carolina													
Eastern	333	1,538	99.5	7	0.5	333	100.0	0	0.0	327	98.2	6	1.8
Middle	314	1,520	99.7	4	0.3	314	100.0	0	0.0	314	100.0	0	0.0
Western	517	2,433	99.5	11	0.5	517	100.0	0	0.0	514	99.4	3	0.6
South Carolina	834	3,876	99.4	25	0.6	833	99.9	1	0.1	830	99.5	4	0.5
Virginia													
Eastern	1,089	4,537	93.1	338	6.9	1,084	99.5	5	0.5	854	78.4	235	21.6
Western	459	2,229	99.8	5	0.2	459	100.0	0	0.0	457	99.6	2	0.4
West Virginia													
Northern	215	1,061	99.9	1	0.1	215	100.0	0	0.0	214	99.5	1	0.5
Southern	187	906	99.5	5	0.5	186	99.5	1	0.5	186	99.5	1	0.5

Table 27 (cont.)

CIRCUIT District	Plea Agreement ²						Indictment/Information				Presentence Report					
	Received		Not Received		No Written Plea/Trial		Received		Not Received		Received		Not Received		Waived	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	37,304	76.0	745	1.5	11,003	22.4	49,026	99.0	492	1.0	47,370	95.7	392	0.8	1,756	3.5
D.C. CIRCUIT	328	91.1	0	0.0	32	8.9	359	99.7	1	0.3	360	100.0	0	0.0	0	0.0
District of Columbia	328	91.1	0	0.0	32	8.9	359	99.7	1	0.3	360	100.0	0	0.0	0	0.0
FIRST CIRCUIT	902	66.3	8	0.6	450	33.1	1,386	99.8	3	0.2	1,335	96.1	2	0.1	52	3.7
Maine	60	42.6	1	0.7	80	56.7	141	100.0	0	0.0	139	98.6	0	0.0	2	1.4
Massachusetts	215	48.9	1	0.2	224	50.9	442	100.0	0	0.0	432	97.7	0	0.0	10	2.3
New Hampshire	155	89.6	1	0.6	17	9.8	172	99.4	1	0.6	171	98.8	1	0.6	1	0.6
Puerto Rico	397	79.7	3	0.6	98	19.7	523	99.6	2	0.4	485	92.4	1	0.2	39	7.4
Rhode Island	75	69.4	2	1.9	31	28.7	108	100.0	0	0.0	108	100.0	0	0.0	0	0.0
SECOND CIRCUIT	2,368	78.3	75	2.5	582	19.2	3,085	99.8	7	0.2	3,016	97.5	10	0.3	66	2.1
Connecticut	258	94.9	0	0.0	14	5.1	272	99.3	2	0.7	272	99.3	2	0.7	0	0.0
New York																
Eastern	659	87.4	0	0.0	95	12.6	760	100.0	0	0.0	752	98.9	0	0.0	8	1.1
Northern	228	75.2	2	0.7	73	24.1	303	100.0	0	0.0	285	94.1	1	0.3	17	5.6
Southern	586	56.8	72	7.0	373	36.2	1,085	99.5	5	0.5	1,081	99.2	5	0.5	4	0.4
Western	526	95.6	1	0.2	23	4.2	550	100.0	0	0.0	511	92.9	2	0.4	37	6.7
Vermont	111	96.5	0	0.0	4	3.5	115	100.0	0	0.0	115	100.0	0	0.0	0	0.0
THIRD CIRCUIT	1,770	82.6	18	0.8	355	16.6	2,137	98.9	24	1.1	2,115	97.9	7	0.3	39	1.8
Delaware	48	94.1	0	0.0	3	5.9	51	100.0	0	0.0	51	100.0	0	0.0	0	0.0
New Jersey	600	91.5	6	0.9	50	7.6	637	96.7	22	3.3	652	98.9	5	0.8	2	0.3
Pennsylvania																
Eastern	415	73.2	4	0.7	148	26.1	569	99.8	1	0.2	566	99.3	1	0.2	3	0.5
Middle	416	95.2	1	0.2	20	4.6	438	99.8	1	0.2	434	98.9	1	0.2	4	0.9
Western	249	68.2	5	1.4	111	30.4	375	100.0	0	0.0	345	92.0	0	0.0	30	8.0
Virgin Islands	42	62.7	2	3.0	23	34.3	67	100.0	0	0.0	67	100.0	0	0.0	0	0.0
FOURTH CIRCUIT	3,348	76.4	35	0.8	998	22.8	4,320	97.7	101	2.3	4,126	93.3	16	0.4	279	6.3
Maryland	413	89.0	2	0.4	49	10.6	465	98.3	8	1.7	453	95.8	5	1.1	15	3.2
North Carolina																
Eastern	229	69.6	1	0.3	99	30.1	333	100.0	0	0.0	316	94.9	0	0.0	17	5.1
Middle	275	88.1	0	0.0	37	11.9	312	99.4	2	0.6	305	97.1	2	0.6	7	2.2
Western	372	72.7	5	1.0	135	26.4	516	99.8	1	0.2	514	99.4	2	0.4	1	0.2
South Carolina	559	67.7	16	1.9	251	30.4	832	99.8	2	0.2	822	98.6	2	0.2	10	1.2
Virginia																
Eastern	731	67.7	9	0.8	339	31.4	1,005	92.3	84	7.7	863	79.2	5	0.5	221	20.3
Western	401	87.6	1	0.2	56	12.2	457	99.6	2	0.4	455	99.1	0	0.0	4	0.9
West Virginia																
Northern	203	94.4	0	0.0	12	5.6	215	100.0	0	0.0	214	99.5	0	0.0	1	0.5
Southern	165	88.7	1	0.5	20	10.8	185	98.9	2	1.1	184	98.4	0	0.0	3	1.6

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Requested Documents				Judgment and Commitment Order				Statement of Reasons			
		Received		Not Received		Received		Not Received		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	10,656	49,119	99.4	293	0.6	10,639	99.8	17	0.2	10,594	99.4	62	0.6
Louisiana													
Eastern	290	1,292	96.7	44	3.3	283	97.6	7	2.4	286	98.6	4	1.4
Middle	113	544	100.0	0	0.0	113	100.0	0	0.0	113	100.0	0	0.0
Western	369	1,746	99.5	8	0.5	368	99.7	1	0.3	367	99.5	2	0.5
Mississippi													
Northern	135	670	99.6	3	0.4	135	100.0	0	0.0	133	98.5	2	1.5
Southern	306	1,460	98.8	18	1.2	303	99.0	3	1.0	298	97.4	8	2.6
Texas													
Eastern	794	3,868	99.9	4	0.1	793	99.9	1	0.1	794	100.0	0	0.0
Northern	778	3,681	99.9	4	0.1	778	100.0	0	0.0	775	99.6	3	0.4
Southern	3,977	18,608	99.8	43	0.2	3,975	99.9	2	0.1	3,970	99.8	7	0.2
Western	3,894	17,250	99.0	169	1.0	3,891	99.9	3	0.1	3,858	99.1	36	0.9
SIXTH CIRCUIT	3,738	17,663	99.3	132	0.7	3,737	100.0	1	0.0	3,675	98.3	63	1.7
Kentucky													
Eastern	412	1,989	99.6	8	0.4	411	99.8	1	0.2	411	99.8	1	0.2
Western	323	1,366	97.0	42	3.0	323	100.0	0	0.0	302	93.5	21	6.5
Michigan													
Eastern	546	2,641	99.9	2	0.1	546	100.0	0	0.0	544	99.6	2	0.4
Western	345	1,655	99.6	7	0.4	345	100.0	0	0.0	342	99.1	3	0.9
Ohio													
Northern	658	3,126	99.3	21	0.7	658	100.0	0	0.0	657	99.8	1	0.2
Southern	423	2,072	99.6	8	0.4	423	100.0	0	0.0	418	98.8	5	1.2
Tennessee													
Eastern	417	1,947	99.7	6	0.3	417	100.0	0	0.0	414	99.3	3	0.7
Middle	226	1,037	96.8	34	3.2	226	100.0	0	0.0	200	88.5	26	11.5
Western	388	1,830	99.8	4	0.2	388	100.0	0	0.0	387	99.7	1	0.3
SEVENTH CIRCUIT	2,094	10,031	99.6	42	0.4	2,090	99.8	4	0.2	2,075	99.1	19	0.9
Illinois													
Central	283	1,299	100.0	0	0.0	283	100.0	0	0.0	283	100.0	0	0.0
Northern	521	2,468	98.8	30	1.2	518	99.4	3	0.6	504	96.7	17	3.3
Southern	252	1,197	99.4	7	0.6	251	99.6	1	0.4	250	99.2	2	0.8
Indiana													
Northern	337	1,633	99.8	3	0.2	337	100.0	0	0.0	337	100.0	0	0.0
Southern	226	1,097	100.0	0	0.0	226	100.0	0	0.0	226	100.0	0	0.0
Wisconsin													
Eastern	323	1,592	99.9	1	0.1	323	100.0	0	0.0	323	100.0	0	0.0
Western	152	745	99.9	1	0.1	152	100.0	0	0.0	152	100.0	0	0.0
EIGHTH CIRCUIT	3,635	17,375	99.8	41	0.2	3,635	100.0	0	0.0	3,621	99.6	14	0.4
Arkansas													
Eastern	213	1,019	99.7	3	0.3	213	100.0	0	0.0	211	99.1	2	0.9
Western	140	689	100.0	0	0.0	140	100.0	0	0.0	140	100.0	0	0.0
Iowa													
Northern	361	1,663	99.8	3	0.2	361	100.0	0	0.0	360	99.7	1	0.3
Southern	224	1,038	99.3	7	0.7	224	100.0	0	0.0	222	99.1	2	0.9
Minnesota	411	2,009	99.9	2	0.1	411	100.0	0	0.0	409	99.5	2	0.5
Missouri													
Eastern	718	3,557	99.9	4	0.1	718	100.0	0	0.0	716	99.7	2	0.3
Western	593	2,713	99.8	6	0.2	593	100.0	0	0.0	589	99.3	4	0.7
Nebraska	516	2,536	99.8	4	0.2	516	100.0	0	0.0	516	100.0	0	0.0
North Dakota	134	631	99.7	2	0.3	134	100.0	0	0.0	134	100.0	0	0.0
South Dakota	325	1,520	99.3	10	0.7	325	100.0	0	0.0	324	99.7	1	0.3

Table 27 (cont.)

CIRCUIT District	Plea Agreement ²						Indictment/Information				Presentence Report					
	Received		Not Received		No Written Plea/Trial		Received		Not Received		Received		Not Received		Waived	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	6,924	65.8	156	1.5	3,448	32.8	10,619	99.7	37	0.3	10,343	97.1	21	0.2	292	2.7
Louisiana																
Eastern	156	53.8	20	6.9	114	39.3	283	97.6	7	2.4	284	97.9	6	2.1	0	0.0
Middle	92	81.4	0	0.0	21	18.6	113	100.0	0	0.0	113	100.0	0	0.0	0	0.0
Western	303	82.8	1	0.3	62	16.9	365	98.9	4	1.1	343	93.0	0	0.0	26	7.0
Mississippi																
Northern	133	98.5	0	0.0	2	1.5	134	99.3	1	0.7	135	100.0	0	0.0	0	0.0
Southern	260	85.2	1	0.3	44	14.4	301	98.4	5	1.6	298	97.4	1	0.3	7	2.3
Texas																
Eastern	697	87.8	1	0.1	96	12.1	793	99.9	1	0.1	791	99.6	1	0.1	2	0.3
Northern	574	73.8	1	0.1	203	26.1	778	100.0	0	0.0	776	99.7	0	0.0	2	0.3
Southern	2,771	70.3	21	0.5	1,151	29.2	3,969	99.8	8	0.2	3,923	98.6	5	0.1	49	1.2
Western	1,938	50.9	111	2.9	1,755	46.1	3,883	99.7	11	0.3	3,680	94.5	8	0.2	206	5.3
SIXTH CIRCUIT	2,963	80.0	56	1.5	687	18.5	3,731	99.8	7	0.2	3,557	95.2	5	0.1	176	4.7
Kentucky																
Eastern	347	84.6	6	1.5	57	13.9	412	100.0	0	0.0	408	99.0	0	0.0	4	1.0
Western	210	69.5	21	7.0	71	23.5	323	100.0	0	0.0	208	64.4	0	0.0	115	35.6
Michigan																
Eastern	461	84.7	0	0.0	83	15.3	546	100.0	0	0.0	544	99.6	0	0.0	2	0.4
Western	290	84.5	0	0.0	53	15.5	343	99.4	2	0.6	335	97.1	2	0.6	8	2.3
Ohio																
Northern	497	75.6	20	3.0	140	21.3	658	100.0	0	0.0	656	99.7	0	0.0	2	0.3
Southern	392	92.9	1	0.2	29	6.9	422	99.8	1	0.2	417	98.6	1	0.2	5	1.2
Tennessee																
Eastern	288	69.2	1	0.2	127	30.5	415	99.5	2	0.5	413	99.0	0	0.0	4	1.0
Middle	188	83.9	5	2.2	31	13.8	225	99.6	1	0.4	198	87.6	2	0.9	26	11.5
Western	290	74.7	2	0.5	96	24.7	387	99.7	1	0.3	378	97.4	0	0.0	10	2.6
SEVENTH CIRCUIT	1,696	81.3	7	0.3	384	18.4	2,087	99.7	7	0.3	2,083	99.5	5	0.2	6	0.3
Illinois																
Central	167	59.0	0	0.0	116	41.0	283	100.0	0	0.0	283	100.0	0	0.0	0	0.0
Northern	412	79.8	2	0.4	102	19.8	517	99.2	4	0.8	517	99.2	4	0.8	0	0.0
Southern	196	77.8	2	0.8	54	21.4	250	99.2	2	0.8	250	99.2	0	0.0	2	0.8
Indiana																
Northern	287	85.4	1	0.3	48	14.3	336	99.7	1	0.3	336	99.7	1	0.3	0	0.0
Southern	194	85.8	0	0.0	32	14.2	226	100.0	0	0.0	225	99.6	0	0.0	1	0.4
Wisconsin																
Eastern	301	93.2	1	0.3	21	6.5	323	100.0	0	0.0	322	99.7	0	0.0	1	0.3
Western	139	92.1	1	0.7	11	7.3	152	100.0	0	0.0	150	98.7	0	0.0	2	1.3
EIGHTH CIRCUIT	2,888	79.7	20	0.6	717	19.8	3,631	99.9	4	0.1	3,600	99.0	3	0.1	32	0.9
Arkansas																
Eastern	174	82.5	0	0.0	37	17.5	213	100.0	0	0.0	208	97.7	1	0.5	4	1.9
Western	130	92.9	0	0.0	10	7.1	140	100.0	0	0.0	139	99.3	0	0.0	1	0.7
Iowa																
Northern	223	61.9	1	0.3	136	37.8	360	99.7	1	0.3	359	99.4	0	0.0	2	0.6
Southern	153	68.3	5	2.2	66	29.5	224	100.0	0	0.0	215	96.0	0	0.0	9	4.0
Minnesota	378	92.0	0	0.0	33	8.0	411	100.0	0	0.0	400	97.3	0	0.0	11	2.7
Missouri																
Eastern	687	95.8	2	0.3	28	3.9	718	100.0	0	0.0	718	100.0	0	0.0	0	0.0
Western	346	58.3	2	0.3	245	41.3	593	100.0	0	0.0	592	99.8	0	0.0	1	0.2
Nebraska	478	93.2	2	0.4	33	6.4	515	99.8	1	0.2	511	99.0	1	0.2	4	0.8
North Dakota	96	72.2	1	0.8	36	27.1	133	99.3	1	0.7	134	100.0	0	0.0	0	0.0
South Dakota	223	69.0	7	2.2	93	28.8	324	99.7	1	0.3	324	99.7	1	0.3	0	0.0

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Requested Documents				Judgment and Commitment Order				Statement of Reasons			
		Received		Not Received		Received		Not Received		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	9,024	42,222	96.4	1,586	3.6	8,807	97.6	217	2.4	8,498	94.2	526	5.8
Alaska	76	331	96.2	13	3.8	76	100.0	0	0.0	65	85.5	11	14.5
Arizona	2,694	13,136	99.3	87	0.7	2,694	100.0	0	0.0	2,635	97.8	59	2.2
California													
Central	1,052	3,842	75.2	1,267	24.8	847	80.5	205	19.5	685	65.1	367	34.9
Eastern	713	3,478	99.9	5	0.1	713	100.0	0	0.0	710	99.6	3	0.4
Northern	440	2,065	98.5	32	1.5	439	99.8	1	0.2	436	99.1	4	0.9
Southern	1,612	7,650	98.1	150	1.9	1,601	99.3	11	0.7	1,545	95.8	67	4.2
Guam	25	123	100.0	0	0.0	25	100.0	0	0.0	25	100.0	0	0.0
Hawaii	256	1,184	99.4	7	0.6	256	100.0	0	0.0	254	99.2	2	0.8
Idaho	173	846	99.9	1	0.1	173	100.0	0	0.0	172	99.4	1	0.6
Montana	267	1,283	99.5	7	0.5	267	100.0	0	0.0	260	97.4	7	2.6
Nevada	505	2,436	99.7	8	0.3	505	100.0	0	0.0	502	99.4	3	0.6
Northern Mariana Islands	11	49	100.0	0	0.0	11	100.0	0	0.0	11	100.0	0	0.0
Oregon	366	1,788	99.8	3	0.2	366	100.0	0	0.0	364	99.5	2	0.5
Washington													
Eastern	260	1,234	99.6	5	0.4	260	100.0	0	0.0	260	100.0	0	0.0
Western	574	2,777	100.0	1	0.0	574	100.0	0	0.0	574	100.0	0	0.0
TENTH CIRCUIT	3,867	18,077	99.2	154	0.8	3,867	100.0	0	0.0	3,790	98.0	77	2.0
Colorado	394	1,915	99.5	10	0.5	394	100.0	0	0.0	385	97.7	9	2.3
Kansas	500	2,442	99.7	7	0.3	500	100.0	0	0.0	498	99.6	2	0.4
New Mexico	1,730	7,976	99.7	25	0.3	1,730	100.0	0	0.0	1,724	99.7	6	0.3
Oklahoma													
Eastern	74	319	97.9	7	2.1	74	100.0	0	0.0	74	100.0	0	0.0
Northern	160	738	99.5	4	0.5	160	100.0	0	0.0	160	100.0	0	0.0
Western	284	1,184	92.2	100	7.8	284	100.0	0	0.0	224	78.9	60	21.1
Utah	464	2,249	100.0	0	0.0	464	100.0	0	0.0	464	100.0	0	0.0
Wyoming	261	1,254	99.9	1	0.1	261	100.0	0	0.0	261	100.0	0	0.0
ELEVENTH CIRCUIT	5,081	23,325	99.2	197	0.8	5,079	100.0	2	0.0	4,960	97.6	121	2.4
Alabama													
Middle	188	911	100.0	0	0.0	188	100.0	0	0.0	188	100.0	0	0.0
Northern	416	1,964	99.7	6	0.3	416	100.0	0	0.0	412	99.0	4	1.0
Southern	178	844	99.8	2	0.2	178	100.0	0	0.0	178	100.0	0	0.0
Florida													
Middle	1,197	5,531	99.4	33	0.6	1,196	99.9	1	0.1	1,196	99.9	1	0.1
Northern	309	1,418	99.1	13	0.9	308	99.7	1	0.3	300	97.1	9	2.9
Southern	1,605	7,337	98.7	98	1.3	1,605	100.0	0	0.0	1,532	95.5	73	4.5
Georgia													
Middle	383	1,631	97.7	39	2.3	383	100.0	0	0.0	350	91.4	33	8.6
Northern	412	1,989	99.7	5	0.3	412	100.0	0	0.0	411	99.8	1	0.2
Southern	393	1,700	99.9	1	0.1	393	100.0	0	0.0	393	100.0	0	0.0

Table 27 (cont.)

CIRCUIT District	Plea Agreement ²						Indictment/Information				Presentence Report					
	Received		Not Received		No Written Plea/Trial		Received		Not Received		Received		Not Received		Waived	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	7,787	86.9	303	3.4	872	9.7	8,749	97.0	275	3.0	8,381	92.9	265	2.9	378	4.2
Alaska	43	56.6	1	1.3	32	42.1	75	98.7	1	1.3	72	94.7	0	0.0	4	5.3
Arizona	2,472	92.2	15	0.6	195	7.3	2,689	99.8	5	0.2	2,646	98.2	8	0.3	40	1.5
California																
Central	665	65.1	253	24.8	103	10.1	812	77.2	240	22.8	833	79.2	202	19.2	17	1.6
Eastern	629	88.5	2	0.3	80	11.3	713	100.0	0	0.0	713	100.0	0	0.0	0	0.0
Northern	378	87.1	8	1.8	48	11.1	431	98.0	9	2.0	381	86.6	10	2.3	49	11.1
Southern	1,484	92.3	11	0.7	113	7.0	1,594	98.9	18	1.1	1,426	88.5	43	2.7	143	8.9
Guam	23	92.0	0	0.0	2	8.0	25	100.0	0	0.0	25	100.0	0	0.0	0	0.0
Hawaii	181	71.3	3	1.2	70	27.6	255	99.6	1	0.4	238	93.0	1	0.4	17	6.6
Idaho	156	90.2	0	0.0	17	9.8	173	100.0	0	0.0	172	99.4	0	0.0	1	0.6
Montana	223	83.5	0	0.0	44	16.5	267	100.0	0	0.0	266	99.6	0	0.0	1	0.4
Nevada	448	88.9	4	0.8	52	10.3	504	99.8	1	0.2	477	94.5	0	0.0	28	5.5
Northern Mariana Islands	5	45.5	0	0.0	6	54.5	11	100.0	0	0.0	11	100.0	0	0.0	0	0.0
Oregon	337	92.1	1	0.3	28	7.7	366	100.0	0	0.0	355	97.0	0	0.0	11	3.0
Washington																
Eastern	201	78.2	4	1.6	52	20.2	260	100.0	0	0.0	253	97.3	1	0.4	6	2.3
Western	542	94.6	1	0.2	30	5.2	574	100.0	0	0.0	513	89.4	0	0.0	61	10.6
TENTH CIRCUIT	2,840	73.8	34	0.9	972	25.3	3,861	99.8	6	0.2	3,719	96.2	37	1.0	111	2.9
Colorado	369	93.7	1	0.3	24	6.1	394	100.0	0	0.0	373	94.7	0	0.0	21	5.3
Kansas	448	89.8	3	0.6	48	9.6	499	99.8	1	0.2	497	99.4	1	0.2	2	0.4
New Mexico	1,073	62.3	14	0.8	636	36.9	1,726	99.8	4	0.2	1,723	99.6	1	0.1	6	0.3
Oklahoma																
Eastern	26	35.1	7	9.5	41	55.4	74	100.0	0	0.0	71	95.9	0	0.0	3	4.1
Northern	99	61.9	3	1.9	58	36.3	160	100.0	0	0.0	159	99.4	1	0.6	0	0.0
Western	172	63.2	5	1.8	95	34.9	283	99.6	1	0.4	221	77.8	34	12.0	29	10.2
Utah	432	93.1	0	0.0	32	6.9	464	100.0	0	0.0	425	91.6	0	0.0	39	8.4
Wyoming	221	85.0	1	0.4	38	14.6	261	100.0	0	0.0	250	95.8	0	0.0	11	4.2
ELEVENTH CIRCUIT	3,490	69.4	33	0.7	1,506	29.9	5,061	99.6	20	0.4	4,735	93.2	21	0.4	325	6.4
Alabama																
Middle	160	85.1	0	0.0	28	14.9	188	100.0	0	0.0	187	99.5	0	0.0	1	0.5
Northern	319	76.9	1	0.2	95	22.9	415	99.8	1	0.2	402	96.6	0	0.0	14	3.4
Southern	135	77.1	2	1.1	38	21.7	178	100.0	0	0.0	175	98.3	0	0.0	3	1.7
Florida																
Middle	772	64.9	7	0.6	410	34.5	1,185	99.0	12	1.0	1,182	98.7	12	1.0	3	0.3
Northern	197	64.0	3	1.0	108	35.1	309	100.0	0	0.0	304	98.4	0	0.0	5	1.6
Southern	1,072	67.6	15	0.9	498	31.4	1,602	99.8	3	0.2	1,526	95.1	7	0.4	72	4.5
Georgia																
Middle	233	61.6	1	0.3	144	38.1	380	99.2	3	0.8	285	74.4	2	0.5	96	25.1
Northern	346	84.0	3	0.7	63	15.3	411	99.8	1	0.2	409	99.3	0	0.0	3	0.7
Southern	256	67.5	1	0.3	122	32.2	393	100.0	0	0.0	265	67.4	0	0.0	128	32.6

¹Descriptions of variables used in this table are provided in Appendix A.²The figures presented in this table regarding plea agreement submission exclude from the analysis 466 cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

SOURCE: U.S. Sentencing Commission, Preliminary 2007 Datafile, USSCFY07 (October 1, 2006, through June 30, 2007).

Table 28

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM
IN EACH CIRCUIT AND DISTRICT
3rd Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through June 30, 2007)**

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
TOTAL	49,518	42,166	85.2	6,191	12.5	1,161	2.3
D.C. CIRCUIT	360	335	93.1	25	6.9	0	0.0
District of Columbia	360	335	93.1	25	6.9	0	0.0
FIRST CIRCUIT	1,389	1,372	98.8	9	0.6	8	0.6
Maine	141	139	98.6	2	1.4	0	0.0
Massachusetts	442	436	98.6	4	0.9	2	0.5
New Hampshire	173	170	98.3	1	0.6	2	1.2
Puerto Rico	525	522	99.4	2	0.4	1	0.2
Rhode Island	108	105	97.2	0	0.0	3	2.8
SECOND CIRCUIT	3,092	2,833	91.6	246	8.0	13	0.4
Connecticut	274	273	99.6	1	0.4	0	0.0
New York							
Eastern	760	568	74.7	191	25.1	1	0.1
Northern	303	295	97.4	1	0.3	7	2.3
Southern	1,090	1,039	95.3	48	4.4	3	0.3
Western	550	548	99.6	1	0.2	1	0.2
Vermont	115	110	95.7	4	3.5	1	0.9
THIRD CIRCUIT	2,161	1,590	73.6	553	25.6	18	0.8
Delaware	51	51	100.0	0	0.0	0	0.0
New Jersey	659	124	18.8	530	80.4	5	0.8
Pennsylvania							
Eastern	570	545	95.6	15	2.6	10	1.8
Middle	439	435	99.1	4	0.9	0	0.0
Western	375	368	98.1	4	1.1	3	0.8
Virgin Islands	67	67	100.0	0	0.0	0	0.0
FOURTH CIRCUIT	4,421	3,502	79.2	656	14.8	263	5.9
Maryland	473	432	91.3	29	6.1	12	2.5
North Carolina							
Eastern	333	319	95.8	8	2.4	6	1.8
Middle	314	311	99.0	3	1.0	0	0.0
Western	517	498	96.3	16	3.1	3	0.6
South Carolina	834	828	99.3	2	0.2	4	0.5
Virginia							
Eastern	1,089	286	26.3	569	52.2	234	21.5
Western	459	454	98.9	3	0.7	2	0.4
West Virginia							
Northern	215	206	95.8	8	3.7	1	0.5
Southern	187	168	89.8	18	9.6	1	0.5

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
FIFTH CIRCUIT	10,656	8,087	75.9	2,511	23.6	58	0.5
Louisiana							
Eastern	290	282	97.2	4	1.4	4	1.4
Middle	113	113	100.0	0	0.0	0	0.0
Western	369	341	92.4	26	7.0	2	0.5
Mississippi							
Northern	135	132	97.8	1	0.7	2	1.5
Southern	306	292	95.4	6	2.0	8	2.6
Texas							
Eastern	794	779	98.1	15	1.9	0	0.0
Northern	778	769	98.8	6	0.8	3	0.4
Southern	3,977	3,967	99.7	7	0.2	3	0.1
Western	3,894	1,412	36.3	2,446	62.8	36	0.9
SIXTH CIRCUIT	3,738	3,152	84.3	525	14.0	61	1.6
Kentucky							
Eastern	412	408	99.0	3	0.7	1	0.2
Western	323	302	93.5	0	0.0	21	6.5
Michigan							
Eastern	546	226	41.4	318	58.2	2	0.4
Western	345	333	96.5	9	2.6	3	0.9
Ohio							
Northern	658	655	99.5	2	0.3	1	0.2
Southern	423	339	80.1	80	18.9	4	0.9
Tennessee							
Eastern	417	410	98.3	4	1.0	3	0.7
Middle	226	99	43.8	101	44.7	26	11.5
Western	388	380	97.9	8	2.1	0	0.0
SEVENTH CIRCUIT	2,094	1,559	74.5	516	24.6	19	0.9
Illinois							
Central	283	281	99.3	2	0.7	0	0.0
Northern	521	155	29.8	349	67.0	17	3.3
Southern	252	250	99.2	0	0.0	2	0.8
Indiana							
Northern	337	308	91.4	29	8.6	0	0.0
Southern	226	224	99.1	2	0.9	0	0.0
Wisconsin							
Eastern	323	255	78.9	68	21.1	0	0.0
Western	152	86	56.6	66	43.4	0	0.0
EIGHTH CIRCUIT	3,635	3,209	88.3	412	11.3	14	0.4
Arkansas							
Eastern	213	207	97.2	4	1.9	2	0.9
Western	140	135	96.4	5	3.6	0	0.0
Iowa							
Northern	361	359	99.4	1	0.3	1	0.3
Southern	224	220	98.2	2	0.9	2	0.9
Minnesota	411	330	80.3	79	19.2	2	0.5
Missouri							
Eastern	718	682	95.0	34	4.7	2	0.3
Western	593	305	51.4	284	47.9	4	0.7
Nebraska	516	516	100.0	0	0.0	0	0.0
North Dakota	134	132	98.5	2	1.5	0	0.0
South Dakota	325	323	99.4	1	0.3	1	0.3

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		n	%	n	%	n	%
NINTH CIRCUIT	9,024	7,965	88.3	543	6.0	516	5.7
Alaska	76	65	85.5	0	0.0	11	14.5
Arizona	2,694	2,426	90.1	212	7.9	56	2.1
California							
Central	1,052	667	63.4	22	2.1	363	34.5
Eastern	713	706	99.0	5	0.7	2	0.3
Northern	440	429	97.5	7	1.6	4	0.9
Southern	1,612	1,534	95.2	11	0.7	67	4.2
Guam	25	25	100.0	0	0.0	0	0.0
Hawaii	256	237	92.6	17	6.6	2	0.8
Idaho	173	170	98.3	2	1.2	1	0.6
Montana	267	259	97.0	1	0.4	7	2.6
Nevada	505	503	99.6	1	0.2	1	0.2
Northern Mariana Islands	11	11	100.0	0	0.0	0	0.0
Oregon	366	110	30.1	254	69.4	2	0.5
Washington							
Eastern	260	254	97.7	6	2.3	0	0.0
Western	574	569	99.1	5	0.9	0	0.0
TENTH CIRCUIT	3,867	3,715	96.1	81	2.1	71	1.8
Colorado	394	365	92.6	26	6.6	3	0.8
Kansas	500	497	99.4	1	0.2	2	0.4
New Mexico	1,730	1,718	99.3	6	0.3	6	0.3
Oklahoma							
Eastern	74	73	98.6	1	1.4	0	0.0
Northern	160	160	100.0	0	0.0	0	0.0
Western	284	204	71.8	20	7.0	60	21.1
Utah	464	439	94.6	25	5.4	0	0.0
Wyoming	261	259	99.2	2	0.8	0	0.0
ELEVENTH CIRCUIT	5,081	4,847	95.4	114	2.2	120	2.4
Alabama							
Middle	188	186	98.9	2	1.1	0	0.0
Northern	416	412	99.0	0	0.0	4	1.0
Southern	178	172	96.6	6	3.4	0	0.0
Florida							
Middle	1,197	1,187	99.2	9	0.8	1	0.1
Northern	309	296	95.8	4	1.3	9	2.9
Southern	1,605	1,524	95.0	9	0.6	72	4.5
Georgia							
Middle	383	300	78.3	50	13.1	33	8.6
Northern	412	378	91.7	33	8.0	1	0.2
Southern	393	392	99.7	1	0.3	0	0.0

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

²Cases are included in this category for one or more of the following reasons: one or more of the required pages of Form AO 245B (Revision 06/05) were missing; deletions or substantive changes were made in Form AO 245B (Revision 06/05) that prevented the USSC from collecting the information required to be submitted by 18 U.S.C. §3553(c); the outdated version of Form AO 245B was submitted; or a unique, district created, or modified form was submitted.

Appendix A

Descriptions of Datafiles and Variables

Introduction

Federal courts are required to forward to the Commission sentencing documentation on all offenders sentenced under the Sentencing Reform Act of 1984 (SRA), except in cases that solely involve petty offenses. Standard information on each case is extracted from sentencing documents received and computerized for analysis.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, offenders convicted for whom no sentences were yet issued, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Because the Commission collects information only on cases sentenced under the guidelines, information on cases sentenced under prior law (pre-guidelines) during the current fiscal year is not available in this dataset. When cases are sentenced under both prior law and the guidelines, only the guideline relevant information is coded in the dataset.

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 *U.S. 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 Pre-sentence Report and the date of sentencing as reported in the Judgment of Conviction 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.

Average Sentence Length

Using sentencing information obtained from the Judgment of Conviction order, *Average Sentence Length* is reported as the mean and median terms of imprisonment (including any months of alternative confinement as defined in §5C1.1) ordered for cases committed to the Bureau of Prisons. Cases that

receive no term of imprisonment (i.e. probation) are also included in the average. Cases for which a term of imprisonment is ordered but the length is indeterminable also are excluded. In most cases for which the exact term is unknown, the Judgment of Conviction order merely specifies a sentence of time served. Prior to fiscal year 1993, the Commission defined life sentences as 360 months. However, to reflect life expectancy of federal criminal offenders more precisely and to provide more accurate length of imprisonment information, life sentences are now defined as 470 months.

Below Guideline Range With *Booker*/18 U.S.C. § 3553

Below Guideline Range with Booker/18 U.S.C. § 3553 consist of cases sentenced below the guideline range in which no departure was indicated and in which the court cited *U.S. 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 §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, §5K1.1 substantial assistance cases, and §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 §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 of Conviction order.

Document Submission Rates

Five documents are represented in the document submission rate table: Judgment of Conviction 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 *U.S. 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 *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

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 (§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 of Conviction 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). ("ICE" has been included in the methamphetamine category since FY1996). 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 departure is determined by a yearly case review by USSC staff of both the reasons for departure 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 and 06/05 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 §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 Pre-sentence 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 of Conviction 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 (Both 12/03 and 06/05). 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 §5K1.1, §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 §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 of Conviction 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 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 Offenses 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.

Extortion/Racketeering 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/sex, 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.

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

Administration of Justice 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/Fish And Wildlife includes waste discharge, specially protected fish, wildlife, and plants (waste discharge is presented as a separate offense category in Tables 51 and 52).

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 and 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 a offender is of Hispanic origin. (For purposes of this report, offenders whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of racial background.) The *Other* category includes offenders of Native American, Alaskan Native, and Asian or Pacific Islander origin.

Type of Guideline Sentence Imposed

Using sentencing information obtained from the Judgment of Conviction 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 *U.S. 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 *U.S. 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 of Conviction 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 FY06 *Sourcebook* Number/Letter**

<u>Quarterly Report Tables/Figures</u>	<u>Comperable <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 15
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 Tables 1
Table 28 N/A