

U.S. Sentencing Commission  
Preliminary Quarterly Data Report



**4th Quarter Release  
Preliminary Fiscal Year 2007 Data  
Through September 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.<sup>1</sup> In past years, data has been reported on an annual basis in the Commission's *Sourcebook* and *Annual Report*.<sup>2</sup> 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 Congress<sup>3</sup> 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*,<sup>4</sup> 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

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<sup>1</sup>In each felony or Class A misdemeanor case sentenced in federal court, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the presentence report. See 28 U.S.C. § 994(w).

<sup>2</sup>See the Commission's website, [www.ussc.gov](http://www.ussc.gov), for electronic copies of the 1995-2006 Sourcebook and Annual Report.

<sup>3</sup>See [www.ussc.gov/bf.htm](http://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.

<sup>4</sup>See [www.ussc.gov/bf.htm](http://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.<sup>5</sup> In Appendix A are descriptions of datafile and variable definitions.

Users of the quarterly releases are cautioned that the quarterly data are preliminary only and subject to change as the Commission collects, analyzes, and reports on additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*. For example, the data reported in the initial release for the 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.<sup>6</sup> 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*.**

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<sup>5</sup>The Commission has tried to maintain the same table numbers and figure letters over the past several years but due to slight differences in reporting categories between pre- and post-*Booker* time periods, the numbers and letters may not correspond exactly over time. Please refer to the table of contents for each of the prior *Sourcebook* years to determine the corresponding table number or figure letter.

<sup>6</sup>The reasons for data changes in previous quarters is due to one or more of the following reasons: the courts have up to 30 days to submit court documents to the Commission; the Commission both extracts information from the documents and screens cases through the quality control procedures and does not include any case in a data release unless it has been fully entered and reviewed; some documents are sent in later than other documents and the datafiles are then updated with the new information; the Commission receives amended court documents and updates the datafile based on the new information; the Commission matches its datafile to datafiles from the Administrative Office of the 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 RANGE<sup>1</sup>**

**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

	N	%
<b>TOTAL CASES</b>	<b>63,841</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>38,915</b>	<b>61.0</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>936</b>	<b>1.5</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>424</b>	<b>0.7</b>
Upward Departure From Guideline Range <sup>2</sup>	297	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	127	0.2
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>512</b>	<b>0.8</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	452	0.7
All Remaining Cases Above Guideline Range <sup>5</sup>	60	0.1
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>16,391</b>	<b>25.7</b>
§5K1.1 Substantial Assistance Departure	9,113	14.3
§5K3.1 Early Disposition Program Departure	4,897	7.7
Other Government Sponsored Below Range	2,381	3.7
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>7,599</b>	<b>11.9</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>2,499</b>	<b>3.9</b>
Downward Departure From Guideline Range <sup>2</sup>	1,619	2.5
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	880	1.4
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>5,100</b>	<b>8.0</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	4,454	7.0
All Remaining Cases Below Guideline Range <sup>5</sup>	646	1.0

<sup>1</sup>This table reflects the 65,836 cases sentenced subsequent to October 1, 2006, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by November 28, 2007. Of these, 1,995 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.

<sup>2</sup>All 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*.

<sup>3</sup>All 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.

<sup>4</sup>All 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.

<sup>5</sup>All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

<sup>6</sup>Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

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

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 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	%
<b>TOTAL</b>	<b>63,841</b>	<b>38,915</b>	<b>61.0</b>	<b>297</b>	<b>0.5</b>	<b>127</b>	<b>0.2</b>	<b>452</b>	<b>0.7</b>	<b>60</b>	<b>0.1</b>
<b>D.C. CIRCUIT</b>	<b>423</b>	<b>180</b>	<b>42.6</b>	<b>1</b>	<b>0.2</b>	<b>1</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>0.2</b>
District of Columbia	423	180	42.6	1	0.2	1	0.2	0	0.0	1	0.2
<b>FIRST CIRCUIT</b>	<b>1,715</b>	<b>1,178</b>	<b>68.7</b>	<b>9</b>	<b>0.5</b>	<b>3</b>	<b>0.2</b>	<b>6</b>	<b>0.3</b>	<b>3</b>	<b>0.2</b>
Maine	176	122	69.3	1	0.6	0	0.0	0	0.0	0	0.0
Massachusetts	535	294	55.0	4	0.7	0	0.0	2	0.4	2	0.4
New Hampshire	227	118	52.0	3	1.3	0	0.0	2	0.9	0	0.0
Puerto Rico	645	555	86.0	0	0.0	2	0.3	1	0.2	1	0.2
Rhode Island	132	89	67.4	1	0.8	1	0.8	1	0.8	0	0.0
<b>SECOND CIRCUIT</b>	<b>3,894</b>	<b>1,972</b>	<b>50.6</b>	<b>7</b>	<b>0.2</b>	<b>6</b>	<b>0.2</b>	<b>10</b>	<b>0.3</b>	<b>0</b>	<b>0.0</b>
Connecticut	366	168	45.9	1	0.3	1	0.3	0	0.0	0	0.0
New York											
Eastern	922	380	41.2	2	0.2	5	0.5	4	0.4	0	0.0
Northern	389	204	52.4	0	0.0	0	0.0	2	0.5	0	0.0
Southern	1,394	744	53.4	1	0.1	0	0.0	4	0.3	0	0.0
Western	690	409	59.3	2	0.3	0	0.0	0	0.0	0	0.0
Vermont	133	67	50.4	1	0.8	0	0.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>2,806</b>	<b>1,473</b>	<b>52.5</b>	<b>3</b>	<b>0.1</b>	<b>3</b>	<b>0.1</b>	<b>18</b>	<b>0.6</b>	<b>1</b>	<b>0.0</b>
Delaware	76	45	59.2	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	923	498	54.0	0	0.0	0	0.0	1	0.1	0	0.0
Pennsylvania											
Eastern	705	295	41.8	2	0.3	3	0.4	7	1.0	1	0.1
Middle	552	253	45.8	1	0.2	0	0.0	2	0.4	0	0.0
Western	450	315	70.0	0	0.0	0	0.0	5	1.1	0	0.0
Virgin Islands	100	67	67.0	0	0.0	0	0.0	3	3.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>5,465</b>	<b>3,946</b>	<b>72.2</b>	<b>32</b>	<b>0.6</b>	<b>12</b>	<b>0.2</b>	<b>26</b>	<b>0.5</b>	<b>2</b>	<b>0.0</b>
Maryland	604	310	51.3	2	0.3	3	0.5	0	0.0	1	0.2
North Carolina											
Eastern	546	341	62.5	8	1.5	2	0.4	6	1.1	0	0.0
Middle	399	311	77.9	1	0.3	1	0.3	1	0.3	0	0.0
Western	646	450	69.7	2	0.3	0	0.0	3	0.5	0	0.0
South Carolina	1,021	790	77.4	2	0.2	1	0.1	4	0.4	0	0.0
Virginia											
Eastern	1,190	941	79.1	8	0.7	3	0.3	8	0.7	0	0.0
Western	563	389	69.1	4	0.7	1	0.2	2	0.4	1	0.2
West Virginia											
Northern	257	207	80.5	3	1.2	0	0.0	2	0.8	0	0.0
Southern	239	207	86.6	2	0.8	1	0.4	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	%
<b>TOTAL</b>	<b>9,113</b>	<b>14.3</b>	<b>4,897</b>	<b>7.7</b>	<b>2,381</b>	<b>3.7</b>	<b>1,619</b>	<b>2.5</b>	<b>880</b>	<b>1.4</b>	<b>4,454</b>	<b>7.0</b>	<b>646</b>	<b>1.0</b>
<b>D.C. CIRCUIT</b>	<b>142</b>	<b>33.6</b>	<b>0</b>	<b>0.0</b>	<b>32</b>	<b>7.6</b>	<b>5</b>	<b>1.2</b>	<b>17</b>	<b>4.0</b>	<b>38</b>	<b>9.0</b>	<b>6</b>	<b>1.4</b>
District of Columbia	142	33.6	0	0.0	32	7.6	5	1.2	17	4.0	38	9.0	6	1.4
<b>FIRST CIRCUIT</b>	<b>180</b>	<b>10.5</b>	<b>0</b>	<b>0.0</b>	<b>40</b>	<b>2.3</b>	<b>86</b>	<b>5.0</b>	<b>27</b>	<b>1.6</b>	<b>171</b>	<b>10.0</b>	<b>12</b>	<b>0.7</b>
Maine	30	17.0	0	0.0	0	0.0	8	4.5	2	1.1	12	6.8	1	0.6
Massachusetts	58	10.8	0	0.0	16	3.0	41	7.7	15	2.8	98	18.3	5	0.9
New Hampshire	60	26.4	0	0.0	10	4.4	16	7.0	3	1.3	13	5.7	2	0.9
Puerto Rico	27	4.2	0	0.0	12	1.9	15	2.3	5	0.8	23	3.6	4	0.6
Rhode Island	5	3.8	0	0.0	2	1.5	6	4.5	2	1.5	25	18.9	0	0.0
<b>SECOND CIRCUIT</b>	<b>836</b>	<b>21.5</b>	<b>2</b>	<b>0.1</b>	<b>91</b>	<b>2.3</b>	<b>214</b>	<b>5.5</b>	<b>158</b>	<b>4.1</b>	<b>534</b>	<b>13.7</b>	<b>64</b>	<b>1.6</b>
Connecticut	66	18.0	0	0.0	7	1.9	48	13.1	27	7.4	47	12.8	1	0.3
New York														
Eastern	219	23.8	2	0.2	31	3.4	59	6.4	73	7.9	122	13.2	25	2.7
Northern	117	30.1	0	0.0	6	1.5	32	8.2	9	2.3	18	4.6	1	0.3
Southern	206	14.8	0	0.0	27	1.9	50	3.6	40	2.9	296	21.2	26	1.9
Western	201	29.1	0	0.0	17	2.5	6	0.9	1	0.1	43	6.2	11	1.6
Vermont	27	20.3	0	0.0	3	2.3	19	14.3	8	6.0	8	6.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>769</b>	<b>27.4</b>	<b>0</b>	<b>0.0</b>	<b>47</b>	<b>1.7</b>	<b>69</b>	<b>2.5</b>	<b>61</b>	<b>2.2</b>	<b>323</b>	<b>11.5</b>	<b>39</b>	<b>1.4</b>
Delaware	8	10.5	0	0.0	4	5.3	0	0.0	0	0.0	19	25.0	0	0.0
New Jersey	263	28.5	0	0.0	6	0.7	26	2.8	8	0.9	111	12.0	10	1.1
Pennsylvania														
Eastern	236	33.5	0	0.0	9	1.3	10	1.4	23	3.3	103	14.6	16	2.3
Middle	196	35.5	0	0.0	23	4.2	9	1.6	9	1.6	52	9.4	7	1.3
Western	53	11.8	0	0.0	4	0.9	24	5.3	15	3.3	33	7.3	1	0.2
Virgin Islands	13	13.0	0	0.0	1	1.0	0	0.0	6	6.0	5	5.0	5	5.0
<b>FOURTH CIRCUIT</b>	<b>921</b>	<b>16.9</b>	<b>0</b>	<b>0.0</b>	<b>51</b>	<b>0.9</b>	<b>94</b>	<b>1.7</b>	<b>86</b>	<b>1.6</b>	<b>251</b>	<b>4.6</b>	<b>44</b>	<b>0.8</b>
Maryland	160	26.5	0	0.0	16	2.6	25	4.1	25	4.1	51	8.4	11	1.8
North Carolina														
Eastern	155	28.4	0	0.0	0	0.0	6	1.1	5	0.9	15	2.7	8	1.5
Middle	63	15.8	0	0.0	1	0.3	2	0.5	1	0.3	18	4.5	0	0.0
Western	157	24.3	0	0.0	8	1.2	3	0.5	4	0.6	14	2.2	5	0.8
South Carolina	150	14.7	0	0.0	11	1.1	17	1.7	1	0.1	41	4.0	4	0.4
Virginia														
Eastern	72	6.1	0	0.0	7	0.6	26	2.2	46	3.9	66	5.5	13	1.1
Western	124	22.0	0	0.0	6	1.1	8	1.4	1	0.2	25	4.4	2	0.4
West Virginia														
Northern	21	8.2	0	0.0	2	0.8	5	1.9	2	0.8	15	5.8	0	0.0
Southern	19	7.9	0	0.0	0	0.0	2	0.8	1	0.4	6	2.5	1	0.4

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	%
<b>FIFTH CIRCUIT</b>	<b>14,015</b>	<b>10,061</b>	<b>71.8</b>	<b>72</b>	<b>0.5</b>	<b>45</b>	<b>0.3</b>	<b>160</b>	<b>1.1</b>	<b>17</b>	<b>0.1</b>
Louisiana											
Eastern	392	306	78.1	4	1.0	7	1.8	6	1.5	0	0.0
Middle	162	123	75.9	3	1.9	1	0.6	1	0.6	0	0.0
Western	440	344	78.2	3	0.7	4	0.9	6	1.4	0	0.0
Mississippi											
Northern	175	91	52.0	1	0.6	0	0.0	3	1.7	0	0.0
Southern	366	294	80.3	3	0.8	0	0.0	6	1.6	3	0.8
Texas											
Eastern	950	766	80.6	1	0.1	0	0.0	0	0.0	1	0.1
Northern	999	733	73.4	10	1.0	14	1.4	52	5.2	1	0.1
Southern	5,268	3,181	60.4	27	0.5	2	0.0	22	0.4	3	0.1
Western	5,263	4,223	80.2	20	0.4	17	0.3	64	1.2	9	0.2
<b>SIXTH CIRCUIT</b>	<b>4,720</b>	<b>2,687</b>	<b>56.9</b>	<b>14</b>	<b>0.3</b>	<b>9</b>	<b>0.2</b>	<b>24</b>	<b>0.5</b>	<b>3</b>	<b>0.1</b>
Kentucky											
Eastern	536	276	51.5	2	0.4	2	0.4	2	0.4	0	0.0
Western	416	314	75.5	0	0.0	0	0.0	1	0.2	0	0.0
Michigan											
Eastern	698	390	55.9	0	0.0	1	0.1	1	0.1	2	0.3
Western	414	238	57.5	5	1.2	1	0.2	7	1.7	0	0.0
Ohio											
Northern	808	443	54.8	1	0.1	1	0.1	5	0.6	0	0.0
Southern	554	237	42.8	0	0.0	3	0.5	0	0.0	0	0.0
Tennessee											
Eastern	525	366	69.7	0	0.0	1	0.2	5	1.0	0	0.0
Middle	262	159	60.7	0	0.0	0	0.0	1	0.4	0	0.0
Western	507	264	52.1	6	1.2	0	0.0	2	0.4	1	0.2
<b>SEVENTH CIRCUIT</b>	<b>2,588</b>	<b>1,566</b>	<b>60.5</b>	<b>8</b>	<b>0.3</b>	<b>5</b>	<b>0.2</b>	<b>23</b>	<b>0.9</b>	<b>3</b>	<b>0.1</b>
Illinois											
Central	368	209	56.8	1	0.3	0	0.0	5	1.4	0	0.0
Northern	629	318	50.6	3	0.5	0	0.0	4	0.6	1	0.2
Southern	314	256	81.5	1	0.3	4	1.3	2	0.6	0	0.0
Indiana											
Northern	406	284	70.0	0	0.0	0	0.0	2	0.5	2	0.5
Southern	301	165	54.8	2	0.7	1	0.3	6	2.0	0	0.0
Wisconsin											
Eastern	384	174	45.3	0	0.0	0	0.0	2	0.5	0	0.0
Western	186	160	86.0	1	0.5	0	0.0	2	1.1	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>4,676</b>	<b>3,203</b>	<b>68.5</b>	<b>35</b>	<b>0.7</b>	<b>9</b>	<b>0.2</b>	<b>26</b>	<b>0.6</b>	<b>2</b>	<b>0.0</b>
Arkansas											
Eastern	292	185	63.4	0	0.0	0	0.0	0	0.0	0	0.0
Western	171	132	77.2	0	0.0	0	0.0	1	0.6	0	0.0
Iowa											
Northern	420	299	71.2	12	2.9	1	0.2	5	1.2	0	0.0
Southern	329	194	59.0	6	1.8	1	0.3	0	0.0	0	0.0
Minnesota	505	264	52.3	1	0.2	1	0.2	0	0.0	0	0.0
Missouri											
Eastern	928	662	71.3	1	0.1	2	0.2	1	0.1	0	0.0
Western	748	557	74.5	1	0.1	2	0.3	2	0.3	0	0.0
Nebraska	680	489	71.9	7	1.0	0	0.0	8	1.2	1	0.1
North Dakota	182	108	59.3	1	0.5	0	0.0	0	0.0	0	0.0
South Dakota	421	313	74.3	6	1.4	2	0.5	9	2.1	1	0.2

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	%
<b>FIFTH CIRCUIT</b>	<b>1,152</b>	<b>8.2</b>	<b>934</b>	<b>6.7</b>	<b>665</b>	<b>4.7</b>	<b>339</b>	<b>2.4</b>	<b>44</b>	<b>0.3</b>	<b>453</b>	<b>3.2</b>	<b>73</b>	<b>0.5</b>
Louisiana														
Eastern	37	9.4	0	0.0	12	3.1	3	0.8	5	1.3	9	2.3	3	0.8
Middle	26	16.0	0	0.0	1	0.6	3	1.9	1	0.6	3	1.9	0	0.0
Western	57	13.0	0	0.0	1	0.2	4	0.9	4	0.9	12	2.7	5	1.1
Mississippi														
Northern	55	31.4	0	0.0	17	9.7	0	0.0	0	0.0	6	3.4	2	1.1
Southern	31	8.5	2	0.5	1	0.3	4	1.1	0	0.0	13	3.6	9	2.5
Texas														
Eastern	95	10.0	0	0.0	33	3.5	31	3.3	4	0.4	14	1.5	5	0.5
Northern	120	12.0	1	0.1	15	1.5	13	1.3	4	0.4	32	3.2	4	0.4
Southern	356	6.8	792	15.0	525	10.0	188	3.6	7	0.1	159	3.0	6	0.1
Western	375	7.1	139	2.6	60	1.1	93	1.8	19	0.4	205	3.9	39	0.7
<b>SIXTH CIRCUIT</b>	<b>1,183</b>	<b>25.1</b>	<b>2</b>	<b>0.0</b>	<b>110</b>	<b>2.3</b>	<b>85</b>	<b>1.8</b>	<b>85</b>	<b>1.8</b>	<b>456</b>	<b>9.7</b>	<b>62</b>	<b>1.3</b>
Kentucky														
Eastern	190	35.4	0	0.0	2	0.4	2	0.4	2	0.4	52	9.7	6	1.1
Western	46	11.1	0	0.0	23	5.5	2	0.5	3	0.7	22	5.3	5	1.2
Michigan														
Eastern	169	24.2	0	0.0	9	1.3	19	2.7	16	2.3	80	11.5	11	1.6
Western	81	19.6	0	0.0	7	1.7	9	2.2	2	0.5	61	14.7	3	0.7
Ohio														
Northern	201	24.9	0	0.0	21	2.6	22	2.7	14	1.7	85	10.5	15	1.9
Southern	194	35.0	2	0.4	18	3.2	15	2.7	29	5.2	52	9.4	4	0.7
Tennessee														
Eastern	117	22.3	0	0.0	1	0.2	4	0.8	1	0.2	25	4.8	5	1.0
Middle	52	19.8	0	0.0	6	2.3	7	2.7	6	2.3	26	9.9	5	1.9
Western	133	26.2	0	0.0	23	4.5	5	1.0	12	2.4	53	10.5	8	1.6
<b>SEVENTH CIRCUIT</b>	<b>464</b>	<b>17.9</b>	<b>0</b>	<b>0.0</b>	<b>52</b>	<b>2.0</b>	<b>67</b>	<b>2.6</b>	<b>54</b>	<b>2.1</b>	<b>287</b>	<b>11.1</b>	<b>59</b>	<b>2.3</b>
Illinois														
Central	73	19.8	0	0.0	12	3.3	9	2.4	9	2.4	47	12.8	3	0.8
Northern	139	22.1	0	0.0	11	1.7	34	5.4	31	4.9	59	9.4	29	4.6
Southern	17	5.4	0	0.0	3	1.0	7	2.2	5	1.6	14	4.5	5	1.6
Indiana														
Northern	87	21.4	0	0.0	5	1.2	1	0.2	1	0.2	17	4.2	7	1.7
Southern	61	20.3	0	0.0	9	3.0	10	3.3	2	0.7	45	15.0	0	0.0
Wisconsin														
Eastern	80	20.8	0	0.0	12	3.1	5	1.3	4	1.0	92	24.0	15	3.9
Western	7	3.8	0	0.0	0	0.0	1	0.5	2	1.1	13	7.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>673</b>	<b>14.4</b>	<b>29</b>	<b>0.6</b>	<b>121</b>	<b>2.6</b>	<b>128</b>	<b>2.7</b>	<b>63</b>	<b>1.3</b>	<b>343</b>	<b>7.3</b>	<b>44</b>	<b>0.9</b>
Arkansas														
Eastern	68	23.3	0	0.0	8	2.7	7	2.4	3	1.0	18	6.2	3	1.0
Western	23	13.5	0	0.0	2	1.2	3	1.8	0	0.0	9	5.3	1	0.6
Iowa														
Northern	62	14.8	0	0.0	7	1.7	2	0.5	2	0.5	28	6.7	2	0.5
Southern	64	19.5	0	0.0	8	2.4	11	3.3	3	0.9	41	12.5	1	0.3
Minnesota	128	25.3	0	0.0	11	2.2	23	4.6	22	4.4	52	10.3	3	0.6
Missouri														
Eastern	129	13.9	0	0.0	21	2.3	22	2.4	12	1.3	69	7.4	9	1.0
Western	103	13.8	0	0.0	11	1.5	11	1.5	10	1.3	36	4.8	15	2.0
Nebraska	31	4.6	26	3.8	32	4.7	29	4.3	3	0.4	50	7.4	4	0.6
North Dakota	50	27.5	3	1.6	5	2.7	5	2.7	0	0.0	5	2.7	5	2.7
South Dakota	15	3.6	0	0.0	16	3.8	15	3.6	8	1.9	35	8.3	1	0.2

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>12,101</b>	<b>5,277</b>	<b>43.6</b>	<b>87</b>	<b>0.7</b>	<b>21</b>	<b>0.2</b>	<b>58</b>	<b>0.5</b>	<b>13</b>	<b>0.1</b>
Alaska	95	68	71.6	0	0.0	1	1.1	0	0.0	0	0.0
Arizona	3,638	1,103	30.3	59	1.6	9	0.2	7	0.2	0	0.0
California											
Central	1,021	552	54.1	1	0.1	1	0.1	3	0.3	1	0.1
Eastern	895	476	53.2	3	0.3	3	0.3	3	0.3	0	0.0
Northern	597	316	52.9	2	0.3	2	0.3	4	0.7	1	0.2
Southern	2,743	1,092	39.8	3	0.1	1	0.0	10	0.4	4	0.1
Guam	61	38	62.3	1	1.6	0	0.0	0	0.0	0	0.0
Hawaii	329	154	46.8	0	0.0	1	0.3	3	0.9	0	0.0
Idaho	223	111	49.8	0	0.0	0	0.0	3	1.3	0	0.0
Montana	339	265	78.2	3	0.9	1	0.3	5	1.5	2	0.6
Nevada	623	430	69.0	2	0.3	1	0.2	4	0.6	2	0.3
Northern Mariana Islands	17	10	58.8	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	485	241	49.7	4	0.8	1	0.2	2	0.4	2	0.4
Washington											
Eastern	342	141	41.2	0	0.0	0	0.0	6	1.8	0	0.0
Western	693	280	40.4	9	1.3	0	0.0	8	1.2	1	0.1
<b>TENTH CIRCUIT</b>	<b>5,097</b>	<b>3,060</b>	<b>60.0</b>	<b>12</b>	<b>0.2</b>	<b>2</b>	<b>0.0</b>	<b>48</b>	<b>0.9</b>	<b>9</b>	<b>0.2</b>
Colorado	490	291	59.4	0	0.0	0	0.0	5	1.0	2	0.4
Kansas	615	377	61.3	1	0.2	0	0.0	29	4.7	0	0.0
New Mexico	2,290	1,296	56.6	2	0.1	1	0.0	1	0.0	2	0.1
Oklahoma											
Eastern	87	67	77.0	1	1.1	0	0.0	0	0.0	0	0.0
Northern	203	167	82.3	1	0.5	0	0.0	1	0.5	0	0.0
Western	299	214	71.6	3	1.0	0	0.0	7	2.3	0	0.0
Utah	784	416	53.1	4	0.5	1	0.1	4	0.5	4	0.5
Wyoming	329	232	70.5	0	0.0	0	0.0	1	0.3	1	0.3
<b>ELEVENTH CIRCUIT</b>	<b>6,341</b>	<b>4,312</b>	<b>68.0</b>	<b>17</b>	<b>0.3</b>	<b>11</b>	<b>0.2</b>	<b>53</b>	<b>0.8</b>	<b>6</b>	<b>0.1</b>
Alabama											
Middle	231	128	55.4	1	0.4	0	0.0	3	1.3	0	0.0
Northern	509	322	63.3	0	0.0	0	0.0	4	0.8	1	0.2
Southern	293	195	66.6	0	0.0	1	0.3	0	0.0	0	0.0
Florida											
Middle	1,532	915	59.7	2	0.1	1	0.1	5	0.3	0	0.0
Northern	386	266	68.9	2	0.5	4	1.0	2	0.5	0	0.0
Southern	1,998	1,449	72.5	3	0.2	4	0.2	12	0.6	1	0.1
Georgia											
Middle	366	271	74.0	2	0.5	0	0.0	4	1.1	1	0.3
Northern	536	360	67.2	4	0.7	1	0.2	5	0.9	3	0.6
Southern	490	406	82.9	3	0.6	0	0.0	18	3.7	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	%
<b>NINTH CIRCUIT</b>	<b>1,198</b>	<b>9.9</b>	<b>3,455</b>	<b>28.6</b>	<b>636</b>	<b>5.3</b>	<b>268</b>	<b>2.2</b>	<b>159</b>	<b>1.3</b>	<b>766</b>	<b>6.3</b>	<b>163</b>	<b>1.3</b>
Alaska	5	5.3	0	0.0	5	5.3	3	3.2	2	2.1	10	10.5	1	1.1
Arizona	215	5.9	1,936	53.2	104	2.9	46	1.3	41	1.1	85	2.3	33	0.9
California														
Central	169	16.6	54	5.3	69	6.8	26	2.5	25	2.4	87	8.5	33	3.2
Eastern	119	13.3	129	14.4	46	5.1	23	2.6	9	1.0	74	8.3	10	1.1
Northern	86	14.4	30	5.0	48	8.0	15	2.5	17	2.8	63	10.6	13	2.2
Southern	125	4.6	1,160	42.3	106	3.9	87	3.2	16	0.6	92	3.4	47	1.7
Guam	9	14.8	0	0.0	0	0.0	0	0.0	0	0.0	13	21.3	0	0.0
Hawaii	106	32.2	0	0.0	4	1.2	2	0.6	2	0.6	55	16.7	2	0.6
Idaho	46	20.6	24	10.8	4	1.8	1	0.4	5	2.2	24	10.8	5	2.2
Montana	37	10.9	0	0.0	0	0.0	4	1.2	1	0.3	20	5.9	1	0.3
Nevada	63	10.1	0	0.0	47	7.5	9	1.4	6	1.0	53	8.5	6	1.0
Northern Mariana Islands	3	17.6	0	0.0	2	11.8	0	0.0	1	5.9	1	5.9	0	0.0
Oregon	76	15.7	15	3.1	46	9.5	20	4.1	5	1.0	65	13.4	8	1.6
Washington														
Eastern	33	9.6	87	25.4	27	7.9	4	1.2	3	0.9	41	12.0	0	0.0
Western	106	15.3	20	2.9	128	18.5	28	4.0	26	3.8	83	12.0	4	0.6
<b>TENTH CIRCUIT</b>	<b>461</b>	<b>9.0</b>	<b>444</b>	<b>8.7</b>	<b>481</b>	<b>9.4</b>	<b>168</b>	<b>3.3</b>	<b>59</b>	<b>1.2</b>	<b>311</b>	<b>6.1</b>	<b>42</b>	<b>0.8</b>
Colorado	120	24.5	0	0.0	15	3.1	21	4.3	5	1.0	26	5.3	5	1.0
Kansas	111	18.0	0	0.0	51	8.3	2	0.3	0	0.0	42	6.8	2	0.3
New Mexico	66	2.9	294	12.8	357	15.6	90	3.9	29	1.3	135	5.9	17	0.7
Oklahoma														
Eastern	13	14.9	0	0.0	1	1.1	0	0.0	1	1.1	4	4.6	0	0.0
Northern	25	12.3	0	0.0	3	1.5	0	0.0	0	0.0	5	2.5	1	0.5
Western	22	7.4	0	0.0	1	0.3	4	1.3	0	0.0	44	14.7	4	1.3
Utah	71	9.1	150	19.1	41	5.2	33	4.2	16	2.0	34	4.3	10	1.3
Wyoming	33	10.0	0	0.0	12	3.6	18	5.5	8	2.4	21	6.4	3	0.9
<b>ELEVENTH CIRCUIT</b>	<b>1,134</b>	<b>17.9</b>	<b>31</b>	<b>0.5</b>	<b>55</b>	<b>0.9</b>	<b>96</b>	<b>1.5</b>	<b>67</b>	<b>1.1</b>	<b>521</b>	<b>8.2</b>	<b>38</b>	<b>0.6</b>
Alabama														
Middle	80	34.6	0	0.0	4	1.7	1	0.4	0	0.0	14	6.1	0	0.0
Northern	131	25.7	0	0.0	4	0.8	6	1.2	1	0.2	40	7.9	0	0.0
Southern	67	22.9	0	0.0	1	0.3	3	1.0	1	0.3	25	8.5	0	0.0
Florida														
Middle	370	24.2	30	2.0	13	0.8	29	1.9	18	1.2	139	9.1	10	0.7
Northern	83	21.5	0	0.0	0	0.0	3	0.8	5	1.3	20	5.2	1	0.3
Southern	221	11.1	0	0.0	19	1.0	22	1.1	28	1.4	215	10.8	24	1.2
Georgia														
Middle	68	18.6	0	0.0	2	0.5	5	1.4	1	0.3	11	3.0	1	0.3
Northern	72	13.4	1	0.2	10	1.9	20	3.7	13	2.4	45	8.4	2	0.4
Southern	42	8.6	0	0.0	2	0.4	7	1.4	0	0.0	12	2.4	0	0.0

<sup>1</sup>Of the 65,836 cases, 1,995 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: Western Oklahoma (32.0%), Middle Georgia (23.9%), Eastern Virginia (21.1%), Central California (19.4%), Arizona (10.8%), Middle Tennessee (10.6%), Western Washington (10.1%), Alaska (5.9%), Western Kentucky (5.7%), Maryland (5.2%), and Northern Alabama (5.0%). 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 September 30, 2007).

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 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	%
<b>TOTAL</b>	<b>63,689</b>	<b>38,830</b>	<b>61.0</b>	<b>297</b>	<b>0.5</b>	<b>127</b>	<b>0.2</b>	<b>449</b>	<b>0.7</b>	<b>60</b>	<b>0.1</b>
Murder	69	47	68.1	2	2.9	0	0.0	1	1.4	0	0.0
Manslaughter	63	37	58.7	2	3.2	4	6.3	4	6.3	0	0.0
Kidnapping/Hostage Taking	42	14	33.3	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	224	155	69.2	5	2.2	4	1.8	6	2.7	0	0.0
Assault	481	337	70.1	12	2.5	2	0.4	6	1.2	2	0.4
Robbery	1,030	685	66.5	6	0.6	5	0.5	12	1.2	1	0.1
Arson	70	35	50.0	2	2.9	2	2.9	4	5.7	0	0.0
Drugs - Trafficking	22,061	12,011	54.4	34	0.2	13	0.1	32	0.1	9	0.0
Drugs - Communication Facility	332	199	59.9	2	0.6	0	0.0	0	0.0	0	0.0
Drugs - Simple Possession	452	411	90.9	4	0.9	2	0.4	7	1.5	2	0.4
Firearms	7,590	5,347	70.4	42	0.6	25	0.3	54	0.7	8	0.1
Burglary/B&E	40	27	67.5	0	0.0	0	0.0	1	2.5	0	0.0
Auto Theft	56	40	71.4	0	0.0	1	1.8	1	1.8	0	0.0
Larceny	1,467	1,149	78.3	6	0.4	1	0.1	7	0.5	5	0.3
Fraud	6,536	4,261	65.2	29	0.4	21	0.3	72	1.1	9	0.1
Embezzlement	415	311	74.9	0	0.0	0	0.0	1	0.2	0	0.0
Forgery/Counterfeiting	1,033	760	73.6	8	0.8	3	0.3	8	0.8	2	0.2
Bribery	223	95	42.6	0	0.0	0	0.0	2	0.9	0	0.0
Tax	579	277	47.8	0	0.0	1	0.2	4	0.7	1	0.2
Money Laundering	802	383	47.8	4	0.5	1	0.1	2	0.2	0	0.0
Racketeering/Extortion	555	301	54.2	2	0.4	2	0.4	4	0.7	1	0.2
Gambling/Lottery	98	56	57.1	0	0.0	0	0.0	1	1.0	0	0.0
Civil Rights	58	28	48.3	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	15,519	9,268	59.7	107	0.7	23	0.1	173	1.1	12	0.1
Pornography/Prostitution	1,428	925	64.8	14	1.0	6	0.4	22	1.5	3	0.2
Prison Offenses	293	225	76.8	2	0.7	0	0.0	2	0.7	2	0.7
Administration of Justice Offenses	874	536	61.3	5	0.6	7	0.8	15	1.7	2	0.2
Environmental/Wildlife	143	79	55.2	0	0.0	1	0.7	0	0.0	0	0.0
National Defense	22	7	31.8	0	0.0	0	0.0	0	0.0	0	0.0
Antitrust	15	2	13.3	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	55	41	74.5	1	1.8	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	1,064	781	73.4	8	0.8	3	0.3	8	0.8	1	0.1

Table 3 (cont.)

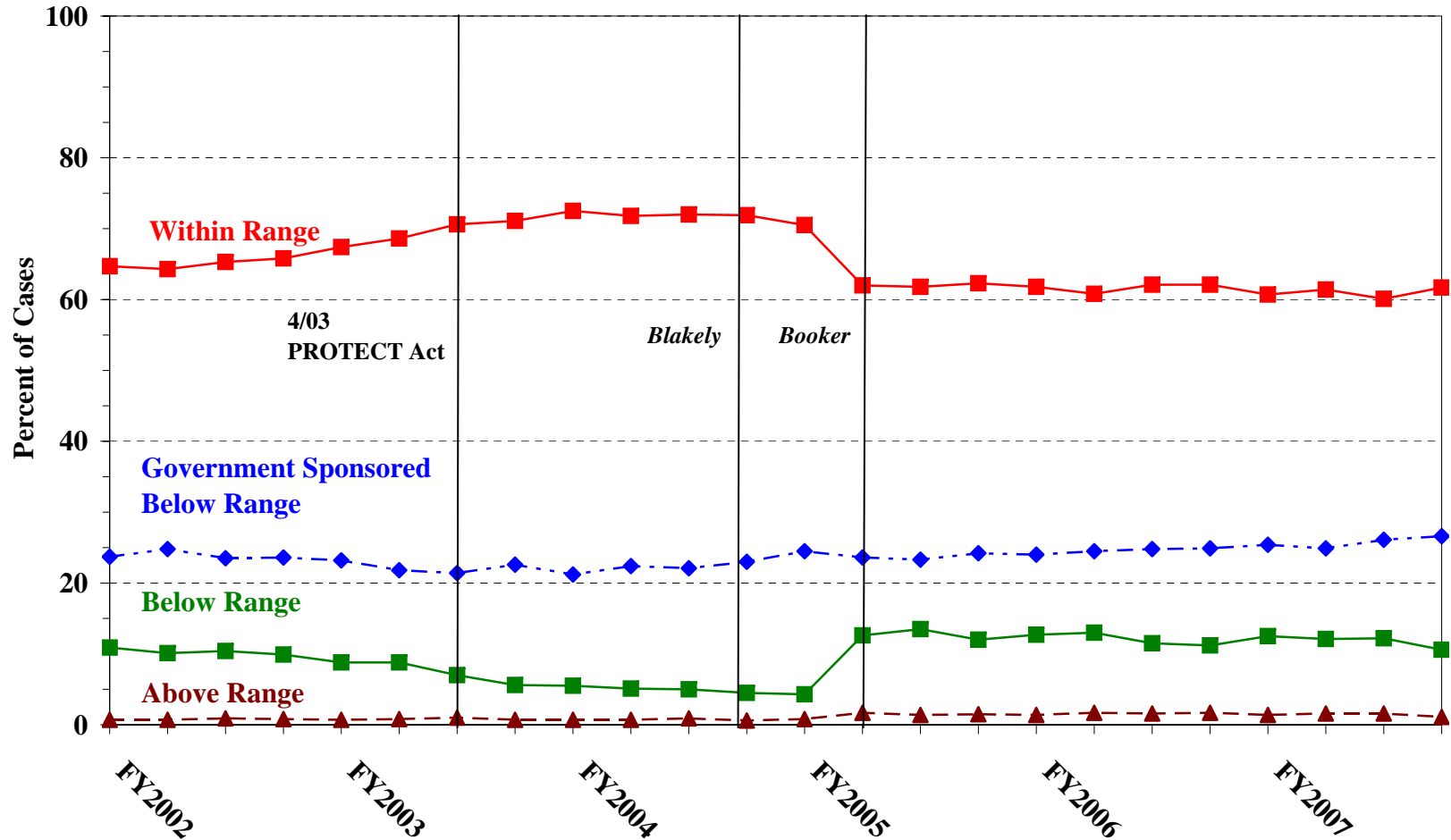
PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K1.3 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>9,098</b>	<b>14.3</b>	<b>4,877</b>	<b>7.7</b>	<b>2,367</b>	<b>3.7</b>	<b>1,615</b>	<b>2.5</b>	<b>876</b>	<b>1.4</b>	<b>4,448</b>	<b>7.0</b>	<b>645</b>	<b>1.0</b>
Murder	4	5.8	0	0.0	4	5.8	1	1.4	4	5.8	6	8.7	0	0.0
Manslaughter	1	1.6	0	0.0	4	6.3	2	3.2	1	1.6	7	11.1	1	1.6
Kidnapping/Hostage Taking	16	38.1	0	0.0	10	23.8	0	0.0	0	0.0	2	4.8	0	0.0
Sexual Abuse	5	2.2	0	0.0	16	7.1	7	3.1	5	2.2	19	8.5	2	0.9
Assault	9	1.9	8	1.7	38	7.9	17	3.5	9	1.9	34	7.1	7	1.5
Robbery	123	11.9	1	0.1	31	3.0	48	4.7	18	1.7	91	8.8	9	0.9
Arson	22	31.4	0	0.0	2	2.9	2	2.9	0	0.0	1	1.4	0	0.0
Drugs - Trafficking	5,595	25.4	1,143	5.2	725	3.3	487	2.2	312	1.4	1,524	6.9	176	0.8
Drugs - Communication Facility	58	17.5	0	0.0	13	3.9	10	3.0	8	2.4	38	11.4	4	1.2
Drugs - Simple Possession	8	1.8	0	0.0	2	0.4	1	0.2	3	0.7	7	1.5	5	1.1
Firearms	878	11.6	36	0.5	201	2.6	214	2.8	148	1.9	573	7.5	64	0.8
Burglary/B&E	0	0.0	0	0.0	2	5.0	2	5.0	2	5.0	5	12.5	1	2.5
Auto Theft	5	8.9	0	0.0	1	1.8	3	5.4	0	0.0	4	7.1	1	1.8
Larceny	92	6.3	6	0.4	35	2.4	32	2.2	15	1.0	90	6.1	29	2.0
Fraud	1,009	15.4	5	0.1	151	2.3	172	2.6	103	1.6	590	9.0	114	1.7
Embezzlement	14	3.4	0	0.0	8	1.9	6	1.4	12	2.9	57	13.7	6	1.4
Forgery/Counterfeiting	123	11.9	1	0.1	16	1.5	15	1.5	11	1.1	71	6.9	15	1.5
Bribery	82	36.8	0	0.0	7	3.1	4	1.8	3	1.3	26	11.7	4	1.8
Tax	97	16.8	5	0.9	18	3.1	34	5.9	15	2.6	114	19.7	13	2.2
Money Laundering	211	26.3	10	1.2	47	5.9	20	2.5	23	2.9	89	11.1	12	1.5
Racketeering/Extortion	126	22.7	0	0.0	33	5.9	18	3.2	6	1.1	52	9.4	10	1.8
Gambling/Lottery	12	12.2	0	0.0	2	2.0	6	6.1	2	2.0	15	15.3	4	4.1
Civil Rights	14	24.1	1	1.7	4	6.9	3	5.2	1	1.7	5	8.6	2	3.4
Immigration	292	1.9	3,634	23.4	818	5.3	419	2.7	98	0.6	566	3.6	109	0.7
Pornography/Prostitution	56	3.9	3	0.2	63	4.4	28	2.0	40	2.8	256	17.9	12	0.8
Prison Offenses	17	5.8	9	3.1	13	4.4	3	1.0	3	1.0	11	3.8	6	2.0
Administration of Justice Offenses	104	11.9	7	0.8	56	6.4	20	2.3	16	1.8	94	10.8	12	1.4
Environmental/Wildlife	21	14.7	0	0.0	13	9.1	8	5.6	2	1.4	15	10.5	4	2.8
National Defense	8	36.4	0	0.0	2	9.1	1	4.5	0	0.0	1	4.5	3	13.6
Antitrust	7	46.7	0	0.0	0	0.0	0	0.0	2	13.3	4	26.7	0	0.0
Food & Drug	6	10.9	0	0.0	3	5.5	1	1.8	0	0.0	3	5.5	0	0.0
Other Miscellaneous Offenses	83	7.8	8	0.8	29	2.7	31	2.9	14	1.3	78	7.3	20	1.9

<sup>1</sup>Of the 65,836 cases, 2,147 were excluded due to one or both of the following reasons: missing primary offense (155) or missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (1,995). 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 September 30, 2007).

Figure A

**QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>**  
**Fiscal Years 2002 - 2006,**  
**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**



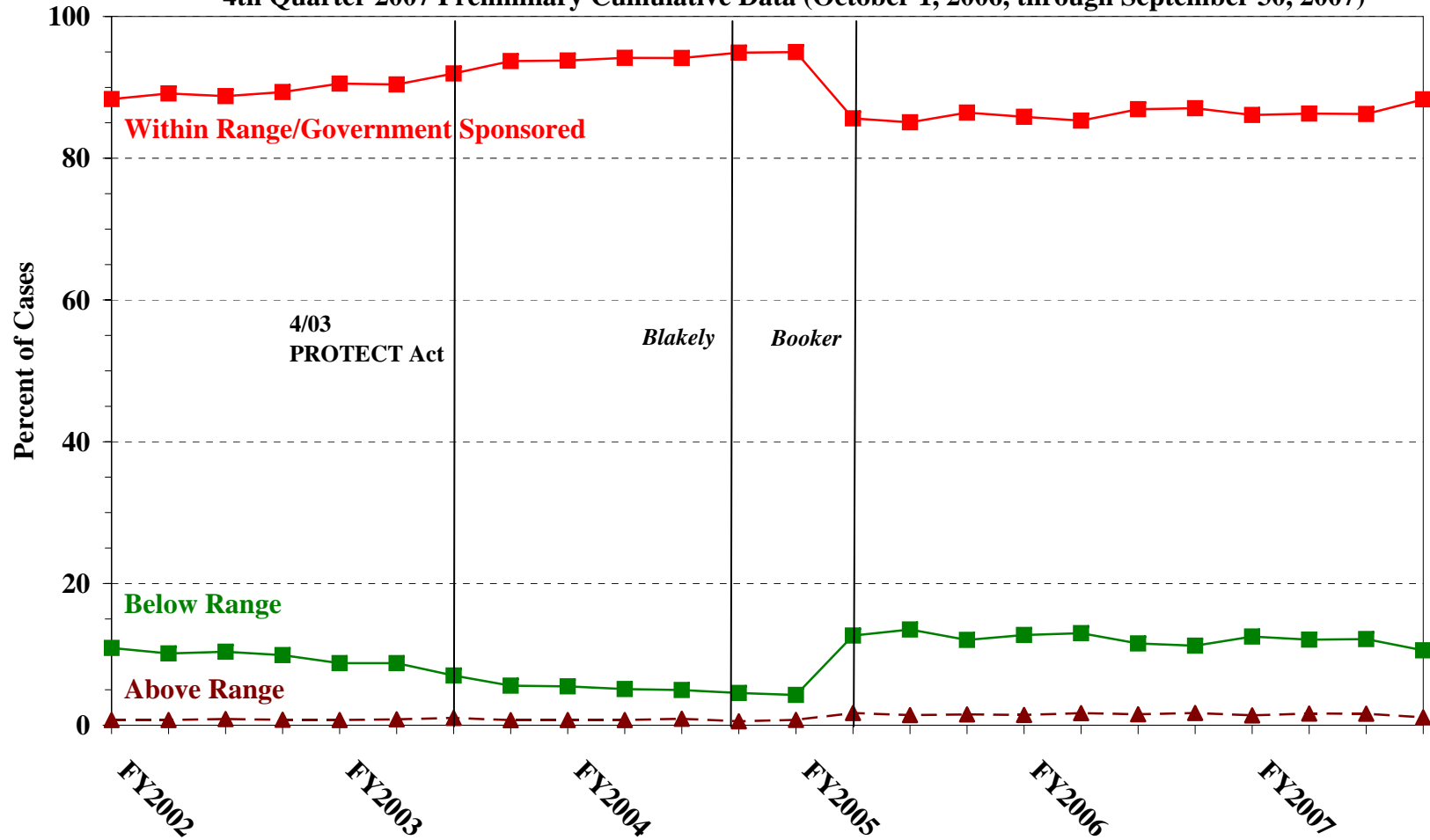
<sup>1</sup>The Commission’s methods for distinguishing government sponsored from other downward departures were refined beginning in Fiscal Year 2003. In Figures A and B, the rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government 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 SENTENCES<sup>1</sup>**

Fiscal Years 2002 - 2006,

4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)



<sup>1</sup>The 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 SENTENCES<sup>1</sup>**  
**Fiscal Years 2002 - 2006,**  
**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
<b>FY2002</b>				
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
<b>FY2003</b>				
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
<b>FY2004</b>				
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
<b>FY2005</b>				
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
<b>FY2006</b>				
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
<b>FY2007</b>				
1st Quarter	60.7	25.4	12.5	1.4
2ndQuarter	61.4	24.9	12.1	1.6
3rd Quarter	60.1	26.1	12.2	1.6
4th Quarter	61.7	26.6	10.6	1.1

<sup>1</sup>The 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	1	0	1	0	0	0	0	0	0	0	0	0	0
§2N1.3	2	2	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	34	32	0	0	1	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	190	146	1	0	2	1	10	3	11	2	3	6	5
§2P1.2	78	67	1	0	0	0	4	0	1	0	0	4	1
§2P1.3	12	4	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	41	17	0	0	0	0	7	0	3	7	2	4	1
§2Q1.3	29	11	0	0	0	0	5	0	4	4	1	3	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	84	45	0	1	0	0	13	0	9	2	1	10	3
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	15	4	0	0	0	0	6	0	0	0	0	5	0
§2S1.1	864	369	4	1	2	0	284	4	41	27	16	101	15
§2S1.2	11	2	0	0	0	0	7	0	2	0	0	0	0
§2S1.3	225	130	0	0	0	0	25	7	19	5	11	24	4
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	517	241	0	1	4	0	93	1	22	35	13	96	11
§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	98	48	0	0	2	0	15	3	3	7	3	14	3
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	5	1	0	0	0	0	2	0	0	0	0	2	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	20	7	0	0	0	0	4	0	0	0	1	8	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	10	8	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	29	16	1	0	0	0	7	0	1	0	1	3	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	110	59	0	1	1	0	25	0	6	0	2	15	1
§2X4.1	413	272	4	4	6	1	41	5	22	9	5	39	5
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	74	66	2	0	4	1	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
<b>TOTAL</b>	<b>61,097</b>	<b>36,595</b>	<b>289</b>	<b>125</b>	<b>444</b>	<b>53</b>	<b>9,022</b>	<b>4,823</b>	<b>2,255</b>	<b>1,599</b>	<b>869</b>	<b>4,406</b>	<b>617</b>

<sup>1</sup>Of the 65,836 cases, 4,739 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 (1,995) or missing guideline applied (4,425). Descriptions of variables used in this table are provided in Appendix A.

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
IN EACH OUTSIDE OF THE RANGE ATTRIBUTION CATEGORIES<sup>1</sup>  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 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	%
<b>TOTAL</b>	<b>24,926</b>	<b>6,428</b>	<b>25.8</b>	<b>4,746</b>	<b>19.0</b>	<b>2,027</b>	<b>8.1</b>	<b>1,599</b>	<b>6.4</b>	<b>141</b>	<b>0.6</b>
<b>Above Range</b>	<b>936</b>	<b>1</b>	<b>0.1</b>	<b>4</b>	<b>0.4</b>	<b>150</b>	<b>16.0</b>	<b>98</b>	<b>10.5</b>	<b>3</b>	<b>0.3</b>
Upward Departure From Guideline Range	297	0	0.0	3	1.0	66	22.2	41	13.8	1	0.3
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	127	1	0.8	0	0.0	26	20.5	22	17.3	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	452	0	0.0	0	0.0	55	12.2	31	6.9	2	0.4
All Remaining Cases Above Guideline Range	60	0	0.0	1	1.7	3	5.0	4	6.7	0	0.0
<b>Government Sponsored Below Range</b>	<b>16,391</b>	<b>6,427</b>	<b>39.2</b>	<b>4,742</b>	<b>28.9</b>	<b>1,877</b>	<b>11.5</b>	<b>1,501</b>	<b>9.2</b>	<b>138</b>	<b>0.8</b>
§5K1.1 Substantial Assistance Departure	9,113	6,427	70.5	91	1.0	239	2.6	260	2.9	31	0.3
§5K3.1 Early Disposition Program Departure	4,897	0	0.0	4,651	95.0	700	14.3	175	3.6	7	0.1
Other Government Sponsored Below Range	2,381	0	0.0	0	0.0	938	39.4	1,066	44.8	100	4.2
<b>Below Range</b>	<b>7,599</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Downward Departure From Guideline Range	1,619	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	880	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	4,454	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	646	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	%
<b>TOTAL</b>	<b>2,449</b>	<b>9.8</b>	<b>147</b>	<b>0.6</b>	<b>678</b>	<b>2.7</b>	<b>2,056</b>	<b>8.2</b>	<b>2,183</b>	<b>8.8</b>	<b>3,577</b>	<b>14.4</b>	<b>2,914</b>	<b>11.7</b>
<b>Above Range</b>	<b>2</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>87</b>	<b>9.3</b>	<b>17</b>	<b>1.8</b>	<b>5</b>	<b>0.5</b>	<b>457</b>	<b>48.8</b>	<b>196</b>	<b>20.9</b>
Upward Departure From Guideline Range	2	0.7	0	0.0	37	12.5	6	2.0	3	1.0	112	37.7	39	13.1
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	20	15.7	7	5.5	2	1.6	88	69.3	27	21.3
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	28	6.2	3	0.7	0	0.0	255	56.4	81	17.9
All Remaining Cases Above Guideline Range	0	0.0	0	0.0	2	3.3	1	1.7	0	0.0	2	3.3	49	81.7
<b>Government Sponsored Below Range</b>	<b>2,447</b>	<b>14.9</b>	<b>147</b>	<b>0.9</b>	<b>591</b>	<b>3.6</b>	<b>601</b>	<b>3.7</b>	<b>352</b>	<b>2.1</b>	<b>509</b>	<b>3.1</b>	<b>499</b>	<b>3.0</b>
§5K1.1 Substantial Assistance Departure	2,447	26.9	6	0.1	282	3.1	261	2.9	140	1.5	267	2.9	334	3.7
§5K3.1 Early Disposition Program Departure	0	0.0	141	2.9	58	1.2	167	3.4	121	2.5	67	1.4	75	1.5
Other Government Sponsored Below Range	0	0.0	0	0.0	251	10.5	173	7.3	91	3.8	175	7.3	90	3.8
<b>Below Range</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>1,438</b>	<b>18.9</b>	<b>1,826</b>	<b>24.0</b>	<b>2,611</b>	<b>34.4</b>	<b>2,219</b>	<b>29.2</b>
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	470	29.0	377	23.3	470	29.0	337	20.8
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	236	26.8	347	39.4	509	57.8	180	20.5
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	699	15.7	1,085	24.4	1,612	36.2	1,120	25.1
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	33	5.1	17	2.6	20	3.1	582	90.1

<sup>1</sup>Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 3,553 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 CATEGORY<sup>1</sup>  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>8,625</b>	<b>36.0</b>	<b>28.0</b>	<b>47.1</b>
<b>Murder</b>	4	90.0	30.0	27.5
<b>Manslaughter</b>	1	--	--	--
<b>Kidnapping/Hostage Taking</b>	15	121.0	51.0	40.0
<b>Sexual Abuse</b>	5	30.0	15.0	26.8
<b>Assault</b>	9	24.0	14.0	56.0
<b>Robbery</b>	120	48.0	22.0	30.4
<b>Arson</b>	18	46.0	28.0	44.2
<b>Drugs - Trafficking</b>	5,322	54.0	39.0	42.2
<b>Drugs - Communication Facility</b>	55	15.0	13.0	50.0
<b>Drugs - Simple Possession</b>	6	1.0	5.0	83.3
<b>Firearms</b>	816	41.0	24.0	41.7
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	5	19.0	11.0	36.7
<b>Larceny</b>	88	0.6	12.0	96.9
<b>Fraud</b>	960	4.0	12.0	79.2
<b>Embezzlement</b>	12	0.0	12.0	99.9
<b>Forgery/Counterfeiting</b>	121	5.0	9.0	57.1
<b>Bribery</b>	81	7.0	18.0	83.3
<b>Tax</b>	94	0.0	11.0	100.0
<b>Money Laundering</b>	201	18.0	24.0	58.6
<b>Racketeering/Extortion</b>	113	33.0	31.0	50.0
<b>Gambling/Lottery</b>	11	0.0	6.0	100.0
<b>Civil Rights</b>	14	6.0	12.0	77.7
<b>Immigration</b>	278	12.0	11.0	50.0
<b>Pornography/Prostitution</b>	50	57.0	42.0	43.7
<b>Prison Offenses</b>	15	12.0	15.0	50.0
<b>Administration of Justice Offenses</b>	96	0.0	12.0	100.0
<b>Environmental/Wildlife</b>	18	0.0	12.0	100.0
<b>National Defense</b>	8	15.0	21.8	57.2
<b>Antitrust</b>	3	0.0	12.0	100.0
<b>Food &amp; Drug</b>	6	17.0	22.0	48.3
<b>Other Miscellaneous Offenses</b>	80	0.0	12.0	100.0

<sup>1</sup>Of the 65,836 cases, 9,113 received a §5K1.1 substantial assistance departure. Of these, 8,749 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 108 cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Of the remaining 8,638 cases, 13 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 September 30, 2007).

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>4,653</b>	<b>18.0</b>	<b>7.0</b>	<b>27.8</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	7	12.0	6.0	48.3
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	1,051	13.0	10.0	36.4
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	35	13.0	7.0	33.2
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	4	9.0	7.0	47.2
Fraud	3	0.0	4.0	100.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	4	6.0	12.0	74.9
Money Laundering	9	3.4	6.0	63.3
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	3,511	20.0	6.0	26.3
Pornography/Prostitution	3	30.0	30.0	38.5
Prison Offenses	8	41.5	10.0	23.0
Administration of Justice Offenses	7	6.0	4.0	60.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	8	5.9	6.0	55.0

<sup>1</sup>Of the 65,836 cases, 4,897 received a §5K3.1 early disposition program departure. Of these, 4,664 had complete guideline application information. Eight additional cases were excluded due to several logical criteria. Of the remaining 4,656 cases, three were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as 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 September 30, 2007).

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>2,178</b>	<b>22.0</b>	<b>9.0</b>	<b>25.0</b>
<b>Murder</b>	3	90.0	55.0	33.3
<b>Manslaughter</b>	4	37.0	9.5	33.4
<b>Kidnapping/Hostage Taking</b>	10	162.5	63.0	27.4
<b>Sexual Abuse</b>	16	37.0	18.8	32.0
<b>Assault</b>	36	19.0	12.0	48.0
<b>Robbery</b>	31	63.0	27.0	29.4
<b>Arson</b>	2	--	--	--
<b>Drugs - Trafficking</b>	681	62.0	15.0	20.0
<b>Drugs - Communication Facility</b>	13	24.0	12.0	42.7
<b>Drugs - Simple Possession</b>	1	--	--	--
<b>Firearms</b>	182	36.0	15.0	32.1
<b>Burglary/B&amp;E</b>	2	--	--	--
<b>Auto Theft</b>	1	--	--	--
<b>Larceny</b>	31	0.0	10.0	100.0
<b>Fraud</b>	137	6.0	12.0	66.7
<b>Embezzlement</b>	7	0.0	10.0	100.0
<b>Forgery/Counterfeiting</b>	15	0.0	10.0	100.0
<b>Bribery</b>	7	0.0	10.0	100.0
<b>Tax</b>	17	2.5	10.0	90.2
<b>Money Laundering</b>	40	12.0	12.5	40.3
<b>Racketeering/Extortion</b>	30	61.5	25.5	39.7
<b>Gambling/Lottery</b>	2	--	--	--
<b>Civil Rights</b>	4	0.0	28.0	100.0
<b>Immigration</b>	740	12.0	3.0	20.0
<b>Pornography/Prostitution</b>	61	60.0	27.0	31.0
<b>Prison Offenses</b>	12	8.0	9.0	26.5
<b>Administration of Justice Offenses</b>	50	6.0	11.5	51.2
<b>Environmental/Wildlife</b>	12	0.0	10.0	100.0
<b>National Defense</b>	2	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	3	18.0	18.0	50.0
<b>Other Miscellaneous Offenses</b>	26	0.0	10.0	100.0

<sup>1</sup>Of the 65,836 cases, 2,381 received an other government sponsored downward departure. Of these, 2,193 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 eight cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Of the remaining 2,182 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.

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>1,532</b>	<b>24.0</b>	<b>10.0</b>	<b>26.9</b>
Murder	1	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	7	40.0	6.0	14.3
Assault	16	4.0	8.0	60.4
Robbery	48	44.0	11.0	19.6
Arson	0	--	--	--
Drugs - Trafficking	459	60.0	15.0	19.9
Drugs - Communication Facility	10	2.5	11.0	83.3
Drugs - Simple Possession	1	--	--	--
Firearms	204	32.0	10.0	23.5
Burglary/B&E	2	--	--	--
Auto Theft	3	7.0	41.0	30.1
Larceny	29	0.0	8.0	99.8
Fraud	163	4.0	10.0	73.8
Embezzlement	6	1.0	10.0	91.7
Forgery/Counterfeiting	15	0.0	7.0	100.0
Bribery	3	0.1	10.0	99.8
Tax	33	0.0	10.0	100.0
Money Laundering	18	7.0	15.0	79.3
Racketeering/Extortion	18	54.5	13.5	28.9
Gambling/Lottery	5	0.0	8.0	100.0
Civil Rights	3	0.0	10.0	100.0
Immigration	400	24.0	6.0	20.0
Pornography/Prostitution	28	83.5	21.0	19.0
Prison Offenses	3	20.0	6.0	45.9
Administration of Justice Offenses	17	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	28	0.0	9.5	100.0

<sup>1</sup>Of the 65,836 cases, 1,619 received a downward departure from the guideline range. Of these, 1,539 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 1,534 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 CATEGORY<sup>1</sup>  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>816</b>	<b>24.0</b>	<b>15.0</b>	<b>38.9</b>
<b>Murder</b>	4	78.0	36.0	26.7
<b>Manslaughter</b>	1	--	--	--
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	5	24.0	25.0	47.8
<b>Assault</b>	9	16.0	12.0	35.1
<b>Robbery</b>	17	42.0	13.0	21.8
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	285	60.0	21.0	31.3
<b>Drugs - Communication Facility</b>	7	15.0	12.0	59.5
<b>Drugs - Simple Possession</b>	3	0.0	12.0	100.0
<b>Firearms</b>	137	24.0	15.0	33.3
<b>Burglary/B&amp;E</b>	2	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	15	0.0	10.0	100.0
<b>Fraud</b>	97	7.0	12.0	55.6
<b>Embezzlement</b>	12	0.0	10.0	99.9
<b>Forgery/Counterfeiting</b>	10	14.3	7.5	36.9
<b>Bribery</b>	2	--	--	--
<b>Tax</b>	15	0.0	10.0	100.0
<b>Money Laundering</b>	21	12.0	16.0	66.7
<b>Racketeering/Extortion</b>	5	8.0	29.0	78.4
<b>Gambling/Lottery</b>	2	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	93	22.0	12.0	35.1
<b>Pornography/Prostitution</b>	38	36.5	27.8	41.8
<b>Prison Offenses</b>	3	7.0	1.8	38.7
<b>Administration of Justice Offenses</b>	16	12.0	15.0	61.1
<b>Environmental/Wildlife</b>	1	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	2	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	14	3.5	12.0	84.5

<sup>1</sup>Of the 65,836 cases, 880 received a downward departure from the guideline range with *Booker* /18 U.S.C § 3553. Of these, 822 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. 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.

**BELOW GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>4,200</b>	<b>27.0</b>	<b>12.0</b>	<b>33.3</b>
<b>Murder</b>	4	120.0	17.5	14.6
<b>Manslaughter</b>	7	12.0	14.0	59.9
<b>Kidnapping/Hostage Taking</b>	2	--	--	--
<b>Sexual Abuse</b>	16	27.0	15.0	34.1
<b>Assault</b>	33	15.0	7.0	33.3
<b>Robbery</b>	88	48.0	13.0	20.5
<b>Arson</b>	1	--	--	--
<b>Drugs - Trafficking</b>	1,431	60.0	18.0	22.9
<b>Drugs - Communication Facility</b>	35	36.0	18.0	25.0
<b>Drugs - Simple Possession</b>	7	60.0	3.0	21.4
<b>Firearms</b>	544	25.5	12.0	27.2
<b>Burglary/B&amp;E</b>	5	0.3	11.7	97.3
<b>Auto Theft</b>	4	4.0	6.5	73.3
<b>Larceny</b>	83	0.0	9.0	100.0
<b>Fraud</b>	563	6.0	10.0	65.4
<b>Embezzlement</b>	55	0.0	10.0	99.7
<b>Forgery/Counterfeiting</b>	69	4.0	8.0	70.0
<b>Bribery</b>	25	12.0	10.0	36.3
<b>Tax</b>	106	5.0	10.0	65.1
<b>Money Laundering</b>	82	12.0	15.5	50.6
<b>Racketeering/Extortion</b>	49	15.8	10.0	38.1
<b>Gambling/Lottery</b>	15	0.0	8.0	100.0
<b>Civil Rights</b>	5	1.0	12.0	91.8
<b>Immigration</b>	532	24.0	10.0	28.6
<b>Pornography/Prostitution</b>	245	60.0	27.0	31.4
<b>Prison Offenses</b>	10	13.5	10.0	30.2
<b>Administration of Justice Offenses</b>	88	6.0	10.0	64.1
<b>Environmental/Wildlife</b>	13	0.0	6.0	100.0
<b>National Defense</b>	1	--	--	--
<b>Antitrust</b>	4	10.0	6.5	41.7
<b>Food &amp; Drug</b>	3	0.0	10.0	100.0
<b>Other Miscellaneous Offenses</b>	75	0.0	10.0	100.0

<sup>1</sup>Of the 65,836 cases, 4,454 were sentenced below the guideline range with *Booker* /18 U.S.C § 3553. Of these, 4,241 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 33 cases were also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Of the remaining 4,206 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 CATEGORY<sup>1</sup>  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>551</b>	<b>12.0</b>	<b>6.0</b>	<b>44.4</b>
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	7	4.9	2.0	18.5
Robbery	7	34.0	10.0	24.3
Arson	0	--	--	--
Drugs - Trafficking	142	50.0	13.0	28.4
Drugs - Communication Facility	3	0.0	10.0	100.0
Drugs - Simple Possession	4	3.3	2.0	58.8
Firearms	61	36.0	8.0	25.0
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	29	0.0	6.0	100.0
Fraud	100	0.0	6.0	100.0
Embezzlement	6	0.0	5.0	99.4
Forgery/Counterfeiting	15	0.0	6.0	100.0
Bribery	3	24.0	12.0	41.5
Tax	11	5.0	6.0	72.2
Money Laundering	11	14.3	6.0	60.3
Racketeering/Extortion	7	31.0	9.0	13.9
Gambling/Lottery	4	2.6	8.9	82.6
Civil Rights	2	--	--	--
Immigration	85	12.0	5.0	31.6
Pornography/Prostitution	10	103.8	17.0	18.9
Prison Offenses	6	15.0	8.5	29.6
Administration of Justice Offenses	12	4.7	9.5	63.8
Environmental/Wildlife	3	0.0	6.0	100.0
National Defense	3	0.0	46.0	100.0
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	15	0.0	6.0	100.0

<sup>1</sup>Of the 65,836 cases, 646 were otherwise sentenced below the guideline range. Of these, 560 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 554 cases, three were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as 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 September 30, 2007).

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>278</b>	<b>48.0</b>	<b>11.0</b>	<b>33.1</b>
Murder	1	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	5	96.0	25.0	35.2
Assault	12	64.5	18.5	55.8
Robbery	6	154.0	56.0	64.5
Arson	2	--	--	--
Drugs - Trafficking	32	84.0	18.0	27.3
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	4	12.0	6.0	100.0
Firearms	37	84.0	13.0	22.5
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	6	46.5	8.0	35.4
Fraud	26	43.5	12.5	58.5
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	100	20.5	6.0	25.8
Pornography/Prostitution	13	240.0	33.0	23.7
Prison Offenses	2	--	--	--
Administration of Justice Offenses	5	36.0	6.0	100.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	8	41.0	11.0	41.4

<sup>1</sup>Of the 65,836 cases, 297 received an upward departure from the guideline range. Of these, 283 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional three cases were also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as 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 CATEGORY<sup>1</sup>  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>120</b>	<b>70.0</b>	<b>18.5</b>	<b>44.2</b>
Murder	0	--	--	--
Manslaughter	4	96.0	31.5	33.1
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	3	78.0	52.0	36.8
Assault	2	--	--	--
Robbery	5	96.0	18.0	39.1
Arson	2	--	--	--
Drugs - Trafficking	13	150.0	32.0	37.1
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	22	48.0	12.0	35.0
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	1	--	--	--
Fraud	21	52.0	15.0	53.8
Embezzlement	0	--	--	--
Forgery/Counterfeiting	3	84.0	33.0	64.7
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	21	60.0	15.0	94.6
Pornography/Prostitution	6	168.0	48.0	43.3
Prison Offenses	0	--	--	--
Administration of Justice Offenses	6	33.0	9.0	69.0
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	3	27.0	4.0	50.0

<sup>1</sup>Of the 65,836 cases, 127 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 123 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.

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

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>425</b>	<b>36.0</b>	<b>10.0</b>	<b>49.1</b>
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	19.5	35.2
Robbery	11	174.0	33.0	35.2
Arson	4	120.0	46.5	69.0
Drugs - Trafficking	30	114.0	12.0	22.2
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	7	12.0	6.0	99.8
Firearms	52	71.0	17.0	40.5
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	7	36.0	15.0	55.5
Fraud	65	42.0	11.0	33.3
Embezzlement	1	--	--	--
Forgery/Counterfeiting	6	27.0	7.5	55.0
Bribery	1	--	--	--
Tax	4	36.0	9.0	35.7
Money Laundering	2	--	--	--
Racketeering/Extortion	4	125.5	19.5	21.9
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	168	18.0	7.0	70.1
Pornography/Prostitution	21	200.0	60.0	64.4
Prison Offenses	2	--	--	--
Administration of Justice Offenses	12	36.0	9.0	35.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	8	21.0	6.0	75.8

<sup>1</sup>Of the 65,836 cases, 452 were sentenced above the guideline range with *Booker* /18 U.S.C § 3553. Of these, 430 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, 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 CATEGORY<sup>1</sup>  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

<b>PRIMARY OFFENSE</b>	<b>n</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>32</b>	<b>60.0</b>	<b>9.0</b>	<b>25.7</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	1	--	--	--
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	3	18.0	6.0	50.0
Fraud	2	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	8	33.5	5.0	20.2
Pornography/Prostitution	3	240.0	89.0	58.9
Prison Offenses	1	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

<sup>1</sup>Of the 65,836 cases, 60 were otherwise sentenced above the guideline range. Of these, 46 had complete guideline application information. An additional 14 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.

**OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>65,160</b>	<b>57,812</b>	<b>88.7</b>	<b>55,807</b>	<b>85.6</b>	<b>2,005</b>	<b>3.1</b>	<b>7,348</b>	<b>11.3</b>	<b>2,511</b>	<b>3.9</b>	<b>4,837</b>	<b>7.4</b>
Murder	70	70	100.0	69	98.6	1	1.4	0	0.0	0	0.0	0	0.0
Manslaughter	63	60	95.2	59	93.7	1	1.6	3	4.8	3	4.8	0	0.0
Kidnapping/Hostage Taking	42	42	100.0	42	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	224	214	95.5	206	92.0	8	3.6	10	4.5	4	1.8	6	2.7
Assault	504	429	85.1	407	80.8	22	4.4	75	14.9	27	5.4	48	9.5
Robbery	1,037	1,021	98.5	1,006	97.0	15	1.4	16	1.5	6	0.6	10	1.0
Arson	70	67	95.7	65	92.9	2	2.9	3	4.3	2	2.9	1	1.4
Drugs - Trafficking	22,141	21,552	97.3	21,063	95.1	489	2.2	589	2.7	269	1.2	320	1.4
Drugs - Communication Facility	337	280	83.1	272	80.7	8	2.4	57	16.9	23	6.8	34	10.1
Drugs - Simple Possession	507	217	42.8	211	41.6	6	1.2	290	57.2	24	4.7	266	52.5
Firearms	7,604	7,175	94.4	7,002	92.1	173	2.3	429	5.6	212	2.8	217	2.9
Burglary/B&E	40	36	90.0	32	80.0	4	10.0	4	10.0	0	0.0	4	10.0
Auto Theft	58	49	84.5	45	77.6	4	6.9	9	15.5	4	6.9	5	8.6
Larceny	1,475	643	43.6	567	38.4	76	5.2	832	56.4	231	15.7	601	40.7
Fraud	6,877	4,904	71.3	4,394	63.9	510	7.4	1,973	28.7	750	10.9	1,223	17.8
Embezzlement	422	204	48.3	148	35.1	56	13.3	218	51.7	70	16.6	148	35.1
Forgery/Counterfeiting	1,063	752	70.7	679	63.9	73	6.9	311	29.3	136	12.8	175	16.5
Bribery	225	163	72.4	142	63.1	21	9.3	62	27.6	35	15.6	27	12.0
Tax	583	361	61.9	291	49.9	70	12.0	222	38.1	96	16.5	126	21.6
Money Laundering	811	679	83.7	638	78.7	41	5.1	132	16.3	63	7.8	69	8.5
Racketeering/Extortion	561	511	91.1	503	89.7	8	1.4	50	8.9	27	4.8	23	4.1
Gambling/Lottery	101	26	25.7	20	19.8	6	5.9	75	74.3	44	43.6	31	30.7
Civil Rights	56	34	60.7	32	57.1	2	3.6	22	39.3	9	16.1	13	23.2
Immigration	15,897	15,373	96.7	15,114	95.1	259	1.6	524	3.3	147	0.9	377	2.4
Pornography/Prostitution	1,441	1,416	98.3	1,402	97.3	14	1.0	25	1.7	13	0.9	12	0.8
Prison Offenses	298	288	96.6	277	93.0	11	3.7	10	3.4	3	1.0	7	2.3
Administration of Justice Offenses	890	613	68.9	565	63.5	48	5.4	277	31.1	102	11.5	175	19.7
Environmental/Wildlife	141	36	25.5	25	17.7	11	7.8	105	74.5	29	20.6	76	53.9
National Defense	23	19	82.6	17	73.9	2	8.7	4	17.4	1	4.3	3	13.0
Antitrust	15	11	73.3	9	60.0	2	13.3	4	26.7	1	6.7	3	20.0
Food & Drug	51	18	35.3	16	31.4	2	3.9	33	64.7	2	3.9	31	60.8
Other Miscellaneous Offenses	1,533	549	35.8	489	31.9	60	3.9	984	64.2	178	11.6	806	52.6

<sup>1</sup>Of the 65,836 cases, 676 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (454), missing primary offense category (155), or missing sentencing information (218). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup>Prison/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 CATEGORY<sup>1</sup>**  
**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

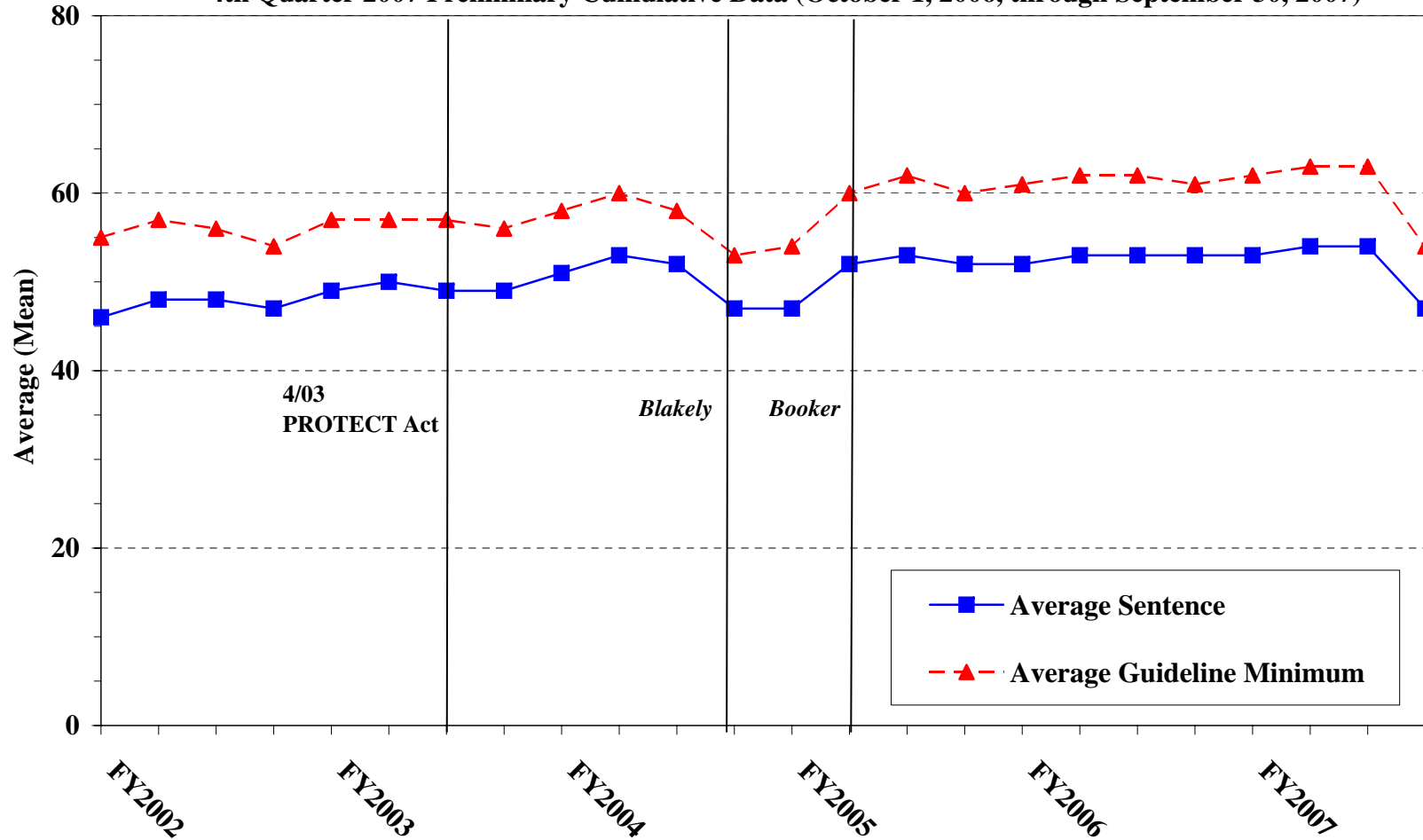
<b>PRIMARY OFFENSE</b>	<b>Mean Months</b>	<b>Median Months</b>	<b>Number</b>
<b>TOTAL</b>	<b>51.5</b>	<b>30.0</b>	<b>65,618</b>
<b>Murder</b>	268.6	240.0	70
<b>Manslaughter</b>	49.6	37.0	63
<b>Kidnapping/Hostage Taking</b>	184.7	174.0	42
<b>Sexual Abuse</b>	94.7	52.5	224
<b>Assault</b>	31.9	24.0	512
<b>Robbery</b>	85.0	66.0	1,038
<b>Arson</b>	83.0	60.0	70
<b>Drugs - Trafficking</b>	82.5	60.0	22,145
<b>Drugs - Communication Facility</b>	35.2	36.0	338
<b>Drugs - Simple Possession</b>	5.8	0.0	548
<b>Firearms</b>	76.9	51.0	7,611
<b>Burglary/B&amp;E</b>	18.9	18.0	40
<b>Auto Theft</b>	60.4	19.0	58
<b>Larceny</b>	8.2	2.4	1,583
<b>Fraud</b>	19.0	10.0	6,906
<b>Embezzlement</b>	8.7	4.0	424
<b>Forgery/Counterfeiting</b>	14.7	10.0	1,066
<b>Bribery</b>	23.5	12.0	225
<b>Tax</b>	14.8	10.0	588
<b>Money Laundering</b>	34.9	24.0	812
<b>Racketeering/Extortion</b>	86.3	51.0	561
<b>Gambling/Lottery</b>	5.4	6.0	101
<b>Civil Rights</b>	28.8	12.0	58
<b>Immigration</b>	21.7	15.0	15,903
<b>Pornography/Prostitution</b>	102.2	78.0	1,442
<b>Prison Offenses</b>	19.1	14.0	298
<b>Administration of Justice Offenses</b>	19.9	10.0	902
<b>Environmental/Wildlife</b>	3.9	0.0	168
<b>National Defense</b>	24.8	11.0	24
<b>Antitrust</b>	15.9	9.0	15
<b>Food &amp; Drug</b>	10.1	0.0	57
<b>Other Miscellaneous Offenses</b>	5.6	0.0	1,726

<sup>1</sup>Of the 65,836 cases, 218 were excluded due to one or both of the following reasons: missing primary offense (155) or missing or indeterminable sentencing information (214). 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 CASES<sup>1</sup>**

**Fiscal Years 2002 - 2006,  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**



<sup>1</sup>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.

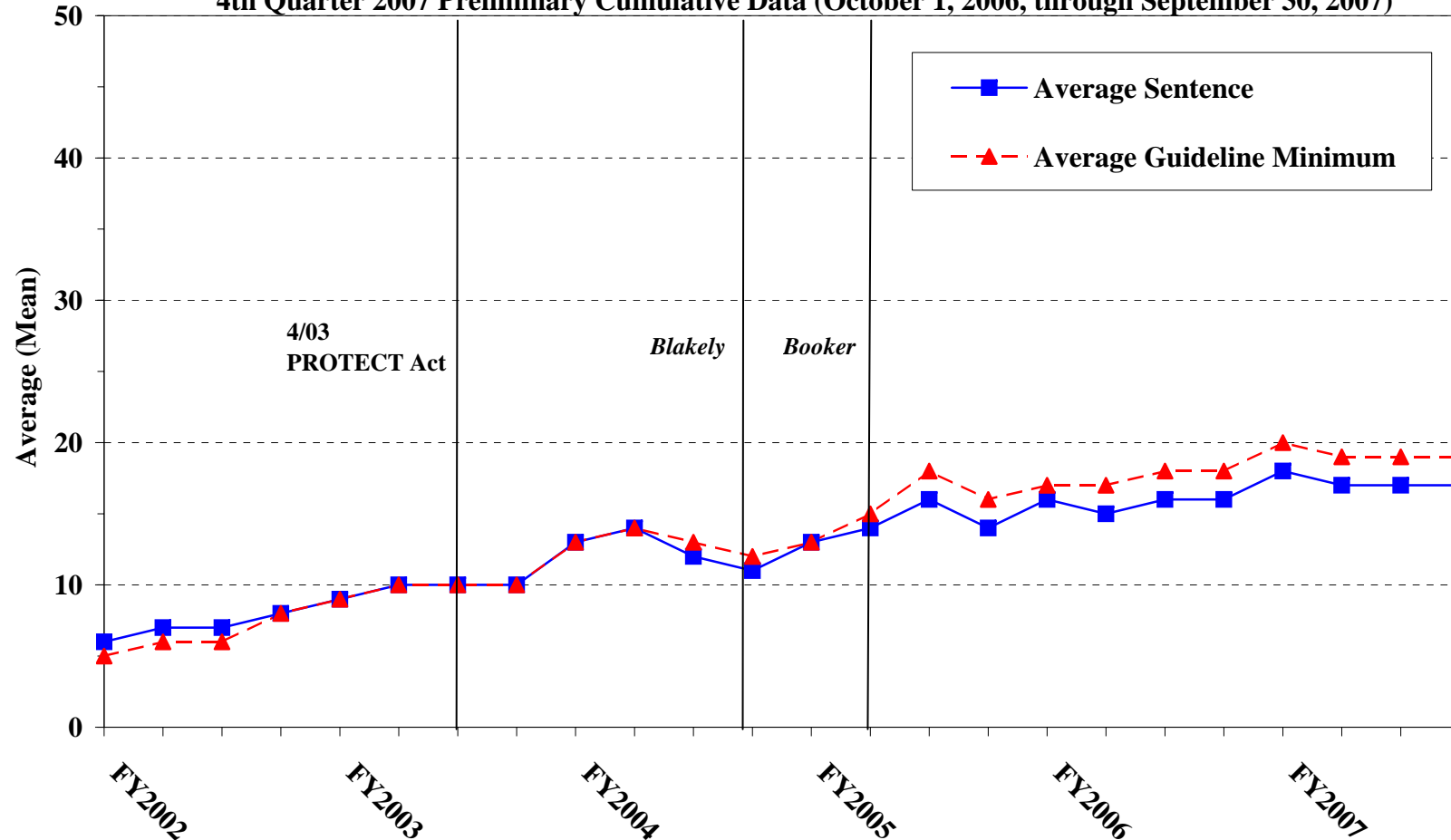
SOURCE: U.S. Sentencing Commission, 2002 - 2006 Datafiles, USSCFY02 - USSCFY06, and Preliminary Data from USSCFY07 (October 1, 2006, through September 30, 2007).

Figure D

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

**Fiscal Years 2002 - 2006,**

**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**



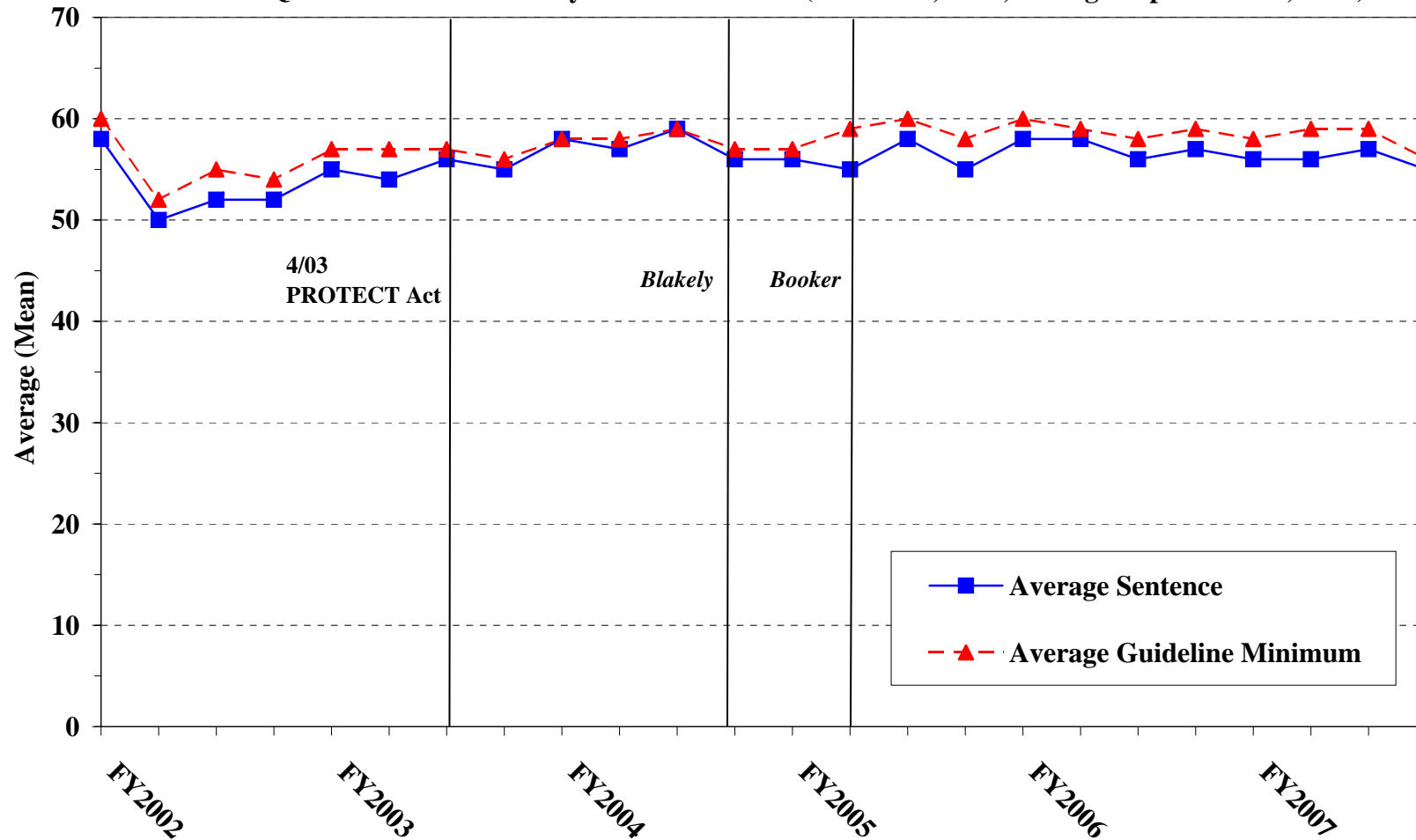
<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligation of the United States). Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as 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)<sup>1</sup>**

**Fiscal Years 2002 - 2006,**

**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

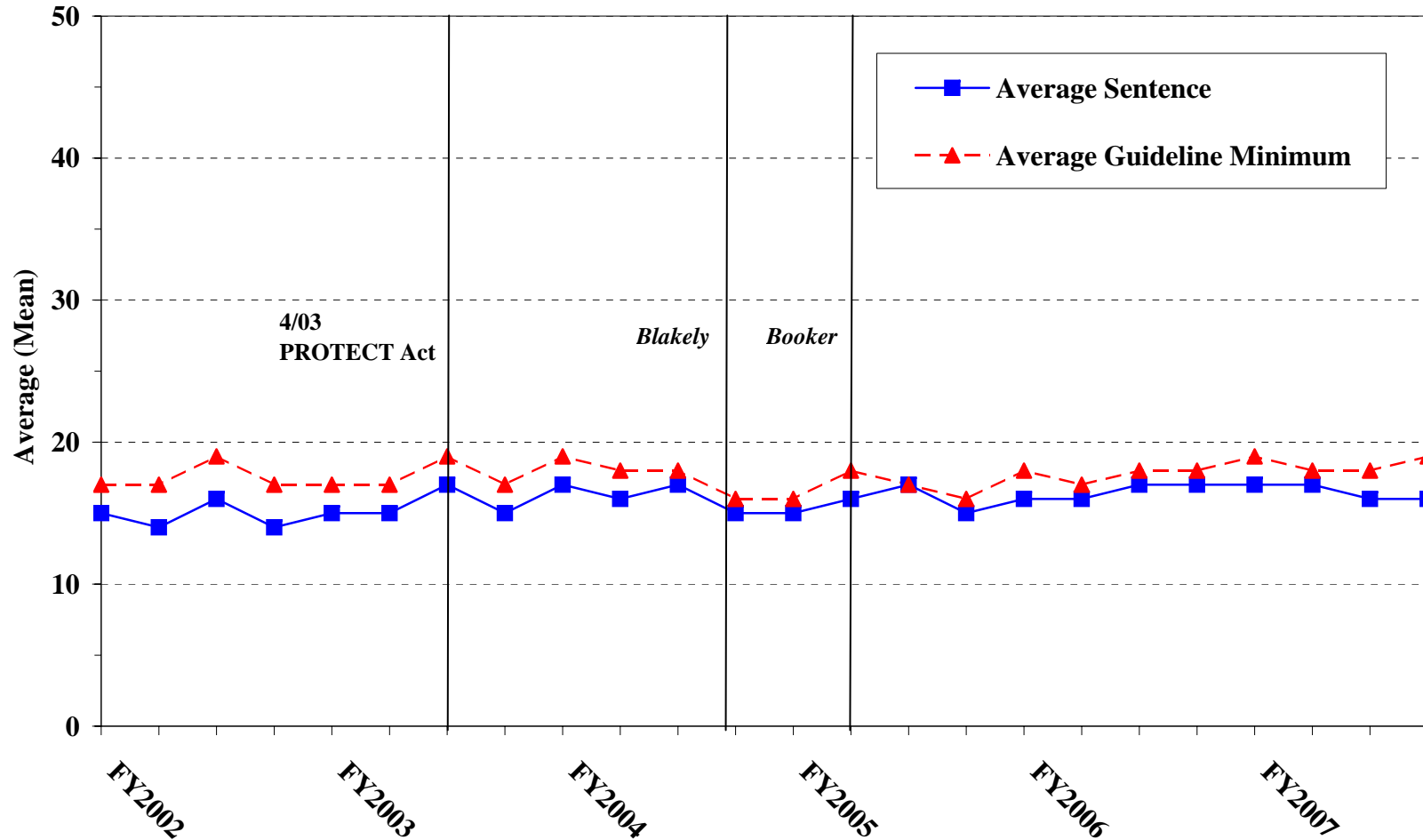


<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as 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)<sup>1</sup>**

**Fiscal Years 2002 - 2006,  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**



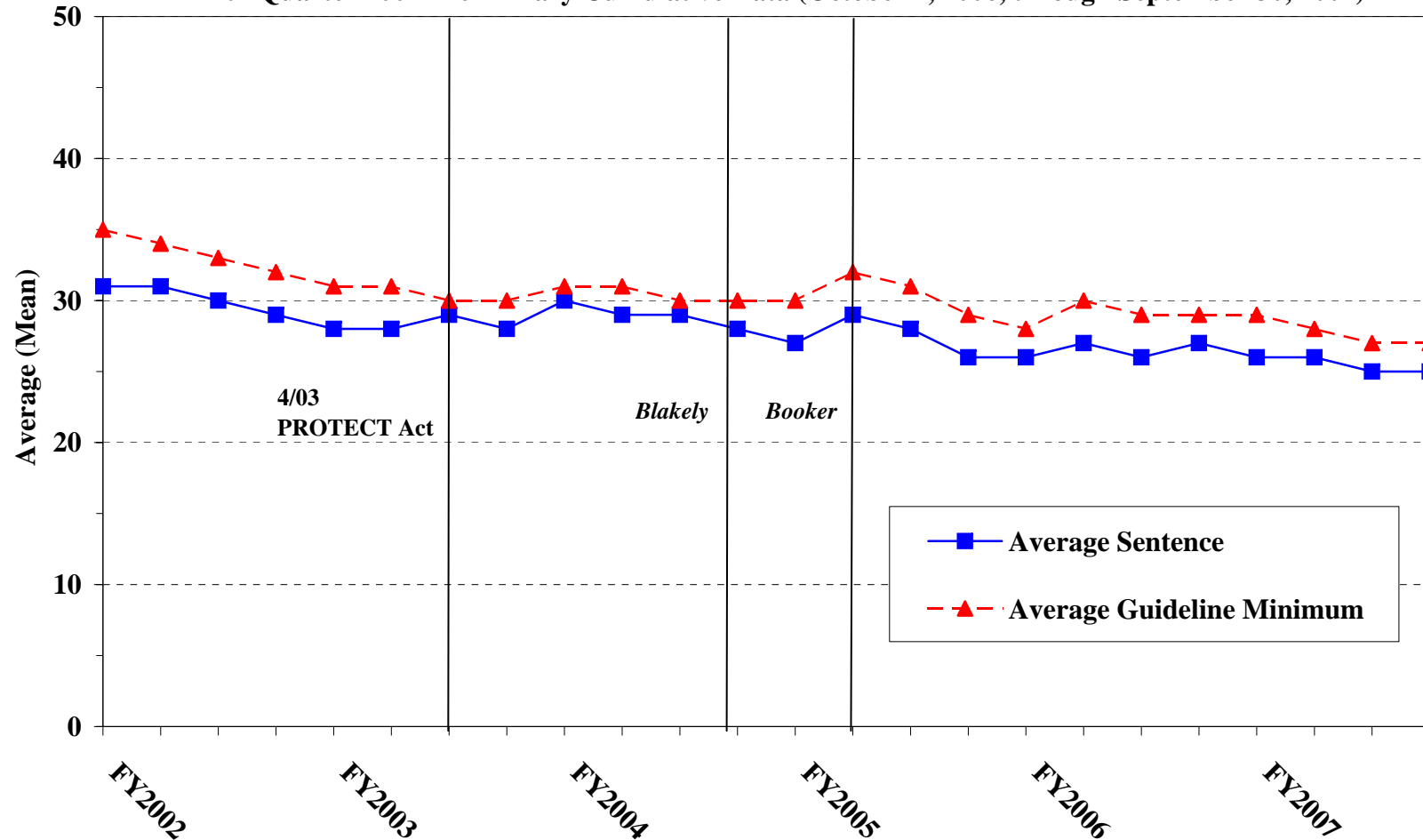
<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as 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)<sup>1</sup>**

**Fiscal Years 2002 - 2006,**

**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**



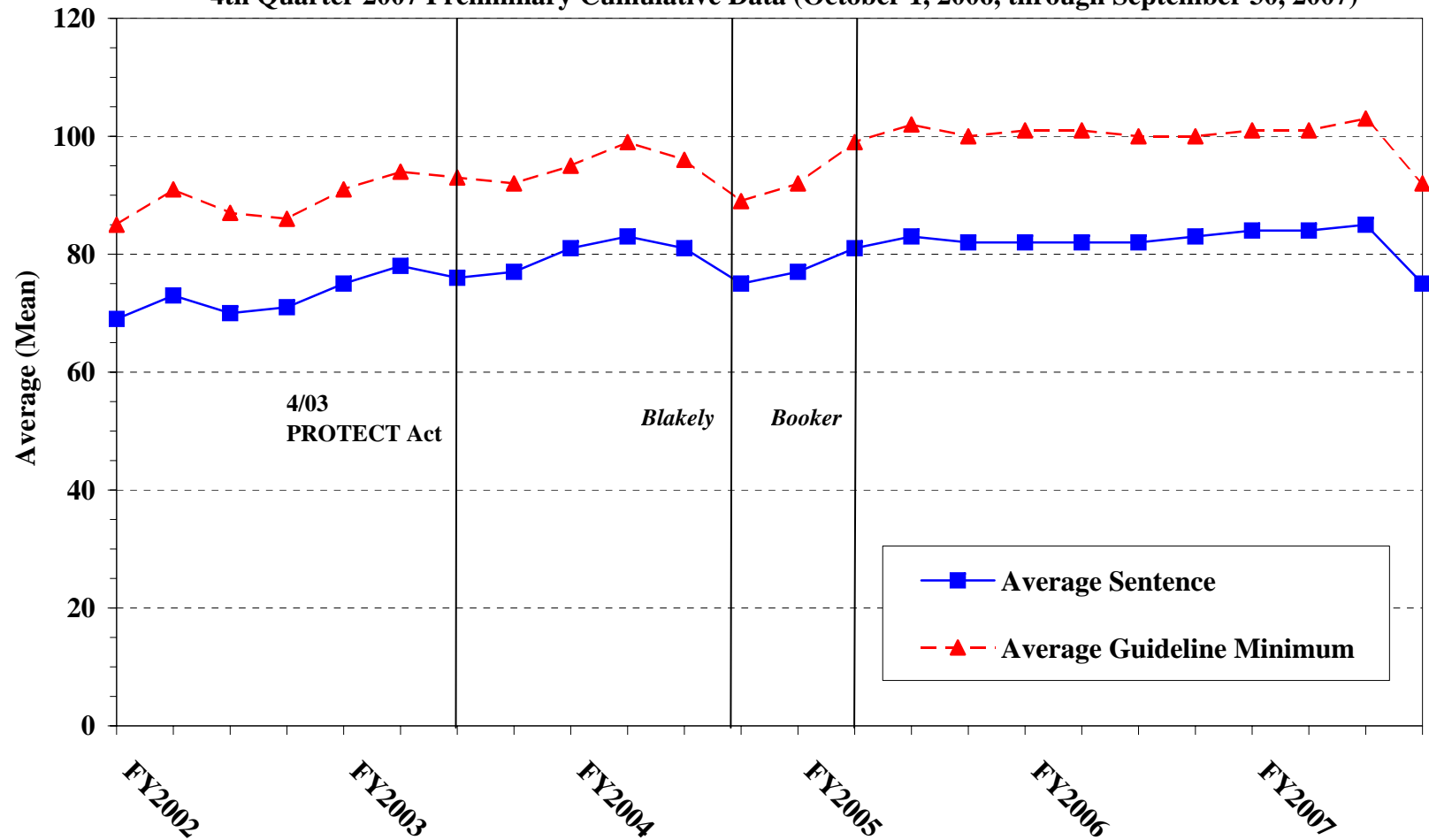
<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2L2.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (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.

Figure H

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

**Fiscal Years 2002 - 2006,**

**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**



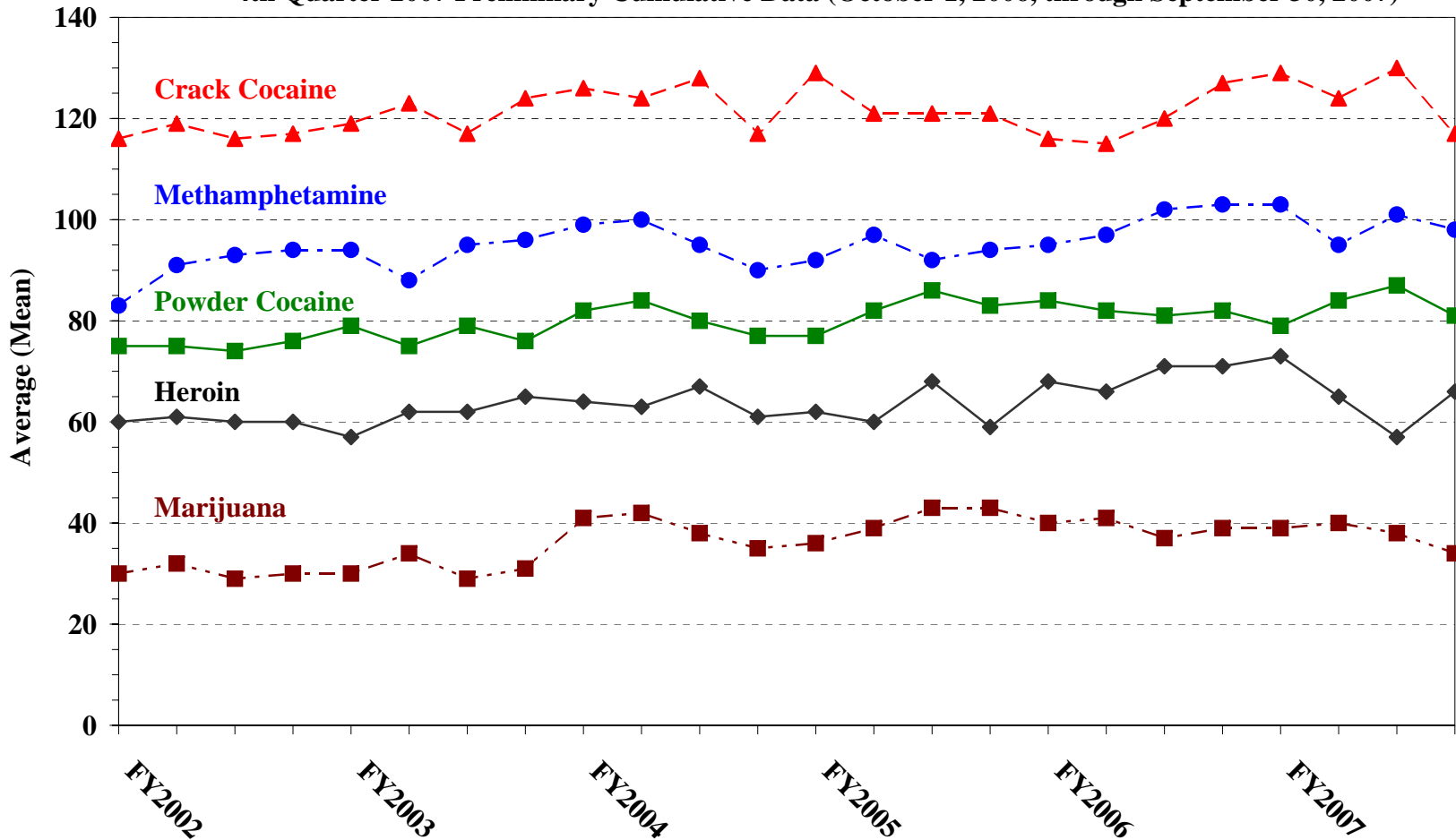
<sup>1</sup>Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as 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 TYPE<sup>1</sup>

Fiscal Years 2002 - 2006,

4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)



<sup>1</sup>Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. 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 September 30, 2007).

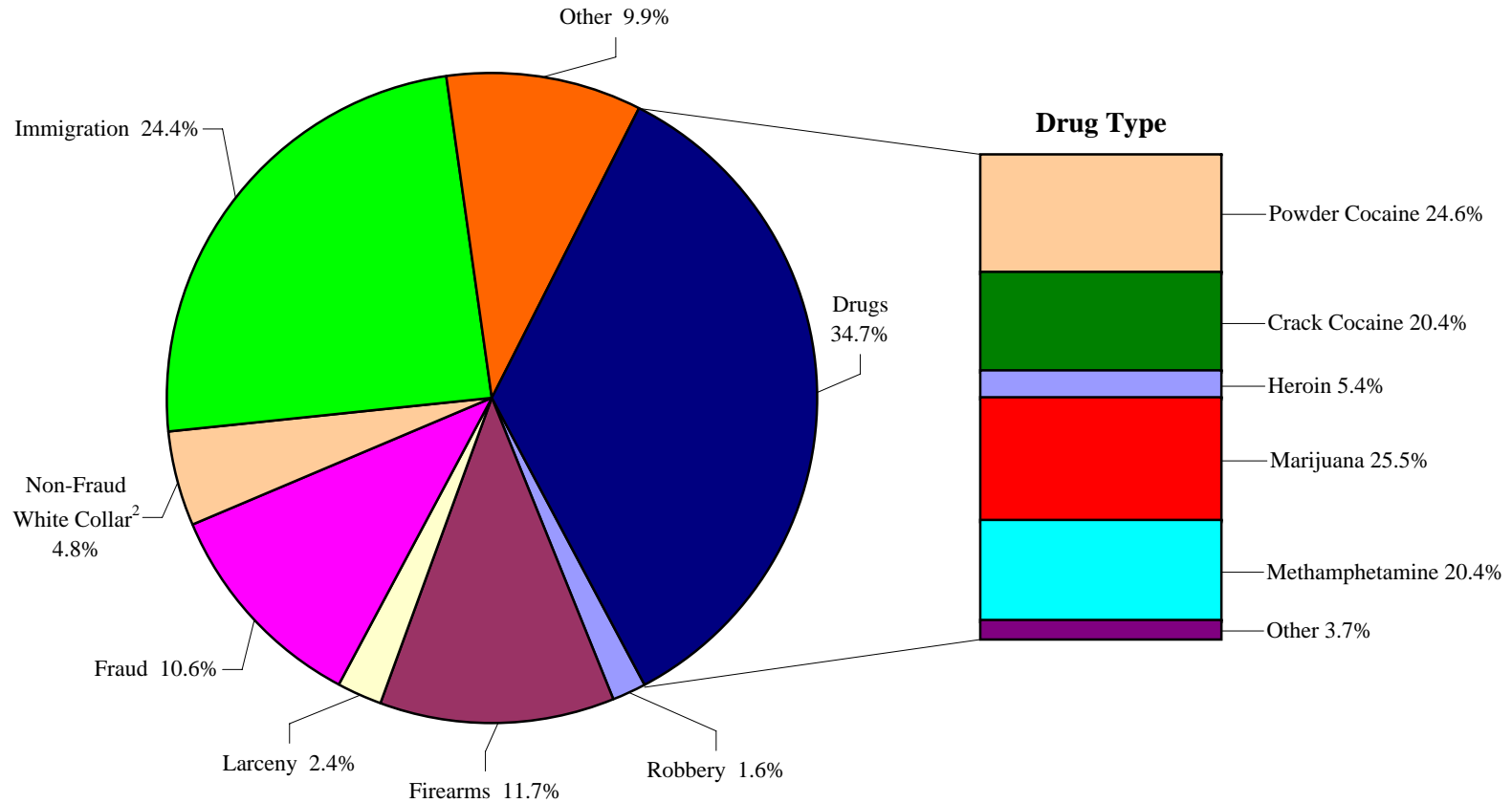
**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS  
IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>31,678</b>	<b>18,636</b>	<b>58.8</b>	<b>5,034</b>	<b>15.9</b>	<b>2,593</b>	<b>8.2</b>	<b>2,113</b>	<b>6.7</b>	<b>3,302</b>	<b>10.4</b>
Murder	26	9	34.6	5	19.2	1	3.8	3	11.5	8	30.8
Manslaughter	36	8	22.2	6	16.7	3	8.3	3	8.3	16	44.4
Kidnapping/Hostage Taking	12	8	66.7	2	16.7	0	0.0	0	0.0	2	16.7
Sexual Abuse	122	52	42.6	16	13.1	10	8.2	17	13.9	27	22.1
Assault	269	128	47.6	29	10.8	29	10.8	21	7.8	62	23.0
Robbery	622	337	54.2	100	16.1	59	9.5	52	8.4	74	11.9
Arson	23	17	73.9	2	8.7	0	0.0	1	4.3	3	13.0
Drugs - Trafficking	10,219	7,222	70.7	1,411	13.8	608	5.9	406	4.0	572	5.6
Drugs - Communication Facility	70	44	62.9	8	11.4	5	7.1	3	4.3	10	14.3
Drugs - Simple Possession	241	162	67.2	34	14.1	14	5.8	16	6.6	15	6.2
Firearms	4,516	2,552	56.5	684	15.1	386	8.5	281	6.2	613	13.6
Burglary/B&E	27	9	33.3	6	22.2	4	14.8	2	7.4	6	22.2
Auto Theft	32	13	40.6	5	15.6	2	6.3	4	12.5	8	25.0
Larceny	881	617	70.0	81	9.2	59	6.7	34	3.9	90	10.2
Fraud	3,548	2,090	58.9	490	13.8	275	7.8	274	7.7	419	11.8
Embezzlement	281	206	73.3	51	18.1	7	2.5	2	0.7	15	5.3
Forgery/Counterfeiting	668	335	50.1	105	15.7	63	9.4	57	8.5	108	16.2
Bribery	83	47	56.6	13	15.7	8	9.6	8	9.6	7	8.4
Tax	234	147	62.8	35	15.0	18	7.7	13	5.6	21	9.0
Money Laundering	330	223	67.6	49	14.8	12	3.6	19	5.8	27	8.2
Racketeering/Extortion	208	127	61.1	35	16.8	15	7.2	14	6.7	17	8.2
Gambling/Lottery	47	41	87.2	5	10.6	0	0.0	1	2.1	0	0.0
Civil Rights	21	12	57.1	3	14.3	2	9.5	0	0.0	4	19.0
Immigration	7,237	3,043	42.0	1,635	22.6	876	12.1	755	10.4	928	12.8
Pornography/Prostitution	710	416	58.6	86	12.1	50	7.0	60	8.5	98	13.8
Prison Offenses	203	84	41.4	39	19.2	24	11.8	13	6.4	43	21.2
Administration of Justice Offenses	446	270	60.5	44	9.9	37	8.3	30	6.7	65	14.6
Environmental/Wildlife	54	48	88.9	3	5.6	2	3.7	0	0.0	1	1.9
National Defense	5	3	60.0	1	20.0	0	0.0	1	20.0	0	0.0
Antitrust	2	1	50.0	1	50.0	0	0.0	0	0.0	0	0.0
Food & Drug	35	29	82.9	3	8.6	0	0.0	1	2.9	2	5.7
Other Miscellaneous Offenses	470	336	71.5	47	10.0	24	5.1	22	4.7	41	8.7

<sup>1</sup>Of the 65,836 cases, 38,915 were sentenced within the applicable guideline range. Of those, 35,244 had complete guideline application information. An additional 1,990 cases were excluded due to several logical criteria. Of the remaining 33,254 cases, 1,576 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 CATEGORY<sup>1</sup>**  
**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**



<sup>1</sup>Of the 65,836 guideline cases, 155 were excluded due to missing primary offense category. An additional 410 of the 23,062 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.

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

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

Table 21

**GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

<b>PRIMARY OFFENSE</b>	<b>Number</b>	<b>Percent</b>
<b>TOTAL</b>	<b>65,681</b>	<b>100.0</b>
Murder	70	0.1
Manslaughter	63	0.1
Kidnapping/Hostage Taking	42	0.1
Sexual Abuse	225	0.3
Assault	513	0.8
Robbery	1,038	1.6
Arson	70	0.1
Drugs - Trafficking	22,170	33.8
Drugs - Communication Facility	340	0.5
Drugs - Simple Possession	552	0.8
Firearms	7,614	11.6
Burglary/B&E	40	0.1
Auto Theft	58	0.1
Larceny	1,589	2.4
Fraud	6,909	10.5
Embezzlement	424	0.6
Forgery/Counterfeiting	1,068	1.6
Bribery	225	0.3
Tax	588	0.9
Money Laundering	812	1.2
Racketeering/Extortion	561	0.9
Gambling/Lottery	101	0.2
Civil Rights	58	0.1
Immigration	15,913	24.2
Pornography/Prostitution	1,443	2.2
Prison Offenses	298	0.5
Administration of Justice Offenses	903	1.4
Environmental/Wildlife	168	0.3
National Defense	24	0.0
Antitrust	15	0.0
Food & Drug	57	0.1
Other Miscellaneous Offenses	1,730	2.6

<sup>1</sup>Of the 65,836 cases, 155 were excluded due to missing information on primary offense category. Descriptions of variables used in this table are provided in Appendix A.

Table 22

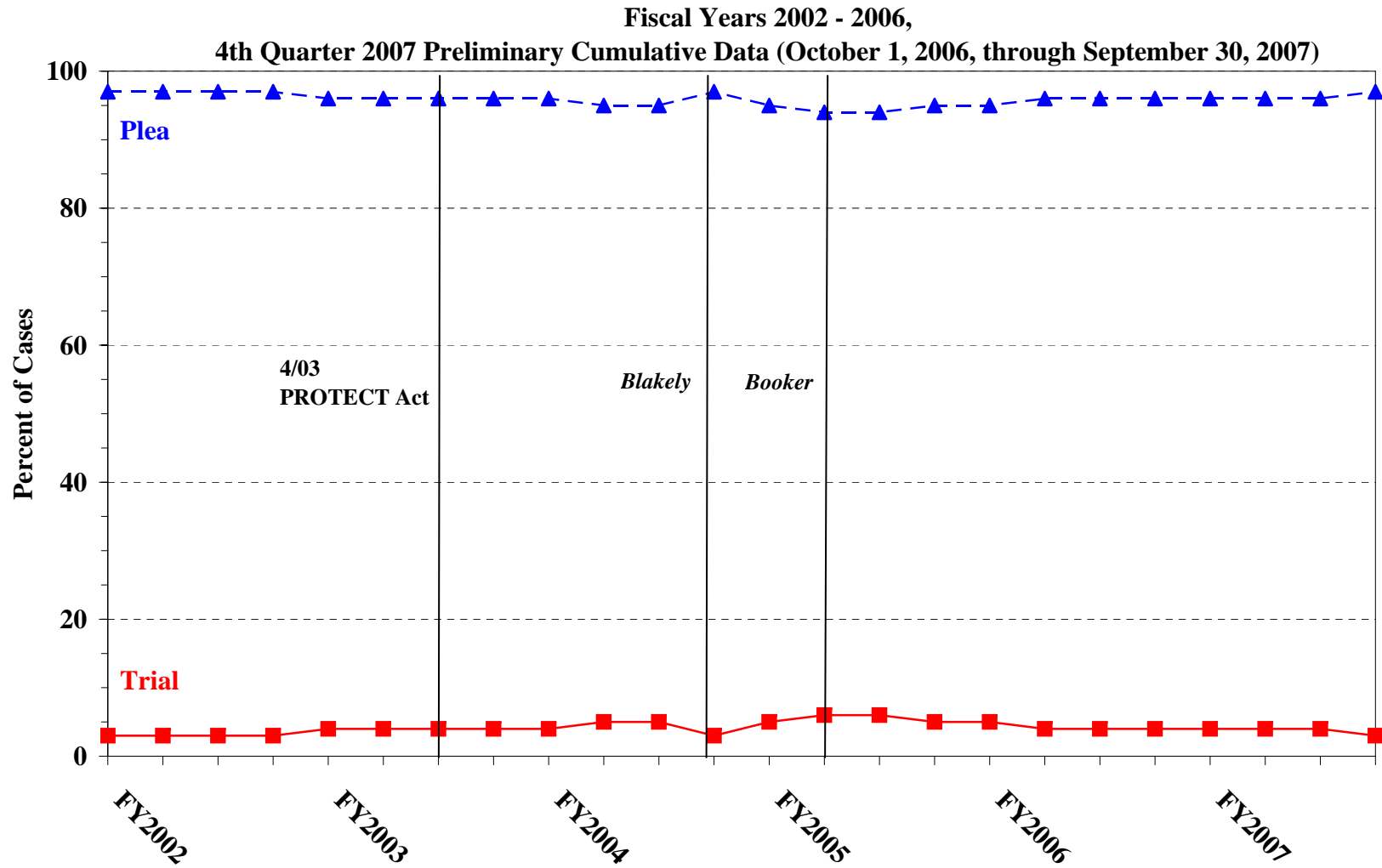
**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>65,677</b>	<b>63,013</b>	<b>95.9</b>	<b>2,664</b>	<b>4.1</b>
Murder	70	49	70.0	21	30.0
Manslaughter	63	57	90.5	6	9.5
Kidnapping/Hostage Taking	42	39	92.9	3	7.1
Sexual Abuse	225	191	84.9	34	15.1
Assault	513	474	92.4	39	7.6
Robbery	1,038	993	95.7	45	4.3
Arson	70	60	85.7	10	14.3
Drugs - Trafficking	22,170	21,236	95.8	934	4.2
Drugs - Communication Facility	340	338	99.4	2	0.6
Drugs - Simple Possession	550	542	98.5	8	1.5
Firearms	7,614	7,083	93.0	531	7.0
Burglary/B&E	40	38	95.0	2	5.0
Auto Theft	58	54	93.1	4	6.9
Larceny	1,589	1,545	97.2	44	2.8
Fraud	6,909	6,570	95.1	339	4.9
Embezzlement	424	414	97.6	10	2.4
Forgery/Counterfeiting	1,068	1,049	98.2	19	1.8
Bribery	225	202	89.8	23	10.2
Tax	588	533	90.6	55	9.4
Money Laundering	812	754	92.9	58	7.1
Racketeering/Extortion	561	491	87.5	70	12.5
Gambling/Lottery	101	101	100.0	0	0.0
Civil Rights	58	48	82.8	10	17.2
Immigration	15,913	15,747	99.0	166	1.0
Pornography/Prostitution	1,443	1,371	95.0	72	5.0
Prison Offenses	298	287	96.3	11	3.7
Administration of Justice Offenses	903	839	92.9	64	7.1
Environmental/Wildlife	168	163	97.0	5	3.0
National Defense	24	24	100.0	0	0.0
Antitrust	15	15	100.0	0	0.0
Food & Drug	57	55	96.5	2	3.5
Other Miscellaneous Offenses	1,728	1,651	95.5	77	4.5

<sup>1</sup>Of the 65,836 cases, 159 were excluded due to one or both of the following reasons: missing primary offense category (155) or missing information on mode of conviction (158). Descriptions of variables used in this table are provided in Appendix A.

Figure K

QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS<sup>1</sup>



<sup>1</sup>Descriptions of variables used in this table are provided in Appendix A.

Table 23

**RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>62,203</b>	<b>17,747</b>	<b>28.5</b>	<b>14,961</b>	<b>24.1</b>	<b>26,944</b>	<b>43.3</b>	<b>2,551</b>	<b>4.1</b>
Murder	67	21	31.3	11	16.4	8	11.9	27	40.3
Manslaughter	62	5	8.1	0	0.0	3	4.8	54	87.1
Kidnapping/Hostage Taking	42	4	9.5	9	21.4	27	64.3	2	4.8
Sexual Abuse	224	78	34.8	14	6.3	17	7.6	115	51.3
Assault	459	128	27.9	60	13.1	86	18.7	185	40.3
Robbery	1,034	474	45.8	435	42.1	87	8.4	38	3.7
Arson	70	46	65.7	12	17.1	3	4.3	9	12.9
Drugs - Trafficking	22,050	5,326	24.2	6,272	28.4	9,669	43.9	783	3.6
Drugs - Communication Facility	336	90	26.8	122	36.3	116	34.5	8	2.4
Drugs - Simple Possession	346	180	52.0	99	28.6	53	15.3	14	4.0
Firearms	7,561	2,478	32.8	3,643	48.2	1,222	16.2	218	2.9
Burglary/B&E	40	16	40.0	6	15.0	0	0.0	18	45.0
Auto Theft	56	15	26.8	18	32.1	21	37.5	2	3.6
Larceny	1,329	691	52.0	418	31.5	139	10.5	81	6.1
Fraud	6,456	3,042	47.1	2,042	31.6	1,053	16.3	319	4.9
Embezzlement	408	245	60.0	87	21.3	30	7.4	46	11.3
Forgery/Counterfeiting	1,024	495	48.3	397	38.8	112	10.9	20	2.0
Bribery	225	106	47.1	50	22.2	55	24.4	14	6.2
Tax	572	428	74.8	74	12.9	31	5.4	39	6.8
Money Laundering	797	276	34.6	111	13.9	323	40.5	87	10.9
Racketeering/Extortion	549	227	41.3	154	28.1	134	24.4	34	6.2
Gambling/Lottery	100	76	76.0	3	3.0	5	5.0	16	16.0
Civil Rights	54	40	74.1	8	14.8	4	7.4	2	3.7
Immigration	14,656	926	6.3	384	2.6	13,172	89.9	174	1.2
Pornography/Prostitution	1,437	1,203	83.7	55	3.8	119	8.3	60	4.2
Prison Offenses	279	91	32.6	86	30.8	83	29.7	19	6.8
Administration of Justice Offenses	846	356	42.1	197	23.3	249	29.4	44	5.2
Environmental/Wildlife	126	94	74.6	6	4.8	10	7.9	16	12.7
National Defense	21	9	42.9	2	9.5	7	33.3	3	14.3
Antitrust	11	10	90.9	0	0.0	1	9.1	0	0.0
Food & Drug	54	37	68.5	1	1.9	12	22.2	4	7.4
Other Miscellaneous Offenses	912	534	58.6	185	20.3	93	10.2	100	11.0

<sup>1</sup>Of the 65,836 cases, 3,633 were excluded due to one or both of the following reasons: missing primary offense category (155) or missing race (3,622). Descriptions of variables used in this table are provided in Appendix A.

Table 24

**GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>63,543</b>	<b>55,021</b>	<b>86.6</b>	<b>8,522</b>	<b>13.4</b>
Murder	69	61	88.4	8	11.6
Manslaughter	63	53	84.1	10	15.9
Kidnapping/Hostage Taking	42	40	95.2	2	4.8
Sexual Abuse	224	220	98.2	4	1.8
Assault	482	434	90.0	48	10.0
Robbery	1,036	939	90.6	97	9.4
Arson	70	63	90.0	7	10.0
Drugs - Trafficking	22,103	19,386	87.7	2,717	12.3
Drugs - Communication Facility	337	271	80.4	66	19.6
Drugs - Simple Possession	432	327	75.7	105	24.3
Firearms	7,589	7,317	96.4	272	3.6
Burglary/B&E	40	36	90.0	4	10.0
Auto Theft	56	51	91.1	5	8.9
Larceny	1,428	875	61.3	553	38.7
Fraud	6,644	4,664	70.2	1,980	29.8
Embezzlement	416	188	45.2	228	54.8
Forgery/Counterfeiting	1,055	745	70.6	310	29.4
Bribery	225	199	88.4	26	11.6
Tax	583	474	81.3	109	18.7
Money Laundering	803	606	75.5	197	24.5
Racketeering/Extortion	554	512	92.4	42	7.6
Gambling/Lottery	101	89	88.1	12	11.9
Civil Rights	57	46	80.7	11	19.3
Immigration	15,073	13,983	92.8	1,090	7.2
Pornography/Prostitution	1,440	1,391	96.6	49	3.4
Prison Offenses	286	260	90.9	26	9.1
Administration of Justice Offenses	868	604	69.6	264	30.4
Environmental/Wildlife	143	136	95.1	7	4.9
National Defense	22	22	100.0	0	0.0
Antitrust	12	12	100.0	0	0.0
Food & Drug	54	48	88.9	6	11.1
Other Miscellaneous Offenses	1,236	969	78.4	267	21.6

<sup>1</sup>Of the 65,836 cases, 2,293 were excluded due to one or both of the following reasons: missing primary offense category (155) or missing gender (2,250). Descriptions of variables used in this table are provided in Appendix A.

Table 25

AGE, RACE, AND GENDER OF OFFENDERS<sup>1</sup>

4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)

Gender and Age	White		Black		Hispanic		Other	
	n	%	n	%	n	%	n	%
<b>Males</b>	<b>14,624</b>	<b>100.0</b>	<b>12,921</b>	<b>100.0</b>	<b>24,235</b>	<b>100.0</b>	<b>2,036</b>	<b>100.0</b>
<b>Under 21</b>	356	2.4	415	3.2	1,209	5.0	98	4.8
<b>21 - 25</b>	1,665	11.4	2,421	18.7	4,431	18.3	369	18.1
<b>26 - 30</b>	2,075	14.2	3,175	24.6	5,273	21.8	383	18.8
<b>31 - 35</b>	1,960	13.4	2,680	20.7	4,812	19.9	330	16.2
<b>36 - 40</b>	2,006	13.7	1,657	12.8	3,554	14.7	282	13.9
<b>41 - 50</b>	3,580	24.5	1,822	14.1	3,721	15.4	378	18.6
<b>Over 50</b>	2,982	20.4	751	5.8	1,235	5.1	196	9.6
<b>Females</b>	<b>3,112</b>	<b>100.0</b>	<b>2,034</b>	<b>100.0</b>	<b>2,533</b>	<b>100.0</b>	<b>512</b>	<b>100.0</b>
<b>Under 21</b>	106	3.4	48	2.4	175	6.9	9	1.8
<b>21 - 25</b>	462	14.8	338	16.6	472	18.6	76	14.8
<b>26 - 30</b>	495	15.9	427	21.0	498	19.7	91	17.8
<b>31 - 35</b>	453	14.6	326	16.0	430	17.0	84	16.4
<b>36 - 40</b>	429	13.8	290	14.3	327	12.9	62	12.1
<b>41 - 50</b>	712	22.9	413	20.3	447	17.6	123	24.0
<b>Over 50</b>	455	14.6	192	9.4	184	7.3	67	13.1

<sup>1</sup>Of the 65,836 cases, 3,829 were excluded due to one or more of the following reasons: missing race (3,622), missing gender (2,250), or missing age (579). 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 September 30, 2007).

Table 26

**CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>63,153</b>	<b>39,686</b>	<b>62.8</b>	<b>23,467</b>	<b>37.2</b>
Murder	67	59	88.1	8	11.9
Manslaughter	62	60	96.8	2	3.2
Kidnapping/Hostage Taking	42	18	42.9	24	57.1
Sexual Abuse	224	206	92.0	18	8.0
Assault	464	414	89.2	50	10.8
Robbery	1,033	1,004	97.2	29	2.8
Arson	70	67	95.7	3	4.3
Drugs - Trafficking	22,034	15,472	70.2	6,562	29.8
Drugs - Communication Facility	337	261	77.4	76	22.6
Drugs - Simple Possession	351	315	89.7	36	10.3
Firearms	7,567	6,995	92.4	572	7.6
Burglary/B&E	40	39	97.5	1	2.5
Auto Theft	56	45	80.4	11	19.6
Larceny	1,324	1,236	93.4	88	6.6
Fraud	6,569	5,352	81.5	1,217	18.5
Embezzlement	407	392	96.3	15	3.7
Forgery/Counterfeiting	1,044	926	88.7	118	11.3
Bribery	225	198	88.0	27	12.0
Tax	575	539	93.7	36	6.3
Money Laundering	792	524	66.2	268	33.8
Racketeering/Extortion	548	443	80.8	105	19.2
Gambling/Lottery	100	86	86.0	14	14.0
Civil Rights	54	50	92.6	4	7.4
Immigration	15,457	1,689	10.9	13,768	89.1
Pornography/Prostitution	1,439	1,356	94.2	83	5.8
Prison Offenses	282	261	92.6	21	7.4
Administration of Justice Offenses	842	659	78.3	183	21.7
Environmental/Wildlife	125	112	89.6	13	10.4
National Defense	21	15	71.4	6	28.6
Antitrust	11	11	100.0	0	0.0
Food & Drug	54	47	87.0	7	13.0
Other Miscellaneous Offenses	937	835	89.1	102	10.9

<sup>1</sup>Of the 65,836 cases, 2,683 were excluded due to one or both of the following reasons: missing primary offense category (155) or missing citizenship information (2,682). Descriptions of variables used in this table are provided in Appendix A.

Table 27

**DOCUMENT SUBMISSION RATE OF EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 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	%
<b>TOTAL</b>	<b>65,836</b>	<b>307,155</b>	<b>98.7</b>	<b>3,926</b>	<b>1.3</b>	<b>65,640</b>	<b>99.7</b>	<b>196</b>	<b>0.3</b>	<b>63,785</b>	<b>96.9</b>	<b>2,051</b>	<b>3.1</b>
<b>D.C. CIRCUIT</b>	<b>425</b>	<b>2,080</b>	<b>99.9</b>	<b>2</b>	<b>0.1</b>	<b>425</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>	<b>424</b>	<b>99.8</b>	<b>1</b>	<b>0.2</b>
District of Columbia	425	2,080	99.9	2	0.1	425	100.0	0	0.0	424	99.8	1	0.2
<b>FIRST CIRCUIT</b>	<b>1,724</b>	<b>7,942</b>	<b>99.7</b>	<b>24</b>	<b>0.3</b>	<b>1,723</b>	<b>99.9</b>	<b>1</b>	<b>0.1</b>	<b>1,716</b>	<b>99.5</b>	<b>8</b>	<b>0.5</b>
Maine	176	776	99.9	1	0.1	176	100.0	0	0.0	176	100.0	0	0.0
Massachusetts	540	2,390	99.7	6	0.3	540	100.0	0	0.0	538	99.6	2	0.4
New Hampshire	228	1,113	99.7	3	0.3	227	99.6	1	0.4	227	99.6	1	0.4
Puerto Rico	647	3,041	99.7	8	0.3	647	100.0	0	0.0	645	99.7	2	0.3
Rhode Island	133	622	99.0	6	1.0	133	100.0	0	0.0	130	97.7	3	2.3
<b>SECOND CIRCUIT</b>	<b>3,914</b>	<b>18,514</b>	<b>99.5</b>	<b>96</b>	<b>0.5</b>	<b>3,911</b>	<b>99.9</b>	<b>3</b>	<b>0.1</b>	<b>3,890</b>	<b>99.4</b>	<b>24</b>	<b>0.6</b>
Connecticut	367	1,813	99.8	3	0.2	367	100.0	0	0.0	366	99.7	1	0.3
New York													
Eastern	923	4,489	99.9	3	0.1	923	100.0	0	0.0	922	99.9	1	0.1
Northern	399	1,861	99.2	15	0.8	399	100.0	0	0.0	389	97.5	10	2.5
Southern	1,398	6,314	99.0	63	1.0	1,398	100.0	0	0.0	1,390	99.4	8	0.6
Western	693	3,373	99.7	11	0.3	690	99.6	3	0.4	690	99.6	3	0.4
Vermont	134	664	99.8	1	0.2	134	100.0	0	0.0	133	99.3	1	0.7
<b>THIRD CIRCUIT</b>	<b>2,824</b>	<b>13,537</b>	<b>99.5</b>	<b>63</b>	<b>0.5</b>	<b>2,824</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>	<b>2,803</b>	<b>99.3</b>	<b>21</b>	<b>0.7</b>
Delaware	76	373	100.0	0	0.0	76	100.0	0	0.0	76	100.0	0	0.0
New Jersey	925	4,521	99.3	34	0.7	925	100.0	0	0.0	920	99.5	5	0.5
Pennsylvania													
Eastern	715	3,367	99.6	14	0.4	715	100.0	0	0.0	704	98.5	11	1.5
Middle	554	2,735	99.9	4	0.1	554	100.0	0	0.0	554	100.0	0	0.0
Western	453	2,075	99.6	9	0.4	453	100.0	0	0.0	449	99.1	4	0.9
Virgin Islands	101	466	99.6	2	0.4	101	100.0	0	0.0	100	99.0	1	1.0
<b>FOURTH CIRCUIT</b>	<b>5,851</b>	<b>26,705</b>	<b>97.5</b>	<b>680</b>	<b>2.5</b>	<b>5,843</b>	<b>99.9</b>	<b>8</b>	<b>0.1</b>	<b>5,421</b>	<b>92.7</b>	<b>430</b>	<b>7.3</b>
Maryland	637	3,017	98.1	60	1.9	636	99.8	1	0.2	599	94.0	38	6.0
North Carolina													
Eastern	559	2,600	99.2	21	0.8	559	100.0	0	0.0	546	97.7	13	2.3
Middle	407	1,972	99.7	5	0.3	407	100.0	0	0.0	406	99.8	1	0.2
Western	651	3,043	99.4	19	0.6	651	100.0	0	0.0	645	99.1	6	0.9
South Carolina	1,026	4,740	99.4	28	0.6	1,025	99.9	1	0.1	1,020	99.4	6	0.6
Virginia													
Eastern	1,509	6,161	92.0	534	8.0	1,504	99.7	5	0.3	1,148	76.1	361	23.9
Western	565	2,741	99.7	7	0.3	565	100.0	0	0.0	562	99.5	3	0.5
West Virginia													
Northern	258	1,267	99.9	1	0.1	258	100.0	0	0.0	257	99.6	1	0.4
Southern	239	1,164	99.6	5	0.4	238	99.6	1	0.4	238	99.6	1	0.4

Table 27 (cont.)

CIRCUIT District	Plea Agreement <sup>2</sup>						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	%
<b>TOTAL</b>	<b>50,014</b>	<b>76.4</b>	<b>811</b>	<b>1.2</b>	<b>14,635</b>	<b>22.4</b>	<b>65,333</b>	<b>99.2</b>	<b>503</b>	<b>0.8</b>	<b>62,383</b>	<b>94.8</b>	<b>365</b>	<b>0.6</b>	<b>3,088</b>	<b>4.7</b>
<b>D.C. CIRCUIT</b>	<b>386</b>	<b>90.8</b>	<b>0</b>	<b>0.0</b>	<b>39</b>	<b>9.2</b>	<b>424</b>	<b>99.8</b>	<b>1</b>	<b>0.2</b>	<b>421</b>	<b>99.1</b>	<b>0</b>	<b>0.0</b>	<b>4</b>	<b>0.9</b>
District of Columbia	386	90.8	0	0.0	39	9.2	424	99.8	1	0.2	421	99.1	0	0.0	4	0.9
<b>FIRST CIRCUIT</b>	<b>1,118</b>	<b>65.7</b>	<b>11</b>	<b>0.6</b>	<b>573</b>	<b>33.7</b>	<b>1,722</b>	<b>99.9</b>	<b>2</b>	<b>0.1</b>	<b>1,663</b>	<b>96.5</b>	<b>2</b>	<b>0.1</b>	<b>59</b>	<b>3.4</b>
Maine	74	42.0	1	0.6	101	57.4	176	100.0	0	0.0	174	98.9	0	0.0	2	1.1
Massachusetts	245	45.6	4	0.7	288	53.6	540	100.0	0	0.0	527	97.6	0	0.0	13	2.4
New Hampshire	205	89.9	0	0.0	23	10.1	228	100.0	0	0.0	226	99.1	1	0.4	1	0.4
Puerto Rico	501	79.8	3	0.5	124	19.7	645	99.7	2	0.3	603	93.2	1	0.2	43	6.6
Rhode Island	93	69.9	3	2.3	37	27.8	133	100.0	0	0.0	133	100.0	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>2,999</b>	<b>76.9</b>	<b>45</b>	<b>1.2</b>	<b>855</b>	<b>21.9</b>	<b>3,904</b>	<b>99.7</b>	<b>10</b>	<b>0.3</b>	<b>3,810</b>	<b>97.3</b>	<b>14</b>	<b>0.4</b>	<b>90</b>	<b>2.3</b>
Connecticut	348	94.8	0	0.0	19	5.2	366	99.7	1	0.3	366	99.7	1	0.3	0	0.0
New York																
Eastern	807	88.0	1	0.1	109	11.9	923	100.0	0	0.0	914	99.0	1	0.1	8	0.9
Northern	301	75.6	2	0.5	95	23.9	399	100.0	0	0.0	373	93.5	3	0.8	23	5.8
Southern	751	54.0	41	2.9	598	43.0	1,391	99.5	7	0.5	1,384	99.0	7	0.5	7	0.5
Western	663	95.7	1	0.1	29	4.2	691	99.7	2	0.3	639	92.2	2	0.3	52	7.5
Vermont	129	96.3	0	0.0	5	3.7	134	100.0	0	0.0	134	100.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>2,336</b>	<b>83.2</b>	<b>15</b>	<b>0.5</b>	<b>458</b>	<b>16.3</b>	<b>2,801</b>	<b>99.2</b>	<b>23</b>	<b>0.8</b>	<b>2,773</b>	<b>98.2</b>	<b>4</b>	<b>0.1</b>	<b>47</b>	<b>1.7</b>
Delaware	69	90.8	0	0.0	7	9.2	76	100.0	0	0.0	76	100.0	0	0.0	0	0.0
New Jersey	851	92.0	7	0.8	67	7.2	905	97.8	20	2.2	920	99.5	2	0.2	3	0.3
Pennsylvania																
Eastern	526	73.9	3	0.4	183	25.7	715	100.0	0	0.0	707	98.9	0	0.0	8	1.1
Middle	525	94.8	2	0.4	27	4.9	553	99.8	1	0.2	549	99.1	1	0.2	4	0.7
Western	301	68.3	2	0.5	138	31.3	451	99.6	2	0.4	421	92.9	1	0.2	31	6.8
Virgin Islands	64	63.4	1	1.0	36	35.6	101	100.0	0	0.0	100	99.0	0	0.0	1	1.0
<b>FOURTH CIRCUIT</b>	<b>4,355</b>	<b>75.2</b>	<b>51</b>	<b>0.9</b>	<b>1,384</b>	<b>23.9</b>	<b>5,693</b>	<b>97.3</b>	<b>158</b>	<b>2.7</b>	<b>5,393</b>	<b>92.2</b>	<b>33</b>	<b>0.6</b>	<b>425</b>	<b>7.3</b>
Maryland	549	88.1	3	0.5	71	11.4	627	98.4	10	1.6	606	95.1	8	1.3	23	3.6
North Carolina																
Eastern	407	73.7	3	0.5	142	25.7	556	99.5	3	0.5	532	95.2	2	0.4	25	4.5
Middle	357	88.1	0	0.0	48	11.9	405	99.5	2	0.5	397	97.5	2	0.5	8	2.0
Western	453	69.9	7	1.1	188	29.0	649	99.7	2	0.3	645	99.1	4	0.6	2	0.3
South Carolina	658	64.6	18	1.8	342	33.6	1,024	99.8	2	0.2	1,013	98.7	1	0.1	12	1.2
Virginia																
Eastern	986	66.4	17	1.1	481	32.4	1,374	91.1	135	8.9	1,149	76.1	16	1.1	344	22.8
Western	492	87.2	2	0.4	70	12.4	563	99.6	2	0.4	559	98.9	0	0.0	6	1.1
West Virginia																
Northern	238	92.2	0	0.0	20	7.8	258	100.0	0	0.0	256	99.2	0	0.0	2	0.8
Southern	215	90.3	1	0.4	22	9.2	237	99.2	2	0.8	236	98.7	0	0.0	3	1.3

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	%
<b>FIFTH CIRCUIT</b>	<b>14,121</b>	<b>65,129</b>	<b>99.5</b>	<b>344</b>	<b>0.5</b>	<b>14,105</b>	<b>99.9</b>	<b>16</b>	<b>0.1</b>	<b>14,036</b>	<b>99.4</b>	<b>85</b>	<b>0.6</b>
Louisiana													
Eastern	393	1,770	97.9	38	2.1	388	98.7	5	1.3	389	99.0	4	1.0
Middle	162	775	100.0	0	0.0	162	100.0	0	0.0	162	100.0	0	0.0
Western	458	2,170	99.9	2	0.1	458	100.0	0	0.0	457	99.8	1	0.2
Mississippi													
Northern	177	874	99.5	4	0.5	177	100.0	0	0.0	174	98.3	3	1.7
Southern	384	1,816	98.4	29	1.6	380	99.0	4	1.0	367	95.6	17	4.4
Texas													
Eastern	951	4,638	99.9	6	0.1	950	99.9	1	0.1	950	99.9	1	0.1
Northern	1,003	4,727	99.9	6	0.1	1,003	100.0	0	0.0	998	99.5	5	0.5
Southern	5,274	24,822	99.9	35	0.1	5,273	100.0	1	0.0	5,269	99.9	5	0.1
Western	5,319	23,537	99.1	224	0.9	5,314	99.9	5	0.1	5,270	99.1	49	0.9
<b>SIXTH CIRCUIT</b>	<b>4,797</b>	<b>22,672</b>	<b>99.2</b>	<b>174</b>	<b>0.8</b>	<b>4,793</b>	<b>99.9</b>	<b>4</b>	<b>0.1</b>	<b>4,715</b>	<b>98.3</b>	<b>82</b>	<b>1.7</b>
Kentucky													
Eastern	536	2,579	99.6	11	0.4	535	99.8	1	0.2	535	99.8	1	0.2
Western	441	1,885	97.5	48	2.5	441	100.0	0	0.0	414	93.9	27	6.1
Michigan													
Eastern	702	3,405	99.9	5	0.1	702	100.0	0	0.0	698	99.4	4	0.6
Western	418	2,013	99.5	10	0.5	418	100.0	0	0.0	414	99.0	4	1.0
Ohio													
Northern	808	3,830	99.3	26	0.7	808	100.0	0	0.0	808	100.0	0	0.0
Southern	559	2,736	99.5	15	0.5	557	99.6	2	0.4	551	98.6	8	1.4
Tennessee													
Eastern	528	2,462	99.8	6	0.2	528	100.0	0	0.0	526	99.6	2	0.4
Middle	293	1,341	96.6	47	3.4	292	99.7	1	0.3	258	88.1	35	11.9
Western	512	2,421	99.8	6	0.2	512	100.0	0	0.0	511	99.8	1	0.2
<b>SEVENTH CIRCUIT</b>	<b>2,605</b>	<b>12,473</b>	<b>99.6</b>	<b>45</b>	<b>0.4</b>	<b>2,601</b>	<b>99.8</b>	<b>4</b>	<b>0.2</b>	<b>2,584</b>	<b>99.2</b>	<b>21</b>	<b>0.8</b>
Illinois													
Central	368	1,677	99.9	1	0.1	368	100.0	0	0.0	368	100.0	0	0.0
Northern	638	3,032	99.0	31	1.0	635	99.5	3	0.5	621	97.3	17	2.7
Southern	315	1,499	99.7	4	0.3	314	99.7	1	0.3	313	99.4	2	0.6
Indiana													
Northern	407	1,968	99.7	5	0.3	407	100.0	0	0.0	406	99.8	1	0.2
Southern	304	1,476	99.9	1	0.1	304	100.0	0	0.0	303	99.7	1	0.3
Wisconsin													
Eastern	384	1,893	99.9	1	0.1	384	100.0	0	0.0	384	100.0	0	0.0
Western	189	928	99.8	2	0.2	189	100.0	0	0.0	189	100.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>4,690</b>	<b>22,432</b>	<b>99.8</b>	<b>55</b>	<b>0.2</b>	<b>4,688</b>	<b>100.0</b>	<b>2</b>	<b>0.0</b>	<b>4,669</b>	<b>99.6</b>	<b>21</b>	<b>0.4</b>
Arkansas													
Eastern	294	1,402	99.6	6	0.4	294	100.0	0	0.0	290	98.6	4	1.4
Western	172	849	100.0	0	0.0	172	100.0	0	0.0	172	100.0	0	0.0
Iowa													
Northern	421	1,931	99.7	6	0.3	420	99.8	1	0.2	420	99.8	1	0.2
Southern	331	1,539	99.4	9	0.6	331	100.0	0	0.0	327	98.8	4	1.2
Minnesota	507	2,484	100.0	1	0.0	507	100.0	0	0.0	506	99.8	1	0.2
Missouri													
Eastern	929	4,603	99.8	8	0.2	928	99.9	1	0.1	927	99.8	2	0.2
Western	750	3,432	99.8	7	0.2	750	100.0	0	0.0	744	99.2	6	0.8
Nebraska	680	3,340	99.9	4	0.1	680	100.0	0	0.0	680	100.0	0	0.0
North Dakota	182	858	99.5	4	0.5	182	100.0	0	0.0	182	100.0	0	0.0
South Dakota	424	1,994	99.5	10	0.5	424	100.0	0	0.0	421	99.3	3	0.7

Table 27 (cont.)

CIRCUIT District	Plea Agreement <sup>2</sup>						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	%
<b>FIFTH CIRCUIT</b>	<b>9,261</b>	<b>65.9</b>	<b>191</b>	<b>1.4</b>	<b>4,592</b>	<b>32.7</b>	<b>14,087</b>	<b>99.8</b>	<b>34</b>	<b>0.2</b>	<b>13,640</b>	<b>96.6</b>	<b>18</b>	<b>0.1</b>	<b>463</b>	<b>3.3</b>
Louisiana																
Eastern	216	55.0	20	5.1	157	39.9	388	98.7	5	1.3	389	99.0	4	1.0	0	0.0
Middle	127	78.4	0	0.0	35	21.6	162	100.0	0	0.0	162	100.0	0	0.0	0	0.0
Western	372	82.1	0	0.0	81	17.9	457	99.8	1	0.2	426	93.0	0	0.0	32	7.0
Mississippi																
Northern	173	97.7	0	0.0	4	2.3	176	99.4	1	0.6	174	98.3	0	0.0	3	1.7
Southern	325	84.6	2	0.5	57	14.8	379	98.7	5	1.3	365	95.1	1	0.3	18	4.7
Texas																
Eastern	840	88.3	2	0.2	109	11.5	950	99.9	1	0.1	948	99.7	1	0.1	2	0.2
Northern	723	72.1	1	0.1	279	27.8	1,003	100.0	0	0.0	1,000	99.7	0	0.0	3	0.3
Southern	3,795	72.1	17	0.3	1,448	27.5	5,266	99.8	8	0.2	5,219	99.0	4	0.1	51	1.0
Western	2,690	51.1	149	2.8	2,422	46.0	5,306	99.8	13	0.2	4,957	93.2	8	0.2	354	6.7
<b>SIXTH CIRCUIT</b>	<b>3,825</b>	<b>80.0</b>	<b>67</b>	<b>1.4</b>	<b>889</b>	<b>18.6</b>	<b>4,785</b>	<b>99.7</b>	<b>12</b>	<b>0.3</b>	<b>4,554</b>	<b>94.9</b>	<b>9</b>	<b>0.2</b>	<b>234</b>	<b>4.9</b>
Kentucky																
Eastern	448	83.7	7	1.3	80	15.0	535	99.8	1	0.2	526	98.1	1	0.2	9	1.7
Western	305	70.3	20	4.6	109	25.1	440	99.8	1	0.2	285	64.6	0	0.0	156	35.4
Michigan																
Eastern	602	85.9	1	0.1	98	14.0	702	100.0	0	0.0	701	99.9	0	0.0	1	0.1
Western	358	85.9	2	0.5	57	13.7	416	99.5	2	0.5	407	97.4	2	0.5	9	2.2
Ohio																
Northern	605	75.1	23	2.9	178	22.1	807	99.9	1	0.1	802	99.3	2	0.2	4	0.5
Southern	521	93.4	1	0.2	36	6.5	557	99.6	2	0.4	550	98.4	2	0.4	7	1.3
Tennessee																
Eastern	358	67.9	2	0.4	167	31.7	526	99.6	2	0.4	524	99.2	0	0.0	4	0.8
Middle	240	82.5	7	2.4	44	15.1	291	99.3	2	0.7	260	88.7	2	0.7	31	10.6
Western	388	75.8	4	0.8	120	23.4	511	99.8	1	0.2	499	97.5	0	0.0	13	2.5
<b>SEVENTH CIRCUIT</b>	<b>2,102</b>	<b>80.9</b>	<b>6</b>	<b>0.2</b>	<b>489</b>	<b>18.8</b>	<b>2,597</b>	<b>99.7</b>	<b>8</b>	<b>0.3</b>	<b>2,589</b>	<b>99.4</b>	<b>6</b>	<b>0.2</b>	<b>10</b>	<b>0.4</b>
Illinois																
Central	205	55.7	1	0.3	162	44.0	368	100.0	0	0.0	368	100.0	0	0.0	0	0.0
Northern	510	80.6	1	0.2	122	19.3	633	99.2	5	0.8	633	99.2	5	0.8	0	0.0
Southern	246	78.1	0	0.0	69	21.9	314	99.7	1	0.3	312	99.0	0	0.0	3	1.0
Indiana																
Northern	345	85.0	1	0.2	60	14.8	405	99.5	2	0.5	405	99.5	1	0.2	1	0.2
Southern	264	87.1	0	0.0	39	12.9	304	100.0	0	0.0	301	99.0	0	0.0	3	1.0
Wisconsin																
Eastern	358	93.2	1	0.3	25	6.5	384	100.0	0	0.0	383	99.7	0	0.0	1	0.3
Western	174	92.6	2	1.1	12	6.4	189	100.0	0	0.0	187	98.9	0	0.0	2	1.1
<b>EIGHTH CIRCUIT</b>	<b>3,746</b>	<b>80.0</b>	<b>18</b>	<b>0.4</b>	<b>916</b>	<b>19.6</b>	<b>4,682</b>	<b>99.8</b>	<b>8</b>	<b>0.2</b>	<b>4,647</b>	<b>99.1</b>	<b>6</b>	<b>0.1</b>	<b>37</b>	<b>0.8</b>
Arkansas																
Eastern	239	82.7	1	0.3	49	17.0	294	100.0	0	0.0	285	96.9	1	0.3	8	2.7
Western	162	94.2	0	0.0	10	5.8	172	100.0	0	0.0	171	99.4	0	0.0	1	0.6
Iowa																
Northern	252	60.0	3	0.7	165	39.3	420	99.8	1	0.2	419	99.5	0	0.0	2	0.5
Southern	230	69.5	3	0.9	98	29.6	330	99.7	1	0.3	321	97.0	1	0.3	9	2.7
Minnesota	467	92.1	0	0.0	40	7.9	507	100.0	0	0.0	497	98.0	0	0.0	10	2.0
Missouri																
Eastern	892	96.1	3	0.3	33	3.6	927	99.8	2	0.2	929	100.0	0	0.0	0	0.0
Western	439	58.5	1	0.1	310	41.3	750	100.0	0	0.0	749	99.9	0	0.0	1	0.1
Nebraska	628	92.6	1	0.1	49	7.2	679	99.9	1	0.1	673	99.0	2	0.3	5	0.7
North Dakota	131	72.0	3	1.6	48	26.4	181	99.5	1	0.5	182	100.0	0	0.0	0	0.0
South Dakota	306	72.3	3	0.7	114	27.0	422	99.5	2	0.5	421	99.3	2	0.5	1	0.2

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	%
<b>NINTH CIRCUIT</b>	<b>13,004</b>	<b>60,873</b>	<b>97.0</b>	<b>1,859</b>	<b>3.0</b>	<b>12,852</b>	<b>98.8</b>	<b>152</b>	<b>1.2</b>	<b>11,987</b>	<b>92.2</b>	<b>1,017</b>	<b>7.8</b>
Alaska	101	449	97.4	12	2.6	101	100.0	0	0.0	91	90.1	10	9.9
Arizona	4,080	19,204	97.5	502	2.5	4,077	99.9	3	0.1	3,622	88.8	458	11.2
California													
Central	1,266	5,079	82.9	1,051	17.1	1,130	89.3	136	10.7	872	68.9	394	31.1
Eastern	897	4,375	99.9	6	0.1	897	100.0	0	0.0	893	99.6	4	0.4
Northern	602	2,826	98.8	34	1.2	600	99.7	2	0.3	596	99.0	6	1.0
Southern	2,845	13,511	98.5	205	1.5	2,834	99.6	11	0.4	2,729	95.9	116	4.1
Guam	61	296	100.0	0	0.0	61	100.0	0	0.0	61	100.0	0	0.0
Hawaii	334	1,533	99.4	9	0.6	334	100.0	0	0.0	330	98.8	4	1.2
Idaho	225	1,096	99.8	2	0.2	225	100.0	0	0.0	223	99.1	2	0.9
Montana	341	1,631	99.5	8	0.5	341	100.0	0	0.0	335	98.2	6	1.8
Nevada	628	3,028	99.6	12	0.4	628	100.0	0	0.0	623	99.2	5	0.8
Northern Mariana Islands	17	79	100.0	0	0.0	17	100.0	0	0.0	17	100.0	0	0.0
Oregon	494	2,419	99.9	3	0.1	494	100.0	0	0.0	492	99.6	2	0.4
Washington													
Eastern	342	1,629	99.8	4	0.2	342	100.0	0	0.0	342	100.0	0	0.0
Western	771	3,718	99.7	11	0.3	771	100.0	0	0.0	761	98.7	10	1.3
<b>TENTH CIRCUIT</b>	<b>5,271</b>	<b>24,437</b>	<b>98.8</b>	<b>308</b>	<b>1.2</b>	<b>5,266</b>	<b>99.9</b>	<b>5</b>	<b>0.1</b>	<b>5,100</b>	<b>96.8</b>	<b>171</b>	<b>3.2</b>
Colorado	504	2,434	99.1	22	0.9	504	100.0	0	0.0	485	96.2	19	3.8
Kansas	618	3,018	99.8	7	0.2	618	100.0	0	0.0	615	99.5	3	0.5
New Mexico	2,297	10,588	99.6	44	0.4	2,296	100.0	1	0.0	2,285	99.5	12	0.5
Oklahoma													
Eastern	91	392	98.2	7	1.8	91	100.0	0	0.0	91	100.0	0	0.0
Northern	205	939	99.7	3	0.3	204	99.5	1	0.5	204	99.5	1	0.5
Western	440	1,702	89.5	199	10.5	440	100.0	0	0.0	305	69.3	135	30.7
Utah	787	3,794	99.4	24	0.6	784	99.6	3	0.4	786	99.9	1	0.1
Wyoming	329	1,570	99.9	2	0.1	329	100.0	0	0.0	329	100.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>6,610</b>	<b>30,361</b>	<b>99.1</b>	<b>276</b>	<b>0.9</b>	<b>6,609</b>	<b>100.0</b>	<b>1</b>	<b>0.0</b>	<b>6,440</b>	<b>97.4</b>	<b>170</b>	<b>2.6</b>
Alabama													
Middle	232	1,126	100.0	0	0.0	232	100.0	0	0.0	232	100.0	0	0.0
Northern	536	2,527	99.6	10	0.4	536	100.0	0	0.0	530	98.9	6	1.1
Southern	294	1,393	99.6	5	0.4	294	100.0	0	0.0	293	99.7	1	0.3
Florida													
Middle	1,536	7,116	99.6	32	0.4	1,536	100.0	0	0.0	1,534	99.9	2	0.1
Northern	397	1,817	99.1	17	0.9	396	99.7	1	0.3	385	97.0	12	3.0
Southern	2,091	9,532	98.4	156	1.6	2,091	100.0	0	0.0	1,984	94.9	107	5.1
Georgia													
Middle	481	2,073	98.2	39	1.8	481	100.0	0	0.0	446	92.7	35	7.3
Northern	545	2,614	99.5	14	0.5	545	100.0	0	0.0	538	98.7	7	1.3
Southern	498	2,163	99.9	3	0.1	498	100.0	0	0.0	498	100.0	0	0.0

Table 27 (cont.)

CIRCUIT District	Plea Agreement <sup>2</sup>						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	%
<b>NINTH CIRCUIT</b>	<b>11,499</b>	<b>88.8</b>	<b>278</b>	<b>2.1</b>	<b>1,166</b>	<b>9.0</b>	<b>12,797</b>	<b>98.4</b>	<b>207</b>	<b>1.6</b>	<b>11,738</b>	<b>90.3</b>	<b>205</b>	<b>1.6</b>	<b>1,061</b>	<b>8.2</b>
Alaska	60	59.4	1	1.0	40	39.6	100	99.0	1	1.0	97	96.0	0	0.0	4	4.0
Arizona	3,799	93.5	24	0.6	242	6.0	4,070	99.8	10	0.2	3,636	89.1	7	0.2	437	10.7
California																
Central	892	71.9	215	17.3	134	10.8	1,100	86.9	166	13.1	1,085	85.7	140	11.1	41	3.2
Eastern	792	88.3	2	0.2	103	11.5	897	100.0	0	0.0	896	99.9	0	0.0	1	0.1
Northern	514	85.8	7	1.2	78	13.0	594	98.7	8	1.3	522	86.7	11	1.8	69	11.5
Southern	2,657	93.6	13	0.5	170	6.0	2,826	99.3	19	0.7	2,465	86.6	46	1.6	334	11.7
Guam	52	85.2	0	0.0	9	14.8	61	100.0	0	0.0	61	100.0	0	0.0	0	0.0
Hawaii	228	69.7	3	0.9	96	29.4	333	99.7	1	0.3	308	92.2	1	0.3	25	7.5
Idaho	200	88.9	0	0.0	25	11.1	225	100.0	0	0.0	223	99.1	0	0.0	2	0.9
Montana	276	80.9	1	0.3	64	18.8	340	99.7	1	0.3	339	99.4	0	0.0	2	0.6
Nevada	557	88.8	6	1.0	64	10.2	627	99.8	1	0.2	593	94.4	0	0.0	35	5.6
Northern Mariana Islands	11	64.7	0	0.0	6	35.3	17	100.0	0	0.0	17	100.0	0	0.0	0	0.0
Oregon	460	93.1	1	0.2	33	6.7	494	100.0	0	0.0	479	97.0	0	0.0	15	3.0
Washington																
Eastern	270	79.9	4	1.2	64	18.9	342	100.0	0	0.0	333	97.4	0	0.0	9	2.6
Western	731	94.9	1	0.1	38	4.9	771	100.0	0	0.0	684	88.7	0	0.0	87	11.3
<b>TENTH CIRCUIT</b>	<b>3,830</b>	<b>73.2</b>	<b>74</b>	<b>1.4</b>	<b>1,330</b>	<b>25.4</b>	<b>5,255</b>	<b>99.7</b>	<b>16</b>	<b>0.3</b>	<b>4,986</b>	<b>94.6</b>	<b>42</b>	<b>0.8</b>	<b>243</b>	<b>4.6</b>
Colorado	473	93.8	2	0.4	29	5.8	503	99.8	1	0.2	469	93.1	0	0.0	35	6.9
Kansas	555	90.0	1	0.2	61	9.9	617	99.8	1	0.2	613	99.2	2	0.3	3	0.5
New Mexico	1,435	62.5	16	0.7	844	36.8	2,286	99.5	11	0.5	2,286	99.5	4	0.2	7	0.3
Oklahoma																
Eastern	32	35.2	7	7.7	52	57.1	91	100.0	0	0.0	87	95.6	0	0.0	4	4.4
Northern	122	59.5	0	0.0	83	40.5	204	99.5	1	0.5	205	100.0	0	0.0	0	0.0
Western	219	53.0	27	6.5	167	40.4	438	99.5	2	0.5	300	68.2	35	8.0	105	23.9
Utah	717	91.1	19	2.4	51	6.5	787	100.0	0	0.0	720	91.5	1	0.1	66	8.4
Wyoming	277	86.0	2	0.6	43	13.4	329	100.0	0	0.0	306	93.0	0	0.0	23	7.0
<b>ELEVENTH CIRCUIT</b>	<b>4,557</b>	<b>69.5</b>	<b>55</b>	<b>0.8</b>	<b>1,944</b>	<b>29.7</b>	<b>6,586</b>	<b>99.6</b>	<b>24</b>	<b>0.4</b>	<b>6,169</b>	<b>93.3</b>	<b>26</b>	<b>0.4</b>	<b>415</b>	<b>6.3</b>
Alabama																
Middle	199	85.8	0	0.0	33	14.2	232	100.0	0	0.0	231	99.6	0	0.0	1	0.4
Northern	410	76.6	3	0.6	122	22.8	535	99.8	1	0.2	516	96.3	0	0.0	20	3.7
Southern	223	76.6	3	1.0	65	22.3	293	99.7	1	0.3	290	98.6	0	0.0	4	1.4
Florida																
Middle	1,001	65.5	8	0.5	520	34.0	1,525	99.3	11	0.7	1,520	99.0	11	0.7	5	0.3
Northern	250	63.3	4	1.0	141	35.7	397	100.0	0	0.0	389	98.0	0	0.0	8	2.0
Southern	1,395	67.0	30	1.4	656	31.5	2,086	99.8	5	0.2	1,976	94.5	14	0.7	101	4.8
Georgia																
Middle	296	63.0	1	0.2	173	36.8	479	99.6	2	0.4	371	77.1	1	0.2	109	22.7
Northern	455	83.6	3	0.6	86	15.8	541	99.3	4	0.7	535	98.2	0	0.0	10	1.8
Southern	328	68.5	3	0.6	148	30.9	498	100.0	0	0.0	341	68.5	0	0.0	157	31.5

<sup>1</sup>Descriptions of variables used in this table are provided in Appendix A.<sup>2</sup>The figures presented in this table regarding plea agreement submission exclude from the analysis 376 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 September 30, 2007).

Table 28

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM  
IN EACH CIRCUIT AND DISTRICT  
4th Quarter 2007 Preliminary Cumulative Data (October 1, 2006, through September 30, 2007)**

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		n	%	n	%	n	%
<b>TOTAL</b>	<b>65,836</b>	<b>56,544</b>	<b>85.9</b>	<b>7,298</b>	<b>11.1</b>	<b>1,994</b>	<b>3.0</b>
<b>D.C. CIRCUIT</b>	<b>425</b>	<b>403</b>	<b>94.8</b>	<b>22</b>	<b>5.2</b>	<b>0</b>	<b>0.0</b>
District of Columbia	425	403	94.8	22	5.2	0	0.0
<b>FIRST CIRCUIT</b>	<b>1,724</b>	<b>1,712</b>	<b>99.3</b>	<b>5</b>	<b>0.3</b>	<b>7</b>	<b>0.4</b>
Maine	176	175	99.4	1	0.6	0	0.0
Massachusetts	540	537	99.4	1	0.2	2	0.4
New Hampshire	228	225	98.7	2	0.9	1	0.4
Puerto Rico	647	645	99.7	1	0.2	1	0.2
Rhode Island	133	130	97.7	0	0.0	3	2.3
<b>SECOND CIRCUIT</b>	<b>3,914</b>	<b>3,677</b>	<b>93.9</b>	<b>217</b>	<b>5.5</b>	<b>20</b>	<b>0.5</b>
Connecticut	367	366	99.7	0	0.0	1	0.3
New York							
Eastern	923	742	80.4	180	19.5	1	0.1
Northern	399	389	97.5	0	0.0	10	2.5
Southern	1,398	1,362	97.4	32	2.3	4	0.3
Western	693	689	99.4	1	0.1	3	0.4
Vermont	134	129	96.3	4	3.0	1	0.7
<b>THIRD CIRCUIT</b>	<b>2,824</b>	<b>2,013</b>	<b>71.3</b>	<b>790</b>	<b>28.0</b>	<b>21</b>	<b>0.7</b>
Delaware	76	76	100.0	0	0.0	0	0.0
New Jersey	925	146	15.8	774	83.7	5	0.5
Pennsylvania							
Eastern	715	692	96.8	12	1.7	11	1.5
Middle	554	553	99.8	1	0.2	0	0.0
Western	453	446	98.5	3	0.7	4	0.9
Virgin Islands	101	100	99.0	0	0.0	1	1.0
<b>FOURTH CIRCUIT</b>	<b>5,851</b>	<b>4,754</b>	<b>81.3</b>	<b>684</b>	<b>11.7</b>	<b>413</b>	<b>7.1</b>
Maryland	637	595	93.4	21	3.3	21	3.3
North Carolina							
Eastern	559	539	96.4	7	1.3	13	2.3
Middle	407	404	99.3	2	0.5	1	0.2
Western	651	636	97.7	9	1.4	6	0.9
South Carolina	1,026	1,018	99.2	2	0.2	6	0.6
Virginia							
Eastern	1,509	515	34.1	633	41.9	361	23.9
Western	565	560	99.1	2	0.4	3	0.5
West Virginia							
Northern	258	254	98.4	3	1.2	1	0.4
Southern	239	233	97.5	5	2.1	1	0.4

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>14,121</b>	<b>10,570</b>	<b>74.9</b>	<b>3,470</b>	<b>24.6</b>	<b>81</b>	<b>0.6</b>
Louisiana							
Eastern	393	384	97.7	5	1.3	4	1.0
Middle	162	162	100.0	0	0.0	0	0.0
Western	458	435	95.0	22	4.8	1	0.2
Mississippi							
Northern	177	174	98.3	0	0.0	3	1.7
Southern	384	366	95.3	1	0.3	17	4.4
Texas							
Eastern	951	946	99.5	4	0.4	1	0.1
Northern	1,003	995	99.2	3	0.3	5	0.5
Southern	5,274	5,269	99.9	4	0.1	1	0.0
Western	5,319	1,839	34.6	3,431	64.5	49	0.9
<b>SIXTH CIRCUIT</b>	<b>4,797</b>	<b>4,320</b>	<b>90.1</b>	<b>397</b>	<b>8.3</b>	<b>80</b>	<b>1.7</b>
Kentucky							
Eastern	536	535	99.8	0	0.0	1	0.2
Western	441	413	93.7	1	0.2	27	6.1
Michigan							
Eastern	702	528	75.2	170	24.2	4	0.6
Western	418	411	98.3	3	0.7	4	1.0
Ohio							
Northern	808	808	100.0	0	0.0	0	0.0
Southern	559	452	80.9	100	17.9	7	1.3
Tennessee							
Eastern	528	524	99.2	2	0.4	2	0.4
Middle	293	139	47.4	119	40.6	35	11.9
Western	512	510	99.6	2	0.4	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>2,605</b>	<b>1,993</b>	<b>76.5</b>	<b>591</b>	<b>22.7</b>	<b>21</b>	<b>0.8</b>
Illinois							
Central	368	365	99.2	3	0.8	0	0.0
Northern	638	217	34.0	404	63.3	17	2.7
Southern	315	313	99.4	0	0.0	2	0.6
Indiana							
Northern	407	378	92.9	28	6.9	1	0.2
Southern	304	303	99.7	0	0.0	1	0.3
Wisconsin							
Eastern	384	310	80.7	74	19.3	0	0.0
Western	189	107	56.6	82	43.4	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>4,690</b>	<b>4,285</b>	<b>91.4</b>	<b>384</b>	<b>8.2</b>	<b>21</b>	<b>0.4</b>
Arkansas							
Eastern	294	288	98.0	2	0.7	4	1.4
Western	172	172	100.0	0	0.0	0	0.0
Iowa							
Northern	421	420	99.8	0	0.0	1	0.2
Southern	331	325	98.2	2	0.6	4	1.2
Minnesota	507	425	83.8	81	16.0	1	0.2
Missouri							
Eastern	929	909	97.8	18	1.9	2	0.2
Western	750	464	61.9	280	37.3	6	0.8
Nebraska	680	680	100.0	0	0.0	0	0.0
North Dakota	182	181	99.5	1	0.5	0	0.0
South Dakota	424	421	99.3	0	0.0	3	0.7

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>13,004</b>	<b>11,431</b>	<b>87.9</b>	<b>570</b>	<b>4.4</b>	<b>1,003</b>	<b>7.7</b>
Alaska	101	92	91.1	0	0.0	9	8.9
Arizona	4,080	3,476	85.2	149	3.7	455	11.2
California							
Central	1,266	845	66.7	31	2.4	390	30.8
Eastern	897	894	99.7	1	0.1	2	0.2
Northern	602	593	98.5	4	0.7	5	0.8
Southern	2,845	2,717	95.5	12	0.4	116	4.1
Guam	61	59	96.7	2	3.3	0	0.0
Hawaii	334	304	91.0	26	7.8	4	1.2
Idaho	225	223	99.1	0	0.0	2	0.9
Montana	341	335	98.2	0	0.0	6	1.8
Nevada	628	625	99.5	1	0.2	2	0.3
Northern Mariana Islands	17	17	100.0	0	0.0	0	0.0
Oregon	494	156	31.6	336	68.0	2	0.4
Washington							
Eastern	342	338	98.8	4	1.2	0	0.0
Western	771	757	98.2	4	0.5	10	1.3
<b>TENTH CIRCUIT</b>	<b>5,271</b>	<b>5,022</b>	<b>95.3</b>	<b>91</b>	<b>1.7</b>	<b>158</b>	<b>3.0</b>
Colorado	504	461	91.5	31	6.2	12	2.4
Kansas	618	615	99.5	0	0.0	3	0.5
New Mexico	2,297	2,280	99.3	5	0.2	12	0.5
Oklahoma							
Eastern	91	91	100.0	0	0.0	0	0.0
Northern	205	204	99.5	0	0.0	1	0.5
Western	440	306	69.5	5	1.1	129	29.3
Utah	787	736	93.5	50	6.4	1	0.1
Wyoming	329	329	100.0	0	0.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>6,610</b>	<b>6,364</b>	<b>96.3</b>	<b>77</b>	<b>1.2</b>	<b>169</b>	<b>2.6</b>
Alabama							
Middle	232	230	99.1	2	0.9	0	0.0
Northern	536	529	98.7	1	0.2	6	1.1
Southern	294	289	98.3	4	1.4	1	0.3
Florida							
Middle	1,536	1,529	99.5	5	0.3	2	0.1
Northern	397	384	96.7	1	0.3	12	3.0
Southern	2,091	1,984	94.9	1	0.0	106	5.1
Georgia							
Middle	481	425	88.4	21	4.4	35	7.3
Northern	545	496	91.0	42	7.7	7	1.3
Southern	498	498	100.0	0	0.0	0	0.0

<sup>1</sup>Cases 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.

<sup>2</sup>Cases are included in this category for one or more of the following reasons: 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