

Analysis of Immigration Offenses

INTRODUCTION

This section analyzes sentencing data for immigration offenses in which the court imposed a sentence applying USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien) or §2L1.2 (Unlawfully Entering or Remaining in the United States) as the primary sentencing guideline.¹ After a brief overview of the applicable statutes and relevant guideline for alien smuggling, this chapter provides data and analyses concerning percentage of the federal docket, geographic prevalence, demographics of offenders, and sentencing trends across the four identified periods. It then provides the same data and analyses for illegal entry offenses.

As used in this report, the term “alien smuggling offenses” refers to offenses sentenced pursuant to §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien) as the primary sentencing guideline. These offenses include the smuggling, transporting, or harboring of an unlawful alien under 8 U.S.C. §§ 1324 and 1327. The term “illegal entry offenses” refers to offenses sentenced pursuant to §2L1.2 (Unlawfully Entering or

Remaining in the United States) as the primary sentencing guideline. These offenses include a second or subsequent illegal entry, and illegal entry after deportation, under 8 U.S.C. §§ 1325(a) and 1326 respectively. The term “immigration offenders” refers to offenders whose primary guideline at sentencing was either §2L1.1 or §2L1.2.

Average sentences for alien smuggling offenders increased from 13 months to 17 months between the *Koon* and *Gall* periods. This increase mirrored a similar increase in the average guideline minimum for alien smuggling offenses, which increased from 15 months to 19 months between the *Koon* and *Gall* periods. The increase in the average guideline minimum may be attributable, at least in part, to guideline amendments early in the *Koon* period that produced higher offense levels for most alien smuggling offenders. The Commission’s analysis showed that the average sentence in alien smuggling offenses generally mirrored the average guideline minimum in all four periods. The guidelines therefore appear to have a strong influence in alien smuggling offenses, even though a review of quarterly data revealed that the rate of within guideline range sentences has fluctuated across (and within) the four periods.

In contrast to the relatively small number of alien smuggling offenders over time, the number of illegal entry offenders increased nearly ten-fold between the *Koon* and *Gall* periods, from 2,250 offenders in fiscal year 1996 to 21,264 offenders in fiscal year 2011. The growth in the number of illegal entry offenders has been particularly sharp over the last five years, increasing from 10,669 offenders in fiscal year 2007 to 21,264 in fiscal year 2011. At the same time, the Department of Justice has increasingly utilized early disposition programs (also known as “fast-track” programs) in its prosecution of illegal entry offenders. The PROTECT Act authorized the use of early disposition programs, which were not available in all districts for illegal entry offenses during the time periods discussed here.² In those districts where the Attorney General has authorized the use of early disposition programs, an offender may receive a departure of up to four

¹ The primary sentencing guideline is the last Chapter Two guideline used in the computation to either increase or decrease the offense level. It is the Chapter Two guideline that ultimately controls a given computation and thus, the final offense level. A Chapter Four guideline, such as §4B1.1 (Career Offender) or §4B1.5 (Repeat and Dangerous Sex Offender Against Minors), is never the primary sentencing guideline, even if it results in a higher penalty than that prescribed by the Chapter Two guideline.

² By authorizing the use of early disposition programs, the PROTECT Act formalized a departure that had been informally used in many districts. The Commission therefore reports data on fast-track departures beginning with the PROTECT Act period.

levels if the offender meets the eligibility criteria established by the Department of Justice and the United States Attorney (*e.g.*, having committed an eligible offense, agreeing to plead guilty, and waiving the right to challenge the conviction on appeal or in collateral proceedings).³ Many of the programs have been implemented specifically to handle the increasingly high volume of illegal entry offenders.⁴

The rate of early disposition program (EDP) below range sentences increased from 7.1 percent of illegal entry offenses in the PROTECT Act period to 26.8 percent in the *Gall* period. The increased rate of EDP sentences in illegal entry offenses contributed to a marked decrease in the rate of within guideline range sentences from a high of 69.6 percent of illegal entry offenses in the PROTECT Act period to 56.9 percent in the *Gall* period. Although the rates of non-government sponsored below range sentences have increased over the same time period, from 6.5 percent of illegal entry offenses in the PROTECT Act period to 11.2 percent in the *Gall* period, this increase contributed to the decrease in within range sentences to a lesser degree than the rates of EDP sentences.

Average sentences for illegal entry offenders decreased from 32 months to 20 months between the *Koon* and *Gall* periods, which mirrored a similar decrease in the average guideline minimum for illegal entry offenses from 37 months to 23 months during the same time frame. As discussed in

more detail below, §2L1.2 determines illegal entry offenders' culpability based on the nature of any convictions the offender received prior to deportation. The decrease in the average guideline minimum over the four periods may be attributable, at least in part, to 2001 guideline amendments that adopted a graduated approach for assessing the seriousness of the offender's prior convictions, which lowered many offenders' base offense levels. Analysis revealed that average sentences in illegal entry offenses generally reflected the decrease in the average guideline minimum. Thus, the guidelines appear to have a stable influence in illegal entry offenses, even though the number of illegal entry offenses and the use of EDP have both increased.

³ See Memorandum from Attorney General John Ashcroft to All United States Attorneys (Sept. 22, 2003) (regarding Department Principles for Implementing an Expedited Disposition or "Fast-Track" Prosecution Program in a District).

⁴ See, *e.g.*, Memorandum from Deputy Attorney General David W. Ogden to All U.S. Attorneys (Dec. 28, 2009) (authorizing certain early disposition programs and listing the classes of cases to which they apply); see also Memorandum from Deputy Attorney General James M. Cole to All U.S. Attorneys (Jan. 31, 2012) (stating that "fast-track programs originated in southwestern border districts with an exceptional volume of immigration cases," and that the "programs address a compelling, and otherwise intractable, resource issue. Indeed, the need for fast-track programs has persisted and, in some districts, intensified."), available at <http://www.justice.gov/dag/fast-track-program.pdf>. All districts that prosecute illegal reentry offenses under 8 U.S.C. § 1326 are now required to implement early disposition programs for offenders who meet certain minimum criteria. See Memorandum from Deputy Attorney General Cole, *supra*.

Immigration Offenses and USSG §2L1.1 (Alien Smuggling)

Applicable Statutes

Statutes referenced to §2L1.1 include 8 U.S.C. §§ 1324 and 1327.

a. 8 U.S.C. § 1324

Section 1324 makes it unlawful to knowingly bring or attempt to bring an alien into the United States other than at a designated port of entry. It also makes it unlawful to transport, conceal, or harbor an alien knowing or in reckless disregard of the fact that the alien has entered or remains in the United States in violation of law, or to encourage or induce an alien to come into the United States knowing or in reckless disregard of their illegal status. Attempt and conspiracy to commit these acts are also violations of 8 U.S.C. § 1324. The statutory maximum penalties for these offenses range from five years of imprisonment in the case of transporting, harboring, or inducing an alien to enter, to ten years of imprisonment for bringing an alien into the United States. The statutory maximum penalty for all of these offenses increases to 20 years of imprisonment if the offender causes serious bodily injury or if the life of any person is put in jeopardy. The statutory maximum penalty increases to death, or any term of years up to life imprisonment, if the conduct results in the death of any person. A statutory minimum penalty may apply if the offense is committed for commercial advantage or private financial gain, or if other special circumstances are present.⁵

⁵ 8 U.S.C. § 1324(a)(2)(B).

b. 8 U.S.C. § 1327

Section 1327 makes it unlawful to knowingly aid or assist an inadmissible alien to enter the United States or to conspire to allow an inadmissible alien to enter. The statutory maximum penalty for the offense is ten years of imprisonment.

USSG §2L1.1 Alien Smuggling Guideline

USSG §2L1.1 assigns a base offense level of either 25 or 23 if the offense involved certain types of aliens, for example an alien previously deported after conviction of an aggravated felony. Otherwise, the base offense level is 12.⁶ Specific offense characteristics increase the offense level based on the number of aliens involved in the offense, whether the defendant has a prior immigration conviction, whether the defendant smuggled a minor, and whether the offense involved dangerous weapons, reckless endangerment, or death or bodily injury.⁷ Additional upward adjustments apply for coercion or threats against an alien, or harboring an alien for the purpose of prostitution.⁸ In contrast, the offense level is reduced if the offense was committed other than for profit or if the offense involved only the defendant's spouse and children.⁹ A cross reference to the homicide guideline applies if death resulted from the offense.¹⁰

⁶ USSG §2L1.1(a)(1) – (3).

⁷ USSG §2L1.1(b)(2) – (7).

⁸ USSG §2L1.1(b)(8)(A) and (B).

⁹ USSG §2L1.1(b)(1).

¹⁰ USSG §2L1.1(c)(1). If a cross reference to another guideline applies, those offenders are not included in this analysis, which analyzes only those offenders sentenced pursuant to §2L1.1.

In 1997, the Commission amended §2L1.1 in response to a congressional directive in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.¹¹ These amendments, May 1, 1997, generally increased offense levels and guideline minimums for alien smuggling offenders sentenced after their date. The amendments increased the base offense level under §2L1.1 from 9 to 12 levels for all offenders, and from 20 to 23 levels for offenders whose offenses involved certain types of aliens.¹² The amendments also added enhancements for smuggling children, involvement of firearm or dangerous weapon, and death and bodily injury, and increased enhancements based on the number aliens smuggled.¹³

STATISTICAL OVERVIEW: FISCAL YEAR 2011

In fiscal year 2011, federal courts sentenced 2,546 alien smuggling offenders. The number of alien smuggling offenses varied from circuit to circuit and from district to district. Judges in two circuits sentenced more than 85 percent of alien smuggling offenders. Judges in the Fifth Circuit sentenced more than half of alien smuggling offenders nationwide (50.1%, n=1,275),¹⁴ and judges in the Ninth Circuit sentenced 36.8 percent of alien smuggling offenders nationwide (n=937). Judges in the Tenth Circuit sentenced just 4.4 percent of alien smuggling offenders nationwide (n=111), followed by the Eleventh Circuit, where judges sentenced 3.7 percent of alien smuggling offenders nationwide (n=95). Judges in each of the remaining eight circuits sentenced less than two percent of alien smuggling offenders.¹⁵ In the two circuits with the highest number of alien smuggling offenders, the proportion of the overall caseload comprised of alien smuggling cases was similar. In the Fifth Circuit, alien smuggling offenses were just over seven percent of the circuit's caseload in fiscal year 2011. In the Ninth Circuit, alien smuggling offenses were just over five percent of the circuit's overall caseload. As depicted in the table below, the proportion of a circuit's caseload comprised of alien smuggling offenders ranged from a high of 7.2 percent in the Fifth Circuit to a low of 0.1 percent in the Seventh Circuit.

¹¹ Pub. L. No. 104-208, Div. C, 110 Stat. 3009, 3009-546 (1996).

¹² See USSG App. C, amend. 543 (May 1, 1997). Amendment 543 was a temporary, emergency amendment that the Commission later repromulgated as a permanent amendment. See USSG App. C, amend. 561 (Nov. 1, 1997).

¹³ See USSG App. C, amend. 543 (May 1, 1997).

¹⁴ See "National Distribution of Selected Offenses by Circuit and District, Alien Smuggling Offenses, FY 2011" Appendix Table. By way of comparison, 46.1 percent of all federal criminal offenses in fiscal year 2011 came from the district courts in those two circuits. See "National Distribution of Offenses by Circuit and District, All Offenses, FY 2011" Appendix Table.

¹⁵ Those circuits were the Second Circuit (n=48; 1.9%), Eighth Circuit (n=20; 0.8%), First Circuit (n=16; 0.6%), Sixth Circuit (n=14; 0.5%), Fourth Circuit (n=13; 0.5%), Third Circuit (n=10; 0.4%), Seventh Circuit (n=4; 0.2%), D.C. Circuit (n=3; 0.1%).

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Proportion of Caseload by Circuit
Alien Smuggling Offenses
Fiscal Year 2011

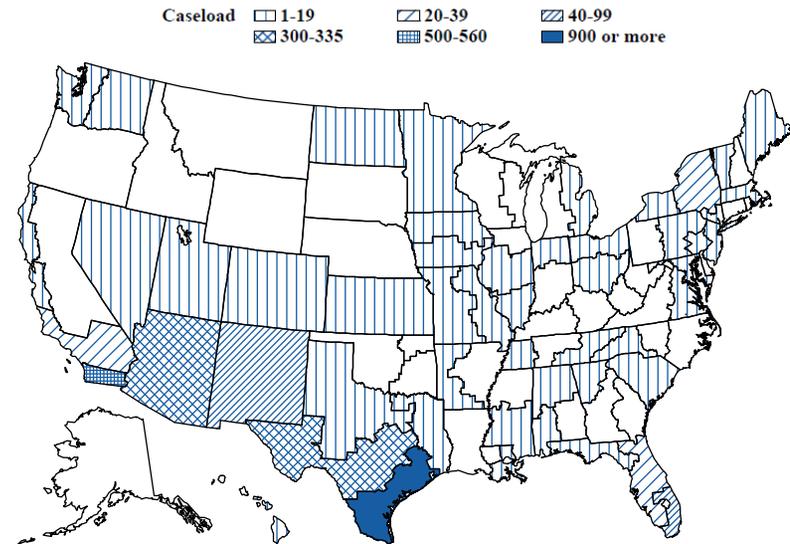
Circuit	Number of Alien Smuggling Offenses	Percent of Total Caseload
TOTAL	2,546	3.3
Seventh Circuit	4	0.1
Fourth Circuit	13	0.2
Third Circuit	10	0.3
Sixth Circuit	14	0.3
Eighth Circuit	20	0.4
First Circuit	16	0.7
D.C. Circuit	3	0.9
Second Circuit	48	1.1
Eleventh Circuit	95	1.5
Tenth Circuit	111	1.7
Ninth Circuit	937	5.4
Fifth Circuit	1,275	7.2

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

Thirty-seven districts reported no alien smuggling offenses in fiscal year 2011. Of those districts in which judges sentences alien smuggling offenders, the number of alien smuggling offenders ranged from one (7 districts) to 938 (Southern Texas). Only four districts reported more than 100 alien smuggling offenders. Judges in the Southern District of Texas sentenced 938 alien smuggling offenders, the highest number of alien smuggling offenders for any single district and 36.8 percent of alien smuggling offenders nationwide. The remaining three districts in which judges sentenced more than 100 alien smuggling offenders were: Southern California at 557 offenders (21.9% of alien smuggling cases nationwide), Arizona at 331 (13.0% of alien smuggling cases nationwide), and Western

Texas at 307 (12.1% of alien smuggling cases nationwide). These four districts alone accounted for more than 80 percent (n=2,133; 83.8%) of the 2,546 alien smuggling offenders sentenced in fiscal year 2011.¹⁶ The vast majority of the 94 districts (n=81) reported fewer than 10 alien smuggling offenders, with 37 districts reporting no such offenders.

Number of Alien Smuggling Offenders by District
Fiscal Year 2011



There were zero districts with caseloads falling between 100 and 300 offenders.
 There were zero districts with caseloads falling between 335 and 400 offenders.
 There were zero districts with caseloads falling between 560 and 900 offenders.
 Note: Districts displayed in white had no offenders convicted of the specified offense.
 SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

Excluding the districts that reported no alien smuggling offenses, alien smuggling offenses comprised varying percentages of the districts’

¹⁶ See “National Distribution of Selected Offenses by Circuit and District, Alien Smuggling Offenses, FY 2011” Appendix Table. By comparison, 33.4 percent of all federal criminal offenses in fiscal year 2011 came from those four districts. See “National Distribution of Offenses by Circuit and District, All Offenses, FY 2011” Appendix Table.

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criminal case docket, ranging from a low of 0.2 percent in five districts to a high of 17.4 percent in Southern California (n=557). In Southern Texas, alien smuggling offenders were 11.5 percent of the offenders sentenced. In every other district reporting alien smuggling offenses, such offenses were less than five percent of the district's caseload. In the vast majority of districts (n=76), including those 37 districts reporting no offenses, alien smuggling offenders were one percent or less of the offenders sentenced in fiscal year 2011.¹⁷

¹⁷ See "Proportion of Caseload in Each Circuit and District for Selected Offenses, Alien Smuggling Offenses, FY 2011" Appendix Table.

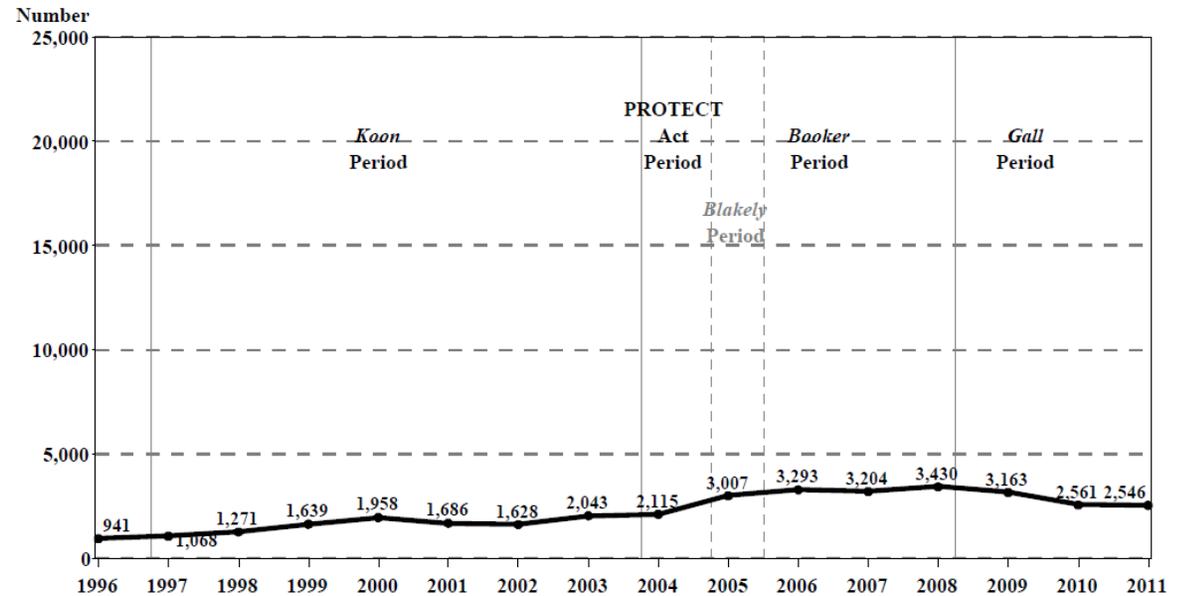
PART C: IMMIGRATION OFFENSES
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NATIONAL TREND ANALYSIS

This section addresses federal sentencing trends for alien smuggling offenses over time. Much of the analysis uses time periods that are based on major changes in the legal framework governing federal sentencing rather than time periods divided by fiscal or calendar year. These four periods, the *Koon*, PROTECT Act, *Booker*, and *Gall* periods, and their significance are discussed more fully in Part A.

The number of alien smuggling offenders increased over the years to a high in fiscal year 2008, and decreased each subsequent fiscal year. The percentage of alien smuggling offenses relative to the overall federal caseload fluctuated during the four periods, but remained above *Koon* period levels. During the *Koon* period, 3.2 percent of federal offenses were alien smuggling offenses. The percentages were 3.5 percent in the PROTECT Act period, 5.0 percent in the *Booker* period, and 4.0 percent during the *Gall* period.

Number of Offenders by Fiscal Year
Alien Smuggling Offenses
 Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

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NATIONAL TREND ANALYSIS

OFFENDER AND OFFENSE CHARACTERISTICS

The majority of alien smuggling offenders were non-United States citizens. Male offenders were the overwhelming majority of alien smuggling offenders in each of the four periods, but the proportion of female offenders increased over time. Hispanic offenders were the largest group of alien smuggling offenders in all of the periods. White offenders were consistently the second largest group.

Selected Offender Characteristics
Alien Smuggling Offenses
Koon Period through *Gall* Period

	<i>Koon</i> Period (6/13/96 - 4/30/03) Percent	PROTECT Act Period (5/1/03 - 6/24/04) Percent	<i>Booker</i> Period (1/12/05 - 12/10/07) Percent	<i>Gall</i> Period (12/11/07-9/30/11) Percent
RACE/ETHNICITY				
White	12.0	17.4	15.3	28.2
Black	2.2	4.0	3.0	2.9
Hispanic	79.9	73.6	78.5	66.3
Other	5.9	4.9	3.3	2.7
GENDER				
Male	86.3	83.4	80.4	79.0
Female	13.7	16.6	19.6	21.0
CITIZENSHIP				
U.S. Citizen	33.2	48.1	46.3	49.0
Non-U.S. Citizen	66.8	51.9	53.8	51.0
CRIMINAL HISTORY CATEGORY				
I	74.1	70.2	70.8	67.2
II	9.2	10.3	9.7	10.5
III	9.2	11.0	10.3	10.6
IV	3.8	4.9	4.8	5.7
V	1.9	2.1	2.3	2.9
VI	1.8	1.6	2.1	3.1

Categories may not sum to exactly 100.0 percent due to rounding.
SOURCE: U.S. Sentencing Commission. 2011 *Booker* Report Datafiles.

PART C: IMMIGRATION OFFENSES
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NATIONAL TREND ANALYSIS
OFFENDER AND OFFENSE CHARACTERISTICS

During each of the four periods, more than 80 percent of alien smuggling offenders were sentenced to prison only.

Types of Sentences Imposed
Alien Smuggling Offenses
Koon Period through *Gall* Period

SENTENCE IMPOSED	<i>Koon</i> Period (6/13/96 - 4/30/03)		PROTECT Act Period (5/1/03 - 6/24/04)		<i>Booker</i> Period (1/12/05 - 12/10/07)		<i>Gall</i> Period (12/11/07-9/30/11)	
	N	%	N	%	N	%	N	%
Prison Only	8,919	83.2	2,019	87.0	8,116	85.9	9,090	83.1
Prison/Community Split	412	3.8	105	4.5	562	5.9	785	7.2
Probation and Confinement	541	5.1	104	4.5	358	3.8	502	4.6
Probation Only	844	7.9	94	4.1	418	4.4	566	5.2

Cases in which the offender received no prison or probation and cases with missing sentencing information were excluded from the analysis. Prison and Community Split includes all cases in which offenders received prison and conditions of confinement as described in USSG §5C1.1.
 SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

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OFFENDER AND OFFENSE CHARACTERISTICS

The average guideline minimum can be viewed as a proxy for the seriousness of the offense. For alien smuggling offenses, the average guideline minimum increased over the four periods, and the average sentence also increased, though slightly.

The percentage of alien smuggling offenders sentenced within the guideline range increased from the *Koon* to the PROTECT Act period and decreased during both the *Booker* and *Gall* periods. The rate of government sponsored below range sentences was lowest during the *Koon* period, and has increased in each subsequent period, which was largely attributable increasing EDP rates beginning in the PROTECT Act period and continuing through the *Gall* period. With the increase in EDP sentence rates, the rates of both substantial assistance and other government sponsored below range sentences have decreased since the PROTECT Act period.

The marked decrease in the rate of non-government sponsored below range sentences between the *Koon* and PROTECT Act periods and the corresponding increase in rates of government sponsored below range sentences were attributable to the authorization of EDP departures and the change in the way the Commission reported its departure data.

Average sentence length for all government sponsored sentences increased slightly over the four periods. For non-government sponsored below range sentences, the average sentence length fluctuated slightly over the four periods.

Selected Sentencing Characteristics
Alien Smuggling Offenses
***Koon* Period through *Gall* Period**

	<i>Koon</i> Period (6/13/96 - 4/30/03)	PROTECT Act Period (5/1/03 - 6/24/04)	<i>Booker</i> Period (1/12/05 - 12/10/07)	<i>Gall</i> Period (12/11/07-9/30/11)
	Percent	Percent	Percent	Percent
GUILTY PLEA	97.5	97.2	97.6	98.0
WEAPON	1.3	3.0	4.0	2.8
GUIDELINE ADJUSTMENTS				
Aggravating Role (USSG §3B1.1)	5.0	4.5	3.9	4.6
Mitigating Role (USSG §3B1.2)	14.0	12.1	12.2	10.3
SENTENCE RELATIVE TO GUIDELINE RANGE				
Within Range	56.1	60.5	55.4	50.7
Above Range	1.0	0.6	2.2	1.7
All Gov't Sponsored Below Range	10.6	32.2	35.7	38.4
Substantial Assistance (USSG §5K1.1)	8.4	9.1	6.1	5.8
Early Disposition Program (USSG §5K3.1)	n/a	4.0	24.1	27.7
Other Gov't Sponsored Below Range	n/a	19.0	5.5	4.9
Non-Gov't Sponsored Below Range	32.3	6.7	6.7	9.2
	Months	Months	Months	Months
AVERAGE GUIDELINE MINIMUM	15	18	18	19
AVERAGE SENTENCE	13	16	16	17
Within Range	14	18	18	19
Above Range	41	41	42	47
All Gov't Sponsored Below Range	10	12	13	13
Substantial Assistance (USSG §5K1.1)	9	14	12	14
Early Disposition Program (USSG §5K3.1)	n/a	11	13	13
Other Gov't Sponsored Below Range	n/a	12	13	13
Non-Gov't Sponsored Below Range	10	13	11	12
AVERAGE EXTENT OF REDUCTION	Percent (Months)	Percent (Months)	Percent (Months)	Percent (Months)
All Gov't Sponsored Below Range	48.8 (8)	40.4 (7)	36.2 (7)	38.8 (7)
Substantial Assistance (USSG §5K1.1)	51.3 (9)	46.4 (10)	53.4 (12)	52.1 (13)
Early Disposition Program (USSG §5K3.1)	n/a (n/a)	37.8 (7)	32.8 (6)	36.7 (6)
Other Gov't Sponsored Below Range	n/a (n/a)	38.2 (6)	32.2 (5)	34.8 (6)
Non-Gov't Sponsored Below Range	43.7 (7)	37.7 (6)	44.3 (7)	44.4 (7)

Categories may not sum to exactly 100.0 percent due to rounding.
SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

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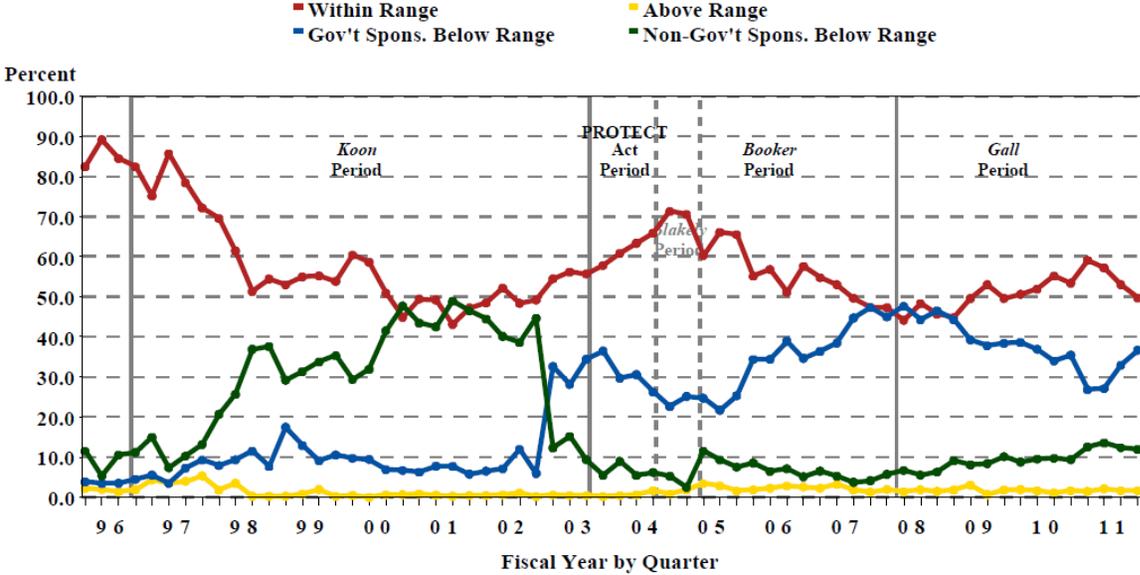


NATIONAL TREND ANALYSIS
INFLUENCE OF THE GUIDELINES

The rate of government sponsored below range sentences increased markedly between fiscal years 2002 and 2003, while the rate of non- government sponsored below range sentences decreased markedly. This trend is attributable to the change in the way the Commission reported its departure data.

After *Booker*, rates of within range sentences decreased, primarily as a result of increases in the rate of government sponsored below range sentences. Rates of non-government sponsored below range sentences have increased somewhat in recent years.

Quarterly Data for Within-Range and Out-of-Range Sentences
Alien Smuggling Offenses
 Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

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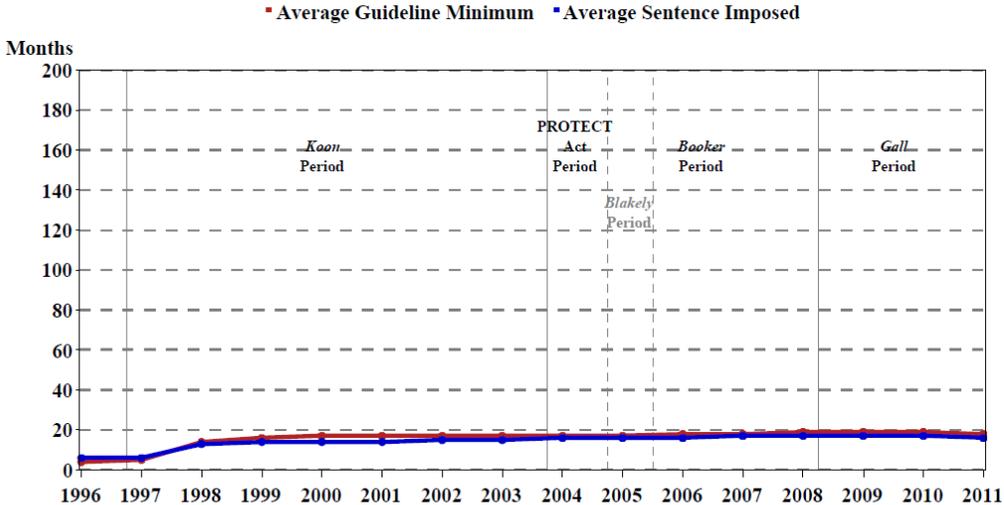
NATIONAL TREND ANALYSIS INFLUENCE OF THE GUIDELINES

Notwithstanding the increased rates of government sponsored and non-government sponsored below range sentences over time, average sentences for alien smuggling offenses consistently paralleled average guideline minimums over time.

The percentage difference between the average guideline minimum and the average sentence fluctuated over time, but the percentage difference has stabilized since the PROTECT Act period. These figures indicate that the influence of the guidelines appears to be stable over time in alien smuggling offenses.

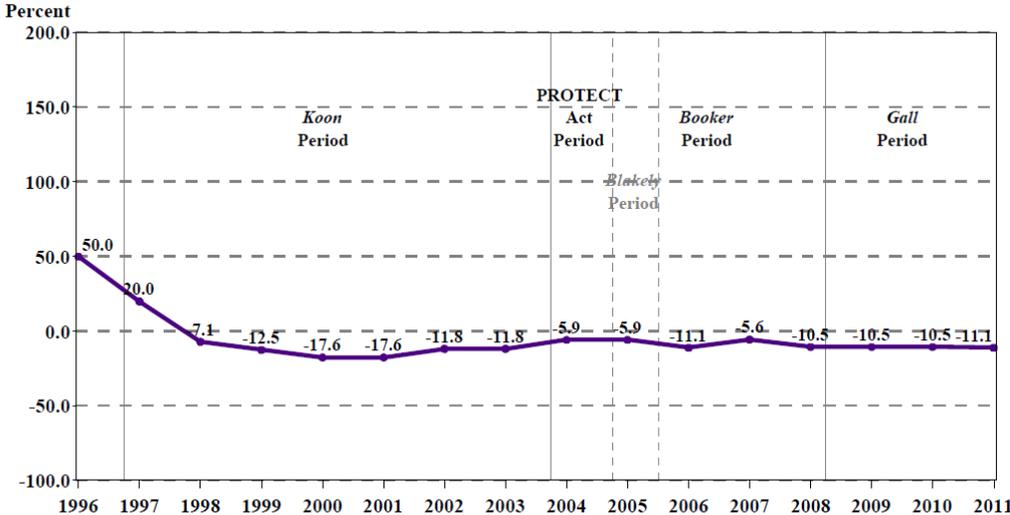
**Click on chart for corresponding table by period.*

Average Guideline Minimum and Sentence Imposed
Alien Smuggling Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Alien Smuggling Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

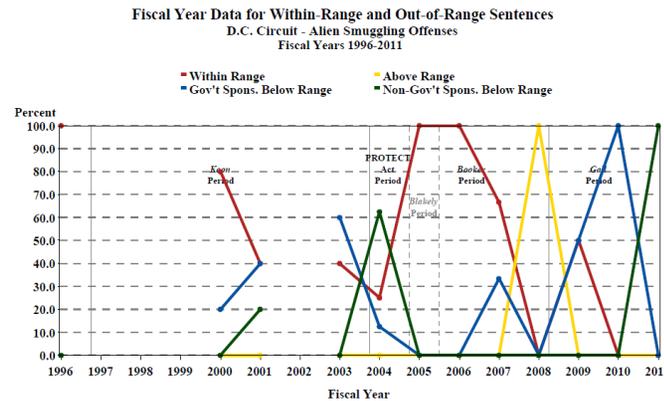
PART C: IMMIGRATION OFFENSES ALIEN SMUGGLING

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

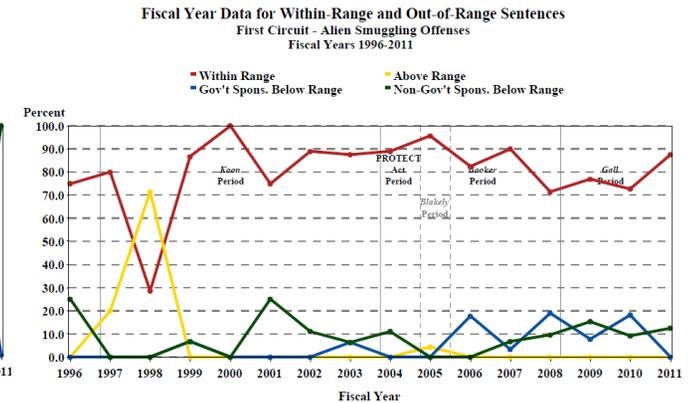
On the national level, the rate of government sponsored below range sentences increased markedly between fiscal years 2002 and 2003, while the rate of non-government sponsored below range sentences decreased markedly, a trend attributable to the change in the way the Commission reported its departure data.

Trends in the circuits varied greatly, in part because many circuits had few, if any, alien smuggling offenses.

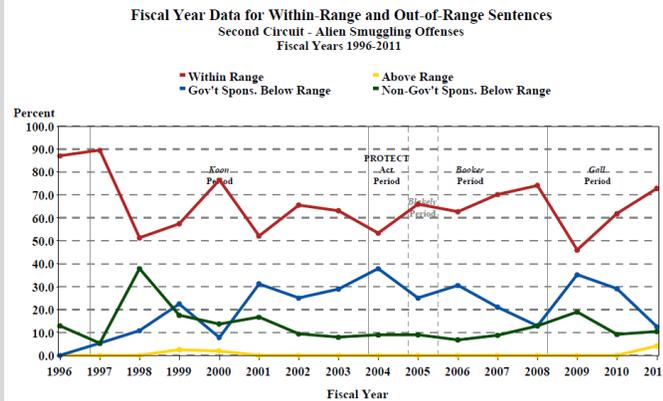
Gaps in trend lines indicate that no offenders of this type were sentenced during the fiscal year.



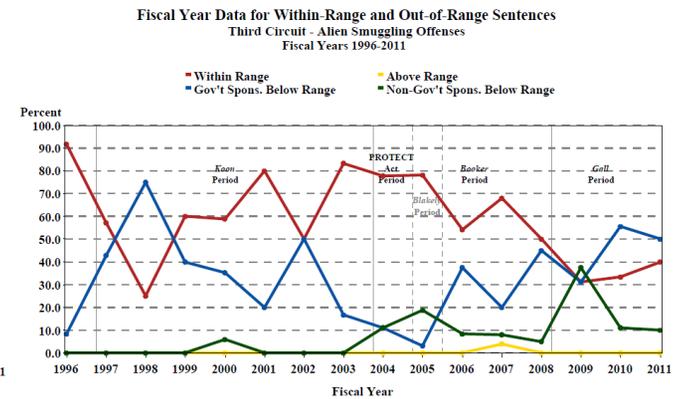
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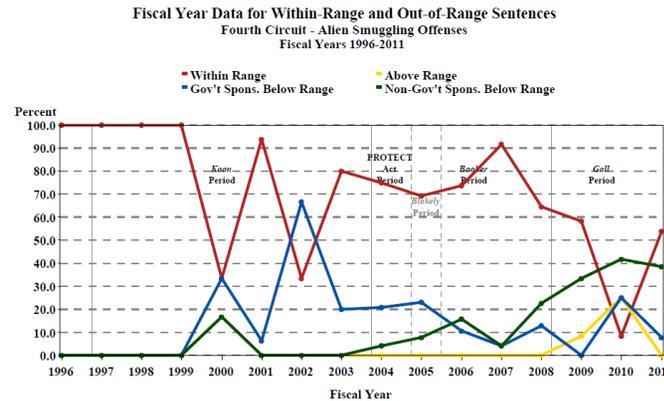
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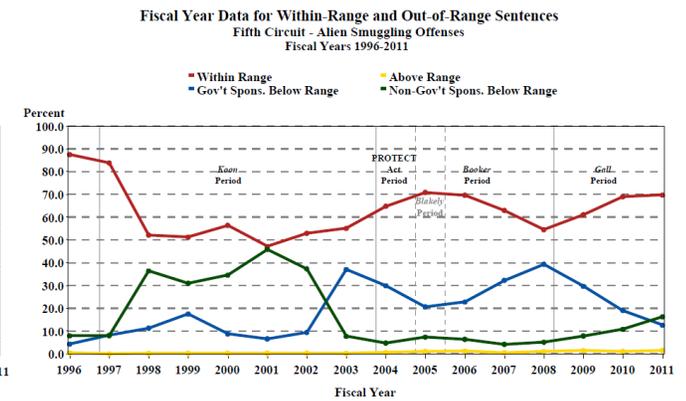
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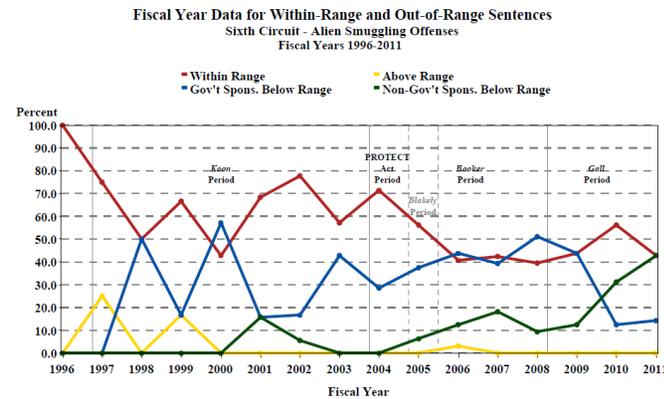
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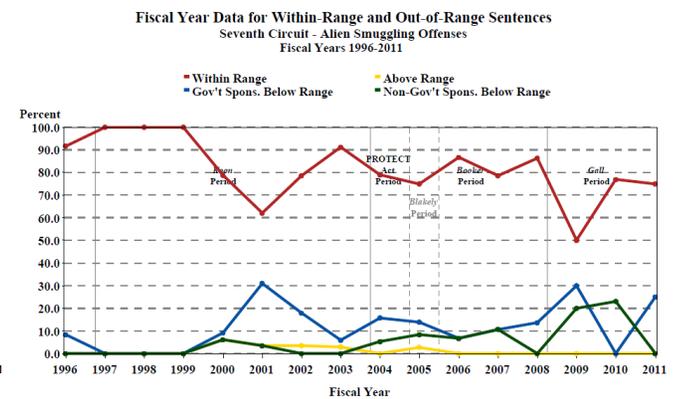
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.



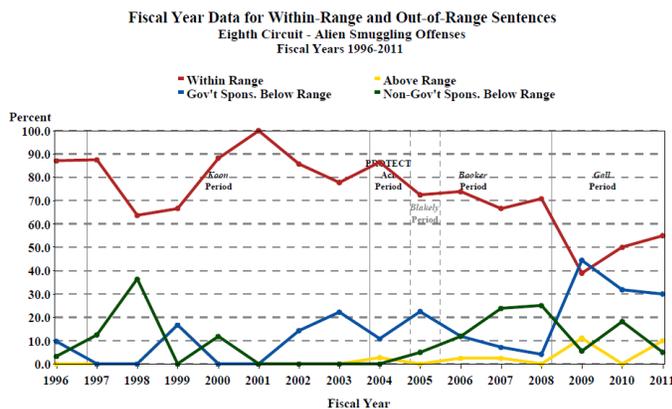
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

PART C: IMMIGRATION OFFENSES ALIEN SMUGGLING

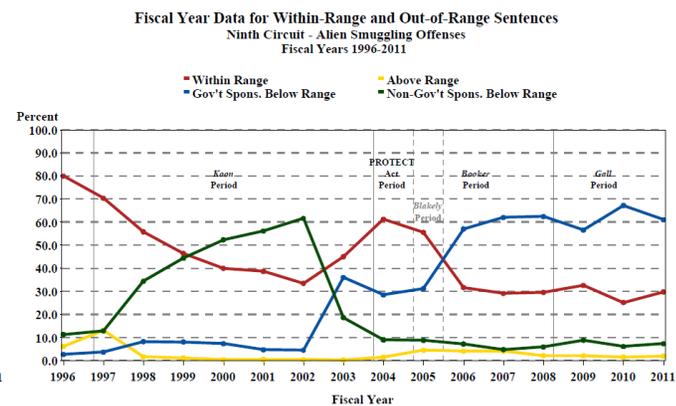
CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

On the national level, the rate of government sponsored below range sentences increased markedly between fiscal years 2002 and 2003, while the rate of non-government sponsored below range sentences decreased markedly, a trend attributable to the change in the way the Commission reported its departure data.

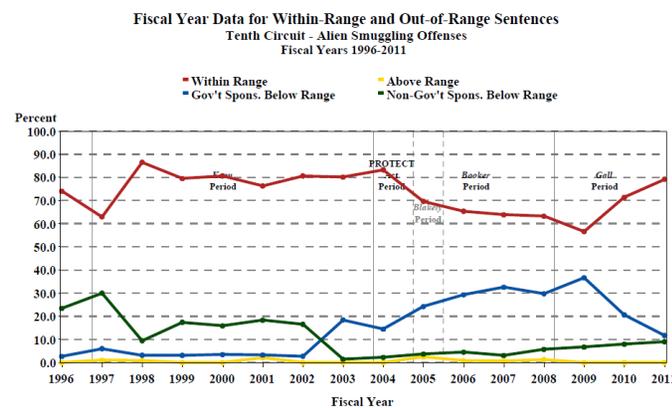
Trends in the circuits varied greatly, in part because many circuits had few, if any, alien smuggling offenses.



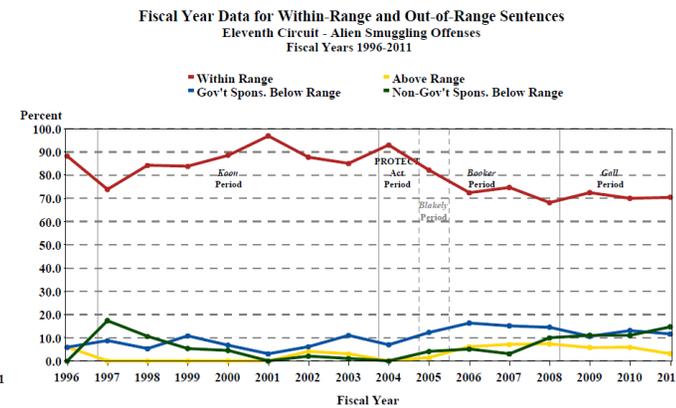
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.



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SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES ALIEN SMUGGLING

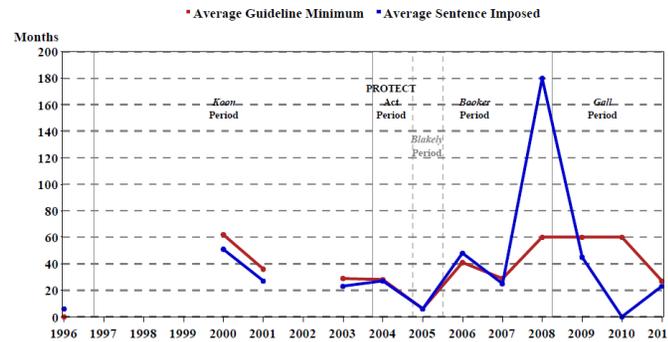
CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

Nationally, average sentences for alien smuggling offenses consistently paralleled average guideline minimums over time, however, there was more variation on the circuit level. In those circuits with the largest number of alien smuggling offenses, including the Fifth and Ninth Circuits, sentences closely and consistently paralleled the guideline minimum.

The percentage difference between the average guideline minimum and the average sentence fluctuated over time, and varied by circuit. Nonetheless the influence of the guidelines appears to be stable over time in alien smuggling offenses.

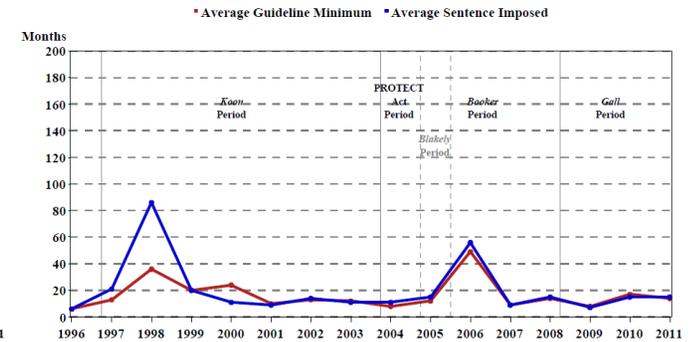
Gaps in trend lines indicate that no offenders of this type were sentenced during the fiscal year.

Average Guideline Minimum and Sentence Imposed
D.C. Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011



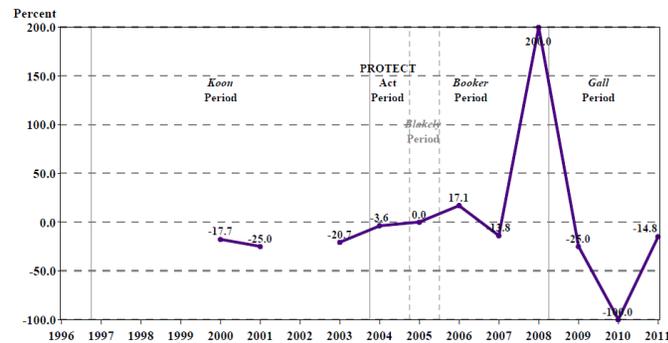
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Sentence Imposed
First Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011



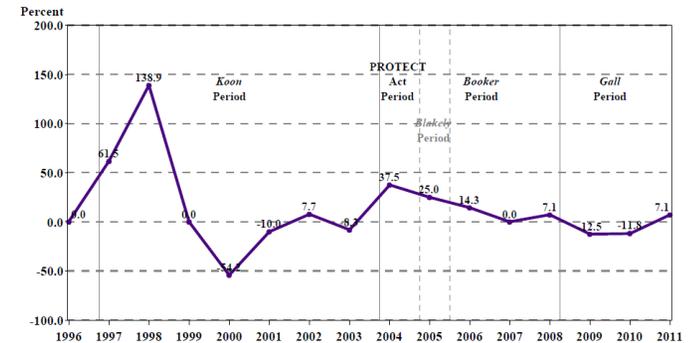
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
D.C. Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
First Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

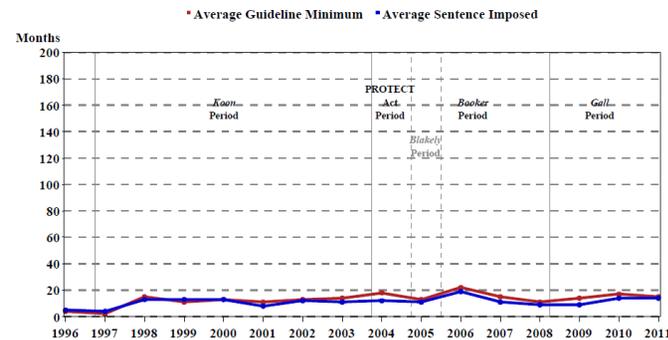
PART C: IMMIGRATION OFFENSES ALIEN SMUGGLING

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

Nationally, average sentences for alien smuggling offenses consistently paralleled average guideline minimums over time, however, there was more variation on the circuit level. In those circuits with the largest number of alien smuggling offenses, including the Fifth and Ninth Circuits, sentences closely and consistently paralleled the guideline minimum.

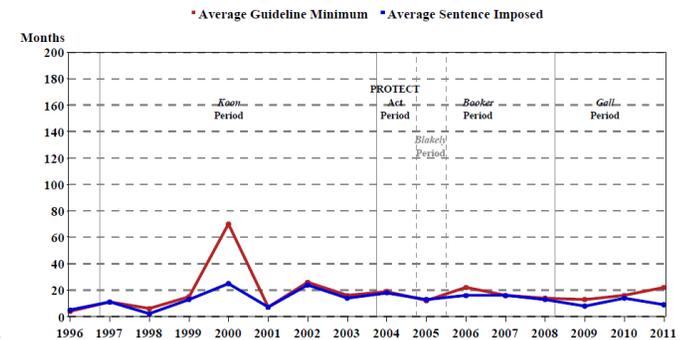
The percentage difference between the average guideline minimum and the average sentence fluctuated over time, and varied by circuit. Nonetheless the influence of the guidelines appears to be stable over time in alien smuggling offenses.

Average Guideline Minimum and Sentence Imposed
Second Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011



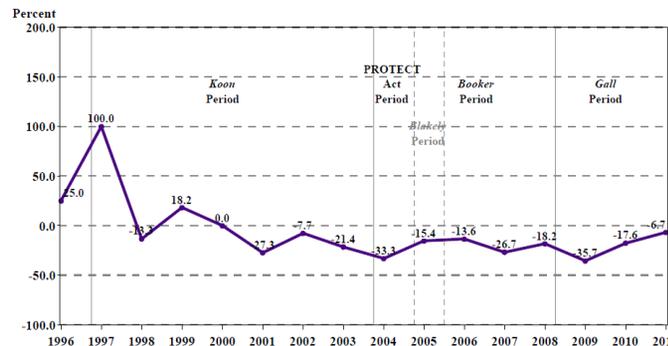
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Average Guideline Minimum and Sentence Imposed
Third Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011



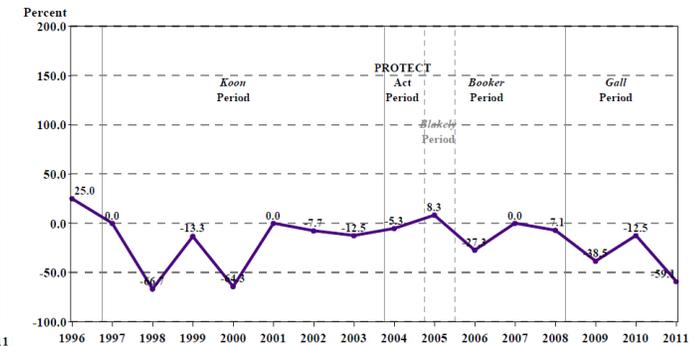
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Second Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Third Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011



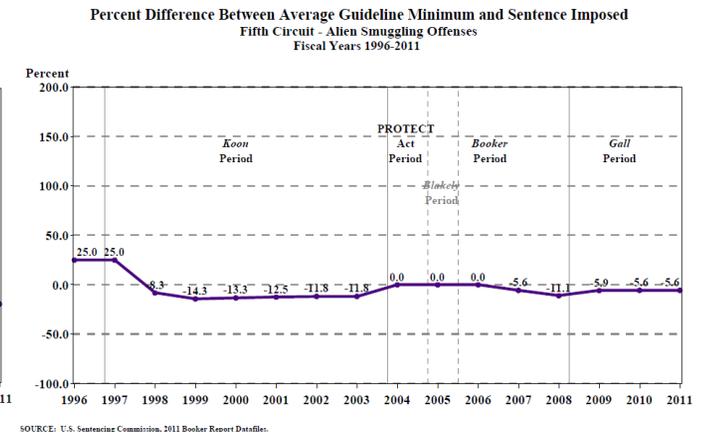
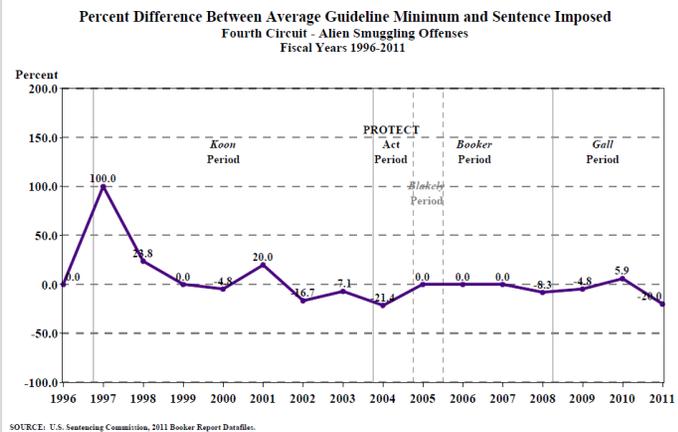
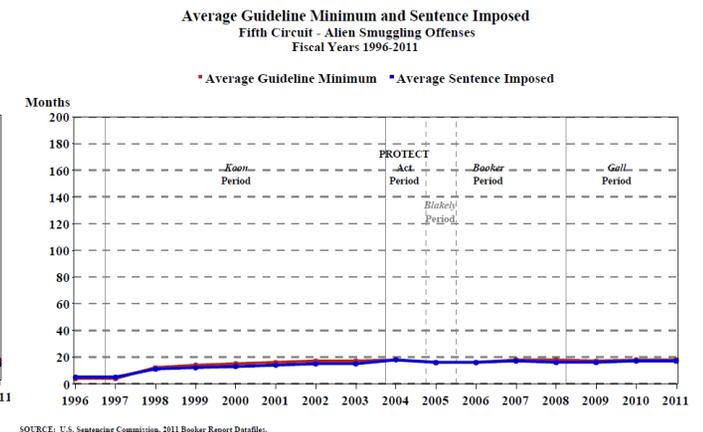
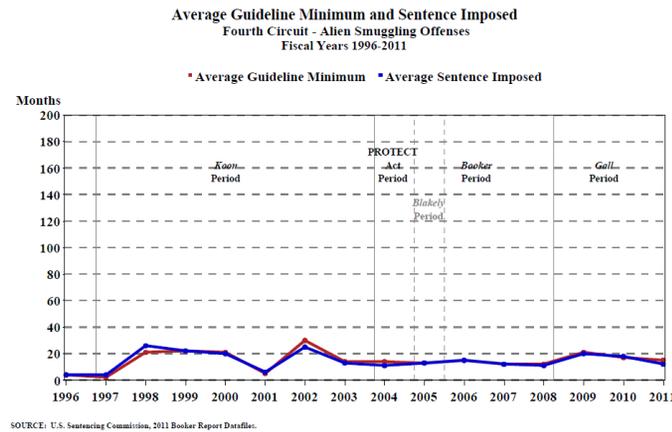
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

PART C: IMMIGRATION OFFENSES ALIEN SMUGGLING

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

Nationally, average sentences for alien smuggling offenses consistently paralleled average guideline minimums over time, however, there was more variation on the circuit level. In those circuits with the largest number of alien smuggling offenses, including the Fifth and Ninth Circuits, sentences closely and consistently paralleled the guideline minimum.

The percentage difference between the average guideline minimum and the average sentence fluctuated over time, and varied by circuit. Nonetheless the influence of the guidelines appears to be stable over time in alien smuggling offenses.



PART C: IMMIGRATION OFFENSES ALIEN SMUGGLING

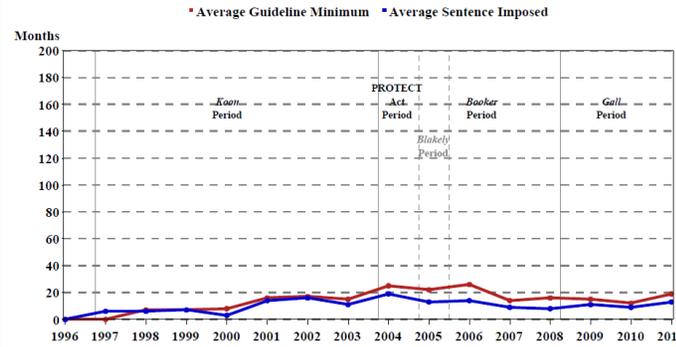
CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

Nationally, average sentences for alien smuggling offenses consistently paralleled average guideline minimums over time, however, there was more variation on the circuit level. In those circuits with the largest number of alien smuggling offenses, including the Fifth and Ninth Circuits, sentences closely and consistently paralleled the guideline minimum.

The percentage difference between the average guideline minimum and the average sentence fluctuated over time, and varied by circuit. Nonetheless the influence of the guidelines appears to be stable over time in alien smuggling offenses.

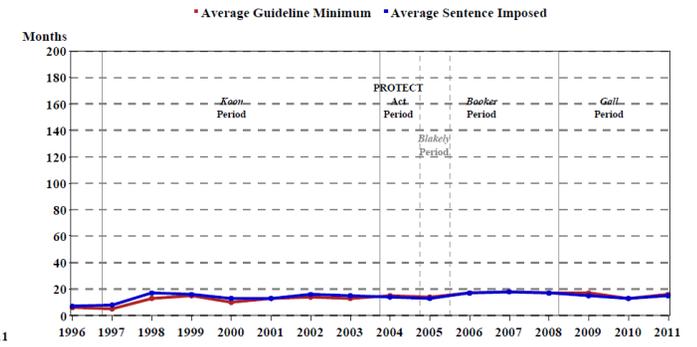
Gaps in trend lines indicate that no offenders of this type were sentenced during the fiscal year.

**Average Guideline Minimum and Sentence Imposed
Sixth Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011**



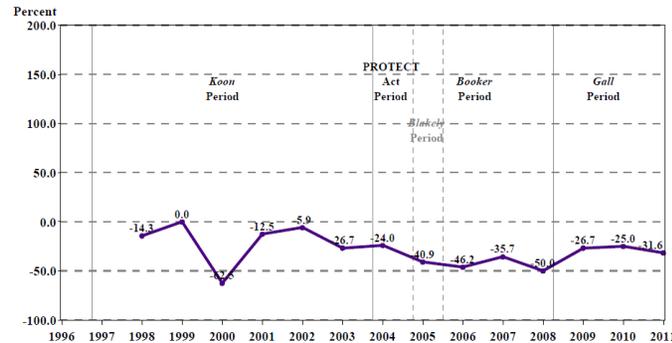
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

**Average Guideline Minimum and Sentence Imposed
Seventh Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011**



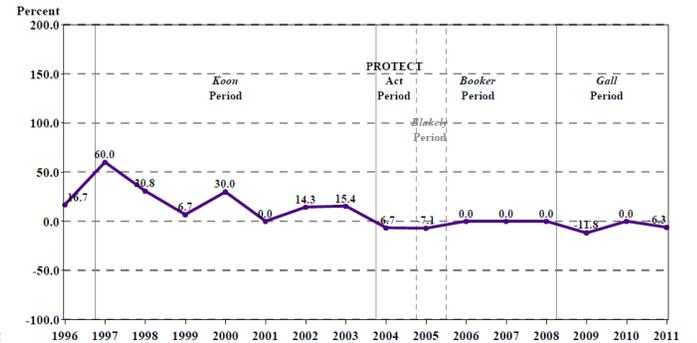
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

**Percent Difference Between Average Guideline Minimum and Sentence Imposed
Sixth Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

**Percent Difference Between Average Guideline Minimum and Sentence Imposed
Seventh Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

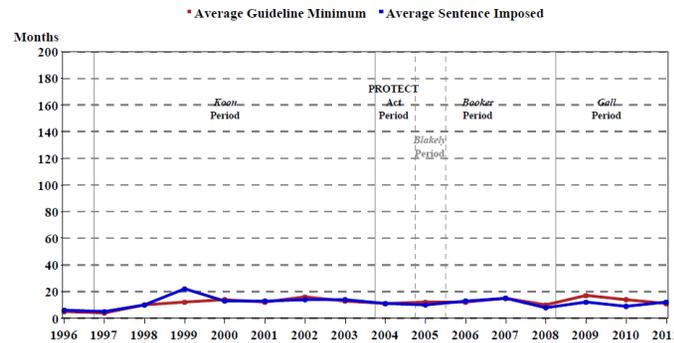
PART C: IMMIGRATION OFFENSES ALIEN SMUGGLING

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

Nationally, average sentences for alien smuggling offenses consistently paralleled average guideline minimums over time, however, there was more variation on the circuit level. In those circuits with the largest number of alien smuggling offenses, including the Fifth and Ninth Circuits, sentences closely and consistently paralleled the guideline minimum.

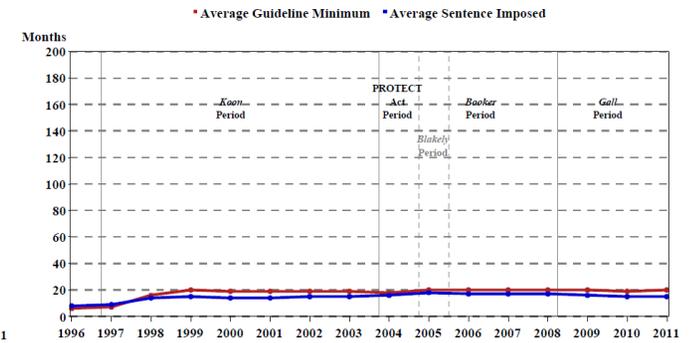
The percentage difference between the average guideline minimum and the average sentence fluctuated over time, and varied by circuit. Nonetheless the influence of the guidelines appears to be stable over time in alien smuggling offenses.

**Average Guideline Minimum and Sentence Imposed
Eighth Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011**



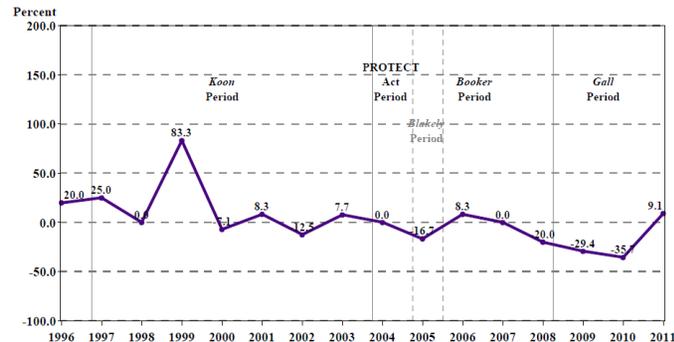
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Average Guideline Minimum and Sentence Imposed
Ninth Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011**



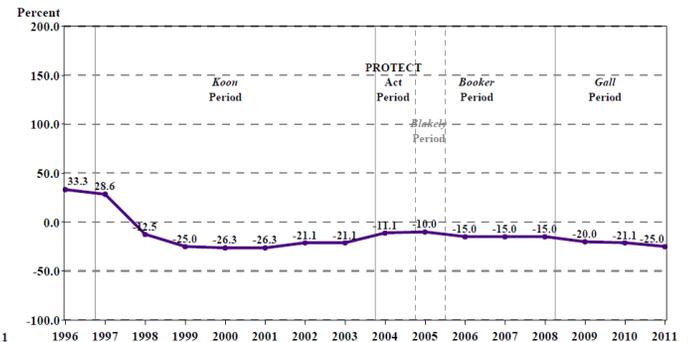
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Percent Difference Between Average Guideline Minimum and Sentence Imposed
Eighth Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Percent Difference Between Average Guideline Minimum and Sentence Imposed
Ninth Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

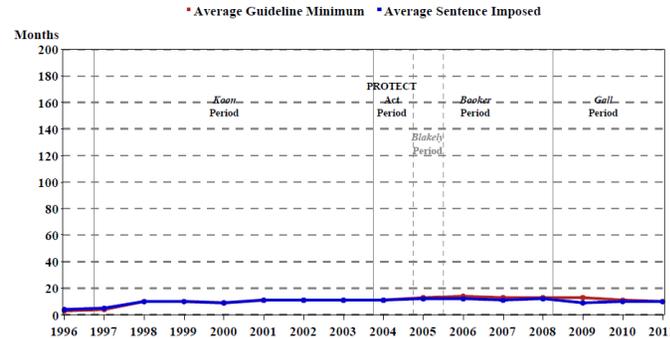
PART C: IMMIGRATION OFFENSES ALIEN SMUGGLING

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

Nationally, average sentences for alien smuggling offenses consistently paralleled average guideline minimums over time, however, there was more variation on the circuit level. In those circuits with the largest number of alien smuggling offenses, including the Fifth and Ninth Circuits, sentences closely and consistently paralleled the guideline minimum.

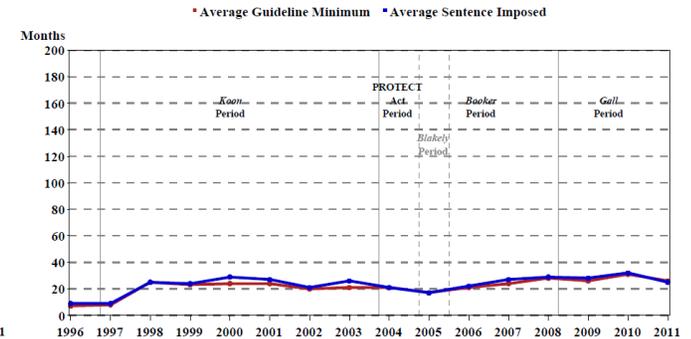
The percentage difference between the average guideline minimum and the average sentence fluctuated over time, and varied by circuit. Nonetheless the influence of the guidelines appears to be stable over time in alien smuggling offenses.

**Average Guideline Minimum and Sentence Imposed
Tenth Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011**



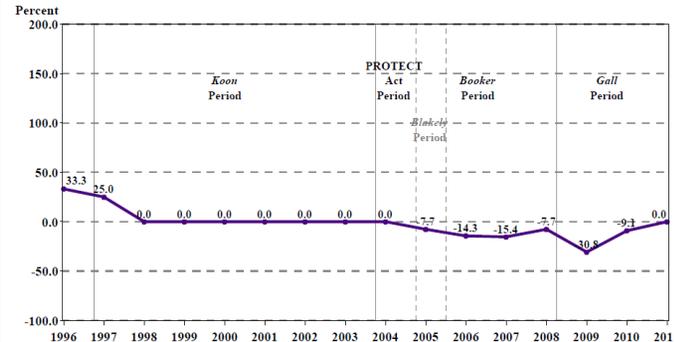
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Average Guideline Minimum and Sentence Imposed
Eleventh Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011**



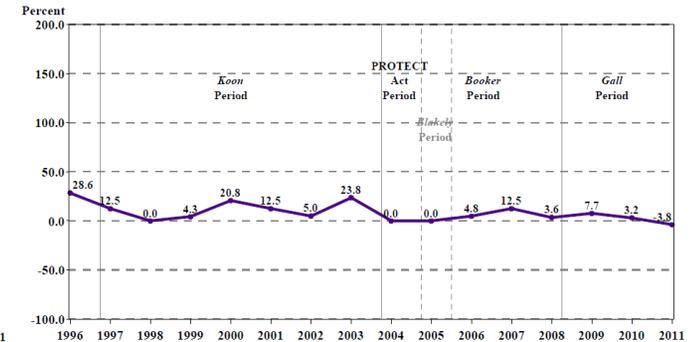
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Percent Difference Between Average Guideline Minimum and Sentence Imposed
Tenth Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Percent Difference Between Average Guideline Minimum and Sentence Imposed
Eleventh Circuit - Alien Smuggling Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING

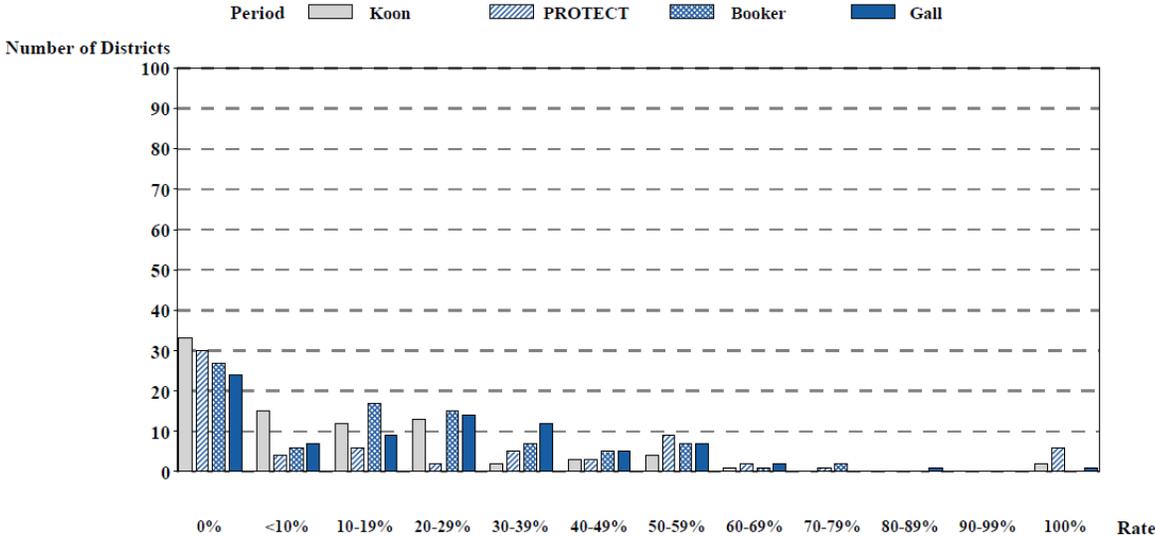


DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

In those districts that imposed government sponsored below range sentences, the rates varied, with the largest number of districts clustered around government sponsored below range rates between 20 and 39 percent in the *Gall* period.

**Rate of Government Sponsored Below Range Sentences
 Alien Smuggling Offenses
 Koon Period through Gall Period**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES ALIEN SMUGGLING

DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The table lists the five districts with the highest and lowest rates of government sponsored below range sentences in alien smuggling offenses for each of the four periods.

**Districts with the Highest and Lowest Rates of Government Sponsored Below Range Sentences
Alien Smuggling Offenses
Koon Period through Gall Period**

Koon Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			Booker Period (1/12/05 - 12/10/07)			Gall Period (12/11/07-9/30/11)		
District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.
Districts with the Highest Rates in Each Time Period											
Middle Louisiana	3	100.0	Guam	3	100.0	Eastern Kentucky	17	76.5	Eastern California	2	100.0
Northern Alabama	1	100.0	Western Kentucky	2	100.0	Kansas	41	70.7	Eastern Kentucky	11	81.8
Southern Illinois	13	61.5	Eastern Tennessee	2	100.0	Southern California	1,951	60.1	Southern California	2,814	69.3
Western Kentucky	8	50.0	Connecticut	1	100.0	Western New York	33	54.5	Eastern Pennsylvania	9	66.7
South Carolina	2	50.0	Minnesota	1	100.0	Southern Ohio	6	50.0	Arizona	1,233	50.1
Districts with the Lowest Rates in Each Time Period											
Central California	161	4.3	Eastern Texas	10	10.0	Southern Illinois	12	8.3	Eastern Virginia	28	7.1
Nebraska	28	3.6	Southern California	413	9.9	Puerto Rico	50	6.0	Northern Ohio	14	7.1
New Mexico	831	2.9	Central California	18	5.6	Central Illinois	43	4.7	Massachusetts	16	6.3
Puerto Rico	50	2.0	Southern Florida	57	5.3	Eastern Texas	25	4.0	Western Louisiana	18	5.6
Northern Illinois	66	1.5	Northern Texas	31	3.2	Northern Iowa	27	3.7	Southern Florida	312	4.5

Number of Offenders refers to the total number of alien smuggling offenders sentenced during the time period. During the *Koon* period, nine districts did not sentence any alien smuggling offenses. During the PROTECT Act period, 26 districts did not sentence any alien smuggling offenses. During the *Booker* period, seven districts did not sentence any alien smuggling offenses. During the *Gall* period, 12 districts did not sentence any alien smuggling offenses.

During the *Koon* period, two additional districts imposed a government sponsored below range sentence in 50.0 percent of alien smuggling offenses (Western Tennessee, N=2; Idaho, N=2). Thirty-three districts imposed at least one sentence for an alien smuggling offense but did not impose a government sponsored below range sentence. The total number of alien smuggling offenders in each of those districts ranged from one to 15 offenders.

During the PROTECT Act period, one additional district imposed a government sponsored below range sentence in 100.0 percent of alien smuggling offenses (Nebraska, N=1). Thirty districts imposed at least one sentence for an alien smuggling offense but did not impose a government sponsored below range sentence. The total number of alien smuggling offenders in each of those districts ranged from one to eight offenders.

During the *Booker* period, five additional districts imposed a government sponsored below range sentence in 50.0 percent of alien smuggling offenses (Idaho, N=6; Southern Indiana, N=4; Middle Alabama, N=4; Delaware, N=2; Eastern Washington, N=2). One additional district imposed a government sponsored below range sentence in 8.3 percent of alien smuggling offenses (Western Missouri, N=24). Twenty-seven districts imposed at least one sentence for an alien smuggling offense but did not impose a government sponsored below range sentence. The total number of alien smuggling offenders in each of those districts ranged from one to 77 offenders.

During the *Gall* period, 24 districts imposed at least one sentence for an alien smuggling offense but did not impose a government sponsored below range sentence. The number of alien smuggling offenders in each of those districts ranged from one to 56 offenders.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING

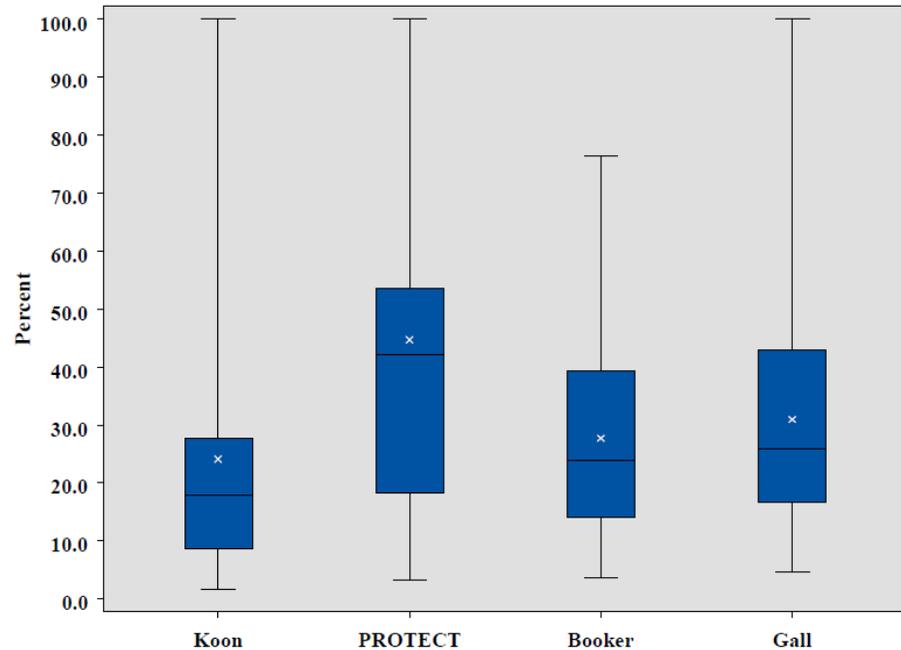
DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The spread in the rates of government sponsored below range sentences increased from the *Koon* period to the PROTECT Act period, decreased in the *Booker* period, and then increased slightly in the *Gall* period. While the spread was similar in the *Booker* and *Gall* periods, the middle 50 percent of districts had slightly higher government sponsored below range rates in the *Gall* period. The average rate of government sponsored below range sentences as depicted by the white “x” in each box, was higher in the *Gall* period than the *Booker* period.

**Click on chart for corresponding table.*

Spread of Rates of Government Sponsored Below Range Sentences
Alien Smuggling Offenses
Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N	52.0	38.0	60.0	58.0
Min	1.5	3.2	3.7	4.5
Max	100.0	100.0	76.5	100.0
Q1	8.7	18.2	14.0	16.7
Q3	27.8	53.5	39.2	42.9
Q2	17.8	42.0	23.7	25.9
Mean	24.1	44.8	27.7	31.0

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING

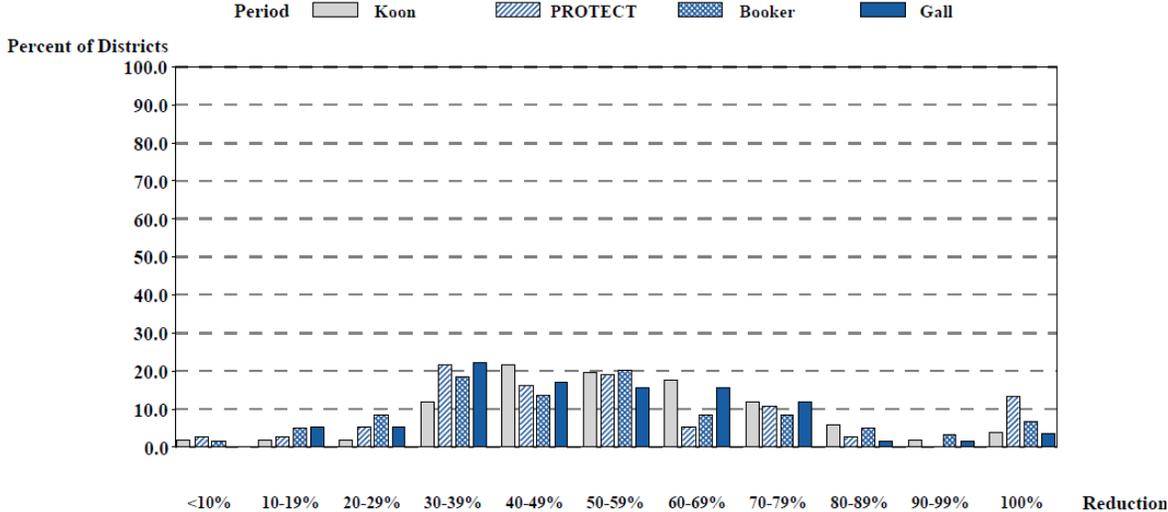


DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

Many districts clustered at reductions of between 30 and 59 percent below the guideline minimum, with some districts having average reductions of 60 to 79 percent below the guideline minimum. Reductions of 100 percent below the guideline minimum likely reflect reductions from guideline ranges calling for a term of imprisonment to sentences of probation.

Extent of Reduction from Guideline Minimum
Government Sponsored Below Range Sentences
Alien Smuggling Offenses
Koon Period through Gall Period



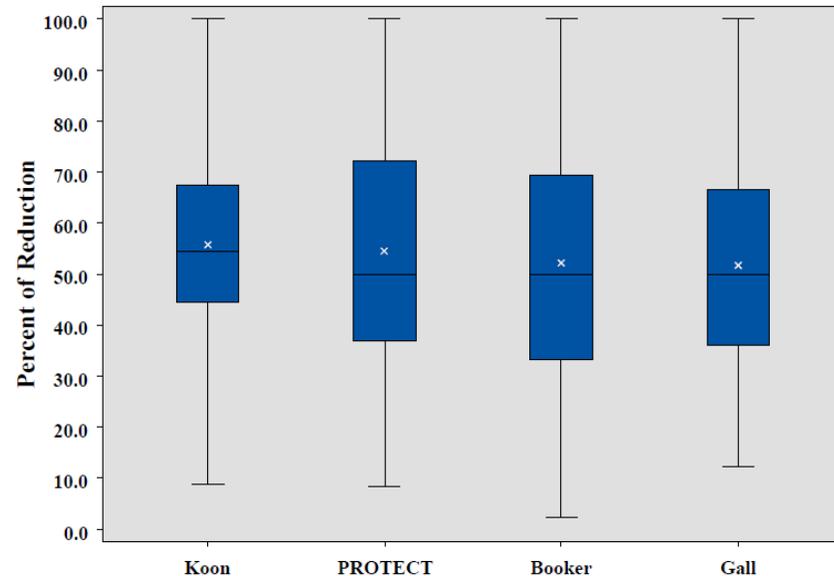
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The spread in the average extent of reduction among the middle 50 percent of districts increased through the *Booker* period, but decreased in the *Gall* period. However, the middle 50 percent of districts generally had smaller reductions in the *Booker* and *Gall* periods than in the PROTECT Act period. The average extent of reduction also decreased over the four periods.

Spread of Average Extent of Departure Government Sponsored Below Range Sentences Alien Smuggling Offenses Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N	51.0	37.0	59.0	58.0
Min	8.8	8.3	2.4	12.2
Max	100.0	100.0	100.0	100.0
Q1	44.4	36.9	33.2	36.0
Q3	67.5	72.2	69.2	66.7
Q2	54.6	50.0	50.0	49.9
Mean	55.8	54.6	52.2	51.8

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING

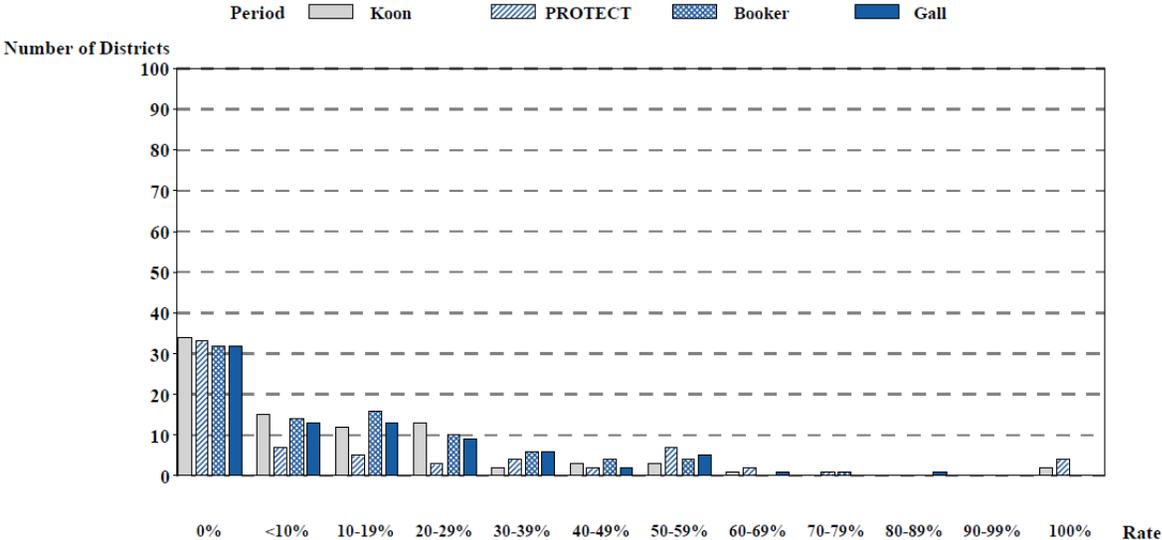


DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

Many districts had substantial assistance rates of under ten percent during all four periods. A smaller number of districts had substantial assistance rates between ten and 29 percent.

Rate of Substantial Assistance Sentences
Alien Smuggling Offenses
Koon Period through Gall Period



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES ALIEN SMUGGLING

DISTRICT TREND ANALYSIS SUBSTANTIAL ASSISTANCE SENTENCES

The table lists the five districts with the highest and lowest rates of substantial assistance sentences for each of the four periods.

**Districts with the Highest and Lowest Rates of Substantial Assistance Sentences
Alien Smuggling Offenses
Koon Period through Gall Period**

Koon Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			Booker Period (1/12/05 - 12/10/07)			Gall Period (12/11/07-9/30/11)		
District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.
Districts with the Highest Rates in Each Time Period											
Middle Louisiana	3	100.0	Guam	3	100.0	Eastern Kentucky	17	76.5	Eastern Kentucky	11	81.8
Northern Alabama	1	100.0	Western Kentucky	2	100.0	Southern Ohio	6	50.0	Eastern Pennsylvania	9	66.7
Southern Illinois	13	61.5	Eastern Tennessee	2	100.0	Idaho	6	50.0	Middle Pennsylvania	14	50.0
Western Kentucky	8	50.0	Minnesota	1	100.0	Middle Alabama	4	50.0	Middle Louisiana	6	50.0
South Carolina	2	50.0	Western New York	10	70.0	Eastern Washington	2	50.0	Delaware	2	50.0
Districts with the Lowest Rates in Each Time Period											
Nebraska	28	3.6	Southern Florida	57	5.3	Eastern Texas	25	4.0	Kansas	48	4.2
Arizona	1,534	2.8	Arizona	458	4.1	Northern Iowa	27	3.7	Southern Florida	312	3.2
Puerto Rico	50	2.0	Northern Texas	31	3.2	Southern California	1,951	3.4	Puerto Rico	33	3.0
New Mexico	831	1.8	Southern California	413	1.5	Arizona	1,357	2.8	Arizona	1,233	2.8
Northern Illinois	66	1.5	New Mexico	127	0.8	New Mexico	363	2.2	New Mexico	296	1.4

Number of Offenders refers to the total number of alien smuggling offenders sentenced during the time period. During the *Koon* period, nine districts did not sentence any alien smuggling offenses. During the PROTECT Act period, 26 districts did not sentence any alien smuggling offenses. During the *Booker* period, seven districts did not sentence any alien smuggling offenses. During the *Gall* period, 12 districts did not sentence any alien smuggling offenses.

During the *Koon* period, one additional district imposed a substantial assistance sentence in 50.0 percent of alien smuggling offenses (Idaho, N=2). Thirty-four districts imposed at least one sentence for an alien smuggling offense but did not impose a substantial assistance sentence. The total number of alien smuggling offenders in each of those districts ranged from one to 15 offenders.

During the PROTECT Act period, 33 districts imposed at least one sentence for an alien smuggling offense but did not impose a substantial assistance sentence. The total number of alien smuggling offenders sentenced in each of those districts ranged from one to eight offenders.

During the *Booker* period, 32 districts imposed at least one sentence for an alien smuggling offense but did not impose a substantial assistance sentence. The total number of alien smuggling offenders sentenced in each of those districts ranged from one to 77 offenders.

During the *Gall* period, two additional districts imposed a substantial assistance sentence in 50.0 percent of alien smuggling offenses (Eastern California, N=2; Guam, N=2). Thirty-two districts imposed at least one sentence for an alien smuggling offense but did not impose a substantial assistance sentence. The total number of alien smuggling offenders in each of those districts ranged from one to 56 offenders.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING

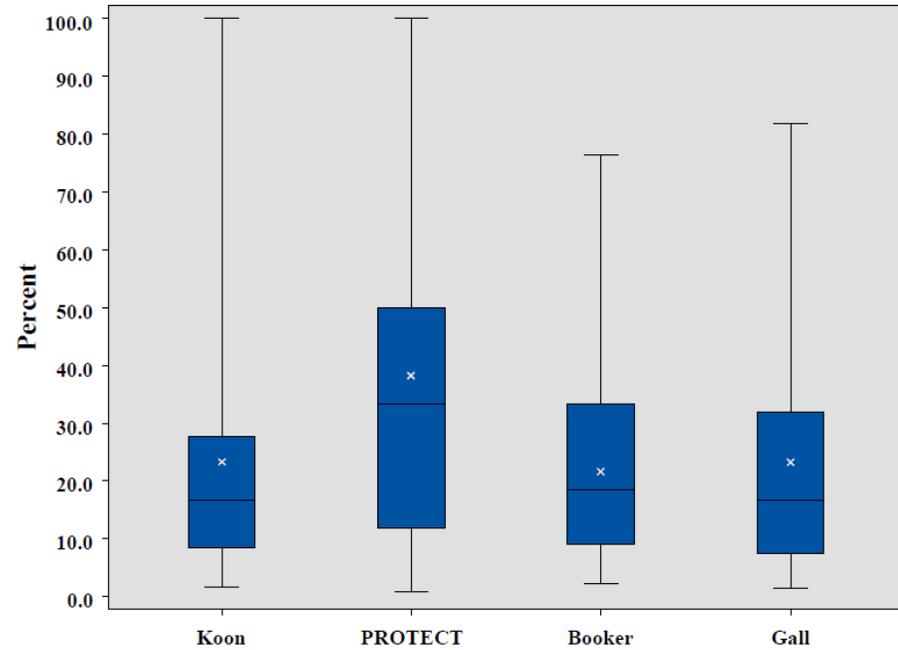
DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

The spread in the substantial assistance rates for the middle 50 percent of districts increased in PROTECT Act period, then decreased in the *Booker* period and increased only slightly in the *Gall* period. As illustrated by the lower placement of the box along the vertical axis, the rate among the middle 50 percent of districts decreased slightly from the *Booker* period to the *Gall* period. However, the average rate among all districts increased from the *Booker* period to the *Gall* period.

**Click on chart for corresponding table.*

Spread of Rates of Substantial Assistance Sentences
Alien Smuggling Offenses
Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N	51.0	35.0	55.0	50.0
Min	1.5	0.8	2.2	1.4
Max	100.0	100.0	76.5	81.8
Q1	8.3	11.8	9.1	7.4
Q3	27.8	50.0	33.3	31.9
Q2	16.7	33.3	18.5	16.7
Mean	23.3	38.2	21.6	23.2

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING

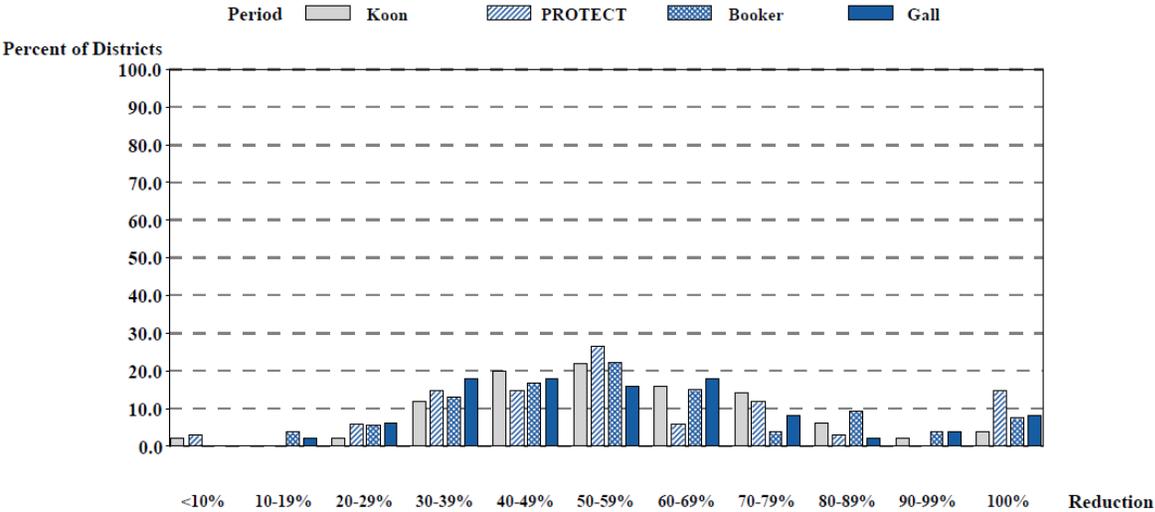


DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

Across the four periods, most districts clustered around reductions of 30 to 69 percent below the guideline minimum. During each period, at least one district had an average reduction of 100 percent below the guideline minimum, which likely reflected a sentence of probation when the guideline range called for a term of imprisonment.

Extent of Reduction from Guideline Minimum
Substantial Assistance Sentences
Alien Smuggling Offenses
Koon Period through Gall Period



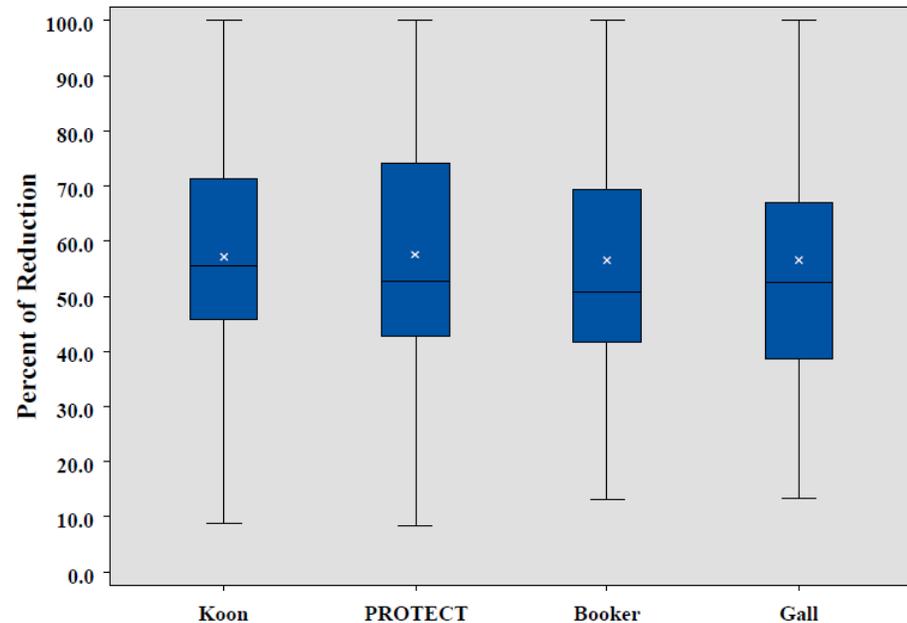
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

The average extent of reduction and the spread in the extent of reduction from the guideline minimum among the middle 50 percent of districts generally decreased since the PROTECT Act period. With smaller spreads in the *Booker* and *Gall* periods than in the PROTECT Act period, the average extent of reduction among the middle 50 percent of districts was generally less, as evidenced by the lower placement of the boxes during the *Booker* and *Gall* periods.

**Spread of Average Extent of Departure
Substantial Assistance Sentences
Alien Smuggling Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	50.0	34.0	54.0	50.0
Min	8.8	8.3	13.1	13.3
Max	100.0	100.0	100.0	100.0
Q1	45.8	42.7	41.7	38.7
Q3	71.3	74.1	69.2	67.0
Q2	55.6	52.9	50.8	52.5
Mean	57.2	57.6	56.6	56.6

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING



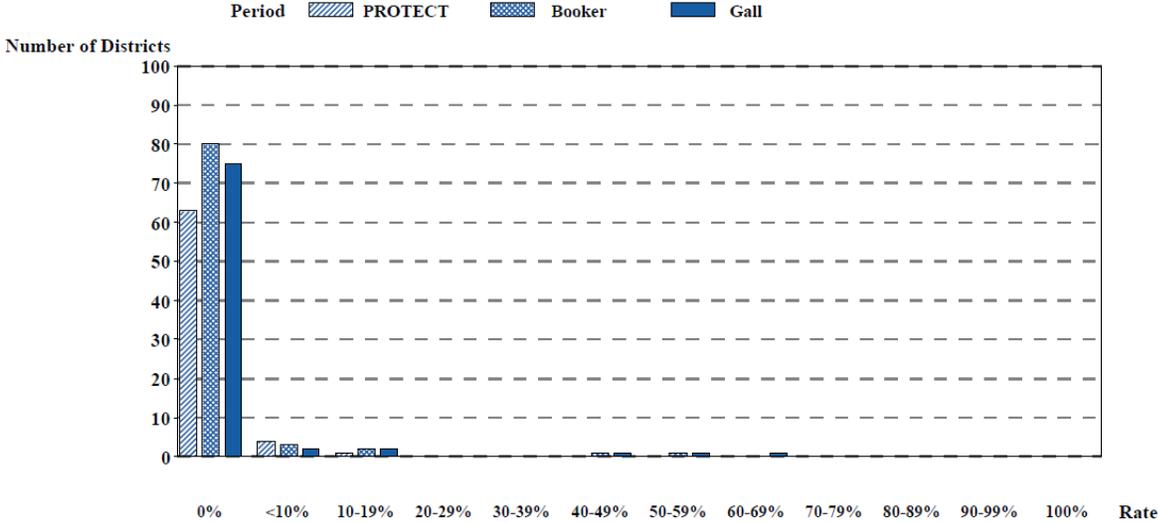
DISTRICT TREND ANALYSIS

EARLY DISPOSITION PROGRAM SENTENCES

The majority of districts had an EDP rate of zero in each period: 63 districts in the PROTECT Act period, 80 districts in the *Booker* period, and 75 districts in the *Gall* period. Of those districts that imposed EDP sentences, most districts had rates of less than ten percent to 19 percent, with single districts having rates between 40 and 69 percent.

EDP departures were created by the PROTECT Act. Therefore there were no such departures during the *Koon* period.

Rate of Early Disposition Program Sentences
Alien Smuggling Offenses
PROTECT Act Period through Gall Period



Early Disposition Programs were not applicable during the *Koon* period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES ALIEN SMUGGLING

DISTRICT TREND ANALYSIS

EARLY DISPOSITION PROGRAM SENTENCES

The table lists the districts with the highest and lowest rates of EDP departures in the three periods in which EDP departures were available. Only five districts in the PROTECT Act period and seven districts in each of the *Booker* and *Gall* periods imposed EDP below range sentences in an alien smuggling case.

**Districts with the Highest and Lowest Rates of Early Disposition Program Sentences
Alien Smuggling Offenses
Koon Period through Gall Period**

<i>Koon</i> Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
District	Number of Offenders	% EDP	District	Number of Offenders	% EDP	District	Number of Offenders	% EDP	District	Number of Offenders	% EDP
Districts with the Highest Rates in Each Time Period											
			Arizona	458	14.2	Southern California	1,951	55.7	Southern California	2,814	63.5
			Western Texas	240	7.9	Arizona	1,357	40.5	Eastern California	2	50.0
			New Mexico	127	3.1	Western Texas	1,334	18.4	Arizona	1,233	45.7
			Southern Texas	705	0.6	Southern Texas	3,044	12.5	Western Texas	1,322	15.1
			Southern California	413	0.2	New Mexico	363	3.3	Southern Texas	3,803	12.5
Districts with the Lowest Rates in Each Time Period											
						Kansas	41	2.4	Western Washington	20	5.0
						Central California	68	1.5	New Mexico	296	0.7

Number of Offenders refers to the total number of alien smuggling offenders sentenced during the time period. Early Disposition Programs were not applicable during the *Koon* period. During the PROTECT Act period, 26 districts did not sentence any alien smuggling offenses. During the *Booker* period, seven districts did not sentence any alien smuggling offenses. During the *Gall* period, 12 districts did not sentence any alien smuggling offenses.

During the PROTECT Act period, 63 districts imposed at least one sentence for an alien smuggling offense but did not impose an Early Disposition Program sentence. The total number of alien smuggling offenders in each of those districts ranged from one to 57 offenders.

During the *Booker* period, 80 districts imposed at least one sentence for an alien smuggling offense but did not impose an Early Disposition Program sentence. The total number of alien smuggling offenders in each of those districts ranged from one to 139 offenders.

During the *Gall* period, 75 districts imposed at least one sentence for an alien smuggling offense but did not impose an Early Disposition Program sentence. The total number of alien smuggling offenders in each of those districts ranged from one to 312 offenders.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING

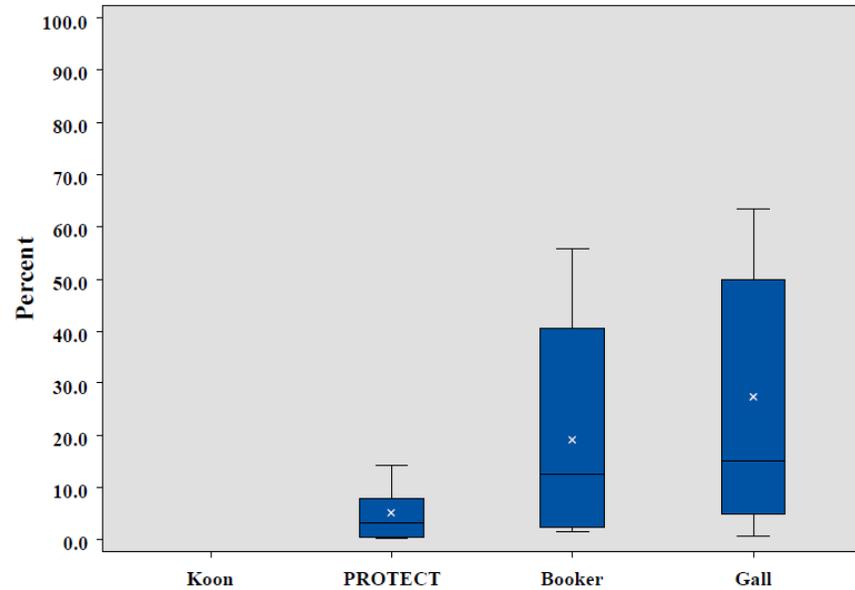
DISTRICT TREND ANALYSIS

EARLY DISPOSITION PROGRAM SENTENCES

Although the box plot illustrates an increase over time in the spread of EDP sentence rates among the middle 50 percent of districts, the small number of districts indicates that any conclusions should be made cautiously, if at all.

**Click on chart for corresponding table.*

Spread of Rates of Early Disposition Program Sentences
Alien Smuggling Offenses
Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N		5.0	7.0	7.0
Min		0.2	1.5	0.7
Max		14.2	55.7	63.5
Q1		0.6	2.4	5.0
Q3		7.9	40.5	50.0
Q2		3.1	12.5	15.1
Mean		5.2	19.2	27.5

Early Disposition Programs were not applicable during the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING

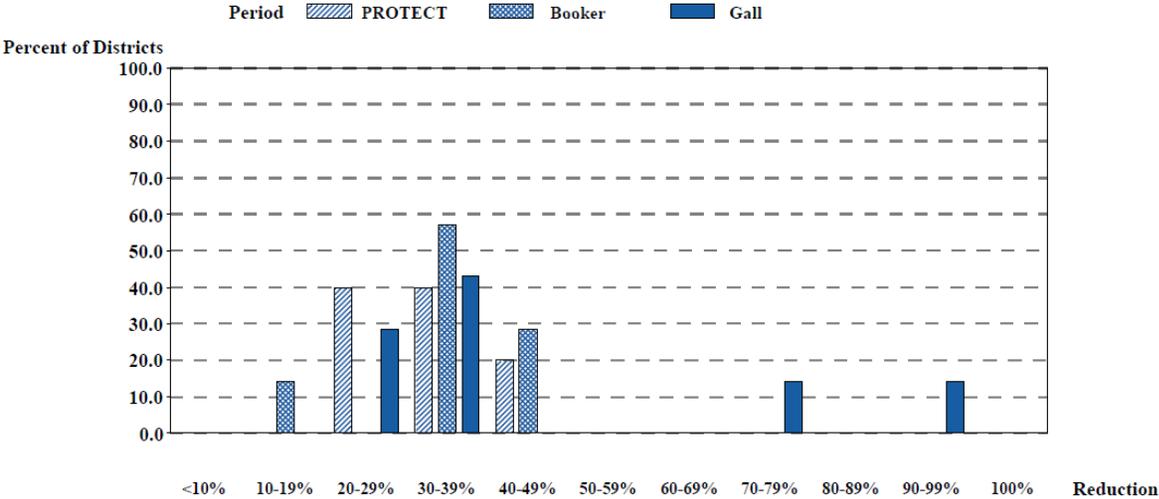


DISTRICT TREND ANALYSIS

EARLY DISPOSITION PROGRAM SENTENCES

For those few districts that reported EDP below range sentences in alien smuggling cases, most districts averaged reductions of between 20 and 49 percent below the guideline minimum. During the *Gall* period, some districts also averaged reductions of between 70 and 99 percent below the guideline minimum.

Extent of Reduction from Guideline Minimum
Early Disposition Program Sentences
Alien Smuggling Offenses
PROTECT Act Period through Gall Period



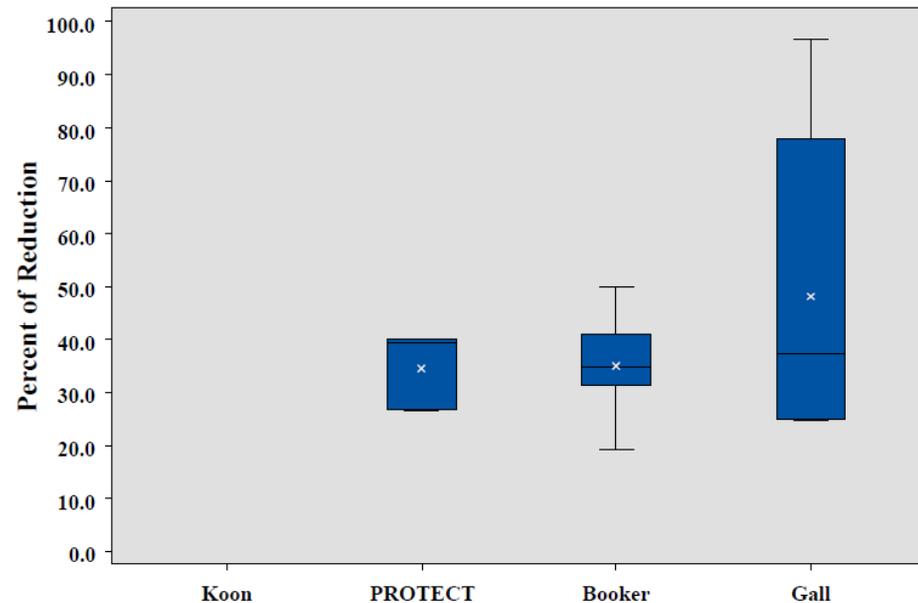
Early Disposition Programs were not applicable during the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

EARLY DISPOSITION PROGRAM SENTENCES

Although the box plot indicates that the spread in the extent of reduction below the guideline minimum for the middle 50 percent of districts varied over time, the small number of districts engaging in this practice suggests that any conclusions should be drawn cautiously, if at all.

Spread of Average Extent of Departure
Early Disposition Program Sentences
Alien Smuggling Offenses
 Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N		5.0	7.0	7.0
Min		26.5	19.1	24.6
Max		40.0	49.9	96.6
Q1		26.8	31.4	25.0
Q3		40.0	40.9	77.8
Q2		39.4	34.7	37.3
Mean		34.5	35.0	48.1

Early Disposition Programs were not applicable during the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING

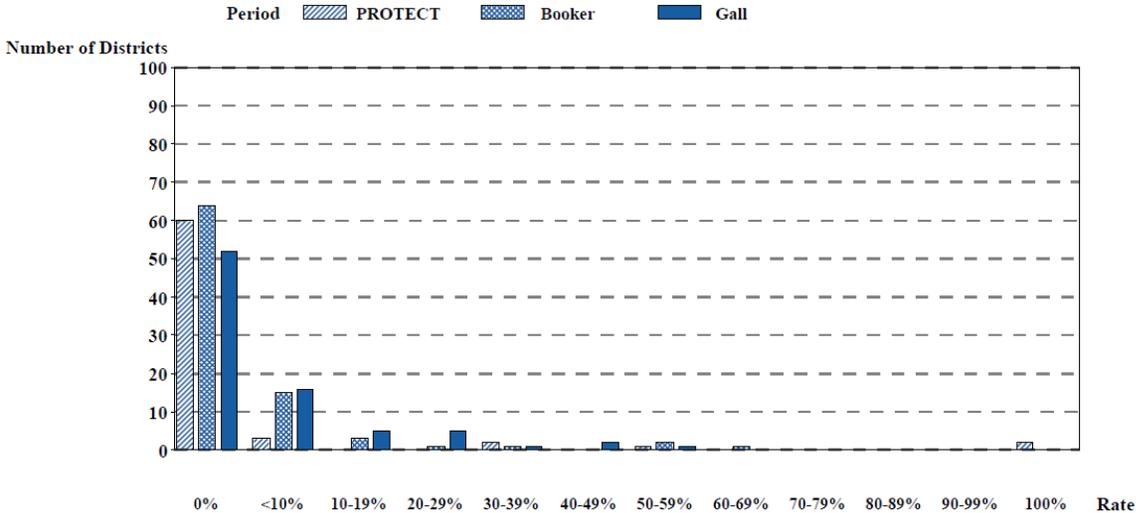


DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The zero percent column indicates that the majority of districts (60 in the PROTECT Act period, 64 in the *Booker* period, and 52 in the *Gall* period) reported no other government sponsored below range sentences in alien smuggling offenses. Most of the districts reporting other government sponsored below range sentences had rates of under ten percent to 19 percent.

**Rate of Other Government Sponsored Below Range Sentences
 Alien Smuggling Offenses
 PROTECT Act Period through Gall Period**



Data on other government sponsored below range sentences is unavailable for the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES ALIEN SMUGGLING

DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The table lists the five districts with the highest and lowest rates of other government sponsored below range sentences for the three periods in which data for other government sponsored below range sentences was collected.

**Districts with the Highest and Lowest Rates of Other Government Sponsored Below Range Sentences
Alien Smuggling Offenses
Koon Period through Gall Period**

Koon Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			Booker Period (1/12/05 - 12/10/07)			Gall Period (12/11/07-9/30/11)		
District	Number of Offenders	% Oth Gov. Spon.	District	Number of Offenders	% Oth Gov. Spon.	District	Number of Offenders	% Oth Gov. Spon.	District	Number of Offenders	% Oth Gov. Spon.
Districts with the Highest Rates in Each Time Period											
			Connecticut	1	100.0	Kansas	41	63.4	Southern Iowa	14	50.0
			Nebraska	1	100.0	Southern Indiana	4	50.0	Kansas	48	45.8
			Idaho	2	50.0	Delaware	2	50.0	Eastern Wisconsin	5	40.0
			Arizona	458	35.2	Wyoming	3	33.3	Utah	16	31.3
			Southern Texas	705	31.5	Western Tennessee	5	20.0	Eastern Missouri	16	25.0
Districts with the Lowest Rates in Each Time Period											
			Southern California	413	8.2	Arizona	1,357	3.6	Middle Florida	155	1.9
			New Mexico	127	7.9	Vermont	58	3.4	Arizona	1,233	1.6
			Western Texas	240	5.0	New Jersey	30	3.3	Southern Florida	312	1.3
						Southern California	1,951	0.9	Western Texas	1,322	1.2
						Western Texas	1,334	0.7	Southern California	2,814	1.0

Number of Offenders refers to the total number of alien smuggling offenders sentenced during the time period. Data on other government sponsored below range sentences is unavailable for the *Koon* period. During the PROTECT Act period, 26 districts did not sentence any alien smuggling offenses. During the *Booker* period, seven districts did not sentence any alien smuggling offenses. During the *Gall* period, 12 districts did not sentence any alien smuggling offenses.

During the PROTECT Act period, 60 districts imposed at least one sentence for an alien smuggling offense but did not impose an other government sponsored below range sentence. The total number of alien smuggling offenders sentenced in each of those districts ranged from one to 57 offenders.

During the *Booker* period, 64 districts imposed at least one sentence for an alien smuggling offense but did not impose an other government sponsored below range sentence. The total number of alien smuggling offenders sentenced in each of those districts ranged from one to 139 offenders.

During the *Gall* period, three additional districts imposed an other government sponsored below range sentence in 25.0 percent of alien smuggling offenses (Maryland, N=8; Northern Indiana, N=4; Eastern Washington, N=4). Fifty-two districts imposed at least one sentence for an alien smuggling offense but did not impose an other government sponsored below range sentence. The total number of alien smuggling offenders in each of those districts ranged from one to 59 offenders.

SOURCE: U.S. Sentencing Commission 2011 *Booker* Report Datafiles

PART C: IMMIGRATION OFFENSES ALIEN SMUGGLING

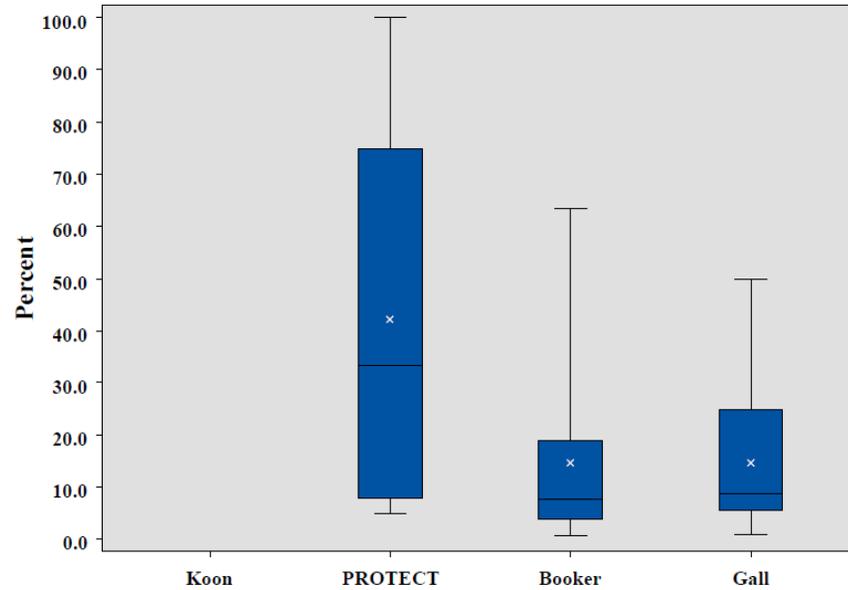
DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The box plot illustrates that more districts have imposed other government sponsored below range sentences in the *Booker* and *Gall* periods (23 districts and 30 districts, respectively) than in the PROTECT Act period (eight districts).

**Click on chart for corresponding table.*

**Spread of Rates of Other Government Sponsored Below Range Sentences
Alien Smuggling Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N		8.0	23.0	30.0
Min		5.0	0.7	1.0
Max		100.0	63.4	50.0
Q1		8.1	3.8	5.6
Q3		75.0	19.0	25.0
Q2		33.3	7.7	8.8
Mean		42.2	14.7	14.7

Data on other government sponsored below range sentences is unavailable for the Koon period.
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING

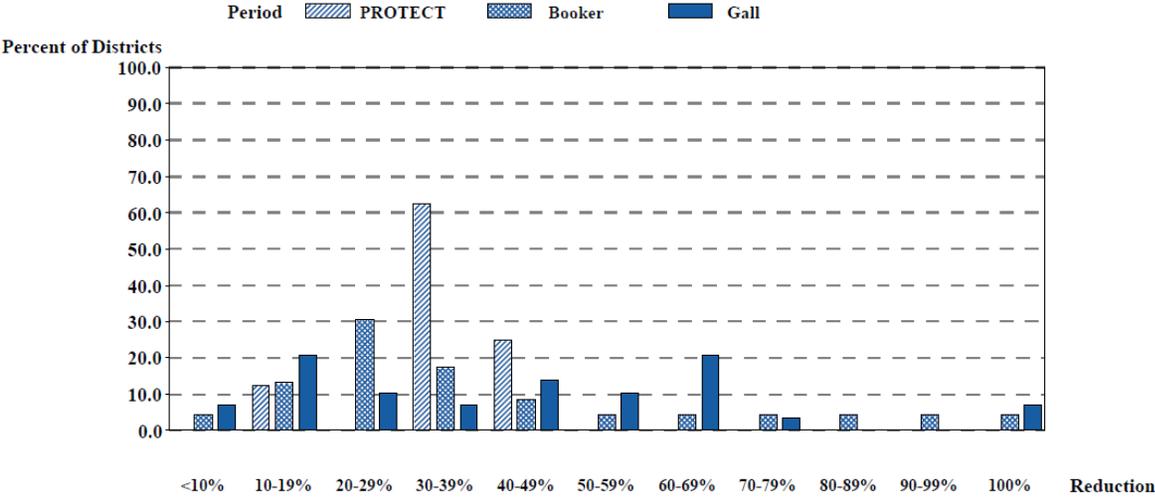


DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

During the *Gall* period, the extent of the reduction below the guideline minimum varied for other government sponsored below range sentences in alien smuggling offenses.

**Extent of Reduction from Guideline Minimum
 Other Government Sponsored Below Range Sentences
 Alien Smuggling Offenses
 PROTECT Act Period through Gall Period**



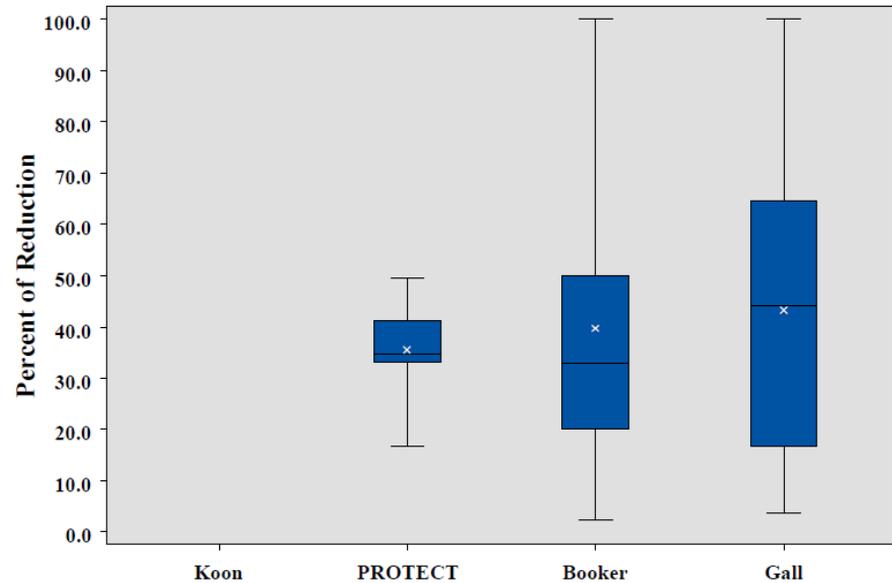
Data on other government sponsored below range sentences is unavailable for the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

With more districts imposing other government sponsored below range sentences in the *Booker* and *Gall* periods than in the PROTECT Act period, the spread in the extent of the reduction in the middle 50 percent of districts increased over these three periods. The mean extent of reduction also increased over the same periods.

Spread of Average Extent of Departure
Other Government Sponsored Below Range Sentences
Alien Smuggling Offenses
Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N		8.0	23.0	29.0
Min		16.7	2.4	3.7
Max		49.5	100.0	100.0
Q1		33.3	20.0	16.7
Q3		41.1	50.0	64.7
Q2		34.7	32.8	44.1
Mean		35.5	39.7	43.3

Data on other government sponsored below range sentences is unavailable for the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING

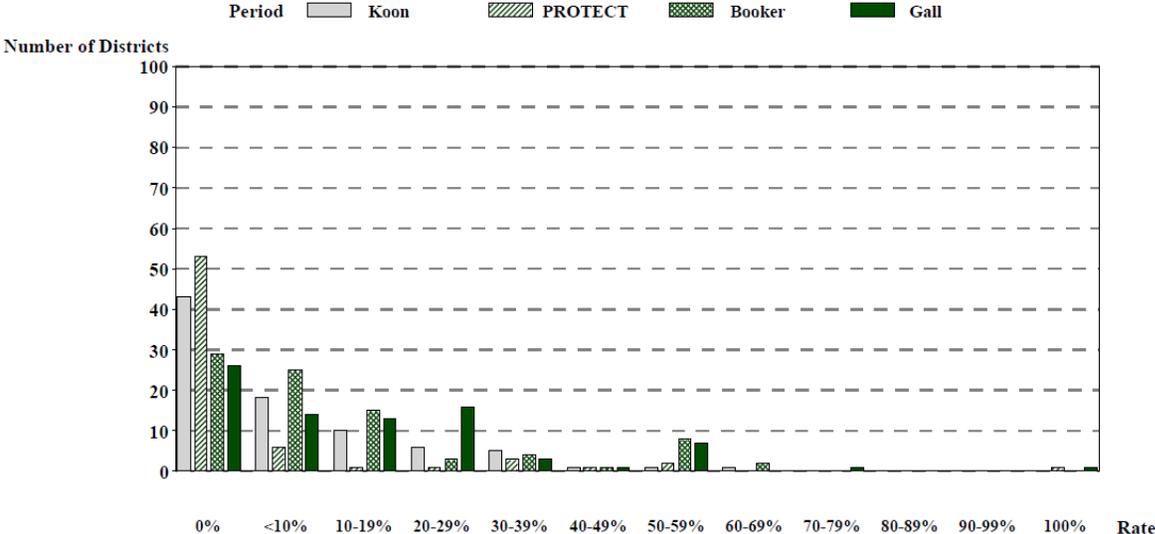


DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

Of the districts with non-government sponsored below range sentences in alien smuggling offenses, many had rates between less than ten percent and 19 percent. More districts in the *Gall* period had rates between 20 and 29 percent.

**Rate of Non-Government Sponsored Below Range Sentences
 Alien Smuggling Offenses
 Koon Period through Gall Period**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES ALIEN SMUGGLING

DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The table lists the five districts with the highest and lowest rates of non-government sponsored below range sentences for each of the four periods.

**Districts with the Highest and Lowest Rates of Non-Government Sponsored Below Range Sentences
Alien Smuggling Offenses
Koon Period through Gall Period**

Koon Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			Booker Period (1/12/05 - 12/10/07)			Gall Period (12/11/07-9/30/11)		
District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.
Districts with the Highest Rates in Each Time Period											
Arizona	1,534	61.1	Maryland	1	100.0	Minnesota	3	66.7	Western Kentucky	1	100.0
New Hampshire	2	50.0	New Hampshire	2	50.0	Eastern Missouri	3	66.7	Southern Ohio	4	75.0
Southern California	2,306	40.8	Virgin Islands	2	50.0	Eastern Tennessee	8	50.0	Western Louisiana	18	50.0
Western Texas	1,717	34.6	District of Columbia	12	41.7	Nebraska	8	50.0	Maryland	8	50.0
Northern Iowa	12	33.3	Eastern New York	3	33.3	Western Kentucky	4	50.0	District of Columbia	6	50.0
Districts with the Lowest Rates in Each Time Period											
Eastern Virginia	21	4.8	Southern Texas	705	4.8	Northern Texas	77	2.6	New Mexico	296	6.8
Northern Illinois	66	3.0	Arizona	458	4.8	Kansas	41	2.4	Eastern Missouri	16	6.3
Southern Florida	189	1.6	Western Texas	240	4.2	Central Illinois	43	2.3	Arizona	1,233	5.8
Central Illinois	64	1.6	Southern Florida	57	1.8	Southern Florida	139	2.2	Northern New York	59	3.4
Northern Texas	129	0.8	New Mexico	127	0.8	Vermont	58	1.7	Puerto Rico	33	3.0

Number of Offenders refers to the total number of alien smuggling offenders sentenced during the time period. During the *Koon* period, nine districts did not sentence any alien smuggling offenses. During the *PROTECT Act* period, 26 districts did not sentence any alien smuggling offenses. During the *Booker* period, seven districts did not sentence any alien smuggling offenses. During the *Gall* period, 12 districts did not sentence any alien smuggling offenses.

During the *Koon* period, two additional districts imposed a non-government sponsored below range sentence in 33.3 percent of alien smuggling offenses (Middle Georgia, N=9; Rhode Island, N=3). Forty-three districts imposed at least one sentence for an alien smuggling offense but did not impose a non-government sponsored below range sentence. The total number of alien smuggling offenders in each of those districts ranged from one to 32 offenders.

During the *PROTECT Act* period, two additional districts imposed a non-government sponsored below range sentence in 33.3 percent of alien smuggling offenses (Montana, N=3; Western Washington, N=3). Fifty-three districts imposed at least one sentence for an alien smuggling offense but did not impose a non-government sponsored below range sentence. The total number of alien smuggling offenders in each of those districts ranged from one to 31 offenders.

During the *Booker* period, five additional districts imposed a non-government sponsored below range sentence in 50.0 percent of alien smuggling offenses (Southern Indiana, N=4; Eastern North Carolina, N=2; Southern West Virginia, N=2; South Dakota, N=2; Northern Florida, N=2). Twenty-nine districts imposed at least one sentence for an alien smuggling offense but did not impose a non-government sponsored below range sentence. The total number of alien smuggling offenders in each of those districts ranged from one to 27 offenders.

During the *Gall* period, four additional districts imposed a non-government sponsored below range sentence in 50.0 percent of alien smuggling offenses (Southern Alabama, N=6; Western Pennsylvania, N=4; North Dakota, N=4; Guam, N=2). Twenty-six districts imposed at least one sentence for an alien smuggling offense but did not impose a non-government sponsored below range sentence. The total number of alien smuggling offenders in each of those districts ranged from one to 48 offenders.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING

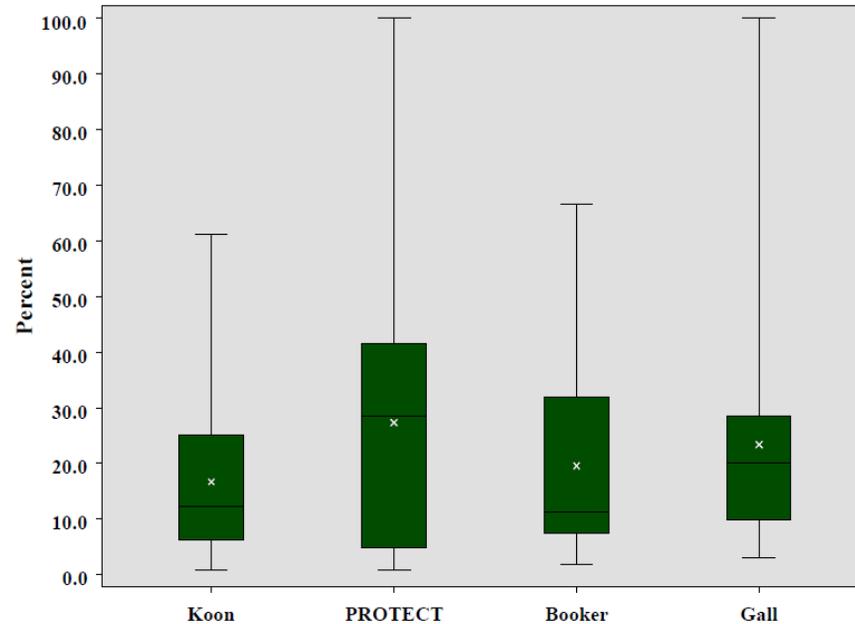
DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The spread in non-government sponsored below range rates among the middle 50 percent of districts was greatest during the PROTECT Act period, when only 15 districts reported non-government sponsored below range sentences. With more districts in the *Booker* and *Gall* periods reporting non-government sponsored below range sentences, the spread decreased. In the *Gall* period, the lowest rate among the middle 50 percent of districts increased, as seen in the higher position of the box during the *Gall* period.

**Click on chart for corresponding table.*

Spread of Rates of Non-Government Sponsored Below Range Sentences
Alien Smuggling Offenses
Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N	42.0	15.0	58.0	56.0
Min	0.8	0.8	1.7	3.0
Max	61.1	100.0	66.7	100.0
Q1	6.3	4.8	7.4	9.9
Q3	25.0	41.7	31.8	28.6
Q2	12.2	28.6	11.3	20.0
Mean	16.7	27.4	19.5	23.4

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING

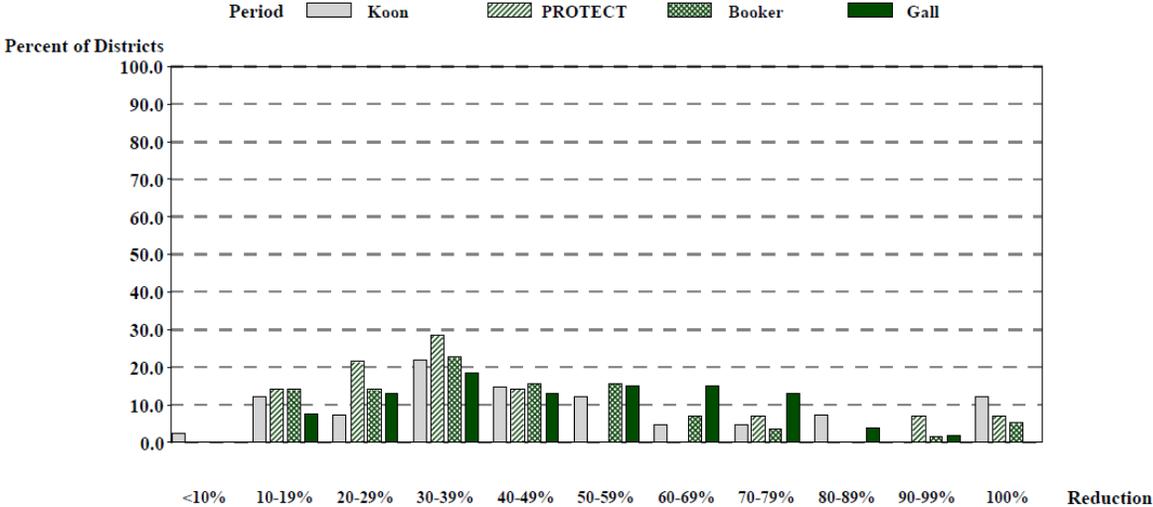


DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

In each period, most districts clustered around non-government sponsored below range reductions of between 20 and 49 percent below the guideline minimum, with more districts in the *Gall* period than the other periods also reporting reductions of between 60 and 79 percent below the guideline minimum.

Extent of Reduction from Guideline Minimum
Non-Government Sponsored Below Range Sentences
Alien Smuggling Offenses
Koon Period through Gall Period



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ALIEN SMUGGLING

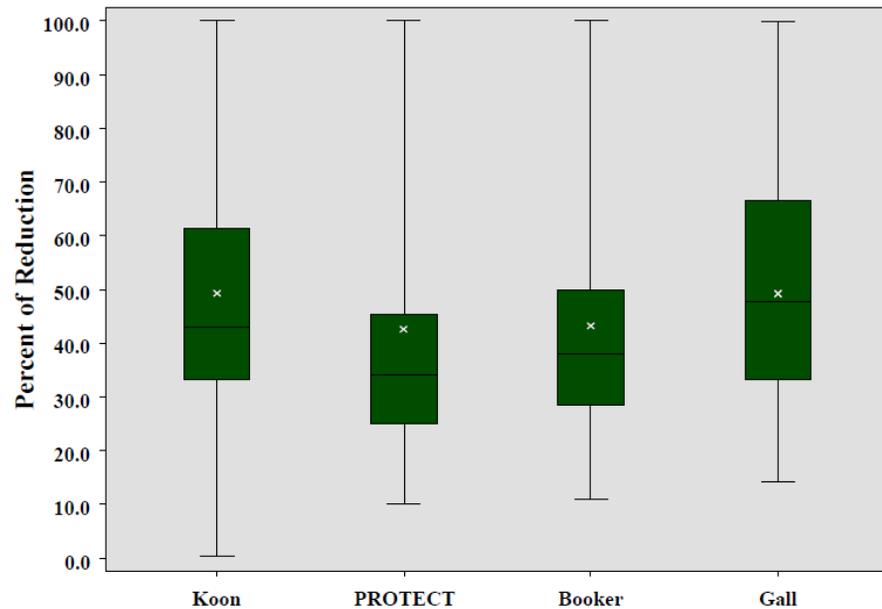
DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The average extent of the reduction from the guideline minimum among the middle 50 percent of districts increased since the PROTECT Act period. Both the average extent of reduction and the spread in the extent of the reduction among the middle 50 percent of districts was greatest in the *Gall* period.

As illustrated by the higher placement of the boxes along the vertical axis, the middle 50 percent of districts had larger average extents of reduction in the *Booker* and *Gall* periods than in the PROTECT Act period. The mean extent of reduction among all districts also increased from the PROTECT Act period to the *Gall* period.

Spread of Average Extent of Departure
Non-Government Sponsored Below Range Sentences
Alien Smuggling Offenses
Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N	41.0	14.0	57.0	54.0
Min	0.4	10.0	11.0	14.3
Max	100.0	100.0	100.0	99.9
Q1	33.3	25.0	28.6	33.3
Q3	61.4	45.3	50.0	66.6
Q2	43.0	34.1	38.1	47.9
Mean	49.3	42.7	43.3	49.2

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Appendix: Alien Smuggling Offenses

I. OVERVIEW

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 - PROTECT Act Period
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 - Gall Period
 - ❖ §5K3.1 Early Disposition Program Sentences
 - PROTECT Act Period
 - Booker Period
 - Gall Period
 - ❖ Other Government Sponsored Below Range Sentences
 - PROTECT Act Period
 - Booker Period
 - Gall Period
- ❖ Non- Government Sponsored Below Range Rates
 - Koon Period
 - PROTECT Act Period
 - Booker Period
 - Gall Period

**National Distribution of Offenses by Circuit and District
Fiscal Year 2011**

CIRCUIT District	All Offenses	
	N	%
TOTAL	76,216	100.0
D.C. CIRCUIT	345	0.5
District of Columbia	345	0.5
FIRST CIRCUIT	2,135	2.8
Maine	193	0.3
Massachusetts	538	0.7
New Hampshire	201	0.3
Puerto Rico	994	1.3
Rhode Island	209	0.3
SECOND CIRCUIT	4,308	5.7
Connecticut	335	0.4
New York		
Eastern	1,094	1.4
Northern	515	0.7
Southern	1,493	2.0
Western	714	0.9
Vermont	157	0.2
THIRD CIRCUIT	2,862	3.8
Delaware	112	0.1
New Jersey	787	1.0
Pennsylvania		
Eastern	957	1.3
Middle	489	0.6
Western	457	0.6
Virgin Islands	60	0.1
FOURTH CIRCUIT	5,740	7.5
Maryland	784	1.0
North Carolina		
Eastern	780	1.0
Middle	524	0.7
Western	542	0.7
South Carolina	1,011	1.3
Virginia		
Eastern	1,146	1.5
Western	363	0.5
West Virginia		
Northern	283	0.4
Southern	307	0.4

National Distribution of Offenses by Circuit and District (cont.)

CIRCUIT District	All Offenses	
	N	%
FIFTH CIRCUIT	17,801	23.4
Louisiana		
Eastern	340	0.4
Middle	134	0.2
Western	270	0.4
Mississippi		
Northern	181	0.2
Southern	299	0.4
Texas		
Eastern	988	1.3
Northern	898	1.2
Southern	8,158	10.7
Western	6,533	8.6
SIXTH CIRCUIT	5,329	7.0
Kentucky		
Eastern	585	0.8
Western	358	0.5
Michigan		
Eastern	810	1.1
Western	452	0.6
Ohio		
Northern	610	0.8
Southern	706	0.9
Tennessee		
Eastern	894	1.2
Middle	319	0.4
Western	595	0.8
SEVENTH CIRCUIT	2,931	3.8
Illinois		
Central	353	0.5
Northern	868	1.1
Southern	324	0.4
Indiana		
Northern	436	0.6
Southern	279	0.4
Wisconsin		
Eastern	487	0.6
Western	184	0.2
EIGHTH CIRCUIT	4,661	6.1
Arkansas		
Eastern	316	0.4
Western	313	0.4
Iowa		
Northern	516	0.7
Southern	386	0.5
Minnesota	438	0.6
Missouri		
Eastern	810	1.1
Western	639	0.8
Nebraska	544	0.7
North Dakota	271	0.4
South Dakota	428	0.6

National Distribution of Offenses by Circuit and District (cont.)

CIRCUIT District	All Offenses	
	N	%
NINTH CIRCUIT	17,291	22.7
Alaska	138	0.2
Arizona	7,558	9.9
California		
Central	1,712	2.2
Eastern	1,009	1.3
Northern	676	0.9
Southern	3,199	4.2
Guam	49	0.1
Hawaii	196	0.3
Idaho	338	0.4
Montana	305	0.4
Nevada	625	0.8
Northern Mariana Islands	7	0.0
Oregon	516	0.7
Washington		
Eastern	353	0.5
Western	610	0.8
TENTH CIRCUIT	6,372	8.4
Colorado	622	0.8
Kansas	653	0.9
New Mexico	3,104	4.1
Oklahoma		
Eastern	103	0.1
Northern	192	0.3
Western	375	0.5
Utah	992	1.3
Wyoming	331	0.4
ELEVENTH CIRCUIT	6,441	8.5
Alabama		
Middle	227	0.3
Northern	428	0.6
Southern	421	0.6
Florida		
Middle	1,515	2.0
Northern	363	0.5
Southern	2,027	2.7
Georgia		
Middle	368	0.5
Northern	649	0.9
Southern	443	0.6

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**National Distribution of Selected Offenses by Circuit and District
Fiscal Year 2011**

CIRCUIT	TOTAL	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	76,191	5,896	7.7	5,898	7.7	2,546	3.3	21,264	27.9	24,502	32.2	226	0.3	1,632	2.1
D.C. CIRCUIT	345	16	0.3	50	0.8	3	0.1	15	0.1	133	0.5	2	0.9	11	0.7
District of Columbia	345	16	0.3	50	0.8	3	0.1	15	0.1	133	0.5	2	0.9	11	0.7
FIRST CIRCUIT	2,134	190	3.2	240	4.1	16	0.6	114	0.5	1,129	4.6	10	4.4	39	2.4
Maine	193	39	0.7	17	0.3	2	0.1	4	0.0	70	0.3	1	0.4	8	0.5
Massachusetts	538	61	1.0	85	1.4	5	0.2	44	0.2	192	0.8	1	0.4	16	1.0
New Hampshire	201	26	0.4	25	0.4	0	0.0	6	0.0	85	0.3	1	0.4	3	0.2
Puerto Rico	993	38	0.6	98	1.7	9	0.4	30	0.1	699	2.9	7	3.1	5	0.3
Rhode Island	209	26	0.4	15	0.3	0	0.0	30	0.1	83	0.3	0	0.0	7	0.4
SECOND CIRCUIT	4,307	245	4.2	556	9.4	48	1.9	462	2.2	1,787	7.3	14	6.2	114	7.0
Connecticut	335	48	0.8	37	0.6	0	0.0	6	0.0	164	0.7	2	0.9	5	0.3
New York															
Eastern	1,094	37	0.6	160	2.7	14	0.5	146	0.7	410	1.7	0	0.0	18	1.1
Northern	515	47	0.8	26	0.4	20	0.8	59	0.3	243	1.0	7	3.1	45	2.8
Southern	1,493	57	1.0	240	4.1	5	0.2	164	0.8	579	2.4	0	0.0	7	0.4
Western	713	36	0.6	82	1.4	7	0.3	80	0.4	309	1.3	5	2.2	35	2.1
Vermont	157	20	0.3	11	0.2	2	0.1	7	0.0	82	0.3	0	0.0	4	0.2
THIRD CIRCUIT	2,861	279	4.7	413	7.0	10	0.4	206	1.0	953	3.9	9	4.0	103	6.3
Delaware	112	24	0.4	7	0.1	0	0.0	9	0.0	27	0.1	1	0.4	6	0.4
New Jersey	787	82	1.4	134	2.3	5	0.2	33	0.2	223	0.9	0	0.0	21	1.3
Pennsylvania															
Eastern	957	100	1.7	164	2.8	2	0.1	76	0.4	328	1.3	0	0.0	23	1.4
Middle	488	22	0.4	54	0.9	2	0.1	45	0.2	177	0.7	6	2.7	15	0.9
Western	457	39	0.7	52	0.9	0	0.0	36	0.2	179	0.7	2	0.9	38	2.3
Virgin Islands	60	12	0.2	2	0.0	1	0.0	7	0.0	19	0.1	0	0.0	0	0.0
FOURTH CIRCUIT	5,730	832	14.1	596	10.1	13	0.5	484	2.3	2,229	9.1	35	15.5	141	8.6
Maryland	780	110	1.9	87	1.5	2	0.1	54	0.3	251	1.0	15	6.6	31	1.9
North Carolina															
Eastern	779	148	2.5	68	1.2	0	0.0	56	0.3	346	1.4	4	1.8	8	0.5
Middle	523	159	2.7	22	0.4	0	0.0	57	0.3	153	0.6	1	0.4	20	1.2
Western	542	69	1.2	61	1.0	2	0.1	66	0.3	182	0.7	5	2.2	7	0.4
South Carolina	1,009	172	2.9	134	2.3	4	0.2	52	0.2	401	1.6	1	0.4	23	1.4
Virginia															
Eastern	1,145	75	1.3	168	2.8	5	0.2	175	0.8	389	1.6	8	3.5	30	1.8
Western	362	23	0.4	25	0.4	0	0.0	7	0.0	197	0.8	0	0.0	10	0.6
West Virginia															
Northern	283	35	0.6	15	0.3	0	0.0	12	0.1	144	0.6	0	0.0	7	0.4
Southern	307	41	0.7	16	0.3	0	0.0	5	0.0	166	0.7	1	0.4	5	0.3

National Distribution of Selected Offenses by Circuit and District (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	17,799	707	12.0	672	11.4	1,275	50.1	7,950	37.4	4,956	20.2	20	8.8	188	11.5
Louisiana															
Eastern	340	33	0.6	58	1.0	1	0.0	19	0.1	120	0.5	0	0.0	8	0.5
Middle	134	27	0.5	29	0.5	0	0.0	16	0.1	37	0.2	0	0.0	0	0.0
Western	270	41	0.7	40	0.7	0	0.0	11	0.1	60	0.2	3	1.3	11	0.7
Mississippi															
Northern	181	32	0.5	20	0.3	0	0.0	5	0.0	65	0.3	1	0.4	18	1.1
Southern	299	23	0.4	72	1.2	3	0.1	22	0.1	77	0.3	1	0.4	5	0.3
Texas															
Eastern	987	98	1.7	93	1.6	17	0.7	82	0.4	460	1.9	1	0.4	25	1.5
Northern	897	86	1.5	80	1.4	9	0.4	142	0.7	259	1.1	7	3.1	42	2.6
Southern	8,158	182	3.1	120	2.0	938	36.8	4,656	21.9	1,735	7.1	3	1.3	24	1.5
Western	6,533	185	3.1	160	2.7	307	12.1	2,997	14.1	2,143	8.7	4	1.8	55	3.4
SIXTH CIRCUIT	5,324	847	14.4	579	9.8	14	0.5	416	2.0	1,946	7.9	23	10.2	181	11.1
Kentucky															
Eastern	585	55	0.9	51	0.9	0	0.0	22	0.1	259	1.1	6	2.7	19	1.2
Western	358	27	0.5	52	0.9	0	0.0	21	0.1	158	0.6	0	0.0	10	0.6
Michigan															
Eastern	810	126	2.1	97	1.6	2	0.1	104	0.5	243	1.0	4	1.8	35	2.1
Western	450	61	1.0	42	0.7	0	0.0	108	0.5	104	0.4	4	1.8	21	1.3
Ohio															
Northern	610	117	2.0	97	1.6	2	0.1	25	0.1	173	0.7	0	0.0	28	1.7
Southern	704	63	1.1	78	1.3	3	0.1	81	0.4	269	1.1	4	1.8	36	2.2
Tennessee															
Eastern	894	143	2.4	53	0.9	4	0.2	19	0.1	474	1.9	1	0.4	12	0.7
Middle	319	89	1.5	32	0.5	0	0.0	17	0.1	82	0.3	2	0.9	11	0.7
Western	594	166	2.8	77	1.3	3	0.1	19	0.1	184	0.8	2	0.9	9	0.6
SEVENTH CIRCUIT	2,931	377	6.4	341	5.8	4	0.2	214	1.0	1,182	4.8	23	10.2	103	6.3
Illinois															
Central	353	54	0.9	23	0.4	2	0.1	28	0.1	138	0.6	6	2.7	27	1.7
Northern	868	42	0.7	161	2.7	0	0.0	105	0.5	285	1.2	6	2.7	14	0.9
Southern	324	53	0.9	28	0.5	1	0.0	7	0.0	139	0.6	5	2.2	18	1.1
Indiana															
Northern	436	126	2.1	47	0.8	1	0.0	10	0.0	147	0.6	2	0.9	12	0.7
Southern	279	18	0.3	24	0.4	0	0.0	28	0.1	143	0.6	2	0.9	15	0.9
Wisconsin															
Eastern	487	65	1.1	38	0.6	0	0.0	18	0.1	262	1.1	1	0.4	14	0.9
Western	184	19	0.3	20	0.3	0	0.0	18	0.1	68	0.3	1	0.4	3	0.2
EIGHTH CIRCUIT	4,661	586	9.9	434	7.4	20	0.8	601	2.8	1,506	6.1	37	16.4	210	12.9
Arkansas															
Eastern	316	29	0.5	37	0.6	0	0.0	52	0.2	126	0.5	1	0.4	11	0.7
Western	313	26	0.4	13	0.2	4	0.2	94	0.4	91	0.4	6	2.7	9	0.6
Iowa															
Northern	516	66	1.1	22	0.4	3	0.1	136	0.6	184	0.8	6	2.7	20	1.2
Southern	386	52	0.9	44	0.7	6	0.2	28	0.1	148	0.6	1	0.4	25	1.5
Minnesota	438	39	0.7	61	1.0	1	0.0	42	0.2	159	0.6	6	2.7	13	0.8
Missouri															
Eastern	810	124	2.1	106	1.8	2	0.1	25	0.1	225	0.9	7	3.1	54	3.3
Western	639	162	2.7	72	1.2	2	0.1	33	0.2	174	0.7	7	3.1	27	1.7
Nebraska	544	50	0.8	50	0.8	0	0.0	95	0.4	219	0.9	2	0.9	23	1.4
North Dakota	271	15	0.3	6	0.1	2	0.1	46	0.2	76	0.3	0	0.0	19	1.2
South Dakota	428	23	0.4	23	0.4	0	0.0	50	0.2	104	0.4	1	0.4	9	0.6

National Distribution of Selected Offenses by Circuit and District (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	17,287	628	10.7	807	13.7	937	36.8	7,211	33.9	5,172	21.1	18	8.0	280	17.2
Alaska	138	19	0.3	8	0.1	0	0.0	4	0.0	66	0.3	0	0.0	7	0.4
Arizona	7,558	103	1.7	61	1.0	331	13.0	4,542	21.4	2,054	8.4	1	0.4	28	1.7
California															
Central	1,712	59	1.0	236	4.0	33	1.3	439	2.1	511	2.1	2	0.9	50	3.1
Eastern	1,009	42	0.7	68	1.2	0	0.0	369	1.7	295	1.2	5	2.2	38	2.3
Northern	676	62	1.1	104	1.8	2	0.1	154	0.7	159	0.6	2	0.9	24	1.5
Southern	3,199	37	0.6	37	0.6	557	21.9	1,129	5.3	1,151	4.7	1	0.4	39	2.4
Guam	49	1	0.0	12	0.2	2	0.1	1	0.0	12	0.0	0	0.0	0	0.0
Hawaii	196	10	0.2	19	0.3	1	0.0	5	0.0	103	0.4	1	0.4	8	0.5
Idaho	338	28	0.5	30	0.5	0	0.0	93	0.4	134	0.5	1	0.4	9	0.6
Montana	305	20	0.3	24	0.4	0	0.0	12	0.1	116	0.5	1	0.4	23	1.4
Nevada	625	84	1.4	66	1.1	3	0.1	152	0.7	131	0.5	0	0.0	17	1.0
Northern Mariana Islands	7	1	0.0	0	0.0	0	0.0	0	0.0	2	0.0	0	0.0	0	0.0
Oregon	512	66	1.1	50	0.8	0	0.0	73	0.3	155	0.6	3	1.3	18	1.1
Washington															
Eastern	353	40	0.7	16	0.3	2	0.1	136	0.6	91	0.4	0	0.0	5	0.3
Western	610	56	0.9	76	1.3	6	0.2	102	0.5	192	0.8	1	0.4	14	0.9
TENTH CIRCUIT	6,371	489	8.3	257	4.4	111	4.4	2,880	13.5	1,487	6.1	12	5.3	96	5.9
Colorado	622	86	1.5	44	0.7	4	0.2	181	0.9	159	0.6	0	0.0	8	0.5
Kansas	653	82	1.4	47	0.8	12	0.5	62	0.3	251	1.0	2	0.9	16	1.0
New Mexico	3,104	104	1.8	17	0.3	87	3.4	1,957	9.2	593	2.4	0	0.0	16	1.0
Oklahoma															
Eastern	102	16	0.3	17	0.3	0	0.0	5	0.0	21	0.1	0	0.0	2	0.1
Northern	192	31	0.5	23	0.4	0	0.0	38	0.2	48	0.2	0	0.0	3	0.2
Western	375	33	0.6	43	0.7	0	0.0	64	0.3	114	0.5	3	1.3	12	0.7
Utah	992	103	1.7	59	1.0	8	0.3	490	2.3	161	0.7	5	2.2	28	1.7
Wyoming	331	34	0.6	7	0.1	0	0.0	83	0.4	140	0.6	2	0.9	11	0.7
ELEVENTH CIRCUIT	6,441	700	11.9	953	16.2	95	3.7	711	3.3	2,022	8.3	23	10.2	166	10.2
Alabama															
Middle	227	24	0.4	23	0.4	0	0.0	17	0.1	66	0.3	0	0.0	5	0.3
Northern	428	109	1.8	58	1.0	2	0.1	32	0.2	84	0.3	3	1.3	16	1.0
Southern	421	64	1.1	54	0.9	3	0.1	10	0.0	166	0.7	2	0.9	8	0.5
Florida															
Middle	1,515	149	2.5	173	2.9	27	1.1	302	1.4	534	2.2	6	2.7	49	3.0
Northern	363	49	0.8	28	0.5	1	0.0	17	0.1	115	0.5	1	0.4	16	1.0
Southern	2,027	92	1.6	461	7.8	49	1.9	161	0.8	640	2.6	3	1.3	32	2.0
Georgia															
Middle	368	41	0.7	26	0.4	0	0.0	43	0.2	96	0.4	3	1.3	6	0.4
Northern	649	71	1.2	86	1.5	13	0.5	120	0.6	153	0.6	3	1.3	22	1.3
Southern	443	101	1.7	44	0.7	0	0.0	9	0.0	168	0.7	2	0.9	12	0.7

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Proportion of Caseload in Each Circuit and District for Selected Offenses
Fiscal Year 2011**

CIRCUIT	TOTAL	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	76,191	5,896	7.7	5,898	7.7	2,546	3.3	21,264	27.9	24,502	32.2	226	0.3	1,632	2.1
D.C. CIRCUIT	345	16	4.6	50	14.5	3	0.9	15	4.3	133	38.6	2	0.6	11	3.2
District of Columbia	345	16	4.6	50	14.5	3	0.9	15	4.3	133	38.6	2	0.6	11	3.2
FIRST CIRCUIT	2,134	190	8.9	240	11.2	16	0.7	114	5.3	1,129	52.9	10	0.5	39	1.8
Maine	193	39	20.2	17	8.8	2	1.0	4	2.1	70	36.3	1	0.5	8	4.1
Massachusetts	538	61	11.3	85	15.8	5	0.9	44	8.2	192	35.7	1	0.2	16	3.0
New Hampshire	201	26	12.9	25	12.4	0	0.0	6	3.0	85	42.3	1	0.5	3	1.5
Puerto Rico	993	38	3.8	98	9.9	9	0.9	30	3.0	699	70.4	7	0.7	5	0.5
Rhode Island	209	26	12.4	15	7.2	0	0.0	30	14.4	83	39.7	0	0.0	7	3.3
SECOND CIRCUIT	4,307	245	5.7	556	12.9	48	1.1	462	10.7	1,787	41.5	14	0.3	114	2.6
Connecticut	335	48	14.3	37	11.0	0	0.0	6	1.8	164	49.0	2	0.6	5	1.5
New York															
Eastern	1,094	37	3.4	160	14.6	14	1.3	146	13.3	410	37.5	0	0.0	18	1.6
Northern	515	47	9.1	26	5.0	20	3.9	59	11.5	243	47.2	7	1.4	45	8.7
Southern	1,493	57	3.8	240	16.1	5	0.3	164	11.0	579	38.8	0	0.0	7	0.5
Western	713	36	5.0	82	11.5	7	1.0	80	11.2	309	43.3	5	0.7	35	4.9
Vermont	157	20	12.7	11	7.0	2	1.3	7	4.5	82	52.2	0	0.0	4	2.5
THIRD CIRCUIT	2,861	279	9.8	413	14.4	10	0.3	206	7.2	953	33.3	9	0.3	103	3.6
Delaware	112	24	21.4	7	6.3	0	0.0	9	8.0	27	24.1	1	0.9	6	5.4
New Jersey	787	82	10.4	134	17.0	5	0.6	33	4.2	223	28.3	0	0.0	21	2.7
Pennsylvania															
Eastern	957	100	10.4	164	17.1	2	0.2	76	7.9	328	34.3	0	0.0	23	2.4
Middle	488	22	4.5	54	11.1	2	0.4	45	9.2	177	36.3	6	1.2	15	3.1
Western	457	39	8.5	52	11.4	0	0.0	36	7.9	179	39.2	2	0.4	38	8.3
Virgin Islands	60	12	20.0	2	3.3	1	1.7	7	11.7	19	31.7	0	0.0	0	0.0
FOURTH CIRCUIT	5,730	832	14.5	596	10.4	13	0.2	484	8.4	2,229	38.9	35	0.6	141	2.5
Maryland	780	110	14.1	87	11.2	2	0.3	54	6.9	251	32.2	15	1.9	31	4.0
North Carolina															
Eastern	779	148	19.0	68	8.7	0	0.0	56	7.2	346	44.4	4	0.5	8	1.0
Middle	523	159	30.4	22	4.2	0	0.0	57	10.9	153	29.3	1	0.2	20	3.8
Western	542	69	12.7	61	11.3	2	0.4	66	12.2	182	33.6	5	0.9	7	1.3
South Carolina	1,009	172	17.0	134	13.3	4	0.4	52	5.2	401	39.7	1	0.1	23	2.3
Virginia															
Eastern	1,145	75	6.6	168	14.7	5	0.4	175	15.3	389	34.0	8	0.7	30	2.6
Western	362	23	6.4	25	6.9	0	0.0	7	1.9	197	54.4	0	0.0	10	2.8
West Virginia															
Northern	283	35	12.4	15	5.3	0	0.0	12	4.2	144	50.9	0	0.0	7	2.5
Southern	307	41	13.4	16	5.2	0	0.0	5	1.6	166	54.1	1	0.3	5	1.6

Proportion of Caseload in Each Circuit and District for Selected Offenses (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	17,799	707	4.0	672	3.8	1,275	7.2	7,950	44.7	4,956	27.8	20	0.1	188	1.1
Louisiana															
Eastern	340	33	9.7	58	17.1	1	0.3	19	5.6	120	35.3	0	0.0	8	2.4
Middle	134	27	20.1	29	21.6	0	0.0	16	11.9	37	27.6	0	0.0	0	0.0
Western	270	41	15.2	40	14.8	0	0.0	11	4.1	60	22.2	3	1.1	11	4.1
Mississippi															
Northern	181	32	17.7	20	11.0	0	0.0	5	2.8	65	35.9	1	0.6	18	9.9
Southern	299	23	7.7	72	24.1	3	1.0	22	7.4	77	25.8	1	0.3	5	1.7
Texas															
Eastern	987	98	9.9	93	9.4	17	1.7	82	8.3	460	46.6	1	0.1	25	2.5
Northern	897	86	9.6	80	8.9	9	1.0	142	15.8	259	28.9	7	0.8	42	4.7
Southern	8,158	182	2.2	120	1.5	938	11.5	4,656	57.1	1,735	21.3	3	0.0	24	0.3
Western	6,533	185	2.8	160	2.4	307	4.7	2,997	45.9	2,143	32.8	4	0.1	55	0.8
SIXTH CIRCUIT	5,324	847	15.9	579	10.9	14	0.3	416	7.8	1,946	36.6	23	0.4	181	3.4
Kentucky															
Eastern	585	55	9.4	51	8.7	0	0.0	22	3.8	259	44.3	6	1.0	19	3.2
Western	358	27	7.5	52	14.5	0	0.0	21	5.9	158	44.1	0	0.0	10	2.8
Michigan															
Eastern	810	126	15.6	97	12.0	2	0.2	104	12.8	243	30.0	4	0.5	35	4.3
Western	450	61	13.6	42	9.3	0	0.0	108	24.0	104	23.1	4	0.9	21	4.7
Ohio															
Northern	610	117	19.2	97	15.9	2	0.3	25	4.1	173	28.4	0	0.0	28	4.6
Southern	704	63	8.9	78	11.1	3	0.4	81	11.5	269	38.2	4	0.6	36	5.1
Tennessee															
Eastern	894	143	16.0	53	5.9	4	0.4	19	2.1	474	53.0	1	0.1	12	1.3
Middle	319	89	27.9	32	10.0	0	0.0	17	5.3	82	25.7	2	0.6	11	3.4
Western	594	166	27.9	77	13.0	3	0.5	19	3.2	184	31.0	2	0.3	9	1.5
SEVENTH CIRCUIT	2,931	377	12.9	341	11.6	4	0.1	214	7.3	1,182	40.3	23	0.8	103	3.5
Illinois															
Central	353	54	15.3	23	6.5	2	0.6	28	7.9	138	39.1	6	1.7	27	7.6
Northern	868	42	4.8	161	18.5	0	0.0	105	12.1	285	32.8	6	0.7	14	1.6
Southern	324	53	16.4	28	8.6	1	0.3	7	2.2	139	42.9	5	1.5	18	5.6
Indiana															
Northern	436	126	28.9	47	10.8	1	0.2	10	2.3	147	33.7	2	0.5	12	2.8
Southern	279	18	6.5	24	8.6	0	0.0	28	10.0	143	51.3	2	0.7	15	5.4
Wisconsin															
Eastern	487	65	13.3	38	7.8	0	0.0	18	3.7	262	53.8	1	0.2	14	2.9
Western	184	19	10.3	20	10.9	0	0.0	18	9.8	68	37.0	1	0.5	3	1.6
EIGHTH CIRCUIT	4,661	586	12.6	434	9.3	20	0.4	601	12.9	1,506	32.3	37	0.8	210	4.5
Arkansas															
Eastern	316	29	9.2	37	11.7	0	0.0	52	16.5	126	39.9	1	0.3	11	3.5
Western	313	26	8.3	13	4.2	4	1.3	94	30.0	91	29.1	6	1.9	9	2.9
Iowa															
Northern	516	66	12.8	22	4.3	3	0.6	136	26.4	184	35.7	6	1.2	20	3.9
Southern	386	52	13.5	44	11.4	6	1.6	28	7.3	148	38.3	1	0.3	25	6.5
Minnesota	438	39	8.9	61	13.9	1	0.2	42	9.6	159	36.3	6	1.4	13	3.0
Missouri															
Eastern	810	124	15.3	106	13.1	2	0.2	25	3.1	225	27.8	7	0.9	54	6.7
Western	639	162	25.4	72	11.3	2	0.3	33	5.2	174	27.2	7	1.1	27	4.2
Nebraska	544	50	9.2	50	9.2	0	0.0	95	17.5	219	40.3	2	0.4	23	4.2
North Dakota	271	15	5.5	6	2.2	2	0.7	46	17.0	76	28.0	0	0.0	19	7.0
South Dakota	428	23	5.4	23	5.4	0	0.0	50	11.7	104	24.3	1	0.2	9	2.1

Proportion of Caseload in Each Circuit and District for Selected Offenses (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	17,287	628	3.6	807	4.7	937	5.4	7,211	41.7	5,172	29.9	18	0.1	280	1.6
	Alaska	138	19 13.8	8	5.8	0	0.0	4	2.9	66	47.8	0	0.0	7	5.1
	Arizona	7,558	103 1.4	61	0.8	331	4.4	4,542	60.1	2,054	27.2	1	0.0	28	0.4
	California														
	Central	1,712	59 3.4	236	13.8	33	1.9	439	25.6	511	29.8	2	0.1	50	2.9
	Eastern	1,009	42 4.2	68	6.7	0	0.0	369	36.6	295	29.2	5	0.5	38	3.8
	Northern	676	62 9.2	104	15.4	2	0.3	154	22.8	159	23.5	2	0.3	24	3.6
	Southern	3,199	37 1.2	37	1.2	557	17.4	1,129	35.3	1,151	36.0	1	0.0	39	1.2
	Guam	49	1 2.0	12	24.5	2	4.1	1	2.0	12	24.5	0	0.0	0	0.0
	Hawaii	196	10 5.1	19	9.7	1	0.5	5	2.6	103	52.6	1	0.5	8	4.1
	Idaho	338	28 8.3	30	8.9	0	0.0	93	27.5	134	39.6	1	0.3	9	2.7
	Montana	305	20 6.6	24	7.9	0	0.0	12	3.9	116	38.0	1	0.3	23	7.5
	Nevada	625	84 13.4	66	10.6	3	0.5	152	24.3	131	21.0	0	0.0	17	2.7
	Northern Mariana Islands	7	1 14.3	0	0.0	0	0.0	0	0.0	2	28.6	0	0.0	0	0.0
	Oregon	512	66 12.9	50	9.8	0	0.0	73	14.3	155	30.3	3	0.6	18	3.5
	Washington														
	Eastern	353	40 11.3	16	4.5	2	0.6	136	38.5	91	25.8	0	0.0	5	1.4
	Western	610	56 9.2	76	12.5	6	1.0	102	16.7	192	31.5	1	0.2	14	2.3
TENTH CIRCUIT	6,371	489	7.7	257	4.0	111	1.7	2,880	45.2	1,487	23.3	12	0.2	96	1.5
	Colorado	622	86 13.8	44	7.1	4	0.6	181	29.1	159	25.6	0	0.0	8	1.3
	Kansas	653	82 12.6	47	7.2	12	1.8	62	9.5	251	38.4	2	0.3	16	2.5
	New Mexico	3,104	104 3.4	17	0.5	87	2.8	1,957	63.0	593	19.1	0	0.0	16	0.5
	Oklahoma														
	Eastern	102	16 15.7	17	16.7	0	0.0	5	4.9	21	20.6	0	0.0	2	2.0
	Northern	192	31 16.1	23	12.0	0	0.0	38	19.8	48	25.0	0	0.0	3	1.6
	Western	375	33 8.8	43	11.5	0	0.0	64	17.1	114	30.4	3	0.8	12	3.2
	Utah	992	103 10.4	59	5.9	8	0.8	490	49.4	161	16.2	5	0.5	28	2.8
	Wyoming	331	34 10.3	7	2.1	0	0.0	83	25.1	140	42.3	2	0.6	11	3.3
ELEVENTH CIRCUIT	6,441	700	10.9	953	14.8	95	1.5	711	11.0	2,022	31.4	23	0.4	166	2.6
	Alabama														
	Middle	227	24 10.6	23	10.1	0	0.0	17	7.5	66	29.1	0	0.0	5	2.2
	Northern	428	109 25.5	58	13.6	2	0.5	32	7.5	84	19.6	3	0.7	16	3.7
	Southern	421	64 15.2	54	12.8	3	0.7	10	2.4	166	39.4	2	0.5	8	1.9
	Florida														
	Middle	1,515	149 9.8	173	11.4	27	1.8	302	19.9	534	35.2	6	0.4	49	3.2
	Northern	363	49 13.5	28	7.7	1	0.3	17	4.7	115	31.7	1	0.3	16	4.4
	Southern	2,027	92 4.5	461	22.7	49	2.4	161	7.9	640	31.6	3	0.1	32	1.6
	Georgia														
	Middle	368	41 11.1	26	7.1	0	0.0	43	11.7	96	26.1	3	0.8	6	1.6
	Northern	649	71 10.9	86	13.3	13	2.0	120	18.5	153	23.6	3	0.5	22	3.4
	Southern	443	101 22.8	44	9.9	0	0.0	9	2.0	168	37.9	2	0.5	12	2.7

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Within Range Sentences by Circuit and District
Alien Smuggling Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	10,702	5,999	56.1	2,323	1,405	60.5	9,462	5,239	55.4	10,947	5,547	50.7
D.C. CIRCUIT	17	10	58.8	12	3	25.0	5	3	60.0	6	1	16.7
District of Columbia	17	10	58.8	12	3	25.0	5	3	60.0	6	1	16.7
FIRST CIRCUIT	62	49	79.0	13	11	84.6	65	58	89.2	59	45	76.3
Maine	1	1	100.0	0	0	0.0	5	5	100.0	10	5	50.0
Massachusetts	6	1	16.7	1	1	100.0	9	8	88.9	16	11	68.8
New Hampshire	2	1	50.0	2	0	0.0	0	0	0.0	0	0	0.0
Puerto Rico	50	44	88.0	8	8	100.0	50	44	88.0	33	29	87.9
Rhode Island	3	2	66.7	2	2	100.0	1	1	100.0	0	0	0.0
SECOND CIRCUIT	253	160	63.2	53	33	62.3	206	135	65.5	163	105	64.4
Connecticut	0	0	0.0	1	0	0.0	3	3	100.0	1	1	100.0
New York												
Eastern	38	25	65.8	3	2	66.7	27	20	74.1	27	18	66.7
Northern	110	71	64.5	17	9	52.9	50	34	68.0	59	42	71.2
Southern	36	27	75.0	16	14	87.5	35	27	77.1	16	12	75.0
Western	32	19	59.4	10	3	30.0	33	8	24.2	30	13	43.3
Vermont	37	18	48.6	6	5	83.3	58	43	74.1	30	19	63.3
THIRD CIRCUIT	60	38	63.3	8	6	75.0	74	47	63.5	54	22	40.7
Delaware	0	0	0.0	0	0	0.0	2	1	50.0	2	1	50.0
New Jersey	32	17	53.1	4	4	100.0	30	20	66.7	18	8	44.4
Pennsylvania												
Eastern	4	2	50.0	1	1	100.0	6	4	66.7	9	3	33.3
Middle	3	3	100.0	1	1	100.0	18	8	44.4	14	6	42.9
Western	0	0	0.0	0	0	0.0	3	2	66.7	4	2	50.0
Virgin Islands	21	16	76.2	2	0	0.0	15	12	80.0	7	2	28.6
FOURTH CIRCUIT	56	47	83.9	25	16	64.0	68	50	73.5	63	34	54.0
Maryland	11	9	81.8	1	0	0.0	6	3	50.0	8	1	12.5
North Carolina												
Eastern	4	4	100.0	0	0	0.0	2	1	50.0	0	0	0.0
Middle	5	5	100.0	2	2	100.0	8	7	87.5	3	2	66.7
Western	7	7	100.0	0	0	0.0	5	4	80.0	9	5	55.6
South Carolina	2	1	50.0	4	2	50.0	6	5	83.3	10	7	70.0
Virginia												
Eastern	21	15	71.4	16	10	62.5	39	29	74.4	28	17	60.7
Western	4	4	100.0	2	2	100.0	0	0	0.0	4	1	25.0
West Virginia												
Northern	1	1	100.0	0	0	0.0	0	0	0.0	1	1	100.0
Southern	1	1	100.0	0	0	0.0	2	1	50.0	0	0	0.0

Rate of Within Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i>			PROTECT Act			<i>Booker</i>			<i>Gall</i>		
	Period			Period			Period			Period		
District	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	4,511	2,621	58.1	994	575	57.8	4,501	2,976	66.1	5,258	3,360	63.9
Louisiana												
Eastern	0	0	0.0	3	3	100.0	3	2	66.7	5	4	80.0
Middle	3	0	0.0	1	1	100.0	0	0	0.0	6	2	33.3
Western	0	0	0.0	4	4	100.0	11	7	63.6	18	7	38.9
Mississippi												
Northern	1	1	100.0	0	0	0.0	0	0	0.0	2	2	100.0
Southern	3	3	100.0	0	0	0.0	7	7	100.0	13	10	76.9
Texas												
Eastern	15	13	86.7	10	9	90.0	25	24	96.0	56	52	92.9
Northern	129	118	91.5	31	30	96.8	77	73	94.8	33	33	100.0
Southern	2,643	1,560	59.0	705	387	54.9	3,044	1,934	63.5	3,803	2,379	62.6
Western	1,717	926	53.9	240	141	58.8	1,334	929	69.6	1,322	871	65.9
SIXTH CIRCUIT	66	45	68.2	19	13	68.4	113	48	42.5	68	34	50.0
Kentucky												
Eastern	8	6	75.0	0	0	0.0	17	3	17.6	11	1	9.1
Western	8	2	25.0	2	0	0.0	4	1	25.0	1	0	0.0
Michigan												
Eastern	31	25	80.6	11	9	81.8	48	20	41.7	13	8	61.5
Western	2	1	50.0	0	0	0.0	9	6	66.7	6	4	66.7
Ohio												
Northern	2	2	100.0	3	3	100.0	16	9	56.3	14	10	71.4
Southern	3	3	100.0	0	0	0.0	6	2	33.3	4	1	25.0
Tennessee												
Eastern	9	4	44.4	2	0	0.0	8	3	37.5	9	5	55.6
Middle	1	1	100.0	1	1	100.0	0	0	0.0	3	3	100.0
Western	2	1	50.0	0	0	0.0	5	4	80.0	7	2	28.6
SEVENTH CIRCUIT	145	118	81.4	17	13	76.5	108	88	81.5	41	31	75.6
Illinois												
Central	64	53	82.8	5	5	100.0	43	40	93.0	13	12	92.3
Northern	66	58	87.9	5	4	80.0	35	28	80.0	9	7	77.8
Southern	13	5	38.5	5	2	40.0	12	10	83.3	10	8	80.0
Indiana												
Northern	1	1	100.0	0	0	0.0	7	6	85.7	4	3	75.0
Southern	0	0	0.0	0	0	0.0	4	0	0.0	0	0	0.0
Wisconsin												
Eastern	1	1	100.0	0	0	0.0	5	2	40.0	5	1	20.0
Western	0	0	0.0	2	2	100.0	2	2	100.0	0	0	0.0
EIGHTH CIRCUIT	95	77	81.1	33	26	78.8	114	79	69.3	80	44	55.0
Arkansas												
Eastern	10	10	100.0	0	0	0.0	6	3	50.0	1	1	100.0
Western	3	3	100.0	2	1	50.0	8	6	75.0	10	8	80.0
Iowa												
Northern	12	5	41.7	6	3	50.0	27	24	88.9	11	3	27.3
Southern	8	5	62.5	5	5	100.0	22	12	54.5	14	5	35.7
Minnesota	4	4	100.0	1	0	0.0	3	1	33.3	2	2	100.0
Missouri												
Eastern	20	19	95.0	8	8	100.0	3	1	33.3	16	11	68.8
Western	3	3	100.0	8	8	100.0	24	20	83.3	13	6	46.2
Nebraska	28	25	89.3	1	0	0.0	8	4	50.0	7	5	71.4
North Dakota	1	1	100.0	2	1	50.0	11	7	63.6	4	1	25.0
South Dakota	6	2	33.3	0	0	0.0	2	1	50.0	2	2	100.0

Rate of Within Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	4,277	1,904	44.5	910	508	55.8	3,483	1,255	36.0	4,230	1,234	29.2
Alaska	2	2	100.0	1	1	100.0	2	2	100.0	0	0	0.0
Arizona	1,534	453	29.5	458	182	39.7	1,357	523	38.5	1,233	486	39.4
California												
Central	161	140	87.0	18	17	94.4	68	49	72.1	112	77	68.8
Eastern	29	22	75.9	2	2	100.0	10	8	80.0	2	0	0.0
Northern	36	25	69.4	4	2	50.0	13	8	61.5	12	8	66.7
Southern	2,306	1,109	48.1	413	297	71.9	1,951	622	31.9	2,814	626	22.2
Guam	81	64	79.0	3	0	0.0	17	6	35.3	2	0	0.0
Hawaii	50	32	64.0	2	2	100.0	5	3	60.0	3	2	66.7
Idaho	2	1	50.0	2	1	50.0	6	3	50.0	3	2	66.7
Montana	7	5	71.4	3	2	66.7	6	5	83.3	3	3	100.0
Nevada	18	12	66.7	1	1	100.0	7	5	71.4	17	12	70.6
Northern Mariana Islands	24	20	83.3	0	0	0.0	1	1	100.0	1	1	100.0
Oregon	5	4	80.0	0	0	0.0	4	3	75.0	4	4	100.0
Washington												
Eastern	4	3	75.0	0	0	0.0	2	1	50.0	4	2	50.0
Western	18	12	66.7	3	1	33.3	34	16	47.1	20	11	55.0
TENTH CIRCUIT	892	699	78.4	153	124	81.0	455	297	65.3	372	247	66.4
Colorado	32	15	46.9	6	2	33.3	17	11	64.7	12	7	58.3
Kansas	12	7	58.3	7	3	42.9	41	10	24.4	48	24	50.0
New Mexico	831	662	79.7	127	111	87.4	363	259	71.3	296	211	71.3
Oklahoma												
Eastern	1	1	100.0	0	0	0.0	1	1	100.0	0	0	0.0
Northern	1	1	100.0	0	0	0.0	0	0	0.0	0	0	0.0
Western	8	7	87.5	2	2	100.0	3	3	100.0	0	0	0.0
Utah	5	4	80.0	10	5	50.0	27	11	40.7	16	5	31.3
Wyoming	2	2	100.0	1	1	100.0	3	2	66.7	0	0	0.0
ELEVENTH CIRCUIT	268	231	86.2	86	77	89.5	270	203	75.2	553	390	70.5
Alabama												
Middle	1	1	100.0	1	1	100.0	4	2	50.0	1	1	100.0
Northern	1	0	0.0	1	1	100.0	4	4	100.0	8	5	62.5
Southern	0	0	0.0	0	0	0.0	3	2	66.7	6	2	33.3
Florida												
Middle	13	10	76.9	7	4	57.1	87	64	73.6	155	104	67.1
Northern	0	0	0.0	3	3	100.0	2	1	50.0	19	7	36.8
Southern	189	170	89.9	57	53	93.0	139	109	78.4	312	246	78.8
Georgia												
Middle	9	3	33.3	0	0	0.0	4	3	75.0	0	0	0.0
Northern	43	36	83.7	17	15	88.2	26	17	65.4	47	20	42.6
Southern	12	11	91.7	0	0	0.0	1	1	100.0	5	5	100.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Above Range Sentences by Circuit and District
Alien Smuggling Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	10,702	112	1.0	2,323	15	0.6	9,462	212	2.2	10,947	190	1.7
D.C. CIRCUIT	17	0	0.0	12	0	0.0	5	1	20.0	6	0	0.0
District of Columbia	17	0	0.0	12	0	0.0	5	1	20.0	6	0	0.0
FIRST CIRCUIT	62	6	9.7	13	0	0.0	65	1	1.5	59	0	0.0
Maine	1	0	0.0	0	0	0.0	5	0	0.0	10	0	0.0
Massachusetts	6	5	83.3	1	0	0.0	9	0	0.0	16	0	0.0
New Hampshire	2	0	0.0	2	0	0.0	0	0	0.0	0	0	0.0
Puerto Rico	50	1	2.0	8	0	0.0	50	1	2.0	33	0	0.0
Rhode Island	3	0	0.0	2	0	0.0	1	0	0.0	0	0	0.0
SECOND CIRCUIT	253	2	0.8	53	0	0.0	206	0	0.0	163	2	1.2
Connecticut	0	0	0.0	1	0	0.0	3	0	0.0	1	0	0.0
New York												
Eastern	38	1	2.6	3	0	0.0	27	0	0.0	27	2	7.4
Northern	110	0	0.0	17	0	0.0	50	0	0.0	59	0	0.0
Southern	36	1	2.8	16	0	0.0	35	0	0.0	16	0	0.0
Western	32	0	0.0	10	0	0.0	33	0	0.0	30	0	0.0
Vermont	37	0	0.0	6	0	0.0	58	0	0.0	30	0	0.0
THIRD CIRCUIT	60	0	0.0	8	0	0.0	74	1	1.4	54	0	0.0
Delaware	0	0	0.0	0	0	0.0	2	0	0.0	2	0	0.0
New Jersey	32	0	0.0	4	0	0.0	30	0	0.0	18	0	0.0
Pennsylvania												
Eastern	4	0	0.0	1	0	0.0	6	0	0.0	9	0	0.0
Middle	3	0	0.0	1	0	0.0	18	0	0.0	14	0	0.0
Western	0	0	0.0	0	0	0.0	3	1	33.3	4	0	0.0
Virgin Islands	21	0	0.0	2	0	0.0	15	0	0.0	7	0	0.0
FOURTH CIRCUIT	56	1	1.8	25	0	0.0	68	0	0.0	63	4	6.3
Maryland	11	1	9.1	1	0	0.0	6	0	0.0	8	0	0.0
North Carolina												
Eastern	4	0	0.0	0	0	0.0	2	0	0.0	0	0	0.0
Middle	5	0	0.0	2	0	0.0	8	0	0.0	3	1	33.3
Western	7	0	0.0	0	0	0.0	5	0	0.0	9	0	0.0
South Carolina	2	0	0.0	4	0	0.0	6	0	0.0	10	0	0.0
Virginia												
Eastern	21	0	0.0	16	0	0.0	39	0	0.0	28	0	0.0
Western	4	0	0.0	2	0	0.0	0	0	0.0	4	3	75.0
West Virginia												
Northern	1	0	0.0	0	0	0.0	0	0	0.0	1	0	0.0
Southern	1	0	0.0	0	0	0.0	2	0	0.0	0	0	0.0

Rate of Above Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	4,511	11	0.2	994	4	0.4	4,501	43	1.0	5,258	67	1.3
Louisiana												
Eastern	0	0	0.0	3	0	0.0	3	0	0.0	5	0	0.0
Middle	3	0	0.0	1	0	0.0	0	0	0.0	6	0	0.0
Western	0	0	0.0	4	0	0.0	11	1	9.1	18	1	5.6
Mississippi												
Northern	1	0	0.0	0	0	0.0	0	0	0.0	2	0	0.0
Southern	3	0	0.0	0	0	0.0	7	0	0.0	13	0	0.0
Texas												
Eastern	15	0	0.0	10	0	0.0	25	0	0.0	56	0	0.0
Northern	129	0	0.0	31	0	0.0	77	2	2.6	33	0	0.0
Southern	2,643	6	0.2	705	1	0.1	3,044	28	0.9	3,803	50	1.3
Western	1,717	5	0.3	240	3	1.3	1,334	12	0.9	1,322	16	1.2
SIXTH CIRCUIT	66	2	3.0	19	0	0.0	113	1	0.9	68	0	0.0
Kentucky												
Eastern	8	0	0.0	0	0	0.0	17	0	0.0	11	0	0.0
Western	8	1	12.5	2	0	0.0	4	0	0.0	1	0	0.0
Michigan												
Eastern	31	0	0.0	11	0	0.0	48	1	2.1	13	0	0.0
Western	2	1	50.0	0	0	0.0	9	0	0.0	6	0	0.0
Ohio												
Northern	2	0	0.0	3	0	0.0	16	0	0.0	14	0	0.0
Southern	3	0	0.0	0	0	0.0	6	0	0.0	4	0	0.0
Tennessee												
Eastern	9	0	0.0	2	0	0.0	8	0	0.0	9	0	0.0
Middle	1	0	0.0	1	0	0.0	0	0	0.0	3	0	0.0
Western	2	0	0.0	0	0	0.0	5	0	0.0	7	0	0.0
SEVENTH CIRCUIT	145	5	3.4	17	0	0.0	108	0	0.0	41	0	0.0
Illinois												
Central	64	0	0.0	5	0	0.0	43	0	0.0	13	0	0.0
Northern	66	5	7.6	5	0	0.0	35	0	0.0	9	0	0.0
Southern	13	0	0.0	5	0	0.0	12	0	0.0	10	0	0.0
Indiana												
Northern	1	0	0.0	0	0	0.0	7	0	0.0	4	0	0.0
Southern	0	0	0.0	0	0	0.0	4	0	0.0	0	0	0.0
Wisconsin												
Eastern	1	0	0.0	0	0	0.0	5	0	0.0	5	0	0.0
Western	0	0	0.0	2	0	0.0	2	0	0.0	0	0	0.0
EIGHTH CIRCUIT	95	2	2.1	33	1	3.0	114	2	1.8	80	4	5.0
Arkansas												
Eastern	10	0	0.0	0	0	0.0	6	0	0.0	1	0	0.0
Western	3	0	0.0	2	0	0.0	8	0	0.0	10	0	0.0
Iowa												
Northern	12	0	0.0	6	1	16.7	27	2	7.4	11	3	27.3
Southern	8	0	0.0	5	0	0.0	22	0	0.0	14	1	7.1
Minnesota	4	0	0.0	1	0	0.0	3	0	0.0	2	0	0.0
Missouri												
Eastern	20	0	0.0	8	0	0.0	3	0	0.0	16	0	0.0
Western	3	0	0.0	8	0	0.0	24	0	0.0	13	0	0.0
Nebraska	28	0	0.0	1	0	0.0	8	0	0.0	7	0	0.0
North Dakota	1	0	0.0	2	0	0.0	11	0	0.0	4	0	0.0
South Dakota	6	2	33.3	0	0	0.0	2	0	0.0	2	0	0.0

Rate of Above Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	4,277	74	1.7	910	10	1.1	3,483	141	4.0	4,230	82	1.9
Alaska	2	0	0.0	1	0	0.0	2	0	0.0	0	0	0.0
Arizona	1,534	5	0.3	458	9	2.0	1,357	130	9.6	1,233	57	4.6
California												
Central	161	1	0.6	18	0	0.0	68	1	1.5	112	2	1.8
Eastern	29	0	0.0	2	0	0.0	10	0	0.0	2	0	0.0
Northern	36	3	8.3	4	0	0.0	13	0	0.0	12	0	0.0
Southern	2,306	63	2.7	413	1	0.2	1,951	8	0.4	2,814	22	0.8
Guam	81	1	1.2	3	0	0.0	17	2	11.8	2	0	0.0
Hawaii	50	1	2.0	2	0	0.0	5	0	0.0	3	0	0.0
Idaho	2	0	0.0	2	0	0.0	6	0	0.0	3	0	0.0
Montana	7	0	0.0	3	0	0.0	6	0	0.0	3	0	0.0
Nevada	18	0	0.0	1	0	0.0	7	0	0.0	17	0	0.0
Northern Mariana Islands	24	0	0.0	0	0	0.0	1	0	0.0	1	0	0.0
Oregon	5	0	0.0	0	0	0.0	4	0	0.0	4	0	0.0
Washington												
Eastern	4	0	0.0	0	0	0.0	2	0	0.0	4	1	25.0
Western	18	0	0.0	3	0	0.0	34	0	0.0	20	0	0.0
TENTH CIRCUIT	892	4	0.4	153	0	0.0	455	6	1.3	372	1	0.3
Colorado	32	2	6.3	6	0	0.0	17	2	11.8	12	0	0.0
Kansas	12	0	0.0	7	0	0.0	41	1	2.4	48	0	0.0
New Mexico	831	2	0.2	127	0	0.0	363	1	0.3	296	1	0.3
Oklahoma												
Eastern	1	0	0.0	0	0	0.0	1	0	0.0	0	0	0.0
Northern	1	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Western	8	0	0.0	2	0	0.0	3	0	0.0	0	0	0.0
Utah	5	0	0.0	10	0	0.0	27	2	7.4	16	0	0.0
Wyoming	2	0	0.0	1	0	0.0	3	0	0.0	0	0	0.0
ELEVENTH CIRCUIT	268	5	1.9	86	0	0.0	270	16	5.9	553	30	5.4
Alabama												
Middle	1	0	0.0	1	0	0.0	4	0	0.0	1	0	0.0
Northern	1	0	0.0	1	0	0.0	4	0	0.0	8	0	0.0
Southern	0	0	0.0	0	0	0.0	3	0	0.0	6	0	0.0
Florida												
Middle	13	0	0.0	7	0	0.0	87	1	1.1	155	6	3.9
Northern	0	0	0.0	3	0	0.0	2	0	0.0	19	0	0.0
Southern	189	3	1.6	57	0	0.0	139	13	9.4	312	23	7.4
Georgia												
Middle	9	2	22.2	0	0	0.0	4	0	0.0	0	0	0.0
Northern	43	0	0.0	17	0	0.0	26	2	7.7	47	1	2.1
Southern	12	0	0.0	0	0	0.0	1	0	0.0	5	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Government Sponsored Sentences by Circuit and District
Alien Smuggling Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	10,702	1,136	10.6	2,323	747	32.2	9,462	3,378	35.7	10,947	4,202	38.4
D.C. CIRCUIT	17	6	35.3	12	4	33.3	5	1	20.0	6	2	33.3
District of Columbia	17	6	35.3	12	4	33.3	5	1	20.0	6	2	33.3
FIRST CIRCUIT	62	1	1.6	13	1	7.7	65	4	6.2	59	7	11.9
Maine	1	0	0.0	0	0	0.0	5	0	0.0	10	3	30.0
Massachusetts	6	0	0.0	1	0	0.0	9	1	11.1	16	1	6.3
New Hampshire	2	0	0.0	2	1	50.0	0	0	0.0	0	0	0.0
Puerto Rico	50	1	2.0	8	0	0.0	50	3	6.0	33	3	9.1
Rhode Island	3	0	0.0	2	0	0.0	1	0	0.0	0	0	0.0
SECOND CIRCUIT	253	47	18.6	53	18	34.0	206	52	25.2	163	37	22.7
Connecticut	0	0	0.0	1	1	100.0	3	0	0.0	1	0	0.0
New York												
Eastern	38	3	7.9	3	0	0.0	27	5	18.5	27	3	11.1
Northern	110	26	23.6	17	7	41.2	50	11	22.0	59	15	25.4
Southern	36	3	8.3	16	2	12.5	35	4	11.4	16	2	12.5
Western	32	8	25.0	10	7	70.0	33	18	54.5	30	10	33.3
Vermont	37	7	18.9	6	1	16.7	58	14	24.1	30	7	23.3
THIRD CIRCUIT	60	21	35.0	8	1	12.5	74	16	21.6	54	23	42.6
Delaware	0	0	0.0	0	0	0.0	2	1	50.0	2	1	50.0
New Jersey	32	15	46.9	4	0	0.0	30	7	23.3	18	6	33.3
Pennsylvania												
Eastern	4	1	25.0	1	0	0.0	6	2	33.3	9	6	66.7
Middle	3	0	0.0	1	0	0.0	18	4	22.2	14	7	50.0
Western	0	0	0.0	0	0	0.0	3	0	0.0	4	0	0.0
Virgin Islands	21	5	23.8	2	1	50.0	15	2	13.3	7	3	42.9
FOURTH CIRCUIT	56	7	12.5	25	8	32.0	68	9	13.2	63	8	12.7
Maryland	11	1	9.1	1	0	0.0	6	2	33.3	8	3	37.5
North Carolina												
Eastern	4	0	0.0	0	0	0.0	2	0	0.0	0	0	0.0
Middle	5	0	0.0	2	0	0.0	8	0	0.0	3	0	0.0
Western	7	0	0.0	0	0	0.0	5	0	0.0	9	2	22.2
South Carolina	2	1	50.0	4	2	50.0	6	0	0.0	10	1	10.0
Virginia												
Eastern	21	5	23.8	16	6	37.5	39	7	17.9	28	2	7.1
Western	4	0	0.0	2	0	0.0	0	0	0.0	4	0	0.0
West Virginia												
Northern	1	0	0.0	0	0	0.0	0	0	0.0	1	0	0.0
Southern	1	0	0.0	0	0	0.0	2	0	0.0	0	0	0.0

Rate of Government Sponsored Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	4,511	563	12.5	994	371	37.3	4,501	1,199	26.6	5,258	1,308	24.9
Louisiana												
Eastern	0	0	0.0	3	0	0.0	3	0	0.0	5	1	20.0
Middle	3	3	100.0	1	0	0.0	0	0	0.0	6	3	50.0
Western	0	0	0.0	4	0	0.0	11	2	18.2	18	1	5.6
Mississippi												
Northern	1	0	0.0	0	0	0.0	0	0	0.0	2	0	0.0
Southern	3	0	0.0	0	0	0.0	7	0	0.0	13	2	15.4
Texas												
Eastern	15	0	0.0	10	1	10.0	25	1	4.0	56	0	0.0
Northern	129	10	7.8	31	1	3.2	77	0	0.0	33	0	0.0
Southern	2,643	358	13.5	705	283	40.1	3,044	855	28.1	3,803	1,005	26.4
Western	1,717	192	11.2	240	86	35.8	1,334	341	25.6	1,322	296	22.4
SIXTH CIRCUIT	66	15	22.7	19	6	31.6	113	48	42.5	68	21	30.9
Kentucky												
Eastern	8	2	25.0	0	0	0.0	17	13	76.5	11	9	81.8
Western	8	4	50.0	2	2	100.0	4	1	25.0	1	0	0.0
Michigan												
Eastern	31	4	12.9	11	2	18.2	48	23	47.9	13	4	30.8
Western	2	0	0.0	0	0	0.0	9	2	22.2	6	2	33.3
Ohio												
Northern	2	0	0.0	3	0	0.0	16	4	25.0	14	1	7.1
Southern	3	0	0.0	0	0	0.0	6	3	50.0	4	0	0.0
Tennessee												
Eastern	9	4	44.4	2	2	100.0	8	1	12.5	9	2	22.2
Middle	1	0	0.0	1	0	0.0	0	0	0.0	3	0	0.0
Western	2	1	50.0	0	0	0.0	5	1	20.0	7	3	42.9
SEVENTH CIRCUIT	145	19	13.1	17	4	23.5	108	11	10.2	41	5	12.2
Illinois												
Central	64	10	15.6	5	0	0.0	43	2	4.7	13	1	7.7
Northern	66	1	1.5	5	1	20.0	35	4	11.4	9	1	11.1
Southern	13	8	61.5	5	3	60.0	12	1	8.3	10	0	0.0
Indiana												
Northern	1	0	0.0	0	0	0.0	7	1	14.3	4	1	25.0
Southern	0	0	0.0	0	0	0.0	4	2	50.0	0	0	0.0
Wisconsin												
Eastern	1	0	0.0	0	0	0.0	5	1	20.0	5	2	40.0
Western	0	0	0.0	2	0	0.0	2	0	0.0	0	0	0.0
EIGHTH CIRCUIT	95	9	9.5	33	6	18.2	114	14	12.3	80	22	27.5
Arkansas												
Eastern	10	0	0.0	0	0	0.0	6	2	33.3	1	0	0.0
Western	3	0	0.0	2	1	50.0	8	2	25.0	10	0	0.0
Iowa												
Northern	12	3	25.0	6	2	33.3	27	1	3.7	11	5	45.5
Southern	8	2	25.0	5	0	0.0	22	3	13.6	14	7	50.0
Minnesota	4	0	0.0	1	1	100.0	3	0	0.0	2	0	0.0
Missouri												
Eastern	20	1	5.0	8	0	0.0	3	0	0.0	16	4	25.0
Western	3	0	0.0	8	0	0.0	24	2	8.3	13	5	38.5
Nebraska	28	1	3.6	1	1	100.0	8	0	0.0	7	0	0.0
North Dakota	1	0	0.0	2	1	50.0	11	4	36.4	4	1	25.0
South Dakota	6	2	33.3	0	0	0.0	2	0	0.0	2	0	0.0

Rate of Government Sponsored Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	4,277	388	9.1	910	294	32.3	3,483	1,854	53.2	4,230	2,602	61.5
Alaska	2	0	0.0	1	0	0.0	2	0	0.0	0	0	0.0
Arizona	1,534	138	9.0	458	245	53.5	1,357	637	46.9	1,233	618	50.1
California												
Central	161	7	4.3	18	1	5.6	68	9	13.2	112	18	16.1
Eastern	29	4	13.8	2	0	0.0	10	1	10.0	2	2	100.0
Northern	36	6	16.7	4	2	50.0	13	5	38.5	12	4	33.3
Southern	2,306	192	8.3	413	41	9.9	1,951	1,172	60.1	2,814	1,949	69.3
Guam	81	11	13.6	3	3	100.0	17	8	47.1	2	1	50.0
Hawaii	50	13	26.0	2	0	0.0	5	2	40.0	3	0	0.0
Idaho	2	1	50.0	2	1	50.0	6	3	50.0	3	0	0.0
Montana	7	0	0.0	3	0	0.0	6	0	0.0	3	0	0.0
Nevada	18	5	27.8	1	0	0.0	7	1	14.3	17	2	11.8
Northern Mariana Islands	24	4	16.7	0	0	0.0	1	0	0.0	1	0	0.0
Oregon	5	1	20.0	0	0	0.0	4	0	0.0	4	0	0.0
Washington												
Eastern	4	1	25.0	0	0	0.0	2	1	50.0	4	1	25.0
Western	18	5	27.8	3	1	33.3	34	15	44.1	20	7	35.0
TENTH CIRCUIT	892	39	4.4	153	26	17.0	455	131	28.8	372	98	26.3
Colorado	32	13	40.6	6	4	66.7	17	3	17.6	12	3	25.0
Kansas	12	2	16.7	7	2	28.6	41	29	70.7	48	24	50.0
New Mexico	831	24	2.9	127	15	11.8	363	89	24.5	296	64	21.6
Oklahoma												
Eastern	1	0	0.0	0	0	0.0	1	0	0.0	0	0	0.0
Northern	1	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Western	8	0	0.0	2	0	0.0	3	0	0.0	0	0	0.0
Utah	5	0	0.0	10	5	50.0	27	9	33.3	16	7	43.8
Wyoming	2	0	0.0	1	0	0.0	3	1	33.3	0	0	0.0
ELEVENTH CIRCUIT	268	21	7.8	86	8	9.3	270	39	14.4	553	69	12.5
Alabama												
Middle	1	0	0.0	1	0	0.0	4	2	50.0	1	0	0.0
Northern	1	1	100.0	1	0	0.0	4	0	0.0	8	2	25.0
Southern	0	0	0.0	0	0	0.0	3	0	0.0	6	1	16.7
Florida												
Middle	13	2	15.4	7	3	42.9	87	17	19.5	155	29	18.7
Northern	0	0	0.0	3	0	0.0	2	0	0.0	19	7	36.8
Southern	189	13	6.9	57	3	5.3	139	14	10.1	312	14	4.5
Georgia												
Middle	9	1	11.1	0	0	0.0	4	1	25.0	0	0	0.0
Northern	43	3	7.0	17	2	11.8	26	5	19.2	47	16	34.0
Southern	12	1	8.3	0	0	0.0	1	0	0.0	5	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District

Alien Smuggling Offenses Koon Period through Gall Period

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	10,702	894	8.4	2,323	212	9.1	9,462	581	6.1	10,947	639	5.8
D.C. CIRCUIT	17	6	35.3	12	4	33.3	5	1	20.0	6	2	33.3
District of Columbia	17	6	35.3	12	4	33.3	5	1	20.0	6	2	33.3
FIRST CIRCUIT	62	1	1.6	13	1	7.7	65	4	6.2	59	4	6.8
Maine	1	0	0.0	0	0	0.0	5	0	0.0	10	3	30.0
Massachusetts	6	0	0.0	1	0	0.0	9	1	11.1	16	0	0.0
New Hampshire	2	0	0.0	2	1	50.0	0	0	0.0	0	0	0.0
Puerto Rico	50	1	2.0	8	0	0.0	50	3	6.0	33	1	3.0
Rhode Island	3	0	0.0	2	0	0.0	1	0	0.0	0	0	0.0
SECOND CIRCUIT	253	47	18.6	53	17	32.1	206	48	23.3	163	32	19.6
Connecticut	0	0	0.0	1	0	0.0	3	0	0.0	1	0	0.0
New York												
Eastern	38	3	7.9	3	0	0.0	27	5	18.5	27	2	7.4
Northern	110	26	23.6	17	7	41.2	50	11	22.0	59	15	25.4
Southern	36	3	8.3	16	2	12.5	35	4	11.4	16	2	12.5
Western	32	8	25.0	10	7	70.0	33	16	48.5	30	8	26.7
Vermont	37	7	18.9	6	1	16.7	58	12	20.7	30	5	16.7
THIRD CIRCUIT	60	21	35.0	8	1	12.5	74	14	18.9	54	21	38.9
Delaware	0	0	0.0	0	0	0.0	2	0	0.0	2	1	50.0
New Jersey	32	15	46.9	4	0	0.0	30	6	20.0	18	5	27.8
Pennsylvania												
Eastern	4	1	25.0	1	0	0.0	6	2	33.3	9	6	66.7
Middle	3	0	0.0	1	0	0.0	18	4	22.2	14	7	50.0
Western	0	0	0.0	0	0	0.0	3	0	0.0	4	0	0.0
Virgin Islands	21	5	23.8	2	1	50.0	15	2	13.3	7	2	28.6
FOURTH CIRCUIT	56	7	12.5	25	8	32.0	68	7	10.3	63	5	7.9
Maryland	11	1	9.1	1	0	0.0	6	2	33.3	8	1	12.5
North Carolina												
Eastern	4	0	0.0	0	0	0.0	2	0	0.0	0	0	0.0
Middle	5	0	0.0	2	0	0.0	8	0	0.0	3	0	0.0
Western	7	0	0.0	0	0	0.0	5	0	0.0	9	1	11.1
South Carolina	2	1	50.0	4	2	50.0	6	0	0.0	10	1	10.0
Virginia												
Eastern	21	5	23.8	16	6	37.5	39	5	12.8	28	2	7.1
Western	4	0	0.0	2	0	0.0	0	0	0.0	4	0	0.0
West Virginia												
Northern	1	0	0.0	0	0	0.0	0	0	0.0	1	0	0.0
Southern	1	0	0.0	0	0	0.0	2	0	0.0	0	0	0.0

Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	4,511	465	10.3	994	114	11.5	4,501	242	5.4	5,258	282	5.4
Louisiana												
Eastern	0	0	0.0	3	0	0.0	3	0	0.0	5	0	0.0
Middle	3	3	100.0	1	0	0.0	0	0	0.0	6	3	50.0
Western	0	0	0.0	4	0	0.0	11	1	9.1	18	1	5.6
Mississippi												
Northern	1	0	0.0	0	0	0.0	0	0	0.0	2	0	0.0
Southern	3	0	0.0	0	0	0.0	7	0	0.0	13	2	15.4
Texas												
Eastern	15	0	0.0	10	1	10.0	25	1	4.0	56	0	0.0
Northern	129	10	7.8	31	1	3.2	77	0	0.0	33	0	0.0
Southern	2,643	275	10.4	705	57	8.1	3,044	153	5.0	3,803	196	5.2
Western	1,717	177	10.3	240	55	22.9	1,334	87	6.5	1,322	80	6.1
SIXTH CIRCUIT	66	14	21.2	19	6	31.6	113	46	40.7	68	20	29.4
Kentucky												
Eastern	8	2	25.0	0	0	0.0	17	13	76.5	11	9	81.8
Western	8	4	50.0	2	2	100.0	4	1	25.0	1	0	0.0
Michigan												
Eastern	31	4	12.9	11	2	18.2	48	23	47.9	13	4	30.8
Western	2	0	0.0	0	0	0.0	9	2	22.2	6	1	16.7
Ohio												
Northern	2	0	0.0	3	0	0.0	16	3	18.8	14	1	7.1
Southern	3	0	0.0	0	0	0.0	6	3	50.0	4	0	0.0
Tennessee												
Eastern	9	4	44.4	2	2	100.0	8	1	12.5	9	2	22.2
Middle	1	0	0.0	1	0	0.0	0	0	0.0	3	0	0.0
Western	2	0	0.0	0	0	0.0	5	0	0.0	7	3	42.9
SEVENTH CIRCUIT	145	19	13.1	17	4	23.5	108	7	6.5	41	1	2.4
Illinois												
Central	64	10	15.6	5	0	0.0	43	2	4.7	13	0	0.0
Northern	66	1	1.5	5	1	20.0	35	2	5.7	9	1	11.1
Southern	13	8	61.5	5	3	60.0	12	1	8.3	10	0	0.0
Indiana												
Northern	1	0	0.0	0	0	0.0	7	1	14.3	4	0	0.0
Southern	0	0	0.0	0	0	0.0	4	0	0.0	0	0	0.0
Wisconsin												
Eastern	1	0	0.0	0	0	0.0	5	1	20.0	5	0	0.0
Western	0	0	0.0	2	0	0.0	2	0	0.0	0	0	0.0
EIGHTH CIRCUIT	95	9	9.5	33	5	15.2	114	11	9.6	80	11	13.8
Arkansas												
Eastern	10	0	0.0	0	0	0.0	6	2	33.3	1	0	0.0
Western	3	0	0.0	2	1	50.0	8	2	25.0	10	0	0.0
Iowa												
Northern	12	3	25.0	6	2	33.3	27	1	3.7	11	5	45.5
Southern	8	2	25.0	5	0	0.0	22	2	9.1	14	0	0.0
Minnesota	4	0	0.0	1	1	100.0	3	0	0.0	2	0	0.0
Missouri												
Eastern	20	1	5.0	8	0	0.0	3	0	0.0	16	0	0.0
Western	3	0	0.0	8	0	0.0	24	0	0.0	13	5	38.5
Nebraska	28	1	3.6	1	0	0.0	8	0	0.0	7	0	0.0
North Dakota	1	0	0.0	2	1	50.0	11	4	36.4	4	1	25.0
South Dakota	6	2	33.3	0	0	0.0	2	0	0.0	2	0	0.0

Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	4,277	254	5.9	910	32	3.5	3,483	145	4.2	4,230	189	4.5
Alaska	2	0	0.0	1	0	0.0	2	0	0.0	0	0	0.0
Arizona	1,534	43	2.8	458	19	4.1	1,357	38	2.8	1,233	35	2.8
California												
Central	161	7	4.3	18	1	5.6	68	8	11.8	112	8	7.1
Eastern	29	4	13.8	2	0	0.0	10	1	10.0	2	1	50.0
Northern	36	6	16.7	4	2	50.0	13	4	30.8	12	3	25.0
Southern	2,306	153	6.6	413	6	1.5	1,951	67	3.4	2,814	136	4.8
Guam	81	11	13.6	3	3	100.0	17	8	47.1	2	1	50.0
Hawaii	50	13	26.0	2	0	0.0	5	2	40.0	3	0	0.0
Idaho	2	1	50.0	2	0	0.0	6	3	50.0	3	0	0.0
Montana	7	0	0.0	3	0	0.0	6	0	0.0	3	0	0.0
Nevada	18	5	27.8	1	0	0.0	7	1	14.3	17	2	11.8
Northern Mariana Islands	24	4	16.7	0	0	0.0	1	0	0.0	1	0	0.0
Oregon	5	1	20.0	0	0	0.0	4	0	0.0	4	0	0.0
Washington												
Eastern	4	1	25.0	0	0	0.0	2	1	50.0	4	0	0.0
Western	18	5	27.8	3	1	33.3	34	12	35.3	20	3	15.0
TENTH CIRCUIT	892	30	3.4	153	12	7.8	455	18	4.0	372	11	3.0
Colorado	32	13	40.6	6	4	66.7	17	3	17.6	12	3	25.0
Kansas	12	2	16.7	7	2	28.6	41	2	4.9	48	2	4.2
New Mexico	831	15	1.8	127	1	0.8	363	8	2.2	296	4	1.4
Oklahoma												
Eastern	1	0	0.0	0	0	0.0	1	0	0.0	0	0	0.0
Northern	1	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Western	8	0	0.0	2	0	0.0	3	0	0.0	0	0	0.0
Utah	5	0	0.0	10	5	50.0	27	5	18.5	16	2	12.5
Wyoming	2	0	0.0	1	0	0.0	3	0	0.0	0	0	0.0
ELEVENTH CIRCUIT	268	21	7.8	86	8	9.3	270	38	14.1	553	61	11.0
Alabama												
Middle	1	0	0.0	1	0	0.0	4	2	50.0	1	0	0.0
Northern	1	1	100.0	1	0	0.0	4	0	0.0	8	2	25.0
Southern	0	0	0.0	0	0	0.0	3	0	0.0	6	1	16.7
Florida												
Middle	13	2	15.4	7	3	42.9	87	17	19.5	155	26	16.8
Northern	0	0	0.0	3	0	0.0	2	0	0.0	19	7	36.8
Southern	189	13	6.9	57	3	5.3	139	14	10.1	312	10	3.2
Georgia												
Middle	9	1	11.1	0	0	0.0	4	1	25.0	0	0	0.0
Northern	43	3	7.0	17	2	11.8	26	4	15.4	47	15	31.9
Southern	12	1	8.3	0	0	0.0	1	0	0.0	5	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District
Alien Smuggling Offenses
***Koon* Period through *Gall* Period**

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	10,702	n/a	n/a	2,323	93	4.0	9,462	2,276	24.1	10,947	3,030	27.7
D.C. CIRCUIT	17	n/a	n/a	12	0	0.0	5	0	0.0	6	0	0.0
District of Columbia	17	n/a	n/a	12	0	0.0	5	0	0.0	6	0	0.0
FIRST CIRCUIT	62	n/a	n/a	13	0	0.0	65	0	0.0	59	0	0.0
Maine	1	n/a	n/a	0	0	0.0	5	0	0.0	10	0	0.0
Massachusetts	6	n/a	n/a	1	0	0.0	9	0	0.0	16	0	0.0
New Hampshire	2	n/a	n/a	2	0	0.0	0	0	0.0	0	0	0.0
Puerto Rico	50	n/a	n/a	8	0	0.0	50	0	0.0	33	0	0.0
Rhode Island	3	n/a	n/a	2	0	0.0	1	0	0.0	0	0	0.0
SECOND CIRCUIT	253	n/a	n/a	53	0	0.0	206	0	0.0	163	0	0.0
Connecticut	0	n/a	n/a	1	0	0.0	3	0	0.0	1	0	0.0
New York												
Eastern	38	n/a	n/a	3	0	0.0	27	0	0.0	27	0	0.0
Northern	110	n/a	n/a	17	0	0.0	50	0	0.0	59	0	0.0
Southern	36	n/a	n/a	16	0	0.0	35	0	0.0	16	0	0.0
Western	32	n/a	n/a	10	0	0.0	33	0	0.0	30	0	0.0
Vermont	37	n/a	n/a	6	0	0.0	58	0	0.0	30	0	0.0
THIRD CIRCUIT	60	n/a	n/a	8	0	0.0	74	0	0.0	54	0	0.0
Delaware	0	n/a	n/a	0	0	0.0	2	0	0.0	2	0	0.0
New Jersey	32	n/a	n/a	4	0	0.0	30	0	0.0	18	0	0.0
Pennsylvania												
Eastern	4	n/a	n/a	1	0	0.0	6	0	0.0	9	0	0.0
Middle	3	n/a	n/a	1	0	0.0	18	0	0.0	14	0	0.0
Western	0	n/a	n/a	0	0	0.0	3	0	0.0	4	0	0.0
Virgin Islands	21	n/a	n/a	2	0	0.0	15	0	0.0	7	0	0.0
FOURTH CIRCUIT	56	n/a	n/a	25	0	0.0	68	0	0.0	63	0	0.0
Maryland	11	n/a	n/a	1	0	0.0	6	0	0.0	8	0	0.0
North Carolina												
Eastern	4	n/a	n/a	0	0	0.0	2	0	0.0	0	0	0.0
Middle	5	n/a	n/a	2	0	0.0	8	0	0.0	3	0	0.0
Western	7	n/a	n/a	0	0	0.0	5	0	0.0	9	0	0.0
South Carolina	2	n/a	n/a	4	0	0.0	6	0	0.0	10	0	0.0
Virginia												
Eastern	21	n/a	n/a	16	0	0.0	39	0	0.0	28	0	0.0
Western	4	n/a	n/a	2	0	0.0	0	0	0.0	4	0	0.0
West Virginia												
Northern	1	n/a	n/a	0	0	0.0	0	0	0.0	1	0	0.0
Southern	1	n/a	n/a	0	0	0.0	2	0	0.0	0	0	0.0

Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	4,511	n/a	n/a	994	23	2.3	4,501	625	13.9	5,258	677	12.9
Louisiana												
Eastern	0	n/a	n/a	3	0	0.0	3	0	0.0	5	0	0.0
Middle	3	n/a	n/a	1	0	0.0	0	0	0.0	6	0	0.0
Western	0	n/a	n/a	4	0	0.0	11	0	0.0	18	0	0.0
Mississippi												
Northern	1	n/a	n/a	0	0	0.0	0	0	0.0	2	0	0.0
Southern	3	n/a	n/a	0	0	0.0	7	0	0.0	13	0	0.0
Texas												
Eastern	15	n/a	n/a	10	0	0.0	25	0	0.0	56	0	0.0
Northern	129	n/a	n/a	31	0	0.0	77	0	0.0	33	0	0.0
Southern	2,643	n/a	n/a	705	4	0.6	3,044	380	12.5	3,803	477	12.5
Western	1,717	n/a	n/a	240	19	7.9	1,334	245	18.4	1,322	200	15.1
SIXTH CIRCUIT	66	n/a	n/a	19	0	0.0	113	0	0.0	68	0	0.0
Kentucky												
Eastern	8	n/a	n/a	0	0	0.0	17	0	0.0	11	0	0.0
Western	8	n/a	n/a	2	0	0.0	4	0	0.0	1	0	0.0
Michigan												
Eastern	31	n/a	n/a	11	0	0.0	48	0	0.0	13	0	0.0
Western	2	n/a	n/a	0	0	0.0	9	0	0.0	6	0	0.0
Ohio												
Northern	2	n/a	n/a	3	0	0.0	16	0	0.0	14	0	0.0
Southern	3	n/a	n/a	0	0	0.0	6	0	0.0	4	0	0.0
Tennessee												
Eastern	9	n/a	n/a	2	0	0.0	8	0	0.0	9	0	0.0
Middle	1	n/a	n/a	1	0	0.0	0	0	0.0	3	0	0.0
Western	2	n/a	n/a	0	0	0.0	5	0	0.0	7	0	0.0
SEVENTH CIRCUIT	145	n/a	n/a	17	0	0.0	108	0	0.0	41	0	0.0
Illinois												
Central	64	n/a	n/a	5	0	0.0	43	0	0.0	13	0	0.0
Northern	66	n/a	n/a	5	0	0.0	35	0	0.0	9	0	0.0
Southern	13	n/a	n/a	5	0	0.0	12	0	0.0	10	0	0.0
Indiana												
Northern	1	n/a	n/a	0	0	0.0	7	0	0.0	4	0	0.0
Southern	0	n/a	n/a	0	0	0.0	4	0	0.0	0	0	0.0
Wisconsin												
Eastern	1	n/a	n/a	0	0	0.0	5	0	0.0	5	0	0.0
Western	0	n/a	n/a	2	0	0.0	2	0	0.0	0	0	0.0
EIGHTH CIRCUIT	95	n/a	n/a	33	0	0.0	114	0	0.0	80	0	0.0
Arkansas												
Eastern	10	n/a	n/a	0	0	0.0	6	0	0.0	1	0	0.0
Western	3	n/a	n/a	2	0	0.0	8	0	0.0	10	0	0.0
Iowa												
Northern	12	n/a	n/a	6	0	0.0	27	0	0.0	11	0	0.0
Southern	8	n/a	n/a	5	0	0.0	22	0	0.0	14	0	0.0
Minnesota	4	n/a	n/a	1	0	0.0	3	0	0.0	2	0	0.0
Missouri												
Eastern	20	n/a	n/a	8	0	0.0	3	0	0.0	16	0	0.0
Western	3	n/a	n/a	8	0	0.0	24	0	0.0	13	0	0.0
Nebraska	28	n/a	n/a	1	0	0.0	8	0	0.0	7	0	0.0
North Dakota	1	n/a	n/a	2	0	0.0	11	0	0.0	4	0	0.0
South Dakota	6	n/a	n/a	0	0	0.0	2	0	0.0	2	0	0.0

Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	4,277	n/a	n/a	910	66	7.3	3,483	1,638	47.0	4,230	2,351	55.6
Alaska	2	n/a	n/a	1	0	0.0	2	0	0.0	0	0	0.0
Arizona	1,534	n/a	n/a	458	65	14.2	1,357	550	40.5	1,233	563	45.7
California												
Central	161	n/a	n/a	18	0	0.0	68	1	1.5	112	0	0.0
Eastern	29	n/a	n/a	2	0	0.0	10	0	0.0	2	1	50.0
Northern	36	n/a	n/a	4	0	0.0	13	0	0.0	12	0	0.0
Southern	2,306	n/a	n/a	413	1	0.2	1,951	1,087	55.7	2,814	1,786	63.5
Guam	81	n/a	n/a	3	0	0.0	17	0	0.0	2	0	0.0
Hawaii	50	n/a	n/a	2	0	0.0	5	0	0.0	3	0	0.0
Idaho	2	n/a	n/a	2	0	0.0	6	0	0.0	3	0	0.0
Montana	7	n/a	n/a	3	0	0.0	6	0	0.0	3	0	0.0
Nevada	18	n/a	n/a	1	0	0.0	7	0	0.0	17	0	0.0
Northern Mariana Islands	24	n/a	n/a	0	0	0.0	1	0	0.0	1	0	0.0
Oregon	5	n/a	n/a	0	0	0.0	4	0	0.0	4	0	0.0
Washington												
Eastern	4	n/a	n/a	0	0	0.0	2	0	0.0	4	0	0.0
Western	18	n/a	n/a	3	0	0.0	34	0	0.0	20	1	5.0
TENTH CIRCUIT	892	n/a	n/a	153	4	2.6	455	13	2.9	372	2	0.5
Colorado	32	n/a	n/a	6	0	0.0	17	0	0.0	12	0	0.0
Kansas	12	n/a	n/a	7	0	0.0	41	1	2.4	48	0	0.0
New Mexico	831	n/a	n/a	127	4	3.1	363	12	3.3	296	2	0.7
Oklahoma												
Eastern	1	n/a	n/a	0	0	0.0	1	0	0.0	0	0	0.0
Northern	1	n/a	n/a	0	0	0.0	0	0	0.0	0	0	0.0
Western	8	n/a	n/a	2	0	0.0	3	0	0.0	0	0	0.0
Utah	5	n/a	n/a	10	0	0.0	27	0	0.0	16	0	0.0
Wyoming	2	n/a	n/a	1	0	0.0	3	0	0.0	0	0	0.0
ELEVENTH CIRCUIT	268	n/a	n/a	86	0	0.0	270	0	0.0	553	0	0.0
Alabama												
Middle	1	n/a	n/a	1	0	0.0	4	0	0.0	1	0	0.0
Northern	1	n/a	n/a	1	0	0.0	4	0	0.0	8	0	0.0
Southern	0	n/a	n/a	0	0	0.0	3	0	0.0	6	0	0.0
Florida												
Middle	13	n/a	n/a	7	0	0.0	87	0	0.0	155	0	0.0
Northern	0	n/a	n/a	3	0	0.0	2	0	0.0	19	0	0.0
Southern	189	n/a	n/a	57	0	0.0	139	0	0.0	312	0	0.0
Georgia												
Middle	9	n/a	n/a	0	0	0.0	4	0	0.0	0	0	0.0
Northern	43	n/a	n/a	17	0	0.0	26	0	0.0	47	0	0.0
Southern	12	n/a	n/a	0	0	0.0	1	0	0.0	5	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Other Government Sponsored Below Range Sentences by Circuit and District
Alien Smuggling Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	10,702	n/a	n/a	2,323	442	19.0	9,462	521	5.5	10,947	533	4.9
D.C. CIRCUIT	17	n/a	n/a	12	0	0.0	5	0	0.0	6	0	0.0
District of Columbia	17	n/a	n/a	12	0	0.0	5	0	0.0	6	0	0.0
FIRST CIRCUIT	62	n/a	n/a	13	0	0.0	65	0	0.0	59	3	5.1
Maine	1	n/a	n/a	0	0	0.0	5	0	0.0	10	0	0.0
Massachusetts	6	n/a	n/a	1	0	0.0	9	0	0.0	16	1	6.3
New Hampshire	2	n/a	n/a	2	0	0.0	0	0	0.0	0	0	0.0
Puerto Rico	50	n/a	n/a	8	0	0.0	50	0	0.0	33	2	6.1
Rhode Island	3	n/a	n/a	2	0	0.0	1	0	0.0	0	0	0.0
SECOND CIRCUIT	253	n/a	n/a	53	1	1.9	206	4	1.9	163	5	3.1
Connecticut	0	n/a	n/a	1	1	100.0	3	0	0.0	1	0	0.0
New York												
Eastern	38	n/a	n/a	3	0	0.0	27	0	0.0	27	1	3.7
Northern	110	n/a	n/a	17	0	0.0	50	0	0.0	59	0	0.0
Southern	36	n/a	n/a	16	0	0.0	35	0	0.0	16	0	0.0
Western	32	n/a	n/a	10	0	0.0	33	2	6.1	30	2	6.7
Vermont	37	n/a	n/a	6	0	0.0	58	2	3.4	30	2	6.7
THIRD CIRCUIT	60	n/a	n/a	8	0	0.0	74	2	2.7	54	2	3.7
Delaware	0	n/a	n/a	0	0	0.0	2	1	50.0	2	0	0.0
New Jersey	32	n/a	n/a	4	0	0.0	30	1	3.3	18	1	5.6
Pennsylvania												
Eastern	4	n/a	n/a	1	0	0.0	6	0	0.0	9	0	0.0
Middle	3	n/a	n/a	1	0	0.0	18	0	0.0	14	0	0.0
Western	0	n/a	n/a	0	0	0.0	3	0	0.0	4	0	0.0
Virgin Islands	21	n/a	n/a	2	0	0.0	15	0	0.0	7	1	14.3
FOURTH CIRCUIT	56	n/a	n/a	25	0	0.0	68	2	2.9	63	3	4.8
Maryland	11	n/a	n/a	1	0	0.0	6	0	0.0	8	2	25.0
North Carolina												
Eastern	4	n/a	n/a	0	0	0.0	2	0	0.0	0	0	0.0
Middle	5	n/a	n/a	2	0	0.0	8	0	0.0	3	0	0.0
Western	7	n/a	n/a	0	0	0.0	5	0	0.0	9	1	11.1
South Carolina	2	n/a	n/a	4	0	0.0	6	0	0.0	10	0	0.0
Virginia												
Eastern	21	n/a	n/a	16	0	0.0	39	2	5.1	28	0	0.0
Western	4	n/a	n/a	2	0	0.0	0	0	0.0	4	0	0.0
West Virginia												
Northern	1	n/a	n/a	0	0	0.0	0	0	0.0	1	0	0.0
Southern	1	n/a	n/a	0	0	0.0	2	0	0.0	0	0	0.0

Rate of Other Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	4,511	n/a	n/a	994	234	23.5	4,501	332	7.4	5,258	349	6.6
Louisiana												
Eastern	0	n/a	n/a	3	0	0.0	3	0	0.0	5	1	20.0
Middle	3	n/a	n/a	1	0	0.0	0	0	0.0	6	0	0.0
Western	0	n/a	n/a	4	0	0.0	11	1	9.1	18	0	0.0
Mississippi												
Northern	1	n/a	n/a	0	0	0.0	0	0	0.0	2	0	0.0
Southern	3	n/a	n/a	0	0	0.0	7	0	0.0	13	0	0.0
Texas												
Eastern	15	n/a	n/a	10	0	0.0	25	0	0.0	56	0	0.0
Northern	129	n/a	n/a	31	0	0.0	77	0	0.0	33	0	0.0
Southern	2,643	n/a	n/a	705	222	31.5	3,044	322	10.6	3,803	332	8.7
Western	1,717	n/a	n/a	240	12	5.0	1,334	9	0.7	1,322	16	1.2
SIXTH CIRCUIT	66	n/a	n/a	19	0	0.0	113	2	1.8	68	1	1.5
Kentucky												
Eastern	8	n/a	n/a	0	0	0.0	17	0	0.0	11	0	0.0
Western	8	n/a	n/a	2	0	0.0	4	0	0.0	1	0	0.0
Michigan												
Eastern	31	n/a	n/a	11	0	0.0	48	0	0.0	13	0	0.0
Western	2	n/a	n/a	0	0	0.0	9	0	0.0	6	1	16.7
Ohio												
Northern	2	n/a	n/a	3	0	0.0	16	1	6.3	14	0	0.0
Southern	3	n/a	n/a	0	0	0.0	6	0	0.0	4	0	0.0
Tennessee												
Eastern	9	n/a	n/a	2	0	0.0	8	0	0.0	9	0	0.0
Middle	1	n/a	n/a	1	0	0.0	0	0	0.0	3	0	0.0
Western	2	n/a	n/a	0	0	0.0	5	1	20.0	7	0	0.0
SEVENTH CIRCUIT	145	n/a	n/a	17	0	0.0	108	4	3.7	41	4	9.8
Illinois												
Central	64	n/a	n/a	5	0	0.0	43	0	0.0	13	1	7.7
Northern	66	n/a	n/a	5	0	0.0	35	2	5.7	9	0	0.0
Southern	13	n/a	n/a	5	0	0.0	12	0	0.0	10	0	0.0
Indiana												
Northern	1	n/a	n/a	0	0	0.0	7	0	0.0	4	1	25.0
Southern	0	n/a	n/a	0	0	0.0	4	2	50.0	0	0	0.0
Wisconsin												
Eastern	1	n/a	n/a	0	0	0.0	5	0	0.0	5	2	40.0
Western	0	n/a	n/a	2	0	0.0	2	0	0.0	0	0	0.0
EIGHTH CIRCUIT	95	n/a	n/a	33	1	3.0	114	3	2.6	80	11	13.8
Arkansas												
Eastern	10	n/a	n/a	0	0	0.0	6	0	0.0	1	0	0.0
Western	3	n/a	n/a	2	0	0.0	8	0	0.0	10	0	0.0
Iowa												
Northern	12	n/a	n/a	6	0	0.0	27	0	0.0	11	0	0.0
Southern	8	n/a	n/a	5	0	0.0	22	1	4.5	14	7	50.0
Minnesota	4	n/a	n/a	1	0	0.0	3	0	0.0	2	0	0.0
Missouri												
Eastern	20	n/a	n/a	8	0	0.0	3	0	0.0	16	4	25.0
Western	3	n/a	n/a	8	0	0.0	24	2	8.3	13	0	0.0
Nebraska	28	n/a	n/a	1	1	100.0	8	0	0.0	7	0	0.0
North Dakota	1	n/a	n/a	2	0	0.0	11	0	0.0	4	0	0.0
South Dakota	6	n/a	n/a	0	0	0.0	2	0	0.0	2	0	0.0

Rate of Other Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	4,277	n/a	n/a	910	196	21.5	3,483	71	2.0	4,230	62	1.5
Alaska	2	n/a	n/a	1	0	0.0	2	0	0.0	0	0	0.0
Arizona	1,534	n/a	n/a	458	161	35.2	1,357	49	3.6	1,233	20	1.6
California												
Central	161	n/a	n/a	18	0	0.0	68	0	0.0	112	10	8.9
Eastern	29	n/a	n/a	2	0	0.0	10	0	0.0	2	0	0.0
Northern	36	n/a	n/a	4	0	0.0	13	1	7.7	12	1	8.3
Southern	2,306	n/a	n/a	413	34	8.2	1,951	18	0.9	2,814	27	1.0
Guam	81	n/a	n/a	3	0	0.0	17	0	0.0	2	0	0.0
Hawaii	50	n/a	n/a	2	0	0.0	5	0	0.0	3	0	0.0
Idaho	2	n/a	n/a	2	1	50.0	6	0	0.0	3	0	0.0
Montana	7	n/a	n/a	3	0	0.0	6	0	0.0	3	0	0.0
Nevada	18	n/a	n/a	1	0	0.0	7	0	0.0	17	0	0.0
Northern Mariana Islands	24	n/a	n/a	0	0	0.0	1	0	0.0	1	0	0.0
Oregon	5	n/a	n/a	0	0	0.0	4	0	0.0	4	0	0.0
Washington												
Eastern	4	n/a	n/a	0	0	0.0	2	0	0.0	4	1	25.0
Western	18	n/a	n/a	3	0	0.0	34	3	8.8	20	3	15.0
TENTH CIRCUIT	892	n/a	n/a	153	10	6.5	455	100	22.0	372	85	22.8
Colorado	32	n/a	n/a	6	0	0.0	17	0	0.0	12	0	0.0
Kansas	12	n/a	n/a	7	0	0.0	41	26	63.4	48	22	45.8
New Mexico	831	n/a	n/a	127	10	7.9	363	69	19.0	296	58	19.6
Oklahoma												
Eastern	1	n/a	n/a	0	0	0.0	1	0	0.0	0	0	0.0
Northern	1	n/a	n/a	0	0	0.0	0	0	0.0	0	0	0.0
Western	8	n/a	n/a	2	0	0.0	3	0	0.0	0	0	0.0
Utah	5	n/a	n/a	10	0	0.0	27	4	14.8	16	5	31.3
Wyoming	2	n/a	n/a	1	0	0.0	3	1	33.3	0	0	0.0
ELEVENTH CIRCUIT	268	n/a	n/a	86	0	0.0	270	1	0.4	553	8	1.4
Alabama												
Middle	1	n/a	n/a	1	0	0.0	4	0	0.0	1	0	0.0
Northern	1	n/a	n/a	1	0	0.0	4	0	0.0	8	0	0.0
Southern	0	n/a	n/a	0	0	0.0	3	0	0.0	6	0	0.0
Florida												
Middle	13	n/a	n/a	7	0	0.0	87	0	0.0	155	3	1.9
Northern	0	n/a	n/a	3	0	0.0	2	0	0.0	19	0	0.0
Southern	189	n/a	n/a	57	0	0.0	139	0	0.0	312	4	1.3
Georgia												
Middle	9	n/a	n/a	0	0	0.0	4	0	0.0	0	0	0.0
Northern	43	n/a	n/a	17	0	0.0	26	1	3.8	47	1	2.1
Southern	12	n/a	n/a	0	0	0.0	1	0	0.0	5	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Non-Government Sponsored Below Range Sentences by Circuit and District
Alien Smuggling Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	10,702	3,455	32.3	2,323	156	6.7	9,462	633	6.7	10,947	1,008	9.2
D.C. CIRCUIT	17	1	5.9	12	5	41.7	5	0	0.0	6	3	50.0
District of Columbia	17	1	5.9	12	5	41.7	5	0	0.0	6	3	50.0
FIRST CIRCUIT	62	6	9.7	13	1	7.7	65	2	3.1	59	7	11.9
Maine	1	0	0.0	0	0	0.0	5	0	0.0	10	2	20.0
Massachusetts	6	0	0.0	1	0	0.0	9	0	0.0	16	4	25.0
New Hampshire	2	1	50.0	2	1	50.0	0	0	0.0	0	0	0.0
Puerto Rico	50	4	8.0	8	0	0.0	50	2	4.0	33	1	3.0
Rhode Island	3	1	33.3	2	0	0.0	1	0	0.0	0	0	0.0
SECOND CIRCUIT	253	44	17.4	53	2	3.8	206	19	9.2	163	19	11.7
Connecticut	0	0	0.0	1	0	0.0	3	0	0.0	1	0	0.0
New York												
Eastern	38	9	23.7	3	1	33.3	27	2	7.4	27	4	14.8
Northern	110	13	11.8	17	1	5.9	50	5	10.0	59	2	3.4
Southern	36	5	13.9	16	0	0.0	35	4	11.4	16	2	12.5
Western	32	5	15.6	10	0	0.0	33	7	21.2	30	7	23.3
Vermont	37	12	32.4	6	0	0.0	58	1	1.7	30	4	13.3
THIRD CIRCUIT	60	1	1.7	8	1	12.5	74	10	13.5	54	9	16.7
Delaware	0	0	0.0	0	0	0.0	2	0	0.0	2	0	0.0
New Jersey	32	0	0.0	4	0	0.0	30	3	10.0	18	4	22.2
Pennsylvania												
Eastern	4	1	25.0	1	0	0.0	6	0	0.0	9	0	0.0
Middle	3	0	0.0	1	0	0.0	18	6	33.3	14	1	7.1
Western	0	0	0.0	0	0	0.0	3	0	0.0	4	2	50.0
Virgin Islands	21	0	0.0	2	1	50.0	15	1	6.7	7	2	28.6
FOURTH CIRCUIT	56	1	1.8	25	1	4.0	68	9	13.2	63	17	27.0
Maryland	11	0	0.0	1	1	100.0	6	1	16.7	8	4	50.0
North Carolina												
Eastern	4	0	0.0	0	0	0.0	2	1	50.0	0	0	0.0
Middle	5	0	0.0	2	0	0.0	8	1	12.5	3	0	0.0
Western	7	0	0.0	0	0	0.0	5	1	20.0	9	2	22.2
South Carolina	2	0	0.0	4	0	0.0	6	1	16.7	10	2	20.0
Virginia												
Eastern	21	1	4.8	16	0	0.0	39	3	7.7	28	9	32.1
Western	4	0	0.0	2	0	0.0	0	0	0.0	4	0	0.0
West Virginia												
Northern	1	0	0.0	0	0	0.0	0	0	0.0	1	0	0.0
Southern	1	0	0.0	0	0	0.0	2	1	50.0	0	0	0.0

Rate of Non-Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	4,511	1,316	29.2	994	44	4.4	4,501	283	6.3	5,258	523	9.9
Louisiana												
Eastern	0	0	0.0	3	0	0.0	3	1	33.3	5	0	0.0
Middle	3	0	0.0	1	0	0.0	0	0	0.0	6	1	16.7
Western	0	0	0.0	4	0	0.0	11	1	9.1	18	9	50.0
Mississippi												
Northern	1	0	0.0	0	0	0.0	0	0	0.0	2	0	0.0
Southern	3	0	0.0	0	0	0.0	7	0	0.0	13	1	7.7
Texas												
Eastern	15	2	13.3	10	0	0.0	25	0	0.0	56	4	7.1
Northern	129	1	0.8	31	0	0.0	77	2	2.6	33	0	0.0
Southern	2,643	719	27.2	705	34	4.8	3,044	227	7.5	3,803	369	9.7
Western	1,717	594	34.6	240	10	4.2	1,334	52	3.9	1,322	139	10.5
SIXTH CIRCUIT	66	4	6.1	19	0	0.0	113	16	14.2	68	13	19.1
Kentucky												
Eastern	8	0	0.0	0	0	0.0	17	1	5.9	11	1	9.1
Western	8	1	12.5	2	0	0.0	4	2	50.0	1	1	100.0
Michigan												
Eastern	31	2	6.5	11	0	0.0	48	4	8.3	13	1	7.7
Western	2	0	0.0	0	0	0.0	9	1	11.1	6	0	0.0
Ohio												
Northern	2	0	0.0	3	0	0.0	16	3	18.8	14	3	21.4
Southern	3	0	0.0	0	0	0.0	6	1	16.7	4	3	75.0
Tennessee												
Eastern	9	1	11.1	2	0	0.0	8	4	50.0	9	2	22.2
Middle	1	0	0.0	1	0	0.0	0	0	0.0	3	0	0.0
Western	2	0	0.0	0	0	0.0	5	0	0.0	7	2	28.6
SEVENTH CIRCUIT	145	3	2.1	17	0	0.0	108	9	8.3	41	5	12.2
Illinois												
Central	64	1	1.6	5	0	0.0	43	1	2.3	13	0	0.0
Northern	66	2	3.0	5	0	0.0	35	3	8.6	9	1	11.1
Southern	13	0	0.0	5	0	0.0	12	1	8.3	10	2	20.0
Indiana												
Northern	1	0	0.0	0	0	0.0	7	0	0.0	4	0	0.0
Southern	0	0	0.0	0	0	0.0	4	2	50.0	0	0	0.0
Wisconsin												
Eastern	1	0	0.0	0	0	0.0	5	2	40.0	5	2	40.0
Western	0	0	0.0	2	0	0.0	2	0	0.0	0	0	0.0
EIGHTH CIRCUIT	95	7	7.4	33	0	0.0	114	19	16.7	80	10	12.5
Arkansas												
Eastern	10	0	0.0	0	0	0.0	6	1	16.7	1	0	0.0
Western	3	0	0.0	2	0	0.0	8	0	0.0	10	2	20.0
Iowa												
Northern	12	4	33.3	6	0	0.0	27	0	0.0	11	0	0.0
Southern	8	1	12.5	5	0	0.0	22	7	31.8	14	1	7.1
Minnesota	4	0	0.0	1	0	0.0	3	2	66.7	2	0	0.0
Missouri												
Eastern	20	0	0.0	8	0	0.0	3	2	66.7	16	1	6.3
Western	3	0	0.0	8	0	0.0	24	2	8.3	13	2	15.4
Nebraska	28	2	7.1	1	0	0.0	8	4	50.0	7	2	28.6
North Dakota	1	0	0.0	2	0	0.0	11	0	0.0	4	2	50.0
South Dakota	6	0	0.0	0	0	0.0	2	1	50.0	2	0	0.0

Rate of Non-Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	4,277	1,911	44.7	910	98	10.8	3,483	233	6.7	4,230	312	7.4
Alaska	2	0	0.0	1	0	0.0	2	0	0.0	0	0	0.0
Arizona	1,534	938	61.1	458	22	4.8	1,357	67	4.9	1,233	72	5.8
California												
Central	161	13	8.1	18	0	0.0	68	9	13.2	112	15	13.4
Eastern	29	3	10.3	2	0	0.0	10	1	10.0	2	0	0.0
Northern	36	2	5.6	4	0	0.0	13	0	0.0	12	0	0.0
Southern	2,306	942	40.8	413	74	17.9	1,951	149	7.6	2,814	217	7.7
Guam	81	5	6.2	3	0	0.0	17	1	5.9	2	1	50.0
Hawaii	50	4	8.0	2	0	0.0	5	0	0.0	3	1	33.3
Idaho	2	0	0.0	2	0	0.0	6	0	0.0	3	1	33.3
Montana	7	2	28.6	3	1	33.3	6	1	16.7	3	0	0.0
Nevada	18	1	5.6	1	0	0.0	7	1	14.3	17	3	17.6
Northern Mariana Islands	24	0	0.0	0	0	0.0	1	0	0.0	1	0	0.0
Oregon	5	0	0.0	0	0	0.0	4	1	25.0	4	0	0.0
Washington												
Eastern	4	0	0.0	0	0	0.0	2	0	0.0	4	0	0.0
Western	18	1	5.6	3	1	33.3	34	3	8.8	20	2	10.0
TENTH CIRCUIT	892	150	16.8	153	3	2.0	455	21	4.6	372	26	7.0
Colorado	32	2	6.3	6	0	0.0	17	1	5.9	12	2	16.7
Kansas	12	3	25.0	7	2	28.6	41	1	2.4	48	0	0.0
New Mexico	831	143	17.2	127	1	0.8	363	14	3.9	296	20	6.8
Oklahoma												
Eastern	1	0	0.0	0	0	0.0	1	0	0.0	0	0	0.0
Northern	1	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Western	8	1	12.5	2	0	0.0	3	0	0.0	0	0	0.0
Utah	5	1	20.0	10	0	0.0	27	5	18.5	16	4	25.0
Wyoming	2	0	0.0	1	0	0.0	3	0	0.0	0	0	0.0
ELEVENTH CIRCUIT	268	11	4.1	86	1	1.2	270	12	4.4	553	64	11.6
Alabama												
Middle	1	0	0.0	1	0	0.0	4	0	0.0	1	0	0.0
Northern	1	0	0.0	1	0	0.0	4	0	0.0	8	1	12.5
Southern	0	0	0.0	0	0	0.0	3	1	33.3	6	3	50.0
Florida												
Middle	13	1	7.7	7	0	0.0	87	5	5.7	155	16	10.3
Northern	0	0	0.0	3	0	0.0	2	1	50.0	19	5	26.3
Southern	189	3	1.6	57	1	1.8	139	3	2.2	312	29	9.3
Georgia												
Middle	9	3	33.3	0	0	0.0	4	0	0.0	0	0	0.0
Northern	43	4	9.3	17	0	0.0	26	2	7.7	47	10	21.3
Southern	12	0	0.0	0	0	0.0	1	0	0.0	5	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Length of Imprisonment by Circuit and District
Alien Smuggling Offenses
Koon Period through Gall Period

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months
TOTAL	10,738	15	13	2,327	18	16	9,463	18	16	10,947	19	17
D.C. CIRCUIT	17	36	29	12	32	30	5	37	61	6	44	27
District of Columbia	17	36	29	12	32	30	5	37	61	6	44	27
FIRST CIRCUIT	62	18	23	13	10	12	65	21	24	59	13	13
Maine	1	60	6	0	0	0	5	10	12	10	10	8
Massachusetts	6	31	87	1	36	36	9	9	9	16	15	13
New Hampshire	2	32	31	2	15	11	0	0	0	0	0	0
Puerto Rico	50	16	16	8	5	6	50	25	28	33	14	15
Rhode Island	3	9	8	2	15	15	1	6	6	0	0	0
SECOND CIRCUIT	254	12	11	53	16	12	206	16	13	163	14	12
Connecticut	0	0	0	1	15	10	3	17	17	1	0	0
New York												
Eastern	38	15	20	3	9	10	27	24	21	27	16	14
Northern	110	10	8	17	20	10	50	17	11	59	12	10
Southern	37	20	20	16	20	17	35	32	31	16	20	16
Western	32	9	6	10	10	7	33	11	5	30	12	9
Vermont	37	8	5	6	11	11	58	6	6	30	19	15
THIRD CIRCUIT	62	27	14	8	20	19	74	16	14	54	16	11
Delaware	0	0	0	0	0	0	2	12	9	2	10	8
New Jersey	33	13	12	4	30	30	30	16	15	18	16	11
Pennsylvania												
Eastern	4	8	6	1	6	6	6	29	17	9	23	10
Middle	3	3	4	1	18	18	18	9	8	14	12	10
Western	0	0	0	0	0	0	3	17	23	4	13	12
Virgin Islands	22	56	21	2	7	4	15	21	21	7	16	14
FOURTH CIRCUIT	56	15	15	25	15	12	68	14	13	63	16	14
Maryland	11	14	16	1	10	0	6	10	10	8	13	6
North Carolina												
Eastern	4	32	29	0	0	0	2	8	6	0	0	0
Middle	5	19	23	2	18	20	8	14	16	3	20	25
Western	7	9	13	0	0	0	5	11	8	9	14	11
South Carolina	2	8	7	4	15	11	6	10	10	10	13	10
Virginia												
Eastern	21	15	13	16	15	12	39	15	14	28	18	16
Western	4	11	12	2	12	12	0	0	0	4	16	30
West Virginia												
Northern	1	12	18	0	0	0	0	0	0	1	0	0
Southern	1	0	0	0	0	0	2	25	27	0	0	0

Average Guideline Minimum and Length of Imprisonment by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months
FIFTH CIRCUIT	4,519	13	12	995	19	18	4,501	17	16	5,258	17	17
Louisiana												
Eastern	0	0	0	3	5	6	3	16	14	5	8	8
Middle	3	10	8	1	18	20	0	0	0	6	14	10
Western	0	0	0	4	18	20	11	10	10	18	22	13
Mississippi												
Northern	1	0	0	0	0	0	0	0	0	2	14	15
Southern	3	8	8	0	0	0	7	14	15	13	14	14
Texas												
Eastern	15	10	10	10	22	23	25	17	19	56	32	34
Northern	129	16	18	31	18	21	77	18	22	33	17	21
Southern	2,647	12	11	706	18	16	3,044	17	17	3,803	18	18
Western	1,721	14	12	240	21	21	1,334	15	14	1,322	14	13
SIXTH CIRCUIT	66	14	12	19	17	13	113	18	11	68	16	10
Kentucky												
Eastern	8	13	11	0	0	0	17	16	8	11	24	8
Western	8	8	4	2	9	0	4	11	5	1	8	6
Michigan												
Eastern	31	15	15	11	21	17	48	25	13	13	12	7
Western	2	4	8	0	0	0	9	10	10	6	12	10
Ohio												
Northern	2	6	6	3	13	12	16	13	10	14	12	12
Southern	3	10	12	0	0	0	6	17	8	4	17	6
Tennessee												
Eastern	9	18	9	2	8	0	8	9	7	9	15	13
Middle	1	0	6	1	21	21	0	0	0	3	16	17
Western	2	29	24	0	0	0	5	14	14	7	23	13
SEVENTH CIRCUIT	145	12	14	17	18	17	108	16	16	41	15	15
Illinois												
Central	64	14	14	5	22	23	43	15	15	13	16	16
Northern	66	10	14	5	14	14	35	18	18	9	15	15
Southern	13	13	10	5	17	12	12	19	18	10	13	13
Indiana												
Northern	1	12	15	0	0	0	7	21	21	4	19	19
Southern	0	0	0	0	0	0	4	12	8	0	0	0
Wisconsin												
Eastern	1	0	0	0	0	0	5	12	9	5	13	9
Western	0	0	0	2	18	18	2	20	23	0	0	0
EIGHTH CIRCUIT	95	11	12	33	11	12	114	13	13	80	13	11
Arkansas												
Eastern	10	8	10	0	0	0	6	19	15	1	12	12
Western	3	5	5	2	9	6	8	12	11	10	15	13
Iowa												
Northern	12	9	7	6	12	11	27	15	19	11	17	16
Southern	8	11	10	5	16	16	22	14	12	14	12	10
Minnesota	4	14	15	1	12	44	3	12	10	2	12	18
Missouri												
Eastern	20	10	10	8	7	7	3	7	6	16	10	8
Western	3	8	8	8	12	13	24	13	13	13	17	10
Nebraska	28	16	17	1	18	12	8	13	11	7	12	8
North Dakota	1	0	1	2	14	10	11	7	6	4	7	3
South Dakota	6	7	24	0	0	0	2	9	9	2	1	6

Average Guideline Minimum and Length of Imprisonment by Circuit and District (cont.)

CIRCUIT	<i>Koon</i>			PROTECT Act			<i>Booker</i>			<i>Gall</i>		
	Period			Period			Period			Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	Mean	Mean	Total	Mean	Mean	Total	Mean	Mean	Total	Mean	Mean
		Guideline			Guideline			Guideline			Guideline	
		Minimum	Months		Minimum	Months		Minimum	Months		Minimum	Months
NINTH CIRCUIT	4,302	18	14	913	18	16	3,484	20	17	4,230	20	16
Alaska	2	0	0	1	10	10	2	30	30	0	0	0
Arizona	1,548	17	11	460	18	14	1,357	20	18	1,233	20	17
California												
Central	162	13	14	18	16	17	68	18	17	112	28	27
Eastern	29	16	16	2	12	12	10	17	17	2	14	8
Northern	36	15	14	4	15	8	13	12	9	12	11	8
Southern	2,315	18	15	414	19	18	1,952	21	17	2,814	20	15
Guam	82	12	13	3	20	12	17	32	24	2	29	17
Hawaii	50	19	18	2	23	25	5	9	8	3	9	8
Idaho	2	8	5	2	20	20	6	14	12	3	12	11
Montana	7	2	4	3	12	11	6	9	9	3	0	5
Nevada	18	14	13	1	18	18	7	19	20	17	17	15
Northern Mariana Islands	24	28	26	0	0	0	1	10	10	1	12	12
Oregon	5	11	11	0	0	0	4	6	6	4	11	11
Washington												
Eastern	4	9	6	0	0	0	2	12	9	4	6	10
Western	18	17	17	3	26	12	34	19	10	20	18	12
TENTH CIRCUIT	892	9	9	153	11	11	455	14	12	372	12	10
Colorado	32	20	21	6	24	15	17	19	22	12	21	19
Kansas	12	19	15	7	20	18	41	21	16	48	14	11
New Mexico	831	8	9	127	10	10	363	12	11	296	10	9
Oklahoma												
Eastern	1	15	15	0	0	0	1	0	0	0	0	0
Northern	1	4	4	0	0	0	0	0	0	0	0	0
Western	8	18	18	2	16	15	3	21	22	0	0	0
Utah	5	30	22	10	20	16	27	17	16	16	28	18
Wyoming	2	8	10	1	0	5	3	29	30	0	0	0
ELEVENTH CIRCUIT	268	22	25	86	19	19	270	20	22	553	28	29
Alabama												
Middle	1	0	0	1	6	6	4	23	24	1	0	0
Northern	1	12	6	1	6	6	4	16	18	8	15	11
Southern	0	0	0	0	0	0	3	15	13	6	10	6
Florida												
Middle	13	18	15	7	15	16	87	14	13	155	17	17
Northern	0	0	0	3	18	21	2	12	11	19	23	18
Southern	189	23	27	57	21	20	139	25	29	312	35	38
Georgia												
Middle	9	13	15	0	0	0	4	11	10	0	0	0
Northern	43	14	14	17	17	18	26	20	20	47	27	24
Southern	12	35	41	0	0	0	1	12	12	5	7	10

Sentences of probation only are included as zero (0) months of imprisonment. Life sentences and other sentences exceeding 470 months are capped at 470 months. This analysis includes time of confinement as described in USSG §5C1.1 (Imposition of a Term of Imprisonment). Some cases were excluded due to missing or indeterminable sentencing information.

Guideline minimums account for applicable statutory mandatory penalties. Guideline minimums of life and other guideline minimums exceeding 470 months are capped at 470 months.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Alien Smuggling Offenses**

<i>Koon</i>			
Period			
(6/13/96 - 4/30/03)			
District	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Louisiana, Middle	100.0	3	3
Alabama, Northern	100.0	1	1
Illinois, Southern	61.5	8	13
Kentucky, Western	50.0	4	8
South Carolina	50.0	1	2
Tennessee, Western	50.0	1	2
Idaho	50.0	1	2
New Jersey	46.9	15	32
Tennessee, Eastern	44.4	4	9
Colorado	40.6	13	32
District of Columbia	35.3	6	17
South Dakota	33.3	2	6
Nevada	27.8	5	18
Washington, Western	27.8	5	18
Hawaii	26.0	13	50
New York, Western	25.0	8	32
Iowa, Northern	25.0	3	12
Kentucky, Eastern	25.0	2	8
Iowa, Southern	25.0	2	8
Pennsylvania, Eastern	25.0	1	4
Washington, Eastern	25.0	1	4
Virgin Islands	23.8	5	21
Virginia, Eastern	23.8	5	21
New York, Northern	23.6	26	110
Oregon	20.0	1	5
Vermont	18.9	7	37
California, Northern	16.7	6	36
Northern Mariana Islands	16.7	4	24
Kansas	16.7	2	12
Illinois, Central	15.6	10	64
Florida, Middle	15.4	2	13
California, Eastern	13.8	4	29
Guam	13.6	11	81
Texas, Southern	13.5	358	2,643
Michigan, Eastern	12.9	4	31
Texas, Western	11.2	192	1,717
Georgia, Middle	11.1	1	9
Maryland	9.1	1	11
Arizona	9.0	138	1,534
New York, Southern	8.3	3	36
Georgia, Southern	8.3	1	12
California, Southern	8.3	192	2,306

**Spread of Rates of Government Sponsored Below Range Sentences
Alien Smuggling Offenses (cont.)**

District	Percent	Koon Period	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
		(6/13/96 - 4/30/03)	
New York, Eastern	7.9	3	38
Texas, Northern	7.8	10	129
Georgia, Northern	7.0	3	43
Florida, Southern	6.9	13	189
Missouri, Eastern	5.0	1	20
California, Central	4.3	7	161
Nebraska	3.6	1	28
New Mexico	2.9	24	831
Puerto Rico	2.0	1	50
Illinois, Northern	1.5	1	66
Texas, Eastern	0.0	0	15
Arkansas, Eastern	0.0	0	10
Oklahoma, Western	0.0	0	8
North Carolina, Western	0.0	0	7
Montana	0.0	0	7
Massachusetts	0.0	0	6
North Carolina, Middle	0.0	0	5
Utah	0.0	0	5
North Carolina, Eastern	0.0	0	4
Virginia, Western	0.0	0	4
Minnesota	0.0	0	4
Rhode Island	0.0	0	3
Pennsylvania, Middle	0.0	0	3
Mississippi, Southern	0.0	0	3
Ohio, Southern	0.0	0	3
Arkansas, Western	0.0	0	3
Missouri, Western	0.0	0	3
New Hampshire	0.0	0	2
Michigan, Western	0.0	0	2
Ohio, Northern	0.0	0	2
Alaska	0.0	0	2
Wyoming	0.0	0	2
Maine	0.0	0	1
West Virginia, Northern	0.0	0	1
West Virginia, Southern	0.0	0	1
Mississippi, Northern	0.0	0	1
Tennessee, Middle	0.0	0	1
Indiana, Northern	0.0	0	1
Wisconsin, Eastern	0.0	0	1
North Dakota	0.0	0	1
Oklahoma, Eastern	0.0	0	1
Oklahoma, Northern	0.0	0	1
Alabama, Middle	0.0	0	1

The following districts had no alien smuggling offenses in the selected time period: Connecticut, Delaware, Western Pennsylvania, Eastern Louisiana, Western Louisiana, Southern Indiana, Western Wisconsin, Southern Alabama, and Northern Florida.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Alien Smuggling Offenses**

District	Percent	PROTECT Act Period (5/1/03 - 6/24/04)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Guam	100.0	3	3
Kentucky, Western	100.0	2	2
Tennessee, Eastern	100.0	2	2
Connecticut	100.0	1	1
Minnesota	100.0	1	1
Nebraska	100.0	1	1
New York, Western	70.0	7	10
Colorado	66.7	4	6
Illinois, Southern	60.0	3	5
Arizona	53.5	245	458
Utah	50.0	5	10
South Carolina	50.0	2	4
California, Northern	50.0	2	4
New Hampshire	50.0	1	2
Virgin Islands	50.0	1	2
Arkansas, Western	50.0	1	2
North Dakota	50.0	1	2
Idaho	50.0	1	2
Florida, Middle	42.9	3	7
New York, Northern	41.2	7	17
Texas, Southern	40.1	283	705
Virginia, Eastern	37.5	6	16
Texas, Western	35.8	86	240
District of Columbia	33.3	4	12
Iowa, Northern	33.3	2	6
Washington, Western	33.3	1	3
Kansas	28.6	2	7
Illinois, Northern	20.0	1	5
Michigan, Eastern	18.2	2	11
Vermont	16.7	1	6
New York, Southern	12.5	2	16
New Mexico	11.8	15	127
Georgia, Northern	11.8	2	17
Texas, Eastern	10.0	1	10
California, Southern	9.9	41	413
California, Central	5.6	1	18
Florida, Southern	5.3	3	57
Texas, Northern	3.2	1	31
Puerto Rico	0.0	0	8
Missouri, Eastern	0.0	0	8
Missouri, Western	0.0	0	8
Illinois, Central	0.0	0	5

**Spread of Rates of Government Sponsored Below Range Sentences
Alien Smuggling Offenses (cont.)**

PROTECT Act				
Period				
(5/1/03 - 6/24/04)				
District	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed	
Iowa, Southern	0.0	0		5
New Jersey	0.0	0		4
Louisiana, Western	0.0	0		4
New York, Eastern	0.0	0		3
Louisiana, Eastern	0.0	0		3
Ohio, Northern	0.0	0		3
Montana	0.0	0		3
Florida, Northern	0.0	0		3
Rhode Island	0.0	0		2
North Carolina, Middle	0.0	0		2
Virginia, Western	0.0	0		2
Wisconsin, Western	0.0	0		2
California, Eastern	0.0	0		2
Hawaii	0.0	0		2
Oklahoma, Western	0.0	0		2
Massachusetts	0.0	0		1
Pennsylvania, Eastern	0.0	0		1
Pennsylvania, Middle	0.0	0		1
Maryland	0.0	0		1
Louisiana, Middle	0.0	0		1
Tennessee, Middle	0.0	0		1
Alaska	0.0	0		1
Nevada	0.0	0		1
Wyoming	0.0	0		1
Alabama, Middle	0.0	0		1
Alabama, Northern	0.0	0		1

The following districts had no alien smuggling offenses in the selected time period: Maine, Delaware, Western Pennsylvania, Eastern North Carolina, Western North Carolina, Northern West Virginia, Southern West Virginia, Northern Mississippi, Southern Mississippi, Eastern Kentucky, Western Michigan, Southern Ohio, Western Tennessee, Northern Indiana, Southern Indiana, Eastern Wisconsin, Eastern Arkansas, South Dakota, Northern Mariana Islands, Oregon, Eastern Washington, Eastern Oklahoma, Northern Oklahoma, Southern Alabama, Middle Georgia, and Southern Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Alien Smuggling Offenses**

District	Percent	Booker Period (1/12/05 - 12/10/07)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Kentucky, Eastern	76.5	13	17
Kansas	70.7	29	41
California, Southern	60.1	1,172	1,951
New York, Western	54.5	18	33
Ohio, Southern	50.0	3	6
Idaho	50.0	3	6
Indiana, Southern	50.0	2	4
Alabama, Middle	50.0	2	4
Delaware	50.0	1	2
Washington, Eastern	50.0	1	2
Michigan, Eastern	47.9	23	48
Guam	47.1	8	17
Arizona	46.9	637	1,357
Washington, Western	44.1	15	34
Hawaii	40.0	2	5
California, Northern	38.5	5	13
North Dakota	36.4	4	11
Utah	33.3	9	27
Pennsylvania, Eastern	33.3	2	6
Maryland	33.3	2	6
Arkansas, Eastern	33.3	2	6
Wyoming	33.3	1	3
Texas, Southern	28.1	855	3,044
Texas, Western	25.6	341	1,334
Ohio, Northern	25.0	4	16
Arkansas, Western	25.0	2	8
Kentucky, Western	25.0	1	4
Georgia, Middle	25.0	1	4
New Mexico	24.5	89	363
Vermont	24.1	14	58
New Jersey	23.3	7	30
Pennsylvania, Middle	22.2	4	18
Michigan, Western	22.2	2	9
New York, Northern	22.0	11	50
District of Columbia	20.0	1	5
Tennessee, Western	20.0	1	5
Wisconsin, Eastern	20.0	1	5
Florida, Middle	19.5	17	87
Georgia, Northern	19.2	5	26
New York, Eastern	18.5	5	27
Louisiana, Western	18.2	2	11
Virginia, Eastern	17.9	7	39

**Spread of Rates of Government Sponsored Below Range Sentences
Alien Smuggling Offenses (cont.)**

<i>Booker</i>				
Period				
(1/12/05 - 12/10/07)				
District	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed	
Colorado	17.6	3	17	
Indiana, Northern	14.3	1	7	
Nevada	14.3	1	7	
Iowa, Southern	13.6	3	22	
Virgin Islands	13.3	2	15	
California, Central	13.2	9	68	
Tennessee, Eastern	12.5	1	8	
New York, Southern	11.4	4	35	
Illinois, Northern	11.4	4	35	
Massachusetts	11.1	1	9	
Florida, Southern	10.1	14	139	
California, Eastern	10.0	1	10	
Missouri, Western	8.3	2	24	
Illinois, Southern	8.3	1	12	
Puerto Rico	6.0	3	50	
Illinois, Central	4.7	2	43	
Texas, Eastern	4.0	1	25	
Iowa, Northern	3.7	1	27	
Texas, Northern	0.0	0	77	
North Carolina, Middle	0.0	0	8	
Nebraska	0.0	0	8	
Mississippi, Southern	0.0	0	7	
South Carolina	0.0	0	6	
Montana	0.0	0	6	
Maine	0.0	0	5	
North Carolina, Western	0.0	0	5	
Oregon	0.0	0	4	
Alabama, Northern	0.0	0	4	
Connecticut	0.0	0	3	
Pennsylvania, Western	0.0	0	3	
Louisiana, Eastern	0.0	0	3	
Minnesota	0.0	0	3	
Missouri, Eastern	0.0	0	3	
Oklahoma, Western	0.0	0	3	
Alabama, Southern	0.0	0	3	
North Carolina, Eastern	0.0	0	2	
West Virginia, Southern	0.0	0	2	
Wisconsin, Western	0.0	0	2	
South Dakota	0.0	0	2	
Alaska	0.0	0	2	
Florida, Northern	0.0	0	2	
Rhode Island	0.0	0	1	
Northern Mariana Islands	0.0	0	1	
Oklahoma, Eastern	0.0	0	1	
Georgia, Southern	0.0	0	1	

The following districts had no alien smuggling offenses in the selected time period: New Hampshire, Western Virginia, Northern West Virginia, Middle Louisiana, Northern Mississippi, Middle Tennessee, and Northern Oklahoma.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Alien Smuggling Offenses**

District	Percent	Gall Period (12/11/07 - 9/30/11)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
California, Eastern	100.0	2	2
Kentucky, Eastern	81.8	9	11
California, Southern	69.3	1,949	2,814
Pennsylvania, Eastern	66.7	6	9
Arizona	50.1	618	1,233
Kansas	50.0	24	48
Pennsylvania, Middle	50.0	7	14
Iowa, Southern	50.0	7	14
Louisiana, Middle	50.0	3	6
Delaware	50.0	1	2
Guam	50.0	1	2
Iowa, Northern	45.5	5	11
Utah	43.8	7	16
Virgin Islands	42.9	3	7
Tennessee, Western	42.9	3	7
Wisconsin, Eastern	40.0	2	5
Missouri, Western	38.5	5	13
Maryland	37.5	3	8
Florida, Northern	36.8	7	19
Washington, Western	35.0	7	20
Georgia, Northern	34.0	16	47
New York, Western	33.3	10	30
New Jersey	33.3	6	18
California, Northern	33.3	4	12
District of Columbia	33.3	2	6
Michigan, Western	33.3	2	6
Michigan, Eastern	30.8	4	13
Maine	30.0	3	10
Texas, Southern	26.4	1,005	3,803
New York, Northern	25.4	15	59
Missouri, Eastern	25.0	4	16
Colorado	25.0	3	12
Alabama, Northern	25.0	2	8
Indiana, Northern	25.0	1	4
North Dakota	25.0	1	4
Washington, Eastern	25.0	1	4
Vermont	23.3	7	30
Texas, Western	22.4	296	1,322
North Carolina, Western	22.2	2	9
Tennessee, Eastern	22.2	2	9
New Mexico	21.6	64	296
Louisiana, Eastern	20.0	1	5

**Spread of Rates of Government Sponsored Below Range Sentences
Alien Smuggling Offenses (cont.)**

District	Gall Period		
	(12/11/07 - 9/30/11)		
	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Florida, Middle	18.7	29	155
Alabama, Southern	16.7	1	6
California, Central	16.1	18	112
Mississippi, Southern	15.4	2	13
New York, Southern	12.5	2	16
Nevada	11.8	2	17
New York, Eastern	11.1	3	27
Illinois, Northern	11.1	1	9
South Carolina	10.0	1	10
Puerto Rico	9.1	3	33
Illinois, Central	7.7	1	13
Virginia, Eastern	7.1	2	28
Ohio, Northern	7.1	1	14
Massachusetts	6.3	1	16
Louisiana, Western	5.6	1	18
Florida, Southern	4.5	14	312
Texas, Eastern	0.0	0	56
Texas, Northern	0.0	0	33
Illinois, Southern	0.0	0	10
Arkansas, Western	0.0	0	10
Nebraska	0.0	0	7
Georgia, Southern	0.0	0	5
Pennsylvania, Western	0.0	0	4
Virginia, Western	0.0	0	4
Ohio, Southern	0.0	0	4
Oregon	0.0	0	4
North Carolina, Middle	0.0	0	3
Tennessee, Middle	0.0	0	3
Hawaii	0.0	0	3
Idaho	0.0	0	3
Montana	0.0	0	3
Mississippi, Northern	0.0	0	2
Minnesota	0.0	0	2
South Dakota	0.0	0	2
Connecticut	0.0	0	1
West Virginia, Northern	0.0	0	1
Kentucky, Western	0.0	0	1
Arkansas, Eastern	0.0	0	1
Northern Mariana Islands	0.0	0	1
Alabama, Middle	0.0	0	1

The following districts had no alien smuggling offenses in the selected time period: New Hampshire, Rhode Island, Eastern North Carolina, Southern West Virginia, Southern Indiana, Western Wisconsin, Alaska, Eastern Oklahoma, Northern Oklahoma, Western Oklahoma, Wyoming, and Middle Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Alien Smuggling Offenses**

District	Percent	Koon Period	
		(6/13/96 - 4/30/03)	
		Number of §5K1.1 Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Louisiana, Middle	100.0	3	3
Alabama, Northern	100.0	1	1
Illinois, Southern	61.5	8	13
Kentucky, Western	50.0	4	8
South Carolina	50.0	1	2
Idaho	50.0	1	2
New Jersey	46.9	15	32
Tennessee, Eastern	44.4	4	9
Colorado	40.6	13	32
District of Columbia	35.3	6	17
South Dakota	33.3	2	6
Nevada	27.8	5	18
Washington, Western	27.8	5	18
Hawaii	26.0	13	50
New York, Western	25.0	8	32
Iowa, Northern	25.0	3	12
Kentucky, Eastern	25.0	2	8
Iowa, Southern	25.0	2	8
Pennsylvania, Eastern	25.0	1	4
Washington, Eastern	25.0	1	4
Virgin Islands	23.8	5	21
Virginia, Eastern	23.8	5	21
New York, Northern	23.6	26	110
Oregon	20.0	1	5
Vermont	18.9	7	37
California, Northern	16.7	6	36
Northern Mariana Islands	16.7	4	24
Kansas	16.7	2	12
Illinois, Central	15.6	10	64
Florida, Middle	15.4	2	13
California, Eastern	13.8	4	29
Guam	13.6	11	81
Michigan, Eastern	12.9	4	31
Georgia, Middle	11.1	1	9
Texas, Southern	10.4	275	2,643
Texas, Western	10.3	177	1,717
Maryland	9.1	1	11
New York, Southern	8.3	3	36
Georgia, Southern	8.3	1	12
New York, Eastern	7.9	3	38
Texas, Northern	7.8	10	129
Georgia, Northern	7.0	3	43

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Alien Smuggling Offenses (cont.)**

Koon

Period

(6/13/96 - 4/30/03)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Florida, Southern	6.9	13	189
California, Southern	6.6	153	2,306
Missouri, Eastern	5.0	1	20
California, Central	4.3	7	161
Nebraska	3.6	1	28
Arizona	2.8	43	1,534
Puerto Rico	2.0	1	50
New Mexico	1.8	15	831
Illinois, Northern	1.5	1	66
Texas, Eastern	0.0	0	15
Arkansas, Eastern	0.0	0	10
Oklahoma, Western	0.0	0	8
North Carolina, Western	0.0	0	7
Montana	0.0	0	7
Massachusetts	0.0	0	6
North Carolina, Middle	0.0	0	5
Utah	0.0	0	5
North Carolina, Eastern	0.0	0	4
Virginia, Western	0.0	0	4
Minnesota	0.0	0	4
Rhode Island	0.0	0	3
Pennsylvania, Middle	0.0	0	3
Mississippi, Southern	0.0	0	3
Ohio, Southern	0.0	0	3
Arkansas, Western	0.0	0	3
Missouri, Western	0.0	0	3
New Hampshire	0.0	0	2
Michigan, Western	0.0	0	2
Ohio, Northern	0.0	0	2
Tennessee, Western	0.0	0	2
Alaska	0.0	0	2
Wyoming	0.0	0	2
Maine	0.0	0	1
West Virginia, Northern	0.0	0	1
West Virginia, Southern	0.0	0	1
Mississippi, Northern	0.0	0	1
Tennessee, Middle	0.0	0	1
Indiana, Northern	0.0	0	1
Wisconsin, Eastern	0.0	0	1
North Dakota	0.0	0	1
Oklahoma, Eastern	0.0	0	1
Oklahoma, Northern	0.0	0	1
Alabama, Middle	0.0	0	1

The following districts had no alien smuggling offenses in the selected time period: Connecticut, Delaware, Western Pennsylvania, Eastern Louisiana, Western Louisiana, Southern Indiana, Western Wisconsin, Southern Alabama, and Northern Florida.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Alien Smuggling Offenses**

District	PROTECT Act		
	Period		
	(5/1/03 - 6/24/04)		
Percent	Number of §5K1.1 Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed	
Guam	100.0	3	3
Kentucky, Western	100.0	2	2
Tennessee, Eastern	100.0	2	2
Minnesota	100.0	1	1
New York, Western	70.0	7	10
Colorado	66.7	4	6
Illinois, Southern	60.0	3	5
Utah	50.0	5	10
South Carolina	50.0	2	4
California, Northern	50.0	2	4
New Hampshire	50.0	1	2
Virgin Islands	50.0	1	2
Arkansas, Western	50.0	1	2
North Dakota	50.0	1	2
Florida, Middle	42.9	3	7
New York, Northern	41.2	7	17
Virginia, Eastern	37.5	6	16
District of Columbia	33.3	4	12
Iowa, Northern	33.3	2	6
Washington, Western	33.3	1	3
Kansas	28.6	2	7
Texas, Western	22.9	55	240
Illinois, Northern	20.0	1	5
Michigan, Eastern	18.2	2	11
Vermont	16.7	1	6
New York, Southern	12.5	2	16
Georgia, Northern	11.8	2	17
Texas, Eastern	10.0	1	10
Texas, Southern	8.1	57	705
California, Central	5.6	1	18
Florida, Southern	5.3	3	57
Arizona	4.1	19	458
Texas, Northern	3.2	1	31
California, Southern	1.5	6	413
New Mexico	0.8	1	127
Puerto Rico	0.0	0	8
Missouri, Eastern	0.0	0	8
Missouri, Western	0.0	0	8
Illinois, Central	0.0	0	5
Iowa, Southern	0.0	0	5
New Jersey	0.0	0	4
Louisiana, Western	0.0	0	4

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Alien Smuggling Offenses (cont.)**

**PROTECT Act
Period**

(5/1/03 - 6/24/04)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
New York, Eastern	0.0	0	3
Louisiana, Eastern	0.0	0	3
Ohio, Northern	0.0	0	3
Montana	0.0	0	3
Florida, Northern	0.0	0	3
Rhode Island	0.0	0	2
North Carolina, Middle	0.0	0	2
Virginia, Western	0.0	0	2
Wisconsin, Western	0.0	0	2
California, Eastern	0.0	0	2
Hawaii	0.0	0	2
Idaho	0.0	0	2
Oklahoma, Western	0.0	0	2
Massachusetts	0.0	0	1
Connecticut	0.0	0	1
Pennsylvania, Eastern	0.0	0	1
Pennsylvania, Middle	0.0	0	1
Maryland	0.0	0	1
Louisiana, Middle	0.0	0	1
Tennessee, Middle	0.0	0	1
Nebraska	0.0	0	1
Alaska	0.0	0	1
Nevada	0.0	0	1
Wyoming	0.0	0	1
Alabama, Middle	0.0	0	1
Alabama, Northern	0.0	0	1

The following districts had no alien smuggling offenses in the selected time period: Maine, Delaware, Western Pennsylvania, Eastern North Carolina, Western North Carolina, Northern West Virginia, Southern West Virginia, Northern Mississippi, Southern Mississippi, Eastern Kentucky, Western Michigan, Southern Ohio, Western Tennessee, Northern Indiana, Southern Indiana, Eastern Wisconsin, Eastern Arkansas, South Dakota, Northern Mariana Islands, Oregon, Eastern Washington, Eastern Oklahoma, Northern Oklahoma, Southern Alabama, Middle Georgia, and Southern Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Alien Smuggling Offenses**

District	Percent	Booker Period	
		(1/12/05 - 12/10/07)	
		Number of §5K1.1 Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Kentucky, Eastern	76.5	13	17
Ohio, Southern	50.0	3	6
Idaho	50.0	3	6
Alabama, Middle	50.0	2	4
Washington, Eastern	50.0	1	2
New York, Western	48.5	16	33
Michigan, Eastern	47.9	23	48
Guam	47.1	8	17
Hawaii	40.0	2	5
North Dakota	36.4	4	11
Washington, Western	35.3	12	34
Pennsylvania, Eastern	33.3	2	6
Maryland	33.3	2	6
Arkansas, Eastern	33.3	2	6
California, Northern	30.8	4	13
Arkansas, Western	25.0	2	8
Kentucky, Western	25.0	1	4
Georgia, Middle	25.0	1	4
Pennsylvania, Middle	22.2	4	18
Michigan, Western	22.2	2	9
New York, Northern	22.0	11	50
Vermont	20.7	12	58
New Jersey	20.0	6	30
District of Columbia	20.0	1	5
Wisconsin, Eastern	20.0	1	5
Florida, Middle	19.5	17	87
Ohio, Northern	18.8	3	16
New York, Eastern	18.5	5	27
Utah	18.5	5	27
Colorado	17.6	3	17
Georgia, Northern	15.4	4	26
Indiana, Northern	14.3	1	7
Nevada	14.3	1	7
Virgin Islands	13.3	2	15
Virginia, Eastern	12.8	5	39
Tennessee, Eastern	12.5	1	8
California, Central	11.8	8	68
New York, Southern	11.4	4	35
Massachusetts	11.1	1	9
Florida, Southern	10.1	14	139
California, Eastern	10.0	1	10
Iowa, Southern	9.1	2	22

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Alien Smuggling Offenses (cont.)**

*Booker
Period*

(1/12/05 - 12/10/07)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Louisiana, Western	9.1	1	11
Illinois, Southern	8.3	1	12
Texas, Western	6.5	87	1,334
Puerto Rico	6.0	3	50
Illinois, Northern	5.7	2	35
Texas, Southern	5.0	153	3,044
Kansas	4.9	2	41
Illinois, Central	4.7	2	43
Texas, Eastern	4.0	1	25
Iowa, Northern	3.7	1	27
California, Southern	3.4	67	1,951
Arizona	2.8	38	1,357
New Mexico	2.2	8	363
Texas, Northern	0.0	0	77
Missouri, Western	0.0	0	24
North Carolina, Middle	0.0	0	8
Nebraska	0.0	0	8
Mississippi, Southern	0.0	0	7
South Carolina	0.0	0	6
Montana	0.0	0	6
Maine	0.0	0	5
North Carolina, Western	0.0	0	5
Tennessee, Western	0.0	0	5
Indiana, Southern	0.0	0	4
Oregon	0.0	0	4
Alabama, Northern	0.0	0	4
Connecticut	0.0	0	3
Pennsylvania, Western	0.0	0	3
Louisiana, Eastern	0.0	0	3
Minnesota	0.0	0	3
Missouri, Eastern	0.0	0	3
Oklahoma, Western	0.0	0	3
Wyoming	0.0	0	3
Alabama, Southern	0.0	0	3
Delaware	0.0	0	2
North Carolina, Eastern	0.0	0	2
West Virginia, Southern	0.0	0	2
Wisconsin, Western	0.0	0	2
South Dakota	0.0	0	2
Alaska	0.0	0	2
Florida, Northern	0.0	0	2
Rhode Island	0.0	0	1
Northern Mariana Islands	0.0	0	1
Oklahoma, Eastern	0.0	0	1
Georgia, Southern	0.0	0	1

The following districts had no alien smuggling offenses in the selected time period: New Hampshire, Western Virginia, Northern West Virginia, Middle Louisiana, Northern Mississippi, Middle Tennessee, and Northern Oklahoma.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Alien Smuggling Offenses**

Gall

Period

(12/11/07 - 9/30/11)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Kentucky, Eastern	81.8	9	11
Pennsylvania, Eastern	66.7	6	9
Pennsylvania, Middle	50.0	7	14
Louisiana, Middle	50.0	3	6
Delaware	50.0	1	2
California, Eastern	50.0	1	2
Guam	50.0	1	2
Iowa, Northern	45.5	5	11
Tennessee, Western	42.9	3	7
Missouri, Western	38.5	5	13
Florida, Northern	36.8	7	19
District of Columbia	33.3	2	6
Georgia, Northern	31.9	15	47
Michigan, Eastern	30.8	4	13
Maine	30.0	3	10
Virgin Islands	28.6	2	7
New Jersey	27.8	5	18
New York, Western	26.7	8	30
New York, Northern	25.4	15	59
California, Northern	25.0	3	12
Colorado	25.0	3	12
Alabama, Northern	25.0	2	8
North Dakota	25.0	1	4
Tennessee, Eastern	22.2	2	9
Florida, Middle	16.8	26	155
Vermont	16.7	5	30
Michigan, Western	16.7	1	6
Alabama, Southern	16.7	1	6
Mississippi, Southern	15.4	2	13
Washington, Western	15.0	3	20
New York, Southern	12.5	2	16
Utah	12.5	2	16
Maryland	12.5	1	8
Nevada	11.8	2	17
North Carolina, Western	11.1	1	9
Illinois, Northern	11.1	1	9
South Carolina	10.0	1	10
New York, Eastern	7.4	2	27
California, Central	7.1	8	112
Virginia, Eastern	7.1	2	28
Ohio, Northern	7.1	1	14
Texas, Western	6.1	80	1,322

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Alien Smuggling Offenses (cont.)**

Gall

Period

(12/11/07 - 9/30/11)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Louisiana, Western	5.6	1	18
Texas, Southern	5.2	196	3,803
California, Southern	4.8	136	2,814
Kansas	4.2	2	48
Florida, Southern	3.2	10	312
Puerto Rico	3.0	1	33
Arizona	2.8	35	1,233
New Mexico	1.4	4	296
Texas, Eastern	0.0	0	56
Texas, Northern	0.0	0	33
Massachusetts	0.0	0	16
Missouri, Eastern	0.0	0	16
Iowa, Southern	0.0	0	14
Illinois, Central	0.0	0	13
Illinois, Southern	0.0	0	10
Arkansas, Western	0.0	0	10
Nebraska	0.0	0	7
Louisiana, Eastern	0.0	0	5
Wisconsin, Eastern	0.0	0	5
Georgia, Southern	0.0	0	5
Pennsylvania, Western	0.0	0	4
Virginia, Western	0.0	0	4
Ohio, Southern	0.0	0	4
Indiana, Northern	0.0	0	4
Oregon	0.0	0	4
Washington, Eastern	0.0	0	4
North Carolina, Middle	0.0	0	3
Tennessee, Middle	0.0	0	3
Hawaii	0.0	0	3
Idaho	0.0	0	3
Montana	0.0	0	3
Mississippi, Northern	0.0	0	2
Minnesota	0.0	0	2
South Dakota	0.0	0	2
Connecticut	0.0	0	1
West Virginia, Northern	0.0	0	1
Kentucky, Western	0.0	0	1
Arkansas, Eastern	0.0	0	1
Northern Mariana Islands	0.0	0	1
Alabama, Middle	0.0	0	1

The following districts had no alien smuggling offenses in the selected time period: New Hampshire, Rhode Island, Eastern North Carolina, Southern West Virginia, Southern Indiana, Western Wisconsin, Alaska, Eastern Oklahoma, Northern Oklahoma, Western Oklahoma, Wyoming, and Middle Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K3.1 Early Disposition Program Sentences
Alien Smuggling Offenses**

District	PROTECT Act		
	Period		
	(5/1/03 - 6/24/04)		
	Percent	Number of §5K3.1 Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Arizona	14.2	65	458
Texas, Western	7.9	19	240
New Mexico	3.1	4	127
Texas, Southern	0.6	4	705
California, Southern	0.2	1	413
Florida, Southern	0.0	0	57
Texas, Northern	0.0	0	31
California, Central	0.0	0	18
New York, Northern	0.0	0	17
Georgia, Northern	0.0	0	17
New York, Southern	0.0	0	16
Virginia, Eastern	0.0	0	16
District of Columbia	0.0	0	12
Michigan, Eastern	0.0	0	11
New York, Western	0.0	0	10
Texas, Eastern	0.0	0	10
Utah	0.0	0	10
Puerto Rico	0.0	0	8
Missouri, Eastern	0.0	0	8
Missouri, Western	0.0	0	8
Kansas	0.0	0	7
Florida, Middle	0.0	0	7
Vermont	0.0	0	6
Iowa, Northern	0.0	0	6
Colorado	0.0	0	6
Illinois, Central	0.0	0	5
Illinois, Northern	0.0	0	5
Illinois, Southern	0.0	0	5
Iowa, Southern	0.0	0	5
New Jersey	0.0	0	4
South Carolina	0.0	0	4
Louisiana, Western	0.0	0	4
California, Northern	0.0	0	4
New York, Eastern	0.0	0	3
Louisiana, Eastern	0.0	0	3
Ohio, Northern	0.0	0	3
Guam	0.0	0	3
Montana	0.0	0	3
Washington, Western	0.0	0	3
Florida, Northern	0.0	0	3
New Hampshire	0.0	0	2
Rhode Island	0.0	0	2

**Spread of Rates of §5K3.1 Early Disposition Program Sentences
Alien Smuggling Offenses (cont.)**

PROTECT Act

Period

(5/1/03 - 6/24/04)

District	Percent	Number of §5K3.1 Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Virgin Islands	0.0	0	2
North Carolina, Middle	0.0	0	2
Virginia, Western	0.0	0	2
Kentucky, Western	0.0	0	2
Tennessee, Eastern	0.0	0	2
Wisconsin, Western	0.0	0	2
Arkansas, Western	0.0	0	2
North Dakota	0.0	0	2
California, Eastern	0.0	0	2
Hawaii	0.0	0	2
Idaho	0.0	0	2
Oklahoma, Western	0.0	0	2
Massachusetts	0.0	0	1
Connecticut	0.0	0	1
Pennsylvania, Eastern	0.0	0	1
Pennsylvania, Middle	0.0	0	1
Maryland	0.0	0	1
Louisiana, Middle	0.0	0	1
Tennessee, Middle	0.0	0	1
Minnesota	0.0	0	1
Nebraska	0.0	0	1
Alaska	0.0	0	1
Nevada	0.0	0	1
Wyoming	0.0	0	1
Alabama, Middle	0.0	0	1
Alabama, Northern	0.0	0	1

The following districts had no alien smuggling offenses in the selected time period: Maine, Delaware, Western Pennsylvania, Eastern North Carolina, Western North Carolina, Northern West Virginia, Southern West Virginia, Northern Mississippi, Southern Mississippi, Eastern Kentucky, Western Michigan, Southern Ohio, Western Tennessee, Northern Indiana, Southern Indiana, Eastern Wisconsin, Eastern Arkansas, South Dakota, Northern Mariana Islands, Oregon, Eastern Washington, Eastern Oklahoma, Northern Oklahoma, Southern Alabama, Middle Georgia, and Southern Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K3.1 Early Disposition Program Sentences
Alien Smuggling Offenses**

<i>Booker</i>				
Period				
(1/12/05 - 12/10/07)				
District	Percent	Number of §5K3.1 Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed	
California, Southern	55.7	1,087	1,951	1,951
Arizona	40.5	550	1,357	1,357
Texas, Western	18.4	245	1,334	1,334
Texas, Southern	12.5	380	3,044	3,044
New Mexico	3.3	12	363	363
Kansas	2.4	1	41	41
California, Central	1.5	1	68	68
Florida, Southern	0.0	0	139	139
Florida, Middle	0.0	0	87	87
Texas, Northern	0.0	0	77	77
Vermont	0.0	0	58	58
Puerto Rico	0.0	0	50	50
New York, Northern	0.0	0	50	50
Michigan, Eastern	0.0	0	48	48
Illinois, Central	0.0	0	43	43
Virginia, Eastern	0.0	0	39	39
New York, Southern	0.0	0	35	35
Illinois, Northern	0.0	0	35	35
Washington, Western	0.0	0	34	34
New York, Western	0.0	0	33	33
New Jersey	0.0	0	30	30
New York, Eastern	0.0	0	27	27
Iowa, Northern	0.0	0	27	27
Utah	0.0	0	27	27
Georgia, Northern	0.0	0	26	26
Texas, Eastern	0.0	0	25	25
Missouri, Western	0.0	0	24	24
Iowa, Southern	0.0	0	22	22
Pennsylvania, Middle	0.0	0	18	18
Kentucky, Eastern	0.0	0	17	17
Guam	0.0	0	17	17
Colorado	0.0	0	17	17
Ohio, Northern	0.0	0	16	16
Virgin Islands	0.0	0	15	15
California, Northern	0.0	0	13	13
Illinois, Southern	0.0	0	12	12
Louisiana, Western	0.0	0	11	11
North Dakota	0.0	0	11	11
California, Eastern	0.0	0	10	10
Massachusetts	0.0	0	9	9
Michigan, Western	0.0	0	9	9
North Carolina, Middle	0.0	0	8	8

**Spread of Rates of §5K3.1 Early Disposition Program Sentences
Alien Smuggling Offenses (cont.)**

Booker

Period

(1/12/05 - 12/10/07)

District	Percent	Number of §5K3.1 Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Tennessee, Eastern	0.0	0	8
Arkansas, Western	0.0	0	8
Nebraska	0.0	0	8
Mississippi, Southern	0.0	0	7
Indiana, Northern	0.0	0	7
Nevada	0.0	0	7
Pennsylvania, Eastern	0.0	0	6
Maryland	0.0	0	6
South Carolina	0.0	0	6
Ohio, Southern	0.0	0	6
Arkansas, Eastern	0.0	0	6
Idaho	0.0	0	6
Montana	0.0	0	6
District of Columbia	0.0	0	5
Maine	0.0	0	5
North Carolina, Western	0.0	0	5
Tennessee, Western	0.0	0	5
Wisconsin, Eastern	0.0	0	5
Hawaii	0.0	0	5
Kentucky, Western	0.0	0	4
Indiana, Southern	0.0	0	4
Oregon	0.0	0	4
Alabama, Middle	0.0	0	4
Alabama, Northern	0.0	0	4
Georgia, Middle	0.0	0	4
Connecticut	0.0	0	3
Pennsylvania, Western	0.0	0	3
Louisiana, Eastern	0.0	0	3
Minnesota	0.0	0	3
Missouri, Eastern	0.0	0	3
Oklahoma, Western	0.0	0	3
Wyoming	0.0	0	3
Alabama, Southern	0.0	0	3
Delaware	0.0	0	2
North Carolina, Eastern	0.0	0	2
West Virginia, Southern	0.0	0	2
Wisconsin, Western	0.0	0	2
South Dakota	0.0	0	2
Alaska	0.0	0	2
Washington, Eastern	0.0	0	2
Florida, Northern	0.0	0	2
Rhode Island	0.0	0	1
Northern Mariana Islands	0.0	0	1
Oklahoma, Eastern	0.0	0	1
Georgia, Southern	0.0	0	1

The following districts had no alien smuggling offenses in the selected time period: New Hampshire, Western Virginia, Northern West Virginia, Middle Louisiana, Northern Mississippi, Middle Tennessee, and Northern Oklahoma.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K3.1 Early Disposition Program Sentences
Alien Smuggling Offenses**

Gall
Period

(12/11/07 - 9/30/11)

District	Percent	Number of §5K3.1 Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
California, Southern	63.5	1,786	2,814
California, Eastern	50.0	1	2
Arizona	45.7	563	1,233
Texas, Western	15.1	200	1,322
Texas, Southern	12.5	477	3,803
Washington, Western	5.0	1	20
New Mexico	0.7	2	296
Florida, Southern	0.0	0	312
Florida, Middle	0.0	0	155
California, Central	0.0	0	112
New York, Northern	0.0	0	59
Texas, Eastern	0.0	0	56
Kansas	0.0	0	48
Georgia, Northern	0.0	0	47
Puerto Rico	0.0	0	33
Texas, Northern	0.0	0	33
New York, Western	0.0	0	30
Vermont	0.0	0	30
Virginia, Eastern	0.0	0	28
New York, Eastern	0.0	0	27
Florida, Northern	0.0	0	19
New Jersey	0.0	0	18
Louisiana, Western	0.0	0	18
Nevada	0.0	0	17
Massachusetts	0.0	0	16
New York, Southern	0.0	0	16
Missouri, Eastern	0.0	0	16
Utah	0.0	0	16
Pennsylvania, Middle	0.0	0	14
Ohio, Northern	0.0	0	14
Iowa, Southern	0.0	0	14
Mississippi, Southern	0.0	0	13
Michigan, Eastern	0.0	0	13
Illinois, Central	0.0	0	13
Missouri, Western	0.0	0	13
California, Northern	0.0	0	12
Colorado	0.0	0	12
Kentucky, Eastern	0.0	0	11
Iowa, Northern	0.0	0	11
Maine	0.0	0	10
South Carolina	0.0	0	10
Illinois, Southern	0.0	0	10

**Spread of Rates of §5K3.1 Early Disposition Program Sentences
Alien Smuggling Offenses (cont.)**

Gall

Period

(12/11/07 - 9/30/11)

District	Percent	Number of §5K3.1 Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Arkansas, Western	0.0	0	10
Pennsylvania, Eastern	0.0	0	9
North Carolina, Western	0.0	0	9
Tennessee, Eastern	0.0	0	9
Illinois, Northern	0.0	0	9
Maryland	0.0	0	8
Alabama, Northern	0.0	0	8
Virgin Islands	0.0	0	7
Tennessee, Western	0.0	0	7
Nebraska	0.0	0	7
District of Columbia	0.0	0	6
Louisiana, Middle	0.0	0	6
Michigan, Western	0.0	0	6
Alabama, Southern	0.0	0	6
Louisiana, Eastern	0.0	0	5
Wisconsin, Eastern	0.0	0	5
Georgia, Southern	0.0	0	5
Pennsylvania, Western	0.0	0	4
Virginia, Western	0.0	0	4
Ohio, Southern	0.0	0	4
Indiana, Northern	0.0	0	4
North Dakota	0.0	0	4
Oregon	0.0	0	4
Washington, Eastern	0.0	0	4
North Carolina, Middle	0.0	0	3
Tennessee, Middle	0.0	0	3
Hawaii	0.0	0	3
Idaho	0.0	0	3
Montana	0.0	0	3
Delaware	0.0	0	2
Mississippi, Northern	0.0	0	2
Minnesota	0.0	0	2
South Dakota	0.0	0	2
Guam	0.0	0	2
Connecticut	0.0	0	1
West Virginia, Northern	0.0	0	1
Kentucky, Western	0.0	0	1
Arkansas, Eastern	0.0	0	1
Northern Mariana Islands	0.0	0	1
Alabama, Middle	0.0	0	1

The following districts had no alien smuggling offenses in the selected time period: New Hampshire, Rhode Island, Eastern North Carolina, Southern West Virginia, Southern Indiana, Western Wisconsin, Alaska, Eastern Oklahoma, Northern Oklahoma, Western Oklahoma, Wyoming, and Middle Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences
Alien Smuggling Offenses**

District	PROTECT Act Period (5/1/03 - 6/24/04)		
	Percent	Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Connecticut	100.0	1	1
Nebraska	100.0	1	1
Idaho	50.0	1	2
Arizona	35.2	161	458
Texas, Southern	31.5	222	705
California, Southern	8.2	34	413
New Mexico	7.9	10	127
Texas, Western	5.0	12	240
Florida, Southern	0.0	0	57
Texas, Northern	0.0	0	31
California, Central	0.0	0	18
New York, Northern	0.0	0	17
Georgia, Northern	0.0	0	17
New York, Southern	0.0	0	16
Virginia, Eastern	0.0	0	16
District of Columbia	0.0	0	12
Michigan, Eastern	0.0	0	11
New York, Western	0.0	0	10
Texas, Eastern	0.0	0	10
Utah	0.0	0	10
Puerto Rico	0.0	0	8
Missouri, Eastern	0.0	0	8
Missouri, Western	0.0	0	8
Kansas	0.0	0	7
Florida, Middle	0.0	0	7
Vermont	0.0	0	6
Iowa, Northern	0.0	0	6
Colorado	0.0	0	6
Illinois, Central	0.0	0	5
Illinois, Northern	0.0	0	5
Illinois, Southern	0.0	0	5
Iowa, Southern	0.0	0	5
New Jersey	0.0	0	4
South Carolina	0.0	0	4
Louisiana, Western	0.0	0	4
California, Northern	0.0	0	4
New York, Eastern	0.0	0	3
Louisiana, Eastern	0.0	0	3
Ohio, Northern	0.0	0	3
Guam	0.0	0	3
Montana	0.0	0	3
Washington, Western	0.0	0	3

**Spread of Rates of Other Government Sponsored Below Range Sentences
Alien Smuggling Offenses (cont.)**

PROTECT Act				
Period				
(5/1/03 - 6/24/04)				
District	Percent	Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed	
Florida, Northern	0.0	0	0	3
New Hampshire	0.0	0	0	2
Rhode Island	0.0	0	0	2
Virgin Islands	0.0	0	0	2
North Carolina, Middle	0.0	0	0	2
Virginia, Western	0.0	0	0	2
Kentucky, Western	0.0	0	0	2
Tennessee, Eastern	0.0	0	0	2
Wisconsin, Western	0.0	0	0	2
Arkansas, Western	0.0	0	0	2
North Dakota	0.0	0	0	2
California, Eastern	0.0	0	0	2
Hawaii	0.0	0	0	2
Oklahoma, Western	0.0	0	0	2
Massachusetts	0.0	0	0	1
Pennsylvania, Eastern	0.0	0	0	1
Pennsylvania, Middle	0.0	0	0	1
Maryland	0.0	0	0	1
Louisiana, Middle	0.0	0	0	1
Tennessee, Middle	0.0	0	0	1
Minnesota	0.0	0	0	1
Alaska	0.0	0	0	1
Nevada	0.0	0	0	1
Wyoming	0.0	0	0	1
Alabama, Middle	0.0	0	0	1
Alabama, Northern	0.0	0	0	1

The following districts had no alien smuggling offenses in the selected time period: Maine, Delaware, Western Pennsylvania, Eastern North Carolina, Western North Carolina, Northern West Virginia, Southern West Virginia, Northern Mississippi, Southern Mississippi, Eastern Kentucky, Western Michigan, Southern Ohio, Western Tennessee, Northern Indiana, Southern Indiana, Eastern Wisconsin, Eastern Arkansas, South Dakota, Northern Mariana Islands, Oregon, Eastern Washington, Eastern Oklahoma, Northern Oklahoma, Southern Alabama, Middle Georgia, and Southern Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences
Alien Smuggling Offenses**

District	Percent	Booker Period	
		(1/12/05 - 12/10/07)	
		Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Kansas	63.4	26	41
Indiana, Southern	50.0	2	4
Delaware	50.0	1	2
Wyoming	33.3	1	3
Tennessee, Western	20.0	1	5
New Mexico	19.0	69	363
Utah	14.8	4	27
Texas, Southern	10.6	322	3,044
Louisiana, Western	9.1	1	11
Washington, Western	8.8	3	34
Missouri, Western	8.3	2	24
California, Northern	7.7	1	13
Ohio, Northern	6.3	1	16
New York, Western	6.1	2	33
Illinois, Northern	5.7	2	35
Virginia, Eastern	5.1	2	39
Iowa, Southern	4.5	1	22
Georgia, Northern	3.8	1	26
Arizona	3.6	49	1,357
Vermont	3.4	2	58
New Jersey	3.3	1	30
California, Southern	0.9	18	1,951
Texas, Western	0.7	9	1,334
Florida, Southern	0.0	0	139
Florida, Middle	0.0	0	87
Texas, Northern	0.0	0	77
California, Central	0.0	0	68
Puerto Rico	0.0	0	50
New York, Northern	0.0	0	50
Michigan, Eastern	0.0	0	48
Illinois, Central	0.0	0	43
New York, Southern	0.0	0	35
New York, Eastern	0.0	0	27
Iowa, Northern	0.0	0	27
Texas, Eastern	0.0	0	25
Pennsylvania, Middle	0.0	0	18
Kentucky, Eastern	0.0	0	17
Guam	0.0	0	17
Colorado	0.0	0	17
Virgin Islands	0.0	0	15
Illinois, Southern	0.0	0	12
North Dakota	0.0	0	11

**Spread of Rates of Other Government Sponsored Below Range Sentences
Alien Smuggling Offenses (cont.)**

<i>Booker</i>				
Period				
(1/12/05 - 12/10/07)				
District	Percent	Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed	
California, Eastern	0.0	0	10	
Massachusetts	0.0	0	9	
Michigan, Western	0.0	0	9	
North Carolina, Middle	0.0	0	8	
Tennessee, Eastern	0.0	0	8	
Arkansas, Western	0.0	0	8	
Nebraska	0.0	0	8	
Mississippi, Southern	0.0	0	7	
Indiana, Northern	0.0	0	7	
Nevada	0.0	0	7	
Pennsylvania, Eastern	0.0	0	6	
Maryland	0.0	0	6	
South Carolina	0.0	0	6	
Ohio, Southern	0.0	0	6	
Arkansas, Eastern	0.0	0	6	
Idaho	0.0	0	6	
Montana	0.0	0	6	
District of Columbia	0.0	0	5	
Maine	0.0	0	5	
North Carolina, Western	0.0	0	5	
Wisconsin, Eastern	0.0	0	5	
Hawaii	0.0	0	5	
Kentucky, Western	0.0	0	4	
Oregon	0.0	0	4	
Alabama, Middle	0.0	0	4	
Alabama, Northern	0.0	0	4	
Georgia, Middle	0.0	0	4	
Connecticut	0.0	0	3	
Pennsylvania, Western	0.0	0	3	
Louisiana, Eastern	0.0	0	3	
Minnesota	0.0	0	3	
Missouri, Eastern	0.0	0	3	
Oklahoma, Western	0.0	0	3	
Alabama, Southern	0.0	0	3	
North Carolina, Eastern	0.0	0	2	
West Virginia, Southern	0.0	0	2	
Wisconsin, Western	0.0	0	2	
South Dakota	0.0	0	2	
Alaska	0.0	0	2	
Washington, Eastern	0.0	0	2	
Florida, Northern	0.0	0	2	
Rhode Island	0.0	0	1	
Northern Mariana Islands	0.0	0	1	
Oklahoma, Eastern	0.0	0	1	
Georgia, Southern	0.0	0	1	

The following districts had no alien smuggling offenses in the selected time period: New Hampshire, Western Virginia, Northern West Virginia, Middle Louisiana, Northern Mississippi, Middle Tennessee, and Northern Oklahoma.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences
Alien Smuggling Offenses**

District	Percent	Gall Period (12/11/07 - 9/30/11)	
		Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Iowa, Southern	50.0	7	14
Kansas	45.8	22	48
Wisconsin, Eastern	40.0	2	5
Utah	31.3	5	16
Missouri, Eastern	25.0	4	16
Maryland	25.0	2	8
Indiana, Northern	25.0	1	4
Washington, Eastern	25.0	1	4
Louisiana, Eastern	20.0	1	5
New Mexico	19.6	58	296
Michigan, Western	16.7	1	6
Washington, Western	15.0	3	20
Virgin Islands	14.3	1	7
North Carolina, Western	11.1	1	9
California, Central	8.9	10	112
Texas, Southern	8.7	332	3,803
California, Northern	8.3	1	12
Illinois, Central	7.7	1	13
New York, Western	6.7	2	30
Vermont	6.7	2	30
Massachusetts	6.3	1	16
Puerto Rico	6.1	2	33
New Jersey	5.6	1	18
New York, Eastern	3.7	1	27
Georgia, Northern	2.1	1	47
Florida, Middle	1.9	3	155
Arizona	1.6	20	1,233
Florida, Southern	1.3	4	312
Texas, Western	1.2	16	1,322
California, Southern	1.0	27	2,814
New York, Northern	0.0	0	59
Texas, Eastern	0.0	0	56
Texas, Northern	0.0	0	33
Virginia, Eastern	0.0	0	28
Florida, Northern	0.0	0	19
Louisiana, Western	0.0	0	18
Nevada	0.0	0	17
New York, Southern	0.0	0	16
Pennsylvania, Middle	0.0	0	14
Ohio, Northern	0.0	0	14
Mississippi, Southern	0.0	0	13
Michigan, Eastern	0.0	0	13

**Spread of Rates of Other Government Sponsored Below Range Sentences
Alien Smuggling Offenses (cont.)**

Gall

Period

(12/11/07 - 9/30/11)

District	Percent	Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Missouri, Western	0.0	0	13
Colorado	0.0	0	12
Kentucky, Eastern	0.0	0	11
Iowa, Northern	0.0	0	11
Maine	0.0	0	10
South Carolina	0.0	0	10
Illinois, Southern	0.0	0	10
Arkansas, Western	0.0	0	10
Pennsylvania, Eastern	0.0	0	9
Tennessee, Eastern	0.0	0	9
Illinois, Northern	0.0	0	9
Alabama, Northern	0.0	0	8
Tennessee, Western	0.0	0	7
Nebraska	0.0	0	7
District of Columbia	0.0	0	6
Louisiana, Middle	0.0	0	6
Alabama, Southern	0.0	0	6
Georgia, Southern	0.0	0	5
Pennsylvania, Western	0.0	0	4
Virginia, Western	0.0	0	4
Ohio, Southern	0.0	0	4
North Dakota	0.0	0	4
Oregon	0.0	0	4
North Carolina, Middle	0.0	0	3
Tennessee, Middle	0.0	0	3
Hawaii	0.0	0	3
Idaho	0.0	0	3
Montana	0.0	0	3
Delaware	0.0	0	2
Mississippi, Northern	0.0	0	2
Minnesota	0.0	0	2
South Dakota	0.0	0	2
California, Eastern	0.0	0	2
Guam	0.0	0	2
Connecticut	0.0	0	1
West Virginia, Northern	0.0	0	1
Kentucky, Western	0.0	0	1
Arkansas, Eastern	0.0	0	1
Northern Mariana Islands	0.0	0	1
Alabama, Middle	0.0	0	1

The following districts had no alien smuggling offenses in the selected time period: New Hampshire, Rhode Island, Eastern North Carolina, Southern West Virginia, Southern Indiana, Western Wisconsin, Alaska, Eastern Oklahoma, Northern Oklahoma, Western Oklahoma, Wyoming, and Middle Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Alien Smuggling Offenses**

District	Percent	Koon Period (6/13/96 - 4/30/03)	
		Number of Non- Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Arizona	61.1	938	1,534
New Hampshire	50.0	1	2
California, Southern	40.8	942	2,306
Texas, Western	34.6	594	1,717
Iowa, Northern	33.3	4	12
Georgia, Middle	33.3	3	9
Rhode Island	33.3	1	3
Vermont	32.4	12	37
Montana	28.6	2	7
Texas, Southern	27.2	719	2,643
Kansas	25.0	3	12
Pennsylvania, Eastern	25.0	1	4
New York, Eastern	23.7	9	38
Utah	20.0	1	5
New Mexico	17.2	143	831
New York, Western	15.6	5	32
New York, Southern	13.9	5	36
Texas, Eastern	13.3	2	15
Kentucky, Western	12.5	1	8
Iowa, Southern	12.5	1	8
Oklahoma, Western	12.5	1	8
New York, Northern	11.8	13	110
Tennessee, Eastern	11.1	1	9
California, Eastern	10.3	3	29
Georgia, Northern	9.3	4	43
California, Central	8.1	13	161
Puerto Rico	8.0	4	50
Hawaii	8.0	4	50
Florida, Middle	7.7	1	13
Nebraska	7.1	2	28
Michigan, Eastern	6.5	2	31
Colorado	6.3	2	32
Guam	6.2	5	81
District of Columbia	5.9	1	17
California, Northern	5.6	2	36
Nevada	5.6	1	18
Washington, Western	5.6	1	18
Virginia, Eastern	4.8	1	21
Illinois, Northern	3.0	2	66
Florida, Southern	1.6	3	189
Illinois, Central	1.6	1	64
Texas, Northern	0.8	1	129

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Alien Smuggling Offenses (cont.)**

District	Percent	Koon Period	
		(6/13/96 - 4/30/03)	
		Number of Non- Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
New Jersey	0.0	0	32
Northern Mariana Islands	0.0	0	24
Virgin Islands	0.0	0	21
Missouri, Eastern	0.0	0	20
Illinois, Southern	0.0	0	13
Georgia, Southern	0.0	0	12
Maryland	0.0	0	11
Arkansas, Eastern	0.0	0	10
Kentucky, Eastern	0.0	0	8
North Carolina, Western	0.0	0	7
Massachusetts	0.0	0	6
South Dakota	0.0	0	6
North Carolina, Middle	0.0	0	5
Oregon	0.0	0	5
North Carolina, Eastern	0.0	0	4
Virginia, Western	0.0	0	4
Minnesota	0.0	0	4
Washington, Eastern	0.0	0	4
Pennsylvania, Middle	0.0	0	3
Louisiana, Middle	0.0	0	3
Mississippi, Southern	0.0	0	3
Ohio, Southern	0.0	0	3
Arkansas, Western	0.0	0	3
Missouri, Western	0.0	0	3
South Carolina	0.0	0	2
Michigan, Western	0.0	0	2
Ohio, Northern	0.0	0	2
Tennessee, Western	0.0	0	2
Alaska	0.0	0	2
Idaho	0.0	0	2
Wyoming	0.0	0	2
Maine	0.0	0	1
West Virginia, Northern	0.0	0	1
West Virginia, Southern	0.0	0	1
Mississippi, Northern	0.0	0	1
Tennessee, Middle	0.0	0	1
Indiana, Northern	0.0	0	1
Wisconsin, Eastern	0.0	0	1
North Dakota	0.0	0	1
Oklahoma, Eastern	0.0	0	1
Oklahoma, Northern	0.0	0	1
Alabama, Middle	0.0	0	1
Alabama, Northern	0.0	0	1

The following districts had no alien smuggling offenses in the selected time period: Connecticut, Delaware, Western Pennsylvania, Eastern Louisiana, Western Louisiana, Southern Indiana, Western Wisconsin, Southern Alabama, and Northern Florida.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Alien Smuggling Offenses**

District	Percent	PROTECT Act	
		Period	
(5/1/03 - 6/24/04)			
		Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Maryland	100.0	1	1
New Hampshire	50.0	1	2
Virgin Islands	50.0	1	2
District of Columbia	41.7	5	12
New York, Eastern	33.3	1	3
Montana	33.3	1	3
Washington, Western	33.3	1	3
Kansas	28.6	2	7
California, Southern	17.9	74	413
New York, Northern	5.9	1	17
Texas, Southern	4.8	34	705
Arizona	4.8	22	458
Texas, Western	4.2	10	240
Florida, Southern	1.8	1	57
New Mexico	0.8	1	127
Texas, Northern	0.0	0	31
California, Central	0.0	0	18
Georgia, Northern	0.0	0	17
New York, Southern	0.0	0	16
Virginia, Eastern	0.0	0	16
Michigan, Eastern	0.0	0	11
New York, Western	0.0	0	10
Texas, Eastern	0.0	0	10
Utah	0.0	0	10
Puerto Rico	0.0	0	8
Missouri, Eastern	0.0	0	8
Missouri, Western	0.0	0	8
Florida, Middle	0.0	0	7
Vermont	0.0	0	6
Iowa, Northern	0.0	0	6
Colorado	0.0	0	6
Illinois, Central	0.0	0	5
Illinois, Northern	0.0	0	5
Illinois, Southern	0.0	0	5
Iowa, Southern	0.0	0	5
New Jersey	0.0	0	4
South Carolina	0.0	0	4
Louisiana, Western	0.0	0	4
California, Northern	0.0	0	4
Louisiana, Eastern	0.0	0	3
Ohio, Northern	0.0	0	3
Guam	0.0	0	3

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Alien Smuggling Offenses (cont.)**

District	PROTECT Act		
	Period		
	(5/1/03 - 6/24/04)		
Percent	Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed	
Florida, Northern	0.0	0	3
Rhode Island	0.0	0	2
North Carolina, Middle	0.0	0	2
Virginia, Western	0.0	0	2
Kentucky, Western	0.0	0	2
Tennessee, Eastern	0.0	0	2
Wisconsin, Western	0.0	0	2
Arkansas, Western	0.0	0	2
North Dakota	0.0	0	2
California, Eastern	0.0	0	2
Hawaii	0.0	0	2
Idaho	0.0	0	2
Oklahoma, Western	0.0	0	2
Massachusetts	0.0	0	1
Connecticut	0.0	0	1
Pennsylvania, Eastern	0.0	0	1
Pennsylvania, Middle	0.0	0	1
Louisiana, Middle	0.0	0	1
Tennessee, Middle	0.0	0	1
Minnesota	0.0	0	1
Nebraska	0.0	0	1
Alaska	0.0	0	1
Nevada	0.0	0	1
Wyoming	0.0	0	1
Alabama, Middle	0.0	0	1
Alabama, Northern	0.0	0	1

The following districts had no alien smuggling offenses in the selected time period: Maine, Delaware, Western Pennsylvania, Eastern North Carolina, Western North Carolina, Northern West Virginia, Southern West Virginia, Northern Mississippi, Southern Mississippi, Eastern Kentucky, Western Michigan, Southern Ohio, Western Tennessee, Northern Indiana, Southern Indiana, Eastern Wisconsin, Eastern Arkansas, South Dakota, Northern Mariana Islands, Oregon, Eastern Washington, Eastern Oklahoma, Northern Oklahoma, Southern Alabama, Middle Georgia, and Southern Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Alien Smuggling Offenses**

District	Percent	Booker Period	
		(1/12/05 - 12/10/07)	
		Number of Non- Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Minnesota	66.7	2	3
Missouri, Eastern	66.7	2	3
Tennessee, Eastern	50.0	4	8
Nebraska	50.0	4	8
Kentucky, Western	50.0	2	4
Indiana, Southern	50.0	2	4
North Carolina, Eastern	50.0	1	2
West Virginia, Southern	50.0	1	2
South Dakota	50.0	1	2
Florida, Northern	50.0	1	2
Wisconsin, Eastern	40.0	2	5
Pennsylvania, Middle	33.3	6	18
Louisiana, Eastern	33.3	1	3
Alabama, Southern	33.3	1	3
Iowa, Southern	31.8	7	22
Oregon	25.0	1	4
New York, Western	21.2	7	33
North Carolina, Western	20.0	1	5
Ohio, Northern	18.8	3	16
Utah	18.5	5	27
Maryland	16.7	1	6
South Carolina	16.7	1	6
Ohio, Southern	16.7	1	6
Arkansas, Eastern	16.7	1	6
Montana	16.7	1	6
Nevada	14.3	1	7
California, Central	13.2	9	68
North Carolina, Middle	12.5	1	8
New York, Southern	11.4	4	35
Michigan, Western	11.1	1	9
New York, Northern	10.0	5	50
New Jersey	10.0	3	30
California, Eastern	10.0	1	10
Louisiana, Western	9.1	1	11
Washington, Western	8.8	3	34
Illinois, Northern	8.6	3	35
Michigan, Eastern	8.3	4	48
Missouri, Western	8.3	2	24
Illinois, Southern	8.3	1	12
Virginia, Eastern	7.7	3	39
Georgia, Northern	7.7	2	26
California, Southern	7.6	149	1,951

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Alien Smuggling Offenses (cont.)**

District	Percent	Booker Period (1/12/05 - 12/10/07)	
		Number of Non- Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Texas, Southern	7.5	227	3,044
New York, Eastern	7.4	2	27
Virgin Islands	6.7	1	15
Kentucky, Eastern	5.9	1	17
Guam	5.9	1	17
Colorado	5.9	1	17
Florida, Middle	5.7	5	87
Arizona	4.9	67	1,357
Puerto Rico	4.0	2	50
Texas, Western	3.9	52	1,334
New Mexico	3.9	14	363
Texas, Northern	2.6	2	77
Kansas	2.4	1	41
Illinois, Central	2.3	1	43
Florida, Southern	2.2	3	139
Vermont	1.7	1	58
Iowa, Northern	0.0	0	27
Texas, Eastern	0.0	0	25
California, Northern	0.0	0	13
North Dakota	0.0	0	11
Massachusetts	0.0	0	9
Arkansas, Western	0.0	0	8
Mississippi, Southern	0.0	0	7
Indiana, Northern	0.0	0	7
Pennsylvania, Eastern	0.0	0	6
Idaho	0.0	0	6
District of Columbia	0.0	0	5
Maine	0.0	0	5
Tennessee, Western	0.0	0	5
Hawaii	0.0	0	5
Alabama, Middle	0.0	0	4
Alabama, Northern	0.0	0	4
Georgia, Middle	0.0	0	4
Connecticut	0.0	0	3
Pennsylvania, Western	0.0	0	3
Oklahoma, Western	0.0	0	3
Wyoming	0.0	0	3
Delaware	0.0	0	2
Wisconsin, Western	0.0	0	2
Alaska	0.0	0	2
Washington, Eastern	0.0	0	2
Rhode Island	0.0	0	1
Northern Mariana Islands	0.0	0	1
Oklahoma, Eastern	0.0	0	1
Georgia, Southern	0.0	0	1

The following districts had no alien smuggling offenses in the selected time period: New Hampshire, Western Virginia, Northern West Virginia, Middle Louisiana, Northern Mississippi, Middle Tennessee, and Northern Oklahoma.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Alien Smuggling Offenses**

District	Percent	Gall Period (12/11/07 - 9/30/11)	
		Number of Non- Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Kentucky, Western	100.0	1	1
Ohio, Southern	75.0	3	4
Louisiana, Western	50.0	9	18
Maryland	50.0	4	8
District of Columbia	50.0	3	6
Alabama, Southern	50.0	3	6
Pennsylvania, Western	50.0	2	4
North Dakota	50.0	2	4
Guam	50.0	1	2
Wisconsin, Eastern	40.0	2	5
Hawaii	33.3	1	3
Idaho	33.3	1	3
Virginia, Eastern	32.1	9	28
Virgin Islands	28.6	2	7
Tennessee, Western	28.6	2	7
Nebraska	28.6	2	7
Florida, Northern	26.3	5	19
Massachusetts	25.0	4	16
Utah	25.0	4	16
New York, Western	23.3	7	30
New Jersey	22.2	4	18
North Carolina, Western	22.2	2	9
Tennessee, Eastern	22.2	2	9
Ohio, Northern	21.4	3	14
Georgia, Northern	21.3	10	47
Maine	20.0	2	10
South Carolina	20.0	2	10
Illinois, Southern	20.0	2	10
Arkansas, Western	20.0	2	10
Nevada	17.6	3	17
Colorado	16.7	2	12
Louisiana, Middle	16.7	1	6
Missouri, Western	15.4	2	13
New York, Eastern	14.8	4	27
California, Central	13.4	15	112
Vermont	13.3	4	30
New York, Southern	12.5	2	16
Alabama, Northern	12.5	1	8
Illinois, Northern	11.1	1	9
Texas, Western	10.5	139	1,322
Florida, Middle	10.3	16	155
Washington, Western	10.0	2	20

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Alien Smuggling Offenses (cont.)**

<i>Gall</i>			
Period			
(12/11/07 - 9/30/11)			
District	Percent	Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Alien Smuggling Sentences Imposed
Texas, Southern	9.7	369	3,803
Florida, Southern	9.3	29	312
Kentucky, Eastern	9.1	1	11
California, Southern	7.7	217	2,814
Mississippi, Southern	7.7	1	13
Michigan, Eastern	7.7	1	13
Texas, Eastern	7.1	4	56
Pennsylvania, Middle	7.1	1	14
Iowa, Southern	7.1	1	14
New Mexico	6.8	20	296
Missouri, Eastern	6.3	1	16
Arizona	5.8	72	1,233
New York, Northern	3.4	2	59
Puerto Rico	3.0	1	33
Kansas	0.0	0	48
Texas, Northern	0.0	0	33
Illinois, Central	0.0	0	13
California, Northern	0.0	0	12
Iowa, Northern	0.0	0	11
Pennsylvania, Eastern	0.0	0	9
Michigan, Western	0.0	0	6
Louisiana, Eastern	0.0	0	5
Georgia, Southern	0.0	0	5
Virginia, Western	0.0	0	4
Indiana, Northern	0.0	0	4
Oregon	0.0	0	4
Washington, Eastern	0.0	0	4
North Carolina, Middle	0.0	0	3
Tennessee, Middle	0.0	0	3
Montana	0.0	0	3
Delaware	0.0	0	2
Mississippi, Northern	0.0	0	2
Minnesota	0.0	0	2
South Dakota	0.0	0	2
California, Eastern	0.0	0	2
Connecticut	0.0	0	1
West Virginia, Northern	0.0	0	1
Arkansas, Eastern	0.0	0	1
Northern Mariana Islands	0.0	0	1
Alabama, Middle	0.0	0	1

The following districts had no alien smuggling offenses in the selected time period: New Hampshire, Rhode Island, Eastern North Carolina, Southern West Virginia, Southern Indiana, Western Wisconsin, Alaska, Eastern Oklahoma, Northern Oklahoma, Western Oklahoma, Wyoming, and Middle Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Immigration Offenses and USSG §2L1.2 (Illegal Entry)

Applicable Statutes

Statutes referenced to USSG §2L1.2 include 8 U.S.C. §§ 1325(a) and 1326.

a. 8 U.S.C. § 1325(a)

Section 1325 makes it unlawful for any alien to enter or attempt to enter the United States at any time or place not designated by immigration officers, to elude examination or inspection by immigration officers, or to enter the United States by willfully providing false or misleading information or by willfully concealing a material fact. The statutory maximum penalty for violating this section is six months of imprisonment for a first offense, and two years of imprisonment for a subsequent offense.

b. 8 U.S.C. § 1326

Section 1326 makes it unlawful for any alien who has been denied admission, excluded, deported or removed, or has departed the United States while an order of exclusion, deportation or removal is outstanding, to enter, attempt to enter, or be found in the United States without the express consent of the Attorney General. The statutory maximum penalty for this offense is two years in prison. If any alien commits these acts after conviction for three or more of certain specified types of misdemeanors, or if the alien commits

these acts after conviction for a non-aggravated felony,¹⁸ the statutory maximum penalty is ten years in prison. If the alien commits these acts after conviction for an aggravated felony, the statutory maximum penalty is twenty years of imprisonment.

USSG §2L1.2 Illegal Entry Guideline

The offense level under §2L1.2 (Unlawfully Entering or Remaining in the United States) is determined principally by the seriousness of the offender's criminal history (if any) occurring before deportation. The guideline assigns a base offense level of 8¹⁹ and enhances the offense level by 16, 12, 8, or 4 additional levels depending on the nature of any prior conviction. Certain drug trafficking, firearms, human trafficking, other serious felonies, and some crimes of violence increase the offense level by 16.²⁰ Drug offenses for which the offender was sentenced to 13 months or less in prison yield a 12-level increase.²¹ Convictions under these two subsections warrant a smaller increase (12 levels or 8 levels, respectively) if the prior offense was too remote in time to receive criminal history points under Chapter Four of the guidelines.²² Offenders with an aggravated felony not warranting a 16- or 12-level increase receive an 8-level increase,²³ and offenders convicted of non-aggravated felonies or three or more misdemeanor crimes of violence or drug trafficking offenses receive a 4-level increase.²⁴

¹⁸ The term "aggravated felony" is defined in 8 U.S.C. §1101 *et seq.*

¹⁹ USSG §2L1.2(a).

²⁰ USSG §2L1.2(b)(1)(A).

²¹ USSG §2L1.2(b)(1)(B).

²² USSG §2L1.2(b)(1)(A) and (b)(1)(B).

²³ USSG §2L1.2(b)(1)(C).

²⁴ USSG §2L1.2(b)(1)(D) and (E).

The guideline enhancements have changed over the four periods. Those changes have produced lower offense levels for some offenders. The version of §2L1.2 in effect in 1996 provided for either a 4-level enhancement for offenders who were previously deported after having been convicted of any felony, or a 16-level enhancement for offenders who were previously deported after having been convicted of an “aggravated felony,” as that term is defined at 8 U.S.C. § 1101(a)(43).²⁵ In 2001, the Commission amended §2L1.2 to provide for the more graduated 16-, 12-, 8-, and 4-level enhancements that are still in effect.²⁶ In promulgating the amendment, the Commission explained that using a single 16-level enhancement resulted in “disproportionate penalties” because the statutory definition of “aggravated felony” encompasses a broad range of offenses with varying degrees of seriousness. The amended enhancements, according to the Commission, provided more proportionate enhancements based on the relative seriousness of the prior conviction.²⁷

²⁵ USSG App. C, amend. 375 (effective Nov. 1, 1991); *see also* USSG §2L1.2 (Nov. 1, 1997).

²⁶ USSG App. C, amend. 632 (effective Nov. 1, 2001); *see also* USSG §2L1.2 (Nov. 1, 2001).

²⁷ USSG App. C, amend. 632 (effective Nov. 1, 2001) (reason for amendment). In 2011, the Commission amended §2L1.2 to reduce the 16- and 12-level enhancements to 12 or 8 levels, respectively, if the prior conviction does not receive criminal history points under Chapter Four of the *Guidelines Manual*. *See* USSG App. C, amend. 754 (effective Nov. 1, 2011). That amendment took effect on November 1, 2011, and is therefore outside the scope of the data discussed in this chapter.

STATISTICAL OVERVIEW: FISCAL YEAR 2011

In fiscal year 2011, federal courts sentenced 21,264 illegal entry offenders. The number of illegal entry cases varied from circuit to circuit and from district to district. Nearly 85 percent of illegal entry cases (84.8%, n=18,041) originated in three circuits – the Fifth (37.4%, n=7,950), Ninth (33.9%, n=7,211), and Tenth (13.5%, n=2,880) Circuits.²⁸ The remaining 15.1 percent of illegal entry offenders were sentenced by judges in nine circuits, ranging from 15 offenders in the District of Columbia Circuit (0.1% of illegal entry offenders) to 711 offenders in the Eleventh Circuit (3.3% of illegal entry offenders). In the three circuits with the highest number of illegal entry offenders, the proportion of the circuit’s overall caseload comprised of illegal entry cases was similar. In the Fifth Circuit, illegal entry cases were 44.7 percent of the circuit’s overall caseload. Illegal entry cases were 41.7 percent of the Ninth Circuit’s caseload, and 45.2 percent of the Tenth Circuit’s caseload. As depicted in the table below, the proportion of a circuit’s caseload comprised of illegal entry offenses ranges from a high of 45.2 percent in the Tenth Circuit to a low of 4.3 percent in the District of Columbia Circuit.

²⁸ *See* “National Distribution of Offenses by Circuit and District, Illegal Entry Offenses, FY 2011” Appendix Table. By way of comparison, 54.5 percent of all federal criminal offenses in fiscal year 2011 came from the district courts in those three circuits. *See* “National Distribution of Offenses by Circuit and District, All Offenses, FY 2011” Appendix Table.

PART C: IMMIGRATION OFFENSES
ILLEGAL ENTRY

Proportion of Caseload by Circuit
Illegal Entry Offenses
Fiscal Year 2011

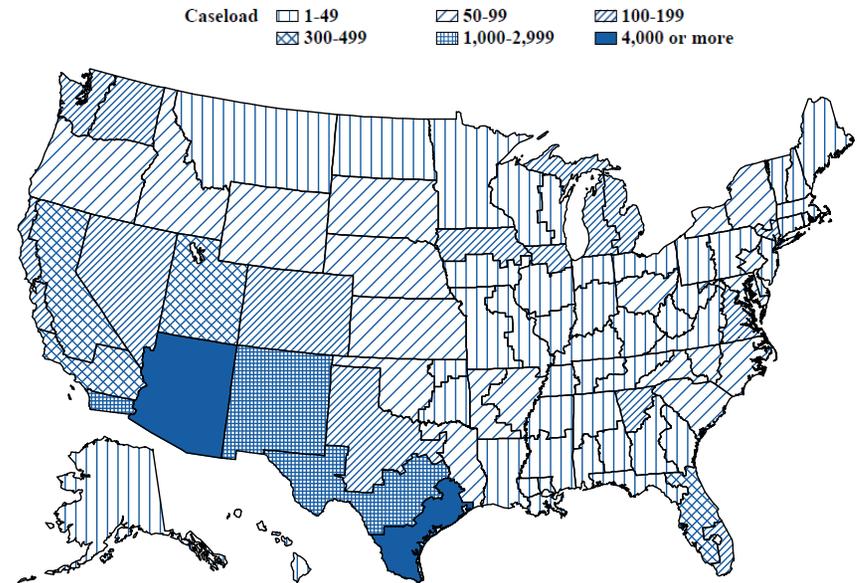
Circuit	Number of Illegal Entry Offenses	Percent of Total Caseload
TOTAL	21,264	27.9
D.C. Circuit	15	4.3
First Circuit	114	5.3
Third Circuit	206	7.2
Seventh Circuit	214	7.3
Sixth Circuit	416	7.8
Fourth Circuit	484	8.4
Second Circuit	462	10.7
Eleventh Circuit	711	11.0
Eighth Circuit	601	12.9
Ninth Circuit	7,211	41.7
Fifth Circuit	7,950	44.7
Tenth Circuit	2,880	45.2

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

When viewed at the district level, the number of illegal entry offenders in each district ranged from zero (Northern Mariana Islands) to 4,656 (Southern Texas). Five districts reported more than 1,000 illegal entry offenders. The Southern District of Texas had the highest number, reporting 4,656 illegal entry offenders (21.9% of illegal entry offenders nationwide). The remaining four districts reporting more than 1,000 offenders were: Arizona at 4,542 (21.4% of illegal entry offenders nationwide); Western Texas at 2,997 (14.1% of illegal entry offenders nationwide); New Mexico at 1,957 (9.2% of illegal entry offenders nationwide); and Southern California at 1,129 (5.3% of illegal entry offenders nationwide). These five districts

alone accounted for nearly three quarters (71.9%, n=15,281) of the 21,264 illegal entry offenders sentenced nationwide.²⁹

Number of Illegal Entry Offenders by District
Fiscal Year 2011



There were zero districts with caseloads falling between 200 and 300 offenders.
 There were zero districts with caseloads falling between 500 and 1,000 offenders.
 There were zero districts with caseloads falling between 3,000 and 4,000 offenders.
 Note: Districts displayed in white had no offenders convicted of the specified offense.
 SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

Among those districts with at least one illegal entry offense, the proportion of a district’s overall caseload comprised of illegal entry offenses ranged from a low of 1.6 percent (Southern West Virginia; n=5) to a high of 63.0 percent (New Mexico; n=1,957). In only three districts did illegal entry

²⁹ See “National Distribution of Offenses by Circuit and District, Illegal Entry Offenses, FY 2011” Appendix Table. By comparison, 37.5 percent of all federal criminal offenses in fiscal year 2011 came from those five districts. See “National Distribution of Offenses by Circuit and District, All Offenses, FY 2011” Appendix Table.

offenses represent 50 percent or more of the district's overall criminal docket: New Mexico (63.0% of offenders in the district; n=1,957), Arizona (60.1% of offenders in the district; n=4,542), and Southern Texas (57.1% of offenders in the district; n=4,656). Illegal entry offenses represented 30 percent or more of the district's caseload in another six districts: Utah (49.4% of offenders in the district; n=490), Western Texas (45.9% of offenders in the district; n=2,997), Eastern Washington (38.5% of offenders in the district; n=136), Eastern California (36.6% of offenders in the district; n=369), Southern California (35.3% of offenders in the district; n=1,129), and Western Arkansas (30.0% of offenders in the district; n=94).³⁰

³⁰ See "Proportion of Caseload in Each Circuit and District for Selected Offenses, Illegal Entry Offenses, FY 2011" Appendix Table.

PART C: IMMIGRATION OFFENSES
ILLEGAL ENTRY

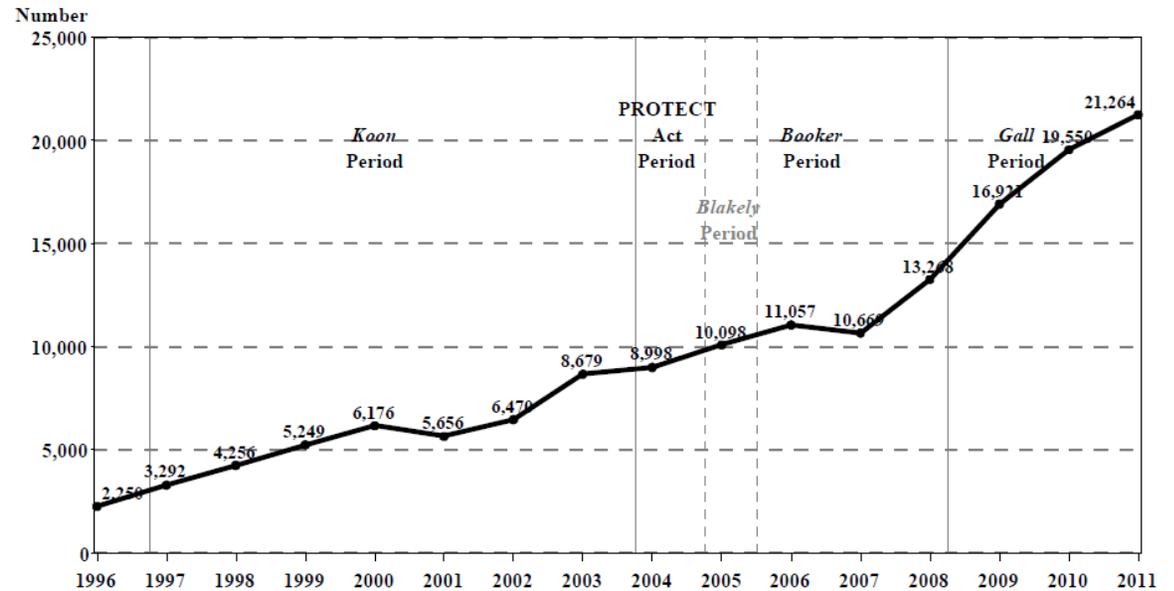
NATIONAL TREND ANALYSIS

This section addresses federal sentencing trends for illegal entry offenses over time. Much of the analysis uses time periods that are based on major changes in the legal framework governing federal sentencing rather than time periods divided by fiscal or calendar year. These four periods, the *Koon*, PROTECT Act, *Booker*, and *Gall* periods, and their significance are discussed more fully in Part A.

Over the last 15 years, the number of illegal entry offenders increased nearly ten-fold from 2,250 offenders in fiscal year 1996, to 21,264 offenders in fiscal year 2011. Since fiscal year 2007, the increase has been particularly pronounced.

The percentage of illegal entry offenses relative to the overall federal caseload also has increased across the four periods. During the *Koon* period, 11.0 percent of federal offenses were illegal entry offenses. This percentage increased to 15.5 percent during the PROTECT Act period, 16.9 percent during the *Booker* period, and 25.0 percent during the *Gall* period.

Number of Offenders by Fiscal Year
Illegal Entry Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ILLEGAL ENTRY

NATIONAL TREND ANALYSIS

OFFENDER AND OFFENSE CHARACTERISTICS

Hispanic offenders were the largest group of illegal entry offenders in all of the periods. Black offenders were the second largest group in the *Koon* period, but White offenders were the second largest group in the other three periods.

During all four periods, the largest group of illegal entry offenders was in Criminal History Category III.

Selected Offender Characteristics
Illegal Entry Offenses
Koon Period through *Gall* Period

	<i>Koon</i> Period (6/13/96 - 4/30/03) Percent	PROTECT Act Period (5/1/03 - 6/24/04) Percent	<i>Booker</i> Period (1/12/05 - 12/10/07) Percent	<i>Gall</i> Period (12/11/07-9/30/11) Percent
RACE/ETHNICITY				
White	1.9	2.5	2.7	6.2
Black	2.7	2.2	1.7	1.1
Hispanic	95.3	95.2	95.5	92.6
Other	0.2	0.1	0.2	0.1
GENDER				
Male	97.9	97.6	97.5	97.0
Female	2.1	2.4	2.5	3.0
CITIZENSHIP				
U.S. Citizen	2.0	2.7	0.6	0.1
Non-U.S. Citizen	98.0	97.3	99.4	99.9
CRIMINAL HISTORY CATEGORY				
I	8.3	10.3	12.8	17.6
II	12.9	17.1	18.8	19.6
III	25.8	28.8	28.2	28.1
IV	20.8	20.9	19.5	17.7
V	13.6	11.5	10.9	9.4
VI	18.5	11.5	9.8	7.7

Categories may not sum to exactly 100.0 percent due to rounding.
SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

PART C: IMMIGRATION OFFENSES
ILLEGAL ENTRY

NATIONAL TREND ANALYSIS
OFFENDER AND OFFENSE CHARACTERISTICS

During each of the four periods, approximately 99 percent of illegal entry offenders were sentenced to prison only.

Types of Sentences Imposed
Illegal Entry Offenses
Koon Period through *Gall* Period

SENTENCE IMPOSED	<i>Koon</i> Period (6/13/96 - 4/30/03)		PROTECT Act Period (5/1/03 - 6/24/04)		<i>Booker</i> Period (1/12/05 - 12/10/07)		<i>Gall</i> Period (12/11/07-9/30/11)	
	N	%	N	%	N	%	N	%
Prison Only	36,203	99.2	10,401	99.7	31,400	99.3	67,594	98.6
Prison/Community Split	73	0.2	15	0.1	40	0.1	52	0.1
Probation and Confinement	9	0.0	0	0.0	8	0.0	1	0.0
Probation Only	198	0.5	15	0.1	164	0.5	918	1.3

Cases in which the offender received no prison or probation and cases with missing sentencing information were excluded from the analysis. Prison and Community Split includes all cases in which offenders received prison and conditions of confinement as described in USSG §5C1.1.
 SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

**PART C: IMMIGRATION OFFENSES
ILLEGAL ENTRY**

**NATIONAL TREND ANALYSIS
OFFENDER AND OFFENSE CHARACTERISTICS**

The average guideline minimum can be viewed as a proxy for the seriousness of the offense. However, with respect to illegal entry offenses, amendments to the guidelines resulted in lower guideline minimums over time.

The rate of within range sentences for illegal entry offenses was highest during the PROTECT Act period. Rates of government sponsored below range sentences increased during the PROTECT Act period and during the *Booker* period, followed by a slight decrease during the *Gall* period. The rate of substantial assistance below range sentences has always been low, and has decreased over the four periods. Other government sponsored below range rates also decreased over time. EDP rates have increased over time.

While the rate of non-government sponsored below range sentences appears to have decreased markedly between the *Koon* and PROTECT Act periods, this decrease, and the corresponding increase in government sponsored below range sentences, was attributable to the change in the way the Commission reported its departure data.

The extent of the reduction from the guideline minimum varied depending on the type of below range sentence.

**Selected Sentencing Characteristics
Illegal Entry Offenses
Koon Period through *Gall* Period**

	<i>Koon</i> Period (6/13/96 - 4/30/03) Percent	PROTECT Act Period (5/1/03 - 6/24/04) Percent	<i>Booker</i> Period (1/12/05 - 12/10/07) Percent	<i>Gall</i> Period (12/11/07-9/30/11) Percent
GUILTY PLEA	99.0	99.0	99.1	99.6
WEAPON	0.0	0.0	0.0	0.0
GUIDELINE ADJUSTMENTS				
Aggravating Role (USSG §3B1.1)	0.0	0.0	0.0	0.0
Mitigating Role (USSG §3B1.2)	0.1	0.0	0.0	0.0
SENTENCE RELATIVE TO GUIDELINE RANGE				
Within Range	60.3	69.6	58.5	56.9
Above Range	0.4	0.3	1.3	1.6
All Gov't Sponsored Below Range	5.1	23.6	30.9	30.2
Substantial Assistance (USSG §5K1.1)	2.0	1.0	0.7	0.4
Early Disposition Program (USSG §5K3.1)	n/a	7.1	26.2	26.8
Other Gov't Sponsored Below Range	n/a	15.6	4.0	3.0
Non-Gov't Sponsored Below Range	34.2	6.5	9.3	11.2
AVERAGE GUIDELINE MINIMUM	Months 37	Months 30	Months 29	Months 23
AVERAGE SENTENCE	32	29	26	20
Within Range	33	29	25	18
Above Range	57	53	40	31
All Gov't Sponsored Below Range	30	29	27	23
Substantial Assistance (USSG §5K1.1)	32	29	26	23
Early Disposition Program (USSG §5K3.1)	n/a	28	28	24
Other Gov't Sponsored Below Range	n/a	29	20	18
Non-Gov't Sponsored Below Range	32	31	29	25
AVERAGE EXTENT OF REDUCTION	Percent (Months)	Percent (Months)	Percent (Months)	Percent (Months)
All Gov't Sponsored Below Range	28.7 (13)	24.0 (10)	26.4 (9)	30.4 (10)
Substantial Assistance (USSG §5K1.1)	35.0 (17)	32.9 (13)	36.6 (14)	41.4 (16)
Early Disposition Program (USSG §5K3.1)	n/a (n/a)	25.3 (10)	26.1 (9)	30.0 (10)
Other Gov't Sponsored Below Range	n/a (n/a)	22.9 (9)	26.2 (7)	32.8 (8)
Non-Gov't Sponsored Below Range	33.2 (16)	28.1 (12)	31.4 (12)	35.7 (12)

Categories may not sum to exactly 100.0 percent due to rounding.
SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

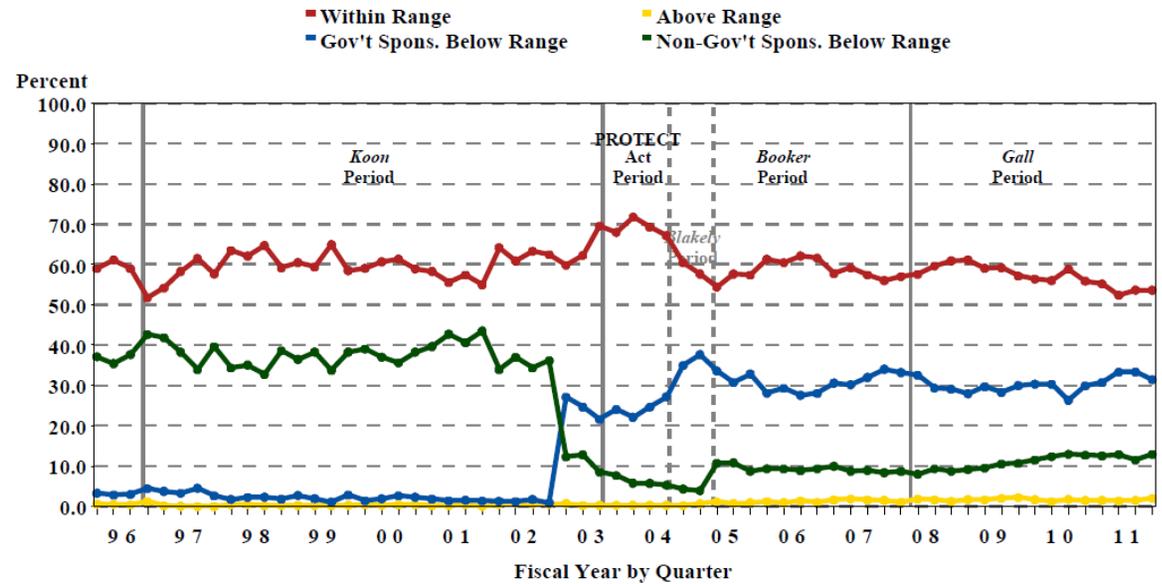
PART C: IMMIGRATION OFFENSES
ILLEGAL ENTRY

NATIONAL TREND ANALYSIS
INFLUENCE OF THE GUIDELINES

The marked decrease in non-government sponsored below range sentences, and the corresponding increase in government sponsored below range sentences between 2002 and 2003, was attributable to the change in the way the Commission reported its departure data.

Since the PROTECT Act, the rate of within range sentences has decreased only slightly, while the rate of non-government sponsored below range sentences has increased slightly.

Quarterly Data for Within-Range and Out-of-Range Sentences
Illegal Entry Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

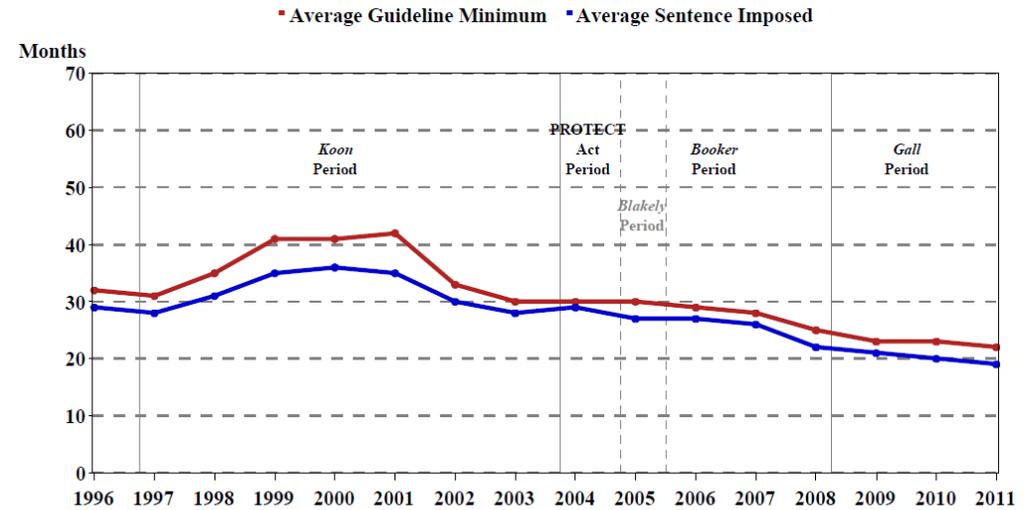
NATIONAL TREND ANALYSIS INFLUENCE OF THE GUIDELINES

Average sentences have closely paralleled the guideline minimum over time in illegal entry offenses. Since fiscal year 2004, both the average guideline minimum and average sentence have generally decreased.

The percentage difference between the average guideline minimum and the average sentence has fluctuated little over time. The figure illustrates that the influence of the guidelines has remained stable in illegal entry offenses.

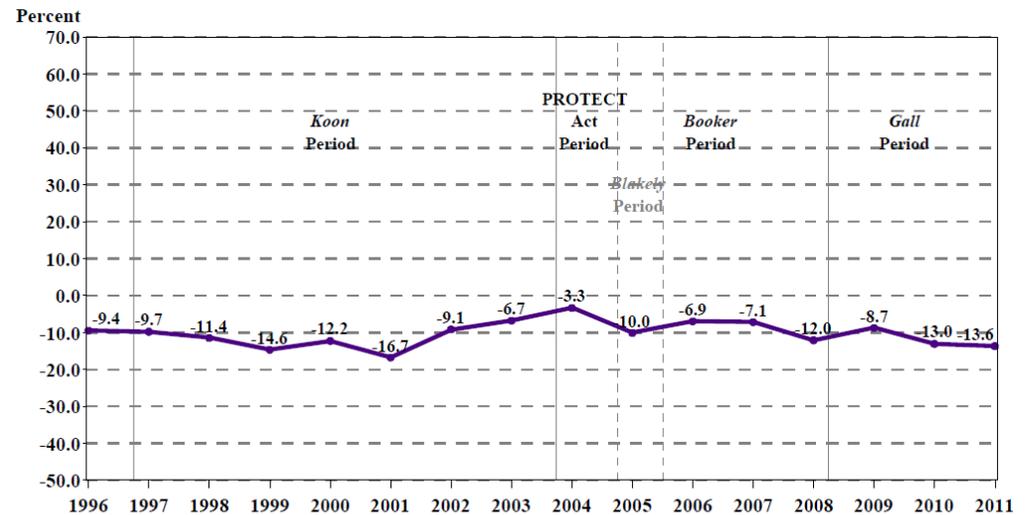
**Click on chart for corresponding table by period.*

**Average Guideline Minimum and Sentence Imposed
Illegal Entry Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Percent Difference Between Average Guideline Minimum and Sentence Imposed
Illegal Entry Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

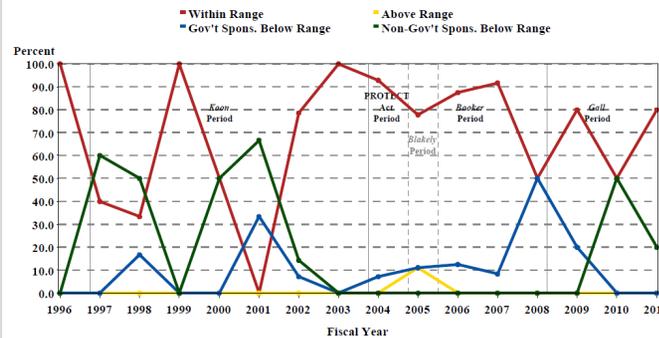
CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

On the national level, within range sentence rates decreased only slightly since the PROTECT Act period, while the rate of non-government sponsored below range sentences increased slightly.

On the circuit level, there was more variation. In most circuits within range rates held steady, increased slightly, or decreased slightly in the *Gall* period.

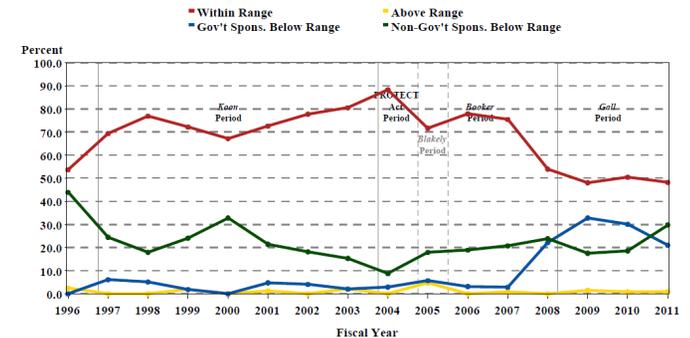
Two circuits with the highest government sponsored below range rates, the Ninth and Tenth Circuits, had the highest rates of EDP sentences, reflecting EDP departures in the districts of Southern California and New Mexico, respectively. Although judges in the Fifth Circuit sentenced a large portion of immigration offenders, EDP rates were low compared to Ninth and Tenth Circuit rates.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
D.C. Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



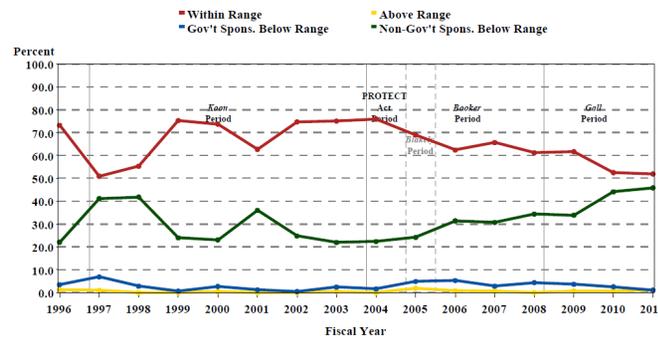
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
First Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



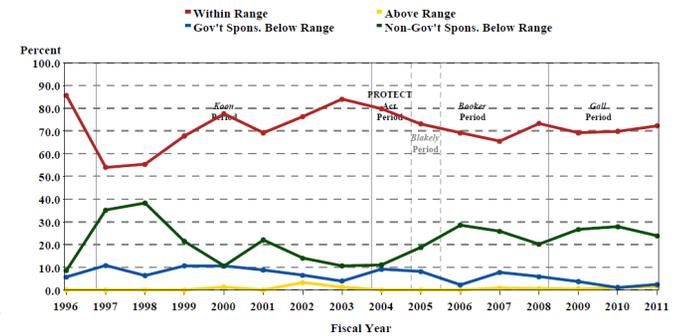
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Second Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Third Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

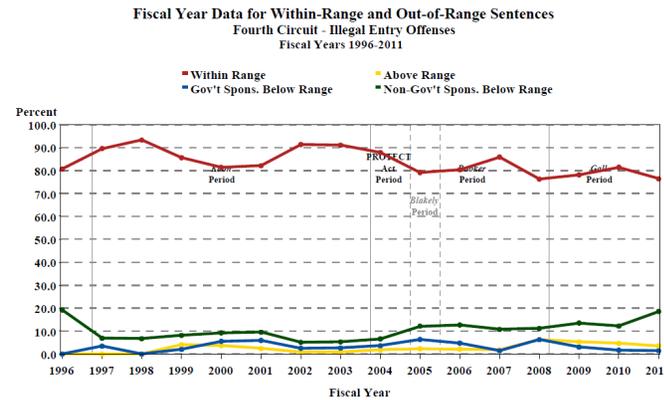
PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

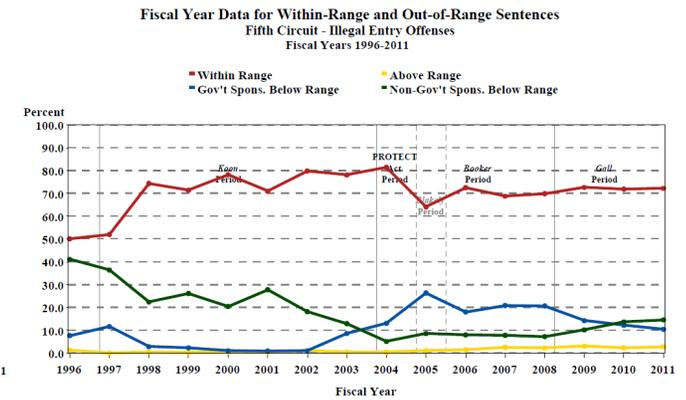
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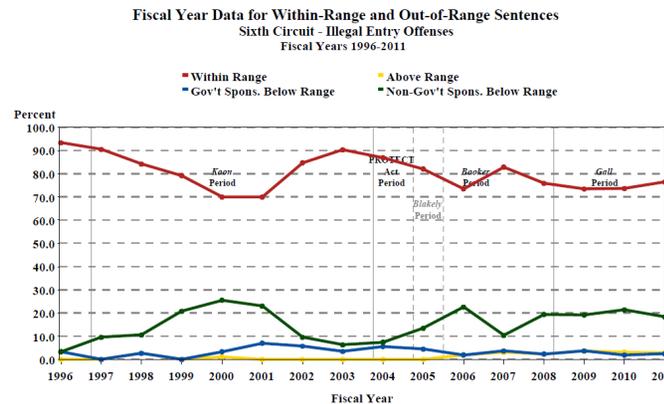
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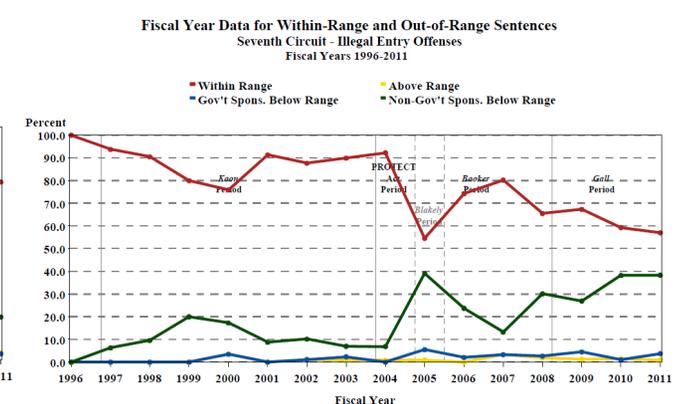
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

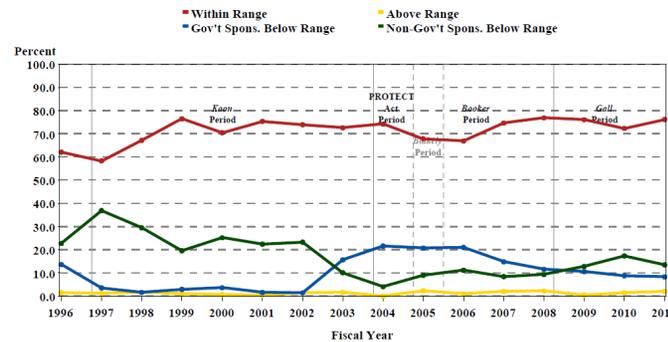
CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

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On the circuit level, there was more variation. In most circuits within range rates held steady, increased slightly, or decreased slightly in the *Gall* period.

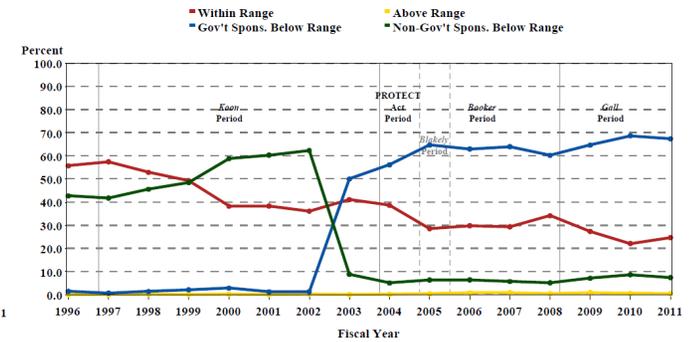
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Fiscal Year Data for Within-Range and Out-of-Range Sentences
Eighth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



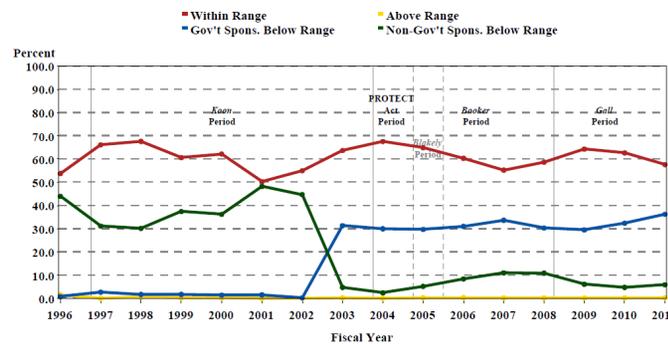
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Ninth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



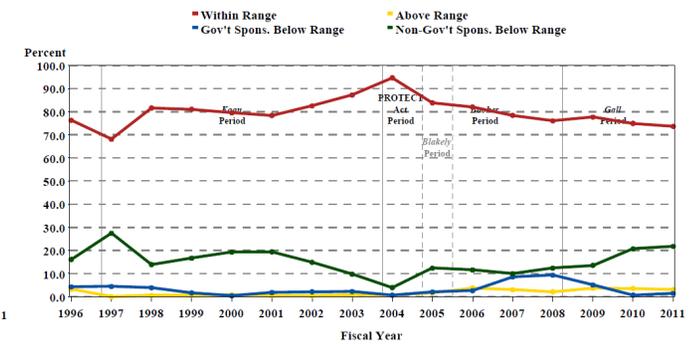
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Tenth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Eleventh Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

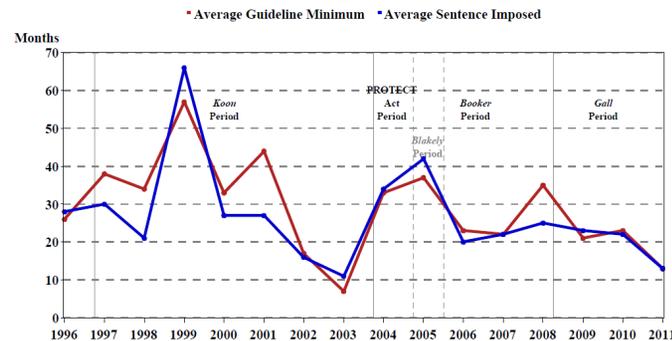
PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

On the national level, average sentences closely paralleled the guideline minimum over time in illegal entry offenses, and the influence of the guidelines remained stable. Most circuits exhibited the same pattern. However, in some circuits, the average sentence has started to diverge from the average guideline minimum.

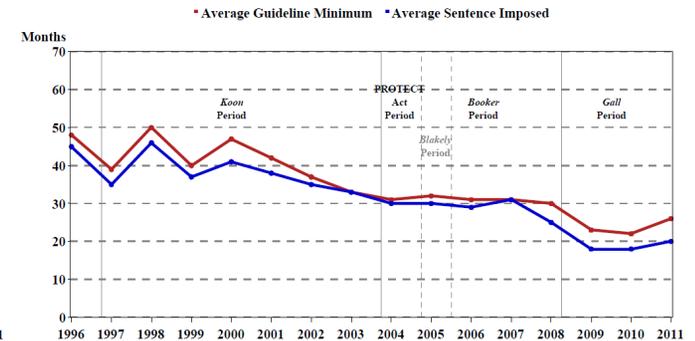
The percentage difference between the average guideline minimum and the average sentence was largest in the Ninth Circuit, reflecting the influence of EDP sentences in Southern California.

Average Guideline Minimum and Sentence Imposed
D.C. Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



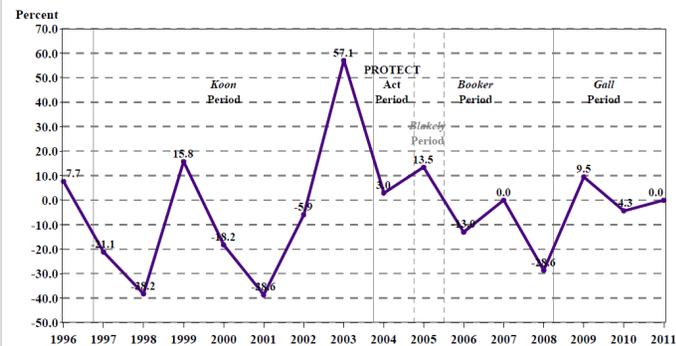
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Sentence Imposed
First Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



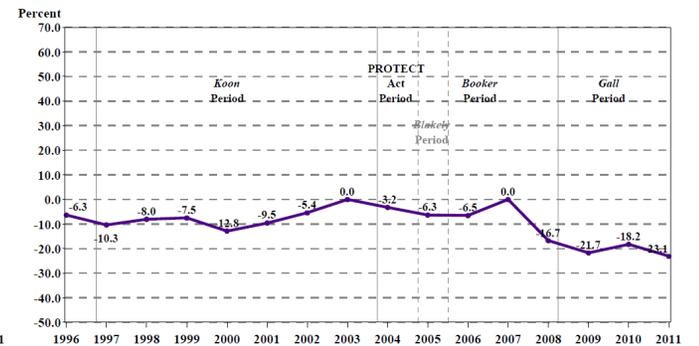
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
D.C. Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
First Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

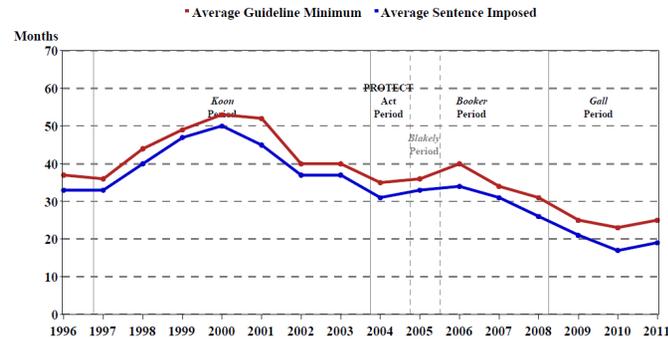
PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

On the national level, average sentences closely paralleled the guideline minimum over time in illegal entry offenses, and the influence of the guidelines remained stable. Most circuits exhibited the same pattern. However, in some circuits, the average sentence has started to diverge from the average guideline minimum.

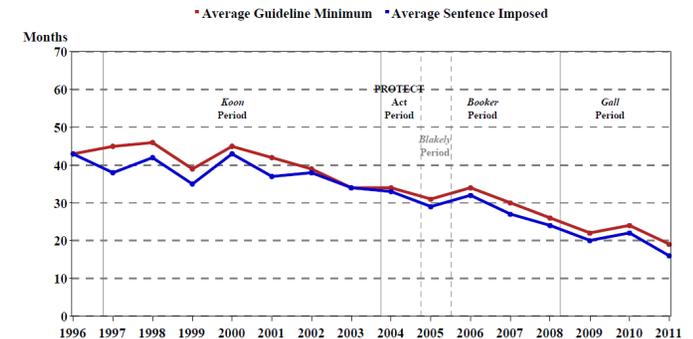
The percentage difference between the average guideline minimum and the average sentence was largest in the Ninth Circuit, reflecting the influence of EDP sentences in Southern California.

Average Guideline Minimum and Sentence Imposed
Second Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



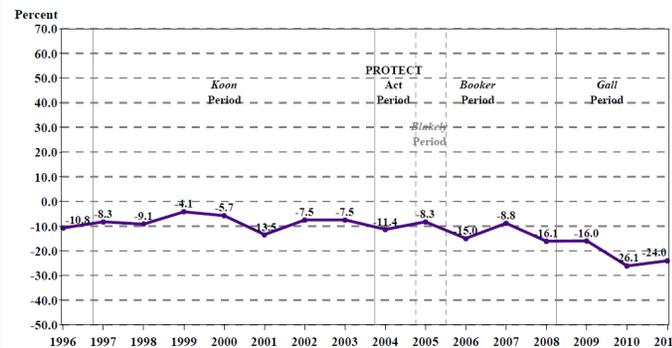
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Average Guideline Minimum and Sentence Imposed
Third Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



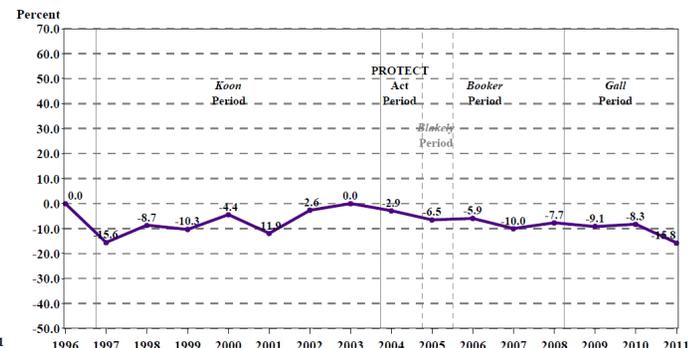
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Second Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Third Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

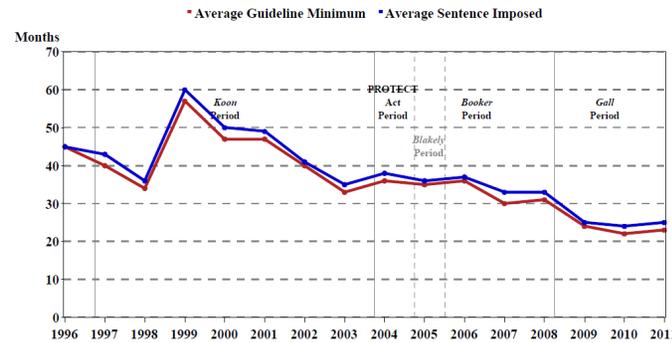
PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

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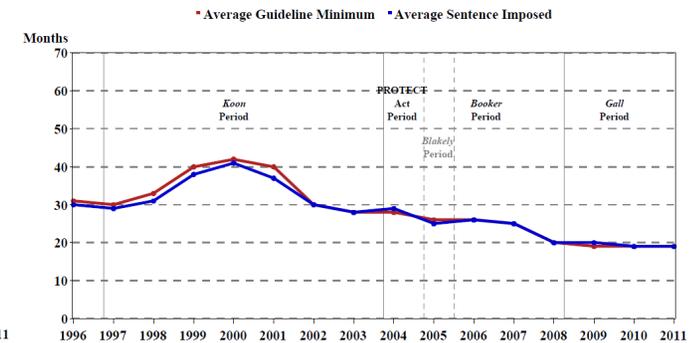
The percentage difference between the average guideline minimum and the average sentence was largest in the Ninth Circuit, reflecting the influence of EDP sentences in Southern California.

Average Guideline Minimum and Sentence Imposed
Fourth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



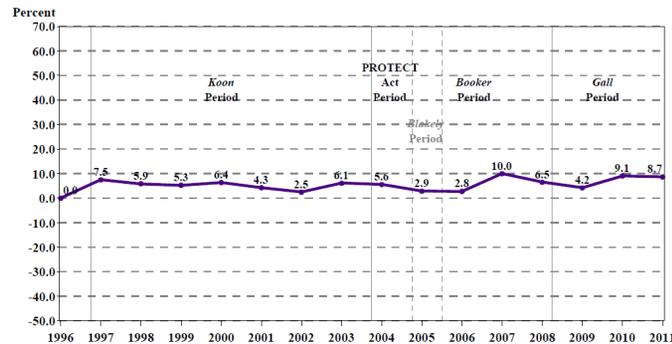
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Sentence Imposed
Fifth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



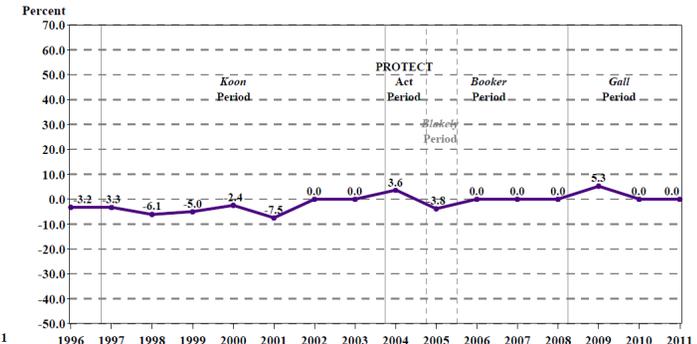
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Fourth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Fifth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

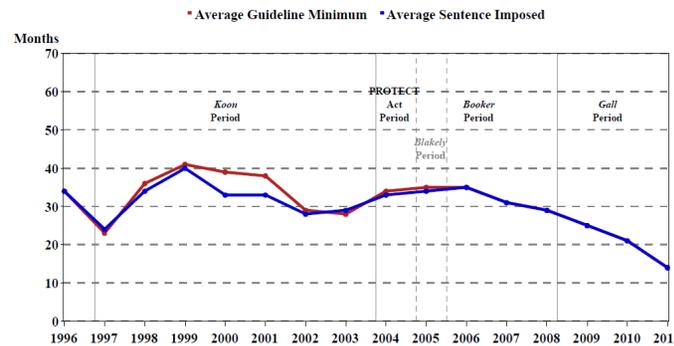
PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

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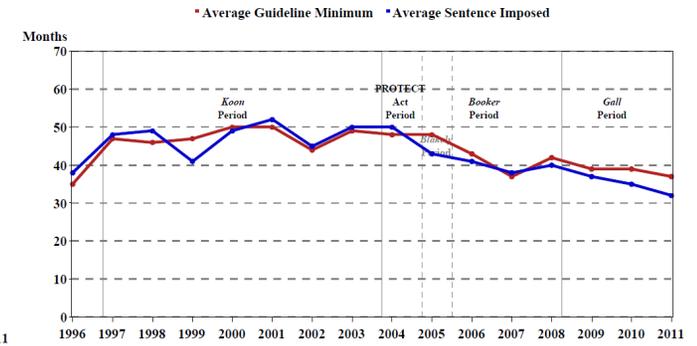
The percentage difference between the average guideline minimum and the average sentence was largest in the Ninth Circuit, reflecting the influence of EDP sentences in Southern California.

**Average Guideline Minimum and Sentence Imposed
Sixth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011**



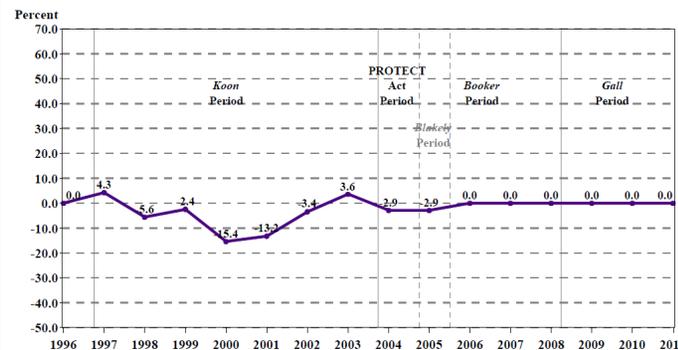
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Average Guideline Minimum and Sentence Imposed
Seventh Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011**



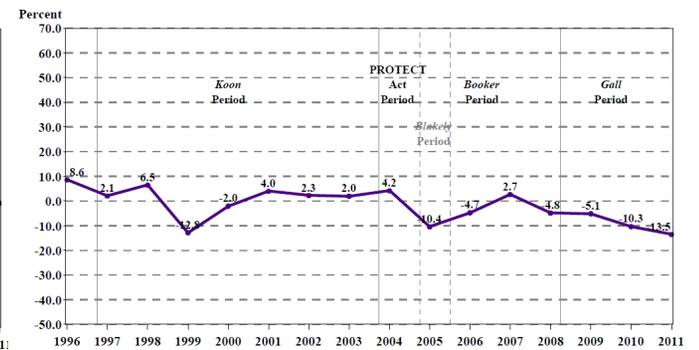
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Percent Difference Between Average Guideline Minimum and Sentence Imposed
Sixth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Percent Difference Between Average Guideline Minimum and Sentence Imposed
Seventh Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

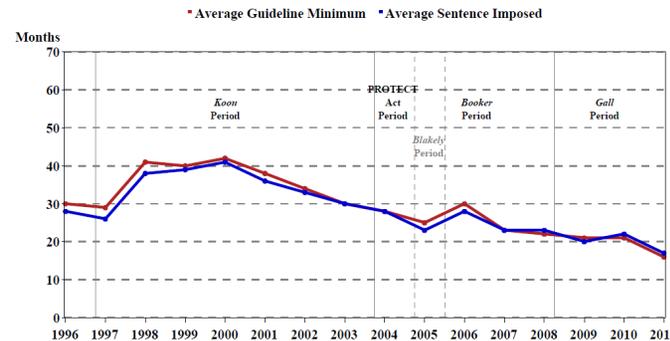
PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

On the national level, average sentences closely paralleled the guideline minimum over time in illegal entry offenses, and the influence of the guidelines remained stable. Most circuits exhibited the same pattern. However, in some circuits, the average sentence has started to diverge from the average guideline minimum.

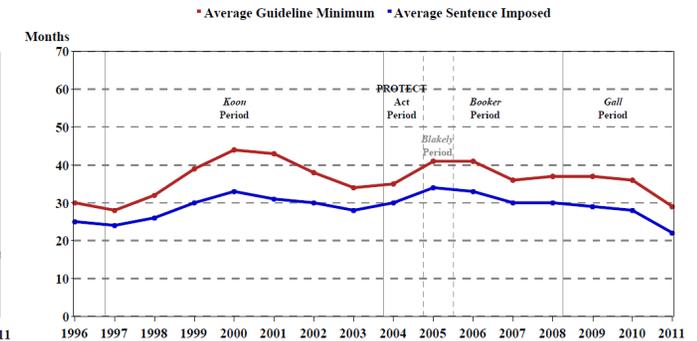
The percentage difference between the average guideline minimum and the average sentence was largest in the Ninth Circuit, reflecting the influence of EDP sentences in Southern California.

Average Guideline Minimum and Sentence Imposed
Eighth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



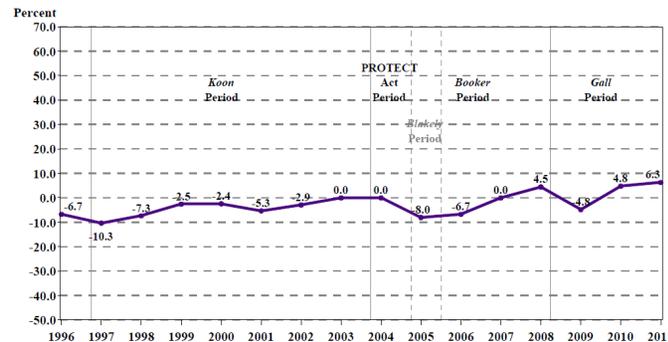
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Sentence Imposed
Ninth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



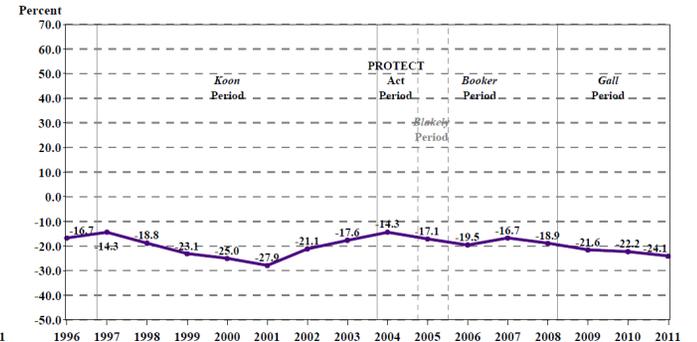
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Eighth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Ninth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

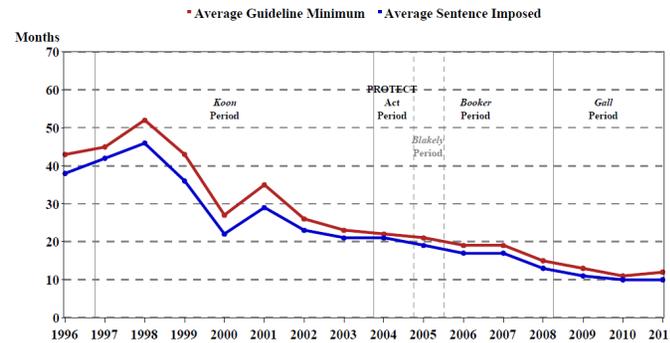
PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

On the national level, average sentences closely paralleled the guideline minimum over time in illegal entry offenses, and the influence of the guidelines remained stable. Most circuits exhibited the same pattern. However, in some circuits, the average sentence has started to diverge from the average guideline minimum.

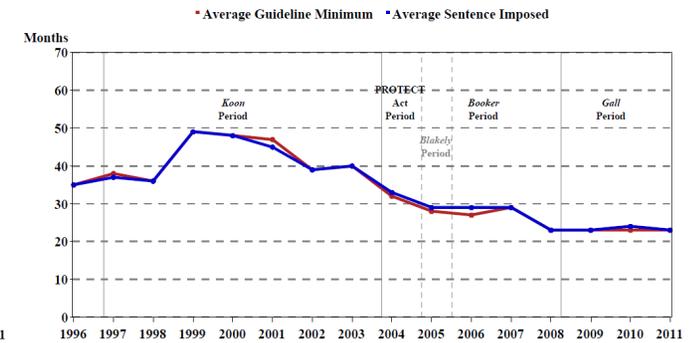
The percentage difference between the average guideline minimum and the average sentence was largest in the Ninth Circuit, reflecting the influence of EDP sentences in Southern California.

**Average Guideline Minimum and Sentence Imposed
Tenth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011**



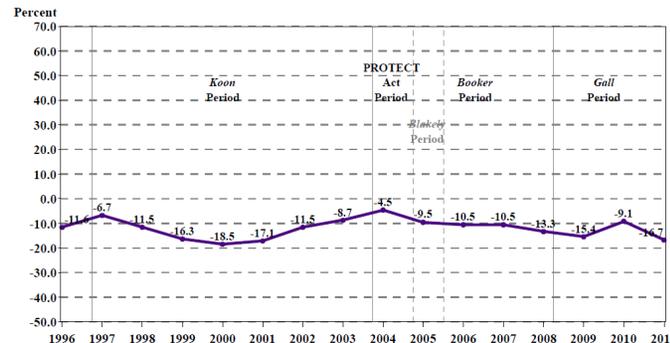
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Average Guideline Minimum and Sentence Imposed
Eleventh Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011**



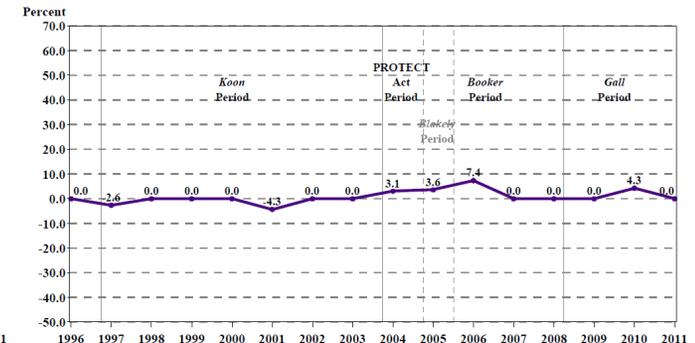
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Percent Difference Between Average Guideline Minimum and Sentence Imposed
Tenth Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Percent Difference Between Average Guideline Minimum and Sentence Imposed
Eleventh Circuit - Illegal Entry Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ILLEGAL ENTRY

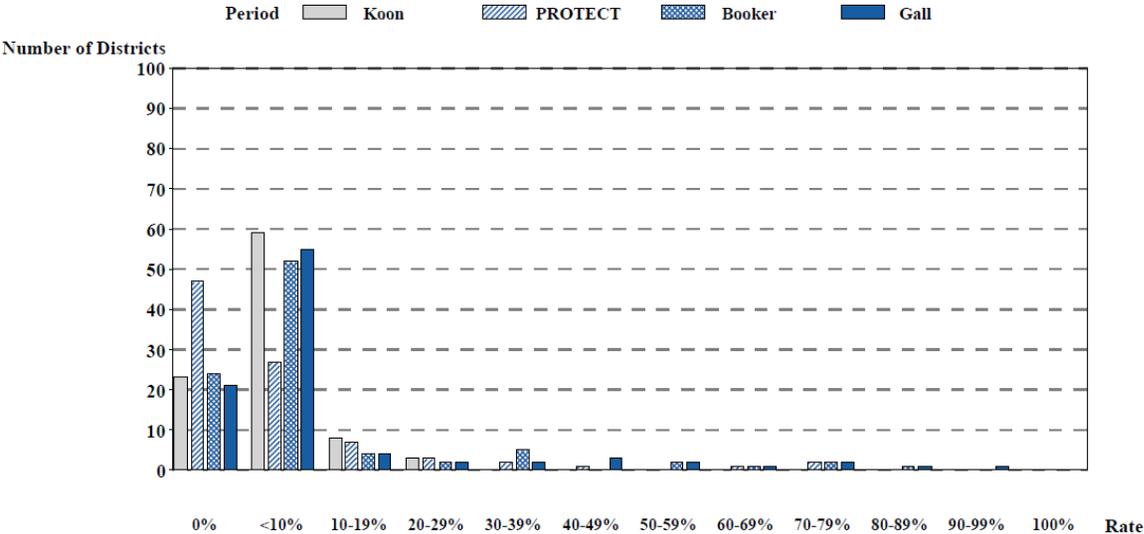


DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The bar graph includes a zero percent column showing that 23 districts in the *Koon* period, 47 districts in the PROTECT Act period, 24 districts in the *Booker* period, and 21 districts in the *Gall* period did not impose any government sponsored below range sentences in illegal entry offenses. Of those districts with government sponsored below range sentences, the majority had rates of less than ten percent during the four periods.

**Rate of Government Sponsored Below Range Sentences
 Illegal Entry Offenses
 Koon Period through Gall Period**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The table lists the five districts with the highest and lowest rates of government sponsored below range sentences for each of the four periods.

**Districts with the Highest and Lowest Rates of Government Sponsored Below Range Sentences
Illegal Entry Offenses
Koon Period through Gall Period**

Koon Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			Booker Period (1/12/05 - 12/10/07)			Gall Period (12/11/07-9/30/11)		
District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.
Districts with the Highest Rates in Each Time Period											
Southern Alabama	4	25.0	Nebraska	74	79.7	Eastern California	479	89.6	Eastern California	1,187	91.7
Idaho	143	21.7	Arizona	1,993	70.2	Arizona	4,862	77.8	Central California	1,718	88.9
Middle Alabama	5	20.0	Idaho	83	68.7	Nebraska	169	74.0	Utah	1,243	73.3
Middle Tennessee	36	16.7	Western Washington	51	41.2	Western Washington	185	62.7	Arizona	10,528	72.4
Western Louisiana	24	16.7	New Mexico	1,182	36.3	Central California	311	52.4	Western Washington	372	63.2
Districts with the Lowest Rates in Each Time Period											
Southern New York	472	0.8	Oregon	53	1.9	Northern Ohio	66	1.5	Eastern Louisiana	136	0.7
Southern California	2,696	0.8	Kansas	72	1.4	Northern Texas	360	1.1	South Dakota	147	0.7
Northern Illinois	149	0.7	Northern Illinois	89	1.1	Northern Georgia	113	0.9	Western North Carolina	156	0.6
Northern Iowa	149	0.7	Middle Florida	102	1.0	Eastern Virginia	114	0.9	Northern Georgia	384	0.5
Eastern California	1,547	0.6	Utah	194	0.5	Northern Iowa	139	0.7	Northern Iowa	224	0.4

Number of Offenders refers to the total number of illegal entry offenders sentenced during the time period. During the *Koon* and *Booker* periods, one district did not sentence any illegal entry offenses in each of the periods. During the PROTECT Act period, four districts did not sentence any illegal entry offenses.

During the *Koon* period, 23 districts imposed at least one sentence for an illegal entry offense but did not impose a government sponsored below range sentence. The total number of illegal entry offenders in each of those districts ranged from two to 174 offenders.

During the PROTECT Act period, 47 districts imposed at least one sentence for an illegal entry offense but did not impose a government sponsored below range sentence. The total number of illegal entry offenders in each of those districts ranged from two to 212 offenders.

During the *Booker* period, 24 districts imposed at least one sentence for an illegal entry offense but did not impose a government sponsored below range sentence. The total number of illegal entry offenders in each of those districts ranged from three to 107 offenders.

During the *Gall* period, 21 districts imposed at least one sentence for an illegal entry offense but did not impose a government sponsored below range sentence. The number of illegal entry offenders in each of those districts ranged from four to 278 offenders.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

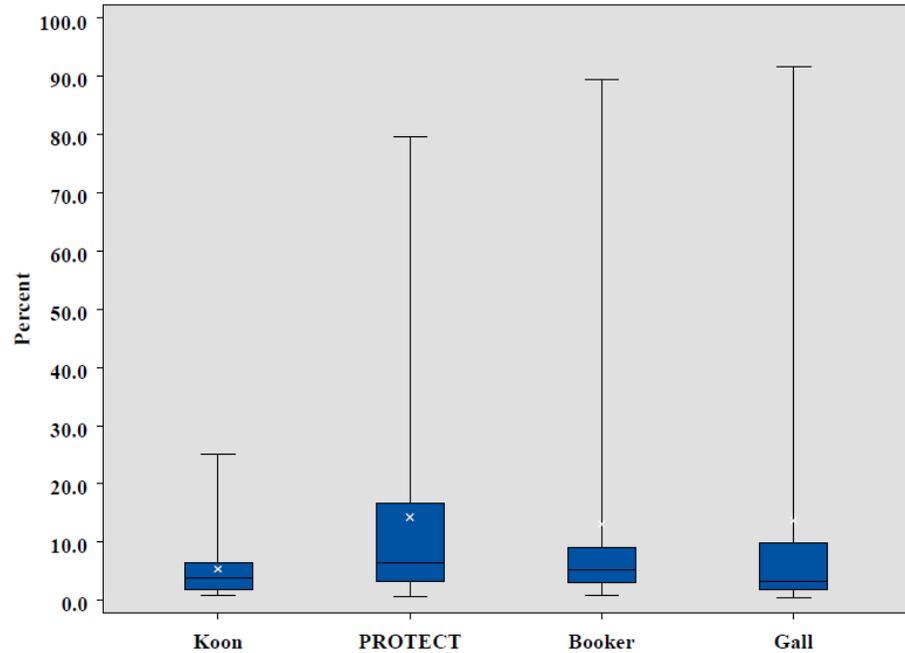
DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The spread in government sponsored below range rates among the middle 50 percent of districts varied over time. The mean, or average rate of government sponsored below range sentences also varied.

**Click on chart for corresponding table.*

**Spread of Rates of Government Sponsored Below Range Sentences
 Illegal Entry Offenses
 Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	70.0	43.0	69.0	73.0
Min	0.6	0.5	0.7	0.4
Max	25.0	79.7	89.6	91.7
Q1	1.9	3.2	3.0	1.8
Q3	6.4	16.7	9.1	9.9
Q2	3.8	6.5	5.1	3.2
Mean	5.4	14.3	13.1	13.7

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ILLEGAL ENTRY

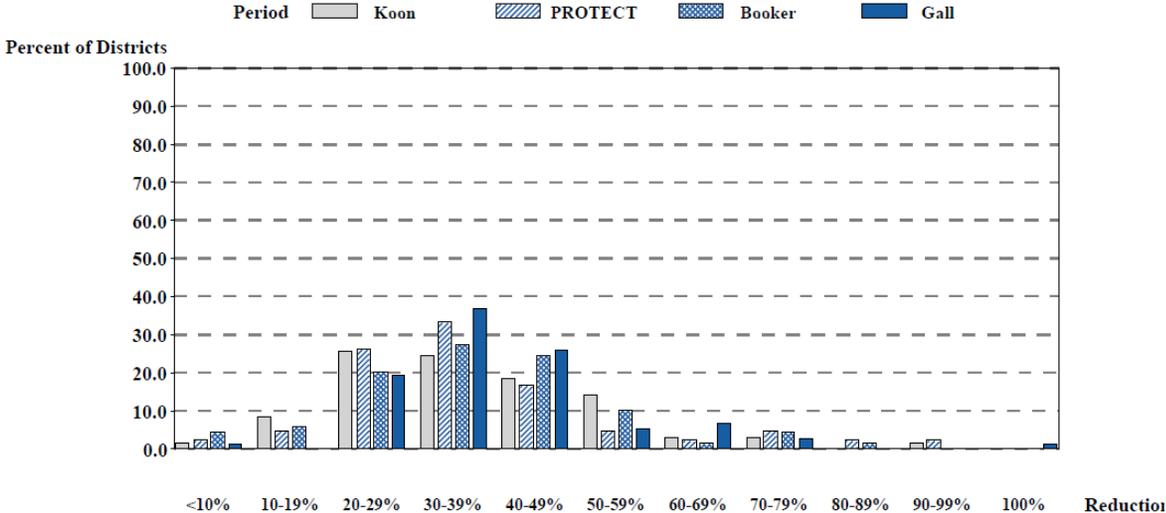


DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

As illustrated by the taller bars in the middle of the graph, in the majority of districts the extent of the reduction for government sponsored below range sentences was between 20 and 49 percent below the guideline minimum during all periods.

Extent of Reduction from Guideline Minimum Government Sponsored Below Range Sentences Illegal Entry Offenses
Koon Period through Gall Period



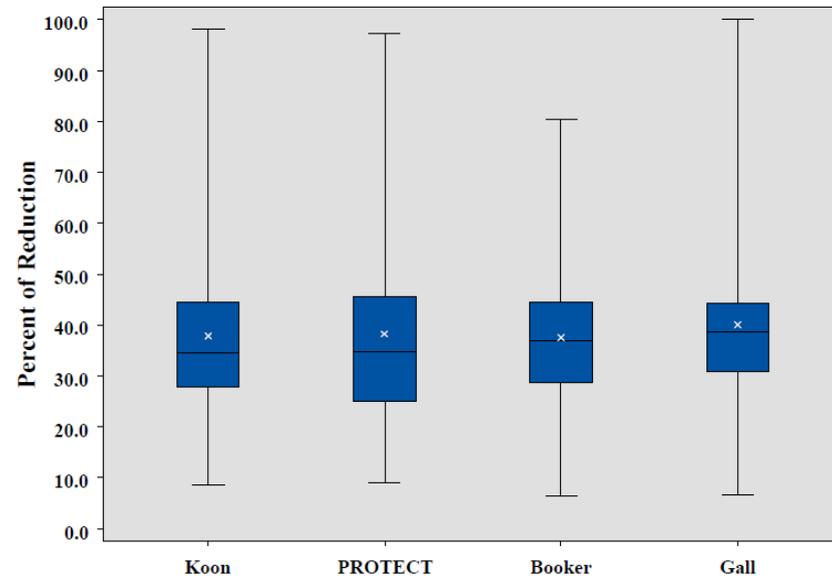
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The spread in the average extent of reduction among the middle 50 percent of districts was greatest in the PROTECT Act period. Although the spread is smaller in the *Gall* period than in the *Booker* period, the average extent of reduction among the middle 50 percent of districts generally increased, as did the mean extent of reduction among the districts.

Spread of Average Extent of Departure Government Sponsored Below Range Sentences Illegal Entry Offenses
 Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N	70.0	42.0	69.0	73.0
Min	8.7	9.1	6.5	6.7
Max	98.2	97.4	80.4	100.0
Q1	27.7	25.2	28.8	30.8
Q3	44.4	45.6	44.4	44.3
Q2	34.6	34.8	36.9	38.6
Mean	38.0	38.3	37.6	40.1

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ILLEGAL ENTRY

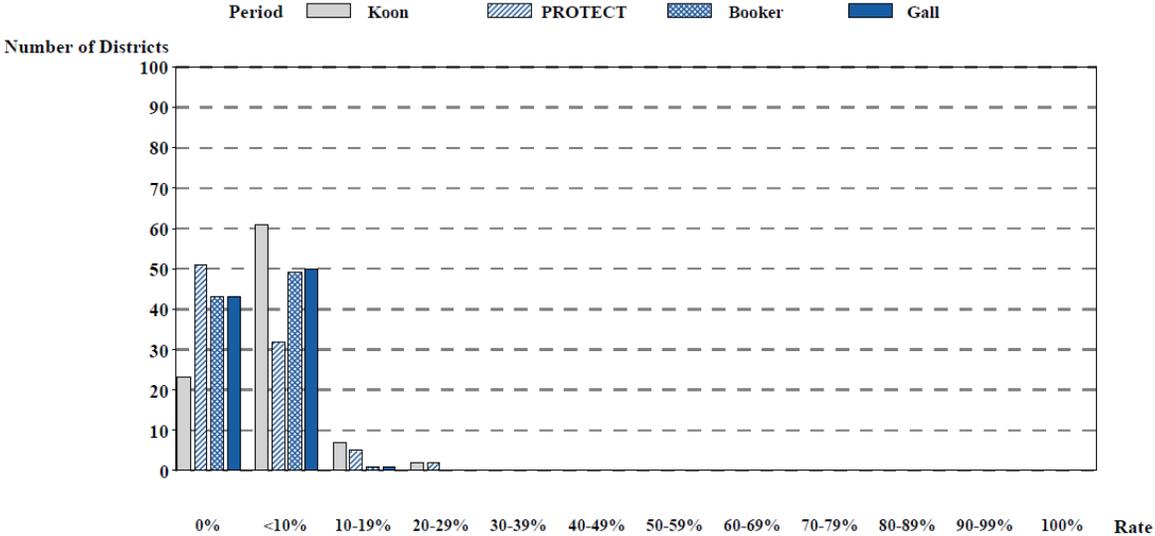


DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

Many districts had no substantial assistance sentences in illegal entry offenses. Of those with districts with substantial assistance below range sentences, most had rates of less than ten percent.

**Rate of Substantial Assistance Sentences
 Illegal Entry Offenses
 Koon Period through Gall Period**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

DISTRICT TREND ANALYSIS SUBSTANTIAL ASSISTANCE SENTENCES

The table lists the five districts with the highest and lowest rates of substantial assistance sentences for each of the four periods.

**Districts with the Highest and Lowest Rates of Substantial Assistance Sentences
Illegal Entry Offenses
Koon Period through Gall Period**

<i>Koon</i> Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.
Districts with the Highest Rates in Each Time Period											
Southern Alabama	4	25.0	Southern Ohio	8	25.0	District of Columbia	28	10.7	Eastern Oklahoma	8	12.5
Middle Alabama	5	20.0	Virgin Islands	4	25.0	New Hampshire	13	7.7	Eastern Kentucky	76	3.9
Middle Tennessee	36	16.7	Southern Illinois	6	16.7	Western New York	93	6.5	Puerto Rico	213	3.8
Western Louisiana	24	16.7	Guam	6	16.7	Western Virginia	19	5.3	Oregon	289	3.5
Western Pennsylvania	13	15.4	Idaho	83	13.3	Eastern Pennsylvania	102	4.9	District of Columbia	29	3.4
Districts with the Lowest Rates in Each Time Period											
New Mexico	2,703	0.8	Utah	194	0.5	Utah	592	0.5	Nevada	458	0.2
Southern California	2,696	0.7	Arizona	1,993	0.5	Kansas	201	0.5	New Mexico	7,960	0.2
Northern Illinois	149	0.7	Southern Texas	2,447	0.5	New Mexico	4,506	0.5	Eastern Virginia	576	0.2
Northern Iowa	149	0.7	Southern California	303	0.3	Southern California	740	0.4	Middle Florida	1,011	0.1
Eastern California	1,547	0.6	New Mexico	1,182	0.1	Western Texas	4,459	0.4	Western Texas	10,706	0.1

Number of Offenders refers to the total number of illegal entry offenders sentenced during the time period. During the *Koon* and *Booker* periods, one district did not sentence any illegal entry offenses in each of the periods. During the PROTECT Act period, four districts did not sentence any illegal entry offenses.

During the *Koon* period, 23 districts imposed at least one sentence for an illegal entry offense but did not impose a substantial assistance sentence. The total number of illegal entry offenders sentenced in each of those districts ranged from two to 174 offenders.

During the PROTECT Act period, 51 districts imposed at least one sentence for an illegal entry offense but did not impose a substantial assistance sentence. The total number of illegal entry offenders sentenced in each of those districts ranged from two to 247 offenders.

During the *Booker* period, 43 districts imposed at least one sentence for an illegal entry offense but did not impose a substantial assistance sentence. The total number of illegal entry offenders sentenced in each of those districts ranged from three to 133 offenders.

During the *Gall* period, 43 districts imposed at least one sentence for an illegal entry offense but did not impose a substantial assistance sentence. The total number of illegal entry offenders in each of those districts ranged from four to 335 offenders.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

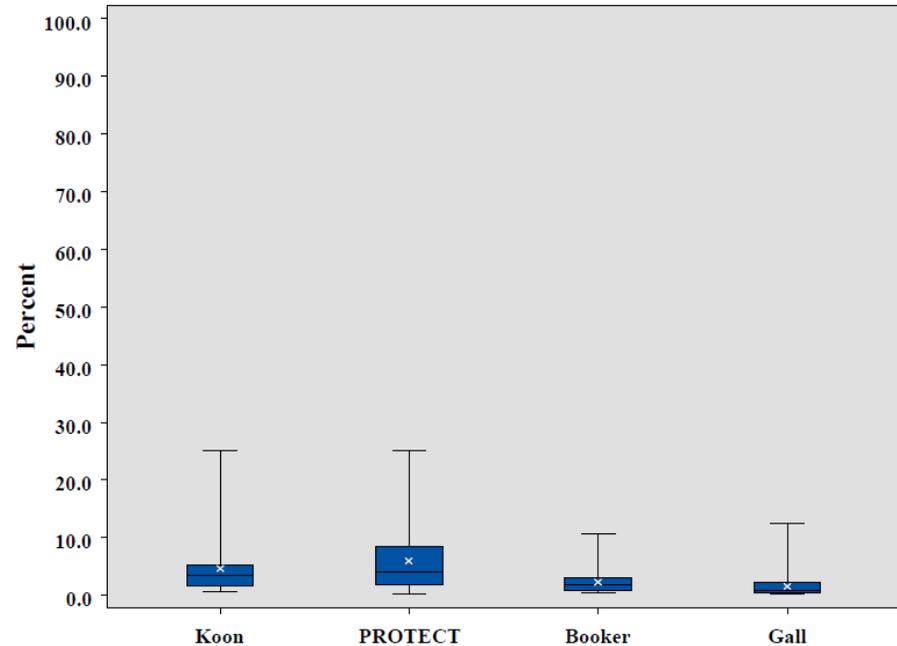
DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

Substantial assistance rates among the middle 50 percent of districts have decreased since the PROTECT Act period. The mean rate of substantial assistance sentences also decreased over time.

**Click on chart for corresponding table.*

**Spread of Rates of Substantial Assistance Sentences
 Illegal Entry Offenses
 Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	70.0	39.0	50.0	51.0
Min	0.6	0.1	0.4	0.1
Max	25.0	25.0	10.7	12.5
Q1	1.6	1.9	0.8	0.4
Q3	5.2	8.3	3.0	2.2
Q2	3.4	4.0	1.7	0.8
Mean	4.6	6.0	2.3	1.5

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**PART C: IMMIGRATION OFFENSES
ILLEGAL ENTRY**

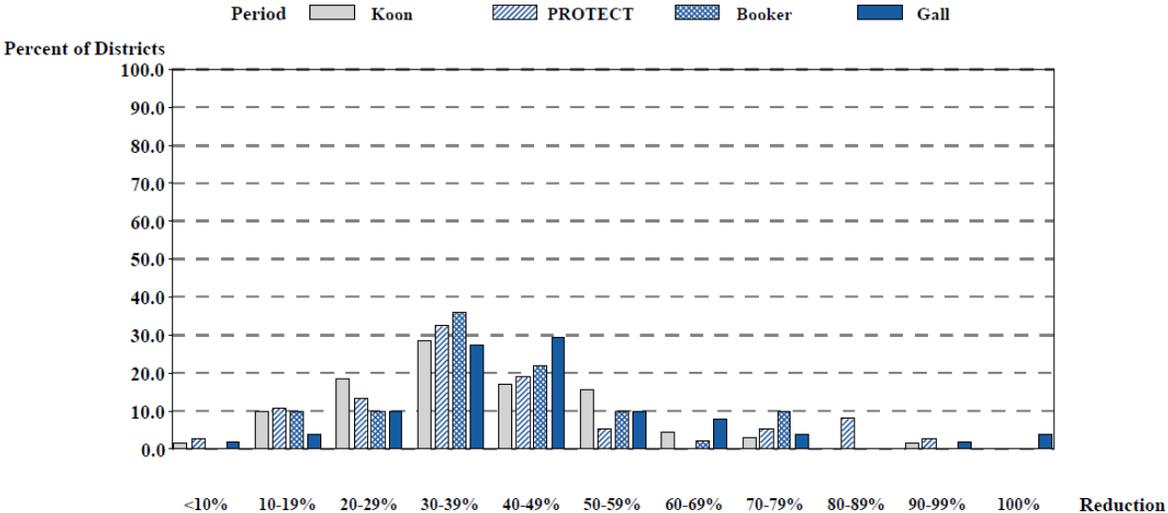


DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

In most districts, reductions for substantial assistance were between 30 and 49 percent below the guideline minimum, with a smaller percentage of districts granting reductions of 20 to 29 percent and 50 to 59 percent below the guideline minimum.

**Extent of Reduction from Guideline Minimum
Substantial Assistance Sentences
Illegal Entry Offenses
Koon Period through Gall Period**



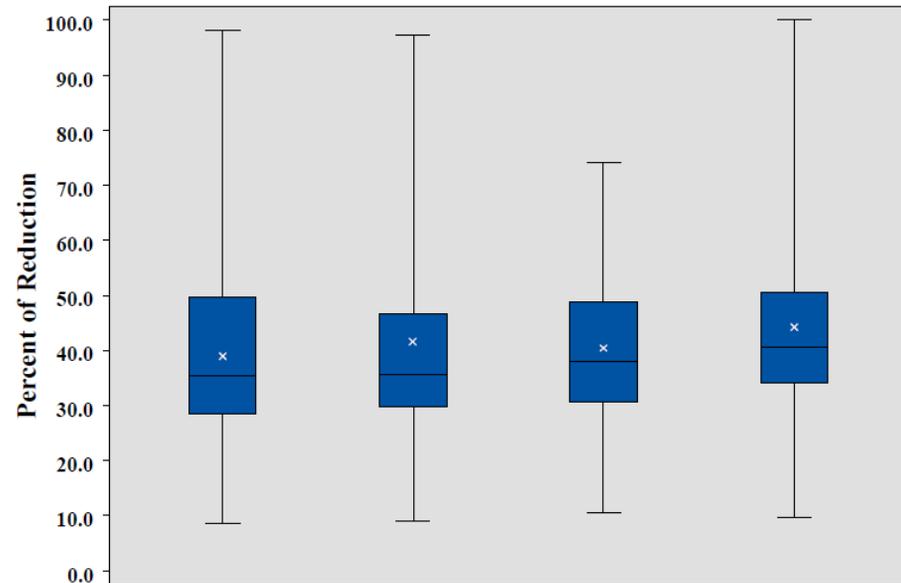
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

The spread in the average extent of the reduction in substantial assistance sentences among the middle 50 percent of districts fluctuated over time. Although the spread decreased between the *Booker* and *Gall* periods, the middle 50 percent of districts averaged slightly larger reductions in the *Gall* period. The mean extent of reduction also increased in the *Gall* period.

**Spread of Average Extent of Departure
Substantial Assistance Sentences
Illegal Entry Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	70.0	37.0	50.0	51.0
Min	8.7	9.1	10.5	9.8
Max	98.2	97.4	74.0	100.0
Q1	28.6	29.8	30.6	34.1
Q3	49.8	46.7	48.7	50.6
Q2	35.4	35.6	38.1	40.5
Mean	39.0	41.7	40.5	44.3

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES
ILLEGAL ENTRY



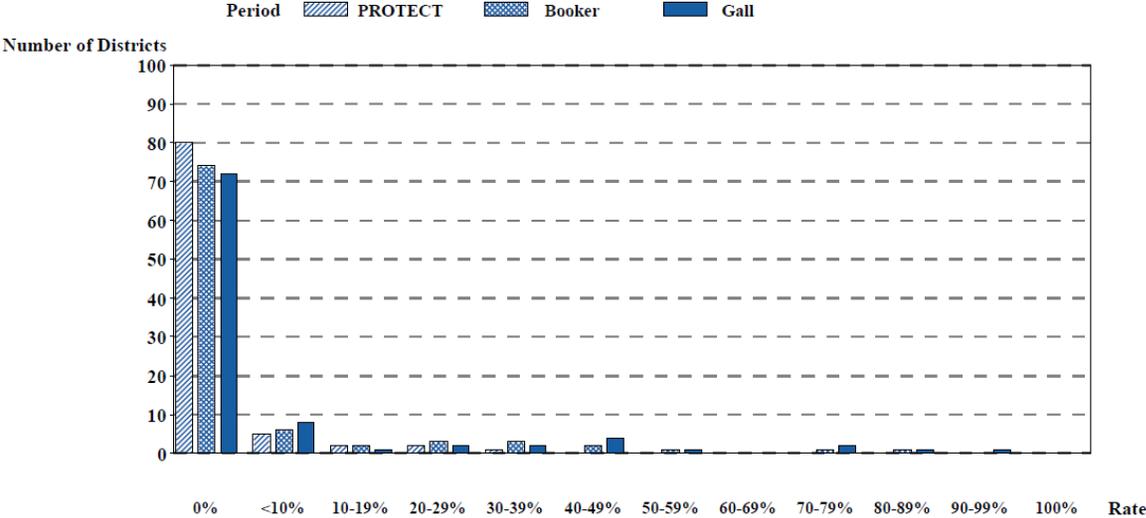
DISTRICT TREND ANALYSIS

EARLY DISPOSITION PROGRAM SENTENCES

A small number of districts reported EDP below range sentences in each period in illegal entry offenses. Of those districts reporting EDP sentences, most had rates of less than ten percent.

EDP departures were created by the PROTECT Act, so there were no such departures during the *Koon* period.

**Rate of Early Disposition Program Sentences
 Illegal Entry Offenses
 PROTECT Act Period through Gall Period**



Early Disposition Programs were not applicable during the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

DISTRICT TREND ANALYSIS

EARLY DISPOSITION PROGRAM SENTENCES

The table below lists the five districts with the highest and lowest rates of EDP departures for the three periods in which EDP departures were available.

**Districts with the Highest and Lowest Rates of Early Disposition Program Sentences
Illegal Entry Offenses
Koon Period through Gall Period**

<i>Koon</i> Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
District	Number of Offenders	% EDP	District	Number of Offenders	% EDP	District	Number of Offenders	% EDP	District	Number of Offenders	% EDP
Districts with the Highest Rates in Each Time Period											
			North Dakota	31	32.3	Eastern California	479	87.9	Eastern California	1,187	90.8
			Idaho	83	25.3	Arizona	4,862	76.6	Central California	1,718	87.1
			Arizona	1,993	22.6	Nebraska	169	55.6	Utah	1,243	71.7
			Eastern California	247	16.2	Idaho	174	48.9	Arizona	10,528	71.6
			New Mexico	1,182	11.4	Central California	311	46.9	Eastern Washington	486	51.4
Districts with the Lowest Rates in Each Time Period											
			Western Washington	51	7.8	Western Texas	4,459	6.9	Western Wisconsin	61	1.6
			Nebraska	74	2.7	South Carolina	75	2.7	North Dakota	129	1.6
			Western Texas	1,300	2.2	Eastern Wisconsin	44	2.3	Eastern Michigan	177	1.1
			Southern Texas	2,447	1.8	Southern California	740	1.1	Northern Ohio	98	1.0
			Southern California	303	0.7	Northern Georgia	113	0.9	Western Texas	10,706	1.0

Number of Offenders refers to the total number of illegal entry offenders sentenced during the time period. Early Disposition Programs were not applicable during the *Koon* period. During *Booker* period, one district did not sentence any illegal entry offenses in each of the periods. During the PROTECT Act period, four districts did not sentence any illegal entry offenses.

During the PROTECT Act period, 80 districts imposed at least one sentence for an illegal entry offense but did not impose an Early Disposition program sentence. The total number of illegal entry offenders in each of those districts ranged from two to 212 offenders.

During the *Booker* period, 74 districts imposed at least one sentence for an illegal entry offense but did not impose an Early Disposition program sentence. The total number of illegal entry offenders in each of those districts ranged from three to 374 offenders.

During the *Gall* period, 72 districts imposed at least one sentence for an illegal entry offense but did not impose an Early Disposition program sentence. The total number of illegal entry offenders in each of those districts ranged from four to 611 offenders.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

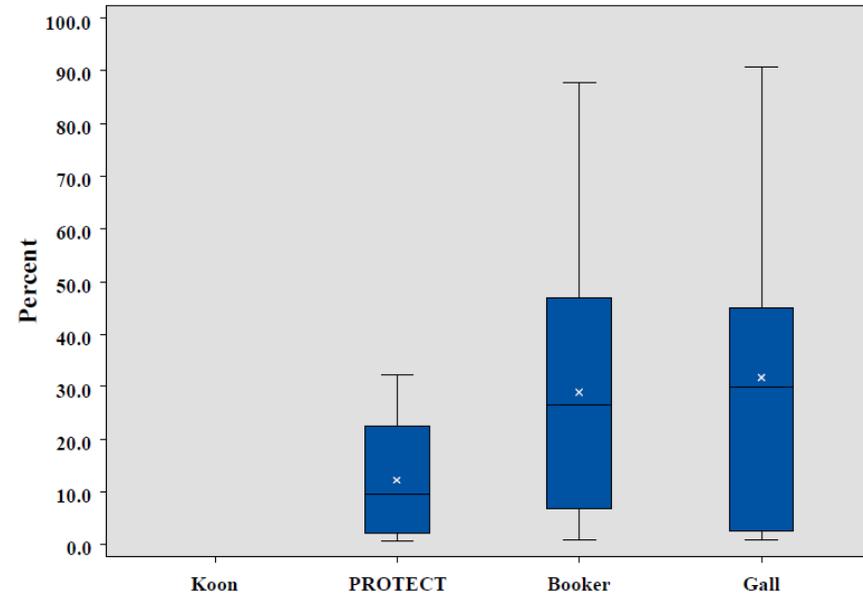
DISTRICT TREND ANALYSIS

EARLY DISPOSITION PROGRAM SENTENCES

Ten districts reported EDP sentences in illegal entry offenses in the PROTECT Act period, 19 districts in the *Booker* period, and 22 districts in the *Gall* period. With more districts imposing EDP sentences in the *Booker* and *Gall* periods, the spread in rates among the middle 50 percent of districts increased over these periods. The mean or average rate of EDP below range sentences also increased over these periods.

**Click on chart for corresponding table.*

Spread of Rates of Early Disposition Program Sentences
Illegal Entry Offenses
Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N		10.0	19.0	22.0
Min		0.7	0.9	1.0
Max		32.3	87.9	90.8
Q1		2.2	6.9	2.7
Q3		22.6	46.9	45.0
Q2		9.6	26.4	29.8
Mean		12.3	29.1	31.8

Early Disposition Programs were not applicable during the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

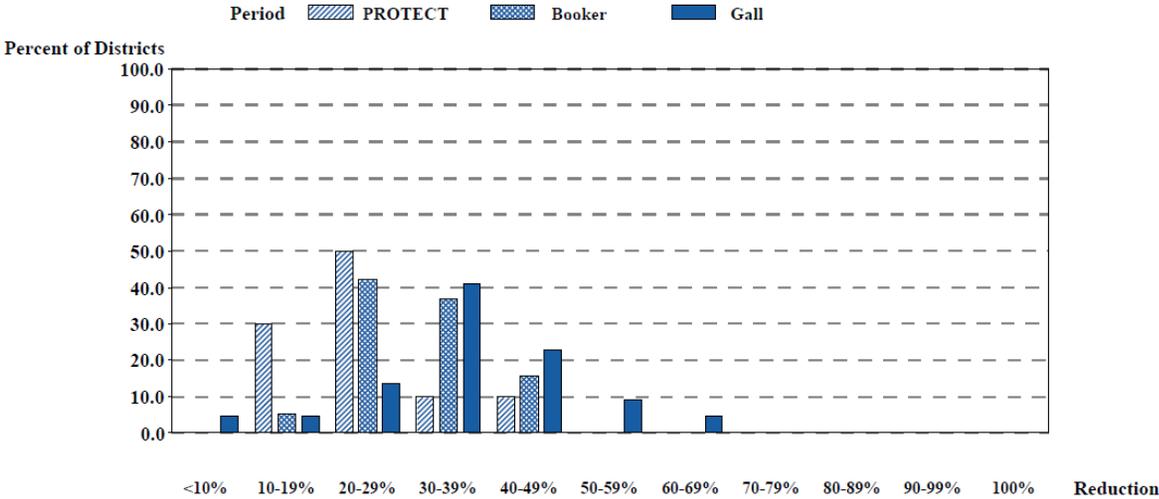


DISTRICT TREND ANALYSIS

EARLY DISPOSITION PROGRAM SENTENCES

For those few districts with EDP departures in illegal entry cases in the PROTECT Act period, half provided a reduction of between ten and 19 percent below the guideline minimum. Most districts in the *Booker* period clustered around reductions of 20 to 39 percent below the guideline minimum, while most districts in the *Gall* period clustered around reductions of 30 to 49 percent below the guideline minimum.

Extent of Reduction from Guideline Minimum
Early Disposition Program Sentences
Illegal Entry Offenses
PROTECT Act Period through Gall Period



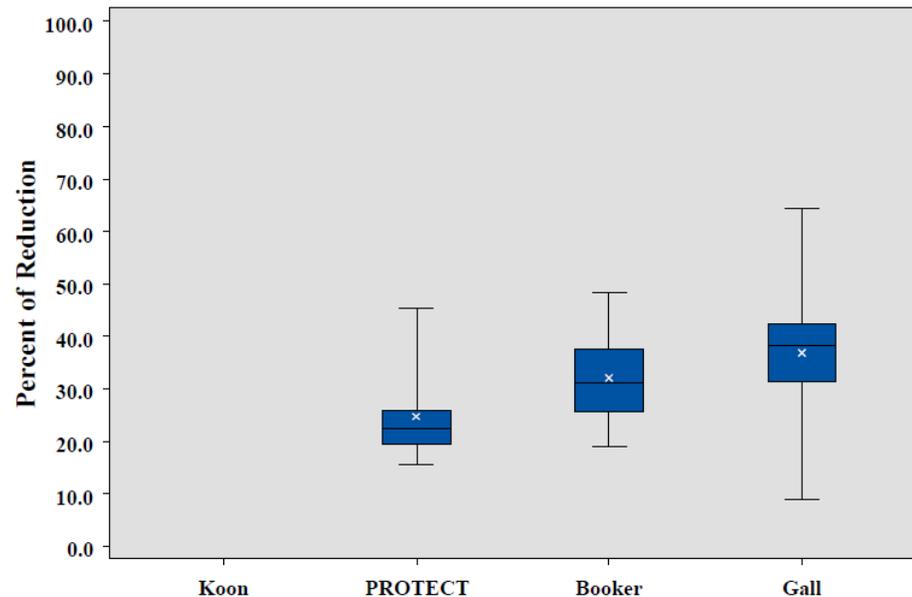
Early Disposition Programs were not applicable during the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

EARLY DISPOSITION PROGRAM SENTENCES

Both the average extent and the spread in the extent of the reduction among the middle 50 percent of districts increased over time. While the spreads in extent of reduction in the *Booker* and *Gall* periods were similar, the average extent of the reduction among the middle 50 percent of districts was generally larger in the *Gall* period.

Spread of Average Extent of Departure
Early Disposition Program Sentences
Illegal Entry Offenses
Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N		10.0	19.0	22.0
Min		15.5	19.0	8.8
Max		45.4	48.3	64.3
Q1		19.6	25.5	31.4
Q3		25.9	37.4	42.5
Q2		22.5	31.1	38.3
Mean		24.7	32.0	36.9

Early Disposition Programs were not applicable during the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

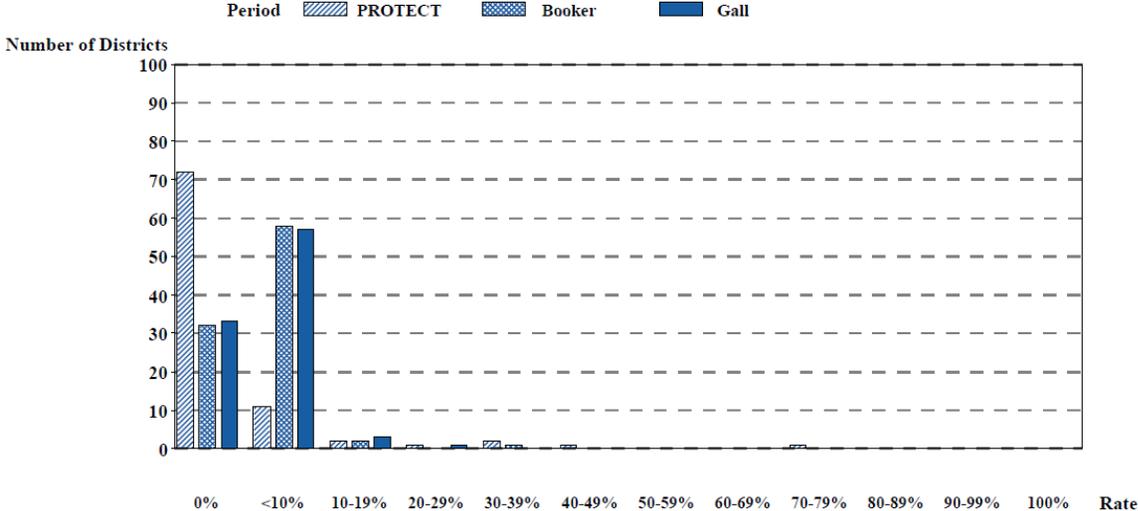


DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The number of districts with other government sponsored below range sentences in illegal entry offenses increased over time. While the majority of districts reported other government sponsored below range sentences in the *Booker* and *Gall* periods, rates in most districts were often less than ten percent.

**Rate of Other Government Sponsored Below Range Sentences
Illegal Entry Offenses
PROTECT Act Period through Gall Period**



Data on other government sponsored below range sentences is unavailable for the Koon period.
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The table lists the five districts with the highest and lowest rates of other government sponsored below range sentences for the three periods in which data was collected.

Districts with the Highest and Lowest Rates of Other Government Sponsored Below Range Sentences
Illegal Entry Offenses
Koon Period through Gall Period

Koon Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			Booker Period (1/12/05 - 12/10/07)			Gall Period (12/11/07-9/30/11)		
District	Number of Offenders	% Oth Gov. Spon.	District	Number of Offenders	% Oth Gov. Spon.	District	Number of Offenders	% Oth Gov. Spon.	District	Number of Offenders	% Oth Gov. Spon.
Districts with the Highest Rates in Each Time Period											
			Nebraska	74	70.3	Western Washington	185	37.3	Western Washington	372	28.5
			Arizona	1,993	47.2	Nebraska	169	16.6	Kansas	226	16.8
			Western Washington	51	31.4	New Mexico	4,506	15.7	Massachusetts	110	15.5
			Idaho	83	30.1	Kansas	201	8.5	New Mexico	7,960	14.7
			New Mexico	1,182	24.8	Western Oklahoma	13	7.7	Nebraska	246	9.8
Districts with the Lowest Rates in Each Time Period											
			Colorado	84	2.4	Utah	592	0.7	Idaho	328	0.3
			Eastern California	247	2.0	Northern Texas	360	0.6	Northern Georgia	384	0.3
			Western Texas	1,300	1.2	Arizona	4,862	0.4	Eastern California	1,187	0.3
			Southern Florida	93	1.1	Eastern California	479	0.2	Western Texas	10,706	0.2
			Southern New York	95	1.1	Western Texas	4,459	0.1	Northern Texas	590	0.2

Number of Offenders refers to the total number of illegal entry offenders sentenced during the time period. Data on other government sponsored below range sentences is unavailable for the Koon period. During the Booker period, one district did not sentence any illegal entry offenses in each of the periods. During the PROTECT Act period, four districts did not sentence any illegal entry offenses.

During the PROTECT Act period, 72 districts imposed at least one sentence for an illegal entry offense but did not impose an other government sponsored below range sentence. The total number of illegal entry offenders sentenced in each of those districts ranged from two to 212 offenders.

During the Booker period, 32 districts imposed at least one sentence for an illegal entry offense but did not impose an other government sponsored below range sentence. The total number of illegal entry offenders sentenced in each of those districts ranged from three to 174 offenders.

During the Gall period, 33 districts imposed at least one sentence for an illegal entry offense but did not impose an other government sponsored below range sentence. The total number of illegal entry offenders sentenced in each of those districts ranged from four to 278 offenders.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

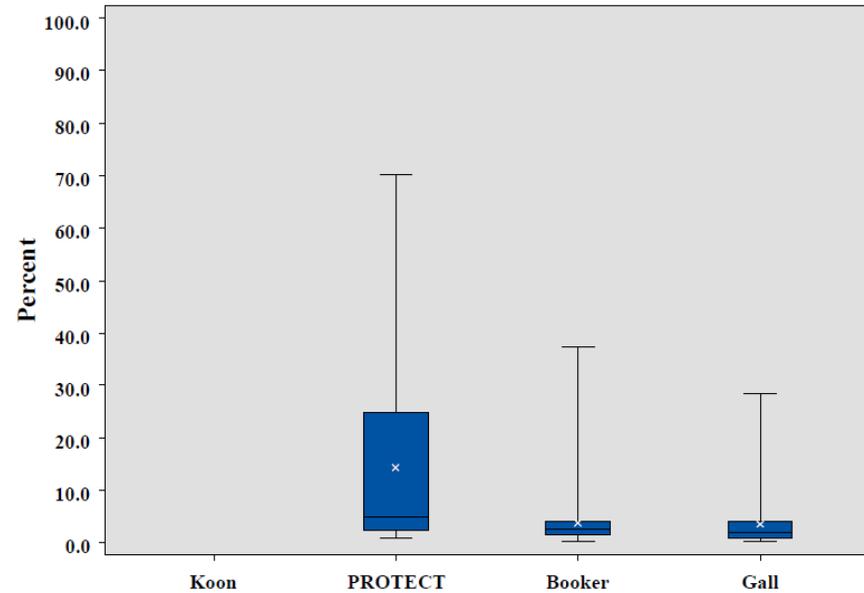
DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

Although more districts reported other government sponsored below range sentences in the *Booker* and *Gall* periods compared to the PROTECT Act period, the spread in the rates of other government sponsored below range sentences among the middle 50 percent of districts decreased over time. After peaking during the PROTECT Act period, the mean rate of other government sponsored below range sentences decreased during the *Booker* and *Gall* periods.

**Click on chart for corresponding table.*

**Spread of Rates of Other Government Sponsored Below Range Sentences
 Illegal Entry Offenses
 Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N		18.0	61.0	61.0
Min		1.1	0.1	0.2
Max		70.3	37.3	28.5
Q1		2.4	1.6	1.0
Q3		24.8	4.2	4.1
Q2		4.9	2.7	1.9
Mean		14.4	3.9	3.6

Data on other government sponsored below range sentences is unavailable for the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

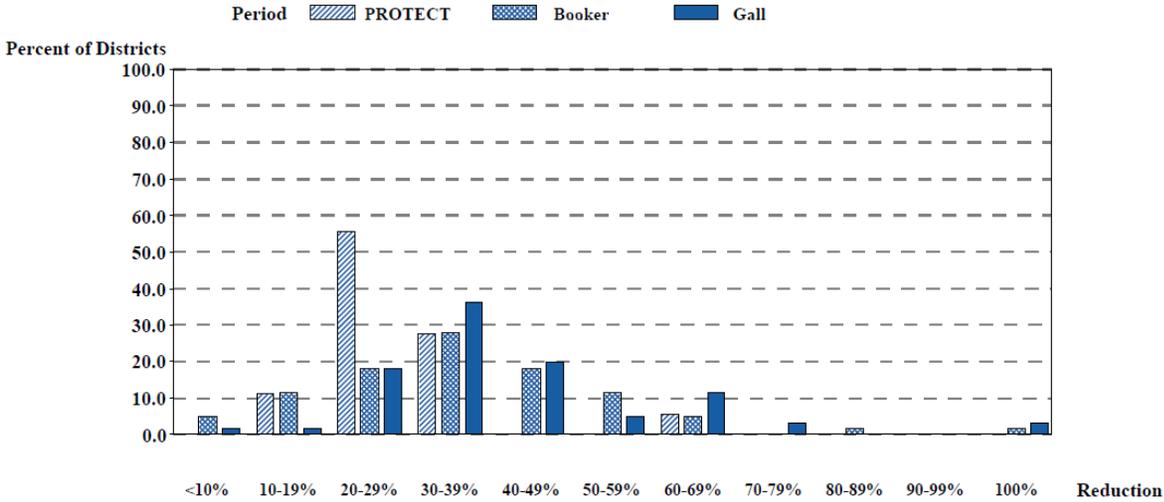


DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

During the PROTECT Act period, the extent of the reduction in other government sponsored below range sentences was 20 to 39 percent below the guideline minimum in most districts. In the *Booker* and *Gall* periods, in most districts the extent of the reductions for other government sponsored below range sentences was between 30 and 49 percent below the guideline minimum.

Extent of Reduction from Guideline Minimum
Other Government Sponsored Below Range Sentences
Illegal Entry Offenses
PROTECT Act Period through Gall Period



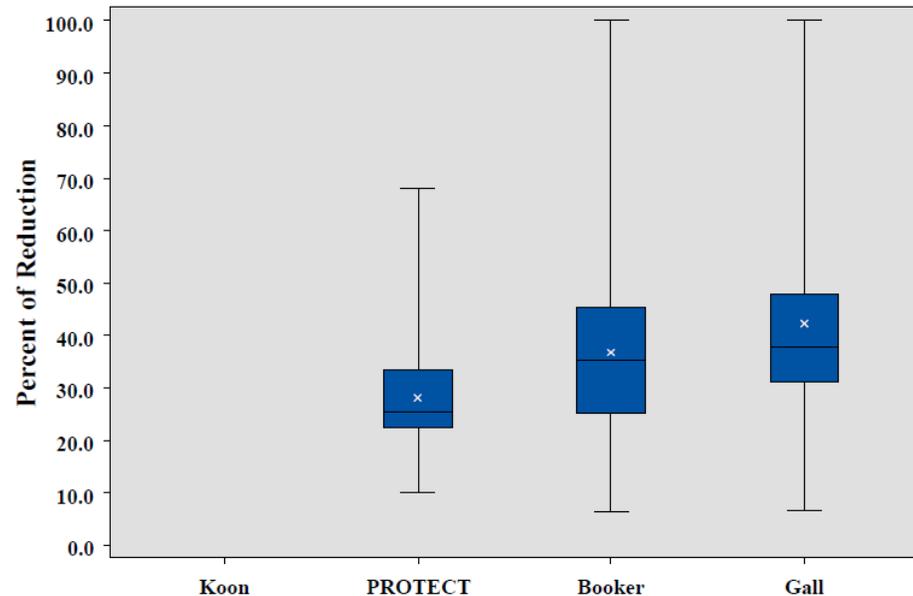
Data on other government sponsored below range sentences is unavailable for the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

With more districts having other government sponsored below range sentences in the *Booker* period than in the PROTECT Act period, the spread in the average extent of reduction among the middle 50 percent of districts increased. As illustrated by the higher placement of the boxes on the vertical axis, however, the average extent of the reduction increased between the *Booker* and *Gall* periods.

Spread of Average Extent of Departure
Other Government Sponsored Below Range Sentences
Illegal Entry Offenses
Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N		18.0	61.0	61.0
Min		10.2	6.5	6.7
Max		67.9	100.0	100.0
Q1		22.5	25.2	31.3
Q3		33.5	45.3	47.8
Q2		25.3	35.2	37.8
Mean		28.2	36.7	42.2

Data on other government sponsored below range sentences is unavailable for the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

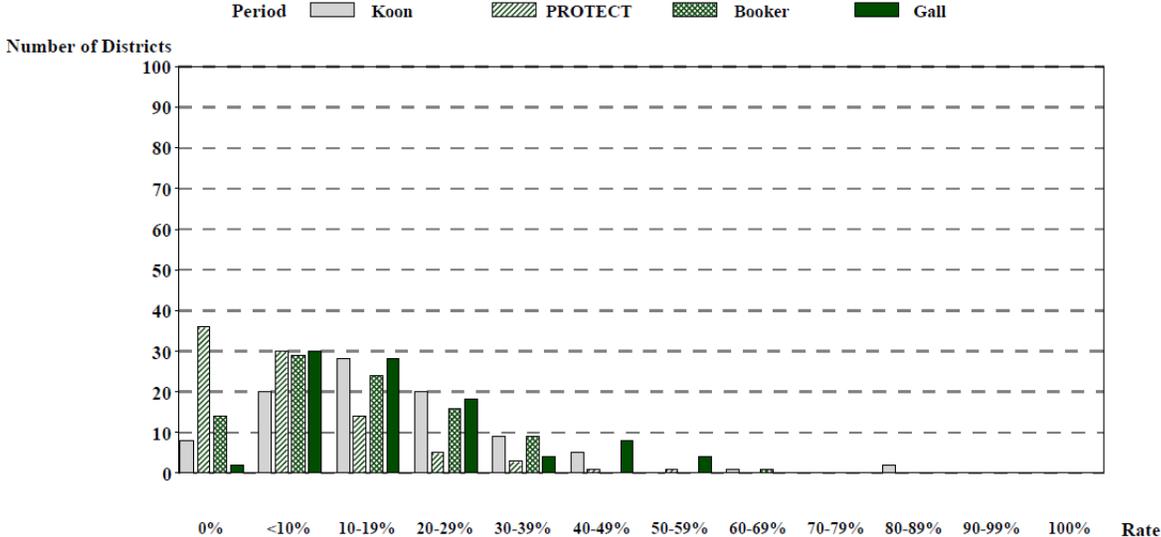


DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

During every period, of those districts with non-government sponsored below range sentences in illegal entry offenses, most had non-government sponsored below range rates between less than ten percent and 29 percent.

**Rate of Non-Government Sponsored Below Range Sentences
 Illegal Entry Offenses
 Koon Period through Gall Period**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: IMMIGRATION OFFENSES ILLEGAL ENTRY

DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The table lists the five districts with the highest and lowest rates of non-government sponsored below range sentences for each of the four periods.

**Districts with the Highest and Lowest Rates of Non-Government Sponsored Below Range Sentences
Illegal Entry Offenses
Koon Period through Gall Period**

<i>Koon</i> Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.
Districts with the Highest Rates in Each Time Period											
Eastern Washington	511	80.0	Middle Alabama	2	50.0	Connecticut	29	65.5	Southern New York	611	59.2
Western Washington	250	80.0	Connecticut	7	42.9	Massachusetts	73	38.4	Minnesota	118	52.5
Arizona	7,659	68.8	Eastern New York	96	36.5	Minnesota	51	37.3	Eastern New York	335	50.7
Connecticut	55	47.3	Alaska	11	36.4	New Jersey	88	36.4	Guam	4	50.0
Alaska	63	44.4	Western Washington	51	31.4	Eastern Wisconsin	44	36.4	Eastern Wisconsin	71	47.9
Districts with the Lowest Rates in Each Time Period											
Maine	29	3.4	Eastern Missouri	32	3.1	Arizona	4,862	2.4	Northern Florida	73	1.4
Northern Alabama	34	2.9	Utah	194	3.1	Eastern Texas	173	2.3	Middle North Carolina	149	1.3
Western Tennessee	36	2.8	Western Arkansas	35	2.9	Montana	107	1.9	Montana	79	1.3
Middle North Carolina	112	2.7	Idaho	83	1.2	Eastern Tennessee	61	1.6	Eastern California	1,187	1.2
Western Arkansas	84	1.2	New Mexico	1,182	1.1	Eastern California	479	1.3	Eastern Tennessee	86	1.2

Number of Offenders refers to the total number of illegal entry offenders sentenced during the time period. During the *Koon* and *Booker* periods, one district did not sentence any illegal entry offenses in each of the periods. During the PROTECT Act period, four districts did not sentence any illegal entry offenses.

During the *Koon* period, eight districts imposed at least one sentence for an illegal entry offense but did not impose a non-government sponsored below range sentence. The total number of illegal entry offenders sentenced in each of those districts ranged from two to 30 offenders.

During the PROTECT Act period, 36 districts imposed at least one sentence for an illegal entry offense but did not impose a non-government sponsored below range sentence. The total number of illegal entry offenders sentenced in each of those districts ranged from two to 67 offenders.

During the *Booker* period, 14 districts imposed at least one sentence for an illegal entry offense but did not impose a non-government sponsored below range sentence. The total number of illegal entry offenders sentenced in each of those districts ranged from three to 60 offenders.

During the *Gall* period, two districts imposed at least one sentence for an illegal entry offense but did not impose a non-government sponsored below range sentence. The total number of illegal entry offenders sentenced in each of those districts ranged from eight to 59 offenders.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

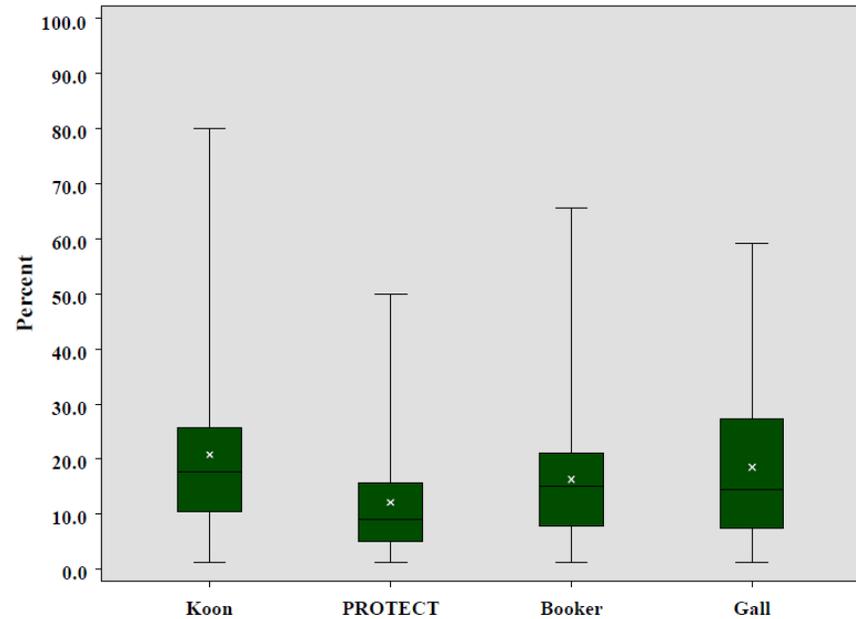
DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The box plot demonstrates higher rates and increased variation in rates of non-government sponsored below range sentences among the middle 50 percent of districts since the PROTECT Act period.

**Click on chart for corresponding table.*

**Spread of Rates of Non-Government Sponsored Below Range Sentences
 Illegal Entry Offenses
 Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	85.0	54.0	79.0	92.0
Min	1.2	1.1	1.3	1.2
Max	80.0	50.0	65.5	59.2
Q1	10.3	5.0	8.0	7.5
Q3	25.6	15.6	21.1	27.3
Q2	17.6	9.1	15.2	14.5
Mean	20.8	12.1	16.3	18.6

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

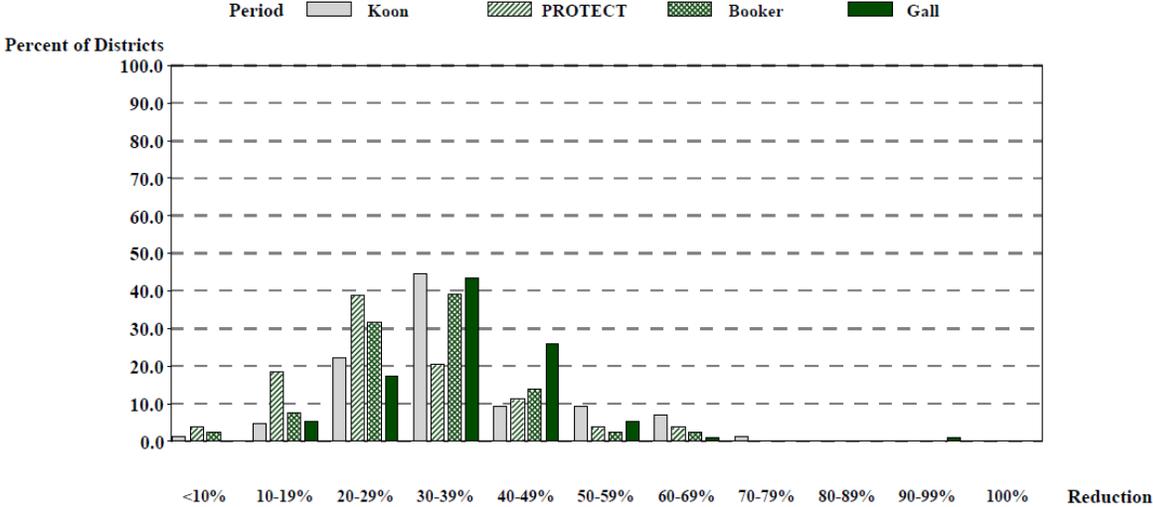


DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

In each period, the largest percentage of districts clustered around reductions of between 20 and 39 percent below the guideline minimum. In the *Gall* period many districts also had non-government sponsored below range reductions of 40 to 49 percent below the guideline minimum.

Extent of Reduction from Guideline Minimum
Non-Government Sponsored Below Range Sentences
Illegal Entry Offenses
 Koon Period through Gall Period



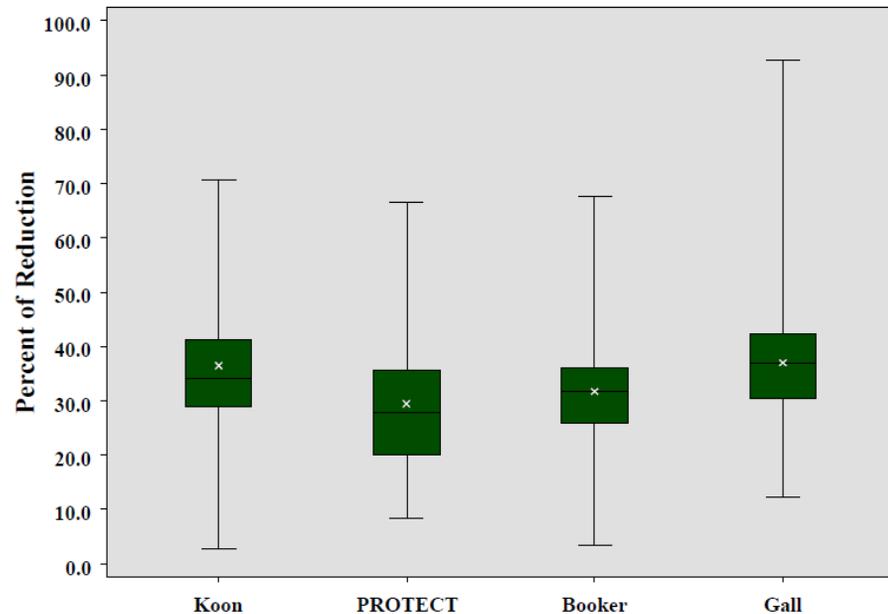
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

While rates of non-government sponsored below range sentences were lower in the PROTECT Act period, there was a greater spread in the extent of the reduction below the guideline minimum for those districts reporting non-government sponsored below range sentences. Since the PROTECT Act period, reductions have grown larger in the middle 50 percent of districts, as illustrated by the higher placement of the boxes along the vertical axis. The mean extent of reduction increased over time and was highest during the *Gall* period.

Spread of Average Extent of Departure
Non-Government Sponsored Below Range Sentences
Illegal Entry Offenses
Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N	85.0	54.0	79.0	92.0
Min	2.7	8.5	3.3	12.3
Max	70.7	66.7	67.6	92.8
Q1	29.0	20.1	26.0	30.4
Q3	41.3	35.5	36.0	42.4
Q2	34.2	27.7	31.7	36.9
Mean	36.5	29.6	31.8	37.1

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Appendix: Illegal Entry Offenses

I. OVERVIEW

- ❖ National Distribution of All Offenses by Circuit and District
- ❖ National Distribution of Selected Offenses by Circuit and District
- ❖ Proportion of Caseload in Each Circuit and District

II. SENTENCE POSITION RELATIVE TO THE GUIDELINE RANGE

- ❖ Within Range Rates by Circuit and District
- ❖ Above Range Rates by Circuit and District
- ❖ Government Sponsored Below Range Rates by Circuit and District
 - §5K1.1 Substantial Assistance Sentences
 - §5K3.1 Early Disposition Program Sentences
 - Other Government Sponsored Below Range Sentences
- ❖ Non-Government Sponsored Below Range Sentences by Circuit and District
- ❖ Average Guideline Minimum and Length of Imprisonment by Circuit and District

III. BOX PLOTS: BELOW RANGE RATES BY DISTRICT

- ❖ Government Sponsored Below Range Rates
 - Koon Period
 - PROTECT Act Period
 - Booker Period
 - Gall Period
- ❖ §5K1.1 Substantial Assistance Rates
 - Koon Period
 - PROTECT Act Period
 - Booker Period
 - Gall Period
- ❖ §5K3.1 Early Disposition Program Sentences
 - PROTECT Act Period
 - Booker Period
 - Gall Period
- ❖ Other Government Sponsored Below Range Sentences
 - PROTECT Act Period
 - Booker Period
 - Gall Period
- ❖ Non-Government Sponsored Below Range Rates
 - Koon Period
 - PROTECT Act Period
 - Booker Period
 - Gall Period

**National Distribution of Offenses by Circuit and District
Fiscal Year 2011**

CIRCUIT District	All Offenses	
	N	%
TOTAL	76,216	100.0
D.C. CIRCUIT	345	0.5
District of Columbia	345	0.5
FIRST CIRCUIT	2,135	2.8
Maine	193	0.3
Massachusetts	538	0.7
New Hampshire	201	0.3
Puerto Rico	994	1.3
Rhode Island	209	0.3
SECOND CIRCUIT	4,308	5.7
Connecticut	335	0.4
New York		
Eastern	1,094	1.4
Northern	515	0.7
Southern	1,493	2.0
Western	714	0.9
Vermont	157	0.2
THIRD CIRCUIT	2,862	3.8
Delaware	112	0.1
New Jersey	787	1.0
Pennsylvania		
Eastern	957	1.3
Middle	489	0.6
Western	457	0.6
Virgin Islands	60	0.1
FOURTH CIRCUIT	5,740	7.5
Maryland	784	1.0
North Carolina		
Eastern	780	1.0
Middle	524	0.7
Western	542	0.7
South Carolina	1,011	1.3
Virginia		
Eastern	1,146	1.5
Western	363	0.5
West Virginia		
Northern	283	0.4
Southern	307	0.4

National Distribution of Offenses by Circuit and District (cont.)

CIRCUIT District	All Offenses	
	N	%
FIFTH CIRCUIT	17,801	23.4
Louisiana		
Eastern	340	0.4
Middle	134	0.2
Western	270	0.4
Mississippi		
Northern	181	0.2
Southern	299	0.4
Texas		
Eastern	988	1.3
Northern	898	1.2
Southern	8,158	10.7
Western	6,533	8.6
SIXTH CIRCUIT	5,329	7.0
Kentucky		
Eastern	585	0.8
Western	358	0.5
Michigan		
Eastern	810	1.1
Western	452	0.6
Ohio		
Northern	610	0.8
Southern	706	0.9
Tennessee		
Eastern	894	1.2
Middle	319	0.4
Western	595	0.8
SEVENTH CIRCUIT	2,931	3.8
Illinois		
Central	353	0.5
Northern	868	1.1
Southern	324	0.4
Indiana		
Northern	436	0.6
Southern	279	0.4
Wisconsin		
Eastern	487	0.6
Western	184	0.2
EIGHTH CIRCUIT	4,661	6.1
Arkansas		
Eastern	316	0.4
Western	313	0.4
Iowa		
Northern	516	0.7
Southern	386	0.5
Minnesota	438	0.6
Missouri		
Eastern	810	1.1
Western	639	0.8
Nebraska	544	0.7
North Dakota	271	0.4
South Dakota	428	0.6

National Distribution of Offenses by Circuit and District (cont.)

CIRCUIT District	All Offenses	
	N	%
NINTH CIRCUIT	17,291	22.7
Alaska	138	0.2
Arizona	7,558	9.9
California		
Central	1,712	2.2
Eastern	1,009	1.3
Northern	676	0.9
Southern	3,199	4.2
Guam	49	0.1
Hawaii	196	0.3
Idaho	338	0.4
Montana	305	0.4
Nevada	625	0.8
Northern Mariana Islands	7	0.0
Oregon	516	0.7
Washington		
Eastern	353	0.5
Western	610	0.8
TENTH CIRCUIT	6,372	8.4
Colorado	622	0.8
Kansas	653	0.9
New Mexico	3,104	4.1
Oklahoma		
Eastern	103	0.1
Northern	192	0.3
Western	375	0.5
Utah	992	1.3
Wyoming	331	0.4
ELEVENTH CIRCUIT	6,441	8.5
Alabama		
Middle	227	0.3
Northern	428	0.6
Southern	421	0.6
Florida		
Middle	1,515	2.0
Northern	363	0.5
Southern	2,027	2.7
Georgia		
Middle	368	0.5
Northern	649	0.9
Southern	443	0.6

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**National Distribution of Selected Offenses by Circuit and District
Fiscal Year 2011**

CIRCUIT	TOTAL	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	76,191	5,896	7.7	5,898	7.7	2,546	3.3	21,264	27.9	24,502	32.2	226	0.3	1,632	2.1
D.C. CIRCUIT	345	16	0.3	50	0.8	3	0.1	15	0.1	133	0.5	2	0.9	11	0.7
District of Columbia	345	16	0.3	50	0.8	3	0.1	15	0.1	133	0.5	2	0.9	11	0.7
FIRST CIRCUIT	2,134	190	3.2	240	4.1	16	0.6	114	0.5	1,129	4.6	10	4.4	39	2.4
Maine	193	39	0.7	17	0.3	2	0.1	4	0.0	70	0.3	1	0.4	8	0.5
Massachusetts	538	61	1.0	85	1.4	5	0.2	44	0.2	192	0.8	1	0.4	16	1.0
New Hampshire	201	26	0.4	25	0.4	0	0.0	6	0.0	85	0.3	1	0.4	3	0.2
Puerto Rico	993	38	0.6	98	1.7	9	0.4	30	0.1	699	2.9	7	3.1	5	0.3
Rhode Island	209	26	0.4	15	0.3	0	0.0	30	0.1	83	0.3	0	0.0	7	0.4
SECOND CIRCUIT	4,307	245	4.2	556	9.4	48	1.9	462	2.2	1,787	7.3	14	6.2	114	7.0
Connecticut	335	48	0.8	37	0.6	0	0.0	6	0.0	164	0.7	2	0.9	5	0.3
New York															
Eastern	1,094	37	0.6	160	2.7	14	0.5	146	0.7	410	1.7	0	0.0	18	1.1
Northern	515	47	0.8	26	0.4	20	0.8	59	0.3	243	1.0	7	3.1	45	2.8
Southern	1,493	57	1.0	240	4.1	5	0.2	164	0.8	579	2.4	0	0.0	7	0.4
Western	713	36	0.6	82	1.4	7	0.3	80	0.4	309	1.3	5	2.2	35	2.1
Vermont	157	20	0.3	11	0.2	2	0.1	7	0.0	82	0.3	0	0.0	4	0.2
THIRD CIRCUIT	2,861	279	4.7	413	7.0	10	0.4	206	1.0	953	3.9	9	4.0	103	6.3
Delaware	112	24	0.4	7	0.1	0	0.0	9	0.0	27	0.1	1	0.4	6	0.4
New Jersey	787	82	1.4	134	2.3	5	0.2	33	0.2	223	0.9	0	0.0	21	1.3
Pennsylvania															
Eastern	957	100	1.7	164	2.8	2	0.1	76	0.4	328	1.3	0	0.0	23	1.4
Middle	488	22	0.4	54	0.9	2	0.1	45	0.2	177	0.7	6	2.7	15	0.9
Western	457	39	0.7	52	0.9	0	0.0	36	0.2	179	0.7	2	0.9	38	2.3
Virgin Islands	60	12	0.2	2	0.0	1	0.0	7	0.0	19	0.1	0	0.0	0	0.0
FOURTH CIRCUIT	5,730	832	14.1	596	10.1	13	0.5	484	2.3	2,229	9.1	35	15.5	141	8.6
Maryland	780	110	1.9	87	1.5	2	0.1	54	0.3	251	1.0	15	6.6	31	1.9
North Carolina															
Eastern	779	148	2.5	68	1.2	0	0.0	56	0.3	346	1.4	4	1.8	8	0.5
Middle	523	159	2.7	22	0.4	0	0.0	57	0.3	153	0.6	1	0.4	20	1.2
Western	542	69	1.2	61	1.0	2	0.1	66	0.3	182	0.7	5	2.2	7	0.4
South Carolina	1,009	172	2.9	134	2.3	4	0.2	52	0.2	401	1.6	1	0.4	23	1.4
Virginia															
Eastern	1,145	75	1.3	168	2.8	5	0.2	175	0.8	389	1.6	8	3.5	30	1.8
Western	362	23	0.4	25	0.4	0	0.0	7	0.0	197	0.8	0	0.0	10	0.6
West Virginia															
Northern	283	35	0.6	15	0.3	0	0.0	12	0.1	144	0.6	0	0.0	7	0.4
Southern	307	41	0.7	16	0.3	0	0.0	5	0.0	166	0.7	1	0.4	5	0.3

National Distribution of Selected Offenses by Circuit and District (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	17,799	707	12.0	672	11.4	1,275	50.1	7,950	37.4	4,956	20.2	20	8.8	188	11.5
Louisiana															
Eastern	340	33	0.6	58	1.0	1	0.0	19	0.1	120	0.5	0	0.0	8	0.5
Middle	134	27	0.5	29	0.5	0	0.0	16	0.1	37	0.2	0	0.0	0	0.0
Western	270	41	0.7	40	0.7	0	0.0	11	0.1	60	0.2	3	1.3	11	0.7
Mississippi															
Northern	181	32	0.5	20	0.3	0	0.0	5	0.0	65	0.3	1	0.4	18	1.1
Southern	299	23	0.4	72	1.2	3	0.1	22	0.1	77	0.3	1	0.4	5	0.3
Texas															
Eastern	987	98	1.7	93	1.6	17	0.7	82	0.4	460	1.9	1	0.4	25	1.5
Northern	897	86	1.5	80	1.4	9	0.4	142	0.7	259	1.1	7	3.1	42	2.6
Southern	8,158	182	3.1	120	2.0	938	36.8	4,656	21.9	1,735	7.1	3	1.3	24	1.5
Western	6,533	185	3.1	160	2.7	307	12.1	2,997	14.1	2,143	8.7	4	1.8	55	3.4
SIXTH CIRCUIT	5,324	847	14.4	579	9.8	14	0.5	416	2.0	1,946	7.9	23	10.2	181	11.1
Kentucky															
Eastern	585	55	0.9	51	0.9	0	0.0	22	0.1	259	1.1	6	2.7	19	1.2
Western	358	27	0.5	52	0.9	0	0.0	21	0.1	158	0.6	0	0.0	10	0.6
Michigan															
Eastern	810	126	2.1	97	1.6	2	0.1	104	0.5	243	1.0	4	1.8	35	2.1
Western	450	61	1.0	42	0.7	0	0.0	108	0.5	104	0.4	4	1.8	21	1.3
Ohio															
Northern	610	117	2.0	97	1.6	2	0.1	25	0.1	173	0.7	0	0.0	28	1.7
Southern	704	63	1.1	78	1.3	3	0.1	81	0.4	269	1.1	4	1.8	36	2.2
Tennessee															
Eastern	894	143	2.4	53	0.9	4	0.2	19	0.1	474	1.9	1	0.4	12	0.7
Middle	319	89	1.5	32	0.5	0	0.0	17	0.1	82	0.3	2	0.9	11	0.7
Western	594	166	2.8	77	1.3	3	0.1	19	0.1	184	0.8	2	0.9	9	0.6
SEVENTH CIRCUIT	2,931	377	6.4	341	5.8	4	0.2	214	1.0	1,182	4.8	23	10.2	103	6.3
Illinois															
Central	353	54	0.9	23	0.4	2	0.1	28	0.1	138	0.6	6	2.7	27	1.7
Northern	868	42	0.7	161	2.7	0	0.0	105	0.5	285	1.2	6	2.7	14	0.9
Southern	324	53	0.9	28	0.5	1	0.0	7	0.0	139	0.6	5	2.2	18	1.1
Indiana															
Northern	436	126	2.1	47	0.8	1	0.0	10	0.0	147	0.6	2	0.9	12	0.7
Southern	279	18	0.3	24	0.4	0	0.0	28	0.1	143	0.6	2	0.9	15	0.9
Wisconsin															
Eastern	487	65	1.1	38	0.6	0	0.0	18	0.1	262	1.1	1	0.4	14	0.9
Western	184	19	0.3	20	0.3	0	0.0	18	0.1	68	0.3	1	0.4	3	0.2
EIGHTH CIRCUIT	4,661	586	9.9	434	7.4	20	0.8	601	2.8	1,506	6.1	37	16.4	210	12.9
Arkansas															
Eastern	316	29	0.5	37	0.6	0	0.0	52	0.2	126	0.5	1	0.4	11	0.7
Western	313	26	0.4	13	0.2	4	0.2	94	0.4	91	0.4	6	2.7	9	0.6
Iowa															
Northern	516	66	1.1	22	0.4	3	0.1	136	0.6	184	0.8	6	2.7	20	1.2
Southern	386	52	0.9	44	0.7	6	0.2	28	0.1	148	0.6	1	0.4	25	1.5
Minnesota	438	39	0.7	61	1.0	1	0.0	42	0.2	159	0.6	6	2.7	13	0.8
Missouri															
Eastern	810	124	2.1	106	1.8	2	0.1	25	0.1	225	0.9	7	3.1	54	3.3
Western	639	162	2.7	72	1.2	2	0.1	33	0.2	174	0.7	7	3.1	27	1.7
Nebraska	544	50	0.8	50	0.8	0	0.0	95	0.4	219	0.9	2	0.9	23	1.4
North Dakota	271	15	0.3	6	0.1	2	0.1	46	0.2	76	0.3	0	0.0	19	1.2
South Dakota	428	23	0.4	23	0.4	0	0.0	50	0.2	104	0.4	1	0.4	9	0.6

National Distribution of Selected Offenses by Circuit and District (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses		
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	
NINTH CIRCUIT	17,287	628	10.7	807	13.7	937	36.8	7,211	33.9	5,172	21.1	18	8.0	280	17.2	
	Alaska	138	19	0.3	8	0.1	0	0.0	4	0.0	66	0.3	0	0.0	7	0.4
	Arizona	7,558	103	1.7	61	1.0	331	13.0	4,542	21.4	2,054	8.4	1	0.4	28	1.7
	California															
	Central	1,712	59	1.0	236	4.0	33	1.3	439	2.1	511	2.1	2	0.9	50	3.1
	Eastern	1,009	42	0.7	68	1.2	0	0.0	369	1.7	295	1.2	5	2.2	38	2.3
	Northern	676	62	1.1	104	1.8	2	0.1	154	0.7	159	0.6	2	0.9	24	1.5
	Southern	3,199	37	0.6	37	0.6	557	21.9	1,129	5.3	1,151	4.7	1	0.4	39	2.4
	Guam	49	1	0.0	12	0.2	2	0.1	1	0.0	12	0.0	0	0.0	0	0.0
	Hawaii	196	10	0.2	19	0.3	1	0.0	5	0.0	103	0.4	1	0.4	8	0.5
	Idaho	338	28	0.5	30	0.5	0	0.0	93	0.4	134	0.5	1	0.4	9	0.6
	Montana	305	20	0.3	24	0.4	0	0.0	12	0.1	116	0.5	1	0.4	23	1.4
	Nevada	625	84	1.4	66	1.1	3	0.1	152	0.7	131	0.5	0	0.0	17	1.0
	Northern Mariana Islands	7	1	0.0	0	0.0	0	0.0	0	0.0	2	0.0	0	0.0	0	0.0
	Oregon	512	66	1.1	50	0.8	0	0.0	73	0.3	155	0.6	3	1.3	18	1.1
	Washington															
	Eastern	353	40	0.7	16	0.3	2	0.1	136	0.6	91	0.4	0	0.0	5	0.3
	Western	610	56	0.9	76	1.3	6	0.2	102	0.5	192	0.8	1	0.4	14	0.9
TENTH CIRCUIT	6,371	489	8.3	257	4.4	111	4.4	2,880	13.5	1,487	6.1	12	5.3	96	5.9	
	Colorado	622	86	1.5	44	0.7	4	0.2	181	0.9	159	0.6	0	0.0	8	0.5
	Kansas	653	82	1.4	47	0.8	12	0.5	62	0.3	251	1.0	2	0.9	16	1.0
	New Mexico	3,104	104	1.8	17	0.3	87	3.4	1,957	9.2	593	2.4	0	0.0	16	1.0
	Oklahoma															
	Eastern	102	16	0.3	17	0.3	0	0.0	5	0.0	21	0.1	0	0.0	2	0.1
	Northern	192	31	0.5	23	0.4	0	0.0	38	0.2	48	0.2	0	0.0	3	0.2
	Western	375	33	0.6	43	0.7	0	0.0	64	0.3	114	0.5	3	1.3	12	0.7
	Utah	992	103	1.7	59	1.0	8	0.3	490	2.3	161	0.7	5	2.2	28	1.7
	Wyoming	331	34	0.6	7	0.1	0	0.0	83	0.4	140	0.6	2	0.9	11	0.7
ELEVENTH CIRCUIT	6,441	700	11.9	953	16.2	95	3.7	711	3.3	2,022	8.3	23	10.2	166	10.2	
	Alabama															
	Middle	227	24	0.4	23	0.4	0	0.0	17	0.1	66	0.3	0	0.0	5	0.3
	Northern	428	109	1.8	58	1.0	2	0.1	32	0.2	84	0.3	3	1.3	16	1.0
	Southern	421	64	1.1	54	0.9	3	0.1	10	0.0	166	0.7	2	0.9	8	0.5
	Florida															
	Middle	1,515	149	2.5	173	2.9	27	1.1	302	1.4	534	2.2	6	2.7	49	3.0
	Northern	363	49	0.8	28	0.5	1	0.0	17	0.1	115	0.5	1	0.4	16	1.0
	Southern	2,027	92	1.6	461	7.8	49	1.9	161	0.8	640	2.6	3	1.3	32	2.0
	Georgia															
	Middle	368	41	0.7	26	0.4	0	0.0	43	0.2	96	0.4	3	1.3	6	0.4
	Northern	649	71	1.2	86	1.5	13	0.5	120	0.6	153	0.6	3	1.3	22	1.3
	Southern	443	101	1.7	44	0.7	0	0.0	9	0.0	168	0.7	2	0.9	12	0.7

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Proportion of Caseload in Each Circuit and District for Selected Offenses
Fiscal Year 2011**

CIRCUIT	TOTAL	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	76,191	5,896	7.7	5,898	7.7	2,546	3.3	21,264	27.9	24,502	32.2	226	0.3	1,632	2.1
D.C. CIRCUIT	345	16	4.6	50	14.5	3	0.9	15	4.3	133	38.6	2	0.6	11	3.2
District of Columbia	345	16	4.6	50	14.5	3	0.9	15	4.3	133	38.6	2	0.6	11	3.2
FIRST CIRCUIT	2,134	190	8.9	240	11.2	16	0.7	114	5.3	1,129	52.9	10	0.5	39	1.8
Maine	193	39	20.2	17	8.8	2	1.0	4	2.1	70	36.3	1	0.5	8	4.1
Massachusetts	538	61	11.3	85	15.8	5	0.9	44	8.2	192	35.7	1	0.2	16	3.0
New Hampshire	201	26	12.9	25	12.4	0	0.0	6	3.0	85	42.3	1	0.5	3	1.5
Puerto Rico	993	38	3.8	98	9.9	9	0.9	30	3.0	699	70.4	7	0.7	5	0.5
Rhode Island	209	26	12.4	15	7.2	0	0.0	30	14.4	83	39.7	0	0.0	7	3.3
SECOND CIRCUIT	4,307	245	5.7	556	12.9	48	1.1	462	10.7	1,787	41.5	14	0.3	114	2.6
Connecticut	335	48	14.3	37	11.0	0	0.0	6	1.8	164	49.0	2	0.6	5	1.5
New York															
Eastern	1,094	37	3.4	160	14.6	14	1.3	146	13.3	410	37.5	0	0.0	18	1.6
Northern	515	47	9.1	26	5.0	20	3.9	59	11.5	243	47.2	7	1.4	45	8.7
Southern	1,493	57	3.8	240	16.1	5	0.3	164	11.0	579	38.8	0	0.0	7	0.5
Western	713	36	5.0	82	11.5	7	1.0	80	11.2	309	43.3	5	0.7	35	4.9
Vermont	157	20	12.7	11	7.0	2	1.3	7	4.5	82	52.2	0	0.0	4	2.5
THIRD CIRCUIT	2,861	279	9.8	413	14.4	10	0.3	206	7.2	953	33.3	9	0.3	103	3.6
Delaware	112	24	21.4	7	6.3	0	0.0	9	8.0	27	24.1	1	0.9	6	5.4
New Jersey	787	82	10.4	134	17.0	5	0.6	33	4.2	223	28.3	0	0.0	21	2.7
Pennsylvania															
Eastern	957	100	10.4	164	17.1	2	0.2	76	7.9	328	34.3	0	0.0	23	2.4
Middle	488	22	4.5	54	11.1	2	0.4	45	9.2	177	36.3	6	1.2	15	3.1
Western	457	39	8.5	52	11.4	0	0.0	36	7.9	179	39.2	2	0.4	38	8.3
Virgin Islands	60	12	20.0	2	3.3	1	1.7	7	11.7	19	31.7	0	0.0	0	0.0
FOURTH CIRCUIT	5,730	832	14.5	596	10.4	13	0.2	484	8.4	2,229	38.9	35	0.6	141	2.5
Maryland	780	110	14.1	87	11.2	2	0.3	54	6.9	251	32.2	15	1.9	31	4.0
North Carolina															
Eastern	779	148	19.0	68	8.7	0	0.0	56	7.2	346	44.4	4	0.5	8	1.0
Middle	523	159	30.4	22	4.2	0	0.0	57	10.9	153	29.3	1	0.2	20	3.8
Western	542	69	12.7	61	11.3	2	0.4	66	12.2	182	33.6	5	0.9	7	1.3
South Carolina	1,009	172	17.0	134	13.3	4	0.4	52	5.2	401	39.7	1	0.1	23	2.3
Virginia															
Eastern	1,145	75	6.6	168	14.7	5	0.4	175	15.3	389	34.0	8	0.7	30	2.6
Western	362	23	6.4	25	6.9	0	0.0	7	1.9	197	54.4	0	0.0	10	2.8
West Virginia															
Northern	283	35	12.4	15	5.3	0	0.0	12	4.2	144	50.9	0	0.0	7	2.5
Southern	307	41	13.4	16	5.2	0	0.0	5	1.6	166	54.1	1	0.3	5	1.6

Proportion of Caseload in Each Circuit and District for Selected Offenses (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	17,799	707	4.0	672	3.8	1,275	7.2	7,950	44.7	4,956	27.8	20	0.1	188	1.1
Louisiana															
Eastern	340	33	9.7	58	17.1	1	0.3	19	5.6	120	35.3	0	0.0	8	2.4
Middle	134	27	20.1	29	21.6	0	0.0	16	11.9	37	27.6	0	0.0	0	0.0
Western	270	41	15.2	40	14.8	0	0.0	11	4.1	60	22.2	3	1.1	11	4.1
Mississippi															
Northern	181	32	17.7	20	11.0	0	0.0	5	2.8	65	35.9	1	0.6	18	9.9
Southern	299	23	7.7	72	24.1	3	1.0	22	7.4	77	25.8	1	0.3	5	1.7
Texas															
Eastern	987	98	9.9	93	9.4	17	1.7	82	8.3	460	46.6	1	0.1	25	2.5
Northern	897	86	9.6	80	8.9	9	1.0	142	15.8	259	28.9	7	0.8	42	4.7
Southern	8,158	182	2.2	120	1.5	938	11.5	4,656	57.1	1,735	21.3	3	0.0	24	0.3
Western	6,533	185	2.8	160	2.4	307	4.7	2,997	45.9	2,143	32.8	4	0.1	55	0.8
SIXTH CIRCUIT	5,324	847	15.9	579	10.9	14	0.3	416	7.8	1,946	36.6	23	0.4	181	3.4
Kentucky															
Eastern	585	55	9.4	51	8.7	0	0.0	22	3.8	259	44.3	6	1.0	19	3.2
Western	358	27	7.5	52	14.5	0	0.0	21	5.9	158	44.1	0	0.0	10	2.8
Michigan															
Eastern	810	126	15.6	97	12.0	2	0.2	104	12.8	243	30.0	4	0.5	35	4.3
Western	450	61	13.6	42	9.3	0	0.0	108	24.0	104	23.1	4	0.9	21	4.7
Ohio															
Northern	610	117	19.2	97	15.9	2	0.3	25	4.1	173	28.4	0	0.0	28	4.6
Southern	704	63	8.9	78	11.1	3	0.4	81	11.5	269	38.2	4	0.6	36	5.1
Tennessee															
Eastern	894	143	16.0	53	5.9	4	0.4	19	2.1	474	53.0	1	0.1	12	1.3
Middle	319	89	27.9	32	10.0	0	0.0	17	5.3	82	25.7	2	0.6	11	3.4
Western	594	166	27.9	77	13.0	3	0.5	19	3.2	184	31.0	2	0.3	9	1.5
SEVENTH CIRCUIT	2,931	377	12.9	341	11.6	4	0.1	214	7.3	1,182	40.3	23	0.8	103	3.5
Illinois															
Central	353	54	15.3	23	6.5	2	0.6	28	7.9	138	39.1	6	1.7	27	7.6
Northern	868	42	4.8	161	18.5	0	0.0	105	12.1	285	32.8	6	0.7	14	1.6
Southern	324	53	16.4	28	8.6	1	0.3	7	2.2	139	42.9	5	1.5	18	5.6
Indiana															
Northern	436	126	28.9	47	10.8	1	0.2	10	2.3	147	33.7	2	0.5	12	2.8
Southern	279	18	6.5	24	8.6	0	0.0	28	10.0	143	51.3	2	0.7	15	5.4
Wisconsin															
Eastern	487	65	13.3	38	7.8	0	0.0	18	3.7	262	53.8	1	0.2	14	2.9
Western	184	19	10.3	20	10.9	0	0.0	18	9.8	68	37.0	1	0.5	3	1.6
EIGHTH CIRCUIT	4,661	586	12.6	434	9.3	20	0.4	601	12.9	1,506	32.3	37	0.8	210	4.5
Arkansas															
Eastern	316	29	9.2	37	11.7	0	0.0	52	16.5	126	39.9	1	0.3	11	3.5
Western	313	26	8.3	13	4.2	4	1.3	94	30.0	91	29.1	6	1.9	9	2.9
Iowa															
Northern	516	66	12.8	22	4.3	3	0.6	136	26.4	184	35.7	6	1.2	20	3.9
Southern	386	52	13.5	44	11.4	6	1.6	28	7.3	148	38.3	1	0.3	25	6.5
Minnesota	438	39	8.9	61	13.9	1	0.2	42	9.6	159	36.3	6	1.4	13	3.0
Missouri															
Eastern	810	124	15.3	106	13.1	2	0.2	25	3.1	225	27.8	7	0.9	54	6.7
Western	639	162	25.4	72	11.3	2	0.3	33	5.2	174	27.2	7	1.1	27	4.2
Nebraska	544	50	9.2	50	9.2	0	0.0	95	17.5	219	40.3	2	0.4	23	4.2
North Dakota	271	15	5.5	6	2.2	2	0.7	46	17.0	76	28.0	0	0.0	19	7.0
South Dakota	428	23	5.4	23	5.4	0	0.0	50	11.7	104	24.3	1	0.2	9	2.1

Proportion of Caseload in Each Circuit and District for Selected Offenses (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	17,287	628	3.6	807	4.7	937	5.4	7,211	41.7	5,172	29.9	18	0.1	280	1.6
	Alaska	138	19 13.8	8	5.8	0	0.0	4	2.9	66	47.8	0	0.0	7	5.1
	Arizona	7,558	103 1.4	61	0.8	331	4.4	4,542	60.1	2,054	27.2	1	0.0	28	0.4
	California														
	Central	1,712	59 3.4	236	13.8	33	1.9	439	25.6	511	29.8	2	0.1	50	2.9
	Eastern	1,009	42 4.2	68	6.7	0	0.0	369	36.6	295	29.2	5	0.5	38	3.8
	Northern	676	62 9.2	104	15.4	2	0.3	154	22.8	159	23.5	2	0.3	24	3.6
	Southern	3,199	37 1.2	37	1.2	557	17.4	1,129	35.3	1,151	36.0	1	0.0	39	1.2
	Guam	49	1 2.0	12	24.5	2	4.1	1	2.0	12	24.5	0	0.0	0	0.0
	Hawaii	196	10 5.1	19	9.7	1	0.5	5	2.6	103	52.6	1	0.5	8	4.1
	Idaho	338	28 8.3	30	8.9	0	0.0	93	27.5	134	39.6	1	0.3	9	2.7
	Montana	305	20 6.6	24	7.9	0	0.0	12	3.9	116	38.0	1	0.3	23	7.5
	Nevada	625	84 13.4	66	10.6	3	0.5	152	24.3	131	21.0	0	0.0	17	2.7
	Northern Mariana Islands	7	1 14.3	0	0.0	0	0.0	0	0.0	2	28.6	0	0.0	0	0.0
	Oregon	512	66 12.9	50	9.8	0	0.0	73	14.3	155	30.3	3	0.6	18	3.5
	Washington														
	Eastern	353	40 11.3	16	4.5	2	0.6	136	38.5	91	25.8	0	0.0	5	1.4
	Western	610	56 9.2	76	12.5	6	1.0	102	16.7	192	31.5	1	0.2	14	2.3
TENTH CIRCUIT	6,371	489	7.7	257	4.0	111	1.7	2,880	45.2	1,487	23.3	12	0.2	96	1.5
	Colorado	622	86 13.8	44	7.1	4	0.6	181	29.1	159	25.6	0	0.0	8	1.3
	Kansas	653	82 12.6	47	7.2	12	1.8	62	9.5	251	38.4	2	0.3	16	2.5
	New Mexico	3,104	104 3.4	17	0.5	87	2.8	1,957	63.0	593	19.1	0	0.0	16	0.5
	Oklahoma														
	Eastern	102	16 15.7	17	16.7	0	0.0	5	4.9	21	20.6	0	0.0	2	2.0
	Northern	192	31 16.1	23	12.0	0	0.0	38	19.8	48	25.0	0	0.0	3	1.6
	Western	375	33 8.8	43	11.5	0	0.0	64	17.1	114	30.4	3	0.8	12	3.2
	Utah	992	103 10.4	59	5.9	8	0.8	490	49.4	161	16.2	5	0.5	28	2.8
	Wyoming	331	34 10.3	7	2.1	0	0.0	83	25.1	140	42.3	2	0.6	11	3.3
ELEVENTH CIRCUIT	6,441	700	10.9	953	14.8	95	1.5	711	11.0	2,022	31.4	23	0.4	166	2.6
	Alabama														
	Middle	227	24 10.6	23	10.1	0	0.0	17	7.5	66	29.1	0	0.0	5	2.2
	Northern	428	109 25.5	58	13.6	2	0.5	32	7.5	84	19.6	3	0.7	16	3.7
	Southern	421	64 15.2	54	12.8	3	0.7	10	2.4	166	39.4	2	0.5	8	1.9
	Florida														
	Middle	1,515	149 9.8	173	11.4	27	1.8	302	19.9	534	35.2	6	0.4	49	3.2
	Northern	363	49 13.5	28	7.7	1	0.3	17	4.7	115	31.7	1	0.3	16	4.4
	Southern	2,027	92 4.5	461	22.7	49	2.4	161	7.9	640	31.6	3	0.1	32	1.6
	Georgia														
	Middle	368	41 11.1	26	7.1	0	0.0	43	11.7	96	26.1	3	0.8	6	1.6
	Northern	649	71 10.9	86	13.3	13	2.0	120	18.5	153	23.6	3	0.5	22	3.4
	Southern	443	101 22.8	44	9.9	0	0.0	9	2.0	168	37.9	2	0.5	12	2.7

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Within Range Sentences by Circuit and District
Illegal Entry Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	36,453	21,980	60.3	10,432	7,262	69.6	31,626	18,508	58.5	68,574	39,012	56.9
D.C. CIRCUIT	36	22	61.1	12	11	91.7	28	24	85.7	29	20	69.0
District of Columbia	36	22	61.1	12	11	91.7	28	24	85.7	29	20	69.0
FIRST CIRCUIT	465	338	72.7	109	94	86.2	308	224	72.7	447	221	49.4
Maine	29	28	96.6	7	7	100.0	30	29	96.7	34	29	85.3
Massachusetts	152	83	54.6	32	26	81.3	73	42	57.5	110	48	43.6
New Hampshire	26	18	69.2	14	12	85.7	13	10	76.9	19	14	73.7
Puerto Rico	163	129	79.1	40	37	92.5	142	107	75.4	213	89	41.8
Rhode Island	95	80	84.2	16	12	75.0	50	36	72.0	71	41	57.7
SECOND CIRCUIT	1,128	765	67.8	290	219	75.5	772	501	64.9	1,504	841	55.9
Connecticut	55	28	50.9	7	3	42.9	29	9	31.0	30	16	53.3
New York												
Eastern	323	209	64.7	96	61	63.5	141	88	62.4	335	157	46.9
Northern	130	92	70.8	60	48	80.0	111	85	76.6	278	243	87.4
Southern	472	323	68.4	95	78	82.1	374	230	61.5	611	231	37.8
Western	130	103	79.2	22	20	90.9	93	71	76.3	193	150	77.7
Vermont	18	10	55.6	10	9	90.0	24	18	75.0	57	44	77.2
THIRD CIRCUIT	432	305	70.6	98	82	83.7	357	238	66.7	706	504	71.4
Delaware	21	17	81.0	5	5	100.0	40	31	77.5	50	30	60.0
New Jersey	125	87	69.6	26	20	76.9	88	51	58.0	124	69	55.6
Pennsylvania												
Eastern	174	120	69.0	45	37	82.2	102	63	61.8	230	153	66.5
Middle	52	43	82.7	15	15	100.0	51	30	58.8	146	114	78.1
Western	13	9	69.2	3	3	100.0	38	30	78.9	124	113	91.1
Virgin Islands	47	29	61.7	4	2	50.0	38	33	86.8	32	25	78.1
FOURTH CIRCUIT	440	385	87.5	166	150	90.4	573	463	80.8	1,352	1,060	78.4
Maryland	92	70	76.1	35	27	77.1	84	60	71.4	158	98	62.0
North Carolina												
Eastern	43	40	93.0	25	22	88.0	57	39	68.4	108	86	79.6
Middle	112	99	88.4	38	36	94.7	103	87	84.5	149	134	89.9
Western	27	23	85.2	12	11	91.7	106	94	88.7	156	131	84.0
South Carolina	47	41	87.2	26	25	96.2	75	62	82.7	148	117	79.1
Virginia												
Eastern	93	86	92.5	18	17	94.4	114	91	79.8	576	452	78.5
Western	16	16	100.0	9	9	100.0	19	17	89.5	18	11	61.1
West Virginia												
Northern	4	4	100.0	0	0	0.0	10	8	80.0	29	25	86.2
Southern	6	6	100.0	3	3	100.0	5	5	100.0	10	6	60.0

Rate of Within Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	11,445	8,467	74.0	4,076	3,377	82.9	13,493	9,311	69.0	28,692	20,621	71.9
Louisiana												
Eastern	84	75	89.3	17	17	100.0	104	94	90.4	136	119	87.5
Middle	9	6	66.7	8	6	75.0	19	18	94.7	51	43	84.3
Western	24	16	66.7	10	10	100.0	28	26	92.9	73	56	76.7
Mississippi												
Northern	8	6	75.0	2	2	100.0	4	4	100.0	8	8	100.0
Southern	30	30	100.0	13	13	100.0	40	38	95.0	59	59	100.0
Texas												
Eastern	224	198	88.4	67	67	100.0	173	163	94.2	264	249	94.3
Northern	579	489	84.5	212	202	95.3	360	312	86.7	590	443	75.1
Southern	5,389	3,838	71.2	2,447	1,876	76.7	8,306	5,060	60.9	16,805	10,567	62.9
Western	5,098	3,809	74.7	1,300	1,184	91.1	4,459	3,596	80.6	10,706	9,077	84.8
SIXTH CIRCUIT	520	417	80.2	192	175	91.1	477	376	78.8	1,120	836	74.6
Kentucky												
Eastern	48	46	95.8	17	16	94.1	43	36	83.7	76	55	72.4
Western	28	15	53.6	9	7	77.8	19	15	78.9	45	29	64.4
Michigan												
Eastern	51	42	82.4	20	17	85.0	69	48	69.6	177	118	66.7
Western	126	95	75.4	51	47	92.2	109	87	79.8	290	240	82.8
Ohio												
Northern	74	56	75.7	17	12	70.6	66	51	77.3	98	66	67.3
Southern	32	24	75.0	8	6	75.0	29	21	72.4	189	146	77.2
Tennessee												
Eastern	89	79	88.8	34	34	100.0	61	57	93.4	86	83	96.5
Middle	36	26	72.2	23	23	100.0	57	44	77.2	99	54	54.5
Western	36	34	94.4	13	13	100.0	24	17	70.8	60	45	75.0
SEVENTH CIRCUIT	309	271	87.7	157	144	91.7	310	215	69.4	655	398	60.8
Illinois												
Central	43	37	86.0	10	10	100.0	36	23	63.9	66	44	66.7
Northern	149	128	85.9	89	80	89.9	133	80	60.2	331	177	53.5
Southern	33	30	90.9	6	5	83.3	33	30	90.9	35	33	94.3
Indiana												
Northern	8	8	100.0	2	2	100.0	14	14	100.0	39	33	84.6
Southern	32	29	90.6	6	6	100.0	21	18	85.7	52	41	78.8
Wisconsin												
Eastern	29	25	86.2	33	30	90.9	44	24	54.5	71	29	40.8
Western	15	14	93.3	11	11	100.0	29	26	89.7	61	41	67.2
EIGHTH CIRCUIT	991	710	71.6	339	249	73.5	892	624	70.0	1,651	1,242	75.2
Arkansas												
Eastern	16	14	87.5	3	3	100.0	20	14	70.0	125	108	86.4
Western	84	81	96.4	35	34	97.1	94	83	88.3	278	259	93.2
Iowa												
Northern	149	110	73.8	56	54	96.4	139	117	84.2	224	190	84.8
Southern	174	133	76.4	47	43	91.5	102	69	67.6	117	67	57.3
Minnesota												
Northern	75	47	62.7	11	8	72.7	51	31	60.8	118	52	44.1
Missouri												
Eastern	72	55	76.4	32	31	96.9	99	86	86.9	113	96	85.0
Western	59	45	76.3	39	39	100.0	99	92	92.9	154	134	87.0
Nebraska												
Northern	226	130	57.5	74	10	13.5	169	36	21.3	246	94	38.2
Southern	58	42	72.4	31	17	54.8	59	39	66.1	129	110	85.3
Western	78	53	67.9	11	10	90.9	60	57	95.0	147	132	89.8

Rate of Within Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	15,021	6,663	44.4	3,119	1,381	44.3	7,603	2,268	29.8	19,622	5,097	26.0
Alaska	63	35	55.6	11	7	63.6	9	7	77.8	16	8	50.0
Arizona	7,659	1,478	19.3	1,993	513	25.7	4,862	948	19.5	10,528	2,431	23.1
California												
Central	325	240	73.8	44	38	86.4	311	88	28.3	1,718	75	4.4
Eastern	1,547	1,394	90.1	247	189	76.5	479	44	9.2	1,187	82	6.9
Northern	824	546	66.3	53	44	83.0	143	78	54.5	540	166	30.7
Southern	2,696	2,006	74.4	303	276	91.1	740	588	79.5	3,595	1,488	41.4
Guam	20	17	85.0	6	4	66.7	5	4	80.0	4	2	50.0
Hawaii	34	28	82.4	0	0	0.0	16	13	81.3	18	15	83.3
Idaho	143	82	57.3	83	25	30.1	174	73	42.0	328	153	46.6
Montana	94	70	74.5	24	24	100.0	107	99	92.5	79	71	89.9
Nevada	553	448	81.0	127	113	89.0	178	134	75.3	458	305	66.6
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	4	3	75.0
Oregon	302	201	66.6	53	45	84.9	118	57	48.3	289	99	34.3
Washington												
Eastern	511	76	14.9	124	89	71.8	276	104	37.7	486	129	26.5
Western	250	42	16.8	51	14	27.5	185	31	16.8	372	70	18.8
TENTH CIRCUIT	4,237	2,494	58.9	1,561	1,089	69.8	5,705	3,371	59.1	10,482	6,429	61.3
Colorado	284	209	73.6	84	74	88.1	324	257	79.3	582	405	69.6
Kansas	183	145	79.2	72	64	88.9	201	160	79.6	226	159	70.4
New Mexico	2,703	1,254	46.4	1,182	739	62.5	4,506	2,561	56.8	7,960	5,190	65.2
Oklahoma												
Eastern	2	2	100.0	0	0	0.0	3	3	100.0	8	6	75.0
Northern	18	16	88.9	5	5	100.0	4	3	75.0	58	49	84.5
Western	37	30	81.1	5	5	100.0	13	11	84.6	118	87	73.7
Utah	947	793	83.7	194	187	96.4	592	332	56.1	1,243	298	24.0
Wyoming	63	45	71.4	19	15	78.9	62	44	71.0	287	235	81.9
ELEVENTH CIRCUIT	1,429	1,143	80.0	313	291	93.0	1,108	893	80.6	2,314	1,743	75.3
Alabama												
Middle	5	2	40.0	2	1	50.0	22	19	86.4	42	32	76.2
Northern	34	33	97.1	16	16	100.0	31	28	90.3	80	73	91.3
Southern	4	3	75.0	2	2	100.0	21	21	100.0	46	43	93.5
Florida												
Middle	359	292	81.3	102	97	95.1	512	403	78.7	1,011	752	74.4
Northern	15	13	86.7	2	2	100.0	57	54	94.7	73	72	98.6
Southern	567	505	89.1	93	84	90.3	310	243	78.4	558	414	74.2
Georgia												
Middle	31	28	90.3	10	10	100.0	16	13	81.3	78	65	83.3
Northern	394	251	63.7	76	70	92.1	113	94	83.2	384	259	67.4
Southern	20	16	80.0	10	9	90.0	26	18	69.2	42	33	78.6

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Above Range Sentences by Circuit and District
Illegal Entry Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	36,453	133	0.4	10,432	30	0.3	31,626	398	1.3	68,574	1,116	1.6
D.C. CIRCUIT	36	0	0.0	12	0	0.0	28	1	3.6	29	0	0.0
District of Columbia	36	0	0.0	12	0	0.0	28	1	3.6	29	0	0.0
FIRST CIRCUIT	465	3	0.6	109	2	1.8	308	6	1.9	447	4	0.9
Maine	29	0	0.0	7	0	0.0	30	0	0.0	34	0	0.0
Massachusetts	152	2	1.3	32	1	3.1	73	0	0.0	110	1	0.9
New Hampshire	26	0	0.0	14	0	0.0	13	0	0.0	19	0	0.0
Puerto Rico	163	0	0.0	40	0	0.0	142	5	3.5	213	3	1.4
Rhode Island	95	1	1.1	16	1	6.3	50	1	2.0	71	0	0.0
SECOND CIRCUIT	1,128	3	0.3	290	1	0.3	772	8	1.0	1,504	11	0.7
Connecticut	55	0	0.0	7	1	14.3	29	0	0.0	30	0	0.0
New York												
Eastern	323	0	0.0	96	0	0.0	141	7	5.0	335	5	1.5
Northern	130	0	0.0	60	0	0.0	111	0	0.0	278	1	0.4
Southern	472	2	0.4	95	0	0.0	374	1	0.3	611	2	0.3
Western	130	0	0.0	22	0	0.0	93	0	0.0	193	2	1.0
Vermont	18	1	5.6	10	0	0.0	24	0	0.0	57	1	1.8
THIRD CIRCUIT	432	5	1.2	98	0	0.0	357	1	0.3	706	7	1.0
Delaware	21	0	0.0	5	0	0.0	40	0	0.0	50	2	4.0
New Jersey	125	1	0.8	26	0	0.0	88	0	0.0	124	1	0.8
Pennsylvania												
Eastern	174	3	1.7	45	0	0.0	102	0	0.0	230	2	0.9
Middle	52	0	0.0	15	0	0.0	51	1	2.0	146	0	0.0
Western	13	0	0.0	3	0	0.0	38	0	0.0	124	0	0.0
Virgin Islands	47	1	2.1	4	0	0.0	38	0	0.0	32	2	6.3
FOURTH CIRCUIT	440	8	1.8	166	2	1.2	573	17	3.0	1,352	59	4.4
Maryland	92	0	0.0	35	0	0.0	84	2	2.4	158	6	3.8
North Carolina												
Eastern	43	1	2.3	25	0	0.0	57	4	7.0	108	7	6.5
Middle	112	6	5.4	38	1	2.6	103	4	3.9	149	10	6.7
Western	27	1	3.7	12	0	0.0	106	1	0.9	156	3	1.9
South Carolina	47	0	0.0	26	1	3.8	75	0	0.0	148	3	2.0
Virginia												
Eastern	93	0	0.0	18	0	0.0	114	5	4.4	576	27	4.7
Western	16	0	0.0	9	0	0.0	19	1	5.3	18	3	16.7
West Virginia												
Northern	4	0	0.0	0	0	0.0	10	0	0.0	29	0	0.0
Southern	6	0	0.0	3	0	0.0	5	0	0.0	10	0	0.0

Rate of Above Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	11,445	56	0.5	4,076	17	0.4	13,493	235	1.7	28,692	748	2.6
Louisiana												
Eastern	84	1	1.2	17	0	0.0	104	1	1.0	136	10	7.4
Middle	9	1	11.1	8	2	25.0	19	1	5.3	51	6	11.8
Western	24	0	0.0	10	0	0.0	28	1	3.6	73	12	16.4
Mississippi												
Northern	8	0	0.0	2	0	0.0	4	0	0.0	8	0	0.0
Southern	30	0	0.0	13	0	0.0	40	0	0.0	59	0	0.0
Texas												
Eastern	224	1	0.4	67	0	0.0	173	3	1.7	264	1	0.4
Northern	579	1	0.2	212	3	1.4	360	32	8.9	590	108	18.3
Southern	5,389	28	0.5	2,447	5	0.2	8,306	78	0.9	16,805	248	1.5
Western	5,098	24	0.5	1,300	7	0.5	4,459	119	2.7	10,706	363	3.4
SIXTH CIRCUIT	520	2	0.4	192	0	0.0	477	8	1.7	1,120	35	3.1
Kentucky												
Eastern	48	0	0.0	17	0	0.0	43	0	0.0	76	3	3.9
Western	28	0	0.0	9	0	0.0	19	0	0.0	45	0	0.0
Michigan												
Eastern	51	0	0.0	20	0	0.0	69	1	1.4	177	3	1.7
Western	126	0	0.0	51	0	0.0	109	4	3.7	290	13	4.5
Ohio												
Northern	74	0	0.0	17	0	0.0	66	0	0.0	98	1	1.0
Southern	32	0	0.0	8	0	0.0	29	1	3.4	189	12	6.3
Tennessee												
Eastern	89	1	1.1	34	0	0.0	61	1	1.6	86	2	2.3
Middle	36	0	0.0	23	0	0.0	57	1	1.8	99	0	0.0
Western	36	1	2.8	13	0	0.0	24	0	0.0	60	1	1.7
SEVENTH CIRCUIT	309	2	0.6	157	2	1.3	310	4	1.3	655	9	1.4
Illinois												
Central	43	0	0.0	10	0	0.0	36	0	0.0	66	1	1.5
Northern	149	0	0.0	89	2	2.2	133	2	1.5	331	3	0.9
Southern	33	0	0.0	6	0	0.0	33	1	3.0	35	0	0.0
Indiana												
Northern	8	0	0.0	2	0	0.0	14	0	0.0	39	0	0.0
Southern	32	0	0.0	6	0	0.0	21	0	0.0	52	2	3.8
Wisconsin												
Eastern	29	1	3.4	33	0	0.0	44	0	0.0	71	1	1.4
Western	15	1	6.7	11	0	0.0	29	1	3.4	61	2	3.3
EIGHTH CIRCUIT	991	13	1.3	339	0	0.0	892	17	1.9	1,651	26	1.6
Arkansas												
Eastern	16	0	0.0	3	0	0.0	20	0	0.0	125	3	2.4
Western	84	0	0.0	35	0	0.0	94	0	0.0	278	0	0.0
Iowa												
Northern	149	7	4.7	56	0	0.0	139	11	7.9	224	14	6.3
Southern	174	1	0.6	47	0	0.0	102	0	0.0	117	0	0.0
Minnesota	75	0	0.0	11	0	0.0	51	0	0.0	118	0	0.0
Missouri												
Eastern	72	0	0.0	32	0	0.0	99	1	1.0	113	0	0.0
Western	59	1	1.7	39	0	0.0	99	3	3.0	154	4	2.6
Nebraska	226	1	0.4	74	0	0.0	169	1	0.6	246	1	0.4
North Dakota	58	0	0.0	31	0	0.0	59	0	0.0	129	0	0.0
South Dakota	78	3	3.8	11	0	0.0	60	1	1.7	147	4	2.7

Rate of Above Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	15,021	22	0.1	3,119	3	0.1	7,603	57	0.7	19,622	119	0.6
Alaska	63	0	0.0	11	0	0.0	9	1	11.1	16	0	0.0
Arizona	7,659	9	0.1	1,993	2	0.1	4,862	17	0.3	10,528	55	0.5
California												
Central	325	0	0.0	44	0	0.0	311	2	0.6	1,718	6	0.3
Eastern	1,547	1	0.1	247	0	0.0	479	0	0.0	1,187	2	0.2
Northern	824	2	0.2	53	1	1.9	143	3	2.1	540	7	1.3
Southern	2,696	3	0.1	303	0	0.0	740	9	1.2	3,595	21	0.6
Guam	20	0	0.0	6	0	0.0	5	0	0.0	4	0	0.0
Hawaii	34	0	0.0	0	0	0.0	16	1	6.3	18	2	11.1
Idaho	143	0	0.0	83	0	0.0	174	2	1.1	328	2	0.6
Montana	94	1	1.1	24	0	0.0	107	6	5.6	79	6	7.6
Nevada	553	1	0.2	127	0	0.0	178	8	4.5	458	3	0.7
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	4	0	0.0
Oregon	302	2	0.7	53	0	0.0	118	1	0.8	289	0	0.0
Washington												
Eastern	511	3	0.6	124	0	0.0	276	7	2.5	486	14	2.9
Western	250	0	0.0	51	0	0.0	185	0	0.0	372	1	0.3
TENTH CIRCUIT	4,237	10	0.2	1,561	1	0.1	5,705	13	0.2	10,482	22	0.2
Colorado	284	2	0.7	84	0	0.0	324	2	0.6	582	0	0.0
Kansas	183	1	0.5	72	0	0.0	201	7	3.5	226	9	4.0
New Mexico	2,703	5	0.2	1,182	1	0.1	4,506	3	0.1	7,960	8	0.1
Oklahoma												
Eastern	2	0	0.0	0	0	0.0	3	0	0.0	8	0	0.0
Northern	18	0	0.0	5	0	0.0	4	1	25.0	58	0	0.0
Western	37	0	0.0	5	0	0.0	13	0	0.0	118	3	2.5
Utah	947	2	0.2	194	0	0.0	592	0	0.0	1,243	1	0.1
Wyoming	63	0	0.0	19	0	0.0	62	0	0.0	287	1	0.3
ELEVENTH CIRCUIT	1,429	9	0.6	313	2	0.6	1,108	31	2.8	2,314	76	3.3
Alabama												
Middle	5	0	0.0	2	0	0.0	22	1	4.5	42	4	9.5
Northern	34	0	0.0	16	0	0.0	31	0	0.0	80	0	0.0
Southern	4	0	0.0	2	0	0.0	21	0	0.0	46	1	2.2
Florida												
Middle	359	0	0.0	102	0	0.0	512	8	1.6	1,011	39	3.9
Northern	15	0	0.0	2	0	0.0	57	3	5.3	73	0	0.0
Southern	567	7	1.2	93	1	1.1	310	10	3.2	558	8	1.4
Georgia												
Middle	31	0	0.0	10	0	0.0	16	3	18.8	78	7	9.0
Northern	394	2	0.5	76	1	1.3	113	3	2.7	384	11	2.9
Southern	20	0	0.0	10	0	0.0	26	3	11.5	42	6	14.3

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Government Sponsored Sentences by Circuit and District
Illegal Entry Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	36,453	1,861	5.1	10,432	2,467	23.6	31,626	9,765	30.9	68,574	20,738	30.2
D.C. CIRCUIT	36	3	8.3	12	1	8.3	28	3	10.7	29	3	10.3
District of Columbia	36	3	8.3	12	1	8.3	28	3	10.7	29	3	10.3
FIRST CIRCUIT	465	16	3.4	109	3	2.8	308	13	4.2	447	124	27.7
Maine	29	0	0.0	7	0	0.0	30	0	0.0	34	0	0.0
Massachusetts	152	8	5.3	32	0	0.0	73	3	4.1	110	20	18.2
New Hampshire	26	1	3.8	14	1	7.1	13	1	7.7	19	1	5.3
Puerto Rico	163	4	2.5	40	1	2.5	142	9	6.3	213	103	48.4
Rhode Island	95	3	3.2	16	1	6.3	50	0	0.0	71	0	0.0
SECOND CIRCUIT	1,128	27	2.4	290	4	1.4	772	33	4.3	1,504	41	2.7
Connecticut	55	1	1.8	7	0	0.0	29	1	3.4	30	1	3.3
New York												
Eastern	323	6	1.9	96	0	0.0	141	3	2.1	335	3	0.9
Northern	130	10	7.7	60	0	0.0	111	6	5.4	278	9	3.2
Southern	472	4	0.8	95	3	3.2	374	10	2.7	611	16	2.6
Western	130	5	3.8	22	1	4.5	93	11	11.8	193	11	5.7
Vermont	18	1	5.6	10	0	0.0	24	2	8.3	57	1	1.8
THIRD CIRCUIT	432	35	8.1	98	9	9.2	357	22	6.2	706	22	3.1
Delaware	21	1	4.8	5	0	0.0	40	1	2.5	50	3	6.0
New Jersey	125	9	7.2	26	3	11.5	88	5	5.7	124	4	3.2
Pennsylvania												
Eastern	174	18	10.3	45	5	11.1	102	11	10.8	230	8	3.5
Middle	52	2	3.8	15	0	0.0	51	2	3.9	146	4	2.7
Western	13	2	15.4	3	0	0.0	38	2	5.3	124	3	2.4
Virgin Islands	47	3	6.4	4	1	25.0	38	1	2.6	32	0	0.0
FOURTH CIRCUIT	440	16	3.6	166	3	1.8	573	22	3.8	1,352	36	2.7
Maryland	92	7	7.6	35	0	0.0	84	5	6.0	158	11	7.0
North Carolina												
Eastern	43	0	0.0	25	1	4.0	57	4	7.0	108	3	2.8
Middle	112	4	3.6	38	1	2.6	103	5	4.9	149	3	2.0
Western	27	1	3.7	12	1	8.3	106	2	1.9	156	1	0.6
South Carolina	47	2	4.3	26	0	0.0	75	4	5.3	148	7	4.7
Virginia												
Eastern	93	2	2.2	18	0	0.0	114	1	0.9	576	10	1.7
Western	16	0	0.0	9	0	0.0	19	1	5.3	18	0	0.0
West Virginia												
Northern	4	0	0.0	0	0	0.0	10	0	0.0	29	1	3.4
Southern	6	0	0.0	3	0	0.0	5	0	0.0	10	0	0.0

Rate of Government Sponsored Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	11,445	334	2.9	4,076	374	9.2	13,493	2,818	20.9	28,692	3,905	13.6
Louisiana												
Eastern	84	1	1.2	17	0	0.0	104	3	2.9	136	1	0.7
Middle	9	1	11.1	8	0	0.0	19	0	0.0	51	0	0.0
Western	24	4	16.7	10	0	0.0	28	0	0.0	73	1	1.4
Mississippi												
Northern	8	0	0.0	2	0	0.0	4	0	0.0	8	0	0.0
Southern	30	0	0.0	13	0	0.0	40	2	5.0	59	0	0.0
Texas												
Eastern	224	4	1.8	67	0	0.0	173	3	1.7	264	2	0.8
Northern	579	30	5.2	212	0	0.0	360	4	1.1	590	7	1.2
Southern	5,389	178	3.3	2,447	306	12.5	8,306	2,474	29.8	16,805	3,754	22.3
Western	5,098	116	2.3	1,300	68	5.2	4,459	332	7.4	10,706	140	1.3
SIXTH CIRCUIT	520	19	3.7	192	7	3.6	477	17	3.6	1,120	28	2.5
Kentucky												
Eastern	48	0	0.0	17	0	0.0	43	0	0.0	76	3	3.9
Western	28	1	3.6	9	2	22.2	19	0	0.0	45	4	8.9
Michigan												
Eastern	51	2	3.9	20	1	5.0	69	5	7.2	177	3	1.7
Western	126	6	4.8	51	1	2.0	109	4	3.7	290	4	1.4
Ohio												
Northern	74	2	2.7	17	1	5.9	66	1	1.5	98	3	3.1
Southern	32	1	3.1	8	2	25.0	29	2	6.9	189	8	4.2
Tennessee												
Eastern	89	1	1.1	34	0	0.0	61	2	3.3	86	0	0.0
Middle	36	6	16.7	23	0	0.0	57	3	5.3	99	3	3.0
Western	36	0	0.0	13	0	0.0	24	0	0.0	60	0	0.0
SEVENTH CIRCUIT	309	3	1.0	157	2	1.3	310	12	3.9	655	19	2.9
Illinois												
Central	43	2	4.7	10	0	0.0	36	1	2.8	66	2	3.0
Northern	149	1	0.7	89	1	1.1	133	5	3.8	331	7	2.1
Southern	33	0	0.0	6	1	16.7	33	1	3.0	35	1	2.9
Indiana												
Northern	8	0	0.0	2	0	0.0	14	0	0.0	39	1	2.6
Southern	32	0	0.0	6	0	0.0	21	1	4.8	52	0	0.0
Wisconsin												
Eastern	29	0	0.0	33	0	0.0	44	4	9.1	71	7	9.9
Western	15	0	0.0	11	0	0.0	29	0	0.0	61	1	1.6
EIGHTH CIRCUIT	991	44	4.4	339	72	21.2	892	160	17.9	1,651	157	9.5
Arkansas												
Eastern	16	0	0.0	3	0	0.0	20	1	5.0	125	2	1.6
Western	84	2	2.4	35	0	0.0	94	3	3.2	278	0	0.0
Iowa												
Northern	149	1	0.7	56	0	0.0	139	1	0.7	224	1	0.4
Southern	174	0	0.0	47	1	2.1	102	4	3.9	117	7	6.0
Minnesota	75	3	4.0	11	1	9.1	51	1	2.0	118	4	3.4
Missouri												
Eastern	72	3	4.2	32	0	0.0	99	3	3.0	113	1	0.9
Western	59	3	5.1	39	0	0.0	99	0	0.0	154	5	3.2
Nebraska	226	26	11.5	74	59	79.7	169	125	74.0	246	133	54.1
North Dakota	58	4	6.9	31	11	35.5	59	20	33.9	129	3	2.3
South Dakota	78	2	2.6	11	0	0.0	60	2	3.3	147	1	0.7

Rate of Government Sponsored Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	15,021	1,042	6.9	3,119	1,549	49.7	7,603	4,798	63.1	19,622	12,964	66.1
Alaska	63	0	0.0	11	0	0.0	9	0	0.0	16	1	6.3
Arizona	7,659	904	11.8	1,993	1,400	70.2	4,862	3,781	77.8	10,528	7,620	72.4
California												
Central	325	4	1.2	44	1	2.3	311	163	52.4	1,718	1,527	88.9
Eastern	1,547	10	0.6	247	45	18.2	479	429	89.6	1,187	1,089	91.7
Northern	824	14	1.7	53	2	3.8	143	31	21.7	540	257	47.6
Southern	2,696	21	0.8	303	13	4.3	740	32	4.3	3,595	1,713	47.6
Guam	20	2	10.0	6	1	16.7	5	0	0.0	4	0	0.0
Hawaii	34	0	0.0	0	0	0.0	16	0	0.0	18	0	0.0
Idaho	143	31	21.7	83	57	68.7	174	90	51.7	328	128	39.0
Montana	94	3	3.2	24	0	0.0	107	0	0.0	79	1	1.3
Nevada	553	10	1.8	127	0	0.0	178	9	5.1	458	44	9.6
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	4	0	0.0
Oregon	302	12	4.0	53	1	1.9	118	38	32.2	289	90	31.1
Washington												
Eastern	511	23	4.5	124	8	6.5	276	109	39.5	486	259	53.3
Western	250	8	3.2	51	21	41.2	185	116	62.7	372	235	63.2
TENTH CIRCUIT	4,237	293	6.9	1,561	438	28.1	5,705	1,807	31.7	10,482	3,365	32.1
Colorado	284	8	2.8	84	6	7.1	324	11	3.4	582	18	3.1
Kansas	183	3	1.6	72	1	1.4	201	18	9.0	226	39	17.3
New Mexico	2,703	265	9.8	1,182	429	36.3	4,506	1,555	34.5	7,960	2,372	29.8
Oklahoma												
Eastern	2	0	0.0	0	0	0.0	3	0	0.0	8	1	12.5
Northern	18	0	0.0	5	0	0.0	4	0	0.0	58	0	0.0
Western	37	1	2.7	5	0	0.0	13	1	7.7	118	2	1.7
Utah	947	15	1.6	194	1	0.5	592	221	37.3	1,243	911	73.3
Wyoming	63	1	1.6	19	1	5.3	62	1	1.6	287	22	7.7
ELEVENTH CIRCUIT	1,429	29	2.0	313	5	1.6	1,108	60	5.4	2,314	74	3.2
Alabama												
Middle	5	1	20.0	2	0	0.0	22	1	4.5	42	0	0.0
Northern	34	0	0.0	16	0	0.0	31	0	0.0	80	0	0.0
Southern	4	1	25.0	2	0	0.0	21	0	0.0	46	1	2.2
Florida												
Middle	359	15	4.2	102	1	1.0	512	51	10.0	1,011	54	5.3
Northern	15	0	0.0	2	0	0.0	57	0	0.0	73	0	0.0
Southern	567	6	1.1	93	3	3.2	310	7	2.3	558	17	3.0
Georgia												
Middle	31	0	0.0	10	0	0.0	16	0	0.0	78	0	0.0
Northern	394	5	1.3	76	0	0.0	113	1	0.9	384	2	0.5
Southern	20	1	5.0	10	1	10.0	26	0	0.0	42	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District

Illegal Entry Offenses Koon Period through Gall Period

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	36,453	724	2.0	10,432	106	1.0	31,626	236	0.7	68,574	261	0.4
D.C. CIRCUIT	36	3	8.3	12	1	8.3	28	3	10.7	29	1	3.4
District of Columbia	36	3	8.3	12	1	8.3	28	3	10.7	29	1	3.4
FIRST CIRCUIT	465	16	3.4	109	3	2.8	308	7	2.3	447	8	1.8
Maine	29	0	0.0	7	0	0.0	30	0	0.0	34	0	0.0
Massachusetts	152	8	5.3	32	0	0.0	73	1	1.4	110	0	0.0
New Hampshire	26	1	3.8	14	1	7.1	13	1	7.7	19	0	0.0
Puerto Rico	163	4	2.5	40	1	2.5	142	5	3.5	213	8	3.8
Rhode Island	95	3	3.2	16	1	6.3	50	0	0.0	71	0	0.0
SECOND CIRCUIT	1,128	26	2.3	290	3	1.0	772	16	2.1	1,504	16	1.1
Connecticut	55	1	1.8	7	0	0.0	29	0	0.0	30	1	3.3
New York												
Eastern	323	5	1.5	96	0	0.0	141	1	0.7	335	0	0.0
Northern	130	10	7.7	60	0	0.0	111	3	2.7	278	9	3.2
Southern	472	4	0.8	95	2	2.1	374	5	1.3	611	3	0.5
Western	130	5	3.8	22	1	4.5	93	6	6.5	193	2	1.0
Vermont	18	1	5.6	10	0	0.0	24	1	4.2	57	1	1.8
THIRD CIRCUIT	432	35	8.1	98	6	6.1	357	9	2.5	706	7	1.0
Delaware	21	1	4.8	5	0	0.0	40	0	0.0	50	0	0.0
New Jersey	125	9	7.2	26	2	7.7	88	2	2.3	124	1	0.8
Pennsylvania												
Eastern	174	18	10.3	45	3	6.7	102	5	4.9	230	5	2.2
Middle	52	2	3.8	15	0	0.0	51	1	2.0	146	0	0.0
Western	13	2	15.4	3	0	0.0	38	1	2.6	124	1	0.8
Virgin Islands	47	3	6.4	4	1	25.0	38	0	0.0	32	0	0.0
FOURTH CIRCUIT	440	15	3.4	166	3	1.8	573	7	1.2	1,352	13	1.0
Maryland	92	6	6.5	35	0	0.0	84	2	2.4	158	5	3.2
North Carolina												
Eastern	43	0	0.0	25	1	4.0	57	2	3.5	108	3	2.8
Middle	112	4	3.6	38	1	2.6	103	2	1.9	149	3	2.0
Western	27	1	3.7	12	1	8.3	106	0	0.0	156	0	0.0
South Carolina	47	2	4.3	26	0	0.0	75	0	0.0	148	1	0.7
Virginia												
Eastern	93	2	2.2	18	0	0.0	114	0	0.0	576	1	0.2
Western	16	0	0.0	9	0	0.0	19	1	5.3	18	0	0.0
West Virginia												
Northern	4	0	0.0	0	0	0.0	10	0	0.0	29	0	0.0
Southern	6	0	0.0	3	0	0.0	5	0	0.0	10	0	0.0

Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	11,445	251	2.2	4,076	37	0.9	13,493	70	0.5	28,692	61	0.2
Louisiana												
Eastern	84	1	1.2	17	0	0.0	104	2	1.9	136	0	0.0
Middle	9	1	11.1	8	0	0.0	19	0	0.0	51	0	0.0
Western	24	4	16.7	10	0	0.0	28	0	0.0	73	0	0.0
Mississippi												
Northern	8	0	0.0	2	0	0.0	4	0	0.0	8	0	0.0
Southern	30	0	0.0	13	0	0.0	40	1	2.5	59	0	0.0
Texas												
Eastern	224	4	1.8	67	0	0.0	173	1	0.6	264	0	0.0
Northern	579	30	5.2	212	0	0.0	360	2	0.6	590	6	1.0
Southern	5,389	120	2.2	2,447	12	0.5	8,306	46	0.6	16,805	47	0.3
Western	5,098	91	1.8	1,300	25	1.9	4,459	18	0.4	10,706	8	0.1
SIXTH CIRCUIT	520	18	3.5	192	6	3.1	477	9	1.9	1,120	7	0.6
Kentucky												
Eastern	48	0	0.0	17	0	0.0	43	0	0.0	76	3	3.9
Western	28	1	3.6	9	1	11.1	19	0	0.0	45	1	2.2
Michigan												
Eastern	51	2	3.9	20	1	5.0	69	3	4.3	177	0	0.0
Western	126	6	4.8	51	1	2.0	109	2	1.8	290	2	0.7
Ohio												
Northern	74	1	1.4	17	1	5.9	66	0	0.0	98	1	1.0
Southern	32	1	3.1	8	2	25.0	29	1	3.4	189	0	0.0
Tennessee												
Eastern	89	1	1.1	34	0	0.0	61	1	1.6	86	0	0.0
Middle	36	6	16.7	23	0	0.0	57	2	3.5	99	0	0.0
Western	36	0	0.0	13	0	0.0	24	0	0.0	60	0	0.0
SEVENTH CIRCUIT	309	3	1.0	157	2	1.3	310	1	0.3	655	3	0.5
Illinois												
Central	43	2	4.7	10	0	0.0	36	0	0.0	66	1	1.5
Northern	149	1	0.7	89	1	1.1	133	0	0.0	331	0	0.0
Southern	33	0	0.0	6	1	16.7	33	1	3.0	35	0	0.0
Indiana												
Northern	8	0	0.0	2	0	0.0	14	0	0.0	39	1	2.6
Southern	32	0	0.0	6	0	0.0	21	0	0.0	52	0	0.0
Wisconsin												
Eastern	29	0	0.0	33	0	0.0	44	0	0.0	71	1	1.4
Western	15	0	0.0	11	0	0.0	29	0	0.0	61	0	0.0
EIGHTH CIRCUIT	991	25	2.5	339	8	2.4	892	8	0.9	1,651	9	0.5
Arkansas												
Eastern	16	0	0.0	3	0	0.0	20	0	0.0	125	0	0.0
Western	84	2	2.4	35	0	0.0	94	1	1.1	278	0	0.0
Iowa												
Northern	149	1	0.7	56	0	0.0	139	1	0.7	224	1	0.4
Southern	174	0	0.0	47	1	2.1	102	1	1.0	117	1	0.9
Minnesota	75	3	4.0	11	1	9.1	51	0	0.0	118	1	0.8
Missouri												
Eastern	72	3	4.2	32	0	0.0	99	2	2.0	113	0	0.0
Western	59	1	1.7	39	0	0.0	99	0	0.0	154	3	1.9
Nebraska	226	10	4.4	74	5	6.8	169	3	1.8	246	2	0.8
North Dakota	58	4	6.9	31	1	3.2	59	0	0.0	129	1	0.8
South Dakota	78	1	1.3	11	0	0.0	60	0	0.0	147	0	0.0

Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	15,021	255	1.7	3,119	26	0.8	7,603	69	0.9	19,622	98	0.5
Alaska	63	0	0.0	11	0	0.0	9	0	0.0	16	0	0.0
Arizona	7,659	160	2.1	1,993	10	0.5	4,862	39	0.8	10,528	41	0.4
California												
Central	325	4	1.2	44	1	2.3	311	3	1.0	1,718	11	0.6
Eastern	1,547	9	0.6	247	0	0.0	479	7	1.5	1,187	8	0.7
Northern	824	12	1.5	53	0	0.0	143	2	1.4	540	4	0.7
Southern	2,696	19	0.7	303	1	0.3	740	3	0.4	3,595	17	0.5
Guam	20	2	10.0	6	1	16.7	5	0	0.0	4	0	0.0
Hawaii	34	0	0.0	0	0	0.0	16	0	0.0	18	0	0.0
Idaho	143	15	10.5	83	11	13.3	174	5	2.9	328	3	0.9
Montana	94	3	3.2	24	0	0.0	107	0	0.0	79	0	0.0
Nevada	553	10	1.8	127	0	0.0	178	1	0.6	458	1	0.2
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	4	0	0.0
Oregon	302	11	3.6	53	1	1.9	118	4	3.4	289	10	3.5
Washington												
Eastern	511	5	1.0	124	0	0.0	276	3	1.1	486	2	0.4
Western	250	5	2.0	51	1	2.0	185	2	1.1	372	1	0.3
TENTH CIRCUIT	4,237	49	1.2	1,561	7	0.4	5,705	28	0.5	10,482	25	0.2
Colorado	284	8	2.8	84	4	4.8	324	3	0.9	582	3	0.5
Kansas	183	3	1.6	72	1	1.4	201	1	0.5	226	1	0.4
New Mexico	2,703	22	0.8	1,182	1	0.1	4,506	21	0.5	7,960	14	0.2
Oklahoma												
Eastern	2	0	0.0	0	0	0.0	3	0	0.0	8	1	12.5
Northern	18	0	0.0	5	0	0.0	4	0	0.0	58	0	0.0
Western	37	1	2.7	5	0	0.0	13	0	0.0	118	1	0.8
Utah	947	14	1.5	194	1	0.5	592	3	0.5	1,243	5	0.4
Wyoming	63	1	1.6	19	0	0.0	62	0	0.0	287	0	0.0
ELEVENTH CIRCUIT	1,429	28	2.0	313	4	1.3	1,108	9	0.8	2,314	13	0.6
Alabama												
Middle	5	1	20.0	2	0	0.0	22	0	0.0	42	0	0.0
Northern	34	0	0.0	16	0	0.0	31	0	0.0	80	0	0.0
Southern	4	1	25.0	2	0	0.0	21	0	0.0	46	1	2.2
Florida												
Middle	359	14	3.9	102	1	1.0	512	7	1.4	1,011	1	0.1
Northern	15	0	0.0	2	0	0.0	57	0	0.0	73	0	0.0
Southern	567	6	1.1	93	2	2.2	310	2	0.6	558	10	1.8
Georgia												
Middle	31	0	0.0	10	0	0.0	16	0	0.0	78	0	0.0
Northern	394	5	1.3	76	0	0.0	113	0	0.0	384	1	0.3
Southern	20	1	5.0	10	1	10.0	26	0	0.0	42	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District
Illegal Entry Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	36,453	n/a	n/a	10,432	736	7.1	31,626	8,276	26.2	68,574	18,408	26.8
D.C. CIRCUIT	36	n/a	n/a	12	0	0.0	28	0	0.0	29	0	0.0
District of Columbia	36	n/a	n/a	12	0	0.0	28	0	0.0	29	0	0.0
FIRST CIRCUIT	465	n/a	n/a	109	0	0.0	308	0	0.0	447	93	20.8
Maine	29	n/a	n/a	7	0	0.0	30	0	0.0	34	0	0.0
Massachusetts	152	n/a	n/a	32	0	0.0	73	0	0.0	110	3	2.7
New Hampshire	26	n/a	n/a	14	0	0.0	13	0	0.0	19	0	0.0
Puerto Rico	163	n/a	n/a	40	0	0.0	142	0	0.0	213	90	42.3
Rhode Island	95	n/a	n/a	16	0	0.0	50	0	0.0	71	0	0.0
SECOND CIRCUIT	1,128	n/a	n/a	290	0	0.0	772	0	0.0	1,504	0	0.0
Connecticut	55	n/a	n/a	7	0	0.0	29	0	0.0	30	0	0.0
New York												
Eastern	323	n/a	n/a	96	0	0.0	141	0	0.0	335	0	0.0
Northern	130	n/a	n/a	60	0	0.0	111	0	0.0	278	0	0.0
Southern	472	n/a	n/a	95	0	0.0	374	0	0.0	611	0	0.0
Western	130	n/a	n/a	22	0	0.0	93	0	0.0	193	0	0.0
Vermont	18	n/a	n/a	10	0	0.0	24	0	0.0	57	0	0.0
THIRD CIRCUIT	432	n/a	n/a	98	0	0.0	357	0	0.0	706	0	0.0
Delaware	21	n/a	n/a	5	0	0.0	40	0	0.0	50	0	0.0
New Jersey	125	n/a	n/a	26	0	0.0	88	0	0.0	124	0	0.0
Pennsylvania												
Eastern	174	n/a	n/a	45	0	0.0	102	0	0.0	230	0	0.0
Middle	52	n/a	n/a	15	0	0.0	51	0	0.0	146	0	0.0
Western	13	n/a	n/a	3	0	0.0	38	0	0.0	124	0	0.0
Virgin Islands	47	n/a	n/a	4	0	0.0	38	0	0.0	32	0	0.0
FOURTH CIRCUIT	440	n/a	n/a	166	0	0.0	573	2	0.3	1,352	0	0.0
Maryland	92	n/a	n/a	35	0	0.0	84	0	0.0	158	0	0.0
North Carolina												
Eastern	43	n/a	n/a	25	0	0.0	57	0	0.0	108	0	0.0
Middle	112	n/a	n/a	38	0	0.0	103	0	0.0	149	0	0.0
Western	27	n/a	n/a	12	0	0.0	106	0	0.0	156	0	0.0
South Carolina	47	n/a	n/a	26	0	0.0	75	2	2.7	148	0	0.0
Virginia												
Eastern	93	n/a	n/a	18	0	0.0	114	0	0.0	576	0	0.0
Western	16	n/a	n/a	9	0	0.0	19	0	0.0	18	0	0.0
West Virginia												
Northern	4	n/a	n/a	0	0	0.0	10	0	0.0	29	0	0.0
Southern	6	n/a	n/a	3	0	0.0	5	0	0.0	10	0	0.0

Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	11,445	n/a	n/a	4,076	72	1.8	13,493	2,503	18.6	28,692	3,537	12.3
Louisiana												
Eastern	84	n/a	n/a	17	0	0.0	104	0	0.0	136	0	0.0
Middle	9	n/a	n/a	8	0	0.0	19	0	0.0	51	0	0.0
Western	24	n/a	n/a	10	0	0.0	28	0	0.0	73	0	0.0
Mississippi												
Northern	8	n/a	n/a	2	0	0.0	4	0	0.0	8	0	0.0
Southern	30	n/a	n/a	13	0	0.0	40	0	0.0	59	0	0.0
Texas												
Eastern	224	n/a	n/a	67	0	0.0	173	0	0.0	264	0	0.0
Northern	579	n/a	n/a	212	0	0.0	360	0	0.0	590	0	0.0
Southern	5,389	n/a	n/a	2,447	44	1.8	8,306	2,195	26.4	16,805	3,431	20.4
Western	5,098	n/a	n/a	1,300	28	2.2	4,459	308	6.9	10,706	106	1.0
SIXTH CIRCUIT	520	n/a	n/a	192	0	0.0	477	0	0.0	1,120	3	0.3
Kentucky												
Eastern	48	n/a	n/a	17	0	0.0	43	0	0.0	76	0	0.0
Western	28	n/a	n/a	9	0	0.0	19	0	0.0	45	0	0.0
Michigan												
Eastern	51	n/a	n/a	20	0	0.0	69	0	0.0	177	2	1.1
Western	126	n/a	n/a	51	0	0.0	109	0	0.0	290	0	0.0
Ohio												
Northern	74	n/a	n/a	17	0	0.0	66	0	0.0	98	1	1.0
Southern	32	n/a	n/a	8	0	0.0	29	0	0.0	189	0	0.0
Tennessee												
Eastern	89	n/a	n/a	34	0	0.0	61	0	0.0	86	0	0.0
Middle	36	n/a	n/a	23	0	0.0	57	0	0.0	99	0	0.0
Western	36	n/a	n/a	13	0	0.0	24	0	0.0	60	0	0.0
SEVENTH CIRCUIT	309	n/a	n/a	157	0	0.0	310	1	0.3	655	1	0.2
Illinois												
Central	43	n/a	n/a	10	0	0.0	36	0	0.0	66	0	0.0
Northern	149	n/a	n/a	89	0	0.0	133	0	0.0	331	0	0.0
Southern	33	n/a	n/a	6	0	0.0	33	0	0.0	35	0	0.0
Indiana												
Northern	8	n/a	n/a	2	0	0.0	14	0	0.0	39	0	0.0
Southern	32	n/a	n/a	6	0	0.0	21	0	0.0	52	0	0.0
Wisconsin												
Eastern	29	n/a	n/a	33	0	0.0	44	1	2.3	71	0	0.0
Western	15	n/a	n/a	11	0	0.0	29	0	0.0	61	1	1.6
EIGHTH CIRCUIT	991	n/a	n/a	339	12	3.5	892	114	12.8	1,651	109	6.6
Arkansas												
Eastern	16	n/a	n/a	3	0	0.0	20	0	0.0	125	0	0.0
Western	84	n/a	n/a	35	0	0.0	94	0	0.0	278	0	0.0
Iowa												
Northern	149	n/a	n/a	56	0	0.0	139	0	0.0	224	0	0.0
Southern	174	n/a	n/a	47	0	0.0	102	0	0.0	117	0	0.0
Minnesota	75	n/a	n/a	11	0	0.0	51	0	0.0	118	0	0.0
Missouri												
Eastern	72	n/a	n/a	32	0	0.0	99	0	0.0	113	0	0.0
Western	59	n/a	n/a	39	0	0.0	99	0	0.0	154	0	0.0
Nebraska	226	n/a	n/a	74	2	2.7	169	94	55.6	246	107	43.5
North Dakota	58	n/a	n/a	31	10	32.3	59	20	33.9	129	2	1.6
South Dakota	78	n/a	n/a	11	0	0.0	60	0	0.0	147	0	0.0

Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	15,021	n/a	n/a	3,119	517	16.6	7,603	4,576	60.2	19,622	12,527	63.8
Alaska	63	n/a	n/a	11	0	0.0	9	0	0.0	16	0	0.0
Arizona	7,659	n/a	n/a	1,993	450	22.6	4,862	3,724	76.6	10,528	7,536	71.6
California												
Central	325	n/a	n/a	44	0	0.0	311	146	46.9	1,718	1,497	87.1
Eastern	1,547	n/a	n/a	247	40	16.2	479	421	87.9	1,187	1,078	90.8
Northern	824	n/a	n/a	53	0	0.0	143	21	14.7	540	243	45.0
Southern	2,696	n/a	n/a	303	2	0.7	740	8	1.1	3,595	1,598	44.5
Guam	20	n/a	n/a	6	0	0.0	5	0	0.0	4	0	0.0
Hawaii	34	n/a	n/a	0	0	0.0	16	0	0.0	18	0	0.0
Idaho	143	n/a	n/a	83	21	25.3	174	85	48.9	328	124	37.8
Montana	94	n/a	n/a	24	0	0.0	107	0	0.0	79	0	0.0
Nevada	553	n/a	n/a	127	0	0.0	178	0	0.0	458	0	0.0
Northern Mariana Islands	0	n/a	n/a	0	0	0.0	0	0	0.0	4	0	0.0
Oregon	302	n/a	n/a	53	0	0.0	118	32	27.1	289	73	25.3
Washington												
Eastern	511	n/a	n/a	124	0	0.0	276	94	34.1	486	250	51.4
Western	250	n/a	n/a	51	4	7.8	185	45	24.3	372	128	34.4
TENTH CIRCUIT	4,237	n/a	n/a	1,561	135	8.6	5,705	1,041	18.2	10,482	2,095	20.0
Colorado	284	n/a	n/a	84	0	0.0	324	0	0.0	582	0	0.0
Kansas	183	n/a	n/a	72	0	0.0	201	0	0.0	226	0	0.0
New Mexico	2,703	n/a	n/a	1,182	135	11.4	4,506	827	18.4	7,960	1,188	14.9
Oklahoma												
Eastern	2	n/a	n/a	0	0	0.0	3	0	0.0	8	0	0.0
Northern	18	n/a	n/a	5	0	0.0	4	0	0.0	58	0	0.0
Western	37	n/a	n/a	5	0	0.0	13	0	0.0	118	0	0.0
Utah	947	n/a	n/a	194	0	0.0	592	214	36.1	1,243	891	71.7
Wyoming	63	n/a	n/a	19	0	0.0	62	0	0.0	287	16	5.6
ELEVENTH CIRCUIT	1,429	n/a	n/a	313	0	0.0	1,108	39	3.5	2,314	43	1.9
Alabama												
Middle	5	n/a	n/a	2	0	0.0	22	0	0.0	42	0	0.0
Northern	34	n/a	n/a	16	0	0.0	31	0	0.0	80	0	0.0
Southern	4	n/a	n/a	2	0	0.0	21	0	0.0	46	0	0.0
Florida												
Middle	359	n/a	n/a	102	0	0.0	512	38	7.4	1,011	43	4.3
Northern	15	n/a	n/a	2	0	0.0	57	0	0.0	73	0	0.0
Southern	567	n/a	n/a	93	0	0.0	310	0	0.0	558	0	0.0
Georgia												
Middle	31	n/a	n/a	10	0	0.0	16	0	0.0	78	0	0.0
Northern	394	n/a	n/a	76	0	0.0	113	1	0.9	384	0	0.0
Southern	20	n/a	n/a	10	0	0.0	26	0	0.0	42	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Other Government Sponsored Below Range Sentences by Circuit and District
Illegal Entry Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	36,453	n/a	n/a	10,432	1,625	15.6	31,626	1,253	4.0	68,574	2,069	3.0
D.C. CIRCUIT	36	n/a	n/a	12	0	0.0	28	0	0.0	29	2	6.9
District of Columbia	36	n/a	n/a	12	0	0.0	28	0	0.0	29	2	6.9
FIRST CIRCUIT	465	n/a	n/a	109	0	0.0	308	6	1.9	447	23	5.1
Maine	29	n/a	n/a	7	0	0.0	30	0	0.0	34	0	0.0
Massachusetts	152	n/a	n/a	32	0	0.0	73	2	2.7	110	17	15.5
New Hampshire	26	n/a	n/a	14	0	0.0	13	0	0.0	19	1	5.3
Puerto Rico	163	n/a	n/a	40	0	0.0	142	4	2.8	213	5	2.3
Rhode Island	95	n/a	n/a	16	0	0.0	50	0	0.0	71	0	0.0
SECOND CIRCUIT	1,128	n/a	n/a	290	1	0.3	772	17	2.2	1,504	25	1.7
Connecticut	55	n/a	n/a	7	0	0.0	29	1	3.4	30	0	0.0
New York												
Eastern	323	n/a	n/a	96	0	0.0	141	2	1.4	335	3	0.9
Northern	130	n/a	n/a	60	0	0.0	111	3	2.7	278	0	0.0
Southern	472	n/a	n/a	95	1	1.1	374	5	1.3	611	13	2.1
Western	130	n/a	n/a	22	0	0.0	93	5	5.4	193	9	4.7
Vermont	18	n/a	n/a	10	0	0.0	24	1	4.2	57	0	0.0
THIRD CIRCUIT	432	n/a	n/a	98	3	3.1	357	13	3.6	706	15	2.1
Delaware	21	n/a	n/a	5	0	0.0	40	1	2.5	50	3	6.0
New Jersey	125	n/a	n/a	26	1	3.8	88	3	3.4	124	3	2.4
Pennsylvania												
Eastern	174	n/a	n/a	45	2	4.4	102	6	5.9	230	3	1.3
Middle	52	n/a	n/a	15	0	0.0	51	1	2.0	146	4	2.7
Western	13	n/a	n/a	3	0	0.0	38	1	2.6	124	2	1.6
Virgin Islands	47	n/a	n/a	4	0	0.0	38	1	2.6	32	0	0.0
FOURTH CIRCUIT	440	n/a	n/a	166	0	0.0	573	13	2.3	1,352	23	1.7
Maryland	92	n/a	n/a	35	0	0.0	84	3	3.6	158	6	3.8
North Carolina												
Eastern	43	n/a	n/a	25	0	0.0	57	2	3.5	108	0	0.0
Middle	112	n/a	n/a	38	0	0.0	103	3	2.9	149	0	0.0
Western	27	n/a	n/a	12	0	0.0	106	2	1.9	156	1	0.6
South Carolina	47	n/a	n/a	26	0	0.0	75	2	2.7	148	6	4.1
Virginia												
Eastern	93	n/a	n/a	18	0	0.0	114	1	0.9	576	9	1.6
Western	16	n/a	n/a	9	0	0.0	19	0	0.0	18	0	0.0
West Virginia												
Northern	4	n/a	n/a	0	0	0.0	10	0	0.0	29	1	3.4
Southern	6	n/a	n/a	3	0	0.0	5	0	0.0	10	0	0.0

Rate of Other Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	11,445	n/a	n/a	4,076	265	6.5	13,493	245	1.8	28,692	307	1.1
Louisiana												
Eastern	84	n/a	n/a	17	0	0.0	104	1	1.0	136	1	0.7
Middle	9	n/a	n/a	8	0	0.0	19	0	0.0	51	0	0.0
Western	24	n/a	n/a	10	0	0.0	28	0	0.0	73	1	1.4
Mississippi												
Northern	8	n/a	n/a	2	0	0.0	4	0	0.0	8	0	0.0
Southern	30	n/a	n/a	13	0	0.0	40	1	2.5	59	0	0.0
Texas												
Eastern	224	n/a	n/a	67	0	0.0	173	2	1.2	264	2	0.8
Northern	579	n/a	n/a	212	0	0.0	360	2	0.6	590	1	0.2
Southern	5,389	n/a	n/a	2,447	250	10.2	8,306	233	2.8	16,805	276	1.6
Western	5,098	n/a	n/a	1,300	15	1.2	4,459	6	0.1	10,706	26	0.2
SIXTH CIRCUIT	520	n/a	n/a	192	1	0.5	477	8	1.7	1,120	18	1.6
Kentucky												
Eastern	48	n/a	n/a	17	0	0.0	43	0	0.0	76	0	0.0
Western	28	n/a	n/a	9	1	11.1	19	0	0.0	45	3	6.7
Michigan												
Eastern	51	n/a	n/a	20	0	0.0	69	2	2.9	177	1	0.6
Western	126	n/a	n/a	51	0	0.0	109	2	1.8	290	2	0.7
Ohio												
Northern	74	n/a	n/a	17	0	0.0	66	1	1.5	98	1	1.0
Southern	32	n/a	n/a	8	0	0.0	29	1	3.4	189	8	4.2
Tennessee												
Eastern	89	n/a	n/a	34	0	0.0	61	1	1.6	86	0	0.0
Middle	36	n/a	n/a	23	0	0.0	57	1	1.8	99	3	3.0
Western	36	n/a	n/a	13	0	0.0	24	0	0.0	60	0	0.0
SEVENTH CIRCUIT	309	n/a	n/a	157	0	0.0	310	10	3.2	655	15	2.3
Illinois												
Central	43	n/a	n/a	10	0	0.0	36	1	2.8	66	1	1.5
Northern	149	n/a	n/a	89	0	0.0	133	5	3.8	331	7	2.1
Southern	33	n/a	n/a	6	0	0.0	33	0	0.0	35	1	2.9
Indiana												
Northern	8	n/a	n/a	2	0	0.0	14	0	0.0	39	0	0.0
Southern	32	n/a	n/a	6	0	0.0	21	1	4.8	52	0	0.0
Wisconsin												
Eastern	29	n/a	n/a	33	0	0.0	44	3	6.8	71	6	8.5
Western	15	n/a	n/a	11	0	0.0	29	0	0.0	61	0	0.0
EIGHTH CIRCUIT	991	n/a	n/a	339	52	15.3	892	38	4.3	1,651	39	2.4
Arkansas												
Eastern	16	n/a	n/a	3	0	0.0	20	1	5.0	125	2	1.6
Western	84	n/a	n/a	35	0	0.0	94	2	2.1	278	0	0.0
Iowa												
Northern	149	n/a	n/a	56	0	0.0	139	0	0.0	224	0	0.0
Southern	174	n/a	n/a	47	0	0.0	102	3	2.9	117	6	5.1
Minnesota	75	n/a	n/a	11	0	0.0	51	1	2.0	118	3	2.5
Missouri												
Eastern	72	n/a	n/a	32	0	0.0	99	1	1.0	113	1	0.9
Western	59	n/a	n/a	39	0	0.0	99	0	0.0	154	2	1.3
Nebraska	226	n/a	n/a	74	52	70.3	169	28	16.6	246	24	9.8
North Dakota	58	n/a	n/a	31	0	0.0	59	0	0.0	129	0	0.0
South Dakota	78	n/a	n/a	11	0	0.0	60	2	3.3	147	1	0.7

Rate of Other Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	15,021	n/a	n/a	3,119	1,006	32.3	7,603	153	2.0	19,622	339	1.7
Alaska	63	n/a	n/a	11	0	0.0	9	0	0.0	16	1	6.3
Arizona	7,659	n/a	n/a	1,993	940	47.2	4,862	18	0.4	10,528	43	0.4
California												
Central	325	n/a	n/a	44	0	0.0	311	14	4.5	1,718	19	1.1
Eastern	1,547	n/a	n/a	247	5	2.0	479	1	0.2	1,187	3	0.3
Northern	824	n/a	n/a	53	2	3.8	143	8	5.6	540	10	1.9
Southern	2,696	n/a	n/a	303	10	3.3	740	21	2.8	3,595	98	2.7
Guam	20	n/a	n/a	6	0	0.0	5	0	0.0	4	0	0.0
Hawaii	34	n/a	n/a	0	0	0.0	16	0	0.0	18	0	0.0
Idaho	143	n/a	n/a	83	25	30.1	174	0	0.0	328	1	0.3
Montana	94	n/a	n/a	24	0	0.0	107	0	0.0	79	1	1.3
Nevada	553	n/a	n/a	127	0	0.0	178	8	4.5	458	43	9.4
Northern Mariana Islands	0	n/a	n/a	0	0	0.0	0	0	0.0	4	0	0.0
Oregon	302	n/a	n/a	53	0	0.0	118	2	1.7	289	7	2.4
Washington												
Eastern	511	n/a	n/a	124	8	6.5	276	12	4.3	486	7	1.4
Western	250	n/a	n/a	51	16	31.4	185	69	37.3	372	106	28.5
TENTH CIRCUIT	4,237	n/a	n/a	1,561	296	19.0	5,705	738	12.9	10,482	1,245	11.9
Colorado	284	n/a	n/a	84	2	2.4	324	8	2.5	582	15	2.6
Kansas	183	n/a	n/a	72	0	0.0	201	17	8.5	226	38	16.8
New Mexico	2,703	n/a	n/a	1,182	293	24.8	4,506	707	15.7	7,960	1,170	14.7
Oklahoma												
Eastern	2	n/a	n/a	0	0	0.0	3	0	0.0	8	0	0.0
Northern	18	n/a	n/a	5	0	0.0	4	0	0.0	58	0	0.0
Western	37	n/a	n/a	5	0	0.0	13	1	7.7	118	1	0.8
Utah	947	n/a	n/a	194	0	0.0	592	4	0.7	1,243	15	1.2
Wyoming	63	n/a	n/a	19	1	5.3	62	1	1.6	287	6	2.1
ELEVENTH CIRCUIT	1,429	n/a	n/a	313	1	0.3	1,108	12	1.1	2,314	18	0.8
Alabama												
Middle	5	n/a	n/a	2	0	0.0	22	1	4.5	42	0	0.0
Northern	34	n/a	n/a	16	0	0.0	31	0	0.0	80	0	0.0
Southern	4	n/a	n/a	2	0	0.0	21	0	0.0	46	0	0.0
Florida												
Middle	359	n/a	n/a	102	0	0.0	512	6	1.2	1,011	10	1.0
Northern	15	n/a	n/a	2	0	0.0	57	0	0.0	73	0	0.0
Southern	567	n/a	n/a	93	1	1.1	310	5	1.6	558	7	1.3
Georgia												
Middle	31	n/a	n/a	10	0	0.0	16	0	0.0	78	0	0.0
Northern	394	n/a	n/a	76	0	0.0	113	0	0.0	384	1	0.3
Southern	20	n/a	n/a	10	0	0.0	26	0	0.0	42	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Non-Government Sponsored Below Range Sentences by Circuit and District
Illegal Entry Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	36,453	12,479	34.2	10,432	673	6.5	31,626	2,955	9.3	68,574	7,708	11.2
D.C. CIRCUIT	36	11	30.6	12	0	0.0	28	0	0.0	29	6	20.7
District of Columbia	36	11	30.6	12	0	0.0	28	0	0.0	29	6	20.7
FIRST CIRCUIT	465	108	23.2	109	10	9.2	308	65	21.1	447	98	21.9
Maine	29	1	3.4	7	0	0.0	30	1	3.3	34	5	14.7
Massachusetts	152	59	38.8	32	5	15.6	73	28	38.4	110	41	37.3
New Hampshire	26	7	26.9	14	1	7.1	13	2	15.4	19	4	21.1
Puerto Rico	163	30	18.4	40	2	5.0	142	21	14.8	213	18	8.5
Rhode Island	95	11	11.6	16	2	12.5	50	13	26.0	71	30	42.3
SECOND CIRCUIT	1,128	333	29.5	290	66	22.8	772	230	29.8	1,504	611	40.6
Connecticut	55	26	47.3	7	3	42.9	29	19	65.5	30	13	43.3
New York												
Eastern	323	108	33.4	96	35	36.5	141	43	30.5	335	170	50.7
Northern	130	28	21.5	60	12	20.0	111	20	18.0	278	25	9.0
Southern	472	143	30.3	95	14	14.7	374	133	35.6	611	362	59.2
Western	130	22	16.9	22	1	4.5	93	11	11.8	193	30	15.5
Vermont	18	6	33.3	10	1	10.0	24	4	16.7	57	11	19.3
THIRD CIRCUIT	432	87	20.1	98	7	7.1	357	96	26.9	706	173	24.5
Delaware	21	3	14.3	5	0	0.0	40	8	20.0	50	15	30.0
New Jersey	125	28	22.4	26	3	11.5	88	32	36.4	124	50	40.3
Pennsylvania												
Eastern	174	33	19.0	45	3	6.7	102	28	27.5	230	67	29.1
Middle	52	7	13.5	15	0	0.0	51	18	35.3	146	28	19.2
Western	13	2	15.4	3	0	0.0	38	6	15.8	124	8	6.5
Virgin Islands	47	14	29.8	4	1	25.0	38	4	10.5	32	5	15.6
FOURTH CIRCUIT	440	31	7.0	166	11	6.6	573	71	12.4	1,352	197	14.6
Maryland	92	15	16.3	35	8	22.9	84	17	20.2	158	43	27.2
North Carolina												
Eastern	43	2	4.7	25	2	8.0	57	10	17.5	108	12	11.1
Middle	112	3	2.7	38	0	0.0	103	7	6.8	149	2	1.3
Western	27	2	7.4	12	0	0.0	106	9	8.5	156	21	13.5
South Carolina	47	4	8.5	26	0	0.0	75	9	12.0	148	21	14.2
Virginia												
Eastern	93	5	5.4	18	1	5.6	114	17	14.9	576	87	15.1
Western	16	0	0.0	9	0	0.0	19	0	0.0	18	4	22.2
West Virginia												
Northern	4	0	0.0	0	0	0.0	10	2	20.0	29	3	10.3
Southern	6	0	0.0	3	0	0.0	5	0	0.0	10	4	40.0

Rate of Non-Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	11,445	2,588	22.6	4,076	308	7.6	13,493	1,129	8.4	28,692	3,418	11.9
Louisiana												
Eastern	84	7	8.3	17	0	0.0	104	6	5.8	136	6	4.4
Middle	9	1	11.1	8	0	0.0	19	0	0.0	51	2	3.9
Western	24	4	16.7	10	0	0.0	28	1	3.6	73	4	5.5
Mississippi												
Northern	8	2	25.0	2	0	0.0	4	0	0.0	8	0	0.0
Southern	30	0	0.0	13	0	0.0	40	0	0.0	59	0	0.0
Texas												
Eastern	224	21	9.4	67	0	0.0	173	4	2.3	264	12	4.5
Northern	579	59	10.2	212	7	3.3	360	12	3.3	590	32	5.4
Southern	5,389	1,345	25.0	2,447	260	10.6	8,306	694	8.4	16,805	2,236	13.3
Western	5,098	1,149	22.5	1,300	41	3.2	4,459	412	9.2	10,706	1,126	10.5
SIXTH CIRCUIT	520	82	15.8	192	10	5.2	477	76	15.9	1,120	221	19.7
Kentucky												
Eastern	48	2	4.2	17	1	5.9	43	7	16.3	76	15	19.7
Western	28	12	42.9	9	0	0.0	19	4	21.1	45	12	26.7
Michigan												
Eastern	51	7	13.7	20	2	10.0	69	15	21.7	177	53	29.9
Western	126	25	19.8	51	3	5.9	109	14	12.8	290	33	11.4
Ohio												
Northern	74	16	21.6	17	4	23.5	66	14	21.2	98	28	28.6
Southern	32	7	21.9	8	0	0.0	29	5	17.2	189	23	12.2
Tennessee												
Eastern	89	8	9.0	34	0	0.0	61	1	1.6	86	1	1.2
Middle	36	4	11.1	23	0	0.0	57	9	15.8	99	42	42.4
Western	36	1	2.8	13	0	0.0	24	7	29.2	60	14	23.3
SEVENTH CIRCUIT	309	33	10.7	157	9	5.7	310	79	25.5	655	229	35.0
Illinois												
Central	43	4	9.3	10	0	0.0	36	12	33.3	66	19	28.8
Northern	149	20	13.4	89	6	6.7	133	46	34.6	331	144	43.5
Southern	33	3	9.1	6	0	0.0	33	1	3.0	35	1	2.9
Indiana												
Northern	8	0	0.0	2	0	0.0	14	0	0.0	39	5	12.8
Southern	32	3	9.4	6	0	0.0	21	2	9.5	52	9	17.3
Wisconsin												
Eastern	29	3	10.3	33	3	9.1	44	16	36.4	71	34	47.9
Western	15	0	0.0	11	0	0.0	29	2	6.9	61	17	27.9
EIGHTH CIRCUIT	991	224	22.6	339	18	5.3	892	91	10.2	1,651	226	13.7
Arkansas												
Eastern	16	2	12.5	3	0	0.0	20	5	25.0	125	12	9.6
Western	84	1	1.2	35	1	2.9	94	8	8.5	278	19	6.8
Iowa												
Northern	149	31	20.8	56	2	3.6	139	10	7.2	224	19	8.5
Southern	174	40	23.0	47	3	6.4	102	29	28.4	117	43	36.8
Minnesota	75	25	33.3	11	2	18.2	51	19	37.3	118	62	52.5
Missouri												
Eastern	72	14	19.4	32	1	3.1	99	9	9.1	113	16	14.2
Western	59	10	16.9	39	0	0.0	99	4	4.0	154	11	7.1
Nebraska	226	69	30.5	74	5	6.8	169	7	4.1	246	18	7.3
North Dakota	58	12	20.7	31	3	9.7	59	0	0.0	129	16	12.4
South Dakota	78	20	25.6	11	1	9.1	60	0	0.0	147	10	6.8

Rate of Non-Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	15,021	7,294	48.6	3,119	186	6.0	7,603	480	6.3	19,622	1,442	7.3
Alaska	63	28	44.4	11	4	36.4	9	1	11.1	16	7	43.8
Arizona	7,659	5,268	68.8	1,993	78	3.9	4,862	116	2.4	10,528	422	4.0
California												
Central	325	81	24.9	44	5	11.4	311	58	18.6	1,718	110	6.4
Eastern	1,547	142	9.2	247	13	5.3	479	6	1.3	1,187	14	1.2
Northern	824	262	31.8	53	6	11.3	143	31	21.7	540	110	20.4
Southern	2,696	666	24.7	303	14	4.6	740	111	15.0	3,595	373	10.4
Guam	20	1	5.0	6	1	16.7	5	1	20.0	4	2	50.0
Hawaii	34	6	17.6	0	0	0.0	16	2	12.5	18	1	5.6
Idaho	143	30	21.0	83	1	1.2	174	9	5.2	328	45	13.7
Montana	94	20	21.3	24	0	0.0	107	2	1.9	79	1	1.3
Nevada	553	94	17.0	127	14	11.0	178	27	15.2	458	106	23.1
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	4	1	25.0
Oregon	302	87	28.8	53	7	13.2	118	22	18.6	289	100	34.6
Washington												
Eastern	511	409	80.0	124	27	21.8	276	56	20.3	486	84	17.3
Western	250	200	80.0	51	16	31.4	185	38	20.5	372	66	17.7
TENTH CIRCUIT	4,237	1,440	34.0	1,561	33	2.1	5,705	514	9.0	10,482	666	6.4
Colorado	284	65	22.9	84	4	4.8	324	54	16.7	582	159	27.3
Kansas	183	34	18.6	72	7	9.7	201	16	8.0	226	19	8.4
New Mexico	2,703	1,179	43.6	1,182	13	1.1	4,506	387	8.6	7,960	390	4.9
Oklahoma												
Eastern	2	0	0.0	0	0	0.0	3	0	0.0	8	1	12.5
Northern	18	2	11.1	5	0	0.0	4	0	0.0	58	9	15.5
Western	37	6	16.2	5	0	0.0	13	1	7.7	118	26	22.0
Utah	947	137	14.5	194	6	3.1	592	39	6.6	1,243	33	2.7
Wyoming	63	17	27.0	19	3	15.8	62	17	27.4	287	29	10.1
ELEVENTH CIRCUIT	1,429	248	17.4	313	15	4.8	1,108	124	11.2	2,314	421	18.2
Alabama												
Middle	5	2	40.0	2	1	50.0	22	1	4.5	42	6	14.3
Northern	34	1	2.9	16	0	0.0	31	3	9.7	80	7	8.8
Southern	4	0	0.0	2	0	0.0	21	0	0.0	46	1	2.2
Florida												
Middle	359	52	14.5	102	4	3.9	512	50	9.8	1,011	166	16.4
Northern	15	2	13.3	2	0	0.0	57	0	0.0	73	1	1.4
Southern	567	49	8.6	93	5	5.4	310	50	16.1	558	119	21.3
Georgia												
Middle	31	3	9.7	10	0	0.0	16	0	0.0	78	6	7.7
Northern	394	136	34.5	76	5	6.6	113	15	13.3	384	112	29.2
Southern	20	3	15.0	10	0	0.0	26	5	19.2	42	3	7.1

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Length of Imprisonment by Circuit and District
Illegal Entry Offenses
Koon Period through *Gall* Period

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months
TOTAL	36,563	37	32	10,444	30	29	31,632	29	26	68,574	23	20
D.C. CIRCUIT	36	26	21	13	30	32	28	25	25	29	19	18
District of Columbia	36	26	21	13	30	32	28	25	25	29	19	18
FIRST CIRCUIT	465	41	38	109	31	30	308	32	30	447	25	20
Maine	29	20	24	7	27	28	30	7	9	34	8	7
Massachusetts	152	44	37	32	35	34	73	44	38	110	37	29
New Hampshire	26	36	32	14	20	17	13	27	25	19	17	16
Puerto Rico	163	41	40	40	31	31	142	30	30	213	23	18
Rhode Island	95	43	41	16	34	33	50	36	32	71	21	16
SECOND CIRCUIT	1,131	46	42	290	37	33	773	37	33	1,504	25	20
Connecticut	56	46	39	7	44	39	29	41	32	30	29	24
New York												
Eastern	323	45	39	96	43	36	141	42	40	335	34	27
Northern	130	36	33	60	26	23	111	20	18	278	8	10
Southern	472	53	51	95	46	41	375	45	39	611	34	25
Western	132	34	32	22	17	18	93	23	22	193	11	10
Vermont	18	34	22	10	11	11	24	18	16	57	9	8
THIRD CIRCUIT	432	42	39	98	35	34	357	32	29	706	22	20
Delaware	21	40	42	5	26	28	40	25	26	50	23	21
New Jersey	125	46	43	26	41	38	88	44	39	124	42	36
Pennsylvania												
Eastern	174	44	41	45	34	33	102	35	30	230	25	23
Middle	52	32	30	15	30	33	51	29	24	146	14	12
Western	13	36	32	3	24	25	38	17	15	124	8	9
Virgin Islands	47	36	31	4	35	37	38	22	23	32	15	15
FOURTH CIRCUIT	440	43	45	166	32	34	573	34	35	1,352	24	26
Maryland	92	49	49	35	33	33	84	41	42	158	37	34
North Carolina												
Eastern	43	45	49	25	46	47	57	37	36	108	35	37
Middle	112	50	56	38	37	43	103	43	47	149	34	40
Western	27	47	45	12	29	30	106	29	32	156	30	32
South Carolina	47	26	25	26	15	16	75	22	22	148	20	20
Virginia												
Eastern	93	39	39	18	29	30	114	28	31	576	16	18
Western	16	36	38	9	29	30	19	42	45	18	37	41
West Virginia												
Northern	4	32	36	0	0	0	10	25	26	29	7	8
Southern	6	24	30	3	22	27	5	41	43	10	21	19

Average Guideline Minimum and Length of Imprisonment by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months
FIFTH CIRCUIT	11,458	35	34	4,079	29	30	13,494	26	25	28,692	19	19
Louisiana												
Eastern	84	31	33	17	22	25	104	15	18	136	16	21
Middle	9	32	36	8	16	27	19	22	27	51	25	35
Western	24	38	36	10	17	19	28	27	30	73	24	34
Mississippi												
Northern	8	35	35	2	38	38	4	9	12	8	27	30
Southern	30	29	32	13	15	18	40	26	28	59	26	29
Texas												
Eastern	225	37	39	67	33	36	173	27	31	264	27	31
Northern	579	43	46	212	39	45	361	37	47	590	32	41
Southern	5,394	32	31	2,449	26	26	8,306	25	23	16,805	21	19
Western	5,105	37	36	1,301	32	34	4,459	26	27	10,706	15	17
SIXTH CIRCUIT	522	33	31	193	33	34	477	33	33	1,120	20	20
Kentucky												
Eastern	49	27	28	17	26	27	43	18	17	76	20	19
Western	28	41	34	9	32	30	19	33	31	45	27	24
Michigan												
Eastern	52	33	30	20	40	40	69	38	36	177	18	15
Western	126	34	30	52	42	43	109	29	29	290	13	15
Ohio												
Northern	74	33	29	17	34	31	66	32	32	98	28	26
Southern	32	36	33	8	52	47	29	37	39	189	14	15
Tennessee												
Eastern	89	23	25	34	11	15	61	38	41	86	23	27
Middle	36	44	39	23	37	39	57	38	37	99	41	36
Western	36	47	49	13	35	36	24	44	41	60	27	27
SEVENTH CIRCUIT	309	46	46	158	50	51	310	43	41	655	38	35
Illinois												
Central	43	45	46	10	39	42	36	46	44	66	22	21
Northern	149	48	47	90	52	52	133	48	44	331	45	41
Southern	33	33	33	6	36	36	33	21	26	35	20	22
Indiana												
Northern	8	25	22	2	52	52	14	35	36	39	28	28
Southern	32	49	52	6	47	56	21	43	43	52	45	48
Wisconsin												
Eastern	29	56	57	33	57	58	44	52	45	71	35	27
Western	15	44	48	11	36	40	29	33	38	61	32	31
EIGHTH CIRCUIT	994	36	34	339	29	28	892	26	25	1,651	19	20
Arkansas												
Eastern	16	46	45	3	28	30	20	34	31	125	13	16
Western	84	28	30	35	32	32	94	29	29	278	21	23
Iowa												
Northern	149	30	33	56	29	32	139	17	22	224	12	15
Southern	175	38	37	47	31	32	102	29	27	117	35	31
Minnesota	75	47	43	11	33	31	51	48	44	118	43	34
Missouri												
Eastern	72	27	25	32	15	17	99	19	19	113	14	15
Western	59	30	30	39	29	31	99	30	32	154	19	21
Nebraska	227	45	40	74	41	33	169	35	27	246	24	23
North Dakota	59	27	24	31	15	14	59	7	5	129	6	6
South Dakota	78	29	29	11	10	13	60	14	17	147	10	12

Average Guideline Minimum and Length of Imprisonment by Circuit and District (cont.)

CIRCUIT	<i>Koon</i>			PROTECT Act			<i>Booker</i>			<i>Gall</i>		
	Period			Period			Period			Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months
NINTH CIRCUIT	15,083	37	29	3,123	34	29	7,606	39	32	19,622	34	26
Alaska	63	32	26	11	24	23	9	16	17	16	22	12
Arizona	7,684	40	28	1,995	34	27	4,862	37	30	10,528	28	23
California												
Central	326	58	53	44	45	43	313	54	41	1,718	53	34
Eastern	1,547	28	26	247	40	35	480	54	37	1,187	52	35
Northern	824	36	31	53	40	39	143	49	42	540	41	31
Southern	2,730	28	26	305	29	28	740	44	42	3,595	38	32
Guam	21	19	19	6	21	18	5	11	8	4	30	20
Hawaii	34	38	40	0	0	0	16	19	22	18	16	20
Idaho	143	32	28	83	30	27	174	28	25	328	23	19
Montana	94	30	29	24	29	34	107	16	21	79	13	19
Nevada	553	43	43	127	37	38	178	33	34	458	29	27
Northern Mariana Islands	0	0	0	0	0	0	0	0	0	4	5	6
Oregon	302	38	34	53	43	42	118	43	36	289	38	28
Washington												
Eastern	512	45	32	124	41	39	276	39	34	486	32	25
Western	250	55	30	51	33	26	185	29	21	372	29	18
TENTH CIRCUIT	4,263	33	29	1,563	22	21	5,706	19	17	10,482	13	11
Colorado	285	47	43	84	34	32	324	34	32	582	30	28
Kansas	183	40	39	72	35	35	201	31	32	226	30	30
New Mexico	2,705	26	20	1,182	17	16	4,507	16	14	7,960	9	7
Oklahoma												
Eastern	2	58	58	0	0	0	3	58	62	8	19	16
Northern	18	51	53	5	86	87	4	23	30	58	22	22
Western	37	49	49	5	42	44	13	42	42	118	32	30
Utah	970	48	46	196	36	37	592	30	27	1,243	22	16
Wyoming	63	35	36	19	30	29	62	26	23	287	8	8
ELEVENTH CIRCUIT	1,430	43	43	313	35	36	1,108	28	29	2,314	23	23
Alabama												
Middle	5	42	29	2	31	29	22	15	17	42	13	17
Northern	34	43	44	16	28	30	31	26	27	80	23	24
Southern	4	37	32	2	39	40	21	28	29	46	21	23
Florida												
Middle	360	35	35	102	28	29	512	22	22	1,011	17	18
Northern	15	39	43	2	58	62	57	21	26	73	21	25
Southern	567	44	45	93	37	36	310	33	33	558	27	26
Georgia												
Middle	31	54	58	10	42	47	16	35	48	78	22	28
Northern	394	48	45	76	40	42	113	42	43	384	32	31
Southern	20	50	51	10	43	46	26	39	41	42	33	37

Sentences of probation only are included as zero (0) months of imprisonment. Life sentences and other sentences exceeding 470 months are capped at 470 months. This analysis includes time of confinement as described in USSG §5C1.1 (Imposition of a Term of Imprisonment). Some cases were excluded due to missing or indeterminable sentencing information.

Guideline minimums account for applicable statutory mandatory penalties. Guideline minimums of life and other guideline minimums exceeding 470 months are capped at 470 months.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Illegal Entry Offenses**

<i>Koon</i>			
Period			
(6/13/96 - 4/30/03)			
District	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Alabama, Southern	25.0	1	4
Idaho	21.7	31	143
Alabama, Middle	20.0	1	5
Tennessee, Middle	16.7	6	36
Louisiana, Western	16.7	4	24
Pennsylvania, Western	15.4	2	13
Arizona	11.8	904	7,659
Nebraska	11.5	26	226
Louisiana, Middle	11.1	1	9
Pennsylvania, Eastern	10.3	18	174
Guam	10.0	2	20
New Mexico	9.8	265	2,703
District of Columbia	8.3	3	36
New York, Northern	7.7	10	130
Maryland	7.6	7	92
New Jersey	7.2	9	125
North Dakota	6.9	4	58
Virgin Islands	6.4	3	47
Vermont	5.6	1	18
Massachusetts	5.3	8	152
Texas, Northern	5.2	30	579
Missouri, Western	5.1	3	59
Georgia, Southern	5.0	1	20
Michigan, Western	4.8	6	126
Delaware	4.8	1	21
Illinois, Central	4.7	2	43
Washington, Eastern	4.5	23	511
South Carolina	4.3	2	47
Florida, Middle	4.2	15	359
Missouri, Eastern	4.2	3	72
Minnesota	4.0	3	75
Oregon	4.0	12	302
Michigan, Eastern	3.9	2	51
New York, Western	3.8	5	130
Pennsylvania, Middle	3.8	2	52
New Hampshire	3.8	1	26
North Carolina, Western	3.7	1	27
North Carolina, Middle	3.6	4	112
Kentucky, Western	3.6	1	28
Texas, Southern	3.3	178	5,389
Washington, Western	3.2	8	250
Montana	3.2	3	94

**Spread of Rates of Government Sponsored Below Range Sentences
Illegal Entry Offenses (cont.)**

District	Percent	<i>Koon</i> Period	
		(6/13/96 - 4/30/03)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Rhode Island	3.2	3	95
Ohio, Southern	3.1	1	32
Colorado	2.8	8	284
Ohio, Northern	2.7	2	74
Oklahoma, Western	2.7	1	37
South Dakota	2.6	2	78
Puerto Rico	2.5	4	163
Arkansas, Western	2.4	2	84
Texas, Western	2.3	116	5,098
Virginia, Eastern	2.2	2	93
New York, Eastern	1.9	6	323
Connecticut	1.8	1	55
Nevada	1.8	10	553
Texas, Eastern	1.8	4	224
California, Northern	1.7	14	824
Kansas	1.6	3	183
Wyoming	1.6	1	63
Utah	1.6	15	947
Georgia, Northern	1.3	5	394
California, Central	1.2	4	325
Louisiana, Eastern	1.2	1	84
Tennessee, Eastern	1.1	1	89
Florida, Southern	1.1	6	567
New York, Southern	0.8	4	472
California, Southern	0.8	21	2,696
Illinois, Northern	0.7	1	149
Iowa, Northern	0.7	1	149
California, Eastern	0.6	10	1,547
Iowa, Southern	0.0	0	174
Alaska	0.0	0	63
Kentucky, Eastern	0.0	0	48
North Carolina, Eastern	0.0	0	43
Tennessee, Western	0.0	0	36
Hawaii	0.0	0	34
Alabama, Northern	0.0	0	34
Illinois, Southern	0.0	0	33
Indiana, Southern	0.0	0	32
Georgia, Middle	0.0	0	31
Mississippi, Southern	0.0	0	30
Maine	0.0	0	29
Wisconsin, Eastern	0.0	0	29
Oklahoma, Northern	0.0	0	18
Virginia, Western	0.0	0	16
Arkansas, Eastern	0.0	0	16
Wisconsin, Western	0.0	0	15
Florida, Northern	0.0	0	15
Mississippi, Northern	0.0	0	8
Indiana, Northern	0.0	0	8
West Virginia, Southern	0.0	0	6
West Virginia, Northern	0.0	0	4
Oklahoma, Eastern	0.0	0	2

The following districts had no illegal entry offenses in the selected time period: Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Illegal Entry Offenses**

District	Percent	PROTECT Act	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
		Period	
		(5/1/03 - 6/24/04)	
Nebraska	79.7	59	74
Arizona	70.2	1,400	1,993
Idaho	68.7	57	83
Washington, Western	41.2	21	51
New Mexico	36.3	429	1,182
North Dakota	35.5	11	31
Ohio, Southern	25.0	2	8
Virgin Islands	25.0	1	4
Kentucky, Western	22.2	2	9
California, Eastern	18.2	45	247
Illinois, Southern	16.7	1	6
Guam	16.7	1	6
Texas, Southern	12.5	306	2,447
New Jersey	11.5	3	26
Pennsylvania, Eastern	11.1	5	45
Georgia, Southern	10.0	1	10
Minnesota	9.1	1	11
District of Columbia	8.3	1	12
North Carolina, Western	8.3	1	12
Colorado	7.1	6	84
New Hampshire	7.1	1	14
Washington, Eastern	6.5	8	124
Rhode Island	6.3	1	16
Ohio, Northern	5.9	1	17
Wyoming	5.3	1	19
Texas, Western	5.2	68	1,300
Michigan, Eastern	5.0	1	20
New York, Western	4.5	1	22
California, Southern	4.3	13	303
North Carolina, Eastern	4.0	1	25
California, Northern	3.8	2	53
Florida, Southern	3.2	3	93
New York, Southern	3.2	3	95
North Carolina, Middle	2.6	1	38
Puerto Rico	2.5	1	40
California, Central	2.3	1	44
Iowa, Southern	2.1	1	47
Michigan, Western	2.0	1	51
Oregon	1.9	1	53
Kansas	1.4	1	72
Illinois, Northern	1.1	1	89
Florida, Middle	1.0	1	102

**Spread of Rates of Government Sponsored Below Range Sentences
Illegal Entry Offenses (cont.)**

District	PROTECT Act		
	Period		
	(5/1/03 - 6/24/04)		
Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed	
Utah	0.5	1	194
Texas, Northern	0.0	0	212
Nevada	0.0	0	127
New York, Eastern	0.0	0	96
Georgia, Northern	0.0	0	76
Texas, Eastern	0.0	0	67
New York, Northern	0.0	0	60
Iowa, Northern	0.0	0	56
Missouri, Western	0.0	0	39
Maryland	0.0	0	35
Arkansas, Western	0.0	0	35
Tennessee, Eastern	0.0	0	34
Wisconsin, Eastern	0.0	0	33
Massachusetts	0.0	0	32
Missouri, Eastern	0.0	0	32
South Carolina	0.0	0	26
Montana	0.0	0	24
Tennessee, Middle	0.0	0	23
Virginia, Eastern	0.0	0	18
Louisiana, Eastern	0.0	0	17
Kentucky, Eastern	0.0	0	17
Alabama, Northern	0.0	0	16
Pennsylvania, Middle	0.0	0	15
Mississippi, Southern	0.0	0	13
Tennessee, Western	0.0	0	13
Wisconsin, Western	0.0	0	11
South Dakota	0.0	0	11
Alaska	0.0	0	11
Vermont	0.0	0	10
Louisiana, Western	0.0	0	10
Illinois, Central	0.0	0	10
Georgia, Middle	0.0	0	10
Virginia, Western	0.0	0	9
Louisiana, Middle	0.0	0	8
Maine	0.0	0	7
Connecticut	0.0	0	7
Indiana, Southern	0.0	0	6
Delaware	0.0	0	5
Oklahoma, Northern	0.0	0	5
Oklahoma, Western	0.0	0	5
Pennsylvania, Western	0.0	0	3
West Virginia, Southern	0.0	0	3
Arkansas, Eastern	0.0	0	3
Mississippi, Northern	0.0	0	2
Indiana, Northern	0.0	0	2
Alabama, Middle	0.0	0	2
Alabama, Southern	0.0	0	2
Florida, Northern	0.0	0	2

The following districts had no illegal entry offenses in the selected time period: Northern West Virginia, Hawaii, Northern Mariana Islands, and Eastern Oklahoma.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Illegal Entry Offenses**

District	Percent	Booker Period	
		(1/12/05 - 12/10/07)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
California, Eastern	89.6	429	479
Arizona	77.8	3,781	4,862
Nebraska	74.0	125	169
Washington, Western	62.7	116	185
California, Central	52.4	163	311
Idaho	51.7	90	174
Washington, Eastern	39.5	109	276
Utah	37.3	221	592
New Mexico	34.5	1,555	4,506
North Dakota	33.9	20	59
Oregon	32.2	38	118
Texas, Southern	29.8	2,474	8,306
California, Northern	21.7	31	143
New York, Western	11.8	11	93
Pennsylvania, Eastern	10.8	11	102
District of Columbia	10.7	3	28
Florida, Middle	10.0	51	512
Wisconsin, Eastern	9.1	4	44
Kansas	9.0	18	201
Vermont	8.3	2	24
New Hampshire	7.7	1	13
Oklahoma, Western	7.7	1	13
Texas, Western	7.4	332	4,459
Michigan, Eastern	7.2	5	69
North Carolina, Eastern	7.0	4	57
Ohio, Southern	6.9	2	29
Puerto Rico	6.3	9	142
Maryland	6.0	5	84
New Jersey	5.7	5	88
New York, Northern	5.4	6	111
South Carolina	5.3	4	75
Tennessee, Middle	5.3	3	57
Pennsylvania, Western	5.3	2	38
Virginia, Western	5.3	1	19
Nevada	5.1	9	178
Mississippi, Southern	5.0	2	40
Arkansas, Eastern	5.0	1	20
North Carolina, Middle	4.9	5	103
Indiana, Southern	4.8	1	21
Alabama, Middle	4.5	1	22
California, Southern	4.3	32	740
Massachusetts	4.1	3	73

**Spread of Rates of Government Sponsored Below Range Sentences
Illegal Entry Offenses (cont.)**

<i>Booker</i>				
Period				
(1/12/05 - 12/10/07)				
District	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed	
Iowa, Southern	3.9	4	102	
Pennsylvania, Middle	3.9	2	51	
Illinois, Northern	3.8	5	133	
Michigan, Western	3.7	4	109	
Connecticut	3.4	1	29	
Colorado	3.4	11	324	
South Dakota	3.3	2	60	
Tennessee, Eastern	3.3	2	61	
Arkansas, Western	3.2	3	94	
Missouri, Eastern	3.0	3	99	
Illinois, Southern	3.0	1	33	
Louisiana, Eastern	2.9	3	104	
Illinois, Central	2.8	1	36	
New York, Southern	2.7	10	374	
Virgin Islands	2.6	1	38	
Delaware	2.5	1	40	
Florida, Southern	2.3	7	310	
New York, Eastern	2.1	3	141	
Minnesota	2.0	1	51	
North Carolina, Western	1.9	2	106	
Texas, Eastern	1.7	3	173	
Wyoming	1.6	1	62	
Ohio, Northern	1.5	1	66	
Texas, Northern	1.1	4	360	
Georgia, Northern	0.9	1	113	
Virginia, Eastern	0.9	1	114	
Iowa, Northern	0.7	1	139	
Montana	0.0	0	107	
Missouri, Western	0.0	0	99	
Florida, Northern	0.0	0	57	
Rhode Island	0.0	0	50	
Kentucky, Eastern	0.0	0	43	
Alabama, Northern	0.0	0	31	
Maine	0.0	0	30	
Wisconsin, Western	0.0	0	29	
Louisiana, Western	0.0	0	28	
Georgia, Southern	0.0	0	26	
Tennessee, Western	0.0	0	24	
Alabama, Southern	0.0	0	21	
Louisiana, Middle	0.0	0	19	
Kentucky, Western	0.0	0	19	
Hawaii	0.0	0	16	
Georgia, Middle	0.0	0	16	
Indiana, Northern	0.0	0	14	
West Virginia, Northern	0.0	0	10	
Alaska	0.0	0	9	
West Virginia, Southern	0.0	0	5	
Guam	0.0	0	5	
Mississippi, Northern	0.0	0	4	
Oklahoma, Northern	0.0	0	4	
Oklahoma, Eastern	0.0	0	3	

The following districts had no illegal entry offenses in the selected time period: Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Illegal Entry Offenses**

District	Percent	Gall Period	
		(12/11/07 - 9/30/11)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
California, Eastern	91.7	1,089	1,187
California, Central	88.9	1,527	1,718
Utah	73.3	911	1,243
Arizona	72.4	7,620	10,528
Washington, Western	63.2	235	372
Nebraska	54.1	133	246
Washington, Eastern	53.3	259	486
Puerto Rico	48.4	103	213
California, Southern	47.6	1,713	3,595
California, Northern	47.6	257	540
Idaho	39.0	128	328
Oregon	31.1	90	289
New Mexico	29.8	2,372	7,960
Texas, Southern	22.3	3,754	16,805
Massachusetts	18.2	20	110
Kansas	17.3	39	226
Oklahoma, Eastern	12.5	1	8
District of Columbia	10.3	3	29
Wisconsin, Eastern	9.9	7	71
Nevada	9.6	44	458
Kentucky, Western	8.9	4	45
Wyoming	7.7	22	287
Maryland	7.0	11	158
Alaska	6.3	1	16
Delaware	6.0	3	50
Iowa, Southern	6.0	7	117
New York, Western	5.7	11	193
Florida, Middle	5.3	54	1,011
New Hampshire	5.3	1	19
South Carolina	4.7	7	148
Ohio, Southern	4.2	8	189
Kentucky, Eastern	3.9	3	76
Pennsylvania, Eastern	3.5	8	230
West Virginia, Northern	3.4	1	29
Minnesota	3.4	4	118
Connecticut	3.3	1	30
Missouri, Western	3.2	5	154
New York, Northern	3.2	9	278
New Jersey	3.2	4	124
Colorado	3.1	18	582
Ohio, Northern	3.1	3	98
Florida, Southern	3.0	17	558

**Spread of Rates of Government Sponsored Below Range Sentences
Illegal Entry Offenses (cont.)**

District	Percent	Gall Period	
		(12/11/07 - 9/30/11)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Tennessee, Middle	3.0	3	99
Illinois, Central	3.0	2	66
Illinois, Southern	2.9	1	35
North Carolina, Eastern	2.8	3	108
Pennsylvania, Middle	2.7	4	146
New York, Southern	2.6	16	611
Indiana, Northern	2.6	1	39
Pennsylvania, Western	2.4	3	124
North Dakota	2.3	3	129
Alabama, Southern	2.2	1	46
Illinois, Northern	2.1	7	331
North Carolina, Middle	2.0	3	149
Vermont	1.8	1	57
Virginia, Eastern	1.7	10	576
Michigan, Eastern	1.7	3	177
Oklahoma, Western	1.7	2	118
Wisconsin, Western	1.6	1	61
Arkansas, Eastern	1.6	2	125
Michigan, Western	1.4	4	290
Louisiana, Western	1.4	1	73
Texas, Western	1.3	140	10,706
Montana	1.3	1	79
Texas, Northern	1.2	7	590
New York, Eastern	0.9	3	335
Missouri, Eastern	0.9	1	113
Texas, Eastern	0.8	2	264
Louisiana, Eastern	0.7	1	136
South Dakota	0.7	1	147
North Carolina, Western	0.6	1	156
Georgia, Northern	0.5	2	384
Iowa, Northern	0.4	1	224
Arkansas, Western	0.0	0	278
Tennessee, Eastern	0.0	0	86
Alabama, Northern	0.0	0	80
Georgia, Middle	0.0	0	78
Florida, Northern	0.0	0	73
Rhode Island	0.0	0	71
Tennessee, Western	0.0	0	60
Mississippi, Southern	0.0	0	59
Oklahoma, Northern	0.0	0	58
Indiana, Southern	0.0	0	52
Louisiana, Middle	0.0	0	51
Alabama, Middle	0.0	0	42
Georgia, Southern	0.0	0	42
Maine	0.0	0	34
Virgin Islands	0.0	0	32
Virginia, Western	0.0	0	18
Hawaii	0.0	0	18
West Virginia, Southern	0.0	0	10
Mississippi, Northern	0.0	0	8
Guam	0.0	0	4
Northern Mariana Islands	0.0	0	4

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Illegal Entry Offenses**

Koon

Period

(6/13/96 - 4/30/03)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Alabama, Southern	25.0	1	4
Alabama, Middle	20.0	1	5
Tennessee, Middle	16.7	6	36
Louisiana, Western	16.7	4	24
Pennsylvania, Western	15.4	2	13
Louisiana, Middle	11.1	1	9
Idaho	10.5	15	143
Pennsylvania, Eastern	10.3	18	174
Guam	10.0	2	20
District of Columbia	8.3	3	36
New York, Northern	7.7	10	130
New Jersey	7.2	9	125
North Dakota	6.9	4	58
Maryland	6.5	6	92
Virgin Islands	6.4	3	47
Vermont	5.6	1	18
Massachusetts	5.3	8	152
Texas, Northern	5.2	30	579
Georgia, Southern	5.0	1	20
Michigan, Western	4.8	6	126
Delaware	4.8	1	21
Illinois, Central	4.7	2	43
Nebraska	4.4	10	226
South Carolina	4.3	2	47
Missouri, Eastern	4.2	3	72
Minnesota	4.0	3	75
Michigan, Eastern	3.9	2	51
Florida, Middle	3.9	14	359
New York, Western	3.8	5	130
Pennsylvania, Middle	3.8	2	52
New Hampshire	3.8	1	26
North Carolina, Western	3.7	1	27
Oregon	3.6	11	302
North Carolina, Middle	3.6	4	112
Kentucky, Western	3.6	1	28
Montana	3.2	3	94
Rhode Island	3.2	3	95
Ohio, Southern	3.1	1	32
Colorado	2.8	8	284
Oklahoma, Western	2.7	1	37
Puerto Rico	2.5	4	163
Arkansas, Western	2.4	2	84

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Illegal Entry Offenses (cont.)**

Koon

Period

(6/13/96 - 4/30/03)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Texas, Southern	2.2	120	5,389
Virginia, Eastern	2.2	2	93
Arizona	2.1	160	7,659
Washington, Western	2.0	5	250
Connecticut	1.8	1	55
Nevada	1.8	10	553
Texas, Eastern	1.8	4	224
Texas, Western	1.8	91	5,098
Missouri, Western	1.7	1	59
Kansas	1.6	3	183
Wyoming	1.6	1	63
New York, Eastern	1.5	5	323
Utah	1.5	14	947
California, Northern	1.5	12	824
Ohio, Northern	1.4	1	74
South Dakota	1.3	1	78
Georgia, Northern	1.3	5	394
California, Central	1.2	4	325
Louisiana, Eastern	1.2	1	84
Tennessee, Eastern	1.1	1	89
Florida, Southern	1.1	6	567
Washington, Eastern	1.0	5	511
New York, Southern	0.8	4	472
New Mexico	0.8	22	2,703
California, Southern	0.7	19	2,696
Illinois, Northern	0.7	1	149
Iowa, Northern	0.7	1	149
California, Eastern	0.6	9	1,547
Iowa, Southern	0.0	0	174
Alaska	0.0	0	63
Kentucky, Eastern	0.0	0	48
North Carolina, Eastern	0.0	0	43
Tennessee, Western	0.0	0	36
Hawaii	0.0	0	34
Alabama, Northern	0.0	0	34
Illinois, Southern	0.0	0	33
Indiana, Southern	0.0	0	32
Georgia, Middle	0.0	0	31
Mississippi, Southern	0.0	0	30
Maine	0.0	0	29
Wisconsin, Eastern	0.0	0	29
Oklahoma, Northern	0.0	0	18
Virginia, Western	0.0	0	16
Arkansas, Eastern	0.0	0	16
Wisconsin, Western	0.0	0	15
Florida, Northern	0.0	0	15
Mississippi, Northern	0.0	0	8
Indiana, Northern	0.0	0	8
West Virginia, Southern	0.0	0	6
West Virginia, Northern	0.0	0	4
Oklahoma, Eastern	0.0	0	2

The following districts had no illegal entry offenses in the selected time period: Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Illegal Entry Offenses**

District	PROTECT Act		
	Period		
	(5/1/03 - 6/24/04)		
	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Ohio, Southern	25.0	2	8
Virgin Islands	25.0	1	4
Illinois, Southern	16.7	1	6
Guam	16.7	1	6
Idaho	13.3	11	83
Kentucky, Western	11.1	1	9
Georgia, Southern	10.0	1	10
Minnesota	9.1	1	11
District of Columbia	8.3	1	12
North Carolina, Western	8.3	1	12
New Jersey	7.7	2	26
New Hampshire	7.1	1	14
Nebraska	6.8	5	74
Pennsylvania, Eastern	6.7	3	45
Rhode Island	6.3	1	16
Ohio, Northern	5.9	1	17
Michigan, Eastern	5.0	1	20
Colorado	4.8	4	84
New York, Western	4.5	1	22
North Carolina, Eastern	4.0	1	25
North Dakota	3.2	1	31
North Carolina, Middle	2.6	1	38
Puerto Rico	2.5	1	40
California, Central	2.3	1	44
Florida, Southern	2.2	2	93
Iowa, Southern	2.1	1	47
New York, Southern	2.1	2	95
Michigan, Western	2.0	1	51
Washington, Western	2.0	1	51
Texas, Western	1.9	25	1,300
Oregon	1.9	1	53
Kansas	1.4	1	72
Illinois, Northern	1.1	1	89
Florida, Middle	1.0	1	102
Utah	0.5	1	194
Arizona	0.5	10	1,993
Texas, Southern	0.5	12	2,447
California, Southern	0.3	1	303
New Mexico	0.1	1	1,182
California, Eastern	0.0	0	247
Texas, Northern	0.0	0	212
Nevada	0.0	0	127

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Illegal Entry Offenses (cont.)**

**PROTECT Act
Period**

(5/1/03 - 6/24/04)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Washington, Eastern	0.0	0	124
New York, Eastern	0.0	0	96
Georgia, Northern	0.0	0	76
Texas, Eastern	0.0	0	67
New York, Northern	0.0	0	60
Iowa, Northern	0.0	0	56
California, Northern	0.0	0	53
Missouri, Western	0.0	0	39
Maryland	0.0	0	35
Arkansas, Western	0.0	0	35
Tennessee, Eastern	0.0	0	34
Wisconsin, Eastern	0.0	0	33
Massachusetts	0.0	0	32
Missouri, Eastern	0.0	0	32
South Carolina	0.0	0	26
Montana	0.0	0	24
Tennessee, Middle	0.0	0	23
Wyoming	0.0	0	19
Virginia, Eastern	0.0	0	18
Louisiana, Eastern	0.0	0	17
Kentucky, Eastern	0.0	0	17
Alabama, Northern	0.0	0	16
Pennsylvania, Middle	0.0	0	15
Mississippi, Southern	0.0	0	13
Tennessee, Western	0.0	0	13
Wisconsin, Western	0.0	0	11
South Dakota	0.0	0	11
Alaska	0.0	0	11
Vermont	0.0	0	10
Louisiana, Western	0.0	0	10
Illinois, Central	0.0	0	10
Georgia, Middle	0.0	0	10
Virginia, Western	0.0	0	9
Louisiana, Middle	0.0	0	8
Maine	0.0	0	7
Connecticut	0.0	0	7
Indiana, Southern	0.0	0	6
Delaware	0.0	0	5
Oklahoma, Northern	0.0	0	5
Oklahoma, Western	0.0	0	5
Pennsylvania, Western	0.0	0	3
West Virginia, Southern	0.0	0	3
Arkansas, Eastern	0.0	0	3
Mississippi, Northern	0.0	0	2
Indiana, Northern	0.0	0	2
Alabama, Middle	0.0	0	2
Alabama, Southern	0.0	0	2
Florida, Northern	0.0	0	2

The following districts had no illegal entry offenses in the selected time period: Northern West Virginia, Hawaii, Northern Mariana Islands, and Eastern Oklahoma.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Illegal Entry Offenses**

<i>Booker</i>			
Period			
(1/12/05 - 12/10/07)			
District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
District of Columbia	10.7	3	28
New Hampshire	7.7	1	13
New York, Western	6.5	6	93
Virginia, Western	5.3	1	19
Pennsylvania, Eastern	4.9	5	102
Michigan, Eastern	4.3	3	69
Vermont	4.2	1	24
Puerto Rico	3.5	5	142
North Carolina, Eastern	3.5	2	57
Tennessee, Middle	3.5	2	57
Ohio, Southern	3.4	1	29
Oregon	3.4	4	118
Illinois, Southern	3.0	1	33
Idaho	2.9	5	174
New York, Northern	2.7	3	111
Pennsylvania, Western	2.6	1	38
Mississippi, Southern	2.5	1	40
Maryland	2.4	2	84
New Jersey	2.3	2	88
Missouri, Eastern	2.0	2	99
Pennsylvania, Middle	2.0	1	51
North Carolina, Middle	1.9	2	103
Louisiana, Eastern	1.9	2	104
Michigan, Western	1.8	2	109
Nebraska	1.8	3	169
Tennessee, Eastern	1.6	1	61
California, Eastern	1.5	7	479
California, Northern	1.4	2	143
Massachusetts	1.4	1	73
Florida, Middle	1.4	7	512
New York, Southern	1.3	5	374
Washington, Eastern	1.1	3	276
Washington, Western	1.1	2	185
Arkansas, Western	1.1	1	94
Iowa, Southern	1.0	1	102
California, Central	1.0	3	311
Colorado	0.9	3	324
Arizona	0.8	39	4,862
Iowa, Northern	0.7	1	139
New York, Eastern	0.7	1	141
Florida, Southern	0.6	2	310
Texas, Eastern	0.6	1	173

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Illegal Entry Offenses (cont.)**

Booker
Period

(1/12/05 - 12/10/07)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Nevada	0.6	1	178
Texas, Northern	0.6	2	360
Texas, Southern	0.6	46	8,306
Utah	0.5	3	592
Kansas	0.5	1	201
New Mexico	0.5	21	4,506
California, Southern	0.4	3	740
Texas, Western	0.4	18	4,459
Illinois, Northern	0.0	0	133
Virginia, Eastern	0.0	0	114
Georgia, Northern	0.0	0	113
Montana	0.0	0	107
North Carolina, Western	0.0	0	106
Missouri, Western	0.0	0	99
South Carolina	0.0	0	75
Ohio, Northern	0.0	0	66
Wyoming	0.0	0	62
South Dakota	0.0	0	60
North Dakota	0.0	0	59
Florida, Northern	0.0	0	57
Minnesota	0.0	0	51
Rhode Island	0.0	0	50
Wisconsin, Eastern	0.0	0	44
Kentucky, Eastern	0.0	0	43
Delaware	0.0	0	40
Virgin Islands	0.0	0	38
Illinois, Central	0.0	0	36
Alabama, Northern	0.0	0	31
Maine	0.0	0	30
Connecticut	0.0	0	29
Wisconsin, Western	0.0	0	29
Louisiana, Western	0.0	0	28
Georgia, Southern	0.0	0	26
Tennessee, Western	0.0	0	24
Alabama, Middle	0.0	0	22
Indiana, Southern	0.0	0	21
Alabama, Southern	0.0	0	21
Arkansas, Eastern	0.0	0	20
Louisiana, Middle	0.0	0	19
Kentucky, Western	0.0	0	19
Hawaii	0.0	0	16
Georgia, Middle	0.0	0	16
Indiana, Northern	0.0	0	14
Oklahoma, Western	0.0	0	13
West Virginia, Northern	0.0	0	10
Alaska	0.0	0	9
West Virginia, Southern	0.0	0	5
Guam	0.0	0	5
Mississippi, Northern	0.0	0	4
Oklahoma, Northern	0.0	0	4
Oklahoma, Eastern	0.0	0	3

The following districts had no illegal entry offenses in the selected time period: Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Illegal Entry Offenses**

Gall

Period

(12/11/07 - 9/30/11)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Oklahoma, Eastern	12.5	1	8
Kentucky, Eastern	3.9	3	76
Puerto Rico	3.8	8	213
Oregon	3.5	10	289
District of Columbia	3.4	1	29
Connecticut	3.3	1	30
New York, Northern	3.2	9	278
Maryland	3.2	5	158
North Carolina, Eastern	2.8	3	108
Indiana, Northern	2.6	1	39
Kentucky, Western	2.2	1	45
Pennsylvania, Eastern	2.2	5	230
Alabama, Southern	2.2	1	46
North Carolina, Middle	2.0	3	149
Missouri, Western	1.9	3	154
Florida, Southern	1.8	10	558
Vermont	1.8	1	57
Illinois, Central	1.5	1	66
Wisconsin, Eastern	1.4	1	71
New York, Western	1.0	2	193
Ohio, Northern	1.0	1	98
Texas, Northern	1.0	6	590
Idaho	0.9	3	328
Iowa, Southern	0.9	1	117
Minnesota	0.8	1	118
Oklahoma, Western	0.8	1	118
Nebraska	0.8	2	246
New Jersey	0.8	1	124
Pennsylvania, Western	0.8	1	124
North Dakota	0.8	1	129
California, Northern	0.7	4	540
Michigan, Western	0.7	2	290
South Carolina	0.7	1	148
California, Eastern	0.7	8	1,187
California, Central	0.6	11	1,718
Colorado	0.5	3	582
New York, Southern	0.5	3	611
California, Southern	0.5	17	3,595
Iowa, Northern	0.4	1	224
Kansas	0.4	1	226
Washington, Eastern	0.4	2	486
Utah	0.4	5	1,243

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Illegal Entry Offenses (cont.)**

Gall

Period

(12/11/07 - 9/30/11)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Arizona	0.4	41	10,528
Texas, Southern	0.3	47	16,805
Washington, Western	0.3	1	372
Georgia, Northern	0.3	1	384
Nevada	0.2	1	458
New Mexico	0.2	14	7,960
Virginia, Eastern	0.2	1	576
Florida, Middle	0.1	1	1,011
Texas, Western	0.1	8	10,706
New York, Eastern	0.0	0	335
Illinois, Northern	0.0	0	331
Wyoming	0.0	0	287
Arkansas, Western	0.0	0	278
Texas, Eastern	0.0	0	264
Ohio, Southern	0.0	0	189
Michigan, Eastern	0.0	0	177
North Carolina, Western	0.0	0	156
South Dakota	0.0	0	147
Pennsylvania, Middle	0.0	0	146
Louisiana, Eastern	0.0	0	136
Arkansas, Eastern	0.0	0	125
Missouri, Eastern	0.0	0	113
Massachusetts	0.0	0	110
Tennessee, Middle	0.0	0	99
Tennessee, Eastern	0.0	0	86
Alabama, Northern	0.0	0	80
Montana	0.0	0	79
Georgia, Middle	0.0	0	78
Louisiana, Western	0.0	0	73
Florida, Northern	0.0	0	73
Rhode Island	0.0	0	71
Wisconsin, Western	0.0	0	61
Tennessee, Western	0.0	0	60
Mississippi, Southern	0.0	0	59
Oklahoma, Northern	0.0	0	58
Indiana, Southern	0.0	0	52
Louisiana, Middle	0.0	0	51
Delaware	0.0	0	50
Alabama, Middle	0.0	0	42
Georgia, Southern	0.0	0	42
Illinois, Southern	0.0	0	35
Maine	0.0	0	34
Virgin Islands	0.0	0	32
West Virginia, Northern	0.0	0	29
New Hampshire	0.0	0	19
Virginia, Western	0.0	0	18
Hawaii	0.0	0	18
Alaska	0.0	0	16
West Virginia, Southern	0.0	0	10
Mississippi, Northern	0.0	0	8
Guam	0.0	0	4
Northern Mariana Islands	0.0	0	4

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K3.1 Early Disposition Program Sentences
Illegal Entry Offenses**

PROTECT Act

Period

(5/1/03 - 6/24/04)

District	Percent	Number of §5K3.1 Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
North Dakota	32.3	10	31
Idaho	25.3	21	83
Arizona	22.6	450	1,993
California, Eastern	16.2	40	247
New Mexico	11.4	135	1,182
Washington, Western	7.8	4	51
Nebraska	2.7	2	74
Texas, Western	2.2	28	1,300
Texas, Southern	1.8	44	2,447
California, Southern	0.7	2	303
Texas, Northern	0.0	0	212
Utah	0.0	0	194
Nevada	0.0	0	127
Washington, Eastern	0.0	0	124
Florida, Middle	0.0	0	102
New York, Eastern	0.0	0	96
New York, Southern	0.0	0	95
Florida, Southern	0.0	0	93
Illinois, Northern	0.0	0	89
Colorado	0.0	0	84
Georgia, Northern	0.0	0	76
Kansas	0.0	0	72
Texas, Eastern	0.0	0	67
New York, Northern	0.0	0	60
Iowa, Northern	0.0	0	56
California, Northern	0.0	0	53
Oregon	0.0	0	53
Michigan, Western	0.0	0	51
Iowa, Southern	0.0	0	47
Pennsylvania, Eastern	0.0	0	45
California, Central	0.0	0	44
Puerto Rico	0.0	0	40
Missouri, Western	0.0	0	39
North Carolina, Middle	0.0	0	38
Maryland	0.0	0	35
Arkansas, Western	0.0	0	35
Tennessee, Eastern	0.0	0	34
Wisconsin, Eastern	0.0	0	33
Massachusetts	0.0	0	32
Missouri, Eastern	0.0	0	32
New Jersey	0.0	0	26
South Carolina	0.0	0	26

**Spread of Rates of §5K3.1 Early Disposition Program Sentences
Illegal Entry Offenses (cont.)**

PROTECT Act

Period

(5/1/03 - 6/24/04)

District	Percent	Number of §5K3.1 Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
North Carolina, Eastern	0.0	0	25
Montana	0.0	0	24
Tennessee, Middle	0.0	0	23
New York, Western	0.0	0	22
Michigan, Eastern	0.0	0	20
Wyoming	0.0	0	19
Virginia, Eastern	0.0	0	18
Louisiana, Eastern	0.0	0	17
Kentucky, Eastern	0.0	0	17
Ohio, Northern	0.0	0	17
Rhode Island	0.0	0	16
Alabama, Northern	0.0	0	16
Pennsylvania, Middle	0.0	0	15
New Hampshire	0.0	0	14
Mississippi, Southern	0.0	0	13
Tennessee, Western	0.0	0	13
District of Columbia	0.0	0	12
North Carolina, Western	0.0	0	12
Wisconsin, Western	0.0	0	11
Minnesota	0.0	0	11
South Dakota	0.0	0	11
Alaska	0.0	0	11
Vermont	0.0	0	10
Louisiana, Western	0.0	0	10
Illinois, Central	0.0	0	10
Georgia, Middle	0.0	0	10
Georgia, Southern	0.0	0	10
Virginia, Western	0.0	0	9
Kentucky, Western	0.0	0	9
Louisiana, Middle	0.0	0	8
Ohio, Southern	0.0	0	8
Maine	0.0	0	7
Connecticut	0.0	0	7
Illinois, Southern	0.0	0	6
Indiana, Southern	0.0	0	6
Guam	0.0	0	6
Delaware	0.0	0	5
Oklahoma, Northern	0.0	0	5
Oklahoma, Western	0.0	0	5
Virgin Islands	0.0	0	4
Pennsylvania, Western	0.0	0	3
West Virginia, Southern	0.0	0	3
Arkansas, Eastern	0.0	0	3
Mississippi, Northern	0.0	0	2
Indiana, Northern	0.0	0	2
Alabama, Middle	0.0	0	2
Alabama, Southern	0.0	0	2
Florida, Northern	0.0	0	2

The following districts had no illegal entry offenses in the selected time period: Northern West Virginia, Hawaii, Northern Mariana Islands, and Eastern Oklahoma.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K3.1 Early Disposition Program Sentences
Illegal Entry Offenses**

Booker

Period

(1/12/05 - 12/10/07)

District	Percent	Number of §5K3.1 Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
California, Eastern	87.9	421	479
Arizona	76.6	3,724	4,862
Nebraska	55.6	94	169
Idaho	48.9	85	174
California, Central	46.9	146	311
Utah	36.1	214	592
Washington, Eastern	34.1	94	276
North Dakota	33.9	20	59
Oregon	27.1	32	118
Texas, Southern	26.4	2,195	8,306
Washington, Western	24.3	45	185
New Mexico	18.4	827	4,506
California, Northern	14.7	21	143
Florida, Middle	7.4	38	512
Texas, Western	6.9	308	4,459
South Carolina	2.7	2	75
Wisconsin, Eastern	2.3	1	44
California, Southern	1.1	8	740
Georgia, Northern	0.9	1	113
New York, Southern	0.0	0	374
Texas, Northern	0.0	0	360
Colorado	0.0	0	324
Florida, Southern	0.0	0	310
Kansas	0.0	0	201
Nevada	0.0	0	178
Texas, Eastern	0.0	0	173
Puerto Rico	0.0	0	142
New York, Eastern	0.0	0	141
Iowa, Northern	0.0	0	139
Illinois, Northern	0.0	0	133
Virginia, Eastern	0.0	0	114
New York, Northern	0.0	0	111
Michigan, Western	0.0	0	109
Montana	0.0	0	107
North Carolina, Western	0.0	0	106
Louisiana, Eastern	0.0	0	104
North Carolina, Middle	0.0	0	103
Pennsylvania, Eastern	0.0	0	102
Iowa, Southern	0.0	0	102
Missouri, Eastern	0.0	0	99
Missouri, Western	0.0	0	99
Arkansas, Western	0.0	0	94

**Spread of Rates of §5K3.1 Early Disposition Program Sentences
Illegal Entry Offenses (cont.)**

Booker

Period

(1/12/05 - 12/10/07)

District	Percent	Number of §5K3.1 Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
New York, Western	0.0	0	93
New Jersey	0.0	0	88
Maryland	0.0	0	84
Massachusetts	0.0	0	73
Michigan, Eastern	0.0	0	69
Ohio, Northern	0.0	0	66
Wyoming	0.0	0	62
Tennessee, Eastern	0.0	0	61
South Dakota	0.0	0	60
North Carolina, Eastern	0.0	0	57
Tennessee, Middle	0.0	0	57
Florida, Northern	0.0	0	57
Pennsylvania, Middle	0.0	0	51
Minnesota	0.0	0	51
Rhode Island	0.0	0	50
Kentucky, Eastern	0.0	0	43
Delaware	0.0	0	40
Mississippi, Southern	0.0	0	40
Pennsylvania, Western	0.0	0	38
Virgin Islands	0.0	0	38
Illinois, Central	0.0	0	36
Illinois, Southern	0.0	0	33
Alabama, Northern	0.0	0	31
Maine	0.0	0	30
Connecticut	0.0	0	29
Ohio, Southern	0.0	0	29
Wisconsin, Western	0.0	0	29
District of Columbia	0.0	0	28
Louisiana, Western	0.0	0	28
Georgia, Southern	0.0	0	26
Vermont	0.0	0	24
Tennessee, Western	0.0	0	24
Alabama, Middle	0.0	0	22
Indiana, Southern	0.0	0	21
Alabama, Southern	0.0	0	21
Arkansas, Eastern	0.0	0	20
Virginia, Western	0.0	0	19
Louisiana, Middle	0.0	0	19
Kentucky, Western	0.0	0	19
Hawaii	0.0	0	16
Georgia, Middle	0.0	0	16
Indiana, Northern	0.0	0	14
New Hampshire	0.0	0	13
Oklahoma, Western	0.0	0	13
West Virginia, Northern	0.0	0	10
Alaska	0.0	0	9
West Virginia, Southern	0.0	0	5
Guam	0.0	0	5
Mississippi, Northern	0.0	0	4
Oklahoma, Northern	0.0	0	4
Oklahoma, Eastern	0.0	0	3

The following districts had no illegal entry offenses in the selected time period: Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K3.1 Early Disposition Program Sentences
Illegal Entry Offenses**

Gall
Period

(12/11/07 - 9/30/11)

District	Percent	Number of §5K3.1 Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
California, Eastern	90.8	1,078	1,187
California, Central	87.1	1,497	1,718
Utah	71.7	891	1,243
Arizona	71.6	7,536	10,528
Washington, Eastern	51.4	250	486
California, Northern	45.0	243	540
California, Southern	44.5	1,598	3,595
Nebraska	43.5	107	246
Puerto Rico	42.3	90	213
Idaho	37.8	124	328
Washington, Western	34.4	128	372
Oregon	25.3	73	289
Texas, Southern	20.4	3,431	16,805
New Mexico	14.9	1,188	7,960
Wyoming	5.6	16	287
Florida, Middle	4.3	43	1,011
Massachusetts	2.7	3	110
Wisconsin, Western	1.6	1	61
North Dakota	1.6	2	129
Michigan, Eastern	1.1	2	177
Ohio, Northern	1.0	1	98
Texas, Western	1.0	106	10,706
New York, Southern	0.0	0	611
Texas, Northern	0.0	0	590
Colorado	0.0	0	582
Virginia, Eastern	0.0	0	576
Florida, Southern	0.0	0	558
Nevada	0.0	0	458
Georgia, Northern	0.0	0	384
New York, Eastern	0.0	0	335
Illinois, Northern	0.0	0	331
Michigan, Western	0.0	0	290
New York, Northern	0.0	0	278
Arkansas, Western	0.0	0	278
Texas, Eastern	0.0	0	264
Pennsylvania, Eastern	0.0	0	230
Kansas	0.0	0	226
Iowa, Northern	0.0	0	224
New York, Western	0.0	0	193
Ohio, Southern	0.0	0	189
Maryland	0.0	0	158
North Carolina, Western	0.0	0	156

**Spread of Rates of §5K3.1 Early Disposition Program Sentences
Illegal Entry Offenses (cont.)**

Gall
Period

(12/11/07 - 9/30/11)

District	Percent	Number of §5K3.1 Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Missouri, Western	0.0	0	154
North Carolina, Middle	0.0	0	149
South Carolina	0.0	0	148
South Dakota	0.0	0	147
Pennsylvania, Middle	0.0	0	146
Louisiana, Eastern	0.0	0	136
Arkansas, Eastern	0.0	0	125
New Jersey	0.0	0	124
Pennsylvania, Western	0.0	0	124
Minnesota	0.0	0	118
Oklahoma, Western	0.0	0	118
Iowa, Southern	0.0	0	117
Missouri, Eastern	0.0	0	113
North Carolina, Eastern	0.0	0	108
Tennessee, Middle	0.0	0	99
Tennessee, Eastern	0.0	0	86
Alabama, Northern	0.0	0	80
Montana	0.0	0	79
Georgia, Middle	0.0	0	78
Kentucky, Eastern	0.0	0	76
Louisiana, Western	0.0	0	73
Florida, Northern	0.0	0	73
Rhode Island	0.0	0	71
Wisconsin, Eastern	0.0	0	71
Illinois, Central	0.0	0	66
Tennessee, Western	0.0	0	60
Mississippi, Southern	0.0	0	59
Oklahoma, Northern	0.0	0	58
Vermont	0.0	0	57
Indiana, Southern	0.0	0	52
Louisiana, Middle	0.0	0	51
Delaware	0.0	0	50
Alabama, Southern	0.0	0	46
Kentucky, Western	0.0	0	45
Alabama, Middle	0.0	0	42
Georgia, Southern	0.0	0	42
Indiana, Northern	0.0	0	39
Illinois, Southern	0.0	0	35
Maine	0.0	0	34
Virgin Islands	0.0	0	32
Connecticut	0.0	0	30
District of Columbia	0.0	0	29
West Virginia, Northern	0.0	0	29
New Hampshire	0.0	0	19
Virginia, Western	0.0	0	18
Hawaii	0.0	0	18
Alaska	0.0	0	16
West Virginia, Southern	0.0	0	10
Mississippi, Northern	0.0	0	8
Oklahoma, Eastern	0.0	0	8
Guam	0.0	0	4
Northern Mariana Islands	0.0	0	4

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences
Illegal Entry Offenses**

District	Percent	PROTECT Act	
		Period	
(5/1/03 - 6/24/04)			
		Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Nebraska	70.3	52	74
Arizona	47.2	940	1,993
Washington, Western	31.4	16	51
Idaho	30.1	25	83
New Mexico	24.8	293	1,182
Kentucky, Western	11.1	1	9
Texas, Southern	10.2	250	2,447
Washington, Eastern	6.5	8	124
Wyoming	5.3	1	19
Pennsylvania, Eastern	4.4	2	45
New Jersey	3.8	1	26
California, Northern	3.8	2	53
California, Southern	3.3	10	303
Colorado	2.4	2	84
California, Eastern	2.0	5	247
Texas, Western	1.2	15	1,300
Florida, Southern	1.1	1	93
New York, Southern	1.1	1	95
Texas, Northern	0.0	0	212
Utah	0.0	0	194
Nevada	0.0	0	127
Florida, Middle	0.0	0	102
New York, Eastern	0.0	0	96
Illinois, Northern	0.0	0	89
Georgia, Northern	0.0	0	76
Kansas	0.0	0	72
Texas, Eastern	0.0	0	67
New York, Northern	0.0	0	60
Iowa, Northern	0.0	0	56
Oregon	0.0	0	53
Michigan, Western	0.0	0	51
Iowa, Southern	0.0	0	47
California, Central	0.0	0	44
Puerto Rico	0.0	0	40
Missouri, Western	0.0	0	39
North Carolina, Middle	0.0	0	38
Maryland	0.0	0	35
Arkansas, Western	0.0	0	35
Tennessee, Eastern	0.0	0	34
Wisconsin, Eastern	0.0	0	33
Massachusetts	0.0	0	32
Missouri, Eastern	0.0	0	32

**Spread of Rates of Other Government Sponsored Below Range Sentences
Illegal Entry Offenses (cont.)**

District	PROTECT Act			
	Period			
	(5/1/03 - 6/24/04)			
Percent	Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed		
North Dakota	0.0	0		31
South Carolina	0.0	0		26
North Carolina, Eastern	0.0	0		25
Montana	0.0	0		24
Tennessee, Middle	0.0	0		23
New York, Western	0.0	0		22
Michigan, Eastern	0.0	0		20
Virginia, Eastern	0.0	0		18
Louisiana, Eastern	0.0	0		17
Kentucky, Eastern	0.0	0		17
Ohio, Northern	0.0	0		17
Rhode Island	0.0	0		16
Alabama, Northern	0.0	0		16
Pennsylvania, Middle	0.0	0		15
New Hampshire	0.0	0		14
Mississippi, Southern	0.0	0		13
Tennessee, Western	0.0	0		13
District of Columbia	0.0	0		12
North Carolina, Western	0.0	0		12
Wisconsin, Western	0.0	0		11
Minnesota	0.0	0		11
South Dakota	0.0	0		11
Alaska	0.0	0		11
Vermont	0.0	0		10
Louisiana, Western	0.0	0		10
Illinois, Central	0.0	0		10
Georgia, Middle	0.0	0		10
Georgia, Southern	0.0	0		10
Virginia, Western	0.0	0		9
Louisiana, Middle	0.0	0		8
Ohio, Southern	0.0	0		8
Maine	0.0	0		7
Connecticut	0.0	0		7
Illinois, Southern	0.0	0		6
Indiana, Southern	0.0	0		6
Guam	0.0	0		6
Delaware	0.0	0		5
Oklahoma, Northern	0.0	0		5
Oklahoma, Western	0.0	0		5
Virgin Islands	0.0	0		4
Pennsylvania, Western	0.0	0		3
West Virginia, Southern	0.0	0		3
Arkansas, Eastern	0.0	0		3
Mississippi, Northern	0.0	0		2
Indiana, Northern	0.0	0		2
Alabama, Middle	0.0	0		2
Alabama, Southern	0.0	0		2
Florida, Northern	0.0	0		2

The following districts had no illegal entry offenses in the selected time period: Northern West Virginia, Hawaii, Northern Mariana Islands, and Eastern Oklahoma.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences
Illegal Entry Offenses**

District	Percent	Booker Period	
		(1/12/05 - 12/10/07)	
		Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Washington, Western	37.3	69	185
Nebraska	16.6	28	169
New Mexico	15.7	707	4,506
Kansas	8.5	17	201
Oklahoma, Western	7.7	1	13
Wisconsin, Eastern	6.8	3	44
Pennsylvania, Eastern	5.9	6	102
California, Northern	5.6	8	143
New York, Western	5.4	5	93
Arkansas, Eastern	5.0	1	20
Indiana, Southern	4.8	1	21
Alabama, Middle	4.5	1	22
California, Central	4.5	14	311
Nevada	4.5	8	178
Washington, Eastern	4.3	12	276
Vermont	4.2	1	24
Illinois, Northern	3.8	5	133
Maryland	3.6	3	84
North Carolina, Eastern	3.5	2	57
Connecticut	3.4	1	29
Ohio, Southern	3.4	1	29
New Jersey	3.4	3	88
South Dakota	3.3	2	60
Iowa, Southern	2.9	3	102
North Carolina, Middle	2.9	3	103
Michigan, Eastern	2.9	2	69
California, Southern	2.8	21	740
Puerto Rico	2.8	4	142
Texas, Southern	2.8	233	8,306
Illinois, Central	2.8	1	36
Massachusetts	2.7	2	73
New York, Northern	2.7	3	111
South Carolina	2.7	2	75
Pennsylvania, Western	2.6	1	38
Virgin Islands	2.6	1	38
Delaware	2.5	1	40
Mississippi, Southern	2.5	1	40
Colorado	2.5	8	324
Arkansas, Western	2.1	2	94
Pennsylvania, Middle	2.0	1	51
Minnesota	2.0	1	51
North Carolina, Western	1.9	2	106

**Spread of Rates of Other Government Sponsored Below Range Sentences
Illegal Entry Offenses (cont.)**

<i>Booker</i>				
Period				
(1/12/05 - 12/10/07)				
District	Percent	Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed	
Michigan, Western	1.8	2	109	
Tennessee, Middle	1.8	1	57	
Oregon	1.7	2	118	
Tennessee, Eastern	1.6	1	61	
Florida, Southern	1.6	5	310	
Wyoming	1.6	1	62	
Ohio, Northern	1.5	1	66	
New York, Eastern	1.4	2	141	
New York, Southern	1.3	5	374	
Florida, Middle	1.2	6	512	
Texas, Eastern	1.2	2	173	
Missouri, Eastern	1.0	1	99	
Louisiana, Eastern	1.0	1	104	
Virginia, Eastern	0.9	1	114	
Utah	0.7	4	592	
Texas, Northern	0.6	2	360	
Arizona	0.4	18	4,862	
California, Eastern	0.2	1	479	
Texas, Western	0.1	6	4,459	
Idaho	0.0	0	174	
Iowa, Northern	0.0	0	139	
Georgia, Northern	0.0	0	113	
Montana	0.0	0	107	
Missouri, Western	0.0	0	99	
North Dakota	0.0	0	59	
Florida, Northern	0.0	0	57	
Rhode Island	0.0	0	50	
Kentucky, Eastern	0.0	0	43	
Illinois, Southern	0.0	0	33	
Alabama, Northern	0.0	0	31	
Maine	0.0	0	30	
Wisconsin, Western	0.0	0	29	
District of Columbia	0.0	0	28	
Louisiana, Western	0.0	0	28	
Georgia, Southern	0.0	0	26	
Tennessee, Western	0.0	0	24	
Alabama, Southern	0.0	0	21	
Virginia, Western	0.0	0	19	
Louisiana, Middle	0.0	0	19	
Kentucky, Western	0.0	0	19	
Hawaii	0.0	0	16	
Georgia, Middle	0.0	0	16	
Indiana, Northern	0.0	0	14	
New Hampshire	0.0	0	13	
West Virginia, Northern	0.0	0	10	
Alaska	0.0	0	9	
West Virginia, Southern	0.0	0	5	
Guam	0.0	0	5	
Mississippi, Northern	0.0	0	4	
Oklahoma, Northern	0.0	0	4	
Oklahoma, Eastern	0.0	0	3	

The following districts had no illegal entry offenses in the selected time period: Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences
Illegal Entry Offenses**

District	Percent	Gall Period (12/11/07 - 9/30/11)	
		Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Washington, Western	28.5	106	372
Kansas	16.8	38	226
Massachusetts	15.5	17	110
New Mexico	14.7	1,170	7,960
Nebraska	9.8	24	246
Nevada	9.4	43	458
Wisconsin, Eastern	8.5	6	71
District of Columbia	6.9	2	29
Kentucky, Western	6.7	3	45
Alaska	6.3	1	16
Delaware	6.0	3	50
New Hampshire	5.3	1	19
Iowa, Southern	5.1	6	117
New York, Western	4.7	9	193
Ohio, Southern	4.2	8	189
South Carolina	4.1	6	148
Maryland	3.8	6	158
West Virginia, Northern	3.4	1	29
Tennessee, Middle	3.0	3	99
Illinois, Southern	2.9	1	35
Pennsylvania, Middle	2.7	4	146
California, Southern	2.7	98	3,595
Colorado	2.6	15	582
Minnesota	2.5	3	118
Oregon	2.4	7	289
New Jersey	2.4	3	124
Puerto Rico	2.3	5	213
New York, Southern	2.1	13	611
Illinois, Northern	2.1	7	331
Wyoming	2.1	6	287
California, Northern	1.9	10	540
Texas, Southern	1.6	276	16,805
Pennsylvania, Western	1.6	2	124
Arkansas, Eastern	1.6	2	125
Virginia, Eastern	1.6	9	576
Illinois, Central	1.5	1	66
Washington, Eastern	1.4	7	486
Louisiana, Western	1.4	1	73
Pennsylvania, Eastern	1.3	3	230
Missouri, Western	1.3	2	154
Montana	1.3	1	79
Florida, Southern	1.3	7	558

**Spread of Rates of Other Government Sponsored Below Range Sentences
Illegal Entry Offenses (cont.)**

District	<i>Gall</i>			
	Period			
	(12/11/07 - 9/30/11)			
	Percent	Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed	
Utah	1.2	15	1,243	
California, Central	1.1	19	1,718	
Ohio, Northern	1.0	1	98	
Florida, Middle	1.0	10	1,011	
New York, Eastern	0.9	3	335	
Missouri, Eastern	0.9	1	113	
Oklahoma, Western	0.8	1	118	
Texas, Eastern	0.8	2	264	
Louisiana, Eastern	0.7	1	136	
Michigan, Western	0.7	2	290	
South Dakota	0.7	1	147	
North Carolina, Western	0.6	1	156	
Michigan, Eastern	0.6	1	177	
Arizona	0.4	43	10,528	
Idaho	0.3	1	328	
Georgia, Northern	0.3	1	384	
California, Eastern	0.3	3	1,187	
Texas, Western	0.2	26	10,706	
Texas, Northern	0.2	1	590	
New York, Northern	0.0	0	278	
Arkansas, Western	0.0	0	278	
Iowa, Northern	0.0	0	224	
North Carolina, Middle	0.0	0	149	
North Dakota	0.0	0	129	
North Carolina, Eastern	0.0	0	108	
Tennessee, Eastern	0.0	0	86	
Alabama, Northern	0.0	0	80	
Georgia, Middle	0.0	0	78	
Kentucky, Eastern	0.0	0	76	
Florida, Northern	0.0	0	73	
Rhode Island	0.0	0	71	
Wisconsin, Western	0.0	0	61	
Tennessee, Western	0.0	0	60	
Mississippi, Southern	0.0	0	59	
Oklahoma, Northern	0.0	0	58	
Vermont	0.0	0	57	
Indiana, Southern	0.0	0	52	
Louisiana, Middle	0.0	0	51	
Alabama, Southern	0.0	0	46	
Alabama, Middle	0.0	0	42	
Georgia, Southern	0.0	0	42	
Indiana, Northern	0.0	0	39	
Maine	0.0	0	34	
Virgin Islands	0.0	0	32	
Connecticut	0.0	0	30	
Virginia, Western	0.0	0	18	
Hawaii	0.0	0	18	
West Virginia, Southern	0.0	0	10	
Mississippi, Northern	0.0	0	8	
Oklahoma, Eastern	0.0	0	8	
Guam	0.0	0	4	
Northern Mariana Islands	0.0	0	4	

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Illegal Entry Offenses**

District	Percent	Koon Period (6/13/96 - 4/30/03)	
		Number of Non- Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Washington, Eastern	80.0	409	511
Washington, Western	80.0	200	250
Arizona	68.8	5,268	7,659
Connecticut	47.3	26	55
Alaska	44.4	28	63
New Mexico	43.6	1,179	2,703
Kentucky, Western	42.9	12	28
Alabama, Middle	40.0	2	5
Massachusetts	38.8	59	152
Georgia, Northern	34.5	136	394
New York, Eastern	33.4	108	323
Minnesota	33.3	25	75
Vermont	33.3	6	18
California, Northern	31.8	262	824
District of Columbia	30.6	11	36
Nebraska	30.5	69	226
New York, Southern	30.3	143	472
Virgin Islands	29.8	14	47
Oregon	28.8	87	302
Wyoming	27.0	17	63
New Hampshire	26.9	7	26
South Dakota	25.6	20	78
Mississippi, Northern	25.0	2	8
Texas, Southern	25.0	1,345	5,389
California, Central	24.9	81	325
California, Southern	24.7	666	2,696
Iowa, Southern	23.0	40	174
Colorado	22.9	65	284
Texas, Western	22.5	1,149	5,098
New Jersey	22.4	28	125
Ohio, Southern	21.9	7	32
Ohio, Northern	21.6	16	74
New York, Northern	21.5	28	130
Montana	21.3	20	94
Idaho	21.0	30	143
Iowa, Northern	20.8	31	149
North Dakota	20.7	12	58
Michigan, Western	19.8	25	126
Missouri, Eastern	19.4	14	72
Pennsylvania, Eastern	19.0	33	174
Kansas	18.6	34	183
Puerto Rico	18.4	30	163

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Illegal Entry Offenses (cont.)**

District	Percent	<i>Koon</i> Period	
		(6/13/96 - 4/30/03)	
		Number of Non- Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Hawaii	17.6	6	34
Nevada	17.0	94	553
Missouri, Western	16.9	10	59
New York, Western	16.9	22	130
Louisiana, Western	16.7	4	24
Maryland	16.3	15	92
Oklahoma, Western	16.2	6	37
Pennsylvania, Western	15.4	2	13
Georgia, Southern	15.0	3	20
Florida, Middle	14.5	52	359
Utah	14.5	137	947
Delaware	14.3	3	21
Michigan, Eastern	13.7	7	51
Pennsylvania, Middle	13.5	7	52
Illinois, Northern	13.4	20	149
Florida, Northern	13.3	2	15
Arkansas, Eastern	12.5	2	16
Rhode Island	11.6	11	95
Tennessee, Middle	11.1	4	36
Oklahoma, Northern	11.1	2	18
Louisiana, Middle	11.1	1	9
Wisconsin, Eastern	10.3	3	29
Texas, Northern	10.2	59	579
Georgia, Middle	9.7	3	31
Texas, Eastern	9.4	21	224
Indiana, Southern	9.4	3	32
Illinois, Central	9.3	4	43
California, Eastern	9.2	142	1,547
Illinois, Southern	9.1	3	33
Tennessee, Eastern	9.0	8	89
Florida, Southern	8.6	49	567
South Carolina	8.5	4	47
Louisiana, Eastern	8.3	7	84
North Carolina, Western	7.4	2	27
Virginia, Eastern	5.4	5	93
Guam	5.0	1	20
North Carolina, Eastern	4.7	2	43
Kentucky, Eastern	4.2	2	48
Maine	3.4	1	29
Alabama, Northern	2.9	1	34
Tennessee, Western	2.8	1	36
North Carolina, Middle	2.7	3	112
Arkansas, Western	1.2	1	84
Mississippi, Southern	0.0	0	30
Virginia, Western	0.0	0	16
Wisconsin, Western	0.0	0	15
Indiana, Northern	0.0	0	8
West Virginia, Southern	0.0	0	6
West Virginia, Northern	0.0	0	4
Alabama, Southern	0.0	0	4
Oklahoma, Eastern	0.0	0	2

The following districts had no illegal entry offenses in the selected time period: Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Illegal Entry Offenses**

District	Percent	PROTECT Act	
		Period	
(5/1/03 - 6/24/04)			
		Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Alabama, Middle	50.0	1	2
Connecticut	42.9	3	7
New York, Eastern	36.5	35	96
Alaska	36.4	4	11
Washington, Western	31.4	16	51
Virgin Islands	25.0	1	4
Ohio, Northern	23.5	4	17
Maryland	22.9	8	35
Washington, Eastern	21.8	27	124
New York, Northern	20.0	12	60
Minnesota	18.2	2	11
Guam	16.7	1	6
Wyoming	15.8	3	19
Massachusetts	15.6	5	32
New York, Southern	14.7	14	95
Oregon	13.2	7	53
Rhode Island	12.5	2	16
New Jersey	11.5	3	26
California, Central	11.4	5	44
California, Northern	11.3	6	53
Nevada	11.0	14	127
Texas, Southern	10.6	260	2,447
Michigan, Eastern	10.0	2	20
Vermont	10.0	1	10
Kansas	9.7	7	72
North Dakota	9.7	3	31
Wisconsin, Eastern	9.1	3	33
South Dakota	9.1	1	11
North Carolina, Eastern	8.0	2	25
New Hampshire	7.1	1	14
Nebraska	6.8	5	74
Illinois, Northern	6.7	6	89
Pennsylvania, Eastern	6.7	3	45
Georgia, Northern	6.6	5	76
Iowa, Southern	6.4	3	47
Michigan, Western	5.9	3	51
Kentucky, Eastern	5.9	1	17
Virginia, Eastern	5.6	1	18
Florida, Southern	5.4	5	93
California, Eastern	5.3	13	247
Puerto Rico	5.0	2	40
Colorado	4.8	4	84

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Illegal Entry Offenses (cont.)**

District	PROTECT Act		
	Period		
	(5/1/03 - 6/24/04)		
Percent	Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed	
California, Southern	4.6	14	303
New York, Western	4.5	1	22
Florida, Middle	3.9	4	102
Arizona	3.9	78	1,993
Iowa, Northern	3.6	2	56
Texas, Northern	3.3	7	212
Texas, Western	3.2	41	1,300
Missouri, Eastern	3.1	1	32
Utah	3.1	6	194
Arkansas, Western	2.9	1	35
Idaho	1.2	1	83
New Mexico	1.1	13	1,182
Texas, Eastern	0.0	0	67
Missouri, Western	0.0	0	39
North Carolina, Middle	0.0	0	38
Tennessee, Eastern	0.0	0	34
South Carolina	0.0	0	26
Montana	0.0	0	24
Tennessee, Middle	0.0	0	23
Louisiana, Eastern	0.0	0	17
Alabama, Northern	0.0	0	16
Pennsylvania, Middle	0.0	0	15
Mississippi, Southern	0.0	0	13
Tennessee, Western	0.0	0	13
District of Columbia	0.0	0	12
North Carolina, Western	0.0	0	12
Wisconsin, Western	0.0	0	11
Louisiana, Western	0.0	0	10
Illinois, Central	0.0	0	10
Georgia, Middle	0.0	0	10
Georgia, Southern	0.0	0	10
Virginia, Western	0.0	0	9
Kentucky, Western	0.0	0	9
Louisiana, Middle	0.0	0	8
Ohio, Southern	0.0	0	8
Maine	0.0	0	7
Illinois, Southern	0.0	0	6
Indiana, Southern	0.0	0	6
Delaware	0.0	0	5
Oklahoma, Northern	0.0	0	5
Oklahoma, Western	0.0	0	5
Pennsylvania, Western	0.0	0	3
West Virginia, Southern	0.0	0	3
Arkansas, Eastern	0.0	0	3
Mississippi, Northern	0.0	0	2
Indiana, Northern	0.0	0	2
Alabama, Southern	0.0	0	2
Florida, Northern	0.0	0	2

The following districts had no illegal entry offenses in the selected time period: Northern West Virginia, Hawaii, Northern Mariana Islands, and Eastern Oklahoma.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Illegal Entry Offenses**

District	Percent	Booker Period (1/12/05 - 12/10/07)	
		Number of Non- Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
Connecticut	65.5	19	29
Massachusetts	38.4	28	73
Minnesota	37.3	19	51
New Jersey	36.4	32	88
Wisconsin, Eastern	36.4	16	44
New York, Southern	35.6	133	374
Pennsylvania, Middle	35.3	18	51
Illinois, Northern	34.6	46	133
Illinois, Central	33.3	12	36
New York, Eastern	30.5	43	141
Tennessee, Western	29.2	7	24
Iowa, Southern	28.4	29	102
Pennsylvania, Eastern	27.5	28	102
Wyoming	27.4	17	62
Rhode Island	26.0	13	50
Arkansas, Eastern	25.0	5	20
Michigan, Eastern	21.7	15	69
California, Northern	21.7	31	143
Ohio, Northern	21.2	14	66
Kentucky, Western	21.1	4	19
Washington, Western	20.5	38	185
Washington, Eastern	20.3	56	276
Maryland	20.2	17	84
Delaware	20.0	8	40
West Virginia, Northern	20.0	2	10
Guam	20.0	1	5
Georgia, Southern	19.2	5	26
California, Central	18.6	58	311
Oregon	18.6	22	118
New York, Northern	18.0	20	111
North Carolina, Eastern	17.5	10	57
Ohio, Southern	17.2	5	29
Colorado	16.7	54	324
Vermont	16.7	4	24
Kentucky, Eastern	16.3	7	43
Florida, Southern	16.1	50	310
Tennessee, Middle	15.8	9	57
Pennsylvania, Western	15.8	6	38
New Hampshire	15.4	2	13
Nevada	15.2	27	178
California, Southern	15.0	111	740
Virginia, Eastern	14.9	17	114

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Illegal Entry Offenses (cont.)**

<i>Booker</i>				
<i>Period</i>				
(1/12/05 - 12/10/07)				
District	Percent	Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed	
Puerto Rico	14.8	21	142	
Georgia, Northern	13.3	15	113	
Michigan, Western	12.8	14	109	
Hawaii	12.5	2	16	
South Carolina	12.0	9	75	
New York, Western	11.8	11	93	
Alaska	11.1	1	9	
Virgin Islands	10.5	4	38	
Florida, Middle	9.8	50	512	
Alabama, Northern	9.7	3	31	
Indiana, Southern	9.5	2	21	
Texas, Western	9.2	412	4,459	
Missouri, Eastern	9.1	9	99	
New Mexico	8.6	387	4,506	
Arkansas, Western	8.5	8	94	
North Carolina, Western	8.5	9	106	
Texas, Southern	8.4	694	8,306	
Kansas	8.0	16	201	
Oklahoma, Western	7.7	1	13	
Iowa, Northern	7.2	10	139	
Wisconsin, Western	6.9	2	29	
North Carolina, Middle	6.8	7	103	
Utah	6.6	39	592	
Louisiana, Eastern	5.8	6	104	
Idaho	5.2	9	174	
Alabama, Middle	4.5	1	22	
Nebraska	4.1	7	169	
Missouri, Western	4.0	4	99	
Louisiana, Western	3.6	1	28	
Texas, Northern	3.3	12	360	
Maine	3.3	1	30	
Illinois, Southern	3.0	1	33	
Arizona	2.4	116	4,862	
Texas, Eastern	2.3	4	173	
Montana	1.9	2	107	
Tennessee, Eastern	1.6	1	61	
California, Eastern	1.3	6	479	
South Dakota	0.0	0	60	
North Dakota	0.0	0	59	
Florida, Northern	0.0	0	57	
Mississippi, Southern	0.0	0	40	
District of Columbia	0.0	0	28	
Alabama, Southern	0.0	0	21	
Virginia, Western	0.0	0	19	
Louisiana, Middle	0.0	0	19	
Georgia, Middle	0.0	0	16	
Indiana, Northern	0.0	0	14	
West Virginia, Southern	0.0	0	5	
Mississippi, Northern	0.0	0	4	
Oklahoma, Northern	0.0	0	4	
Oklahoma, Eastern	0.0	0	3	

The following districts had no illegal entry offenses in the selected time period: Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Illegal Entry Offenses**

District	Percent	<i>Gall</i> Period	
		(12/11/07 - 9/30/11)	
		Number of Non- Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
New York, Southern	59.2	362	611
Minnesota	52.5	62	118
New York, Eastern	50.7	170	335
Guam	50.0	2	4
Wisconsin, Eastern	47.9	34	71
Alaska	43.8	7	16
Illinois, Northern	43.5	144	331
Connecticut	43.3	13	30
Tennessee, Middle	42.4	42	99
Rhode Island	42.3	30	71
New Jersey	40.3	50	124
West Virginia, Southern	40.0	4	10
Massachusetts	37.3	41	110
Iowa, Southern	36.8	43	117
Oregon	34.6	100	289
Delaware	30.0	15	50
Michigan, Eastern	29.9	53	177
Georgia, Northern	29.2	112	384
Pennsylvania, Eastern	29.1	67	230
Illinois, Central	28.8	19	66
Ohio, Northern	28.6	28	98
Wisconsin, Western	27.9	17	61
Colorado	27.3	159	582
Maryland	27.2	43	158
Kentucky, Western	26.7	12	45
Northern Mariana Islands	25.0	1	4
Tennessee, Western	23.3	14	60
Nevada	23.1	106	458
Virginia, Western	22.2	4	18
Oklahoma, Western	22.0	26	118
Florida, Southern	21.3	119	558
New Hampshire	21.1	4	19
District of Columbia	20.7	6	29
California, Northern	20.4	110	540
Kentucky, Eastern	19.7	15	76
Vermont	19.3	11	57
Pennsylvania, Middle	19.2	28	146
Washington, Western	17.7	66	372
Indiana, Southern	17.3	9	52
Washington, Eastern	17.3	84	486
Florida, Middle	16.4	166	1,011
Virgin Islands	15.6	5	32

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Illegal Entry Offenses (cont.)**

District	Percent	<i>Gall</i> Period	
		(12/11/07 - 9/30/11)	
		Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Illegal Entry Sentences Imposed
New York, Western	15.5	30	193
Oklahoma, Northern	15.5	9	58
Virginia, Eastern	15.1	87	576
Maine	14.7	5	34
Alabama, Middle	14.3	6	42
South Carolina	14.2	21	148
Missouri, Eastern	14.2	16	113
Idaho	13.7	45	328
North Carolina, Western	13.5	21	156
Texas, Southern	13.3	2,236	16,805
Indiana, Northern	12.8	5	39
Oklahoma, Eastern	12.5	1	8
North Dakota	12.4	16	129
Ohio, Southern	12.2	23	189
Michigan, Western	11.4	33	290
North Carolina, Eastern	11.1	12	108
Texas, Western	10.5	1,126	10,706
California, Southern	10.4	373	3,595
West Virginia, Northern	10.3	3	29
Wyoming	10.1	29	287
Arkansas, Eastern	9.6	12	125
New York, Northern	9.0	25	278
Alabama, Northern	8.8	7	80
Iowa, Northern	8.5	19	224
Puerto Rico	8.5	18	213
Kansas	8.4	19	226
Georgia, Middle	7.7	6	78
Nebraska	7.3	18	246
Missouri, Western	7.1	11	154
Georgia, Southern	7.1	3	42
Arkansas, Western	6.8	19	278
South Dakota	6.8	10	147
Pennsylvania, Western	6.5	8	124
California, Central	6.4	110	1,718
Hawaii	5.6	1	18
Louisiana, Western	5.5	4	73
Texas, Northern	5.4	32	590
New Mexico	4.9	390	7,960
Texas, Eastern	4.5	12	264
Louisiana, Eastern	4.4	6	136
Arizona	4.0	422	10,528
Louisiana, Middle	3.9	2	51
Illinois, Southern	2.9	1	35
Utah	2.7	33	1,243
Alabama, Southern	2.2	1	46
Florida, Northern	1.4	1	73
North Carolina, Middle	1.3	2	149
Montana	1.3	1	79
California, Eastern	1.2	14	1,187
Tennessee, Eastern	1.2	1	86
Mississippi, Southern	0.0	0	59
Mississippi, Northern	0.0	0	8

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.