

U.S. Sentencing Commission Preliminary Quarterly Data Report



**3rd Quarter Release
Preliminary Fiscal Year 2013 Data
Through June 30, 2013**

Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted by courts to the Commission.¹ Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.² After the Supreme Court's decision in *United States v. Booker* on January 12, 2005, which rendered the sentencing guidelines advisory instead of mandatory, many people expressed an interest in knowing what changes, if any, in federal sentencing practices would result. The Commission responded by reconfiguring its data collection, analysis, and reporting efforts to provide real-time data reporting from the submitted documents.

The Commission first reported data on February 10, 2005 to Congress³ and began reporting data approximately monthly shortly thereafter. The types of data reported increased over time to accommodate various requests for the additional information. In March 2006, the Commission released a comprehensive report, *Final Report on the Impact of United States v. Booker on Federal Sentencing*,⁴ based on cases sentenced one year since the *Booker* decision. Because the report included additional analyses that had not been included in the monthly reports, not all the data presented in the report was comparable with the monthly releases, which made comparing data over time difficult.

In an effort to standardize the Commission's post-*Booker* analyses and to facilitate the identification of emerging trends going forward, the Commission began generating a new set of tables and charts on a quarterly basis for public release on the Commission's website beginning with the third quarter of fiscal year 2006. These quarterly data reports are similar in format and methodology to tables and figures produced in the *Sourcebook* or in the Commission's *Booker* report. Some of the figures include data from fiscal years before the *Booker* decision to facilitate analysis of sentencing trends over time. Other figures and all of the tables contain cumulative data (*i.e.*, data from the start of the fiscal year through the most current quarter). Appendix B cross-references the quarterly table numbers and figure letters as well as the corresponding number or letter in the *Sourcebook* (if it exists in the *Sourcebook*) so that the quarterly data can

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

² Electronic copies of the 1995-2012 *Annual Report* and *Sourcebook of Federal Sentencing Statistics* are available at the Commission's website, www.ussc.gov.

³ See www.ussc.gov/bf.htm for an electronic copy of the prepared testimony of Ricardo H. Hinojosa, chair of the United States Sentencing Commission, before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, United States House of Representatives, February 10, 2005.

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

be compared easily with data from prior fiscal years.⁵ In Appendix A are descriptions of datafile and variable definitions.

Users of the quarterly releases are cautioned that the quarterly data are preliminary only and subject to change as the Commission collects, analyzes, and reports on additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*. For example, the data reported in the initial release for the second quarter of the fiscal year may change as the Commission receives and analyzes documents during the remaining quarters for additional cases sentenced during the second quarter.⁶ Any subsequent changes in the quarterly data for the second quarter would be reflected initially in the subsequent quarterly releases and finally in the Commission's *Annual Report and Sourcebook of Federal Sentencing Statistics*. As a result, **quarterly data should not be considered final until publication of the Commission's *Annual Report and Sourcebook*.**

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

⁶ The reasons for data changes in previous quarters is due to one or more of the following reasons: the courts have up to 30 days to submit court documents to the Commission; the Commission both extracts information from the documents and screens cases through the quality control procedures and does not include any case in a data release unless it has been fully entered and reviewed; some documents are sent in later than other documents and the datafiles are then updated with the new information; the Commission receives amended court documents and updates the datafile based on the new information; the Commission matches its datafile to datafiles from the Administrative Office of the United States Courts and requests any case documents not received - a process that can only be completed after the documents have been received and the information entered into the Commission's database. For all of the above reasons, data may be excluded/included or reported differently from one quarter to another.

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**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹**
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

	N	%
TOTAL CASES	58,094	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	29,757	51.2
CASES SENTENCED ABOVE GUIDELINE RANGE	1,243	2.1
DEPARTURE ABOVE GUIDELINE RANGE	389	0.7
Upward Departure From Guideline Range ²	295	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	94	0.2
OTHERWISE ABOVE GUIDELINE RANGE	854	1.5
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	772	1.3
All Remaining Cases Above Guideline Range ⁵	82	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	16,416	28.3
§5K1.1 Substantial Assistance Departure	7,084	12.2
§5K3.1 Early Disposition Program Departure	6,363	11.0
Other Government Sponsored Below Range	2,969	5.1
NON-GOVERNMENT SPONSORED BELOW RANGE	10,678	18.4
DEPARTURE BELOW GUIDELINE RANGE	1,967	3.4
Downward Departure From Guideline Range ²	1,433	2.5
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	534	0.9
OTHERWISE BELOW GUIDELINE RANGE	8,711	15.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	8,317	14.3
All Remaining Cases Below Guideline Range ⁵	394	0.7

¹ This table reflects the 59,119 cases sentenced on or after October 1, 2012, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by September 10, 2013. Of these, 1,025 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

² All cases with departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

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

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

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

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

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	58,094	29,757	51.2	295	0.5	94	0.2	772	1.3	82	0.1
D.C. CIRCUIT	260	84	32.3	3	1.2	0	0.0	4	1.5	0	0.0
District of Columbia	260	84	32.3	3	1.2	0	0.0	4	1.5	0	0.0
FIRST CIRCUIT	1,896	1,072	56.5	19	1.0	4	0.2	70	3.7	13	0.7
Maine	183	68	37.2	3	1.6	0	0.0	0	0.0	0	0.0
Massachusetts	374	143	38.2	5	1.3	1	0.3	0	0.0	0	0.0
New Hampshire	133	69	51.9	0	0.0	0	0.0	2	1.5	0	0.0
Puerto Rico	1,086	734	67.6	10	0.9	3	0.3	68	6.3	13	1.2
Rhode Island	120	58	48.3	1	0.8	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	2,859	1,032	36.1	6	0.2	4	0.1	14	0.5	3	0.1
Connecticut	314	141	44.9	2	0.6	0	0.0	3	1.0	0	0.0
New York											
Eastern	675	171	25.3	0	0.0	2	0.3	1	0.1	2	0.3
Northern	344	146	42.4	2	0.6	2	0.6	1	0.3	0	0.0
Southern	901	277	30.7	1	0.1	0	0.0	6	0.7	0	0.0
Western	447	237	53.0	0	0.0	0	0.0	3	0.7	1	0.2
Vermont	178	60	33.7	1	0.6	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	1,981	801	40.4	5	0.3	3	0.2	23	1.2	2	0.1
Delaware	64	27	42.2	0	0.0	0	0.0	2	3.1	0	0.0
New Jersey	571	234	41.0	0	0.0	0	0.0	3	0.5	0	0.0
Pennsylvania											
Eastern	658	223	33.9	3	0.5	2	0.3	13	2.0	1	0.2
Middle	291	113	38.8	2	0.7	0	0.0	1	0.3	0	0.0
Western	356	171	48.0	0	0.0	1	0.3	4	1.1	0	0.0
Virgin Islands	41	33	80.5	0	0.0	0	0.0	0	0.0	1	2.4
FOURTH CIRCUIT	4,498	2,645	58.8	26	0.6	15	0.3	73	1.6	3	0.1
Maryland	652	230	35.3	7	1.1	0	0.0	15	2.3	1	0.2
North Carolina											
Eastern	543	314	57.8	11	2.0	9	1.7	7	1.3	0	0.0
Middle	302	236	78.1	0	0.0	2	0.7	5	1.7	0	0.0
Western	444	264	59.5	1	0.2	1	0.2	12	2.7	0	0.0
South Carolina	603	339	56.2	1	0.2	0	0.0	1	0.2	0	0.0
Virginia											
Eastern	1,250	886	70.9	3	0.2	1	0.1	17	1.4	2	0.2
Western	294	146	49.7	3	1.0	0	0.0	9	3.1	0	0.0
West Virginia											
Northern	249	137	55.0	0	0.0	2	0.8	3	1.2	0	0.0
Southern	161	93	57.8	0	0.0	0	0.0	4	2.5	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	7,084	12.2	6,363	11.0	2,969	5.1	1,433	2.5	534	0.9	8,317	14.3	394	0.7
D.C. CIRCUIT	82	31.5	3	1.2	25	9.6	15	5.8	11	4.2	27	10.4	6	2.3
District of Columbia	82	31.5	3	1.2	25	9.6	15	5.8	11	4.2	27	10.4	6	2.3
FIRST CIRCUIT	193	10.2	22	1.2	183	9.7	43	2.3	11	0.6	250	13.2	16	0.8
Maine	49	26.8	0	0.0	3	1.6	8	4.4	1	0.5	48	26.2	3	1.6
Massachusetts	54	14.4	0	0.0	85	22.7	7	1.9	3	0.8	76	20.3	0	0.0
New Hampshire	18	13.5	3	2.3	14	10.5	8	6.0	3	2.3	16	12.0	0	0.0
Puerto Rico	67	6.2	18	1.7	78	7.2	19	1.7	4	0.4	59	5.4	13	1.2
Rhode Island	5	4.2	1	0.8	3	2.5	1	0.8	0	0.0	51	42.5	0	0.0
SECOND CIRCUIT	558	19.5	36	1.3	89	3.1	118	4.1	82	2.9	896	31.3	21	0.7
Connecticut	46	14.6	0	0.0	9	2.9	13	4.1	4	1.3	96	30.6	0	0.0
New York														
Eastern	148	21.9	19	2.8	35	5.2	45	6.7	27	4.0	220	32.6	5	0.7
Northern	86	25.0	0	0.0	2	0.6	10	2.9	7	2.0	86	25.0	2	0.6
Southern	149	16.5	15	1.7	14	1.6	33	3.7	32	3.6	362	40.2	12	1.3
Western	90	20.1	1	0.2	17	3.8	2	0.4	2	0.4	92	20.6	2	0.4
Vermont	39	21.9	1	0.6	12	6.7	15	8.4	10	5.6	40	22.5	0	0.0
THIRD CIRCUIT	544	27.5	10	0.5	101	5.1	22	1.1	28	1.4	427	21.6	15	0.8
Delaware	13	20.3	0	0.0	1	1.6	1	1.6	1	1.6	19	29.7	0	0.0
New Jersey	159	27.8	2	0.4	20	3.5	7	1.2	5	0.9	138	24.2	3	0.5
Pennsylvania														
Eastern	221	33.6	5	0.8	27	4.1	3	0.5	10	1.5	142	21.6	8	1.2
Middle	85	29.2	2	0.7	42	14.4	1	0.3	2	0.7	41	14.1	2	0.7
Western	62	17.4	1	0.3	11	3.1	10	2.8	10	2.8	85	23.9	1	0.3
Virgin Islands	4	9.8	0	0.0	0	0.0	0	0.0	0	0.0	2	4.9	1	2.4
FOURTH CIRCUIT	704	15.7	15	0.3	210	4.7	80	1.8	34	0.8	672	14.9	21	0.5
Maryland	181	27.8	3	0.5	92	14.1	16	2.5	11	1.7	93	14.3	3	0.5
North Carolina														
Eastern	152	28.0	0	0.0	0	0.0	7	1.3	3	0.6	36	6.6	4	0.7
Middle	14	4.6	0	0.0	1	0.3	0	0.0	1	0.3	41	13.6	2	0.7
Western	81	18.2	0	0.0	23	5.2	6	1.4	2	0.5	52	11.7	2	0.5
South Carolina	113	18.7	11	1.8	32	5.3	8	1.3	3	0.5	92	15.3	3	0.5
Virginia														
Eastern	41	3.3	1	0.1	27	2.2	34	2.7	10	0.8	224	17.9	4	0.3
Western	57	19.4	0	0.0	15	5.1	6	2.0	4	1.4	51	17.3	3	1.0
West Virginia														
Northern	51	20.5	0	0.0	19	7.6	3	1.2	0	0.0	34	13.7	0	0.0
Southern	14	8.7	0	0.0	1	0.6	0	0.0	0	0.0	49	30.4	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	13,020	8,817	67.7	63	0.5	32	0.2	176	1.4	9	0.1
Louisiana											
Eastern	225	119	52.9	1	0.4	2	0.9	11	4.9	0	0.0
Middle	150	92	61.3	1	0.7	0	0.0	0	0.0	0	0.0
Western	244	153	62.7	1	0.4	1	0.4	8	3.3	2	0.8
Mississippi											
Northern	143	75	52.4	0	0.0	0	0.0	6	4.2	0	0.0
Southern	272	223	82.0	0	0.0	0	0.0	7	2.6	0	0.0
Texas											
Eastern	689	458	66.5	12	1.7	0	0.0	15	2.2	0	0.0
Northern	807	480	59.5	8	1.0	21	2.6	22	2.7	0	0.0
Southern	5,003	3,110	62.2	27	0.5	8	0.2	26	0.5	1	0.0
Western	5,487	4,107	74.8	13	0.2	0	0.0	81	1.5	6	0.1
SIXTH CIRCUIT	4,139	1,981	47.9	14	0.3	6	0.1	58	1.4	5	0.1
Kentucky											
Eastern	354	188	53.1	0	0.0	0	0.0	9	2.5	0	0.0
Western	376	215	57.2	0	0.0	0	0.0	0	0.0	1	0.3
Michigan											
Eastern	642	301	46.9	2	0.3	2	0.3	3	0.5	1	0.2
Western	333	170	51.1	1	0.3	2	0.6	7	2.1	2	0.6
Ohio											
Northern	670	283	42.2	0	0.0	0	0.0	9	1.3	0	0.0
Southern	413	140	33.9	2	0.5	0	0.0	6	1.5	0	0.0
Tennessee											
Eastern	613	340	55.5	4	0.7	0	0.0	5	0.8	1	0.2
Middle	206	76	36.9	3	1.5	2	1.0	15	7.3	0	0.0
Western	532	268	50.4	2	0.4	0	0.0	4	0.8	0	0.0
SEVENTH CIRCUIT	2,278	1,004	44.1	6	0.3	4	0.2	40	1.8	2	0.1
Illinois											
Central	271	152	56.1	1	0.4	0	0.0	9	3.3	0	0.0
Northern	644	247	38.4	1	0.2	1	0.2	3	0.5	0	0.0
Southern	314	206	65.6	1	0.3	1	0.3	8	2.5	2	0.6
Indiana											
Northern	285	144	50.5	1	0.4	1	0.4	10	3.5	0	0.0
Southern	284	138	48.6	1	0.4	0	0.0	4	1.4	0	0.0
Wisconsin											
Eastern	357	66	18.5	0	0.0	0	0.0	3	0.8	0	0.0
Western	123	51	41.5	1	0.8	1	0.8	3	2.4	0	0.0
EIGHTH CIRCUIT	3,445	1,813	52.6	27	0.8	8	0.2	44	1.3	1	0.0
Arkansas											
Eastern	300	176	58.7	5	1.7	0	0.0	8	2.7	0	0.0
Western	217	130	59.9	0	0.0	1	0.5	1	0.5	0	0.0
Iowa											
Northern	277	151	54.5	9	3.2	3	1.1	4	1.4	0	0.0
Southern	319	139	43.6	0	0.0	1	0.3	5	1.6	0	0.0
Minnesota	240	58	24.2	2	0.8	1	0.4	4	1.7	0	0.0
Missouri											
Eastern	504	233	46.2	0	0.0	2	0.4	2	0.4	0	0.0
Western	489	270	55.2	1	0.2	0	0.0	15	3.1	0	0.0
Nebraska	452	258	57.1	0	0.0	0	0.0	0	0.0	0	0.0
North Dakota	257	121	47.1	2	0.8	0	0.0	1	0.4	1	0.4
South Dakota	390	277	71.0	8	2.1	0	0.0	4	1.0	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	%
FIFTH CIRCUIT	1,064	8.2	552	4.2	319	2.5	557	4.3	34	0.3	1,280	9.8	117	0.9
Louisiana														
Eastern	31	13.8	0	0.0	9	4.0	6	2.7	3	1.3	43	19.1	0	0.0
Middle	20	13.3	13	8.7	1	0.7	2	1.3	0	0.0	21	14.0	0	0.0
Western	26	10.7	4	1.6	4	1.6	2	0.8	3	1.2	37	15.2	3	1.2
Mississippi														
Northern	44	30.8	0	0.0	1	0.7	0	0.0	1	0.7	16	11.2	0	0.0
Southern	22	8.1	0	0.0	5	1.8	1	0.4	0	0.0	13	4.8	1	0.4
Texas														
Eastern	70	10.2	10	1.5	84	12.2	6	0.9	1	0.1	32	4.6	1	0.1
Northern	134	16.6	7	0.9	32	4.0	10	1.2	3	0.4	89	11.0	1	0.1
Southern	332	6.6	407	8.1	72	1.4	410	8.2	10	0.2	594	11.9	6	0.1
Western	385	7.0	111	2.0	111	2.0	120	2.2	13	0.2	435	7.9	105	1.9
SIXTH CIRCUIT	922	22.3	33	0.8	216	5.2	88	2.1	48	1.2	736	17.8	32	0.8
Kentucky														
Eastern	88	24.9	0	0.0	12	3.4	3	0.8	2	0.6	52	14.7	0	0.0
Western	71	18.9	17	4.5	21	5.6	13	3.5	5	1.3	29	7.7	4	1.1
Michigan														
Eastern	110	17.1	5	0.8	25	3.9	9	1.4	8	1.2	175	27.3	1	0.2
Western	51	15.3	6	1.8	4	1.2	12	3.6	4	1.2	71	21.3	3	0.9
Ohio														
Northern	206	30.7	0	0.0	16	2.4	13	1.9	2	0.3	132	19.7	9	1.3
Southern	103	24.9	4	1.0	56	13.6	16	3.9	5	1.2	73	17.7	8	1.9
Tennessee														
Eastern	161	26.3	0	0.0	10	1.6	11	1.8	5	0.8	74	12.1	2	0.3
Middle	33	16.0	0	0.0	30	14.6	5	2.4	8	3.9	32	15.5	2	1.0
Western	99	18.6	1	0.2	42	7.9	6	1.1	9	1.7	98	18.4	3	0.6
SEVENTH CIRCUIT	316	13.9	12	0.5	150	6.6	59	2.6	95	4.2	559	24.5	31	1.4
Illinois														
Central	31	11.4	0	0.0	11	4.1	2	0.7	1	0.4	63	23.2	1	0.4
Northern	85	13.2	7	1.1	20	3.1	27	4.2	62	9.6	175	27.2	16	2.5
Southern	23	7.3	3	1.0	7	2.2	3	1.0	19	6.1	36	11.5	5	1.6
Indiana														
Northern	62	21.8	0	0.0	24	8.4	2	0.7	6	2.1	27	9.5	8	2.8
Southern	43	15.1	0	0.0	21	7.4	4	1.4	1	0.4	71	25.0	1	0.4
Wisconsin														
Eastern	63	17.6	0	0.0	67	18.8	3	0.8	1	0.3	154	43.1	0	0.0
Western	9	7.3	2	1.6	0	0.0	18	14.6	5	4.1	33	26.8	0	0.0
EIGHTH CIRCUIT	510	14.8	87	2.5	221	6.4	57	1.7	40	1.2	624	18.1	13	0.4
Arkansas														
Eastern	31	10.3	0	0.0	13	4.3	2	0.7	4	1.3	58	19.3	3	1.0
Western	50	23.0	5	2.3	1	0.5	3	1.4	0	0.0	25	11.5	1	0.5
Iowa														
Northern	66	23.8	0	0.0	6	2.2	0	0.0	0	0.0	38	13.7	0	0.0
Southern	60	18.8	4	1.3	42	13.2	1	0.3	1	0.3	66	20.7	0	0.0
Minnesota	55	22.9	2	0.8	17	7.1	3	1.3	5	2.1	93	38.8	0	0.0
Missouri														
Eastern	71	14.1	0	0.0	63	12.5	6	1.2	8	1.6	118	23.4	1	0.2
Western	79	16.2	0	0.0	35	7.2	3	0.6	2	0.4	82	16.8	2	0.4
Nebraska	21	4.6	58	12.8	22	4.9	12	2.7	2	0.4	75	16.6	4	0.9
North Dakota	69	26.8	9	3.5	10	3.9	7	2.7	2	0.8	34	13.2	1	0.4
South Dakota	8	2.1	9	2.3	12	3.1	20	5.1	16	4.1	35	9.0	1	0.3

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	13,794	4,818	34.9	98	0.7	7	0.1	159	1.2	27	0.2
Alaska	157	58	36.9	1	0.6	0	0.0	2	1.3	0	0.0
Arizona	4,675	2,105	45.0	74	1.6	4	0.1	72	1.5	13	0.3
California											
Central	1,291	334	25.9	6	0.5	0	0.0	12	0.9	4	0.3
Eastern	741	285	38.5	5	0.7	0	0.0	9	1.2	0	0.0
Northern	525	205	39.0	1	0.2	0	0.0	8	1.5	0	0.0
Southern	3,807	757	19.9	2	0.1	1	0.0	12	0.3	7	0.2
Guam	51	39	76.5	0	0.0	0	0.0	1	2.0	0	0.0
Hawaii	181	74	40.9	0	0.0	0	0.0	1	0.6	0	0.0
Idaho	263	118	44.9	1	0.4	0	0.0	1	0.4	1	0.4
Montana	247	134	54.3	0	0.0	0	0.0	2	0.8	0	0.0
Nevada	465	251	54.0	4	0.9	0	0.0	5	1.1	1	0.2
Northern Mariana Islands	27	20	74.1	1	3.7	0	0.0	1	3.7	1	3.7
Oregon	518	146	28.2	0	0.0	0	0.0	15	2.9	0	0.0
Washington											
Eastern	255	85	33.3	1	0.4	1	0.4	6	2.4	0	0.0
Western	591	207	35.0	2	0.3	1	0.2	12	2.0	0	0.0
TENTH CIRCUIT	5,034	2,858	56.8	19	0.4	3	0.1	42	0.8	3	0.1
Colorado	424	159	37.5	2	0.5	0	0.0	10	2.4	1	0.2
Kansas	511	245	47.9	2	0.4	1	0.2	16	3.1	0	0.0
New Mexico	2,860	1,884	65.9	9	0.3	2	0.1	3	0.1	1	0.0
Oklahoma											
Eastern	88	61	69.3	0	0.0	0	0.0	4	4.5	0	0.0
Northern	199	105	52.8	0	0.0	0	0.0	1	0.5	0	0.0
Western	284	163	57.4	0	0.0	0	0.0	5	1.8	0	0.0
Utah	530	174	32.8	6	1.1	0	0.0	2	0.4	1	0.2
Wyoming	138	67	48.6	0	0.0	0	0.0	1	0.7	0	0.0
ELEVENTH CIRCUIT	4,890	2,832	57.9	9	0.2	8	0.2	69	1.4	14	0.3
Alabama											
Middle	179	85	47.5	0	0.0	0	0.0	3	1.7	2	1.1
Northern	371	225	60.6	0	0.0	0	0.0	2	0.5	1	0.3
Southern	272	164	60.3	1	0.4	0	0.0	3	1.1	0	0.0
Florida											
Middle	1,051	468	44.5	3	0.3	2	0.2	6	0.6	3	0.3
Northern	243	136	56.0	0	0.0	3	1.2	1	0.4	0	0.0
Southern	1,795	1,099	61.2	1	0.1	1	0.1	25	1.4	8	0.4
Georgia											
Middle	325	249	76.6	2	0.6	2	0.6	8	2.5	0	0.0
Northern	340	154	45.3	2	0.6	0	0.0	10	2.9	0	0.0
Southern	314	252	80.3	0	0.0	0	0.0	11	3.5	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	1,154	8.4	4,637	33.6	1,044	7.6	285	2.1	80	0.6	1,402	10.2	83	0.6
Alaska	21	13.4	0	0.0	30	19.1	3	1.9	2	1.3	39	24.8	1	0.6
Arizona	164	3.5	1,731	37.0	172	3.7	53	1.1	17	0.4	261	5.6	9	0.2
California														
Central	177	13.7	240	18.6	130	10.1	64	5.0	17	1.3	262	20.3	45	3.5
Eastern	122	16.5	195	26.3	36	4.9	5	0.7	1	0.1	79	10.7	4	0.5
Northern	70	13.3	30	5.7	97	18.5	7	1.3	10	1.9	96	18.3	1	0.2
Southern	260	6.8	2,247	59.0	159	4.2	135	3.5	21	0.6	189	5.0	17	0.4
Guam	5	9.8	0	0.0	1	2.0	0	0.0	1	2.0	4	7.8	0	0.0
Hawaii	49	27.1	0	0.0	4	2.2	0	0.0	1	0.6	51	28.2	1	0.6
Idaho	72	27.4	15	5.7	5	1.9	5	1.9	2	0.8	42	16.0	1	0.4
Montana	37	15.0	0	0.0	6	2.4	0	0.0	1	0.4	67	27.1	0	0.0
Nevada	43	9.2	43	9.2	52	11.2	8	1.7	3	0.6	53	11.4	2	0.4
Northern Mariana Islands	1	3.7	0	0.0	1	3.7	1	3.7	0	0.0	1	3.7	0	0.0
Oregon	85	16.4	65	12.5	115	22.2	0	0.0	1	0.2	90	17.4	1	0.2
Washington														
Eastern	24	9.4	27	10.6	72	28.2	1	0.4	1	0.4	37	14.5	0	0.0
Western	24	4.1	44	7.4	164	27.7	3	0.5	2	0.3	131	22.2	1	0.2
TENTH CIRCUIT	304	6.0	894	17.8	257	5.1	54	1.1	28	0.6	558	11.1	14	0.3
Colorado	78	18.4	67	15.8	32	7.5	4	0.9	3	0.7	68	16.0	0	0.0
Kansas	84	16.4	12	2.3	74	14.5	7	1.4	4	0.8	64	12.5	2	0.4
New Mexico	48	1.7	632	22.1	80	2.8	29	1.0	14	0.5	154	5.4	4	0.1
Oklahoma														
Eastern	9	10.2	0	0.0	7	8.0	0	0.0	1	1.1	6	6.8	0	0.0
Northern	36	18.1	3	1.5	2	1.0	6	3.0	2	1.0	44	22.1	0	0.0
Western	11	3.9	0	0.0	2	0.7	2	0.7	0	0.0	100	35.2	1	0.4
Utah	30	5.7	163	30.8	43	8.1	5	0.9	1	0.2	99	18.7	6	1.1
Wyoming	8	5.8	17	12.3	17	12.3	1	0.7	3	2.2	23	16.7	1	0.7
ELEVENTH CIRCUIT	733	15.0	62	1.3	154	3.1	55	1.1	43	0.9	886	18.1	25	0.5
Alabama														
Middle	44	24.6	1	0.6	11	6.1	0	0.0	1	0.6	28	15.6	4	2.2
Northern	88	23.7	0	0.0	8	2.2	2	0.5	0	0.0	45	12.1	0	0.0
Southern	50	18.4	0	0.0	0	0.0	4	1.5	0	0.0	49	18.0	1	0.4
Florida														
Middle	233	22.2	25	2.4	21	2.0	19	1.8	8	0.8	256	24.4	7	0.7
Northern	44	18.1	2	0.8	0	0.0	8	3.3	11	4.5	38	15.6	0	0.0
Southern	174	9.7	18	1.0	45	2.5	14	0.8	22	1.2	378	21.1	10	0.6
Georgia														
Middle	32	9.8	14	4.3	1	0.3	0	0.0	0	0.0	16	4.9	1	0.3
Northern	41	12.1	1	0.3	65	19.1	6	1.8	1	0.3	58	17.1	2	0.6
Southern	27	8.6	1	0.3	3	1.0	2	0.6	0	0.0	18	5.7	0	0.0

¹ Of the 59,119 cases, 1,025 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Arizona (9.7%), Western Louisiana (7.2%), Eastern North Carolina (5.2%), and Northern New York (5.0%). Descriptions of variables used in this table are provided in Appendix A.

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	58,094	29,757	51.2	295	0.5	94	0.2	772	1.3	82	0.1
Murder	63	30	47.6	3	4.8	0	0.0	2	3.2	0	0.0
Manslaughter	47	29	61.7	4	8.5	0	0.0	4	8.5	0	0.0
Kidnapping/Hostage Taking	29	7	24.1	0	0.0	0	0.0	2	6.9	0	0.0
Sexual Abuse	316	172	54.4	9	2.8	0	0.0	12	3.8	0	0.0
Assault	525	310	59.0	12	2.3	1	0.2	15	2.9	1	0.2
Robbery	618	346	56.0	4	0.6	3	0.5	17	2.8	0	0.0
Arson	50	20	40.0	1	2.0	4	8.0	0	0.0	0	0.0
Drugs - Trafficking	16,560	6,455	39.0	62	0.4	15	0.1	103	0.6	12	0.1
Drugs - Communication Facility	325	159	48.9	2	0.6	0	0.0	5	1.5	0	0.0
Drugs - Simple Possession	1,357	1,295	95.4	1	0.1	1	0.1	39	2.9	13	1.0
Firearms	5,941	3,407	57.3	47	0.8	15	0.3	207	3.5	19	0.3
Burglary/B&E	25	16	64.0	1	4.0	0	0.0	0	0.0	0	0.0
Auto Theft	65	35	53.8	1	1.5	0	0.0	4	6.2	0	0.0
Larceny	957	650	67.9	4	0.4	1	0.1	8	0.8	2	0.2
Fraud	5,421	2,585	47.7	15	0.3	12	0.2	95	1.8	6	0.1
Embezzlement	253	151	59.7	1	0.4	0	0.0	2	0.8	3	1.2
Forgery/Counterfeiting	543	327	60.2	2	0.4	8	1.5	8	1.5	1	0.2
Bribery	191	76	39.8	0	0.0	0	0.0	1	0.5	0	0.0
Tax	455	158	34.7	0	0.0	0	0.0	1	0.2	0	0.0
Money Laundering	612	203	33.2	3	0.5	0	0.0	2	0.3	0	0.0
Racketeering/Extortion	627	268	42.7	8	1.3	0	0.0	12	1.9	1	0.2
Gambling/Lottery	46	21	45.7	0	0.0	0	0.0	2	4.3	0	0.0
Civil Rights	44	8	18.2	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	18,380	10,438	56.8	88	0.5	21	0.1	152	0.8	16	0.1
Child Pornography	1,396	473	33.9	5	0.4	1	0.1	12	0.9	1	0.1
Prison Offenses	324	226	69.8	4	1.2	3	0.9	7	2.2	3	0.9
Administration of Justice Offenses	1,036	595	57.4	7	0.7	4	0.4	37	3.6	3	0.3
Environmental/Wildlife	121	80	66.1	0	0.0	0	0.0	1	0.8	0	0.0
National Defense	102	36	35.3	1	1.0	0	0.0	1	1.0	0	0.0
Antitrust	10	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	46	35	76.1	0	0.0	0	0.0	1	2.2	0	0.0
Other Miscellaneous Offenses	1,609	1,146	71.2	10	0.6	5	0.3	20	1.2	1	0.1

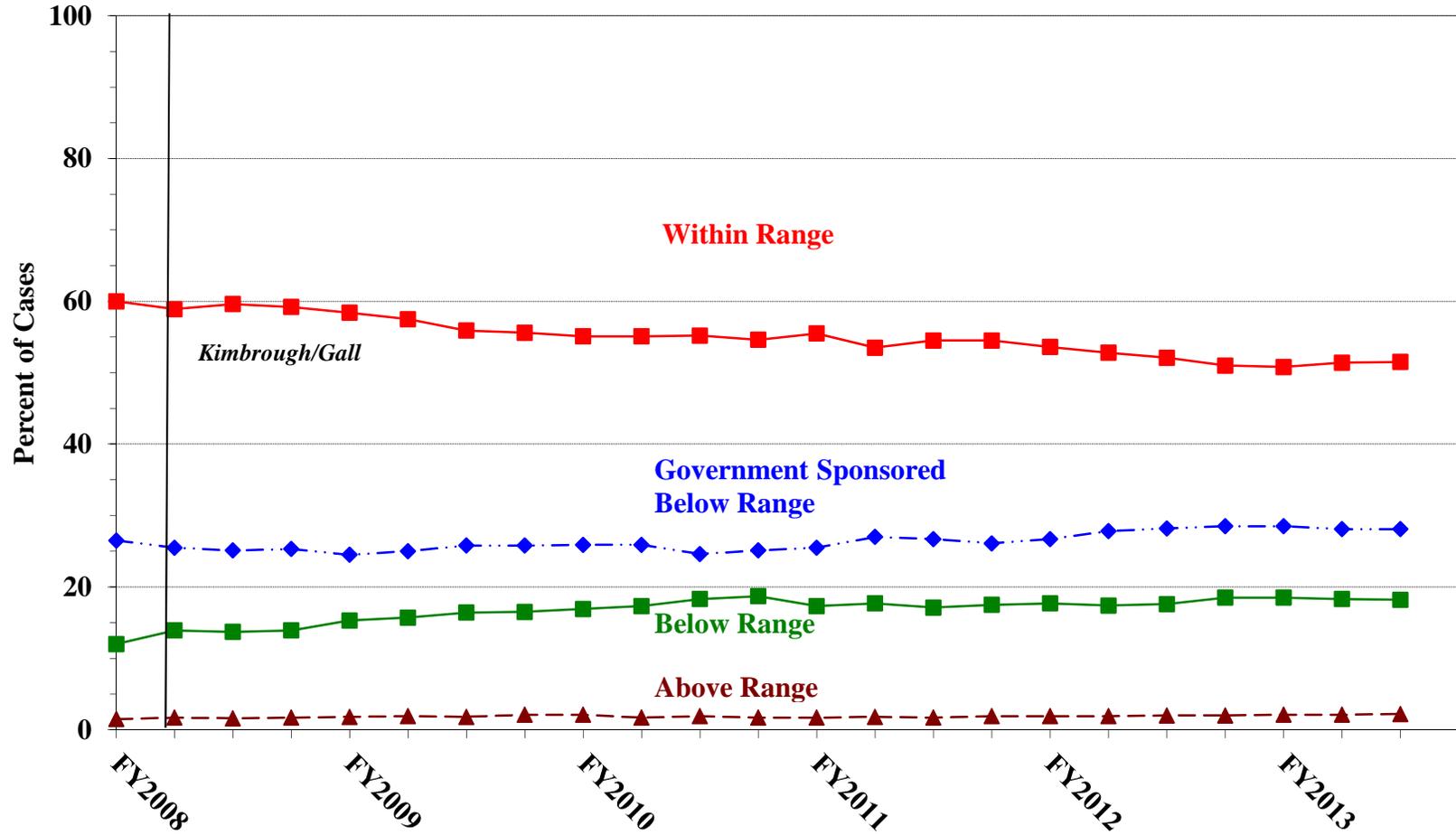
Table 3 (cont.)

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	7,084	12.2	6,363	11.0	2,969	5.1	1,433	2.5	534	0.9	8,317	14.3	394	0.7
Murder	14	22.2	2	3.2	6	9.5	0	0.0	0	0.0	6	9.5	0	0.0
Manslaughter	0	0.0	0	0.0	1	2.1	2	4.3	0	0.0	7	14.9	0	0.0
Kidnapping/Hostage Taking	9	31.0	0	0.0	2	6.9	0	0.0	1	3.4	8	27.6	0	0.0
Sexual Abuse	15	4.7	0	0.0	45	14.2	7	2.2	7	2.2	48	15.2	1	0.3
Assault	12	2.3	8	1.5	64	12.2	22	4.2	10	1.9	67	12.8	3	0.6
Robbery	53	8.6	3	0.5	42	6.8	27	4.4	8	1.3	114	18.4	1	0.2
Arson	11	22.0	0	0.0	3	6.0	0	0.0	1	2.0	10	20.0	0	0.0
Drugs - Trafficking	4,284	25.9	1,149	6.9	1,082	6.5	342	2.1	196	1.2	2,767	16.7	93	0.6
Drugs - Communication Facility	37	11.4	9	2.8	40	12.3	7	2.2	0	0.0	61	18.8	5	1.5
Drugs - Simple Possession	1	0.1	0	0.0	2	0.1	1	0.1	0	0.0	4	0.3	0	0.0
Firearms	618	10.4	10	0.2	425	7.2	135	2.3	55	0.9	961	16.2	42	0.7
Burglary/B&E	1	4.0	0	0.0	1	4.0	0	0.0	0	0.0	6	24.0	0	0.0
Auto Theft	11	16.9	0	0.0	6	9.2	1	1.5	0	0.0	6	9.2	1	1.5
Larceny	51	5.3	1	0.1	36	3.8	17	1.8	6	0.6	171	17.9	10	1.0
Fraud	1,030	19.0	3	0.1	339	6.3	109	2.0	85	1.6	1,086	20.0	56	1.0
Embezzlement	15	5.9	0	0.0	10	4.0	7	2.8	2	0.8	59	23.3	3	1.2
Forgery/Counterfeiting	55	10.1	0	0.0	19	3.5	9	1.7	6	1.1	103	19.0	5	0.9
Bribery	49	25.7	0	0.0	13	6.8	5	2.6	2	1.0	40	20.9	5	2.6
Tax	63	13.8	0	0.0	27	5.9	14	3.1	9	2.0	180	39.6	3	0.7
Money Laundering	156	25.5	0	0.0	72	11.8	14	2.3	10	1.6	146	23.9	6	1.0
Racketeering/Extortion	110	17.5	0	0.0	80	12.8	23	3.7	9	1.4	112	17.9	4	0.6
Gambling/Lottery	10	21.7	1	2.2	2	4.3	1	2.2	1	2.2	7	15.2	1	2.2
Civil Rights	7	15.9	0	0.0	7	15.9	1	2.3	1	2.3	20	45.5	0	0.0
Immigration	208	1.1	5,167	28.1	201	1.1	603	3.3	60	0.3	1,315	7.2	111	0.6
Child Pornography	41	2.9	1	0.1	218	15.6	27	1.9	31	2.2	569	40.8	17	1.2
Prison Offenses	10	3.1	3	0.9	27	8.3	6	1.9	2	0.6	32	9.9	1	0.3
Administration of Justice Offenses	66	6.4	4	0.4	79	7.6	20	1.9	11	1.1	202	19.5	8	0.8
Environmental/Wildlife	3	2.5	0	0.0	20	16.5	3	2.5	3	2.5	8	6.6	3	2.5
National Defense	31	30.4	0	0.0	7	6.9	4	3.9	2	2.0	20	19.6	0	0.0
Antitrust	6	60.0	0	0.0	0	0.0	0	0.0	0	0.0	4	40.0	0	0.0
Food & Drug	1	2.2	0	0.0	1	2.2	0	0.0	0	0.0	8	17.4	0	0.0
Other Miscellaneous Offenses	106	6.6	2	0.1	92	5.7	26	1.6	16	1.0	170	10.6	15	0.9

¹ Of the 59,119 cases, 1,025 were excluded due to information that was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2013 Datafile, USSCFY13 (October 1, 2012, through June 30, 2013).

Figure A
QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2008 - 2012,
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

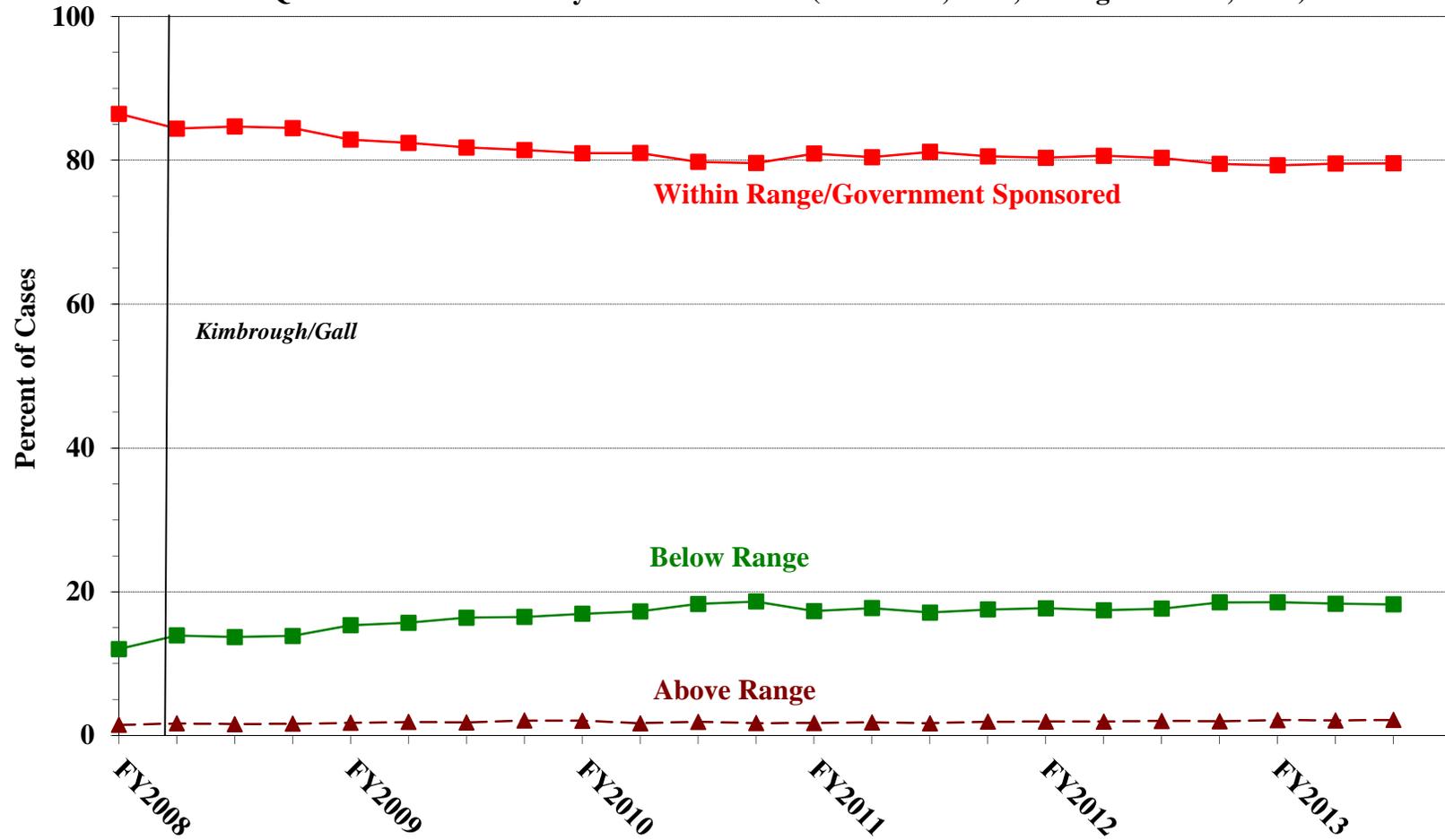


¹ Descriptions of variables used in this figure are provided in Appendix A.

Figure B

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

Fiscal Years 2008 - 2012,
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)



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

Table 4

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2008 - 2012,
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2008				
1st Quarter	60.0	26.5	12.0	1.5
2ndQuarter	58.9	25.5	13.9	1.7
3rd Quarter	59.6	25.1	13.7	1.6
4th Quarter	59.2	25.3	13.9	1.7
FY2009				
1st Quarter	58.4	24.5	15.3	1.8
2ndQuarter	57.5	25.0	15.7	1.9
3rd Quarter	55.9	25.8	16.4	1.8
4th Quarter	55.6	25.8	16.5	2.1
FY2010				
1st Quarter	55.1	25.9	16.9	2.1
2ndQuarter	55.1	25.9	17.3	1.7
3rd Quarter	55.2	24.6	18.3	1.9
4th Quarter	54.6	25.1	18.7	1.7
FY2011				
1st Quarter	55.5	25.5	17.3	1.7
2ndQuarter	53.5	27.0	17.7	1.8
3rd Quarter	54.5	26.7	17.1	1.7
4th Quarter	54.5	26.1	17.5	1.9
FY2012				
1st Quarter	53.6	26.7	17.7	1.9
2ndQuarter	52.8	27.8	17.4	1.9
3rd Quarter	52.1	28.2	17.6	2.0
4th Quarter	51.0	28.5	18.5	2.0
FY2013				
1st Quarter	50.8	28.5	18.5	2.1
2ndQuarter	51.4	28.1	18.3	2.1
3rd Quarter	51.5	28.1	18.2	2.2
4th Quarter	--	--	--	--

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

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward			
			Departure		Above Range		\$5K1.1	\$5K3.1	Other Gov't	Departure		Below Range	
		Gdline Only	with Booker	with Booker	All Others							Gdline Only	with Booker
§2N1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	33	33	0	0	0	0	0	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	197	139	0	3	2	3	6	3	13	3	0	25	0
§2P1.2	85	59	3	0	4	0	3	0	10	1	0	5	0
§2P1.3	4	0	1	0	0	0	1	0	1	0	1	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	28	11	0	0	0	0	3	0	2	3	2	7	0
§2Q1.3	32	14	0	0	1	0	1	0	7	4	2	2	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	72	50	0	0	0	0	5	0	7	1	0	8	1
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	7	0	0	0	0	0	4	0	0	0	0	3	0
§2S1.1	829	236	3	0	8	0	290	1	71	17	15	183	5
§2S1.2	1	1	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	203	84	0	0	0	0	23	0	32	9	3	47	5
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	397	145	0	0	1	0	48	0	31	12	8	148	4
§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	112	39	0	0	2	0	30	0	4	4	1	32	0
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	33	5	0	0	0	0	3	0	3	1	0	21	0
§2T1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	11	4	0	0	0	0	5	0	0	0	1	1	0
§2T2.1	2	0	0	0	0	0	0	0	0	0	0	2	0
§2T2.2	1	1	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	7	4	0	0	0	0	2	0	0	1	0	0	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	18	8	0	1	0	0	2	0	2	1	1	3	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	79	29	0	0	6	0	14	0	7	0	0	21	2
§2X4.1	315	171	2	3	6	0	25	3	35	4	4	60	2
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	164	153	0	0	6	0	0	0	3	2	0	0	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
§2X7.2	4	3	0	0	0	0	0	0	0	0	0	1	0
TOTAL	53,352	25,926	287	93	699	58	7,030	5,878	2,884	1,403	530	8,190	374

¹ Of the 59,119 cases, 5,767 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (1,025) or missing guideline applied (5,742). Descriptions of variables used in this table are provided in Appendix A.

² In 676 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 676 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 1,698 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 924(c). By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 1,698 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

	Pursuant to a Plea Agreement										
	TOTAL CASES	§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	28,337	4,499	15.9	5,956	21.0	2,726	9.6	1,723	6.1	180	0.6
Above Range	1,243	6	0.5	13	1.0	227	18.3	117	9.4	3	0.2
Upward Departure From Guideline Range	295	4	1.4	2	0.7	113	38.3	57	19.3	1	0.3
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	94	0	0.0	1	1.1	9	9.6	8	8.5	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	772	0	0.0	0	0.0	105	13.6	52	6.7	2	0.3
All Remaining Cases Above Guideline Range	82	2	2.4	10	12.2	0	0.0	0	0.0	0	0.0
Government Sponsored Below Range	16,416	4,493	27.4	5,943	36.2	2,499	15.2	1,606	9.8	177	1.1
§5K1.1 Substantial Assistance Departure	7,084	4,493	63.4	126	1.8	155	2.2	168	2.4	29	0.4
§5K3.1 Early Disposition Program Departure	6,363	0	0.0	5,817	91.4	1,103	17.3	549	8.6	16	0.3
Other Government Sponsored Below Range	2,969	0	0.0	0	0.0	1,241	41.8	889	29.9	132	4.4
Non-Government Sponsored Below Range	10,678	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,433	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	534	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	8,317	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	394	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	2,387	8.4	167	0.6	1,122	4.0	3,695	13.0	3,532	12.5	4,116	14.5	2,948	10.4
Above Range	3	0.2	0	0.0	174	14.0	10	0.8	5	0.4	505	40.6	261	21.0
Upward Departure From Guideline Range	0	0.0	0	0.0	43	14.6	3	1.0	1	0.3	81	27.5	29	9.8
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	26	27.7	0	0.0	0	0.0	51	54.3	11	11.7
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	104	13.5	7	0.9	3	0.4	363	47.0	159	20.6
All Remaining Cases Above Guideline Range	3	3.7	0	0.0	1	1.2	0	0.0	1	1.2	10	12.2	62	75.6
Government Sponsored Below Range	2,384	14.5	167	1.0	948	5.8	836	5.1	629	3.8	578	3.5	553	3.4
§5K1.1 Substantial Assistance Departure	2,384	33.7	8	0.1	248	3.5	441	6.2	270	3.8	346	4.9	136	1.9
§5K3.1 Early Disposition Program Departure	0	0.0	159	2.5	46	0.7	134	2.1	240	3.8	116	1.8	276	4.3
Other Government Sponsored Below Range	0	0.0	0	0.0	654	22.0	261	8.8	119	4.0	116	3.9	141	4.7
Non-Government Sponsored Below Range	0	0.0	0	0.0	0	0.0	2,849	26.7	2,898	27.1	3,033	28.4	2,134	20.0
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	636	44.4	240	16.7	363	25.3	219	15.3
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	112	21.0	169	31.6	205	38.4	91	17.0
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	2,099	25.2	2,484	29.9	2,454	29.5	1,448	17.4
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	2	0.5	5	1.3	11	2.8	376	95.4

¹ Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 4,061 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	6,840	36	30	49.9
Murder	7	151	84	48.3
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	8	110	89	41.5
Sexual Abuse	13	72	50	40.0
Assault	12	12	15	60.0
Robbery	53	40	24	35.5
Arson	11	36	36	57.1
Drugs - Trafficking	4,158	48	41	45.8
Drugs - Communication Facility	37	1	18	95.2
Drugs - Simple Possession	1	--	--	--
Firearms	572	48	34	45.0
Burglary/B&E	1	--	--	--
Auto Theft	11	57	45	48.3
Larceny	49	0	12	100.0
Fraud	1,006	12	18	69.2
Embezzlement	14	14	11	61.4
Forgery/Counterfeiting	55	10	12	50.0
Bribery	47	5	18	70.0
Tax	61	0	15	100.0
Money Laundering	153	17	25	60.0
Racketeering/Extortion	94	41	34	49.7
Gambling/Lottery	10	0	7	100.0
Civil Rights	6	2	27	88.5
Immigration	206	12	12	50.0
Child Pornography	39	96	91	50.5
Prison Offenses	10	10	6	29.2
Administration of Justice Offenses	64	0	12	100.0
Environmental/Wildlife	3	0	10	100.0
National Defense	30	23	36	71.0
Antitrust	5	8	13	79.4
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	103	6	18	78.0

¹ Of the 59,119 cases, 7,084 received a §5K1.1 substantial assistance departure. Of these, 6,902 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 55 cases were also excluded from this table. Of the remaining 6,847 cases, seven were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	5,764	15	8	35.1
Murder	2	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	6	14	7	22.1
Robbery	2	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	1,083	30	16	35.3
Drugs - Communication Facility	7	33	16	34.8
Drugs - Simple Possession	0	--	--	--
Firearms	9	6	32	66.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	1	--	--	--
Fraud	3	0	6	100.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	4,641	12	7	35.1
Child Pornography	1	--	--	--
Prison Offenses	3	6	5	60.0
Administration of Justice Offenses	4	9	8	54.2
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 59,119 cases, 6,363 received a §5K3.1 early disposition program departure. Of these, 5,764 cases had complete guideline application information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2013 Datafile, USSCFY13 (October 1, 2012, through June 30, 2013).

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	2,814	37	20	37.7
Murder	3	102	52	51.4
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	40	111	67	36.2
Assault	57	13	14	61.0
Robbery	40	59	23	29.2
Arson	3	96	14	12.7
Drugs - Trafficking	1,048	60	28	33.2
Drugs - Communication Facility	39	30	18	41.7
Drugs - Simple Possession	0	--	--	--
Firearms	409	50	17	28.6
Burglary/B&E	1	--	--	--
Auto Theft	5	12	14	70.7
Larceny	35	0	12	100.0
Fraud	327	12	15	58.3
Embezzlement	10	0	11	100.0
Forgery/Counterfeiting	19	17	13	35.1
Bribery	11	0	12	100.0
Tax	27	0	12	100.0
Money Laundering	70	13	16	59.8
Racketeering/Extortion	67	60	39	36.4
Gambling/Lottery	2	--	--	--
Civil Rights	7	12	18	76.9
Immigration	177	18	9	34.8
Child Pornography	217	72	51	41.5
Prison Offenses	25	12	4	33.3
Administration of Justice Offenses	72	7	15	65.2
Environmental/Wildlife	13	0	10	100.0
National Defense	5	33	31	34.4
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	81	12	15	77.8

¹ Of the 59,119 cases, 2,969 received an other government sponsored downward departure. Of these, 2,843 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 26 cases were also excluded from this table. Of the remaining 2,817 cases, three were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,367	24	12	33.3
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	7	97	11	8.4
Assault	22	15	11	54.8
Robbery	27	51	12	19.6
Arson	0	--	--	--
Drugs - Trafficking	325	51	17	28.2
Drugs - Communication Facility	7	36	23	50.0
Drugs - Simple Possession	0	--	--	--
Firearms	132	36	10	22.2
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	14	3	8	89.3
Fraud	103	8	12	63.4
Embezzlement	7	0	12	100.0
Forgery/Counterfeiting	8	7	12	65.4
Bribery	2	--	--	--
Tax	13	0	12	100.0
Money Laundering	13	18	12	40.0
Racketeering/Extortion	20	86	25	35.8
Gambling/Lottery	1	--	--	--
Civil Rights	1	--	--	--
Immigration	580	24	11	33.3
Child Pornography	26	71	57	48.1
Prison Offenses	6	5	8	55.0
Administration of Justice Offenses	20	10	10	51.7
Environmental/Wildlife	3	0	9	100.0
National Defense	4	18	7	27.1
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	24	0	9	100.0

¹ Of the 59,119 cases, 1,433 received a downward departure from the guideline range. Of these, 1,368 cases had complete guideline application information. Of the remaining 1,368 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	514	24	21	44.4
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	7	120	30	28.5
Assault	10	17	13	36.4
Robbery	8	55	29	37.5
Arson	0	--	--	--
Drugs - Trafficking	189	37	24	41.2
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	53	24	22	38.5
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	5	8	12	51.4
Fraud	83	12	15	47.4
Embezzlement	2	--	--	--
Forgery/Counterfeiting	6	4	13	83.3
Bribery	2	--	--	--
Tax	9	0	12	100.0
Money Laundering	9	5	22	87.2
Racketeering/Extortion	7	12	33	70.0
Gambling/Lottery	1	--	--	--
Civil Rights	1	--	--	--
Immigration	57	18	15	42.9
Child Pornography	30	56	51	54.4
Prison Offenses	2	--	--	--
Administration of Justice Offenses	11	12	12	49.9
Environmental/Wildlife	3	18	28	68.3
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	16	0	14	100.0

¹ Of the 59,119 cases, 534 received a downward departure from the guideline range with *Booker*/ 18 U.S.C § 3553. Of these, 517 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional three cases were also excluded from this table. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**BELOW GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	8,014	24	15	36.5
Murder	6	123	34	21.7
Manslaughter	7	18	12	40.0
Kidnapping/Hostage Taking	6	150	102	41.4
Sexual Abuse	41	84	27	27.3
Assault	62	12	8	35.5
Robbery	113	42	15	26.3
Arson	10	54	12	29.5
Drugs - Trafficking	2,683	48	20	31.0
Drugs - Communication Facility	58	12	18	61.3
Drugs - Simple Possession	4	2	4	75.0
Firearms	940	36	13	28.6
Burglary/B&E	6	0	12	99.3
Auto Theft	6	21	20	57.6
Larceny	170	0	9	100.0
Fraud	1,060	12	12	52.4
Embezzlement	59	3	9	76.4
Forgery/Counterfeiting	100	4	9	66.7
Bribery	38	6	11	63.3
Tax	175	4	12	72.2
Money Laundering	138	12	12	50.0
Racketeering/Extortion	109	30	16	37.0
Gambling/Lottery	6	0	11	100.0
Civil Rights	16	11	20	79.1
Immigration	1,206	18	10	34.5
Child Pornography	563	72	48	40.5
Prison Offenses	29	7	9	37.5
Administration of Justice Offenses	197	6	12	71.4
Environmental/Wildlife	8	0	8	100.0
National Defense	20	27	22	50.7
Antitrust	4	7	25	88.9
Food & Drug	8	6	21	83.0
Other Miscellaneous Offenses	166	3	10	95.4

¹ Of the 59,119 cases, 8,317 were sentenced below the guideline range with *Booker*/ 18 U.S.C § 3553. Of these, 8,059 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 43 cases were also excluded from this table. Of the remaining 8,016 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 described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	347	6	6	60.0
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	3	0	6	100.0
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	83	36	10	28.3
Drugs - Communication Facility	5	37	11	22.9
Drugs - Simple Possession	0	--	--	--
Firearms	37	67	22	28.6
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	9	0	6	100.0
Fraud	51	2	6	75.0
Embezzlement	2	--	--	--
Forgery/Counterfeiting	5	0	7	99.3
Bribery	2	--	--	--
Tax	3	0	12	100.0
Money Laundering	6	0	12	100.0
Racketeering/Extortion	4	67	37	42.5
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	94	0	1	100.0
Child Pornography	16	282	69	43.8
Prison Offenses	1	--	--	--
Administration of Justice Offenses	7	9	9	42.7
Environmental/Wildlife	3	0	6	100.0
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	12	0	6	100.0

¹ Of the 59,119 cases, 394 were otherwise sentenced below the guideline range. Of these, 354 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional six cases were also excluded from this table. Of the remaining 348 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	279	48	11	33.3
Murder	3	360	98	42.9
Manslaughter	4	78	34	83.0
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	9	144	45	51.7
Assault	12	48	13	31.9
Robbery	4	244	59	37.0
Arson	1	--	--	--
Drugs - Trafficking	60	81	17	27.2
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	37	96	15	30.0
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	3	30	12	66.7
Fraud	15	46	18	33.3
Embezzlement	1	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	3	42	6	25.0
Racketeering/Extortion	8	72	13	18.0
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	86	24	6	33.3
Child Pornography	4	196	44	18.6
Prison Offenses	4	10	3	23.2
Administration of Justice Offenses	7	36	9	33.3
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	10	41	19	85.2

¹ Of the 59,119 cases, 295 received an upward departure from the guideline range. Of these, 282 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	91	60	18	50.4
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	1	--	--	--
Robbery	3	78	12	23.5
Arson	4	135	56	65.0
Drugs - Trafficking	14	108	16	30.0
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	14	113	20	25.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	1	--	--	--
Fraud	12	62	19	43.8
Embezzlement	0	--	--	--
Forgery/Counterfeiting	8	60	22	70.0
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	21	36	14	71.4
Child Pornography	1	--	--	--
Prison Offenses	3	16	6	75.0
Administration of Justice Offenses	4	24	9	71.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	5	45	24	71.4

¹ Of the 59,119 cases, 94 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 92 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	681	60	14	42.9
Murder	2	--	--	--
Manslaughter	4	150	38	45.1
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	12	108	28	30.5
Assault	15	84	23	50.0
Robbery	17	120	27	33.3
Arson	0	--	--	--
Drugs - Trafficking	98	79	18	28.0
Drugs - Communication Facility	5	36	15	100.5
Drugs - Simple Possession	3	12	6	100.0
Firearms	168	68	18	30.4
Burglary/B&E	0	--	--	--
Auto Theft	4	96	14	53.1
Larceny	8	24	8	54.7
Fraud	92	60	15	46.5
Embezzlement	2	--	--	--
Forgery/Counterfeiting	8	60	21	69.0
Bribery	1	--	--	--
Tax	1	--	--	--
Money Laundering	2	--	--	--
Racketeering/Extortion	11	132	28	18.2
Gambling/Lottery	2	--	--	--
Civil Rights	0	--	--	--
Immigration	148	24	8	50.0
Child Pornography	12	225	32	15.5
Prison Offenses	6	23	8	51.4
Administration of Justice Offenses	36	47	17	73.5
Environmental/Wildlife	1	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	19	36	15	77.8

¹ Of the 59,119 cases, 772 were sentenced above the guideline range with *Booker*/18 U.S.C § 3553. Of these, 686 cases had complete guideline application information. Furthermore, five cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	37	60	12	27.7
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	1	--	--	--
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	10	120	20	15.0
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	7	88	23	32.4
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	1	--	--	--
Fraud	4	72	20	38.1
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	11	22	5	13.5
Child Pornography	1	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹ Of the 59,119 cases, 82 were otherwise sentenced above the guideline range. Of these, 57 cases had complete guideline application information. Furthermore, 20 cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2013 Datafile, USSCFY13 (October 1, 2012, through June 30, 2013).

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	58,685	53,208	90.7	51,568	87.9	1,640	2.8	5,477	9.3	1,549	2.6	3,928	6.7
Murder	63	63	100.0	62	98.4	1	1.6	0	0.0	0	0.0	0	0.0
Manslaughter	47	45	95.7	44	93.6	1	2.1	2	4.3	2	4.3	0	0.0
Kidnapping/Hostage Taking	29	29	100.0	29	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	316	311	98.4	299	94.6	12	3.8	5	1.6	3	0.9	2	0.6
Assault	539	462	85.7	437	81.1	25	4.6	77	14.3	20	3.7	57	10.6
Robbery	620	605	97.6	589	95.0	16	2.6	15	2.4	8	1.3	7	1.1
Arson	50	49	98.0	48	96.0	1	2.0	1	2.0	1	2.0	0	0.0
Drugs - Trafficking	16,566	15,975	96.4	15,495	93.5	480	2.9	591	3.6	232	1.4	359	2.2
Drugs - Communication Facility	324	261	80.6	254	78.4	7	2.2	63	19.4	19	5.9	44	13.6
Drugs - Simple Possession	1,760	1,580	89.8	1,579	89.7	1	0.1	180	10.2	20	1.1	160	9.1
Firearms	5,941	5,652	95.1	5,499	92.6	153	2.6	289	4.9	111	1.9	178	3.0
Burglary/B&E	25	22	88.0	17	68.0	5	20.0	3	12.0	3	12.0	0	0.0
Auto Theft	65	61	93.8	60	92.3	1	1.5	4	6.2	0	0.0	4	6.2
Larceny	924	397	43.0	338	36.6	59	6.4	527	57.0	131	14.2	396	42.9
Fraud	5,597	4,422	79.0	4,051	72.4	371	6.6	1,175	21.0	398	7.1	777	13.9
Embezzlement	250	140	56.0	105	42.0	35	14.0	110	44.0	31	12.4	79	31.6
Forgery/Counterfeiting	543	422	77.7	390	71.8	32	5.9	121	22.3	44	8.1	77	14.2
Bribery	191	144	75.4	126	66.0	18	9.4	47	24.6	22	11.5	25	13.1
Tax	456	291	63.8	245	53.7	46	10.1	165	36.2	71	15.6	94	20.6
Money Laundering	613	501	81.7	472	77.0	29	4.7	112	18.3	56	9.1	56	9.1
Racketeering/Extortion	629	601	95.5	576	91.6	25	4.0	28	4.5	13	2.1	15	2.4
Gambling/Lottery	47	23	48.9	18	38.3	5	10.6	24	51.1	10	21.3	14	29.8
Civil Rights	44	32	72.7	29	65.9	3	6.8	12	27.3	8	18.2	4	9.1
Immigration	18,518	17,759	95.9	17,593	95.0	166	0.9	759	4.1	104	0.6	655	3.5
Child Pornography	1,394	1,381	99.1	1,355	97.2	26	1.9	13	0.9	6	0.4	7	0.5
Prison Offenses	328	312	95.1	299	91.2	13	4.0	16	4.9	3	0.9	13	4.0
Administration of Justice Offenses	1,038	766	73.8	721	69.5	45	4.3	272	26.2	72	6.9	200	19.3
Environmental/Wildlife	120	35	29.2	32	26.7	3	2.5	85	70.8	20	16.7	65	54.2
National Defense	102	95	93.1	93	91.2	2	2.0	7	6.9	2	2.0	5	4.9
Antitrust	10	7	70.0	6	60.0	1	10.0	3	30.0	1	10.0	2	20.0
Food & Drug	48	17	35.4	17	35.4	0	0.0	31	64.6	2	4.2	29	60.4
Other Miscellaneous Offenses	1,488	748	50.3	690	46.4	58	3.9	740	49.7	136	9.1	604	40.6

¹ Of the 59,119 cases, 434 were excluded due to one or both of the following reasons: the offender received neither imprisonment nor probation (428), or missing sentencing information (6). Descriptions of variables used in this table are provided in Appendix A.

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

Table 19

SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

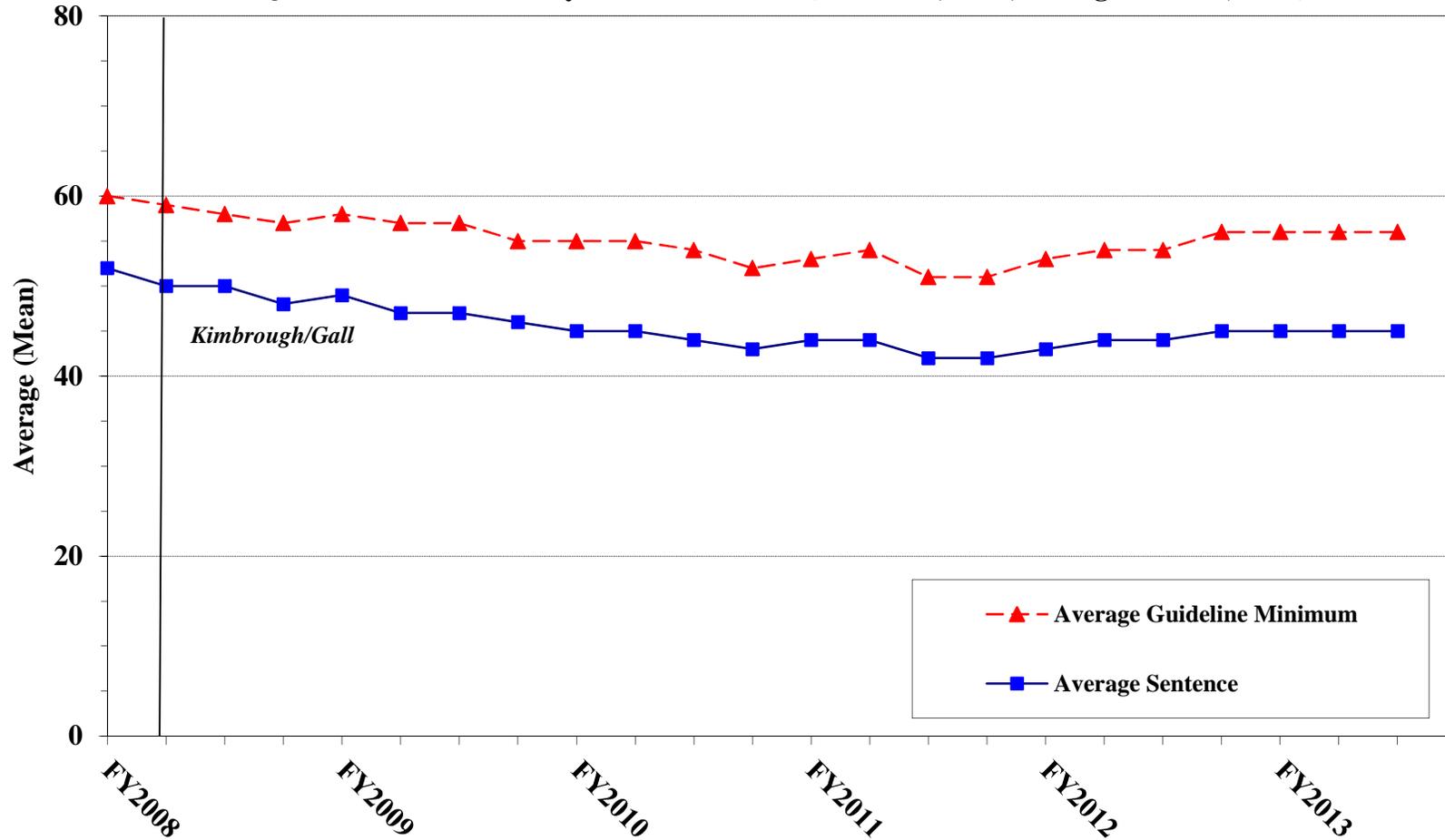
PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	45	24	59,119
Murder	263	240	63
Manslaughter	65	40	47
Kidnapping/Hostage Taking	237	204	29
Sexual Abuse	138	120	316
Assault	33	21	542
Robbery	77	61	620
Arson	89	60	50
Drugs - Trafficking	72	57	16,572
Drugs - Communication Facility	31	30	325
Drugs - Simple Possession	5	6	1,774
Firearms	83	57	5,948
Burglary/B&E	20	10	25
Auto Theft	58	37	65
Larceny	8	0	1,000
Fraud	26	12	5,634
Embezzlement	12	6	254
Forgery/Counterfeiting	20	15	544
Bribery	23	15	191
Tax	15	12	457
Money Laundering	34	18	613
Racketeering/Extortion	91	57	629
Gambling/Lottery	6	6	47
Civil Rights	29	12	44
Immigration	16	10	18,535
Child Pornography	133	96	1,396
Prison Offenses	13	12	328
Administration of Justice Offenses	19	12	1,041
Environmental/Wildlife	5	0	129
National Defense	50	36	102
Antitrust	9	9	10
Food & Drug	5	0	50
Other Miscellaneous Offenses	15	0	1,739

¹ Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure C

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
QUARTERLY DATA FOR ALL CASES¹**

**Fiscal Years 2008 - 2012,
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

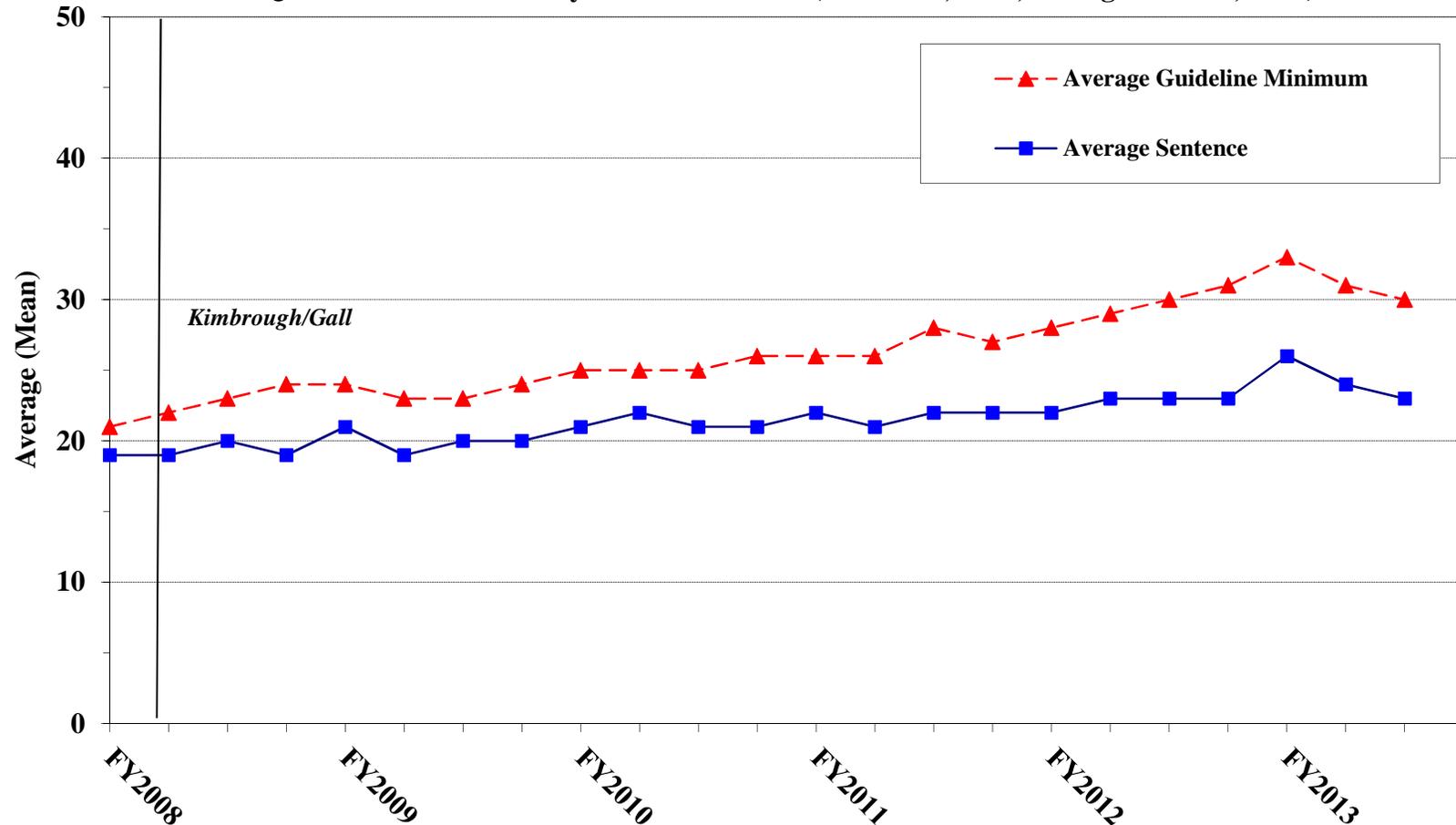


¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470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

Figure D

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

**Fiscal Years 2008 - 2012,
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

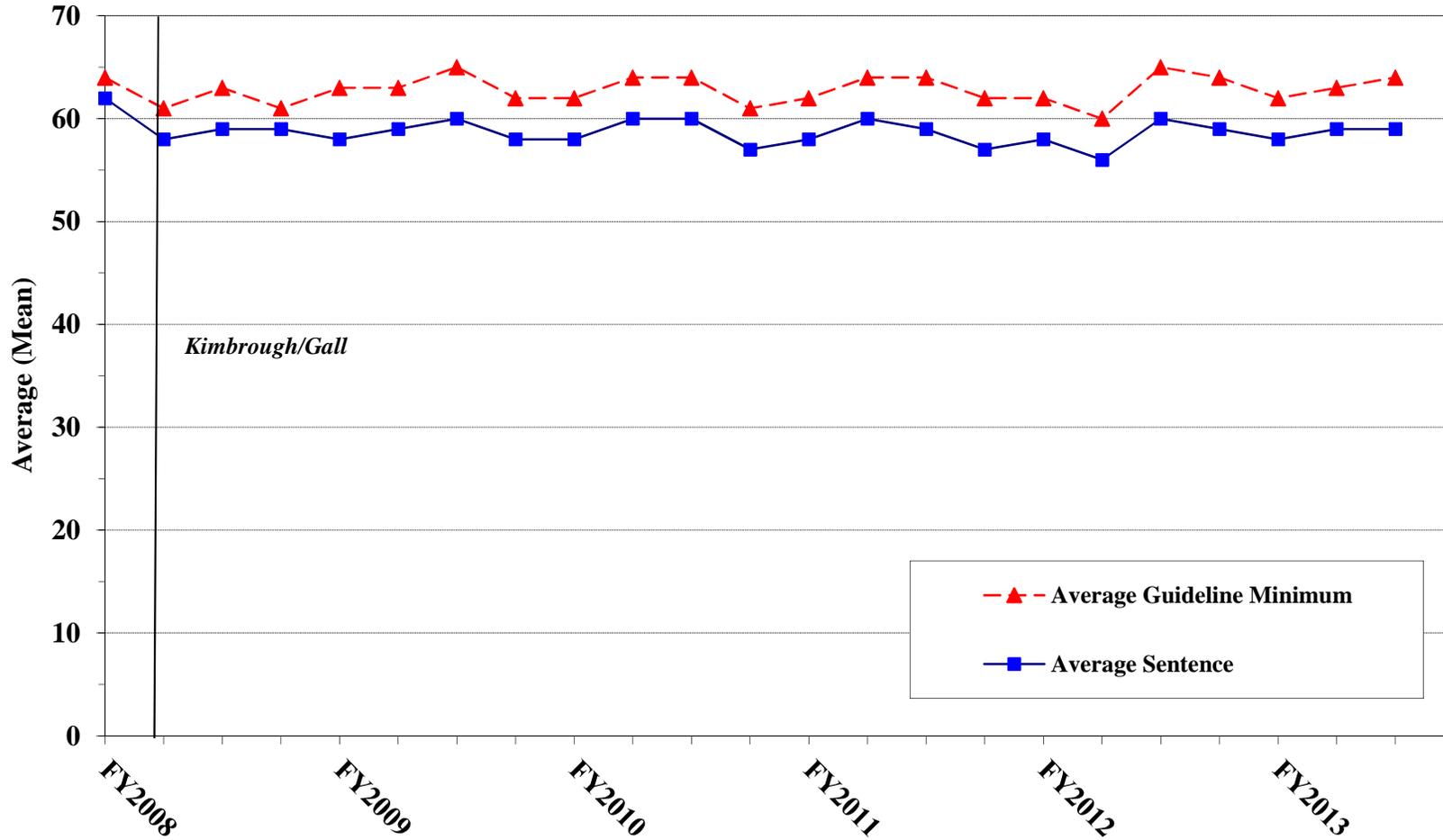


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligation of the United States). Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure E

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

**Fiscal Years 2008 - 2012,
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

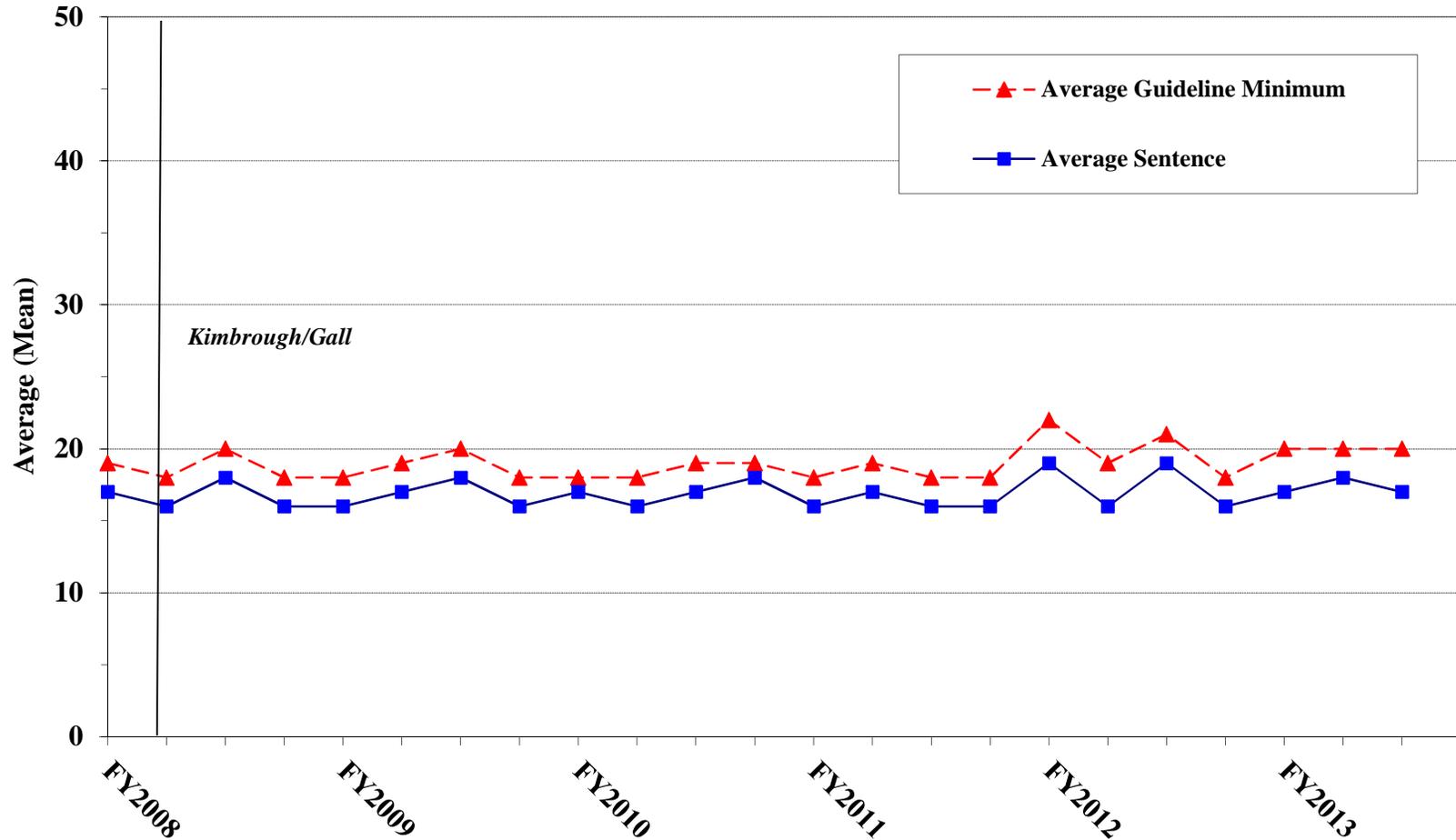


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure F

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
QUARTERLY DATA FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)¹**

**Fiscal Years 2008 - 2012,
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

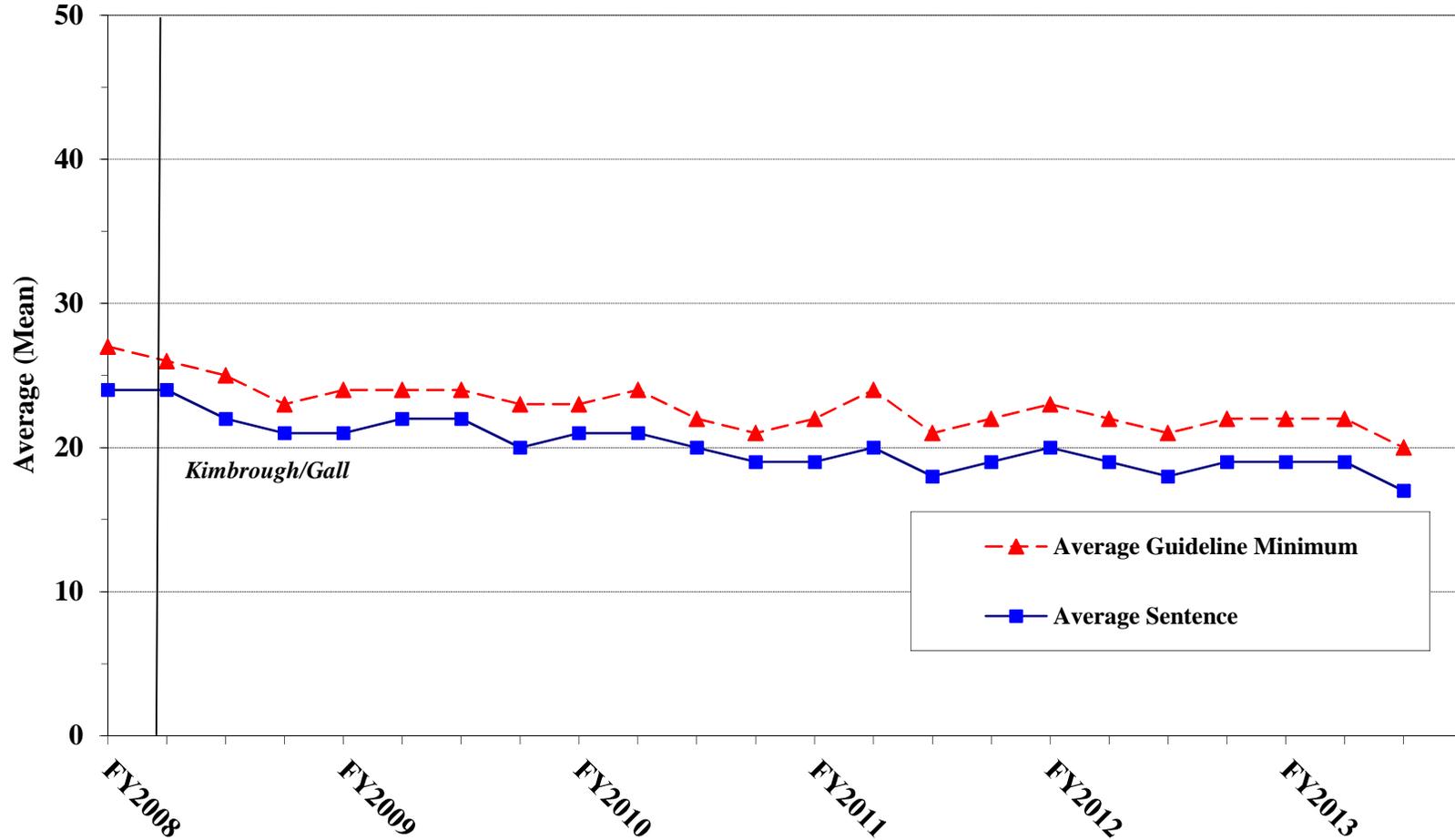


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure G

AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹

**Fiscal Years 2008 - 2012,
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

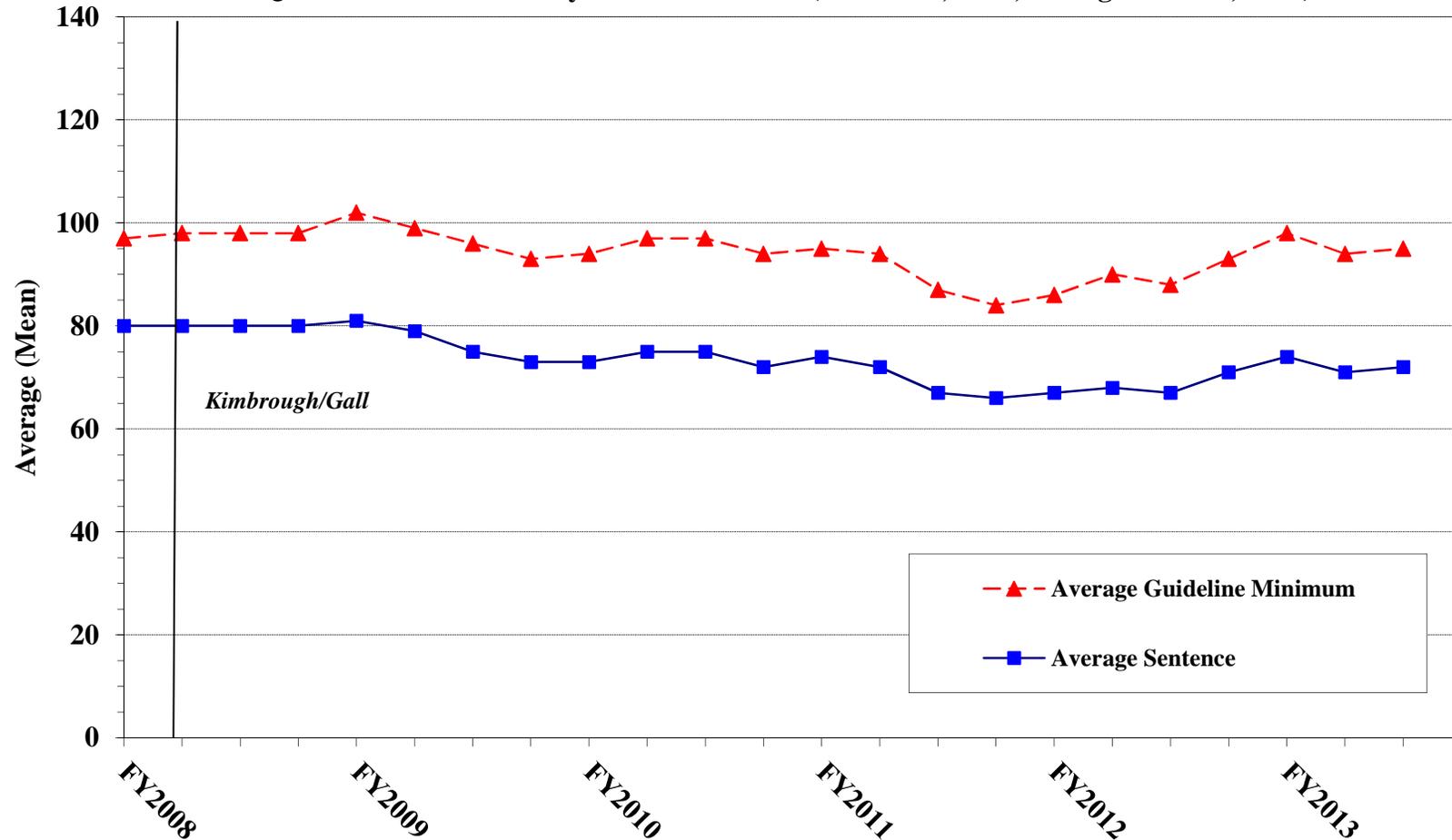


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure H

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

**Fiscal Years 2008 - 2012,
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

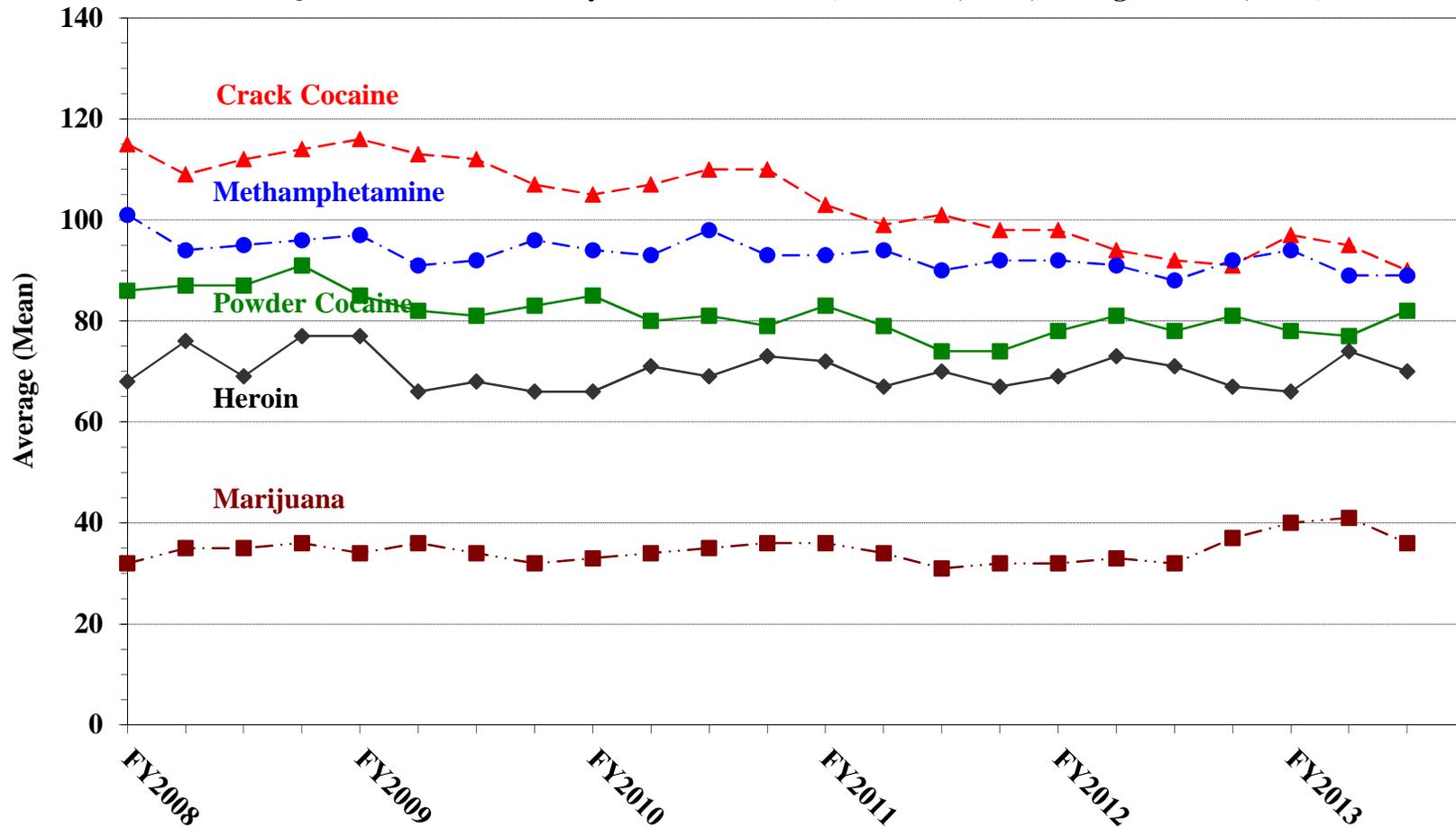


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹

Fiscal Years 2008 - 2012,
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)



¹ Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
TOTAL	24,086	12,379	51.4	5,095	21.2	2,089	8.7	1,987	8.2	2,536	10.5
Murder	11	1	9.1	2	18.2	1	9.1	2	18.2	5	45.5
Manslaughter	28	10	35.7	3	10.7	3	10.7	5	17.9	7	25.0
Kidnapping/Hostage Taking	5	2	40.0	2	40.0	1	20.0	0	0.0	0	0.0
Sexual Abuse	118	46	39.0	22	18.6	14	11.9	12	10.2	24	20.3
Assault	271	116	42.8	39	14.4	35	12.9	28	10.3	53	19.6
Robbery	335	156	46.6	69	20.6	28	8.4	29	8.7	53	15.8
Arson	12	7	58.3	2	16.7	1	8.3	0	0.0	2	16.7
Drugs - Trafficking	5,822	4,059	69.7	756	13.0	347	6.0	278	4.8	382	6.6
Drugs - Communication Facility	75	45	60.0	8	10.7	7	9.3	1	1.3	14	18.7
Drugs - Simple Possession	118	81	68.6	18	15.3	2	1.7	8	6.8	9	7.6
Firearms	2,968	1,543	52.0	446	15.0	303	10.2	250	8.4	426	14.4
Burglary/B&E	13	5	38.5	3	23.1	2	15.4	1	7.7	2	15.4
Auto Theft	32	10	31.3	5	15.6	4	12.5	4	12.5	9	28.1
Larceny	477	354	74.2	54	11.3	20	4.2	17	3.6	32	6.7
Fraud	2,227	1,288	57.8	345	15.5	163	7.3	187	8.4	244	11.0
Embezzlement	133	90	67.7	20	15.0	9	6.8	0	0.0	14	10.5
Forgery/Counterfeiting	318	154	48.4	37	11.6	33	10.4	27	8.5	67	21.1
Bribery	65	45	69.2	9	13.8	2	3.1	4	6.2	5	7.7
Tax	147	90	61.2	18	12.2	12	8.2	9	6.1	18	12.2
Money Laundering	190	116	61.1	33	17.4	9	4.7	10	5.3	22	11.6
Racketeering/Extortion	234	103	44.0	38	16.2	23	9.8	29	12.4	41	17.5
Gambling/Lottery	20	11	55.0	5	25.0	1	5.0	2	10.0	1	5.0
Civil Rights	5	3	60.0	2	40.0	0	0.0	0	0.0	0	0.0
Immigration	8,695	2,969	34.1	2,920	33.6	937	10.8	977	11.2	892	10.3
Child Pornography	361	230	63.7	49	13.6	18	5.0	26	7.2	38	10.5
Prison Offenses	208	93	44.7	35	16.8	26	12.5	19	9.1	35	16.8
Administration of Justice Offenses	547	323	59.0	55	10.1	52	9.5	27	4.9	90	16.5
Environmental/Wildlife	51	39	76.5	6	11.8	4	7.8	2	3.9	0	0.0
National Defense	31	20	64.5	8	25.8	3	9.7	0	0.0	0	0.0
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Food & Drug	31	26	83.9	1	3.2	2	6.5	1	3.2	1	3.2
Other Miscellaneous Offenses	538	344	63.9	85	15.8	27	5.0	32	5.9	50	9.3

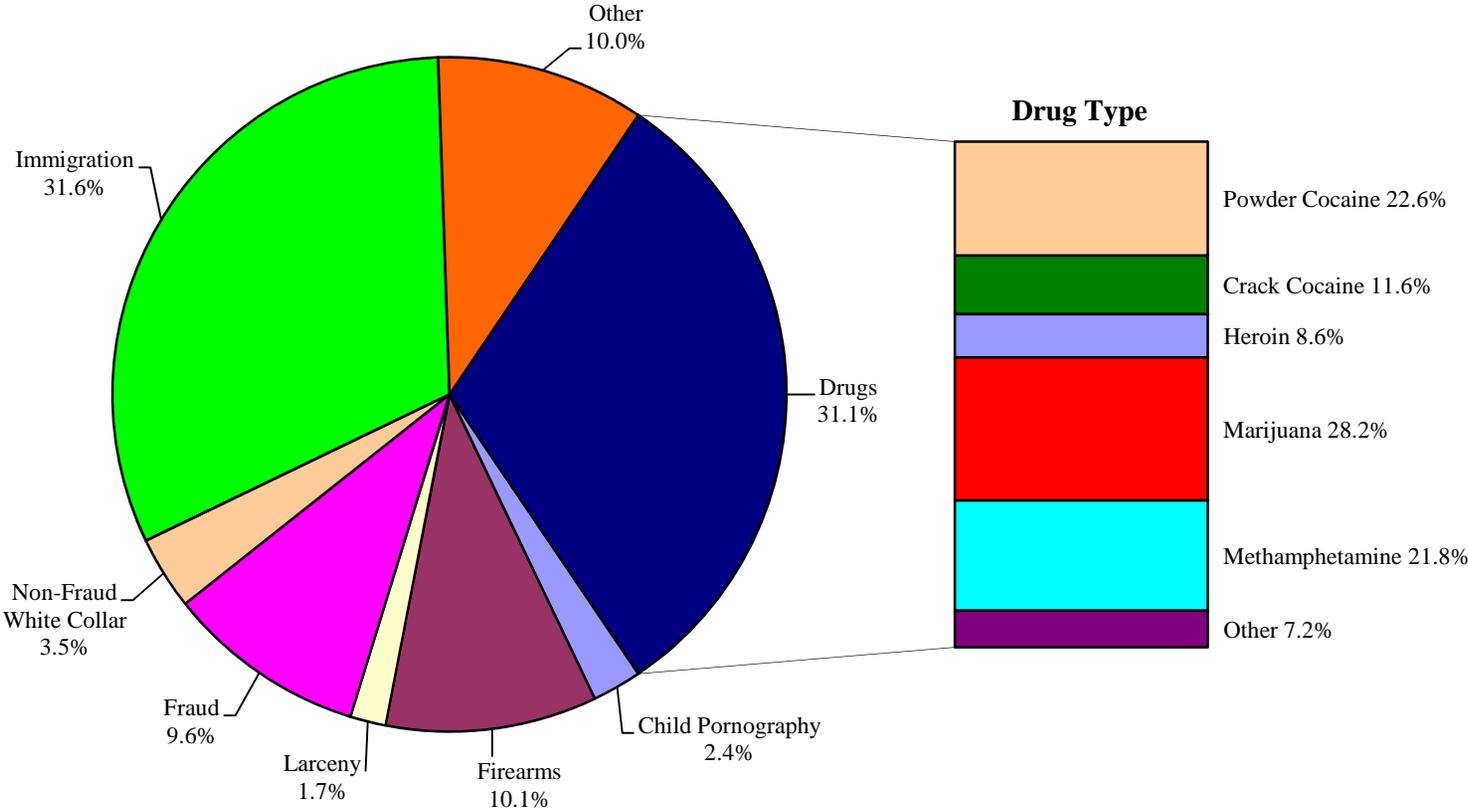
¹ Of the 59,119 cases, 29,757 were sentenced within the applicable guideline range. Of those, 25,592 cases had complete guideline application information. An additional 1,506 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2013 Datafile, USSCFY13 (October 1, 2012, through June 30, 2013).

Figure J

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹

3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)



¹ Of the 59,119 guideline cases, 456 drug cases were excluded from this figure due to one of the following reasons: cases sentenced under §2D1.11 involving a listed chemical (136) and cases missing drug type (320). The Drug category includes the following offense types: trafficking, use of a communication facility, and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

² The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax.

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

PRIMARY OFFENSE	N	%
TOTAL	59,119	100.0
Murder	63	0.1
Manslaughter	47	0.1
Kidnapping/Hostage Taking	29	0.0
Sexual Abuse	316	0.5
Assault	542	0.9
Robbery	620	1.0
Arson	50	0.1
Drugs - Trafficking	16,572	28.0
Drugs - Communication Facility	325	0.5
Drugs - Simple Possession	1,774	3.0
Firearms	5,948	10.1
Burglary/B&E	25	0.0
Auto Theft	65	0.1
Larceny	1,000	1.7
Fraud	5,634	9.5
Embezzlement	254	0.4
Forgery/Counterfeiting	544	0.9
Bribery	191	0.3
Tax	457	0.8
Money Laundering	613	1.0
Racketeering/Extortion	629	1.1
Gambling/Lottery	47	0.1
Civil Rights	44	0.1
Immigration	18,535	31.4
Child Pornography	1,396	2.4
Prison Offenses	328	0.6
Administration of Justice Offenses	1,041	1.8
Environmental/Wildlife	129	0.2
National Defense	102	0.2
Antitrust	10	0.0
Food & Drug	50	0.1
Other Miscellaneous Offenses	1,739	2.9

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

Table 22

GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

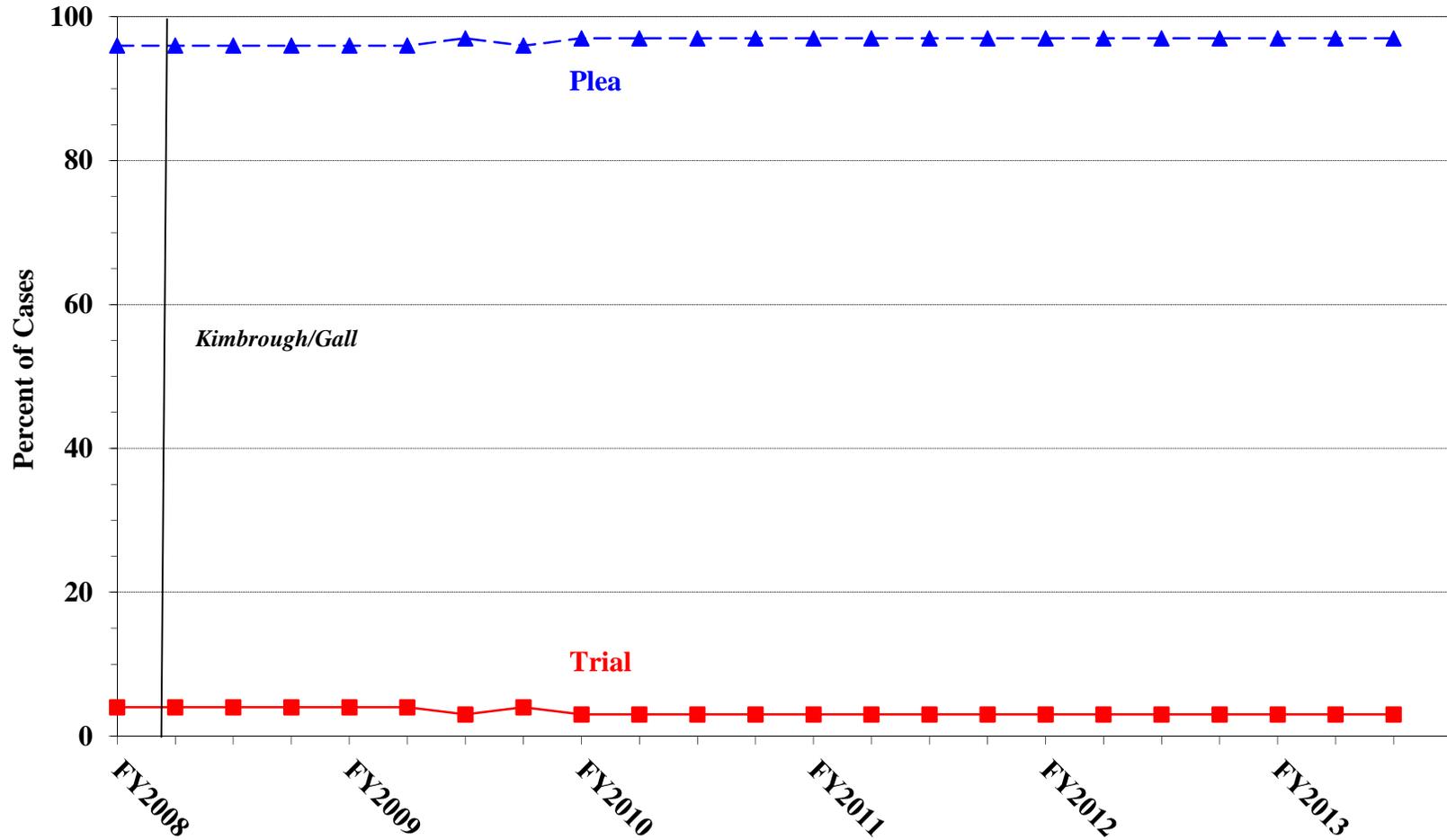
PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	59,119	57,304	96.9	1,815	3.1
Murder	63	52	82.5	11	17.5
Manslaughter	47	46	97.9	1	2.1
Kidnapping/Hostage Taking	29	16	55.2	13	44.8
Sexual Abuse	316	268	84.8	48	15.2
Assault	542	506	93.4	36	6.6
Robbery	620	609	98.2	11	1.8
Arson	50	42	84.0	8	16.0
Drugs - Trafficking	16,572	16,030	96.7	542	3.3
Drugs - Communication Facility	325	323	99.4	2	0.6
Drugs - Simple Possession	1,774	1,772	99.9	2	0.1
Firearms	5,948	5,598	94.1	350	5.9
Burglary/B&E	25	24	96.0	1	4.0
Auto Theft	65	62	95.4	3	4.6
Larceny	1,000	980	98.0	20	2.0
Fraud	5,634	5,288	93.9	346	6.1
Embezzlement	254	248	97.6	6	2.4
Forgery/Counterfeiting	544	534	98.2	10	1.8
Bribery	191	175	91.6	16	8.4
Tax	457	424	92.8	33	7.2
Money Laundering	613	582	94.9	31	5.1
Racketeering/Extortion	629	593	94.3	36	5.7
Gambling/Lottery	47	47	100.0	0	0.0
Civil Rights	44	33	75.0	11	25.0
Immigration	18,535	18,423	99.4	112	0.6
Child Pornography	1,396	1,340	96.0	56	4.0
Prison Offenses	328	321	97.9	7	2.1
Administration of Justice Offenses	1,041	999	96.0	42	4.0
Environmental/Wildlife	129	122	94.6	7	5.4
National Defense	102	96	94.1	6	5.9
Antitrust	10	9	90.0	1	10.0
Food & Drug	50	50	100.0	0	0.0
Other Miscellaneous Offenses	1,739	1,692	97.3	47	2.7

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

Figure K

QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS¹

Fiscal Years 2008 - 2012,
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)



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

Table 23

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	53,377	12,602	23.6	11,088	20.8	27,506	51.5	2,181	4.1
Murder	62	17	27.4	10	16.1	15	24.2	20	32.3
Manslaughter	47	6	12.8	0	0.0	1	2.1	40	85.1
Kidnapping/Hostage Taking	29	11	37.9	6	20.7	10	34.5	2	6.9
Sexual Abuse	316	124	39.2	42	13.3	47	14.9	103	32.6
Assault	496	107	21.6	88	17.7	71	14.3	230	46.4
Robbery	616	308	50.0	215	34.9	64	10.4	29	4.7
Arson	50	33	66.0	7	14.0	5	10.0	5	10.0
Drugs - Trafficking	16,476	3,741	22.7	4,320	26.2	7,909	48.0	506	3.1
Drugs - Communication Facility	322	73	22.7	90	28.0	149	46.3	10	3.1
Drugs - Simple Possession	146	75	51.4	28	19.2	23	15.8	20	13.7
Firearms	5,908	1,515	25.6	2,831	47.9	1,396	23.6	166	2.8
Burglary/B&E	25	7	28.0	1	4.0	2	8.0	15	60.0
Auto Theft	64	14	21.9	21	32.8	28	43.8	1	1.6
Larceny	802	389	48.5	225	28.1	119	14.8	69	8.6
Fraud	5,214	2,329	44.7	1,538	29.5	999	19.2	348	6.7
Embezzlement	238	132	55.5	59	24.8	24	10.1	23	9.7
Forgery/Counterfeiting	539	208	38.6	229	42.5	65	12.1	37	6.9
Bribery	185	60	32.4	40	21.6	71	38.4	14	7.6
Tax	446	283	63.5	87	19.5	38	8.5	38	8.5
Money Laundering	607	229	37.7	95	15.7	243	40.0	40	6.6
Racketeering/Extortion	622	166	26.7	214	34.4	193	31.0	49	7.9
Gambling/Lottery	45	31	68.9	1	2.2	1	2.2	12	26.7
Civil Rights	42	29	69.0	8	19.0	3	7.1	2	4.8
Immigration	16,091	398	2.5	250	1.6	15,337	95.3	106	0.7
Child Pornography	1,394	1,165	83.6	53	3.8	155	11.1	21	1.5
Prison Offenses	305	82	26.9	107	35.1	80	26.2	36	11.8
Administration of Justice Offenses	1,002	434	43.3	271	27.0	213	21.3	84	8.4
Environmental/Wildlife	92	62	67.4	6	6.5	11	12.0	13	14.1
National Defense	102	41	40.2	6	5.9	41	40.2	14	13.7
Antitrust	9	3	33.3	0	0.0	0	0.0	6	66.7
Food & Drug	44	28	63.6	0	0.0	7	15.9	9	20.5
Other Miscellaneous Offenses	1,041	502	48.2	240	23.1	186	17.9	113	10.9

¹ Of the 59,119 cases, 5,742 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 24

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	56,632	49,010	86.5	7,622	13.5
Murder	63	60	95.2	3	4.8
Manslaughter	47	40	85.1	7	14.9
Kidnapping/Hostage Taking	29	22	75.9	7	24.1
Sexual Abuse	316	297	94.0	19	6.0
Assault	533	475	89.1	58	10.9
Robbery	619	557	90.0	62	10.0
Arson	50	48	96.0	2	4.0
Drugs - Trafficking	16,551	14,154	85.5	2,397	14.5
Drugs - Communication Facility	324	247	76.2	77	23.8
Drugs - Simple Possession	929	804	86.5	125	13.5
Firearms	5,934	5,677	95.7	257	4.3
Burglary/B&E	25	25	100.0	0	0.0
Auto Theft	65	60	92.3	5	7.7
Larceny	890	533	59.9	357	40.1
Fraud	5,578	3,789	67.9	1,789	32.1
Embezzlement	251	105	41.8	146	58.2
Forgery/Counterfeiting	541	395	73.0	146	27.0
Bribery	191	146	76.4	45	23.6
Tax	455	343	75.4	112	24.6
Money Laundering	612	463	75.7	149	24.3
Racketeering/Extortion	624	550	88.1	74	11.9
Gambling/Lottery	46	44	95.7	2	4.3
Civil Rights	43	37	86.0	6	14.0
Immigration	17,391	16,285	93.6	1,106	6.4
Child Pornography	1,396	1,381	98.9	15	1.1
Prison Offenses	317	280	88.3	37	11.7
Administration of Justice Offenses	1,033	793	76.8	240	23.2
Environmental/Wildlife	114	108	94.7	6	5.3
National Defense	102	89	87.3	13	12.7
Antitrust	10	10	100.0	0	0.0
Food & Drug	49	39	79.6	10	20.4
Other Miscellaneous Offenses	1,504	1,154	76.7	350	23.3

¹ Of the 59,119 cases, 2,487 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 25

AGE, RACE, AND GENDER OF OFFENDERS¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
Males	10,134	100.0	9,540	100.0	24,851	100.0	1,740	100.0
Under 21	129	1.3	195	2.0	881	3.5	69	4.0
21 - 25	882	8.7	1,522	16.0	3,509	14.1	268	15.4
26 - 30	1,352	13.3	1,917	20.1	4,935	19.9	287	16.5
31 - 35	1,537	15.2	2,008	21.0	4,969	20.0	276	15.9
36 - 40	1,311	12.9	1,469	15.4	4,108	16.5	237	13.6
41 - 50	2,415	23.8	1,688	17.7	4,689	18.9	372	21.4
Over 50	2,508	24.7	741	7.8	1,760	7.1	231	13.3
Females	2,468	100.0	1,546	100.0	2,654	100.0	440	100.0
Under 21	33	1.3	28	1.8	123	4.6	8	1.8
21 - 25	258	10.5	186	12.0	429	16.2	51	11.6
26 - 30	347	14.1	280	18.1	438	16.5	79	18.0
31 - 35	384	15.6	251	16.2	476	17.9	72	16.4
36 - 40	364	14.7	226	14.6	378	14.2	59	13.4
41 - 50	540	21.9	346	22.4	536	20.2	86	19.5
Over 50	542	22.0	229	14.8	274	10.3	85	19.3

¹ Of the 59,119 cases, 5,746 were excluded due to one or more of the following reasons: missing information on offender's race (5,742), missing information on offender's gender (2,487), or missing information on offender's age (151). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2013 Datafile, USSCFY13 (October 1, 2012, through June 30, 2013).

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	57,689	31,608	54.8	26,081	45.2
Murder	62	54	87.1	8	12.9
Manslaughter	47	47	100.0	0	0.0
Kidnapping/Hostage Taking	29	24	82.8	5	17.2
Sexual Abuse	316	291	92.1	25	7.9
Assault	508	450	88.6	58	11.4
Robbery	618	596	96.4	22	3.6
Arson	50	49	98.0	1	2.0
Drugs - Trafficking	16,523	12,060	73.0	4,463	27.0
Drugs - Communication Facility	323	255	78.9	68	21.1
Drugs - Simple Possession	1,541	220	14.3	1,321	85.7
Firearms	5,930	5,477	92.4	453	7.6
Burglary/B&E	25	25	100.0	0	0.0
Auto Theft	64	61	95.3	3	4.7
Larceny	836	759	90.8	77	9.2
Fraud	5,531	4,289	77.5	1,242	22.5
Embezzlement	247	237	96.0	10	4.0
Forgery/Counterfeiting	541	491	90.8	50	9.2
Bribery	189	161	85.2	28	14.8
Tax	447	411	91.9	36	8.1
Money Laundering	611	426	69.7	185	30.3
Racketeering/Extortion	622	550	88.4	72	11.6
Gambling/Lottery	45	39	86.7	6	13.3
Civil Rights	44	43	97.7	1	2.3
Immigration	18,391	932	5.1	17,459	94.9
Child Pornography	1,395	1,339	96.0	56	4.0
Prison Offenses	312	282	90.4	30	9.6
Administration of Justice Offenses	1,006	882	87.7	124	12.3
Environmental/Wildlife	102	86	84.3	16	15.7
National Defense	102	50	49.0	52	51.0
Antitrust	10	4	40.0	6	60.0
Food & Drug	45	40	88.9	5	11.1
Other Miscellaneous Offenses	1,177	978	83.1	199	16.9

¹ Of the 59,119 cases, 1,430 were excluded due to missing information on the offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 27

DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT¹
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
TOTAL	59,119	273,913	59,119	58,111	43,608	15,460	59,102	53,973	5,146
D.C. CIRCUIT	260	1,274	260	260	238	22	260	256	4
District of Columbia	260	1,274	260	260	238	22	260	256	4
FIRST CIRCUIT	1,905	9,032	1,905	1,899	1,485	420	1,903	1,840	65
Maine	183	833	183	183	101	82	183	183	0
Massachusetts	377	1,697	377	377	201	176	377	365	12
New Hampshire	133	656	133	133	124	9	133	133	0
Puerto Rico	1,092	5,290	1,092	1,086	983	109	1,090	1,039	53
Rhode Island	120	556	120	120	76	44	120	120	0
SECOND CIRCUIT	2,880	13,777	2,880	2,859	2,384	495	2,876	2,778	102
Connecticut	315	1,553	315	314	297	17	315	312	3
New York									
Eastern	675	3,297	675	675	597	78	675	675	0
Northern	362	1,656	362	344	275	87	362	313	49
Southern	902	4,227	902	901	631	271	898	895	7
Western	448	2,183	448	447	425	23	448	415	33
Vermont	178	861	178	178	159	19	178	168	10
THIRD CIRCUIT	1,991	9,502	1,991	1,981	1,598	392	1,991	1,941	50
Delaware	64	318	64	64	62	2	64	64	0
New Jersey	578	2,806	578	571	513	65	578	566	12
Pennsylvania									
Eastern	659	3,122	659	658	492	167	659	654	5
Middle	293	1,423	293	291	255	37	293	291	2
Western	356	1,635	356	356	242	114	356	325	31
Virgin Islands	41	198	41	41	34	7	41	41	0
FOURTH CIRCUIT	4,572	20,890	4,572	4,502	3,256	1,314	4,572	3,988	584
Maryland	673	3,223	673	655	584	89	673	638	35
North Carolina									
Eastern	573	2,585	573	541	382	190	573	516	57
Middle	302	1,493	302	302	285	17	302	302	0
Western	444	2,074	444	444	298	146	444	444	0
South Carolina	605	2,818	605	603	403	202	605	602	3
Virginia									
Eastern	1,267	5,234	1,267	1,250	661	605	1,267	789	478
Western	297	1,446	297	296	263	34	297	293	4
West Virginia									
Northern	249	1,223	249	249	233	16	249	243	6
Southern	162	794	162	162	147	15	162	161	1

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
FIFTH CIRCUIT	13,268	58,274	13,268	13,020	6,677	6,581	13,263	12,046	1,222
Louisiana									
Eastern	225	1,044	225	225	145	79	225	224	1
Middle	152	725	152	150	121	31	152	150	2
Western	263	1,245	263	243	231	32	263	245	18
Mississippi									
Northern	143	709	143	143	139	4	143	141	2
Southern	274	1,348	274	272	257	16	274	271	3
Texas									
Eastern	689	3,398	689	689	644	45	689	687	2
Northern	810	3,785	810	807	555	255	810	803	7
Southern	5,010	22,631	5,010	5,006	2,687	2,323	5,010	4,918	92
Western	5,702	23,389	5,702	5,485	1,898	3,796	5,697	4,607	1,095
SIXTH CIRCUIT	4,154	19,833	4,154	4,139	3,395	739	4,152	3,993	161
Kentucky									
Eastern	354	1,731	354	353	318	36	354	352	2
Western	376	1,701	376	376	313	63	376	260	116
Michigan									
Eastern	645	3,104	645	644	534	110	644	637	8
Western	333	1,558	333	333	232	101	333	327	6
Ohio									
Northern	671	3,183	671	670	506	165	671	665	6
Southern	413	2,038	413	412	391	22	413	409	4
Tennessee									
Eastern	613	2,949	613	613	500	113	613	610	3
Middle	216	1,004	216	206	164	33	215	203	13
Western	533	2,565	533	532	437	96	533	530	3
SEVENTH CIRCUIT	2,290	11,012	2,290	2,280	1,879	410	2,289	2,274	16
Illinois									
Central	276	1,255	276	272	160	116	276	271	5
Northern	645	3,106	645	645	532	113	644	640	5
Southern	316	1,470	316	315	209	107	316	314	2
Indiana									
Northern	286	1,403	286	282	263	23	286	286	0
Southern	285	1,396	285	285	257	27	285	284	1
Wisconsin									
Eastern	357	1,766	357	357	341	16	357	354	3
Western	125	616	125	124	117	8	125	125	0
EIGHTH CIRCUIT	3,449	16,573	3,449	3,443	2,798	651	3,449	3,434	15
Arkansas									
Eastern	300	1,449	300	300	250	50	300	299	1
Western	217	1,074	217	217	206	11	217	217	0
Iowa									
Northern	277	1,265	277	277	157	120	277	277	0
Southern	319	1,490	319	319	214	105	319	319	0
Minnesota	240	1,173	240	240	215	25	240	238	2
Missouri									
Eastern	505	2,500	505	504	481	24	505	505	0
Western	491	2,291	491	486	333	158	491	490	1
Nebraska	452	2,150	452	452	346	106	452	448	4
North Dakota	257	1,251	257	257	224	33	257	256	1
South Dakota	391	1,930	391	391	372	19	391	385	6

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
NINTH CIRCUIT	14,319	67,257	14,319	13,796	13,122	1,186	14,316	11,704	2,615
Alaska	157	747	157	157	131	26	157	145	12
Arizona	5,179	23,387	5,179	4,670	4,848	328	5,179	3,511	1,668
California									
Central	1,295	6,300	1,295	1,291	1,152	142	1,295	1,267	28
Eastern	742	3,567	742	741	603	136	742	739	3
Northern	527	2,525	527	525	444	83	527	502	25
Southern	3,807	18,185	3,807	3,807	3,676	127	3,806	3,089	718
Guam	51	238	51	51	36	15	50	50	1
Hawaii	182	811	182	181	90	92	182	176	6
Idaho	263	1,276	263	263	224	39	263	263	0
Montana	248	1,187	248	247	197	51	248	247	1
Nevada	465	2,245	465	464	387	78	465	464	1
Northern Mariana Islands	27	129	27	27	21	6	27	27	0
Oregon	526	2,549	526	522	515	11	526	460	66
Washington									
Eastern	255	1,244	255	255	236	19	255	243	12
Western	595	2,867	595	595	562	33	594	521	74
TENTH CIRCUIT	5,047	23,211	5,047	5,032	3,154	1,891	5,047	4,931	116
Colorado	426	2,084	426	424	402	24	426	406	20
Kansas	521	2,534	521	512	474	47	521	506	15
New Mexico	2,861	12,773	2,861	2,857	1,339	1,521	2,861	2,855	6
Oklahoma									
Eastern	88	385	88	88	33	55	88	88	0
Northern	199	924	199	199	128	71	199	199	0
Western	284	1,250	284	284	150	134	284	248	36
Utah	530	2,585	530	530	501	28	530	494	36
Wyoming	138	676	138	138	127	11	138	135	3
ELEVENTH CIRCUIT	4,984	23,278	4,984	4,900	3,622	1,359	4,984	4,788	196
Alabama									
Middle	179	874	179	179	158	21	179	179	0
Northern	379	1,781	379	371	301	78	379	351	28
Southern	272	1,322	272	272	237	35	272	269	3
Florida									
Middle	1,051	4,911	1,051	1,051	708	340	1,051	1,050	1
Northern	245	1,157	245	245	190	55	245	232	13
Southern	1,856	8,587	1,856	1,793	1,287	569	1,856	1,795	61
Georgia									
Middle	334	1,547	334	334	223	111	334	322	12
Northern	354	1,688	354	341	303	51	354	336	18
Southern	314	1,411	314	314	215	99	314	254	60

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

² The figures presented in this table regarding Plea Agreement Submission exclude from the analysis five cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

Table 28

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM
BY EACH CIRCUIT AND DISTRICT
3rd Quarter 2013 Preliminary Cumulative Data (October 1, 2012, through June 30, 2013)**

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
TOTAL	59,119	55,702	94.2	2,420	4.1	997	1.7
D.C. CIRCUIT	260	260	100.0	0	0.0	0	0.0
District of Columbia	260	260	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,905	1,900	99.7	0	0.0	5	0.3
Maine	183	183	100.0	0	0.0	0	0.0
Massachusetts	377	377	100.0	0	0.0	0	0.0
New Hampshire	133	133	100.0	0	0.0	0	0.0
Puerto Rico	1,092	1,087	99.5	0	0.0	5	0.5
Rhode Island	120	120	100.0	0	0.0	0	0.0
SECOND CIRCUIT	2,880	2,821	98.0	38	1.3	21	0.7
Connecticut	315	314	99.7	0	0.0	1	0.3
New York							
Eastern	675	638	94.5	37	5.5	0	0.0
Northern	362	344	95.0	0	0.0	18	5.0
Southern	902	900	99.8	1	0.1	1	0.1
Western	448	447	99.8	0	0.0	1	0.2
Vermont	178	178	100.0	0	0.0	0	0.0
THIRD CIRCUIT	1,991	1,980	99.4	1	0.1	10	0.5
Delaware	64	64	100.0	0	0.0	0	0.0
New Jersey	578	571	98.8	0	0.0	7	1.2
Pennsylvania							
Eastern	659	658	99.8	0	0.0	1	0.2
Middle	293	291	99.3	0	0.0	2	0.7
Western	356	355	99.7	1	0.3	0	0.0
Virgin Islands	41	41	100.0	0	0.0	0	0.0
FOURTH CIRCUIT	4,572	4,445	97.2	63	1.4	64	1.4
Maryland	673	660	98.1	1	0.1	12	1.8
North Carolina							
Eastern	573	541	94.4	0	0.0	32	5.6
Middle	302	302	100.0	0	0.0	0	0.0
Western	444	444	100.0	0	0.0	0	0.0
South Carolina	605	603	99.7	0	0.0	2	0.3
Virginia							
Eastern	1,267	1,188	93.8	62	4.9	17	1.3
Western	297	296	99.7	0	0.0	1	0.3
West Virginia							
Northern	249	249	100.0	0	0.0	0	0.0
Southern	162	162	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
FIFTH CIRCUIT	13,268	11,459	86.4	1,561	11.8	248	1.9
Louisiana							
Eastern	225	225	100.0	0	0.0	0	0.0
Middle	152	150	98.7	0	0.0	2	1.3
Western	263	193	73.4	50	19.0	20	7.6
Mississippi							
Northern	143	143	100.0	0	0.0	0	0.0
Southern	274	272	99.3	0	0.0	2	0.7
Texas							
Eastern	689	688	99.9	1	0.1	0	0.0
Northern	810	807	99.6	0	0.0	3	0.4
Southern	5,010	5,006	99.9	0	0.0	4	0.1
Western	5,702	3,975	69.7	1,510	26.5	217	3.8
SIXTH CIRCUIT	4,154	4,036	97.2	103	2.5	15	0.4
Kentucky							
Eastern	354	353	99.7	0	0.0	1	0.3
Western	376	376	100.0	0	0.0	0	0.0
Michigan							
Eastern	645	643	99.7	1	0.2	1	0.2
Western	333	333	100.0	0	0.0	0	0.0
Ohio							
Northern	671	670	99.9	0	0.0	1	0.1
Southern	413	388	93.9	24	5.8	1	0.2
Tennessee							
Eastern	613	613	100.0	0	0.0	0	0.0
Middle	216	160	74.1	46	21.3	10	4.6
Western	533	500	93.8	32	6.0	1	0.2
SEVENTH CIRCUIT	2,290	2,197	95.9	83	3.6	10	0.4
Illinois							
Central	276	272	98.6	0	0.0	4	1.4
Northern	645	645	100.0	0	0.0	0	0.0
Southern	316	315	99.7	0	0.0	1	0.3
Indiana							
Northern	286	277	96.9	5	1.7	4	1.4
Southern	285	285	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	357	279	78.2	78	21.8	0	0.0
Western	125	124	99.2	0	0.0	1	0.8
EIGHTH CIRCUIT	3,449	3,424	99.3	19	0.6	6	0.2
Arkansas							
Eastern	300	300	100.0	0	0.0	0	0.0
Western	217	217	100.0	0	0.0	0	0.0
Iowa							
Northern	277	277	100.0	0	0.0	0	0.0
Southern	319	319	100.0	0	0.0	0	0.0
Minnesota	240	221	92.1	19	7.9	0	0.0
Missouri							
Eastern	505	504	99.8	0	0.0	1	0.2
Western	491	486	99.0	0	0.0	5	1.0
Nebraska	452	452	100.0	0	0.0	0	0.0
North Dakota	257	257	100.0	0	0.0	0	0.0
South Dakota	391	391	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
NINTH CIRCUIT	14,319	13,291	92.8	509	3.6	519	3.6
Alaska	157	157	100.0	0	0.0	0	0.0
Arizona	5,179	4,671	90.2	0	0.0	508	9.8
California							
Central	1,295	1,293	99.8	0	0.0	2	0.2
Eastern	742	741	99.9	0	0.0	1	0.1
Northern	527	525	99.6	0	0.0	2	0.4
Southern	3,807	3,807	100.0	0	0.0	0	0.0
Guam	51	51	100.0	0	0.0	0	0.0
Hawaii	182	175	96.2	6	3.3	1	0.5
Idaho	263	263	100.0	0	0.0	0	0.0
Montana	248	247	99.6	0	0.0	1	0.4
Nevada	465	465	100.0	0	0.0	0	0.0
Northern Mariana Islands	27	27	100.0	0	0.0	0	0.0
Oregon	526	19	3.6	503	95.6	4	0.8
Washington							
Eastern	255	255	100.0	0	0.0	0	0.0
Western	595	595	100.0	0	0.0	0	0.0
TENTH CIRCUIT	5,047	5,005	99.2	27	0.5	15	0.3
Colorado	426	424	99.5	0	0.0	2	0.5
Kansas	521	511	98.1	1	0.2	9	1.7
New Mexico	2,861	2,857	99.9	0	0.0	4	0.1
Oklahoma							
Eastern	88	88	100.0	0	0.0	0	0.0
Northern	199	199	100.0	0	0.0	0	0.0
Western	284	284	100.0	0	0.0	0	0.0
Utah	530	504	95.1	26	4.9	0	0.0
Wyoming	138	138	100.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	4,984	4,884	98.0	16	0.3	84	1.7
Alabama							
Middle	179	179	100.0	0	0.0	0	0.0
Northern	379	371	97.9	0	0.0	8	2.1
Southern	272	272	100.0	0	0.0	0	0.0
Florida							
Middle	1,051	1,051	100.0	0	0.0	0	0.0
Northern	245	245	100.0	0	0.0	0	0.0
Southern	1,856	1,793	96.6	0	0.0	63	3.4
Georgia							
Middle	334	334	100.0	0	0.0	0	0.0
Northern	354	325	91.8	16	4.5	13	3.7
Southern	314	314	100.0	0	0.0	0	0.0

¹ Cases included in this category are those in which the court submitted Form AO 245B (Revision 06/05, 09/08, or 09/11) to the Commission. Only cases in which all required pages of this form were submitted with no deletions or substantive changes are included in this category. Form AO 245B was approved by the Executive Committee of the Judicial Conference of the United States in June 2005.

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

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

Note that for all tables, total percentages may not add up to exactly 100 percent due to rounding.

Variables

The following section describes the variables used in this report.

Above Guideline Range with *Booker*/18 U.S.C. § 3553

Above Guideline Range with Booker/18 U.S.C. § 3553 consists of cases with a sentence above the guideline range with no departure indicated and that cite *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

Age

The *Age* of the offender on the day of sentencing is calculated using the date of sentencing as reported in the Judgment and Commitment Order and the offender's date of birth as reported either in the Presentence Report or in the case submission information provided by the court when submitting the case to the Commission.

All Remaining Cases Above Guideline Range

All Remaining Cases Above Guideline Range consists of cases sentenced above the guideline range that cannot be classified into any of the other three above the range categories. This category includes, for example, cases in which no reason is provided for a sentence above the guideline range.

All Remaining Cases Below Guideline Range

All Remaining Cases Below Guideline Range consists of cases sentenced below the guideline range that cannot be classified into any of the other three below the range categories. This category includes, for example, cases in which no reason is provided for a sentence below the guideline range.

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

Below Guideline Range with Booker/18 U.S.C. § 3553 consists of cases with a sentence below the guideline range with no departure indicated and that cite *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside 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,” “extradited alien,” and “non-U.S. citizen, alien status unknown.” The latter four categories are collapsed into the category of “non-U.S. citizen.”

Degree of Decrease

Degree of Decrease is calculated based on the difference between the length of imprisonment (not including any months of alternative confinement as defined in USSG §5C1.1) and the guideline minimum for the following categories of below range cases: downward departure from guideline range, downward departure with *Booker*/18 U.S.C. § 3553, below guideline range with *Booker*/18 U.S.C. § 3553, all remaining cases below guideline range, USSG §5K1.1 substantial assistance cases, USSG §5K3.1 early disposition program cases, and other government sponsored cases. Life sentences and cases where the guideline minimum is zero months or life are all excluded from all degree of decrease calculations due to the logical difficulty in calculating a decrease from these values.

Degree of Increase

Degree of Increase is calculated based on the difference between the guideline maximum and the length of imprisonment (not including any months of alternative confinement as defined in USSG §5C1.1) for the following categories of above range cases: upward departure from guideline range, upward departure with *Booker*/18 U.S.C. § 3553, above guideline range with *Booker*/18 U.S.C. § 3553, all remaining cases above guideline range. Life sentences, sentences of probation, and cases where the guideline minimum is life are all excluded from all degree of increase calculations due to the logical difficulty in calculating an increase from these values.

District

Information on the judicial *District* in which sentencing occurred is obtained from the Judgment and Commitment Order.

Document Submission Rates

Five documents are represented in the document submission rate table: Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). The J&C and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the Statement of Reasons are most frequently submitted; however, transcripts or partial transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender’s guilty plea was entered pursuant to a written agreement are excluded from the Plea Agreement totals. The total requested documents received column is derived from adding the total number of received documents from the Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). The total requested documents not received column is derived from adding the total number of not received documents from the Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). Cases where the PSR is waived, there is no written plea agreement/trial, and where the Commission was unable to definitively determine whether the offender’s guilty plea was entered pursuant to a written plea agreement are all excluded from the calculations for the total received documents column.

Downward Departure From Guideline Range

Downward Departure From Guideline Range consists of cases with departures below the guideline range that do not cite as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the federal guidelines manual.

Downward Departures with *Booker*/18 U.S.C. § 3553

Downward Departures with Booker/18 U.S.C. § 3553 consists of cases with a sentence below the guideline range that include both a departure (see Downward Departure From Guideline Range) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing below the guideline range.

Drug Offense Guideline

Drug Offense Guideline information is obtained from the Presentence Report and is based on the guidelines in USSG Chapter Two, Part D. The six guidelines featured in the tables (USSG §2D1.1, §2D1.2, §2D1.5, §2D1.6, §2D1.8, and §2D2.1) represent the vast majority of drug cases.

Drug Type

Information on *Drug Type* is obtained from the 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 an offense under another title 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 (for example ephedrine and pseudoephedrine). All drug types not listed separately in this report are collapsed into the “other” drug category. However, cases involving listed chemicals and sentenced under USSG §2D1.11 are not included in tables or figures displaying drug type.

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 is included in the *Some College* category. A general equivalency degree (GED) is included in the *High School Graduate* category.

Gender

Gender of the defendant is obtained from the Presentence Report.

Government Sponsored Below Range

Government sponsorship of a below range sentence is determined by a yearly case review by USSC staff of both the reasons for the below range sentence and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons for below range cases. The SOR form has specific check-boxes to indicate the origins of the departure, but cases that 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 because the USSC reviews the reasons on a yearly basis, this list might be modified slightly from year to year. Unless otherwise broken out in the table or chart, this category also includes cases with USSG §5K3.1 Early Disposition Program (EDP) departures and USSG §5K1.1 substantial assistance departures.

Guideline Offenders Sentenced

Each *Guideline Offender Sentenced* or case, as recorded by the USSC, involves a single sentencing event for a single offender. Multiple counts, and even multiple indictments, are considered a single sentencing event if sentenced at the same time by the same judge. A single offender may appear in more than one case if involved in more than one sentencing event during the fiscal year. Co-offenders in the same sentencing will each appear as separate cases.

Guideline Sentencing Range

The *Guideline Sentencing Range* is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, then the information is taken from the presentence report.

For tables in this report, unless otherwise indicated, the guideline sentencing range does not take into account applicable statutory restrictions on either the maximum or the minimum of the range; therefore, it may differ from the available range, which does take into account the statutory restrictions.

Mode of Conviction

Information on *Mode of Conviction* is obtained from the Judgment and Commitment Order. Offenders sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Offenders sentenced subsequent to a trial by judge or jury are included in the *Trial* category. Rare cases involving both a plea and a trial are included in the *Trial* category.

Outside of the Range Attribution Categories

All categories replicate the list of checkboxes available on the SOR Form. Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. USSC uses these checkboxes in determining government sponsorship: all cases in which one of the pursuant to a plea agreement boxes is indicated are attributed to the government. Additionally cases where a USSG §5K1.1, USSG §5K3.1, or other government motion checkbox was indicated in the pursuant to a motion not in a plea agreement section are also attributed to one of the government sponsored categories. Additionally, other types of SOR forms may indicate sponsorship in writing, and these attributions are also included in the appropriate category.

Position of Sentence

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Only cases with complete information from the Statement of Reasons are used for this table. The *Position of Sentence* is determined by dividing the available range in half. This allows a sentence to fall into one of five distinct categories: the guideline minimum; the exact midpoint of the range; the guideline maximum; the lower-half of the range (when not at the guideline minimum); and the upper-half of the range (when not at the guideline maximum). The “available range” is the guideline range with applicable statutory restrictions on either the maximum or the minimum of the range taken into account. (For cases in which guideline USSG §5C1.2 was applied, in accordance with the provisions of the guideline, the statutory restrictions on the minimum of the range are removed according to 18 U.S.C. § 3553(f).) In cases in which the sentence is located outside the available sentencing range, departure information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each range quarter may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the Statement of Reasons and information on statutory minima and maxima.

Primary Offense Category

Information on *Primary Offense Category* is obtained from the Judgment and Commitment Order. The “primary” offense for the case is determined to be the offense applicable to 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 is generated by grouping similar primary offenses into a smaller set of categories. Note that the primary offense categories differ between the individual and organizational offender datafiles. Listed below are the offense types that are grouped into each of the primary offense categories used in the individual datafile tables for this report:

Murder includes first degree murder, felony with death resulting, second degree murder, and conspiracy to murder (with death resulting).

Manslaughter includes both involuntary and voluntary manslaughter.

Kidnapping/Hostage Taking includes ransom taking and hostage/kidnapping.

Sexual Abuse includes sexual abuse of a minor, transportation of minor for sex, 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 includes 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 (smuggling); failure to collect or account for taxes; regulatory offenses – taxes; failure to deposit taxes in trust account; non-payment of taxes; conspiracy to avoid taxes; and offenses relating to withholding statements.

Money Laundering includes laundering of monetary instruments, monetary transaction from unlawful activity, failure to file currency report, and failure to report monetary transactions.

Racketeering/Extortion includes extortionate extension of credit, blackmail, extortion by force or threat, 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 the U.S.

Pornography/Prostitution includes dealing in obscene matter, transportation of minor for prostitution, transportation for prostitution/sex (adult), sexual exploitation of minors, materials involving sexual exploitation of minors, obscene telephone or broadcasting, and selling or buying children for pornography. This primary offense category was discontinued in fiscal year 2010. Some of the offenses that were grouped into this primary offense category in prior fiscal years are grouped into the *Child Pornography* primary offense type. All other offenses that were grouped into this primary offense category in prior fiscal years are included in the *Other Miscellaneous Offenses* primary offense category.

Child Pornography includes the sale, distribution, transportation, shipment, receipt, or possession of materials involving the sexual exploitation of minors. This primary offense category was created in fiscal year 2010.

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

Administration of Justice Offenses includes commission of offense while on release, bribery of a witness, failure to appear by offender, contempt, failure to appear by material witness, obstruction of justice, payment of witness, perjury or subornation of perjury, misprision of a felony, and accessory after the fact.

Environmental/Wildlife includes waste discharge, specially protected fish, wildlife, and plants (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 & 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 on federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; recordkeeping 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, Asian or Pacific Islander, Multiracial, and "Other"*). Ethnicity data indicate whether an offender is of Hispanic origin. (For purposes of this report, offenders whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of racial background.) The *Other* category includes offenders of Native American, Alaskan Native, Asian or Pacific Islander, Multiracial, and "Other" origin.

Sentence Length

Sentence Length reports the mean and median terms of the sentence imposed in months. This information is obtained from the Judgment and Commitment Order. Sentence lengths expressed in days are rounded to the nearest month.

Probation sentences are included as zero months. Any portion of a sentence which is an alternative confinement as described in USSG §5C1.1 is included. Cases in which a sentence is imposed, but where the length is indeterminable, are excluded. However, sentences in cases where the court imposed a sentence of time served but did not report the amount of time that was served are included as zero months.

In cases where the court imposes a sentence of life imprisonment, a numeric value is necessary to include these cases in any sentence length analysis. Accordingly, life sentences are reported as 470 months, a length consistent with the average life expectancy of federal criminal offenders given the average age of federal offenders. Also, sentences of greater than 470 months are also reported as 470 months for some analyses. The footnote in the relevant tables and figures indicates when this occurs.

Type of Guideline Sentence Imposed

Using sentencing information obtained from the Judgment and Commitment Order, the *Total Receiving Prison* column includes the number of offenders sentenced (and percent of *Total Cases*) who received a commitment to the Bureau of Prisons. This column is the sum of cases in *Prison* and the *Prison/Community Split Sentence* categories.

The *Prison* category includes offenders sentenced to a term of imprisonment only, with no additional conditions of community confinement, home detention or intermittent confinement.

The *Prison/Community Split Sentence* category includes all cases in which offenders received prison and conditions of alternative confinement as defined in USSG §5C1.1. This category includes, but is not limited to, Zone A, Zone B, or Zone C cases receiving prison with additional conditions of a term of community confinement, home detention, or intermittent confinement.

The *Total Receiving Probation* column includes the number of offenders sentenced (and the percent of *Total Cases*) who received a term of probation with or without a condition of community confinement, intermittent confinement, or home detention. This column also represents the total of the *Probation Only* and *Probation and Confinement* categories.

The *Probation Only* column includes the number of offenders who received a term of probation without a condition of community confinement, intermittent confinement, or home detention.

Probation and Confinement includes the number of offenders who received a term of probation with a condition of community confinement, intermittent confinement, or home detention.

Upward Departure From Guideline Range

Upward Departure From Guideline Range consists of cases with departures above the guideline range which do not cite as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the federal guidelines manual.

Upward Departure with Booker/18 U.S.C. § 3553

Upward Departure with Booker/18 U.S.C. § 3553 consists of cases with a sentence above the guideline range that includes both a departure (see Upward Departure From Guideline Range) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing above the guideline system.

Year

Information on *Year* is obtained from the Judgment and Commitment Order. Unless otherwise indicated, the sentencing year is defined as the fiscal year in which the defendant 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 defendants 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 12 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 FY12 *Sourcebook* Number/Letter

<u>Quarterly Report Tables/Figures</u>	<u>Comparable <i>Sourcebook</i> Tables/Figures</u>
Table 1	Table N
Table 2	Table 26
Table 3	Table 27
Figure A	N/A
Figure B	N/A
Table 4	N/A
Table 5	Table 28
Table 6	Table 28A
Table 7	Table 30
Table 8	Table 30A
Table 9	Table 31
Table 10	Table 31A
Table 11	Table 31B
Table 12	Table 31C
Table 13	Table 31D
Table 14	Table 32
Table 15	Table 32A
Table 16	Table 32B
Table 17	Table 32C
Table 18	Table 12
Table 19	Table 13
Figure C	N/A
Figure D	N/A
Figure E	N/A
Figure F	N/A
Figure G	N/A
Figure H	N/A
Figure I	N/A
Table 20	Table 29
Figure J	Figure A
Table 21	Table 3
Table 22	Table 11
Figure K	N/A

Table 23	Table 4
Table 24	Table 5
Table 25	Table 7
Table 26	Table 9
Table 27	Table 1
Table 28	N/A