

U.S. Sentencing Commission Preliminary Quarterly Data Report



**3rd Quarter Release
Preliminary Fiscal Year 2014 Data
Through June 30, 2014**

Introduction

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

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

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

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

² Electronic copies of the 1995-2013 *Annual Report* and *Sourcebook of Federal Sentencing Statistics* are available at the Commission's website, www.ussc.gov.

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

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

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

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

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

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

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**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹**
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

	N	%
TOTAL CASES	55,773	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	26,334	47.2
CASES SENTENCED ABOVE GUIDELINE RANGE	1,254	2.2
DEPARTURE ABOVE GUIDELINE RANGE	362	0.6
Upward Departure From Guideline Range ²	262	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	100	0.2
OTHERWISE ABOVE GUIDELINE RANGE	892	1.6
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	846	1.5
All Remaining Cases Above Guideline Range ⁵	46	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	16,531	29.6
§5K1.1 Substantial Assistance Departure	7,172	12.9
§5K3.1 Early Disposition Program Departure	5,117	9.2
Other Government Sponsored Below Range	4,242	7.6
NON-GOVERNMENT SPONSORED BELOW RANGE	11,654	20.9
DEPARTURE BELOW GUIDELINE RANGE	1,946	3.5
Downward Departure From Guideline Range ²	1,363	2.4
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	583	1.0
OTHERWISE BELOW GUIDELINE RANGE	9,708	17.4
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	9,378	16.8
All Remaining Cases Below Guideline Range ⁵	330	0.6

¹ This table reflects the 56,605 cases sentenced on or after October 1, 2013, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by September 8, 2014. Of these, 832 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

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

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through June 30, 2014).

Note to Readers

On April 30, 2014, the Commission submitted to Congress a proposed amendment to the sentencing guidelines that would revise the guidelines applicable to drug trafficking offenses. That amendment will become effective on November 1, 2014 and will be designated as Amendment 782 in the 2014 edition of Appendix C to the *Guidelines Manual*. Amendment 782 changes the manner in which the statutory mandatory minimum penalties for drug trafficking offenses are incorporated into the base offense levels in the drug quantity table in section 2D1.1 of the *Guidelines Manual*. Specifically, the amendment generally reduces by two levels the offense levels assigned to the quantities described in section 2D1.1 and makes corresponding changes to section 2D1.11. On July 18, the Commission voted to give retroactive effect to Amendment 782, beginning on November 1, 2014.

On March 12, 2014, the Department of Justice issued guidance to all United States Attorneys regarding the sentencing of drug trafficking offenders in anticipation of an amendment to the guidelines lowering the base offense levels for drug trafficking cases. In that guidance, the Attorney General authorized prosecutors to not object to a defense request for a two-level variance from the sentencing range calculated under the current version of the *Guidelines Manual* in drug trafficking offenses, provided that several other conditions were met. Judges and probation offices have informed the Commission that in some districts the prosecutors themselves are requesting that the court depart from the sentencing range calculated under the *Guidelines Manual* and impose a sentence that is two levels below that range.

The data the Commission is reporting in this Preliminary Quarterly Data Report appears to reflect those practices. On Table 1 of this report, the Commission reports the rate at which the sentence imposed in individual cases was within the applicable guideline range. The rate through the third quarter of fiscal year 2014 was 47.2 percent. This compares with 51.2 percent in fiscal year 2013. However, as can be seen from Tables 1-A and 1-B, most of this decrease is attributable to sentences imposed in drug offenses. As shown on Table 1-A, the within range rate in cases not involving a drug offense was 53.3 percent through the third quarter of fiscal year 2014, compared with 54.8 percent in fiscal year 2013.

Table 1-B presents data for drug cases only. As shown on that table, the within range rate for sentences imposed in drug cases through the third quarter of fiscal year 2014 was 30.0 percent, a decrease of more than eight percentage points from the rate of 38.8 percent at the end of fiscal year 2014. This decrease in the within range rate resulted from an increase in the rate at which the government requested a below range sentence, from 39.4 percent in fiscal year 2013 to 45.7 percent through the third quarter of fiscal year 2014, as well as an increase in the rate of non-government sponsored below range sentences, from 20.8 percent in fiscal year 2013 to 23.5 percent through the third quarter of fiscal year 2014.

Because this change in sentencing practices did not occur until more than five months into the fiscal year, the impact of this change is not fully reflected in the average data presented in this cumulative quarterly report. The Commission expects a further reduction in the within range rate for drug offenses to be reflected in the data for the completed fiscal year 2014.

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND POSITION RELATIVE
TO THE GUIDELINE RANGE FOR NON-DRUG OFFENSES¹
Preliminary Unedited Cumulative Data (December 30, 2013, through June 30, 2014)**

	N	%	FY 2013 %
TOTAL CASES	38,201	100.0	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	20,378	53.3	54.8
CASES SENTENCED ABOVE GUIDELINE RANGE	921	2.4	2.4
DEPARTURE ABOVE GUIDELINE RANGE	301	0.8	0.8
Upward Departure From Guideline Range ²	214	0.6	0.6
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	87	0.2	0.2
OTHERWISE ABOVE GUIDELINE RANGE	620	1.6	1.6
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	585	1.5	1.5
All Remaining Cases Above Guideline Range ⁵	35	0.1	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	9,113	23.9	24.2
§5K1.1 Substantial Assistance Departure	2,919	7.6	6.9
§5K3.1 Early Disposition Program Departure	3,983	10.4	12.7
Other Government Sponsored Below Range	2,211	5.8	4.7
NON-GOVERNMENT SPONSORED BELOW RANGE	7,789	20.4	18.5
DEPARTURE BELOW GUIDELINE RANGE	1,428	3.7	3.7
Downward Departure From Guideline Range ²	1,065	2.8	2.8
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	363	1.0	0.8
OTHERWISE BELOW GUIDELINE RANGE	6,361	16.7	14.9
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	6,089	15.9	14.2
All Remaining Cases Below Guideline Range ⁵	272	0.7	0.7

¹ This table reflects the 56,605 cases sentenced on or after October 1, 2013, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by September 8, 2014. Of these, 832 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Of the remaining cases, 38,201 were cases where the primary offense type was not drug trafficking, use of a communication facility, or simple possession. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

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

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND POSITION RELATIVE
TO THE GUIDELINE RANGE FOR DRUG TRAFFICKING OFFENSES¹
Preliminary Unedited Cumulative Data (December 30, 2013, through June 30, 2014)**

	N	%	FY 2013 %
TOTAL CASES	16,050	100.0	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	4,812	30.0	38.8
CASES SENTENCED ABOVE GUIDELINE RANGE	127	0.8	1.1
DEPARTURE ABOVE GUIDELINE RANGE	57	0.4	0.4
Upward Departure From Guideline Range ²	45	0.3	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	12	0.1	0.1
OTHERWISE ABOVE GUIDELINE RANGE	70	0.4	0.7
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	66	0.4	0.6
All Remaining Cases Above Guideline Range ⁵	4	0.0	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	7,336	45.7	39.4
§5K1.1 Substantial Assistance Departure	4,207	26.2	25.9
§5K3.1 Early Disposition Program Departure	1,130	7.0	6.7
Other Government Sponsored Below Range	1,999	12.5	6.8
NON-GOVERNMENT SPONSORED BELOW RANGE	3,775	23.5	20.8
DEPARTURE BELOW GUIDELINE RANGE	512	3.2	3.3
Downward Departure From Guideline Range ²	294	1.8	2.2
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	218	1.4	1.1
OTHERWISE BELOW GUIDELINE RANGE	3,263	20.3	17.5
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	3,207	20.0	17.0
All Remaining Cases Below Guideline Range ⁵	56	0.3	0.5

¹ This table reflects the 56,605 cases sentenced on or after October 1, 2013, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by September 8, 2014. Of these, 832 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Of the remaining cases, 16,050 were cases where drug trafficking was the primary offense type. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

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

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	55,773	26,334	47.2	262	0.5	100	0.2	846	1.5	46	0.1
D.C. CIRCUIT	257	75	29.2	0	0.0	0	0.0	4	1.6	0	0.0
District of Columbia	257	75	29.2	0	0.0	0	0.0	4	1.6	0	0.0
FIRST CIRCUIT	1,831	1,006	54.9	6	0.3	5	0.3	61	3.3	13	0.7
Maine	164	57	34.8	0	0.0	0	0.0	4	2.4	0	0.0
Massachusetts	320	82	25.6	0	0.0	1	0.3	2	0.6	0	0.0
New Hampshire	101	45	44.6	0	0.0	1	1.0	3	3.0	0	0.0
Puerto Rico	1,115	776	69.6	6	0.5	3	0.3	51	4.6	13	1.2
Rhode Island	131	46	35.1	0	0.0	0	0.0	1	0.8	0	0.0
SECOND CIRCUIT	3,137	1,009	32.2	8	0.3	11	0.4	29	0.9	0	0.0
Connecticut	284	82	28.9	1	0.4	0	0.0	2	0.7	0	0.0
New York											
Eastern	694	186	26.8	3	0.4	5	0.7	6	0.9	0	0.0
Northern	303	153	50.5	0	0.0	2	0.7	2	0.7	0	0.0
Southern	1,265	373	29.5	0	0.0	4	0.3	19	1.5	0	0.0
Western	429	178	41.5	2	0.5	0	0.0	0	0.0	0	0.0
Vermont	162	37	22.8	2	1.2	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	1,919	687	35.8	6	0.3	3	0.2	20	1.0	3	0.2
Delaware	76	29	38.2	0	0.0	0	0.0	2	2.6	0	0.0
New Jersey	506	188	37.2	1	0.2	0	0.0	2	0.4	1	0.2
Pennsylvania											
Eastern	620	171	27.6	0	0.0	2	0.3	7	1.1	2	0.3
Middle	305	141	46.2	3	1.0	0	0.0	0	0.0	0	0.0
Western	371	140	37.7	2	0.5	1	0.3	8	2.2	0	0.0
Virgin Islands	41	18	43.9	0	0.0	0	0.0	1	2.4	0	0.0
FOURTH CIRCUIT	4,500	2,465	54.8	24	0.5	19	0.4	54	1.2	4	0.1
Maryland	598	188	31.4	4	0.7	2	0.3	13	2.2	2	0.3
North Carolina											
Eastern	493	254	51.5	4	0.8	10	2.0	5	1.0	0	0.0
Middle	374	256	68.4	2	0.5	2	0.5	5	1.3	0	0.0
Western	486	261	53.7	1	0.2	1	0.2	4	0.8	0	0.0
South Carolina	562	320	56.9	5	0.9	1	0.2	4	0.7	1	0.2
Virginia											
Eastern	1,200	790	65.8	7	0.6	2	0.2	10	0.8	1	0.1
Western	292	113	38.7	0	0.0	0	0.0	7	2.4	0	0.0
West Virginia											
Northern	264	152	57.6	1	0.4	1	0.4	2	0.8	0	0.0
Southern	231	131	56.7	0	0.0	0	0.0	4	1.7	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	7,172	12.9	5,117	9.2	4,242	7.6	1,363	2.4	583	1.0	9,378	16.8	330	0.6
D.C. CIRCUIT	68	26.5	5	1.9	34	13.2	12	4.7	16	6.2	40	15.6	3	1.2
District of Columbia	68	26.5	5	1.9	34	13.2	12	4.7	16	6.2	40	15.6	3	1.2
FIRST CIRCUIT	210	11.5	19	1.0	186	10.2	24	1.3	20	1.1	261	14.3	20	1.1
Maine	45	27.4	0	0.0	4	2.4	2	1.2	3	1.8	47	28.7	2	1.2
Massachusetts	51	15.9	3	0.9	83	25.9	5	1.6	6	1.9	84	26.3	3	0.9
New Hampshire	10	9.9	0	0.0	17	16.8	2	2.0	1	1.0	22	21.8	0	0.0
Puerto Rico	91	8.2	16	1.4	55	4.9	15	1.3	10	0.9	64	5.7	15	1.3
Rhode Island	13	9.9	0	0.0	27	20.6	0	0.0	0	0.0	44	33.6	0	0.0
SECOND CIRCUIT	634	20.2	91	2.9	152	4.8	97	3.1	56	1.8	1,033	32.9	17	0.5
Connecticut	50	17.6	0	0.0	31	10.9	23	8.1	3	1.1	91	32.0	1	0.4
New York														
Eastern	153	22.0	73	10.5	51	7.3	17	2.4	22	3.2	177	25.5	1	0.1
Northern	74	24.4	2	0.7	5	1.7	2	0.7	3	1.0	60	19.8	0	0.0
Southern	204	16.1	16	1.3	31	2.5	40	3.2	21	1.7	544	43.0	13	1.0
Western	115	26.8	0	0.0	18	4.2	3	0.7	2	0.5	109	25.4	2	0.5
Vermont	38	23.5	0	0.0	16	9.9	12	7.4	5	3.1	52	32.1	0	0.0
THIRD CIRCUIT	581	30.3	15	0.8	131	6.8	26	1.4	23	1.2	413	21.5	11	0.6
Delaware	9	11.8	0	0.0	7	9.2	1	1.3	0	0.0	27	35.5	1	1.3
New Jersey	166	32.8	6	1.2	32	6.3	5	1.0	9	1.8	95	18.8	1	0.2
Pennsylvania														
Eastern	263	42.4	4	0.6	27	4.4	4	0.6	4	0.6	132	21.3	4	0.6
Middle	65	21.3	5	1.6	25	8.2	4	1.3	3	1.0	57	18.7	2	0.7
Western	68	18.3	0	0.0	36	9.7	12	3.2	7	1.9	95	25.6	2	0.5
Virgin Islands	10	24.4	0	0.0	4	9.8	0	0.0	0	0.0	7	17.1	1	2.4
FOURTH CIRCUIT	763	17.0	11	0.2	287	6.4	61	1.4	46	1.0	747	16.6	19	0.4
Maryland	181	30.3	2	0.3	96	16.1	6	1.0	13	2.2	91	15.2	0	0.0
North Carolina														
Eastern	142	28.8	0	0.0	4	0.8	3	0.6	4	0.8	64	13.0	3	0.6
Middle	48	12.8	0	0.0	0	0.0	2	0.5	0	0.0	59	15.8	0	0.0
Western	113	23.3	0	0.0	45	9.3	5	1.0	4	0.8	51	10.5	1	0.2
South Carolina	109	19.4	3	0.5	39	6.9	2	0.4	3	0.5	73	13.0	2	0.4
Virginia														
Eastern	45	3.8	3	0.3	26	2.2	42	3.5	17	1.4	247	20.6	10	0.8
Western	81	27.7	0	0.0	34	11.6	1	0.3	2	0.7	51	17.5	3	1.0
West Virginia														
Northern	21	8.0	2	0.8	32	12.1	0	0.0	1	0.4	52	19.7	0	0.0
Southern	23	10.0	1	0.4	11	4.8	0	0.0	2	0.9	59	25.5	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	12,320	7,659	62.2	60	0.5	26	0.2	155	1.3	3	0.0
Louisiana											
Eastern	211	129	61.1	1	0.5	0	0.0	3	1.4	0	0.0
Middle	133	71	53.4	1	0.8	0	0.0	0	0.0	0	0.0
Western	204	134	65.7	2	1.0	1	0.5	3	1.5	0	0.0
Mississippi											
Northern	156	91	58.3	0	0.0	0	0.0	3	1.9	0	0.0
Southern	192	131	68.2	0	0.0	0	0.0	0	0.0	0	0.0
Texas											
Eastern	636	382	60.1	9	1.4	2	0.3	4	0.6	0	0.0
Northern	1,025	550	53.7	2	0.2	11	1.1	32	3.1	0	0.0
Southern	4,924	2,809	57.0	35	0.7	12	0.2	48	1.0	1	0.0
Western	4,839	3,362	69.5	10	0.2	0	0.0	62	1.3	2	0.0
SIXTH CIRCUIT	3,813	1,617	42.4	15	0.4	7	0.2	41	1.1	1	0.0
Kentucky											
Eastern	367	173	47.1	0	0.0	2	0.5	9	2.5	0	0.0
Western	209	102	48.8	0	0.0	0	0.0	0	0.0	0	0.0
Michigan											
Eastern	723	307	42.5	2	0.3	0	0.0	7	1.0	0	0.0
Western	288	171	59.4	2	0.7	2	0.7	2	0.7	0	0.0
Ohio											
Northern	551	226	41.0	2	0.4	0	0.0	4	0.7	0	0.0
Southern	480	123	25.6	2	0.4	2	0.4	9	1.9	0	0.0
Tennessee											
Eastern	613	295	48.1	2	0.3	1	0.2	5	0.8	0	0.0
Middle	197	59	29.9	4	2.0	0	0.0	2	1.0	0	0.0
Western	385	161	41.8	1	0.3	0	0.0	3	0.8	1	0.3
SEVENTH CIRCUIT	2,273	861	37.9	6	0.3	9	0.4	33	1.5	2	0.1
Illinois											
Central	338	126	37.3	1	0.3	1	0.3	6	1.8	0	0.0
Northern	680	192	28.2	2	0.3	0	0.0	3	0.4	0	0.0
Southern	292	183	62.7	0	0.0	7	2.4	7	2.4	1	0.3
Indiana											
Northern	287	136	47.4	1	0.3	0	0.0	4	1.4	0	0.0
Southern	301	127	42.2	1	0.3	1	0.3	7	2.3	1	0.3
Wisconsin											
Eastern	265	56	21.1	0	0.0	0	0.0	6	2.3	0	0.0
Western	110	41	37.3	1	0.9	0	0.0	0	0.0	0	0.0
EIGHTH CIRCUIT	3,473	1,657	47.7	25	0.7	9	0.3	63	1.8	1	0.0
Arkansas											
Eastern	256	140	54.7	1	0.4	1	0.4	6	2.3	1	0.4
Western	251	138	55.0	2	0.8	0	0.0	5	2.0	0	0.0
Iowa											
Northern	274	155	56.6	8	2.9	1	0.4	4	1.5	0	0.0
Southern	223	59	26.5	0	0.0	1	0.4	6	2.7	0	0.0
Minnesota	217	83	38.2	2	0.9	0	0.0	4	1.8	0	0.0
Missouri											
Eastern	541	238	44.0	0	0.0	2	0.4	11	2.0	0	0.0
Western	602	267	44.4	1	0.2	0	0.0	17	2.8	0	0.0
Nebraska	443	200	45.1	0	0.0	0	0.0	3	0.7	0	0.0
North Dakota	245	118	48.2	3	1.2	1	0.4	0	0.0	0	0.0
South Dakota	421	259	61.5	8	1.9	3	0.7	7	1.7	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,129	9.2	509	4.1	513	4.2	639	5.2	62	0.5	1,457	11.8	108	0.9
Louisiana														
Eastern	27	12.8	0	0.0	5	2.4	7	3.3	1	0.5	38	18.0	0	0.0
Middle	26	19.5	7	5.3	0	0.0	0	0.0	0	0.0	27	20.3	1	0.8
Western	24	11.8	0	0.0	0	0.0	3	1.5	5	2.5	32	15.7	0	0.0
Mississippi														
Northern	31	19.9	0	0.0	5	3.2	1	0.6	0	0.0	25	16.0	0	0.0
Southern	25	13.0	0	0.0	2	1.0	1	0.5	2	1.0	28	14.6	3	1.6
Texas														
Eastern	74	11.6	6	0.9	113	17.8	3	0.5	3	0.5	39	6.1	1	0.2
Northern	190	18.5	4	0.4	45	4.4	15	1.5	4	0.4	169	16.5	3	0.3
Southern	361	7.3	379	7.7	208	4.2	467	9.5	22	0.4	576	11.7	6	0.1
Western	371	7.7	113	2.3	135	2.8	142	2.9	25	0.5	523	10.8	94	1.9
SIXTH CIRCUIT	850	22.3	21	0.6	367	9.6	58	1.5	32	0.8	783	20.5	21	0.6
Kentucky														
Eastern	45	12.3	0	0.0	36	9.8	3	0.8	1	0.3	96	26.2	2	0.5
Western	34	16.3	6	2.9	39	18.7	7	3.3	1	0.5	18	8.6	2	1.0
Michigan														
Eastern	140	19.4	2	0.3	44	6.1	10	1.4	6	0.8	204	28.2	1	0.1
Western	48	16.7	1	0.3	4	1.4	9	3.1	4	1.4	44	15.3	1	0.3
Ohio														
Northern	149	27.0	0	0.0	40	7.3	8	1.5	3	0.5	115	20.9	4	0.7
Southern	133	27.7	8	1.7	105	21.9	6	1.3	9	1.9	79	16.5	4	0.8
Tennessee														
Eastern	181	29.5	0	0.0	25	4.1	4	0.7	0	0.0	97	15.8	3	0.5
Middle	46	23.4	0	0.0	44	22.3	7	3.6	1	0.5	34	17.3	0	0.0
Western	74	19.2	4	1.0	30	7.8	4	1.0	7	1.8	96	24.9	4	1.0
SEVENTH CIRCUIT	346	15.2	8	0.4	171	7.5	58	2.6	122	5.4	632	27.8	25	1.1
Illinois														
Central	85	25.1	0	0.0	28	8.3	7	2.1	8	2.4	76	22.5	0	0.0
Northern	75	11.0	5	0.7	15	2.2	29	4.3	78	11.5	271	39.9	10	1.5
Southern	24	8.2	0	0.0	12	4.1	5	1.7	21	7.2	27	9.2	5	1.7
Indiana														
Northern	62	21.6	1	0.3	15	5.2	3	1.0	2	0.7	55	19.2	8	2.8
Southern	45	15.0	0	0.0	49	16.3	1	0.3	3	1.0	66	21.9	0	0.0
Wisconsin														
Eastern	50	18.9	0	0.0	46	17.4	2	0.8	3	1.1	100	37.7	2	0.8
Western	5	4.5	2	1.8	6	5.5	11	10.0	7	6.4	37	33.6	0	0.0
EIGHTH CIRCUIT	463	13.3	65	1.9	289	8.3	49	1.4	32	0.9	801	23.1	19	0.5
Arkansas														
Eastern	30	11.7	0	0.0	9	3.5	6	2.3	4	1.6	55	21.5	3	1.2
Western	51	20.3	3	1.2	7	2.8	2	0.8	1	0.4	40	15.9	2	0.8
Iowa														
Northern	69	25.2	0	0.0	5	1.8	1	0.4	2	0.7	29	10.6	0	0.0
Southern	34	15.2	4	1.8	44	19.7	0	0.0	1	0.4	72	32.3	2	0.9
Minnesota	31	14.3	5	2.3	10	4.6	4	1.8	3	1.4	74	34.1	1	0.5
Missouri														
Eastern	40	7.4	0	0.0	87	16.1	1	0.2	4	0.7	156	28.8	2	0.4
Western	109	18.1	0	0.0	53	8.8	3	0.5	0	0.0	147	24.4	5	0.8
Nebraska	23	5.2	43	9.7	40	9.0	12	2.7	7	1.6	114	25.7	1	0.2
North Dakota	68	27.8	7	2.9	16	6.5	4	1.6	4	1.6	23	9.4	1	0.4
South Dakota	8	1.9	3	0.7	18	4.3	16	3.8	6	1.4	91	21.6	2	0.5

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	12,075	3,978	32.9	94	0.8	7	0.1	287	2.4	13	0.1
Alaska	123	36	29.3	0	0.0	1	0.8	1	0.8	0	0.0
Arizona	4,423	1,802	40.7	79	1.8	2	0.0	212	4.8	8	0.2
California											
Central	944	226	23.9	3	0.3	0	0.0	6	0.6	1	0.1
Eastern	665	233	35.0	0	0.0	0	0.0	7	1.1	0	0.0
Northern	530	197	37.2	1	0.2	0	0.0	10	1.9	1	0.2
Southern	2,971	507	17.1	3	0.1	2	0.1	15	0.5	2	0.1
Guam	71	37	52.1	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	215	67	31.2	0	0.0	0	0.0	2	0.9	0	0.0
Idaho	233	93	39.9	0	0.0	0	0.0	2	0.9	0	0.0
Montana	240	138	57.5	3	1.3	0	0.0	4	1.7	0	0.0
Nevada	400	205	51.3	3	0.8	1	0.3	6	1.5	0	0.0
Northern Mariana Islands	2	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	444	157	35.4	0	0.0	0	0.0	6	1.4	1	0.2
Washington											
Eastern	296	140	47.3	2	0.7	0	0.0	14	4.7	0	0.0
Western	518	139	26.8	0	0.0	1	0.2	2	0.4	0	0.0
TENTH CIRCUIT	5,161	2,670	51.7	14	0.3	1	0.0	38	0.7	0	0.0
Colorado	380	115	30.3	0	0.0	0	0.0	8	2.1	0	0.0
Kansas	472	183	38.8	2	0.4	0	0.0	15	3.2	0	0.0
New Mexico	3,119	1,890	60.6	5	0.2	1	0.0	6	0.2	0	0.0
Oklahoma											
Eastern	53	28	52.8	0	0.0	0	0.0	1	1.9	0	0.0
Northern	189	72	38.1	0	0.0	0	0.0	1	0.5	0	0.0
Western	286	157	54.9	0	0.0	0	0.0	3	1.0	0	0.0
Utah	448	143	31.9	5	1.1	0	0.0	3	0.7	0	0.0
Wyoming	214	82	38.3	2	0.9	0	0.0	1	0.5	0	0.0
ELEVENTH CIRCUIT	5,014	2,650	52.9	4	0.1	3	0.1	61	1.2	6	0.1
Alabama											
Middle	183	77	42.1	0	0.0	0	0.0	3	1.6	1	0.5
Northern	337	200	59.3	1	0.3	0	0.0	7	2.1	1	0.3
Southern	312	162	51.9	0	0.0	0	0.0	2	0.6	0	0.0
Florida											
Middle	1,074	429	39.9	1	0.1	1	0.1	4	0.4	1	0.1
Northern	235	114	48.5	0	0.0	2	0.9	2	0.9	0	0.0
Southern	1,636	911	55.7	1	0.1	0	0.0	19	1.2	3	0.2
Georgia											
Middle	369	263	71.3	0	0.0	0	0.0	3	0.8	0	0.0
Northern	426	155	36.4	0	0.0	0	0.0	8	1.9	0	0.0
Southern	442	339	76.7	1	0.2	0	0.0	13	2.9	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	1,079	8.9	3,429	28.4	1,376	11.4	213	1.8	94	0.8	1,449	12.0	56	0.5
Alaska	19	15.4	0	0.0	25	20.3	1	0.8	2	1.6	38	30.9	0	0.0
Arizona	164	3.7	1,410	31.9	332	7.5	27	0.6	7	0.2	374	8.5	6	0.1
California														
Central	157	16.6	137	14.5	149	15.8	27	2.9	36	3.8	182	19.3	20	2.1
Eastern	112	16.8	107	16.1	83	12.5	5	0.8	6	0.9	109	16.4	3	0.5
Northern	44	8.3	33	6.2	115	21.7	5	0.9	4	0.8	120	22.6	0	0.0
Southern	246	8.3	1,625	54.7	212	7.1	120	4.0	18	0.6	197	6.6	24	0.8
Guam	18	25.4	0	0.0	1	1.4	1	1.4	0	0.0	13	18.3	1	1.4
Hawaii	72	33.5	0	0.0	5	2.3	1	0.5	2	0.9	66	30.7	0	0.0
Idaho	62	26.6	9	3.9	10	4.3	6	2.6	4	1.7	47	20.2	0	0.0
Montana	37	15.4	0	0.0	17	7.1	2	0.8	2	0.8	37	15.4	0	0.0
Nevada	42	10.5	23	5.8	54	13.5	12	3.0	0	0.0	52	13.0	2	0.5
Northern Mariana Islands	0	0.0	0	0.0	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	56	12.6	15	3.4	126	28.4	1	0.2	2	0.5	80	18.0	0	0.0
Washington														
Eastern	22	7.4	22	7.4	55	18.6	4	1.4	5	1.7	32	10.8	0	0.0
Western	28	5.4	48	9.3	191	36.9	1	0.2	6	1.2	102	19.7	0	0.0
TENTH CIRCUIT	335	6.5	909	17.6	446	8.6	58	1.1	41	0.8	639	12.4	10	0.2
Colorado	95	25.0	58	15.3	23	6.1	5	1.3	4	1.1	71	18.7	1	0.3
Kansas	81	17.2	8	1.7	118	25.0	7	1.5	3	0.6	54	11.4	1	0.2
New Mexico	59	1.9	718	23.0	179	5.7	28	0.9	26	0.8	203	6.5	4	0.1
Oklahoma														
Eastern	11	20.8	0	0.0	4	7.5	2	3.8	0	0.0	7	13.2	0	0.0
Northern	28	14.8	2	1.1	2	1.1	4	2.1	2	1.1	78	41.3	0	0.0
Western	26	9.1	0	0.0	1	0.3	0	0.0	0	0.0	98	34.3	1	0.3
Utah	16	3.6	113	25.2	77	17.2	7	1.6	2	0.4	80	17.9	2	0.4
Wyoming	19	8.9	10	4.7	42	19.6	5	2.3	4	1.9	48	22.4	1	0.5
ELEVENTH CIRCUIT	714	14.2	35	0.7	290	5.8	68	1.4	39	0.8	1,123	22.4	21	0.4
Alabama														
Middle	58	31.7	3	1.6	9	4.9	0	0.0	2	1.1	30	16.4	0	0.0
Northern	59	17.5	0	0.0	16	4.7	2	0.6	3	0.9	47	13.9	1	0.3
Southern	63	20.2	0	0.0	2	0.6	2	0.6	0	0.0	81	26.0	0	0.0
Florida														
Middle	205	19.1	16	1.5	28	2.6	19	1.8	15	1.4	346	32.2	9	0.8
Northern	56	23.8	1	0.4	0	0.0	14	6.0	2	0.9	44	18.7	0	0.0
Southern	148	9.0	10	0.6	85	5.2	19	1.2	15	0.9	418	25.6	7	0.4
Georgia														
Middle	44	11.9	4	1.1	10	2.7	2	0.5	0	0.0	42	11.4	1	0.3
Northern	38	8.9	0	0.0	121	28.4	8	1.9	1	0.2	93	21.8	2	0.5
Southern	43	9.7	1	0.2	19	4.3	2	0.5	1	0.2	22	5.0	1	0.2

¹ Of the 56,605 cases, 832 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Middle Tennessee (9.2%), Arizona (9.0%), Eastern North Carolina (8.9%), and Western Louisiana (8.1%). Descriptions of variables used in this table are provided in Appendix A.

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	55,773	26,334	47.2	262	0.5	100	0.2	846	1.5	46	0.1
Murder	52	29	55.8	3	5.8	0	0.0	1	1.9	0	0.0
Manslaughter	41	23	56.1	5	12.2	1	2.4	3	7.3	0	0.0
Kidnapping/Hostage Taking	39	13	33.3	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	394	214	54.3	9	2.3	1	0.3	9	2.3	2	0.5
Assault	567	324	57.1	8	1.4	1	0.2	23	4.1	0	0.0
Robbery	575	301	52.3	5	0.9	6	1.0	13	2.3	1	0.2
Arson	41	18	43.9	0	0.0	3	7.3	2	4.9	0	0.0
Drugs - Trafficking	16,050	4,812	30.0	45	0.3	12	0.1	66	0.4	4	0.0
Drugs - Communication Facility	262	99	37.8	0	0.0	0	0.0	4	1.5	0	0.0
Drugs - Simple Possession	1,260	1,045	82.9	3	0.2	1	0.1	191	15.2	7	0.6
Firearms	5,991	3,269	54.6	48	0.8	30	0.5	169	2.8	15	0.3
Burglary/B&E	26	19	73.1	1	3.8	0	0.0	0	0.0	0	0.0
Auto Theft	68	43	63.2	0	0.0	0	0.0	2	2.9	1	1.5
Larceny	999	618	61.9	2	0.2	2	0.2	7	0.7	1	0.1
Fraud	5,497	2,400	43.7	17	0.3	7	0.1	72	1.3	4	0.1
Embezzlement	250	149	59.6	0	0.0	0	0.0	1	0.4	0	0.0
Forgery/Counterfeiting	500	287	57.4	4	0.8	0	0.0	17	3.4	3	0.6
Bribery	180	53	29.4	0	0.0	0	0.0	1	0.6	0	0.0
Tax	510	175	34.3	0	0.0	0	0.0	3	0.6	0	0.0
Money Laundering	676	196	29.0	5	0.7	1	0.1	2	0.3	0	0.0
Racketeering/Extortion	662	281	42.4	4	0.6	2	0.3	11	1.7	0	0.0
Gambling/Lottery	88	33	37.5	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	47	14	29.8	2	4.3	0	0.0	1	2.1	0	0.0
Immigration	16,464	9,466	57.5	75	0.5	20	0.1	159	1.0	4	0.0
Child Pornography	1,446	448	31.0	9	0.6	4	0.3	21	1.5	0	0.0
Prison Offenses	327	228	69.7	1	0.3	2	0.6	8	2.4	1	0.3
Administration of Justice Offenses	890	504	56.6	10	1.1	6	0.7	19	2.1	3	0.3
Environmental/Wildlife	141	86	61.0	0	0.0	0	0.0	1	0.7	0	0.0
National Defense	74	26	35.1	0	0.0	0	0.0	1	1.4	0	0.0
Antitrust	15	2	13.3	0	0.0	0	0.0	2	13.3	0	0.0
Food & Drug	79	54	68.4	0	0.0	0	0.0	2	2.5	0	0.0
Other Miscellaneous Offenses	1,562	1,105	70.7	6	0.4	1	0.1	35	2.2	0	0.0

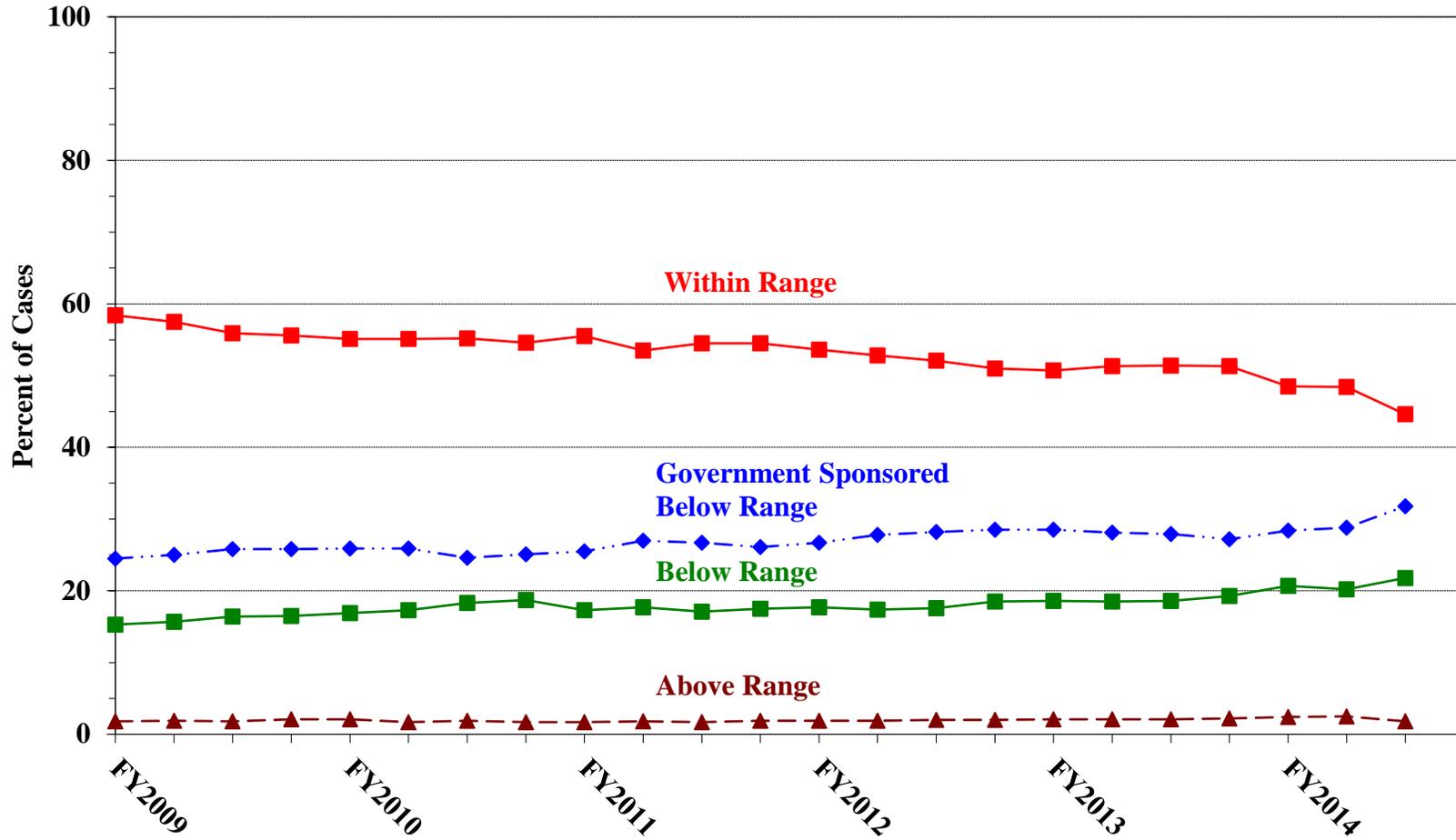
Table 3 (cont.)

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	7,172	12.9	5,117	9.2	4,242	7.6	1,363	2.4	583	1.0	9,378	16.8	330	0.6
Murder	8	15.4	0	0.0	4	7.7	0	0.0	1	1.9	6	11.5	0	0.0
Manslaughter	0	0.0	0	0.0	4	9.8	2	4.9	1	2.4	2	4.9	0	0.0
Kidnapping/Hostage Taking	17	43.6	0	0.0	3	7.7	4	10.3	0	0.0	2	5.1	0	0.0
Sexual Abuse	22	5.6	0	0.0	71	18.0	3	0.8	6	1.5	54	13.7	3	0.8
Assault	1	0.2	6	1.1	87	15.3	20	3.5	6	1.1	87	15.3	4	0.7
Robbery	74	12.9	0	0.0	50	8.7	12	2.1	11	1.9	99	17.2	3	0.5
Arson	5	12.2	0	0.0	6	14.6	0	0.0	0	0.0	7	17.1	0	0.0
Drugs - Trafficking	4,207	26.2	1,130	7.0	1,999	12.5	294	1.8	218	1.4	3,207	20.0	56	0.3
Drugs - Communication Facility	44	16.8	2	0.8	30	11.5	2	0.8	2	0.8	78	29.8	1	0.4
Drugs - Simple Possession	2	0.2	2	0.2	2	0.2	2	0.2	0	0.0	4	0.3	1	0.1
Firearms	655	10.9	12	0.2	482	8.0	110	1.8	66	1.1	1,110	18.5	25	0.4
Burglary/B&E	3	11.5	0	0.0	0	0.0	0	0.0	0	0.0	3	11.5	0	0.0
Auto Theft	12	17.6	0	0.0	2	2.9	0	0.0	0	0.0	8	11.8	0	0.0
Larceny	59	5.9	3	0.3	60	6.0	22	2.2	10	1.0	198	19.8	17	1.7
Fraud	1,070	19.5	4	0.1	389	7.1	110	2.0	88	1.6	1,288	23.4	48	0.9
Embezzlement	13	5.2	0	0.0	15	6.0	5	2.0	2	0.8	63	25.2	2	0.8
Forgery/Counterfeiting	49	9.8	0	0.0	21	4.2	7	1.4	9	1.8	99	19.8	4	0.8
Bribery	48	26.7	1	0.6	13	7.2	5	2.8	4	2.2	53	29.4	2	1.1
Tax	68	13.3	0	0.0	58	11.4	15	2.9	9	1.8	177	34.7	5	1.0
Money Laundering	167	24.7	3	0.4	93	13.8	20	3.0	8	1.2	178	26.3	3	0.4
Racketeering/Extortion	156	23.6	0	0.0	67	10.1	11	1.7	10	1.5	118	17.8	2	0.3
Gambling/Lottery	7	8.0	0	0.0	18	20.5	0	0.0	1	1.1	27	30.7	2	2.3
Civil Rights	10	21.3	0	0.0	6	12.8	1	2.1	3	6.4	9	19.1	1	2.1
Immigration	216	1.3	3,947	24.0	265	1.6	636	3.9	76	0.5	1,481	9.0	119	0.7
Child Pornography	57	3.9	1	0.1	272	18.8	35	2.4	31	2.1	558	38.6	10	0.7
Prison Offenses	7	2.1	1	0.3	17	5.2	9	2.8	3	0.9	48	14.7	2	0.6
Administration of Justice Offenses	61	6.9	3	0.3	81	9.1	15	1.7	5	0.6	179	20.1	4	0.4
Environmental/Wildlife	13	9.2	1	0.7	16	11.3	1	0.7	1	0.7	20	14.2	2	1.4
National Defense	23	31.1	0	0.0	6	8.1	0	0.0	1	1.4	17	23.0	0	0.0
Antitrust	8	53.3	0	0.0	0	0.0	0	0.0	1	6.7	2	13.3	0	0.0
Food & Drug	6	7.6	0	0.0	4	5.1	0	0.0	0	0.0	13	16.5	0	0.0
Other Miscellaneous Offenses	84	5.4	1	0.1	101	6.5	22	1.4	10	0.6	183	11.7	14	0.9

¹ Of the 56,605 cases, 832 were excluded due to information that was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through June 30, 2014).

Figure A
QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2009 - 2013,
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

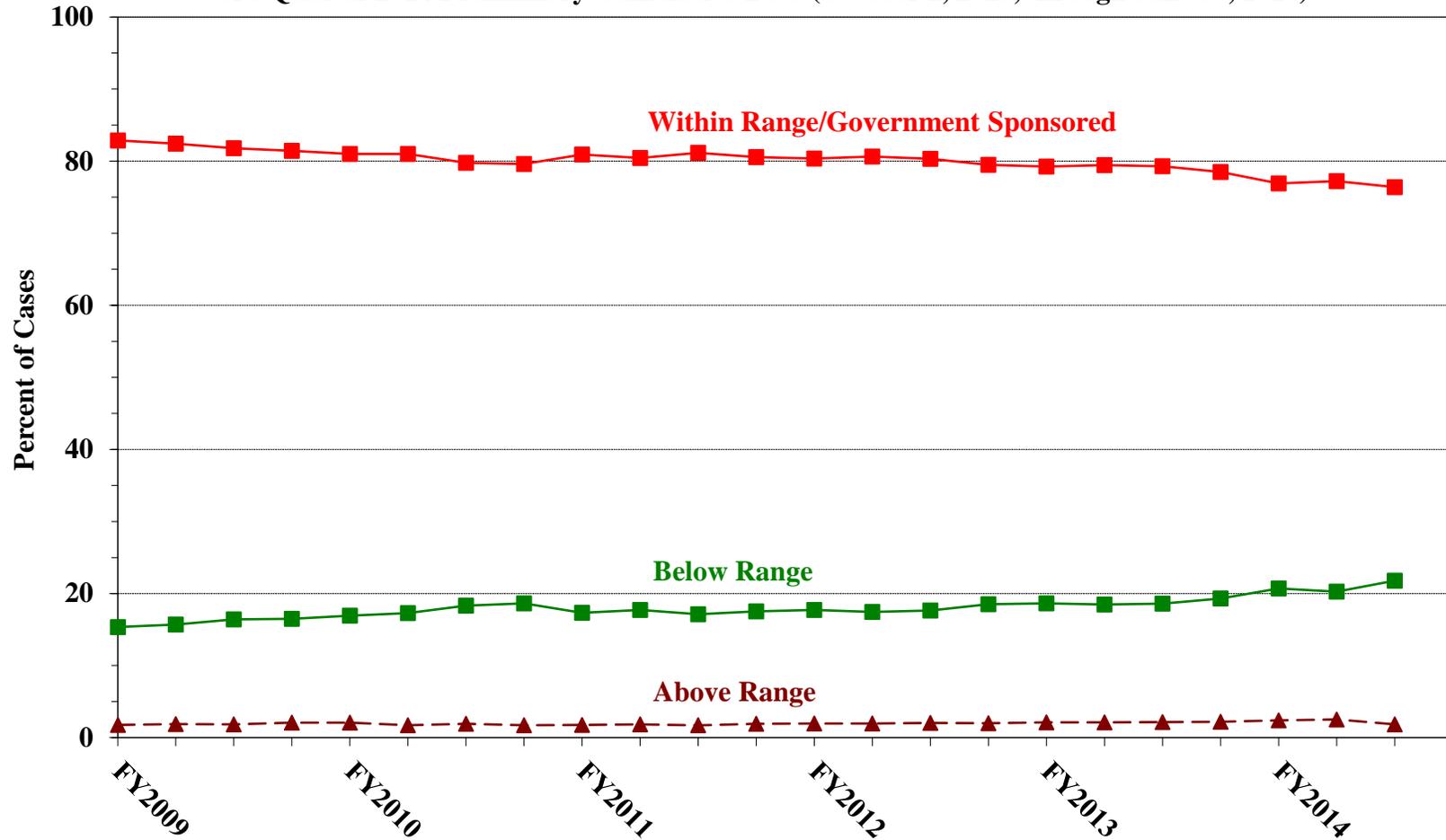


¹ Descriptions of variables used in this figure are provided in Appendix A.

Figure B

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

Fiscal Years 2009 - 2013,
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)



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

Table 4

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2009 - 2013,
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2009				
1st Quarter	58.4	24.5	15.3	1.8
2ndQuarter	57.5	25.0	15.7	1.9
3rd Quarter	55.9	25.8	16.4	1.8
4th Quarter	55.6	25.8	16.5	2.1
FY2010				
1st Quarter	55.1	25.9	16.9	2.1
2ndQuarter	55.1	25.9	17.3	1.7
3rd Quarter	55.2	24.6	18.3	1.9
4th Quarter	54.6	25.1	18.7	1.7
FY2011				
1st Quarter	55.5	25.5	17.3	1.7
2ndQuarter	53.5	27.0	17.7	1.8
3rd Quarter	54.5	26.7	17.1	1.7
4th Quarter	54.5	26.1	17.5	1.9
FY2012				
1st Quarter	53.6	26.7	17.7	1.9
2ndQuarter	52.8	27.8	17.4	1.9
3rd Quarter	52.1	28.2	17.6	2.0
4th Quarter	51.0	28.5	18.5	2.0
FY2013				
1st Quarter	50.7	28.5	18.6	2.1
2ndQuarter	51.3	28.1	18.5	2.1
3rd Quarter	51.4	27.9	18.6	2.1
4th Quarter	51.3	27.2	19.3	2.2
FY2014				
1st Quarter	48.5	28.4	20.7	2.4
2ndQuarter	48.4	28.8	20.2	2.5
3rd Quarter	44.6	31.8	21.8	1.8
4th Quarter	--	--	--	--

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

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward			
			Departure		Above Range		Other Gov't	Departure		Below Range			
			Gdline Only	with Booker	with Booker	All Others		\$5K1.1	\$5K3.1	Gdline Only	with Booker	with Booker	All Others
§2N1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	41	41	0	0	0	0	0	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	164	109	0	1	4	1	5	0	4	6	1	32	1
§2P1.2	111	81	1	0	2	0	1	0	10	1	0	14	1
§2P1.3	6	6	0	0	0	0	0	0	0	0	0	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	27	11	0	0	0	0	3	0	4	0	0	8	1
§2Q1.3	23	7	0	0	0	0	5	0	3	0	1	6	1
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	100	61	0	0	1	0	6	0	14	1	0	15	2
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	8	2	0	0	2	0	2	0	0	0	0	2	0
§2S1.1	926	216	4	2	6	0	267	4	147	22	12	243	3
§2S1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	217	98	3	0	2	0	23	1	34	8	3	43	2
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	440	146	1	0	3	0	58	0	48	11	9	161	3
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.4	129	42	1	0	0	0	24	0	16	5	3	37	1
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	30	5	0	0	0	0	1	0	3	1	1	18	1
§2T1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	6	6	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	22	4	0	0	0	0	16	0	0	1	0	1	0
§2T2.1	3	1	0	0	0	0	0	0	0	0	0	2	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	11	6	0	0	0	0	2	0	2	0	0	1	0
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	16	8	1	0	0	0	1	0	4	0	0	2	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	71	22	0	1	0	0	16	0	9	4	1	18	0
§2X4.1	277	146	6	0	5	0	31	1	32	5	2	48	1
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	182	171	1	0	2	0	0	0	2	1	0	3	2
§2X6.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.1	1	0	0	0	0	0	0	1	0	0	0	0	0
§2X7.2	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	51,626	23,002	252	92	621	34	7,124	4,828	4,160	1,343	576	9,297	297

¹ Of the 56,605 cases, 4,979 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (832) or missing guideline applied (4,962). Descriptions of variables used in this table are provided in Appendix A.

² In 773 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 773 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 1,688 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 924(c). By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 1,688 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

Table 6

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

	Pursuant to a Plea Agreement										
	TOTAL CASES	§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	29,439	4,418	15.0	4,808	16.3	2,813	9.6	2,045	6.9	341	1.2
Above Range	1,254	7	0.6	7	0.6	216	17.2	106	8.5	1	0.1
Upward Departure From Guideline Range	262	1	0.4	6	2.3	93	35.5	47	17.9	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	100	2	2.0	0	0.0	11	11.0	8	8.0	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	846	0	0.0	0	0.0	110	13.0	47	5.6	1	0.1
All Remaining Cases Above Guideline Range	46	4	8.7	1	2.2	2	4.3	4	8.7	0	0.0
Government Sponsored Below Range	16,531	4,411	26.7	4,801	29.0	2,597	15.7	1,939	11.7	340	2.1
§5K1.1 Substantial Assistance Departure	7,172	4,411	61.5	139	1.9	143	2.0	202	2.8	34	0.5
§5K3.1 Early Disposition Program Departure	5,117	0	0.0	4,662	91.1	986	19.3	515	10.1	37	0.7
Other Government Sponsored Below Range	4,242	0	0.0	0	0.0	1,468	34.6	1,222	28.8	269	6.3
Non-Government Sponsored Below Range	11,654	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,363	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	583	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	9,378	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	330	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	2,600	8.8	126	0.4	2,179	7.4	4,862	16.5	3,834	13.0	4,621	15.7	3,008	10.2
Above Range	3	0.2	0	0.0	160	12.8	8	0.6	6	0.5	468	37.3	357	28.5
Upward Departure From Guideline Range	1	0.4	0	0.0	41	15.6	3	1.1	0	0.0	78	29.8	26	9.9
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	33	33.0	0	0.0	3	3.0	60	60.0	6	6.0
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	84	9.9	5	0.6	3	0.4	327	38.7	289	34.2
All Remaining Cases Above Guideline Range	2	4.3	0	0.0	2	4.3	0	0.0	0	0.0	3	6.5	36	78.3
Government Sponsored Below Range	2,597	15.7	126	0.8	2,019	12.2	1,381	8.4	784	4.7	861	5.2	390	2.4
§5K1.1 Substantial Assistance Departure	2,597	36.2	6	0.1	478	6.7	672	9.4	301	4.2	495	6.9	115	1.6
§5K3.1 Early Disposition Program Departure	0	0.0	120	2.3	177	3.5	212	4.1	276	5.4	155	3.0	168	3.3
Other Government Sponsored Below Range	0	0.0	0	0.0	1,364	32.2	497	11.7	207	4.9	211	5.0	107	2.5
Non-Government Sponsored Below Range	0	0.0	0	0.0	0	0.0	3,473	29.8	3,044	26.1	3,292	28.2	2,261	19.4
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	652	47.8	196	14.4	368	27.0	192	14.1
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	179	30.7	188	32.2	220	37.7	87	14.9
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	2,641	28.2	2,656	28.3	2,696	28.7	1,665	17.8
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	1	0.3	4	1.2	8	2.4	317	96.1

¹ Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 5,320 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through June 30, 2014).

Table 7

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	6,876	33	34	51.4
Murder	6	131	182	50.6
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	14	72	80	59.5
Sexual Abuse	20	60	51	37.5
Assault	1	--	--	--
Robbery	73	42	22	40.0
Arson	5	40	20	33.3
Drugs - Trafficking	4,032	48	45	48.7
Drugs - Communication Facility	43	12	18	59.9
Drugs - Simple Possession	1	--	--	--
Firearms	618	57	41	46.4
Burglary/B&E	3	27	6	17.5
Auto Theft	12	17	22	55.4
Larceny	59	12	12	50.0
Fraud	1,035	8	21	76.4
Embezzlement	11	12	7	58.3
Forgery/Counterfeiting	48	5	8	64.0
Bribery	48	6	20	70.0
Tax	66	0	18	99.8
Money Laundering	165	9	25	82.8
Racketeering/Extortion	146	37	33	48.0
Gambling/Lottery	6	0	10	100.0
Civil Rights	9	30	42	61.5
Immigration	210	13	12	46.7
Child Pornography	56	97	74	42.2
Prison Offenses	7	12	6	33.3
Administration of Justice Offenses	61	0	12	100.0
Environmental/Wildlife	12	0	11	100.0
National Defense	22	27	22	47.2
Antitrust	2	--	--	--
Food & Drug	6	0	15	100.0
Other Miscellaneous Offenses	79	12	18	69.1

¹ Of the 56,605 cases, 7,172 received a §5K1.1 substantial assistance departure. Of these, 6,944 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 65 cases were also excluded from this table. Of the remaining 6,879 cases, three were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 8

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	4,702	14	8	40.0
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	6	21	3	19.0
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	1,041	24	21	47.8
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	12	34	13	37.6
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	3	21	6	33.2
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	1	--	--	--
Tax	0	--	--	--
Money Laundering	3	24	10	50.0
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	3,626	12	6	37.5
Child Pornography	1	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	3	19	6	25.0
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 56,605 cases, 5,117 received a §5K3.1 early disposition program departure. Of these, 4,703 cases had complete guideline application information. Of these cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through June 30, 2014).

Table 9

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	4,058	37	21	38.1
Murder	3	190	52	17.8
Manslaughter	4	38	20	34.9
Kidnapping/Hostage Taking	3	168	120	35.9
Sexual Abuse	63	120	42	34.8
Assault	82	19	14	49.1
Robbery	50	54	25	27.1
Arson	6	37	30	55.3
Drugs - Trafficking	1,934	60	27	34.5
Drugs - Communication Facility	28	15	24	55.0
Drugs - Simple Possession	1	--	--	--
Firearms	467	60	18	28.6
Burglary/B&E	0	--	--	--
Auto Theft	2	--	--	--
Larceny	54	0	10	100.0
Fraud	367	12	15	61.9
Embezzlement	14	0	10	100.0
Forgery/Counterfeiting	20	15	6	30.9
Bribery	12	8	12	54.1
Tax	55	0	12	100.0
Money Laundering	87	12	18	66.7
Racketeering/Extortion	64	47	24	46.9
Gambling/Lottery	18	0	6	100.0
Civil Rights	5	0	12	100.0
Immigration	249	16	12	41.3
Child Pornography	263	72	57	42.9
Prison Offenses	14	9	7	50.0
Administration of Justice Offenses	79	3	14	84.1
Environmental/Wildlife	13	0	10	100.0
National Defense	6	23	19	41.3
Antitrust	0	--	--	--
Food & Drug	4	4	10	59.5
Other Miscellaneous Offenses	91	3	12	83.3

¹ Of the 56,605 cases, 4,242 received an other government sponsored downward departure. Of these, 4,083 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 23 cases were also excluded from this table. Of the remaining 4,060 cases, two were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 10

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,317	24	13	35.1
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	18	19	11	49.1
Robbery	12	32	13	20.3
Arson	0	--	--	--
Drugs - Trafficking	284	46	18	29.0
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	105	41	11	21.4
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	22	0	10	100.0
Fraud	108	12	12	54.1
Embezzlement	5	12	12	63.6
Forgery/Counterfeiting	7	15	6	33.3
Bribery	5	0	10	100.0
Tax	15	11	10	40.0
Money Laundering	18	7	11	54.4
Racketeering/Extortion	11	40	14	35.1
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	623	21	12	36.8
Child Pornography	35	72	38	36.4
Prison Offenses	7	12	5	33.3
Administration of Justice Offenses	15	12	6	49.9
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	18	1	8	90.0

¹ Of the 56,605 cases, 1,363 received a downward departure from the guideline range. Of these, 1,327 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional nine cases were also excluded from this table. Of the remaining 1,318 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 11

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	555	30	22	42.4
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	6	62	17	31.4
Assault	5	24	9	27.3
Robbery	11	42	29	36.4
Arson	0	--	--	--
Drugs - Trafficking	205	51	30	36.2
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	62	40	18	34.5
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	9	0	6	100.0
Fraud	87	14	15	49.9
Embezzlement	1	--	--	--
Forgery/Counterfeiting	9	9	10	74.7
Bribery	4	0	10	100.0
Tax	9	0	18	100.0
Money Laundering	7	22	24	60.3
Racketeering/Extortion	10	33	26	35.1
Gambling/Lottery	1	--	--	--
Civil Rights	3	0	16	100.0
Immigration	73	20	19	50.0
Child Pornography	31	84	48	42.1
Prison Offenses	2	--	--	--
Administration of Justice Offenses	5	12	12	49.9
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	1	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	9	6	18	50.0

¹ Of the 56,605 cases, 583 received a downward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 557 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional two cases were also excluded from this table. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through June 30, 2014).

Table 12

**BELOW GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	9,085	27	15	36.2
Murder	6	78	20	21.1
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	51	51	30	40.0
Assault	81	12	11	45.5
Robbery	98	48	14	21.8
Arson	6	31	8	19.7
Drugs - Trafficking	3,105	48	20	31.0
Drugs - Communication Facility	75	14	14	60.9
Drugs - Simple Possession	1	--	--	--
Firearms	1,085	36	13	25.0
Burglary/B&E	3	6	12	66.7
Auto Theft	8	27	20	52.5
Larceny	194	0	10	100.0
Fraud	1,252	12	12	50.3
Embezzlement	61	0	10	99.6
Forgery/Counterfeiting	97	6	9	66.7
Bribery	52	5	15	75.7
Tax	174	0	12	100.0
Money Laundering	171	12	19	60.0
Racketeering/Extortion	116	30	15	29.6
Gambling/Lottery	27	0	6	100.0
Civil Rights	8	12	12	59.0
Immigration	1,423	18	10	36.6
Child Pornography	549	72	49	38.5
Prison Offenses	45	7	5	42.9
Administration of Justice Offenses	172	7	10	60.0
Environmental/Wildlife	20	3	7	78.8
National Defense	16	32	19	34.8
Antitrust	2	--	--	--
Food & Drug	12	0	17	100.0
Other Miscellaneous Offenses	172	4	12	76.0

¹ Of the 56,605 cases, 9,378 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 9,122 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 29 cases were also excluded from this table. Of the remaining 9,093 cases, eight were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 13

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	278	2	6	76.2
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	3	130	13	6.9
Assault	3	0	6	100.0
Robbery	3	48	3	5.9
Arson	0	--	--	--
Drugs - Trafficking	42	48	16	27.2
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	20	25	9	29.5
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	15	0	6	100.0
Fraud	43	6	7	61.8
Embezzlement	1	--	--	--
Forgery/Counterfeiting	4	8	7	37.5
Bribery	2	--	--	--
Tax	5	6	12	50.0
Money Laundering	3	3	3	45.2
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	2	--	--	--
Civil Rights	1	--	--	--
Immigration	99	0	2	100.0
Child Pornography	10	86	68	37.5
Prison Offenses	2	--	--	--
Administration of Justice Offenses	4	11	7	38.8
Environmental/Wildlife	2	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	11	0	6	100.0

¹ Of the 56,605 cases, 330 were otherwise sentenced below the guideline range. Of these, 280 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional two cases were also excluded from this table. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through June 30, 2014).

Table 14

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	246	48	12	33.3
Murder	3	384	122	46.6
Manslaughter	5	84	33	64.7
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	9	108	21	33.3
Assault	8	93	33	61.1
Robbery	5	96	18	23.1
Arson	0	--	--	--
Drugs - Trafficking	42	47	14	24.3
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	3	24	18	300.0
Firearms	39	112	19	23.7
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	16	54	13	41.9
Embezzlement	0	--	--	--
Forgery/Counterfeiting	4	53	18	51.4
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	5	33	10	33.3
Racketeering/Extortion	4	119	21	27.8
Gambling/Lottery	0	--	--	--
Civil Rights	2	--	--	--
Immigration	72	26	6	30.8
Child Pornography	9	120	30	19.2
Prison Offenses	1	--	--	--
Administration of Justice Offenses	10	36	7	31.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	6	14	4	25.0

¹ Of the 56,605 cases, 262 received an upward departure from the guideline range. Of these, 248 cases had complete guideline application information. Two additional cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through June 30, 2014).

Table 15

**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	88	60	18	48.1
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	1	--	--	--
Robbery	6	210	60	64.0
Arson	2	--	--	--
Drugs - Trafficking	11	96	23	23.7
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	24	75	19	37.6
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	7	46	18	50.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	18	24	10	81.1
Child Pornography	3	144	24	19.2
Prison Offenses	2	--	--	--
Administration of Justice Offenses	6	44	20	66.7
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 56,605 cases, 100 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 90 cases had complete guideline application information. Furthermore, two cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through June 30, 2014).

Table 16

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	598	60	15	45.6
Murder	1	--	--	--
Manslaughter	3	96	42	53.8
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	9	188	25	27.7
Assault	19	60	18	58.7
Robbery	13	140	27	19.8
Arson	2	--	--	--
Drugs - Trafficking	61	90	21	33.3
Drugs - Communication Facility	3	48	18	60.0
Drugs - Simple Possession	0	--	--	--
Firearms	139	84	19	30.4
Burglary/B&E	0	--	--	--
Auto Theft	2	--	--	--
Larceny	6	18	5	27.6
Fraud	68	60	14	46.3
Embezzlement	1	--	--	--
Forgery/Counterfeiting	14	39	10	50.0
Bribery	1	--	--	--
Tax	3	36	6	33.3
Money Laundering	2	--	--	--
Racketeering/Extortion	10	152	31	24.9
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	152	27	9	50.0
Child Pornography	20	213	52	25.7
Prison Offenses	8	42	15	71.4
Administration of Justice Offenses	19	48	18	60.0
Environmental/Wildlife	1	--	--	--
National Defense	1	--	--	--
Antitrust	2	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	35	60	19	50.0

¹ Of the 56,605 cases, 846 were sentenced above the guideline range with *Booker*/18 U.S.C § 3553. Of these, 608 cases had complete guideline application information. Ten additional cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through June 30, 2014).

Table 17

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	20	81	18	35.2
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	0	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	4	60	12	30.4
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	9	84	18	45.5
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	0	--	--	--
Fraud	1	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	0	--	--	--
Child Pornography	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹ Of the 56,605 cases, 46 were otherwise sentenced above the guideline range. Of these, 32 cases had complete guideline application information. Furthermore, 12 cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through June 30, 2014).

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	56,139	50,594	90.1	48,931	87.2	1,663	3.0	5,545	9.9	1,576	2.8	3,969	7.1
Murder	52	52	100.0	51	98.1	1	1.9	0	0.0	0	0.0	0	0.0
Manslaughter	41	41	100.0	38	92.7	3	7.3	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	39	39	100.0	36	92.3	3	7.7	0	0.0	0	0.0	0	0.0
Sexual Abuse	394	388	98.5	375	95.2	13	3.3	6	1.5	3	0.8	3	0.8
Assault	581	499	85.9	463	79.7	36	6.2	82	14.1	20	3.4	62	10.7
Robbery	578	567	98.1	556	96.2	11	1.9	11	1.9	6	1.0	5	0.9
Arson	41	38	92.7	37	90.2	1	2.4	3	7.3	1	2.4	2	4.9
Drugs - Trafficking	16,058	15,383	95.8	14,880	92.7	503	3.1	675	4.2	234	1.5	441	2.7
Drugs - Communication Facility	263	218	82.9	209	79.5	9	3.4	45	17.1	15	5.7	30	11.4
Drugs - Simple Possession	1,628	1,475	90.6	1,471	90.4	4	0.2	153	9.4	6	0.4	147	9.0
Firearms	5,990	5,684	94.9	5,536	92.4	148	2.5	306	5.1	124	2.1	182	3.0
Burglary/B&E	26	26	100.0	25	96.2	1	3.8	0	0.0	0	0.0	0	0.0
Auto Theft	68	63	92.6	63	92.6	0	0.0	5	7.4	4	5.9	1	1.5
Larceny	979	456	46.6	386	39.4	70	7.2	523	53.4	121	12.4	402	41.1
Fraud	5,618	4,369	77.8	4,032	71.8	337	6.0	1,249	22.2	472	8.4	777	13.8
Embezzlement	249	131	52.6	103	41.4	28	11.2	118	47.4	29	11.6	89	35.7
Forgery/Counterfeiting	500	400	80.0	359	71.8	41	8.2	100	20.0	46	9.2	54	10.8
Bribery	180	125	69.4	109	60.6	16	8.9	55	30.6	27	15.0	28	15.6
Tax	502	295	58.8	255	50.8	40	8.0	207	41.2	84	16.7	123	24.5
Money Laundering	675	510	75.6	464	68.7	46	6.8	165	24.4	46	6.8	119	17.6
Racketeering/Extortion	662	630	95.2	610	92.1	20	3.0	32	4.8	9	1.4	23	3.5
Gambling/Lottery	87	27	31.0	20	23.0	7	8.0	60	69.0	19	21.8	41	47.1
Civil Rights	48	34	70.8	33	68.8	1	2.1	14	29.2	7	14.6	7	14.6
Immigration	16,547	15,861	95.9	15,715	95.0	146	0.9	686	4.1	113	0.7	573	3.5
Child Pornography	1,448	1,439	99.4	1,405	97.0	34	2.3	9	0.6	4	0.3	5	0.3
Prison Offenses	334	317	94.9	299	89.5	18	5.4	17	5.1	2	0.6	15	4.5
Administration of Justice Offenses	892	688	77.1	634	71.1	54	6.1	204	22.9	53	5.9	151	16.9
Environmental/Wildlife	148	44	29.7	32	21.6	12	8.1	104	70.3	6	4.1	98	66.2
National Defense	74	69	93.2	69	93.2	0	0.0	5	6.8	0	0.0	5	6.8
Antitrust	15	13	86.7	13	86.7	0	0.0	2	13.3	2	13.3	0	0.0
Food & Drug	81	19	23.5	16	19.8	3	3.7	62	76.5	14	17.3	48	59.3
Other Miscellaneous Offenses	1,341	694	51.8	637	47.5	57	4.3	647	48.2	109	8.1	538	40.1

¹ Of the 56,605 cases, 466 were excluded due to one of the following reasons: the offender received neither imprisonment nor probation (465), or missing sentencing information (1). Descriptions of variables used in this table are provided in Appendix A.

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

Table 19

SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

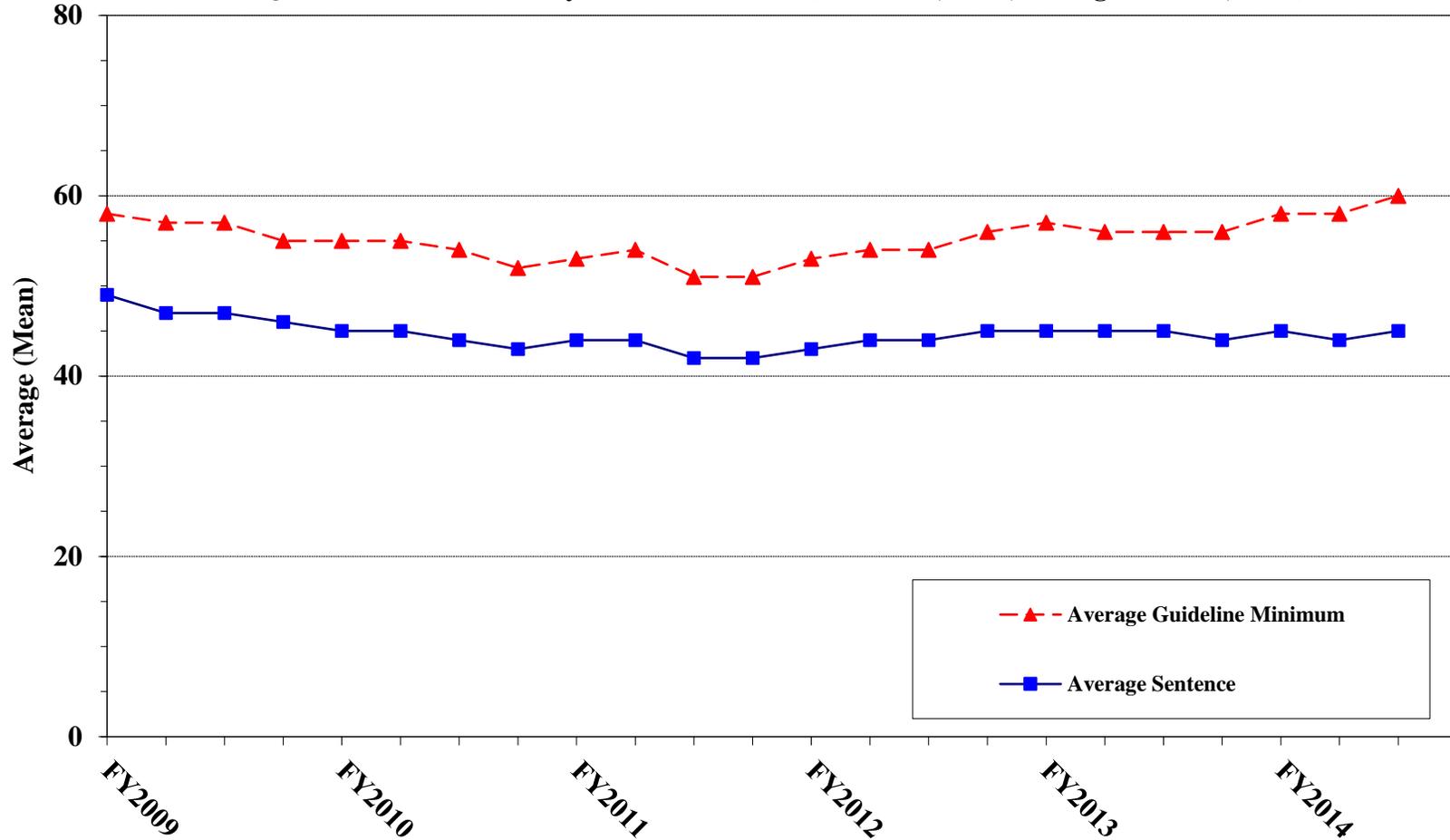
PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	45	24	56,605
Murder	285	262	52
Manslaughter	55	37	41
Kidnapping/Hostage Taking	214	168	39
Sexual Abuse	126	120	394
Assault	30	18	587
Robbery	78	60	578
Arson	70	60	41
Drugs - Trafficking	69	51	16,060
Drugs - Communication Facility	29	24	263
Drugs - Simple Possession	5	6	1,645
Firearms	82	57	5,993
Burglary/B&E	29	24	26
Auto Theft	68	45	68
Larceny	10	2	1,034
Fraud	26	14	5,639
Embezzlement	10	6	253
Forgery/Counterfeiting	18	12	502
Bribery	17	12	181
Tax	13	10	511
Money Laundering	31	18	676
Racketeering/Extortion	91	57	663
Gambling/Lottery	5	1	88
Civil Rights	39	18	48
Immigration	16	10	16,556
Child Pornography	134	97	1,448
Prison Offenses	14	11	334
Administration of Justice Offenses	19	12	895
Environmental/Wildlife	4	0	159
National Defense	49	36	74
Antitrust	24	16	15
Food & Drug	10	0	85
Other Miscellaneous Offenses	18	0	1,657

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

Figure C

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

**Fiscal Years 2009 - 2013,
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

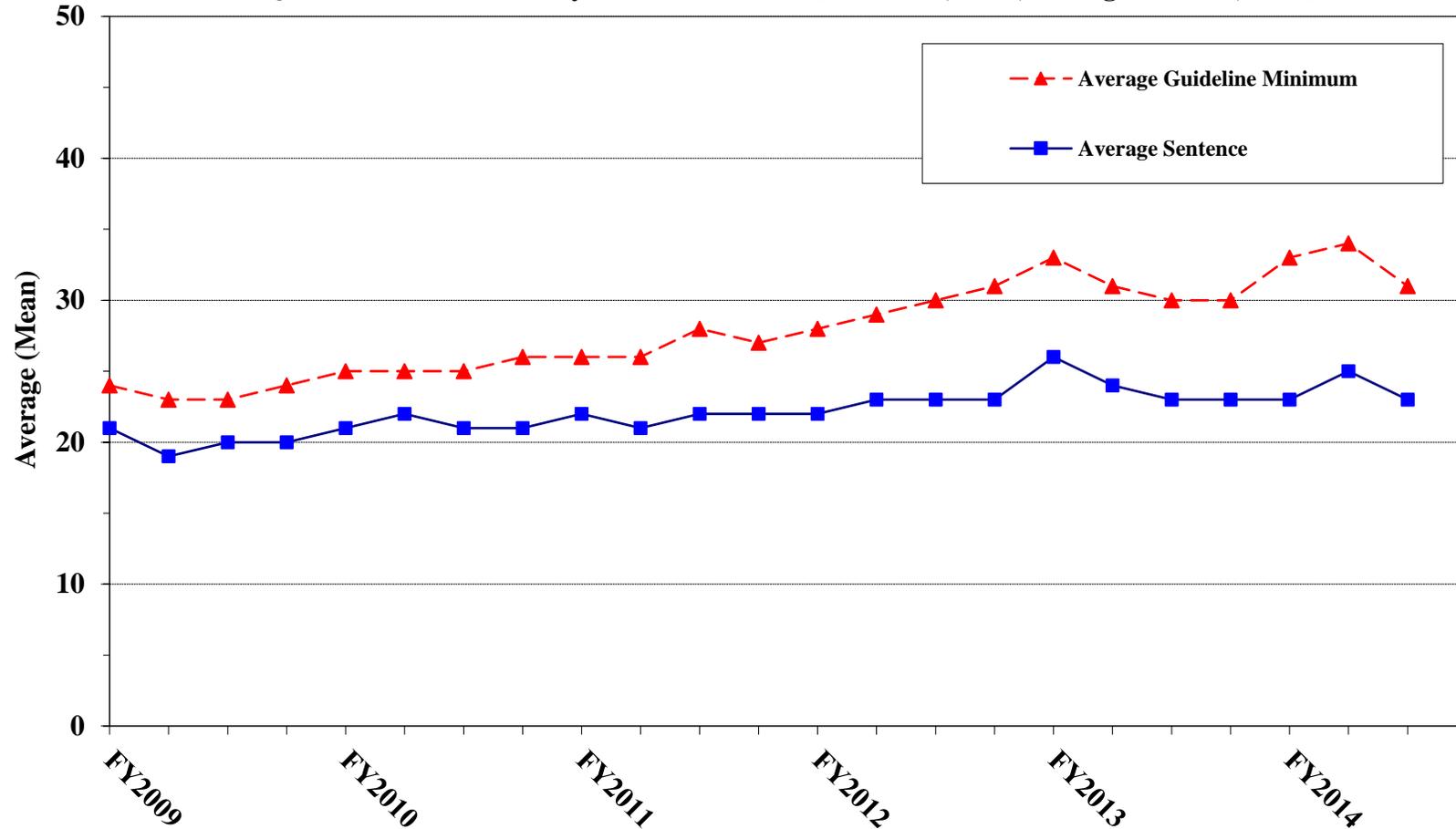


¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470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

Figure D

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

**Fiscal Years 2009 - 2013,
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

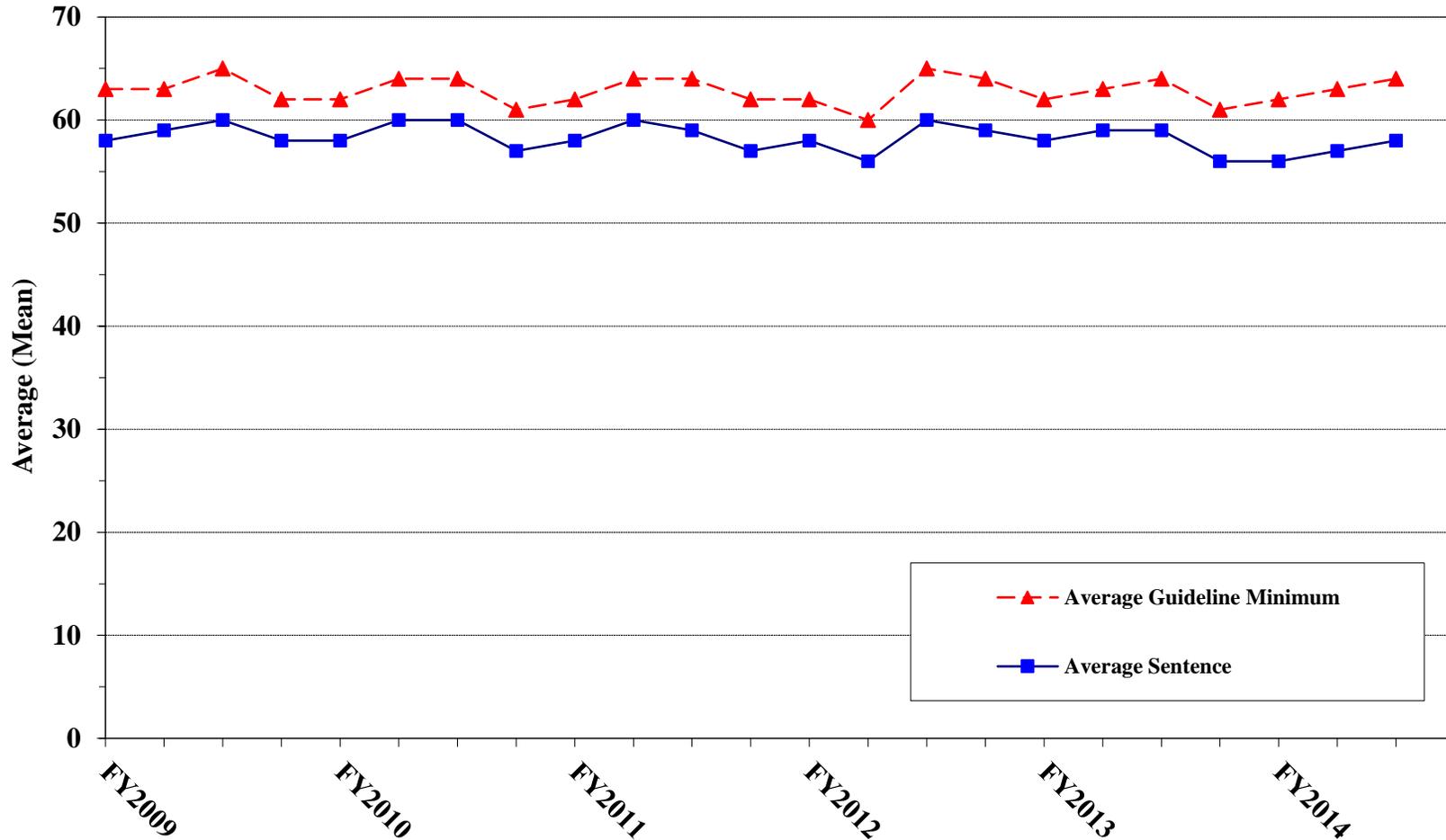


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit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

Figure E

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

**Fiscal Years 2009 - 2013,
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

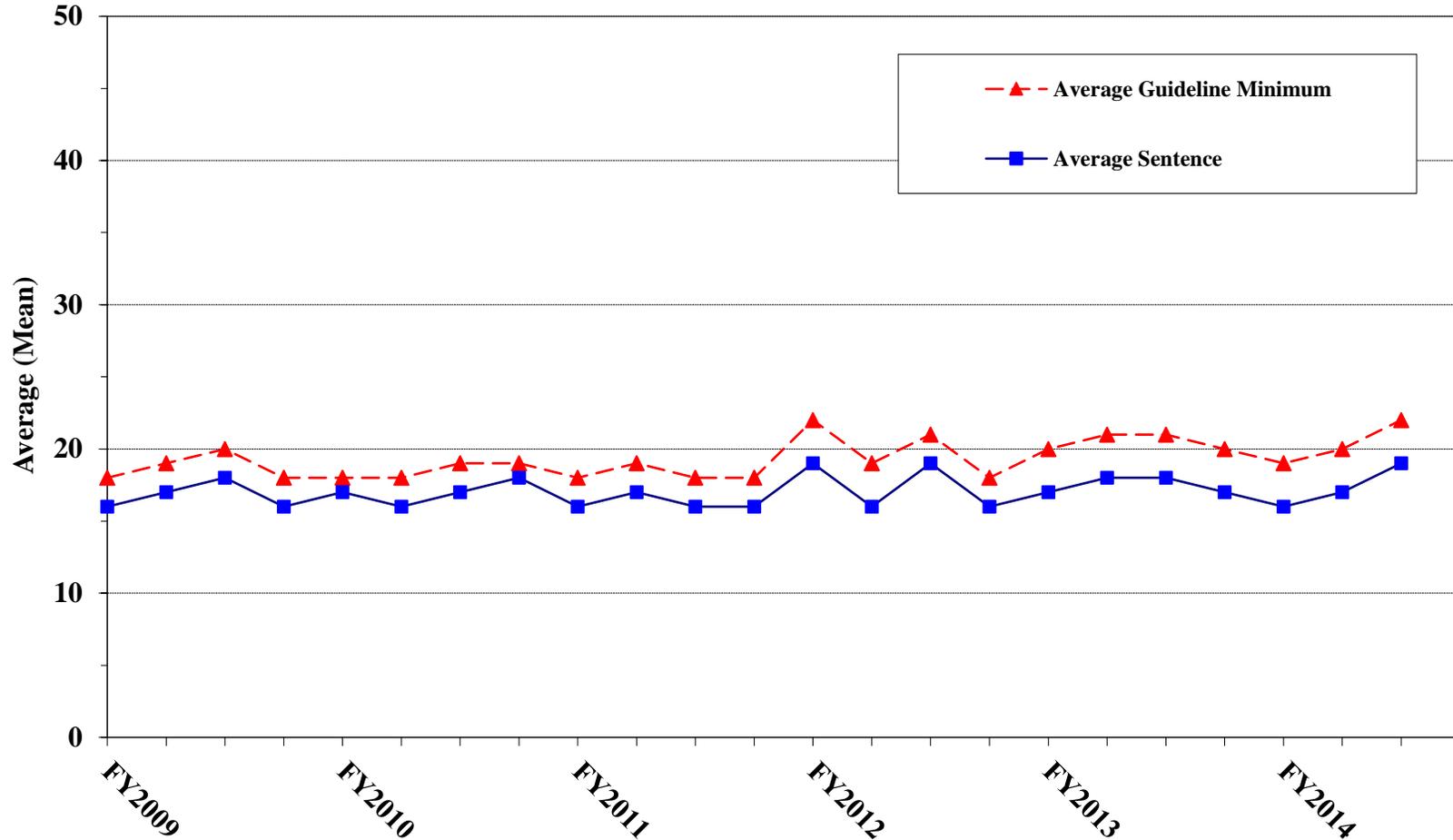


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum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

Figure F

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

**Fiscal Years 2009 - 2013,
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

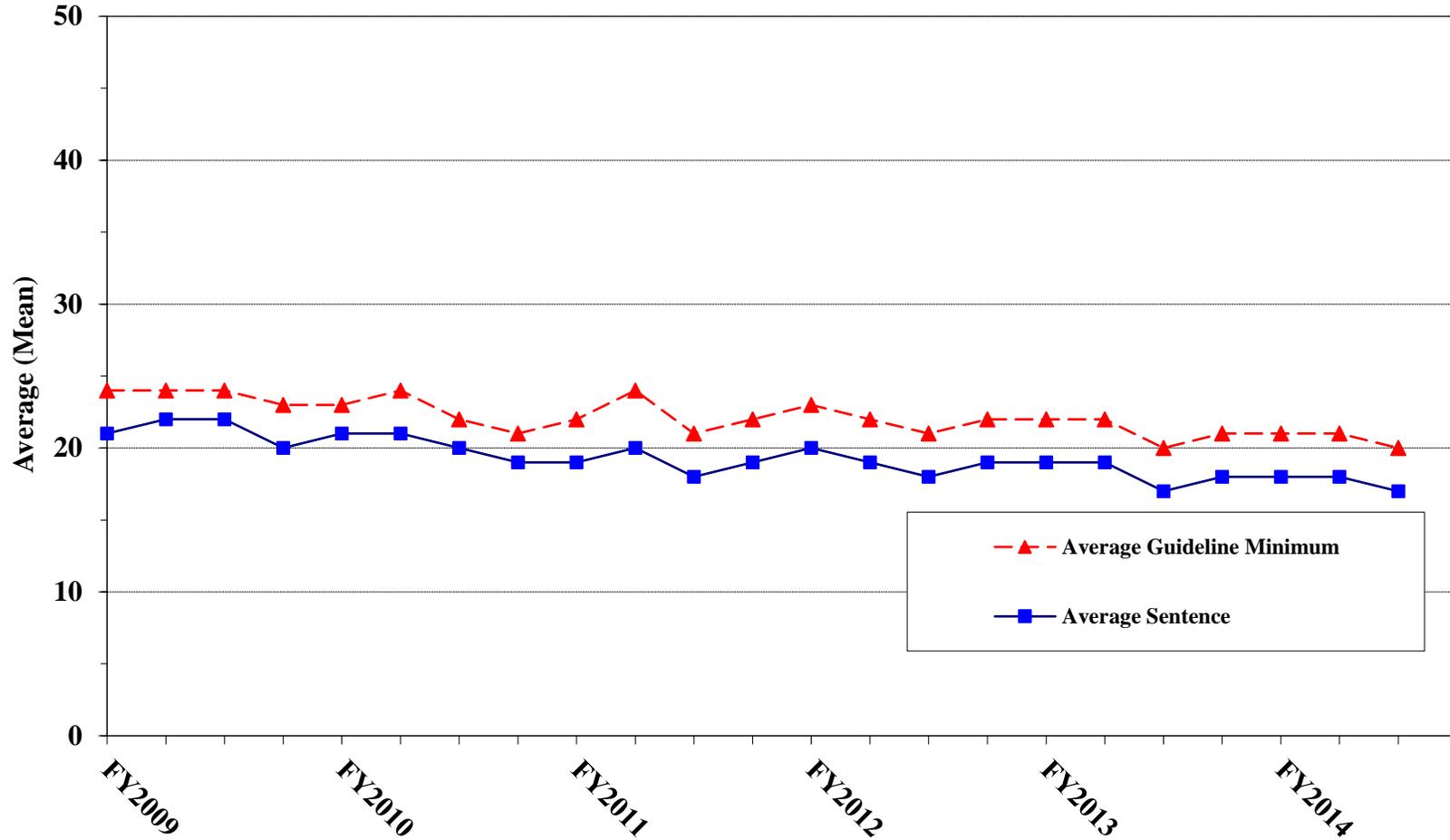


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn,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

Figure G

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

**Fiscal Years 2009 - 2013,
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

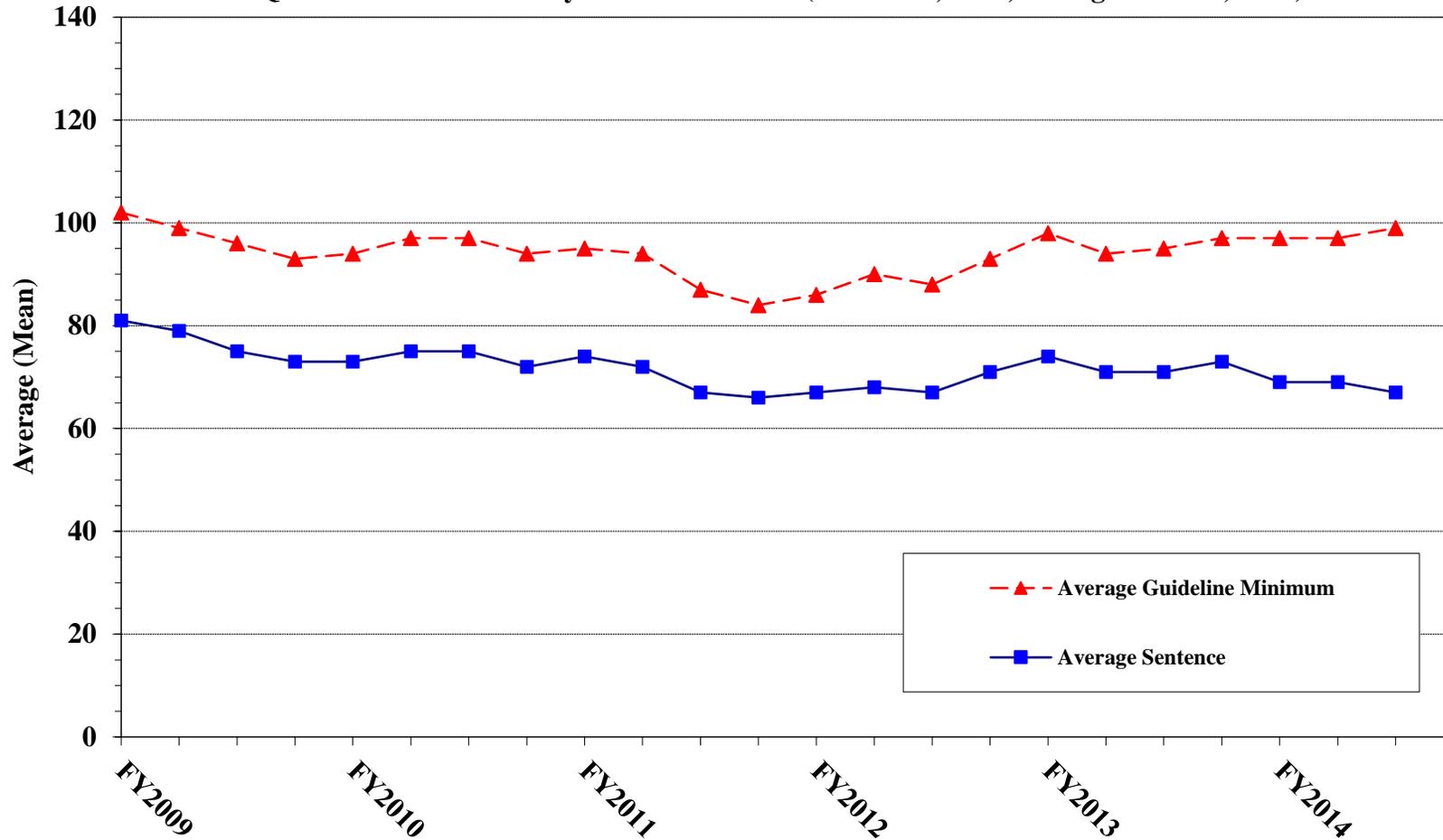


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including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

Figure H

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

**Fiscal Years 2009 - 2013,
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

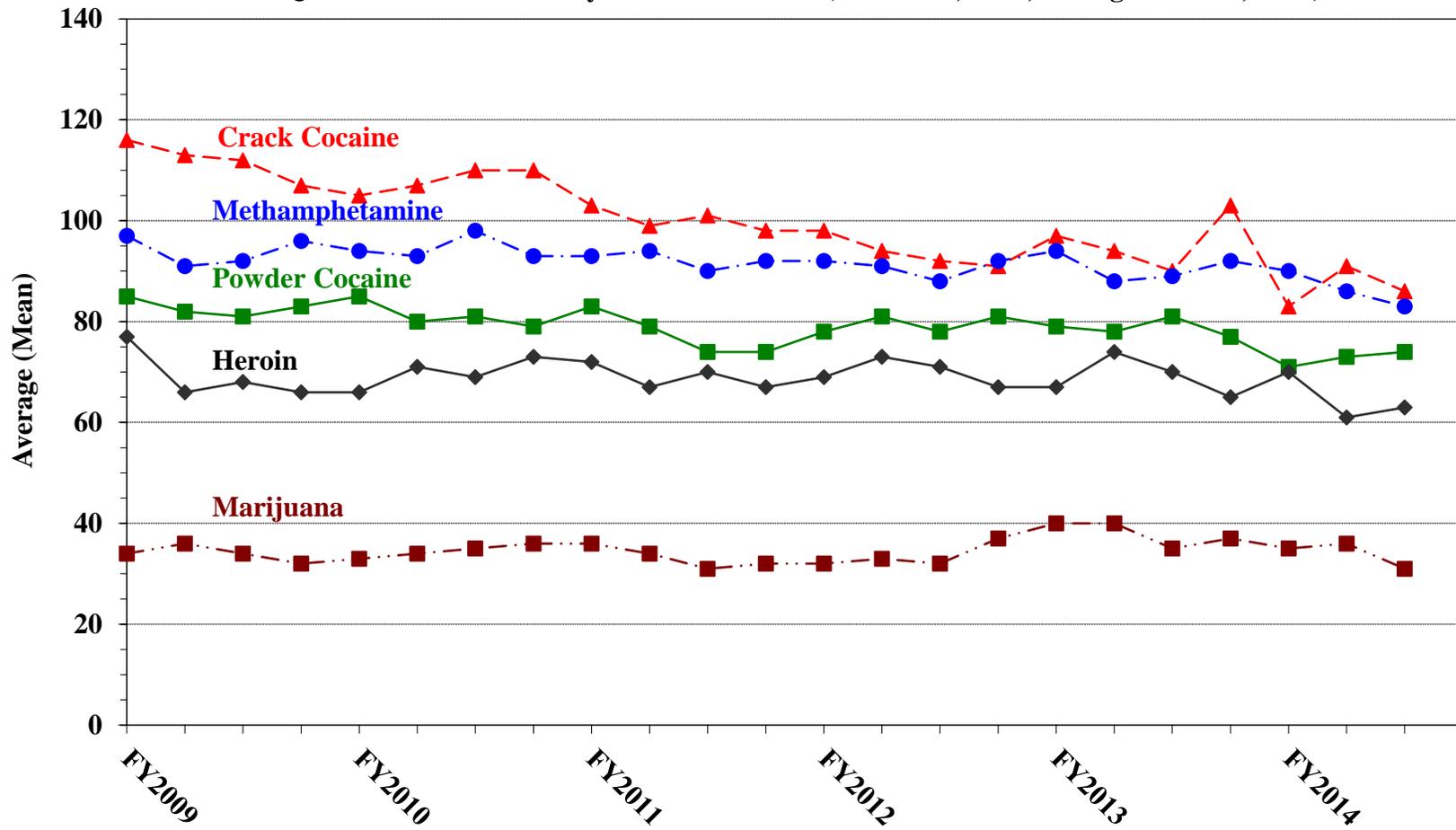


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline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

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹

Fiscal Years 2009 - 2013,
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)



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

Table 20

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

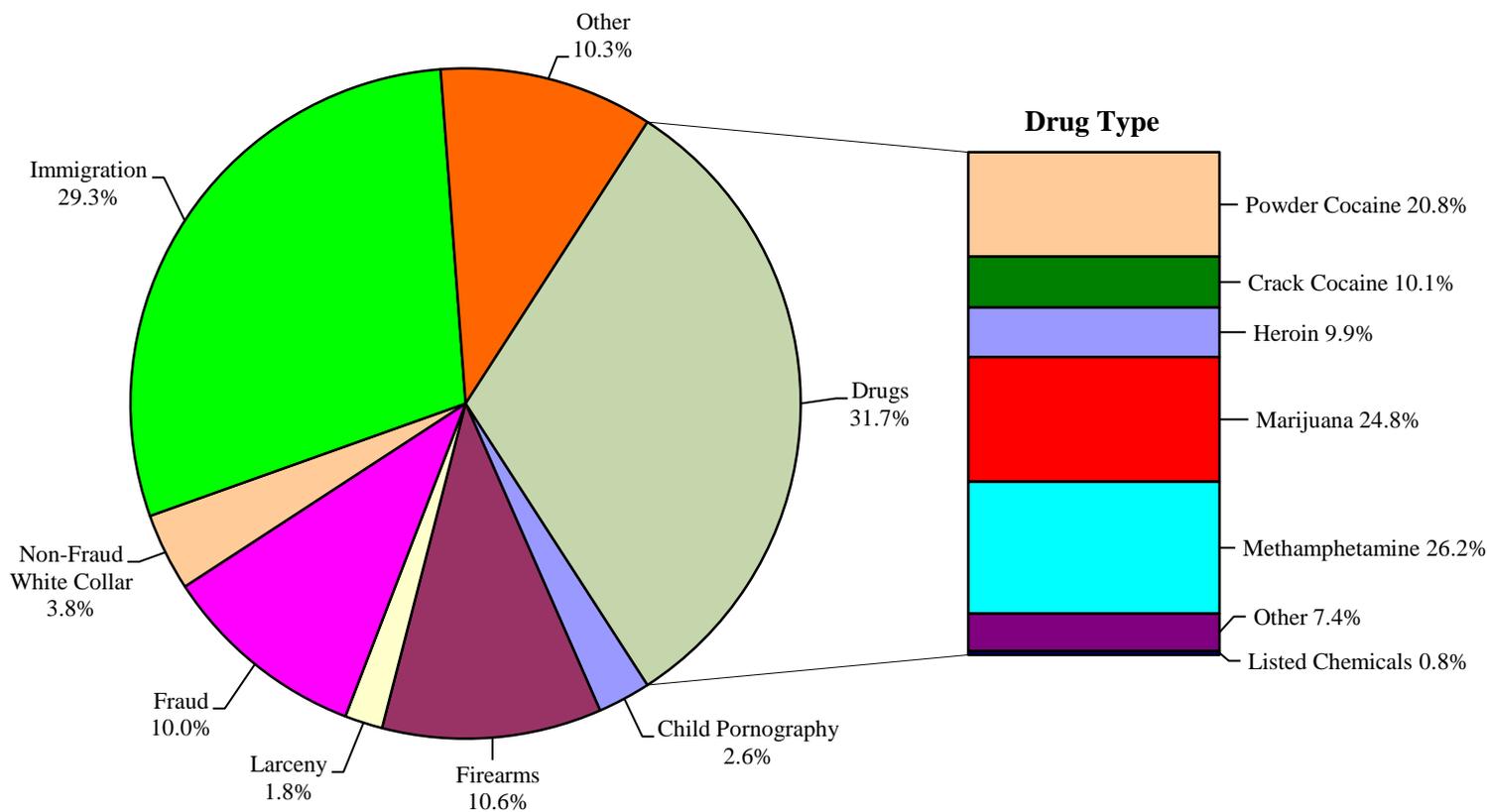
PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
TOTAL	21,458	10,886	50.7	4,650	21.7	1,813	8.4	1,669	7.8	2,440	11.4
Murder	14	2	14.3	4	28.6	0	0.0	2	14.3	6	42.9
Manslaughter	23	11	47.8	2	8.7	4	17.4	2	8.7	4	17.4
Kidnapping/Hostage Taking	10	6	60.0	3	30.0	0	0.0	1	10.0	0	0.0
Sexual Abuse	153	67	43.8	29	19.0	16	10.5	13	8.5	28	18.3
Assault	261	116	44.4	40	15.3	22	8.4	30	11.5	53	20.3
Robbery	281	126	44.8	51	18.1	21	7.5	36	12.8	47	16.7
Arson	11	6	54.5	2	18.2	1	9.1	0	0.0	2	18.2
Drugs - Trafficking	4,364	3,068	70.3	571	13.1	236	5.4	203	4.7	286	6.6
Drugs - Communication Facility	49	27	55.1	4	8.2	3	6.1	5	10.2	10	20.4
Drugs - Simple Possession	96	66	68.8	9	9.4	7	7.3	5	5.2	9	9.4
Firearms	2,848	1,528	53.7	399	14.0	295	10.4	194	6.8	432	15.2
Burglary/B&E	19	8	42.1	1	5.3	3	15.8	1	5.3	6	31.6
Auto Theft	41	12	29.3	10	24.4	4	9.8	4	9.8	11	26.8
Larceny	498	328	65.9	58	11.6	26	5.2	26	5.2	60	12.0
Fraud	2,083	1,157	55.5	311	14.9	172	8.3	172	8.3	271	13.0
Embezzlement	136	106	77.9	16	11.8	3	2.2	5	3.7	6	4.4
Forgery/Counterfeiting	272	137	50.4	32	11.8	25	9.2	25	9.2	53	19.5
Bribery	50	34	68.0	8	16.0	2	4.0	1	2.0	5	10.0
Tax	161	115	71.4	18	11.2	10	6.2	3	1.9	15	9.3
Money Laundering	177	121	68.4	23	13.0	13	7.3	9	5.1	11	6.2
Racketeering/Extortion	204	99	48.5	34	16.7	20	9.8	23	11.3	28	13.7
Gambling/Lottery	33	22	66.7	2	6.1	2	6.1	2	6.1	5	15.2
Civil Rights	11	7	63.6	2	18.2	0	0.0	1	9.1	1	9.1
Immigration	8,025	2,753	34.3	2,775	34.6	820	10.2	805	10.0	872	10.9
Child Pornography	339	199	58.7	56	16.5	17	5.0	28	8.3	39	11.5
Prison Offenses	198	89	44.9	39	19.7	17	8.6	18	9.1	35	17.7
Administration of Justice Offenses	456	238	52.2	58	12.7	44	9.6	25	5.5	91	20.0
Environmental/Wildlife	68	60	88.2	5	7.4	2	2.9	0	0.0	1	1.5
National Defense	24	13	54.2	3	12.5	0	0.0	3	12.5	5	20.8
Antitrust	2	1	50.0	0	0.0	0	0.0	0	0.0	1	50.0
Food & Drug	46	40	87.0	3	6.5	1	2.2	0	0.0	2	4.3
Other Miscellaneous Offenses	505	324	64.2	82	16.2	27	5.3	27	5.3	45	8.9

¹ Of the 56,605 cases, 26,334 were sentenced within the applicable guideline range. Of those, 22,711 cases had complete guideline application information. An additional 1,253 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

Figure J

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹

3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)



¹ Of the 56,605 guideline cases, five drug cases were excluded from this figure due to cases missing drug type. The Drug category includes the following offense types: trafficking, use of a communication facility, and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through June 30, 2014).

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

PRIMARY OFFENSE	N	%
TOTAL	56,605	100.0
Murder	52	0.1
Manslaughter	41	0.1
Kidnapping/Hostage Taking	39	0.1
Sexual Abuse	394	0.7
Assault	587	1.0
Robbery	578	1.0
Arson	41	0.1
Drugs - Trafficking	16,060	28.4
Drugs - Communication Facility	263	0.5
Drugs - Simple Possession	1,645	2.9
Firearms	5,993	10.6
Burglary/B&E	26	0.0
Auto Theft	68	0.1
Larceny	1,034	1.8
Fraud	5,639	10.0
Embezzlement	253	0.4
Forgery/Counterfeiting	502	0.9
Bribery	181	0.3
Tax	511	0.9
Money Laundering	676	1.2
Racketeering/Extortion	663	1.2
Gambling/Lottery	88	0.2
Civil Rights	48	0.1
Immigration	16,556	29.2
Child Pornography	1,448	2.6
Prison Offenses	334	0.6
Administration of Justice Offenses	895	1.6
Environmental/Wildlife	159	0.3
National Defense	74	0.1
Antitrust	15	0.0
Food & Drug	85	0.2
Other Miscellaneous Offenses	1,657	2.9

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

Table 22

GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

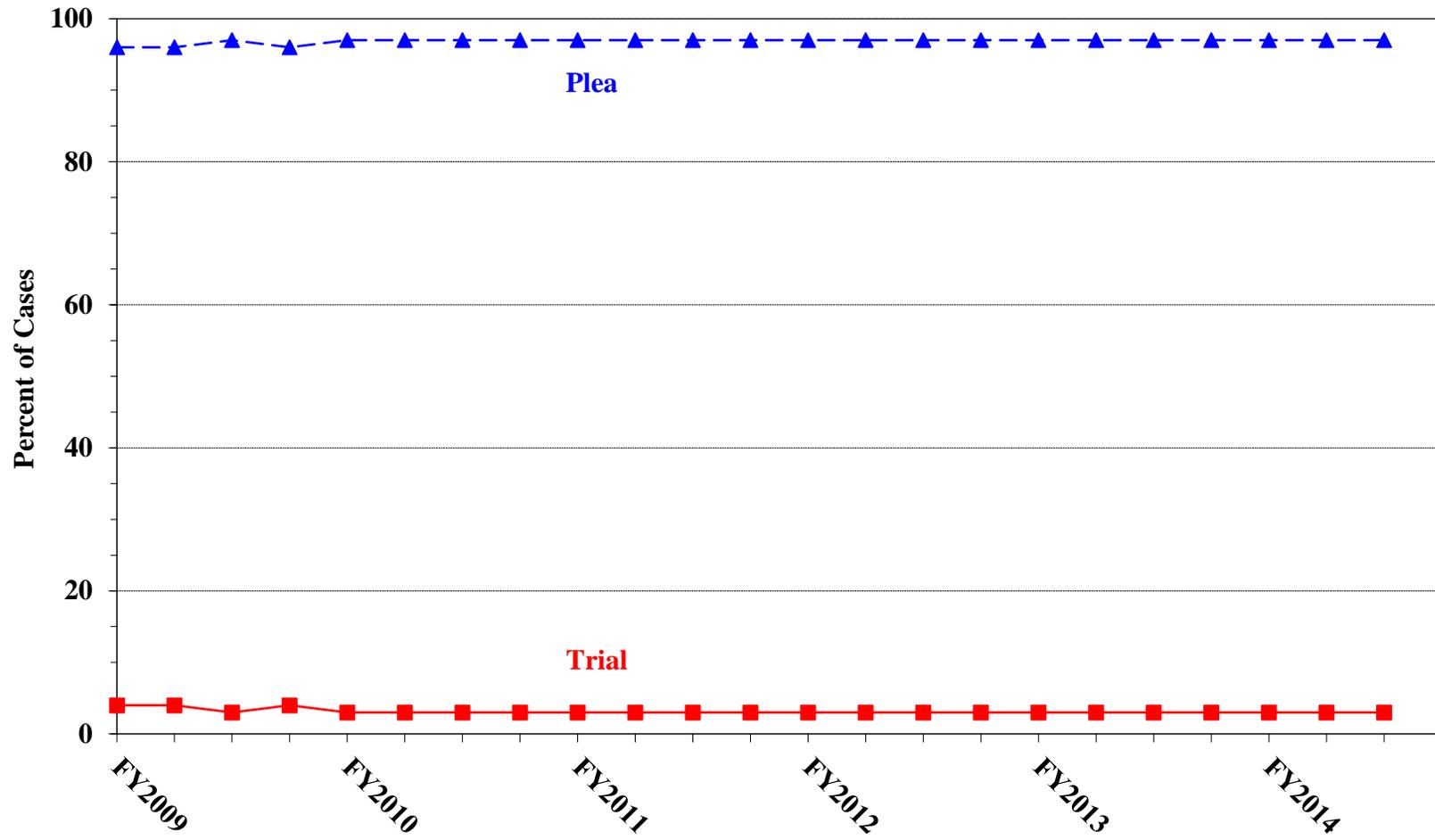
PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	56,605	54,946	97.1	1,659	2.9
Murder	52	43	82.7	9	17.3
Manslaughter	41	39	95.1	2	4.9
Kidnapping/Hostage Taking	39	32	82.1	7	17.9
Sexual Abuse	394	344	87.3	50	12.7
Assault	587	549	93.5	38	6.5
Robbery	578	556	96.2	22	3.8
Arson	41	35	85.4	6	14.6
Drugs - Trafficking	16,060	15,656	97.5	404	2.5
Drugs - Communication Facility	263	263	100.0	0	0.0
Drugs - Simple Possession	1,645	1,644	99.9	1	0.1
Firearms	5,993	5,646	94.2	347	5.8
Burglary/B&E	26	25	96.2	1	3.8
Auto Theft	68	64	94.1	4	5.9
Larceny	1,034	1,020	98.6	14	1.4
Fraud	5,639	5,299	94.0	340	6.0
Embezzlement	253	250	98.8	3	1.2
Forgery/Counterfeiting	502	495	98.6	7	1.4
Bribery	181	175	96.7	6	3.3
Tax	511	477	93.3	34	6.7
Money Laundering	676	642	95.0	34	5.0
Racketeering/Extortion	663	608	91.7	55	8.3
Gambling/Lottery	88	84	95.5	4	4.5
Civil Rights	48	43	89.6	5	10.4
Immigration	16,556	16,433	99.3	123	0.7
Child Pornography	1,448	1,399	96.6	49	3.4
Prison Offenses	334	331	99.1	3	0.9
Administration of Justice Offenses	895	864	96.5	31	3.5
Environmental/Wildlife	159	157	98.7	2	1.3
National Defense	74	65	87.8	9	12.2
Antitrust	15	13	86.7	2	13.3
Food & Drug	85	83	97.6	2	2.4
Other Miscellaneous Offenses	1,657	1,612	97.3	45	2.7

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

Figure K

QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS¹

Fiscal Years 2009 - 2013,
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)



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

Table 23

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	55,026	12,960	23.6	11,213	20.4	28,514	51.8	2,339	4.3
Murder	52	16	30.8	1	1.9	13	25.0	22	42.3
Manslaughter	41	0	0.0	1	2.4	2	4.9	38	92.7
Kidnapping/Hostage Taking	38	9	23.7	19	50.0	8	21.1	2	5.3
Sexual Abuse	394	136	34.5	78	19.8	50	12.7	130	33.0
Assault	571	137	24.0	73	12.8	88	15.4	273	47.8
Robbery	578	242	41.9	254	43.9	60	10.4	22	3.8
Arson	41	18	43.9	12	29.3	3	7.3	8	19.5
Drugs - Trafficking	16,032	3,922	24.5	3,984	24.9	7,620	47.5	506	3.2
Drugs - Communication Facility	260	77	29.6	81	31.2	93	35.8	9	3.5
Drugs - Simple Possession	1,428	117	8.2	55	3.9	1,218	85.3	38	2.7
Firearms	5,979	1,600	26.8	2,948	49.3	1,259	21.1	172	2.9
Burglary/B&E	26	5	19.2	3	11.5	3	11.5	15	57.7
Auto Theft	68	20	29.4	20	29.4	27	39.7	1	1.5
Larceny	962	429	44.6	289	30.0	156	16.2	88	9.1
Fraud	5,562	2,322	41.7	1,692	30.4	1,165	20.9	383	6.9
Embezzlement	249	145	58.2	44	17.7	33	13.3	27	10.8
Forgery/Counterfeiting	498	208	41.8	207	41.6	65	13.1	18	3.6
Bribery	181	72	39.8	41	22.7	53	29.3	15	8.3
Tax	509	312	61.3	99	19.4	53	10.4	45	8.8
Money Laundering	670	214	31.9	97	14.5	281	41.9	78	11.6
Racketeering/Extortion	662	181	27.3	239	36.1	223	33.7	19	2.9
Gambling/Lottery	87	67	77.0	1	1.1	6	6.9	13	14.9
Civil Rights	46	32	69.6	11	23.9	3	6.5	0	0.0
Immigration	15,940	312	2.0	285	1.8	15,258	95.7	85	0.5
Child Pornography	1,446	1,166	80.6	57	3.9	178	12.3	45	3.1
Prison Offenses	330	71	21.5	143	43.3	93	28.2	23	7.0
Administration of Justice Offenses	885	379	42.8	182	20.6	238	26.9	86	9.7
Environmental/Wildlife	141	94	66.7	7	5.0	12	8.5	28	19.9
National Defense	72	24	33.3	2	2.8	30	41.7	16	22.2
Antitrust	13	10	76.9	0	0.0	0	0.0	3	23.1
Food & Drug	79	47	59.5	2	2.5	15	19.0	15	19.0
Other Miscellaneous Offenses	1,186	576	48.6	286	24.1	208	17.5	116	9.8

¹ Of the 56,605 cases, 1,579 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 24

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	56,172	48,360	86.1	7,812	13.9
Murder	52	44	84.6	8	15.4
Manslaughter	41	30	73.2	11	26.8
Kidnapping/Hostage Taking	39	31	79.5	8	20.5
Sexual Abuse	394	367	93.1	27	6.9
Assault	582	505	86.8	77	13.2
Robbery	578	515	89.1	63	10.9
Arson	41	37	90.2	4	9.8
Drugs - Trafficking	16,059	13,538	84.3	2,521	15.7
Drugs - Communication Facility	263	200	76.0	63	24.0
Drugs - Simple Possession	1,570	1,440	91.7	130	8.3
Firearms	5,989	5,750	96.0	239	4.0
Burglary/B&E	26	24	92.3	2	7.7
Auto Theft	68	65	95.6	3	4.4
Larceny	1,006	612	60.8	394	39.2
Fraud	5,629	3,960	70.3	1,669	29.7
Embezzlement	253	107	42.3	146	57.7
Forgery/Counterfeiting	500	350	70.0	150	30.0
Bribery	181	146	80.7	35	19.3
Tax	511	409	80.0	102	20.0
Money Laundering	673	465	69.1	208	30.9
Racketeering/Extortion	663	590	89.0	73	11.0
Gambling/Lottery	88	82	93.2	6	6.8
Civil Rights	48	43	89.6	5	10.4
Immigration	16,369	15,183	92.8	1,186	7.2
Child Pornography	1,448	1,429	98.7	19	1.3
Prison Offenses	332	295	88.9	37	11.1
Administration of Justice Offenses	894	689	77.1	205	22.9
Environmental/Wildlife	157	145	92.4	12	7.6
National Defense	74	68	91.9	6	8.1
Antitrust	15	15	100.0	0	0.0
Food & Drug	81	63	77.8	18	22.2
Other Miscellaneous Offenses	1,548	1,163	75.1	385	24.9

¹ Of the 56,605 cases, 433 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 25

AGE, RACE, AND GENDER OF OFFENDERS¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
Males	10,354	100.0	9,569	100.0	25,638	100.0	1,832	100.0
Under 21	121	1.2	232	2.4	1,098	4.3	51	2.8
21 - 25	819	7.9	1,483	15.5	3,789	14.8	249	13.6
26 - 30	1,436	13.9	1,894	19.8	4,892	19.1	312	17.0
31 - 35	1,571	15.2	1,991	20.8	4,988	19.5	314	17.1
36 - 40	1,326	12.8	1,433	15.0	4,244	16.6	240	13.1
41 - 50	2,458	23.7	1,690	17.7	4,861	19.0	378	20.6
Over 50	2,623	25.3	846	8.8	1,766	6.9	288	15.7
Females	2,598	100.0	1,641	100.0	2,855	100.0	504	100.0
Under 21	31	1.2	15	0.9	166	5.8	13	2.6
21 - 25	284	10.9	236	14.4	476	16.7	50	9.9
26 - 30	395	15.2	296	18.0	478	16.7	74	14.7
31 - 35	399	15.4	297	18.1	500	17.5	87	17.3
36 - 40	350	13.5	206	12.6	426	14.9	59	11.7
41 - 50	609	23.4	364	22.2	544	19.1	122	24.2
Over 50	530	20.4	227	13.8	265	9.3	99	19.6

¹ Of the 56,605 cases, 1,614 were excluded due to one or more of the following reasons: missing information on offender's race (1,579), missing information on offender's gender (433), or missing information on offender's age (102). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through June 30, 2014).

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	55,991	32,740	58.5	23,251	41.5
Murder	52	42	80.8	10	19.2
Manslaughter	41	41	100.0	0	0.0
Kidnapping/Hostage Taking	39	23	59.0	16	41.0
Sexual Abuse	394	360	91.4	34	8.6
Assault	572	533	93.2	39	6.8
Robbery	578	563	97.4	15	2.6
Arson	41	38	92.7	3	7.3
Drugs - Trafficking	16,043	11,985	74.7	4,058	25.3
Drugs - Communication Facility	262	218	83.2	44	16.8
Drugs - Simple Possession	1,600	309	19.3	1,291	80.7
Firearms	5,987	5,604	93.6	383	6.4
Burglary/B&E	26	26	100.0	0	0.0
Auto Theft	68	57	83.8	11	16.2
Larceny	985	928	94.2	57	5.8
Fraud	5,605	4,587	81.8	1,018	18.2
Embezzlement	247	245	99.2	2	0.8
Forgery/Counterfeiting	499	468	93.8	31	6.2
Bribery	181	164	90.6	17	9.4
Tax	509	482	94.7	27	5.3
Money Laundering	673	472	70.1	201	29.9
Racketeering/Extortion	661	580	87.7	81	12.3
Gambling/Lottery	88	83	94.3	5	5.7
Civil Rights	48	47	97.9	1	2.1
Immigration	16,530	1,054	6.4	15,476	93.6
Child Pornography	1,448	1,390	96.0	58	4.0
Prison Offenses	329	299	90.9	30	9.1
Administration of Justice Offenses	886	768	86.7	118	13.3
Environmental/Wildlife	142	129	90.8	13	9.2
National Defense	74	37	50.0	37	50.0
Antitrust	14	10	71.4	4	28.6
Food & Drug	77	68	88.3	9	11.7
Other Miscellaneous Offenses	1,292	1,130	87.5	162	12.5

¹ Of the 56,605 cases, 614 were excluded due to missing information on the offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 27

DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT¹
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
TOTAL	56,605	263,680	56,605	56,042	42,171	14,391	56,601	52,261	4,344
D.C. CIRCUIT	257	1,262	257	257	238	19	257	253	4
District of Columbia	257	1,262	257	257	238	19	257	253	4
FIRST CIRCUIT	1,833	8,775	1,833	1,832	1,487	345	1,832	1,791	42
Maine	164	741	164	164	85	79	164	164	0
Massachusetts	321	1,453	321	321	173	148	321	317	4
New Hampshire	101	496	101	101	93	8	101	100	1
Puerto Rico	1,115	5,464	1,115	1,114	1,040	74	1,114	1,081	34
Rhode Island	132	621	132	132	96	36	132	129	3
SECOND CIRCUIT	3,146	14,990	3,146	3,136	2,511	634	3,146	3,051	95
Connecticut	284	1,406	284	284	270	14	284	284	0
New York									
Eastern	696	3,382	696	693	605	91	696	692	4
Northern	310	1,381	310	303	195	115	310	263	47
Southern	1,265	5,945	1,265	1,265	898	367	1,265	1,252	13
Western	429	2,084	429	429	394	34	429	403	26
Vermont	162	792	162	162	149	13	162	157	5
THIRD CIRCUIT	1,927	9,269	1,927	1,919	1,598	327	1,927	1,898	29
Delaware	76	377	76	76	73	3	76	76	0
New Jersey	509	2,500	509	506	473	36	509	503	6
Pennsylvania									
Eastern	623	2,966	623	620	481	140	623	619	4
Middle	306	1,482	306	305	260	46	306	305	1
Western	371	1,747	371	371	280	91	371	354	17
Virgin Islands	42	197	42	41	31	11	42	41	1
FOURTH CIRCUIT	4,566	20,970	4,566	4,505	3,349	1,215	4,566	3,984	582
Maryland	606	2,946	606	599	552	54	606	583	23
North Carolina									
Eastern	541	2,447	541	493	391	150	541	481	60
Middle	374	1,850	374	374	355	19	374	373	1
Western	486	2,291	486	486	347	139	486	486	0
South Carolina	563	2,621	563	562	371	192	563	562	1
Virginia									
Eastern	1,206	4,952	1,206	1,201	619	585	1,206	720	486
Western	292	1,427	292	292	259	33	292	292	0
West Virginia									
Northern	264	1,303	264	264	254	10	264	257	7
Southern	234	1,133	234	234	201	33	234	230	4

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
FIFTH CIRCUIT	12,496	55,335	12,496	12,321	6,460	6,025	12,494	11,564	932
Louisiana									
Eastern	212	996	212	211	151	61	211	211	1
Middle	133	635	133	133	103	30	133	133	0
Western	222	1,037	222	202	188	34	222	203	19
Mississippi									
Northern	158	785	158	158	155	3	158	156	2
Southern	194	944	194	192	173	21	194	191	3
Texas									
Eastern	637	3,165	637	635	619	18	637	637	0
Northern	1,027	4,764	1,027	1,026	665	362	1,027	1,019	8
Southern	4,927	22,129	4,927	4,925	2,566	2,358	4,926	4,785	142
Western	4,986	20,880	4,986	4,839	1,840	3,138	4,986	4,229	757
SIXTH CIRCUIT	3,842	18,378	3,842	3,819	3,131	688	3,841	3,745	97
Kentucky									
Eastern	368	1,798	368	368	335	33	368	359	9
Western	209	989	209	209	182	27	209	180	29
Michigan									
Eastern	726	3,497	726	724	612	114	725	710	16
Western	289	1,316	289	289	171	118	289	278	11
Ohio									
Northern	553	2,622	553	553	413	140	553	550	3
Southern	480	2,380	480	480	464	16	480	476	4
Tennessee									
Eastern	614	2,961	614	613	508	106	614	612	2
Middle	217	975	217	197	146	48	217	198	19
Western	386	1,840	386	386	300	86	386	382	4
SEVENTH CIRCUIT	2,280	11,048	2,280	2,277	1,943	337	2,280	2,268	12
Illinois									
Central	339	1,605	339	338	252	87	339	337	2
Northern	680	3,300	680	679	581	99	680	680	0
Southern	292	1,370	292	292	202	90	292	292	0
Indiana									
Northern	288	1,413	288	287	263	25	288	287	1
Southern	306	1,496	306	306	279	27	306	299	7
Wisconsin									
Eastern	265	1,317	265	265	259	6	265	263	2
Western	110	547	110	110	107	3	110	110	0
EIGHTH CIRCUIT	3,476	16,705	3,476	3,473	2,817	659	3,476	3,463	13
Arkansas									
Eastern	256	1,228	256	255	205	51	256	256	0
Western	251	1,237	251	251	234	17	251	250	1
Iowa									
Northern	274	1,250	274	274	154	120	274	274	0
Southern	223	1,055	223	223	163	60	223	223	0
Minnesota	217	1,069	217	217	203	14	217	215	2
Missouri									
Eastern	541	2,689	541	541	526	15	541	540	1
Western	605	2,856	605	603	441	164	605	602	3
Nebraska	443	2,101	443	443	329	114	443	443	0
North Dakota	245	1,139	245	245	159	86	245	245	0
South Dakota	421	2,081	421	421	403	18	421	415	6

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
NINTH CIRCUIT	12,542	59,408	12,542	12,330	11,712	828	12,542	10,282	2,260
Alaska	123	590	123	123	105	18	123	116	7
Arizona	4,860	22,350	4,860	4,670	4,666	194	4,860	3,294	1,566
California									
Central	951	4,640	951	949	858	93	951	931	20
Eastern	665	3,279	665	665	622	43	665	662	3
Northern	533	2,564	533	530	456	77	533	512	21
Southern	2,973	14,247	2,973	2,971	2,836	136	2,973	2,494	479
Guam	71	350	71	71	66	5	71	71	0
Hawaii	215	1,010	215	215	152	63	215	213	2
Idaho	233	1,138	233	233	206	27	233	233	0
Montana	241	1,148	241	240	189	52	241	237	4
Nevada	402	1,937	402	399	334	68	402	400	2
Northern Mariana Islands	2	9	2	2	1	1	2	2	0
Oregon	455	2,160	455	446	437	18	455	367	88
Washington									
Eastern	297	1,462	297	296	284	12	297	288	9
Western	521	2,524	521	520	500	21	521	462	59
TENTH CIRCUIT	5,175	23,837	5,175	5,158	3,284	1,890	5,175	5,045	130
Colorado	382	1,863	382	379	371	11	382	349	33
Kansas	480	2,337	480	475	437	43	480	465	15
New Mexico	3,121	14,011	3,121	3,113	1,537	1,583	3,121	3,119	2
Oklahoma									
Eastern	53	239	53	53	27	26	53	53	0
Northern	189	885	189	189	129	60	189	189	0
Western	286	1,273	286	286	161	125	286	254	32
Utah	449	2,179	449	449	429	20	449	403	46
Wyoming	215	1,050	215	214	193	22	215	213	2
ELEVENTH CIRCUIT	5,065	23,703	5,065	5,015	3,641	1,424	5,065	4,917	148
Alabama									
Middle	183	895	183	183	163	20	183	183	0
Northern	338	1,617	338	337	282	56	338	322	16
Southern	312	1,512	312	312	264	48	312	312	0
Florida									
Middle	1,077	5,004	1,077	1,074	704	373	1,077	1,072	5
Northern	237	1,132	237	237	190	47	237	231	6
Southern	1,662	7,717	1,662	1,635	1,126	536	1,662	1,632	30
Georgia									
Middle	382	1,746	382	370	256	126	382	356	26
Northern	432	2,096	432	425	383	49	432	424	8
Southern	442	1,984	442	442	273	169	442	385	57

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

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

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through June 30, 2014).

Table 28

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM
BY EACH CIRCUIT AND DISTRICT
3rd Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through June 30, 2014)**

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
TOTAL	56,605	54,139	95.6	1,909	3.4	557	1.0
D.C. CIRCUIT	257	257	100.0	0	0.0	0	0.0
District of Columbia	257	257	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,833	1,831	99.9	1	0.1	1	0.1
Maine	164	164	100.0	0	0.0	0	0.0
Massachusetts	321	321	100.0	0	0.0	0	0.0
New Hampshire	101	101	100.0	0	0.0	0	0.0
Puerto Rico	1,115	1,113	99.8	1	0.1	1	0.1
Rhode Island	132	132	100.0	0	0.0	0	0.0
SECOND CIRCUIT	3,146	3,112	98.9	24	0.8	10	0.3
Connecticut	284	284	100.0	0	0.0	0	0.0
New York							
Eastern	696	672	96.6	21	3.0	3	0.4
Northern	310	303	97.7	0	0.0	7	2.3
Southern	1,265	1,265	100.0	0	0.0	0	0.0
Western	429	429	100.0	0	0.0	0	0.0
Vermont	162	159	98.1	3	1.9	0	0.0
THIRD CIRCUIT	1,927	1,919	99.6	0	0.0	8	0.4
Delaware	76	76	100.0	0	0.0	0	0.0
New Jersey	509	506	99.4	0	0.0	3	0.6
Pennsylvania							
Eastern	623	620	99.5	0	0.0	3	0.5
Middle	306	305	99.7	0	0.0	1	0.3
Western	371	371	100.0	0	0.0	0	0.0
Virgin Islands	42	41	97.6	0	0.0	1	2.4
FOURTH CIRCUIT	4,566	4,427	97.0	81	1.8	58	1.3
Maryland	606	602	99.3	0	0.0	4	0.7
North Carolina							
Eastern	541	493	91.1	0	0.0	48	8.9
Middle	374	374	100.0	0	0.0	0	0.0
Western	486	486	100.0	0	0.0	0	0.0
South Carolina	563	562	99.8	0	0.0	1	0.2
Virginia							
Eastern	1,206	1,120	92.9	81	6.7	5	0.4
Western	292	292	100.0	0	0.0	0	0.0
West Virginia							
Northern	264	264	100.0	0	0.0	0	0.0
Southern	234	234	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
FIFTH CIRCUIT	12,496	11,169	89.4	1,152	9.2	175	1.4
Louisiana							
Eastern	212	211	99.5	0	0.0	1	0.5
Middle	133	133	100.0	0	0.0	0	0.0
Western	222	173	77.9	29	13.1	20	9.0
Mississippi							
Northern	158	158	100.0	0	0.0	0	0.0
Southern	194	192	99.0	0	0.0	2	1.0
Texas							
Eastern	637	635	99.7	0	0.0	2	0.3
Northern	1,027	1,026	99.9	0	0.0	1	0.1
Southern	4,927	4,924	99.9	1	0.0	2	0.0
Western	4,986	3,717	74.5	1,122	22.5	147	2.9
SIXTH CIRCUIT	3,842	3,746	97.5	74	1.9	22	0.6
Kentucky							
Eastern	368	368	100.0	0	0.0	0	0.0
Western	209	209	100.0	0	0.0	0	0.0
Michigan							
Eastern	726	724	99.7	1	0.1	1	0.1
Western	289	289	100.0	0	0.0	0	0.0
Ohio							
Northern	553	553	100.0	0	0.0	0	0.0
Southern	480	453	94.4	27	5.6	0	0.0
Tennessee							
Eastern	614	613	99.8	0	0.0	1	0.2
Middle	217	151	69.6	46	21.2	20	9.2
Western	386	386	100.0	0	0.0	0	0.0
SEVENTH CIRCUIT	2,280	2,217	97.2	60	2.6	3	0.1
Illinois							
Central	339	338	99.7	0	0.0	1	0.3
Northern	680	679	99.9	0	0.0	1	0.1
Southern	292	292	100.0	0	0.0	0	0.0
Indiana							
Northern	288	285	99.0	2	0.7	1	0.3
Southern	306	306	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	265	207	78.1	58	21.9	0	0.0
Western	110	110	100.0	0	0.0	0	0.0
EIGHTH CIRCUIT	3,476	3,449	99.2	24	0.7	3	0.1
Arkansas							
Eastern	256	247	96.5	8	3.1	1	0.4
Western	251	251	100.0	0	0.0	0	0.0
Iowa							
Northern	274	274	100.0	0	0.0	0	0.0
Southern	223	223	100.0	0	0.0	0	0.0
Minnesota	217	202	93.1	15	6.9	0	0.0
Missouri							
Eastern	541	541	100.0	0	0.0	0	0.0
Western	605	603	99.7	0	0.0	2	0.3
Nebraska	443	443	100.0	0	0.0	0	0.0
North Dakota	245	244	99.6	1	0.4	0	0.0
South Dakota	421	421	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
NINTH CIRCUIT	12,542	11,884	94.8	447	3.6	211	1.7
Alaska	123	123	100.0	0	0.0	0	0.0
Arizona	4,860	4,669	96.1	1	0.0	190	3.9
California							
Central	951	950	99.9	0	0.0	1	0.1
Eastern	665	665	100.0	0	0.0	0	0.0
Northern	533	530	99.4	0	0.0	3	0.6
Southern	2,973	2,971	99.9	0	0.0	2	0.1
Guam	71	71	100.0	0	0.0	0	0.0
Hawaii	215	213	99.1	2	0.9	0	0.0
Idaho	233	233	100.0	0	0.0	0	0.0
Montana	241	240	99.6	0	0.0	1	0.4
Nevada	402	399	99.3	0	0.0	3	0.7
Northern Mariana Islands	2	2	100.0	0	0.0	0	0.0
Oregon	455	2	0.4	444	97.6	9	2.0
Washington							
Eastern	297	296	99.7	0	0.0	1	0.3
Western	521	520	99.8	0	0.0	1	0.2
TENTH CIRCUIT	5,175	5,129	99.1	30	0.6	16	0.3
Colorado	382	379	99.2	0	0.0	3	0.8
Kansas	480	475	99.0	1	0.2	4	0.8
New Mexico	3,121	3,109	99.6	4	0.1	8	0.3
Oklahoma							
Eastern	53	53	100.0	0	0.0	0	0.0
Northern	189	189	100.0	0	0.0	0	0.0
Western	286	286	100.0	0	0.0	0	0.0
Utah	449	424	94.4	25	5.6	0	0.0
Wyoming	215	214	99.5	0	0.0	1	0.5
ELEVENTH CIRCUIT	5,065	4,999	98.7	16	0.3	50	1.0
Alabama							
Middle	183	183	100.0	0	0.0	0	0.0
Northern	338	337	99.7	0	0.0	1	0.3
Southern	312	312	100.0	0	0.0	0	0.0
Florida							
Middle	1,077	1,074	99.7	0	0.0	3	0.3
Northern	237	237	100.0	0	0.0	0	0.0
Southern	1,662	1,635	98.4	0	0.0	27	1.6
Georgia							
Middle	382	370	96.9	0	0.0	12	3.1
Northern	432	409	94.7	16	3.7	7	1.6
Southern	442	442	100.0	0	0.0	0	0.0

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

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

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

Variables

The following section describes the variables used in this report.

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

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

Age

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

All Remaining Cases Above Guideline Range

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

All Remaining Cases Below Guideline Range

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

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

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

Circuit

Information on judicial *Circuit* is generated by computer using the location of the judicial district in which the offender was sentenced.

Citizenship Status

Information on the *Citizenship Status* of offenders is obtained from the presentence report. Offenders are categorized as one of the following: “U.S. citizen,” “resident alien,” “illegal alien,” “extradited alien,” and “non-U.S. citizen, alien status unknown.” The latter four categories are collapsed into the category of “non-U.S. citizen.”

Starting in Fiscal Year 2014, for cases in which the Commission does not receive the PSR (most commonly when the court waives the preparation of the PSR), values for several demographic variables are taken from the Probation and Pretrial Services Automated Case Tracking System (PACTS) datafile created by the Probation and Pretrial Services Office at the Administrative Office of the U.S. Courts. Cases are matched using unique case identifiers and the demographic information which would otherwise be missing in these cases due to the lack of a PSR is imported from the PACTS datafile.

Degree of Decrease

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

Degree of Increase

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

District

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

Document Submission Rates

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

definitively determine whether the offender's guilty plea was entered pursuant to a written plea agreement are all excluded from the calculations for the total received documents column.

Downward Departure From Guideline Range

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

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

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

Drug Offense Guideline

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

Drug Type

Information on *Drug Type* is obtained from the Presentence Report, Judgment and Commitment Order or Plea Agreement. It is recorded only if at least one of the statutes of conviction recorded by the Commission is a title 21 U.S. Code offense or an offense under another title when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (*i.e.*, the type that produces the highest base offense level). The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, "ICE," methamphetamine mixture, and methamphetamine precursors sentenced under any drug guideline other than USSG §2D1.11 (for example ephedrine and pseudoephedrine). The category *Listed Chemicals* includes any chemicals listed under USSG §2D1.11. All drug types not listed separately in this report are collapsed into the "other" drug category.

Education

Information on education of the offender is obtained from the Presentence Report and is collapsed into general categories. Technical, military, and vocational training as well as course work at community colleges is included in the *Some College* category. A general equivalency degree (GED) is included in the *High School Graduate* category.

Gender

Gender of the defendant is obtained from the Presentence Report.

Starting in Fiscal Year 2014, for cases in which the Commission does not receive the PSR (most commonly when the court waives the preparation of the PSR), values for several demographic variables are taken from the Probation and Pretrial Services Automated Case Tracking System (PACTS) datafile created by the Probation and Pretrial Services Office at the Administrative Office of the U.S. Courts. Cases are matched using unique case identifiers and the demographic information which would otherwise be missing in these cases due to the lack of a PSR is imported from the PACTS datafile.

Government Sponsored Below Range

Government sponsorship of a below range sentence is determined by a yearly case review by USSC staff of both the reasons for the below range sentence and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons for below range cases. The SOR form has specific check-boxes to indicate the origins of the departure, but cases that do not use this form may also indicate in writing the origins of the departure. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government

motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Note that because the USSC reviews the reasons on a yearly basis, this list might be modified slightly from year to year. Unless otherwise broken out in the table or chart, this category also includes cases with USSG §5K3.1 Early Disposition Program (EDP) departures and USSG §5K1.1 substantial assistance departures.

Guideline Offenders Sentenced

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

Guideline Sentencing Range

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

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

Mode of Conviction

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

Outside of the Range Attribution Categories

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

Position of Sentence

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

Primary Offense Category

Information on *Primary Offense Category* is obtained from the Judgment and Commitment Order. The “primary” offense for the case is determined to be the offense applicable to the count of conviction with the highest statutory maximum. If two or more counts are found to have the same statutory maximum, “primary” offense is selected according to which count of conviction has the highest statutory minimum. Finally, in the event of a small number of cases still tied, the offense type that best represented the nature of the criminal behavior is chosen.

For convenience in analysis, a summary variable describing “primary offense category” is derived. This is generated by grouping similar primary offenses into a smaller set of categories. Note that the primary offense categories differ between the individual and organizational offender datafiles. Listed below are the offense types that are grouped into each of the primary offense categories used in the individual datafile tables for this report:

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

Manslaughter includes both involuntary and voluntary manslaughter.

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

Sexual Abuse includes sexual abuse of a minor, transportation of minor for sex, sexual abuse of a ward, criminal sexual abuse, and abusive sexual contact.

Assault includes attempt to commit murder, assault with intent to murder, threatening communication, aggravated assault, conspiracy with attempt to murder, obstructing or impeding officers, minor assault, and conspiracy that includes assault with attempt to murder.

Robbery includes bank robbery, aggravated bank robbery, Hobbs Act robbery, mail robbery, other robbery, and carjacking.

Arson also includes damage by explosives.

Drugs - Trafficking includes drug distribution/manufacture, drug distribution/manufacture – conspiracy, continuing criminal enterprise, drug distribution – employee under 21, drug distribution near school, drug import/export, drug distribution to person under 21, and establish/rent drug operation.

Drugs - Communication Facility includes use of a communication facility in a drug trafficking offense.

Drugs - Simple Possession includes distribution of a small amount of marijuana and simple possession.

Firearms includes unlawful possession/transportation of firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, etc. in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; and use of firearms or ammunition during crime.

Burglary/Breaking & Entering includes post office burglary, burglary of DEA premises (pharmacy), burglary of other structure, bank burglary, and burglary of a residence.

Auto Theft includes auto theft (including parts), receipt/possession of stolen auto or parts, and altered identification numbers/trafficking in altered (auto).

Larceny includes bank larceny, theft from benefit plans, other theft – mail/post office, receipt/possession of stolen property (not auto), other theft – property, larceny/theft-mail/post office, larceny/theft – property (not auto), and theft from labor union.

Fraud includes odometer laws and regulations, insider trading, and fraud and deceit.

Embezzlement includes embezzlement – property, embezzlement from labor unions, embezzlement – mail/post office, embezzlement from benefit plans, and bank embezzlement.

Forgery/Counterfeiting includes counterfeit bearer obligations and forgery/counterfeit (non-bearer obligations).

Bribery includes payment to obtain office, bribe involving officials, bribery – bank loan/commercial, loan or gratuity to bank examiner, etc., gratuity involving officials, and bribe or gratuity affecting employee plan.

Tax includes receipt/trafficking in smuggled property, aid, etc., in tax fraud; fraud – tax returns, statements, etc.; fraud, false statement – perjury; failure to file or pay; tax evasion; evading import duties (smuggling); failure to collect or account for taxes; regulatory offenses – taxes; failure to deposit taxes in trust account; non-payment of taxes; conspiracy to avoid taxes; and offenses relating to withholding statements.

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

Racketeering/Extortion includes extortionate extension of credit, blackmail, extortion by force or threat, Hobbs Act extortion, travel in aid of racketeering, crime relating to racketeering, and violent crimes in aid of racketeering.

Gambling/Lottery includes engaging in a gambling business, transmission of wagering information, obstruction to facilitate gambling, and interstate transportation of wagering paraphernalia.

Civil Rights includes interference with rights under color of law; force or threats to deny benefits or rights; obstructing an election or registration; manufacture, etc. – eavesdropping device; other deprivations/discrimination; obstructing correspondence; peonage, servitude, and slave trade; intercept communication or eavesdropping; and conspiracy to deprive individual of civil rights.

Immigration includes trafficking in U.S. passports; trafficking in entry documents; failure to surrender naturalization certificate; fraudulently acquiring U.S. passports; smuggling, etc.; unlawful alien; fraudulently acquiring entry documents; and unlawfully entering the U.S.

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

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

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

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

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

National Defense includes evasion of export controls and exportation of arms, etc., without license.

Antitrust includes bid-rigging, price-fixing, and market allocation agreement.

Food & Drug includes false information or tampering with products, tampering to injure business, tampering with risk of death or injury, and violation of regulations involving food, drugs, etc.

Other Miscellaneous Offenses includes illegal use of regulatory number – drugs; illegal transfer of drugs; illegal regulatory number to get drugs; drug paraphernalia; forgery/fraud for drugs; dangerous devices to protect drugs; manufacture drugs against quota; endangering life while manufacturing drugs; operate carrier under drugs; endangerment from hazardous/toxic substances; mishandling substances, records, etc.; threat of tampering with public water system; hazardous devices on federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; recordkeeping violation – explosives; possession of other weapon – on aircraft, in federal facility; failure to report theft of explosives; feloniously mailing injurious articles; transport of hazardous material in commerce; interference with flight crew, other offense – aboard aircraft; criminal infringement of copyright/trademark; conflict of interest; unauthorized payment; non-drug forfeiture; impersonation; false statement to Employee Act; reporting offenses – labor related; criminal infringement of trademark; unlawful conduct relating to control/cigarettes; trespass; destruction of property; destruction of mail; aircraft piracy; conspiracy to murder (no death, assault, or attempt); conspiracy to commit murder; and all other miscellaneous offenses not previously listed in any of the other categories.

Race

Information on *Race* of the offender is obtained from the Presentence Report in separate categories of race and ethnicity (*White, Black, Native American or Alaskan Native, Asian or Pacific Islander, Multiracial, and "Other"*). Ethnicity data indicate whether an offender is of Hispanic origin. (For purposes of this report, offenders whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of racial background.) The *Other* category includes offenders of Native American, Alaskan Native, Asian or Pacific Islander, Multiracial, and "Other" origin.

Starting in Fiscal Year 2014, for cases in which the Commission does not receive the PSR (most commonly when the court waives the preparation of the PSR), values for several demographic variables are taken from the Probation and Pretrial Services Automated Case Tracking System (PACTS) datafile created by the Probation and Pretrial Services Office at the Administrative Office of the U.S. Courts. Cases are matched using unique case identifiers and the demographic information which would otherwise be missing in these cases due to the lack of a PSR is imported from the PACTS datafile.

Sentence Length

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

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

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

Type of Guideline Sentence Imposed

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

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

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

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

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

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

Upward Departure From Guideline Range

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

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

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

Year

Information on *Year* is obtained from the Judgment and Commitment Order. Unless otherwise indicated, the sentencing year is defined as the fiscal year in which the defendant was sentenced.

Zone

The *Sentencing Table* is categorized into sentencing *Zones*. Courts may impose various types of punishment as alternatives to imprisonment. Alternative types of punishment include probation, home detention, community confinement, and intermittent confinement. Imposition of alternative types of punishment is restricted to defendants within specific sentencing zones.

Zone A: a guideline range is in Zone A when the minimum term of imprisonment specified is zero months;

Zone B: a guideline range is in Zone B when the minimum term of imprisonment specified is at least one but not more than six months;

Zone C: a guideline range is in Zone C when the minimum term of imprisonment specified is eight months when criminal history category is four or less, and nine months if the criminal history category is greater than four;

Zone D: a guideline range is in Zone D when the minimum term of imprisonment specified is 12 months or more.

See Chapter 5 of the *Guidelines Manual* for a description of alternatives to imprisonment and the conditions under which they are applicable.

**Appendix B:
List of Quarterly Report Tables and Figures
and Comparable FY13 *Sourcebook* Number/Letter**

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

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