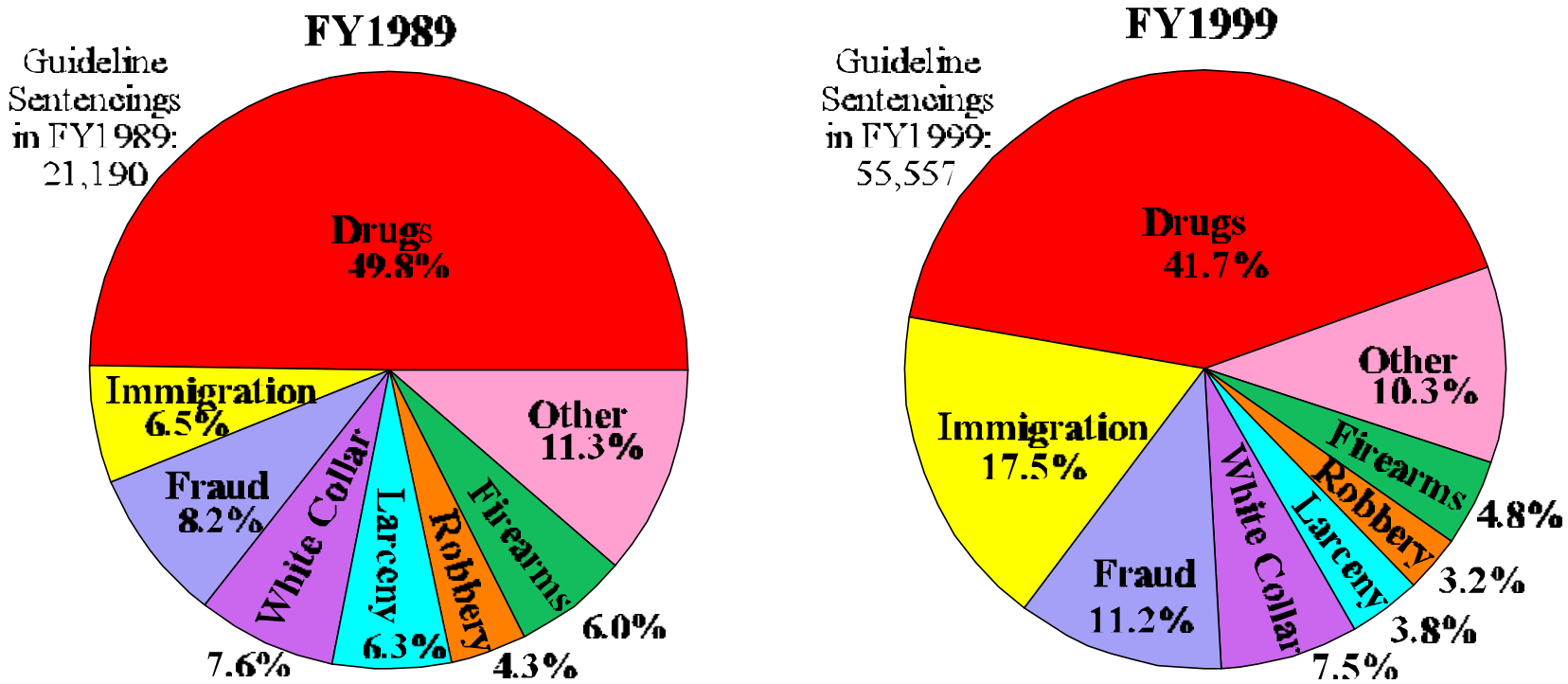
Exhibit 1

Comparison of Guideline Offense Distribution

FY1989 and FY1999

During the eleven years since 1989, the federal caseload changed toward proportionally fewer drug cases and proportionally more immigration cases.

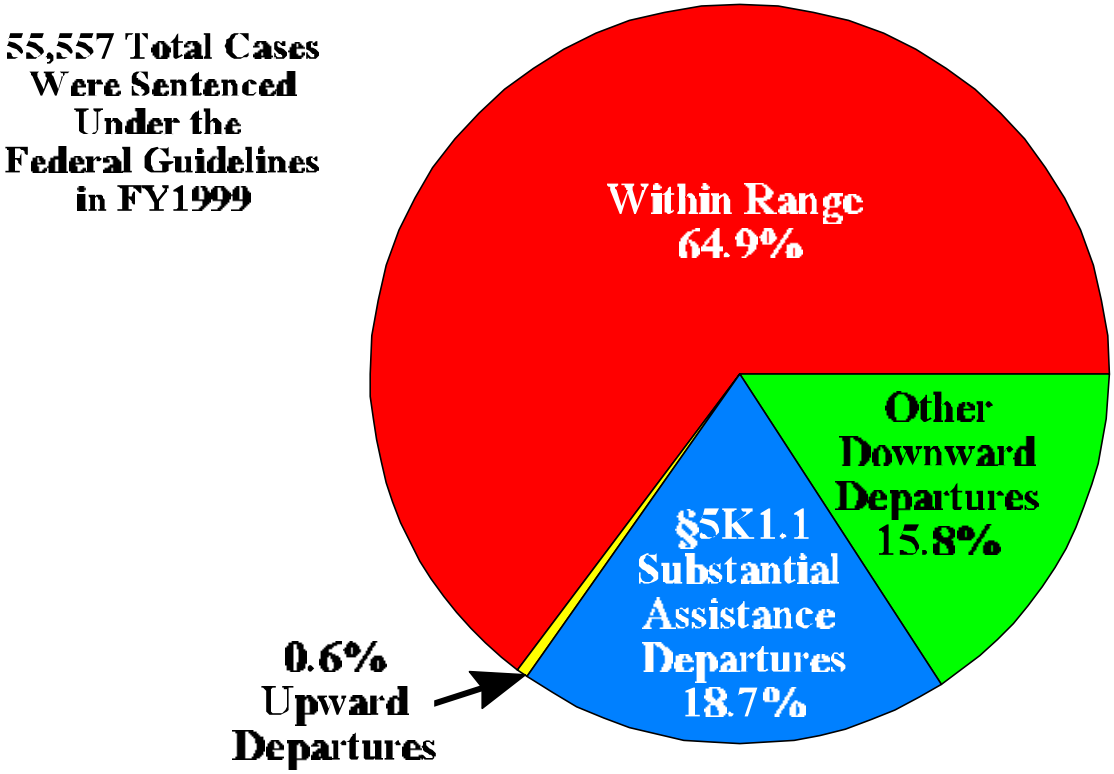


Source: U.S. Sentencing Commission, 1989 and 1999 Datafiles, USSCFY89 and USSCFY99.

Exhibit 2

Sentences Imposed Under the Guidelines

FY1999

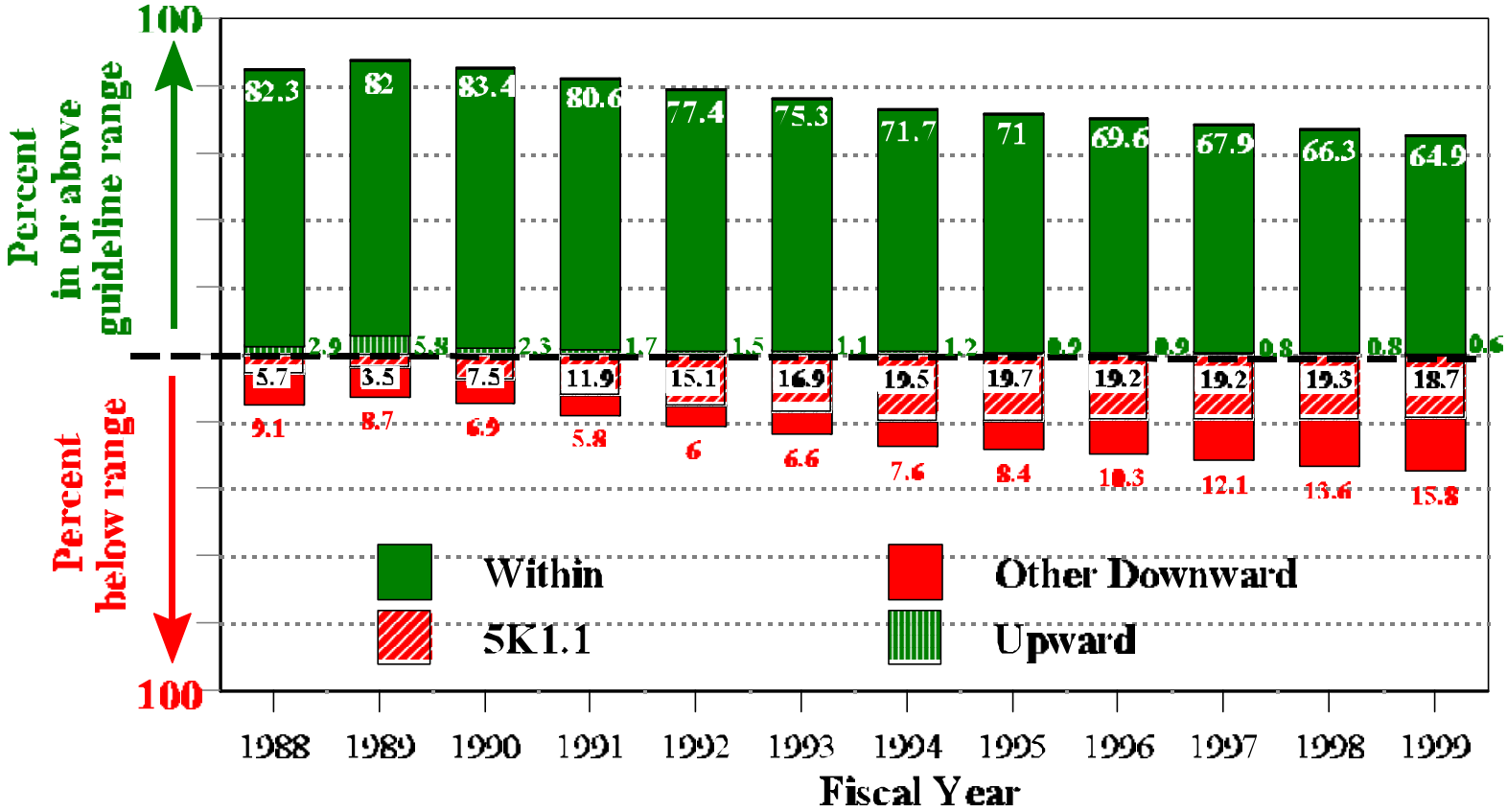


SOURCE: U.S. Sentencing Commission, 1999 Datafile, USSCFY99.

Exhibit 3

Departure Status by Fiscal Year

FY1988 through FY1999

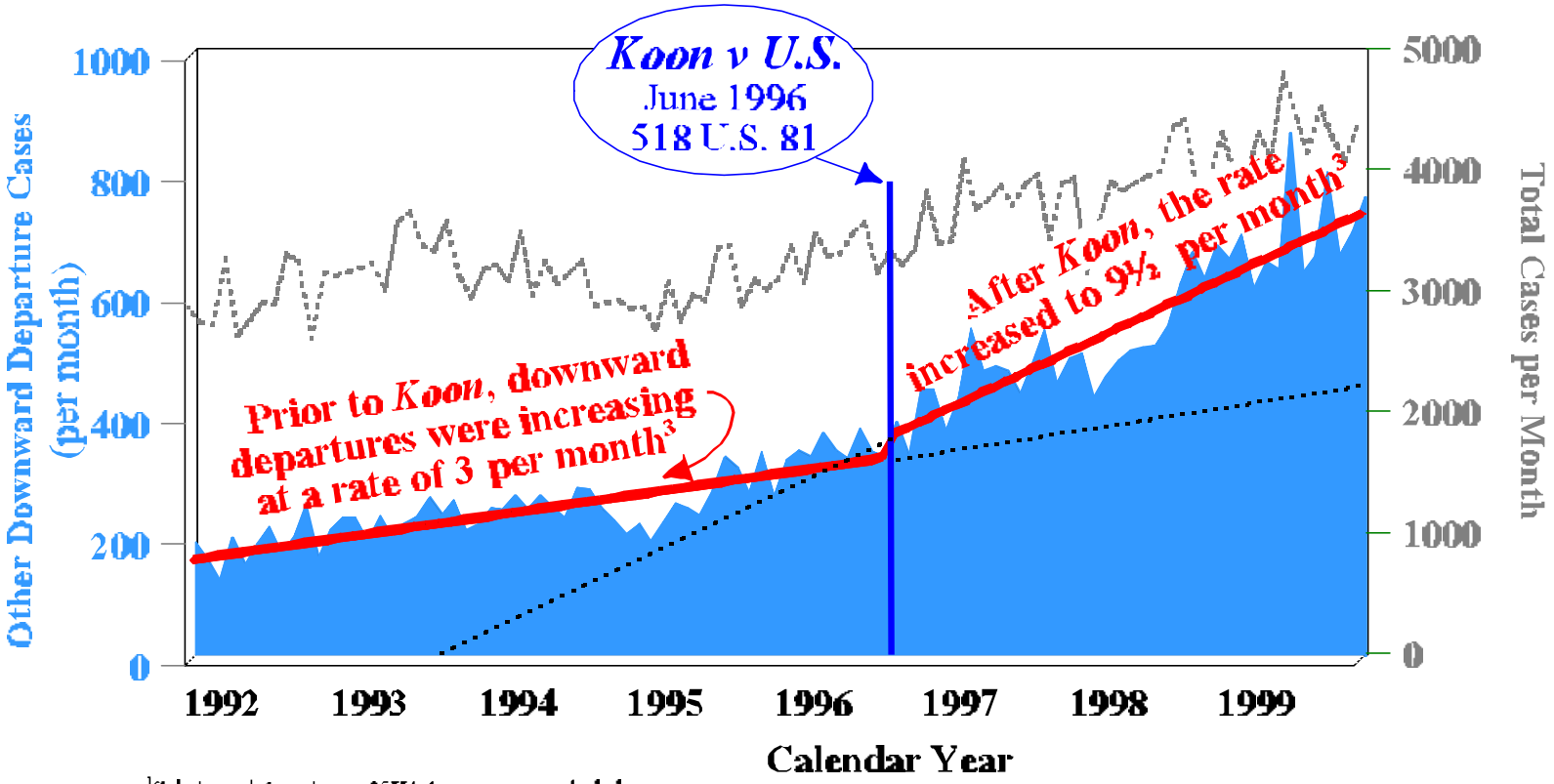


SOURCE: U.S. Sentencing Commission, 1988-1999 Datafiles, USSCFY88-USSCFY99

Exhibit 4

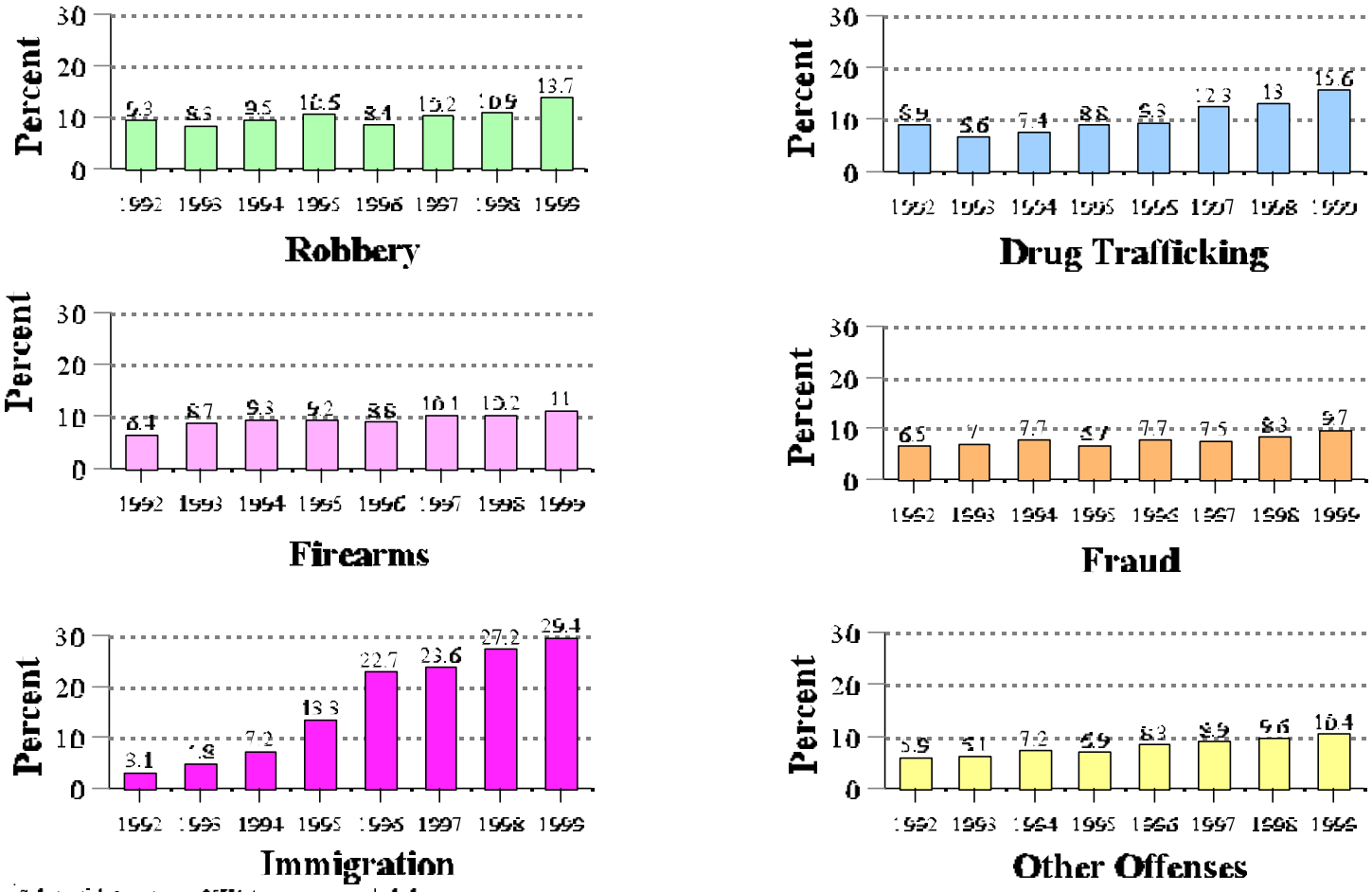
Monthly Number of Other Downward Departures[1]

October 1991 through September 1999



[1]Substantial Assistance §5K1.1 cases are excluded.
[2]Cases sentenced each month where departure status is reported by the court.
[3]A statistical regression estimates the slope of the pre-Koon other downward departure rate line at 2.98 ($p < .0001$) and the slope of the post-Koon other downward departure rate line at 9.82 ($p < .0001$).
SOURCE: U.S. Sentencing Commission, 1992-1999 Datafiles, USSCFY92-USSCFY99.

Exhibit 5
Trends in Other Downward Departure Rates:[1] Selected Offense Types FY1992 through FY1999

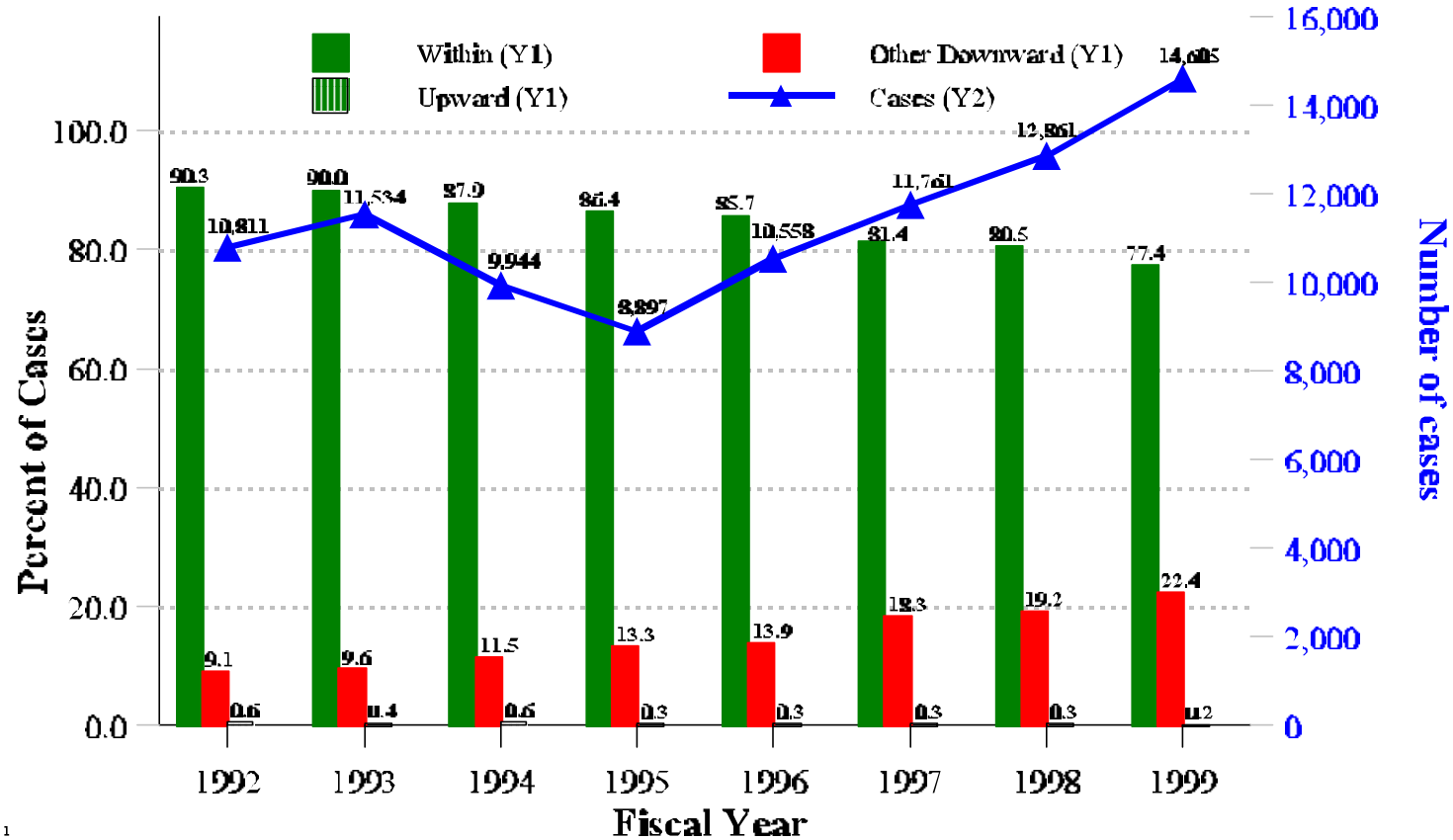


[1]Substantial Assistance (5K1.1) cases are excluded.
SOURCE: U.S. Sentencing Commission, 1992-1999 Datafiles, USSCFY92-USSCFY99.

Exhibit 6

§2D1.1 Drug Trafficking:[1] Departure Status (excluding §5K1.1)

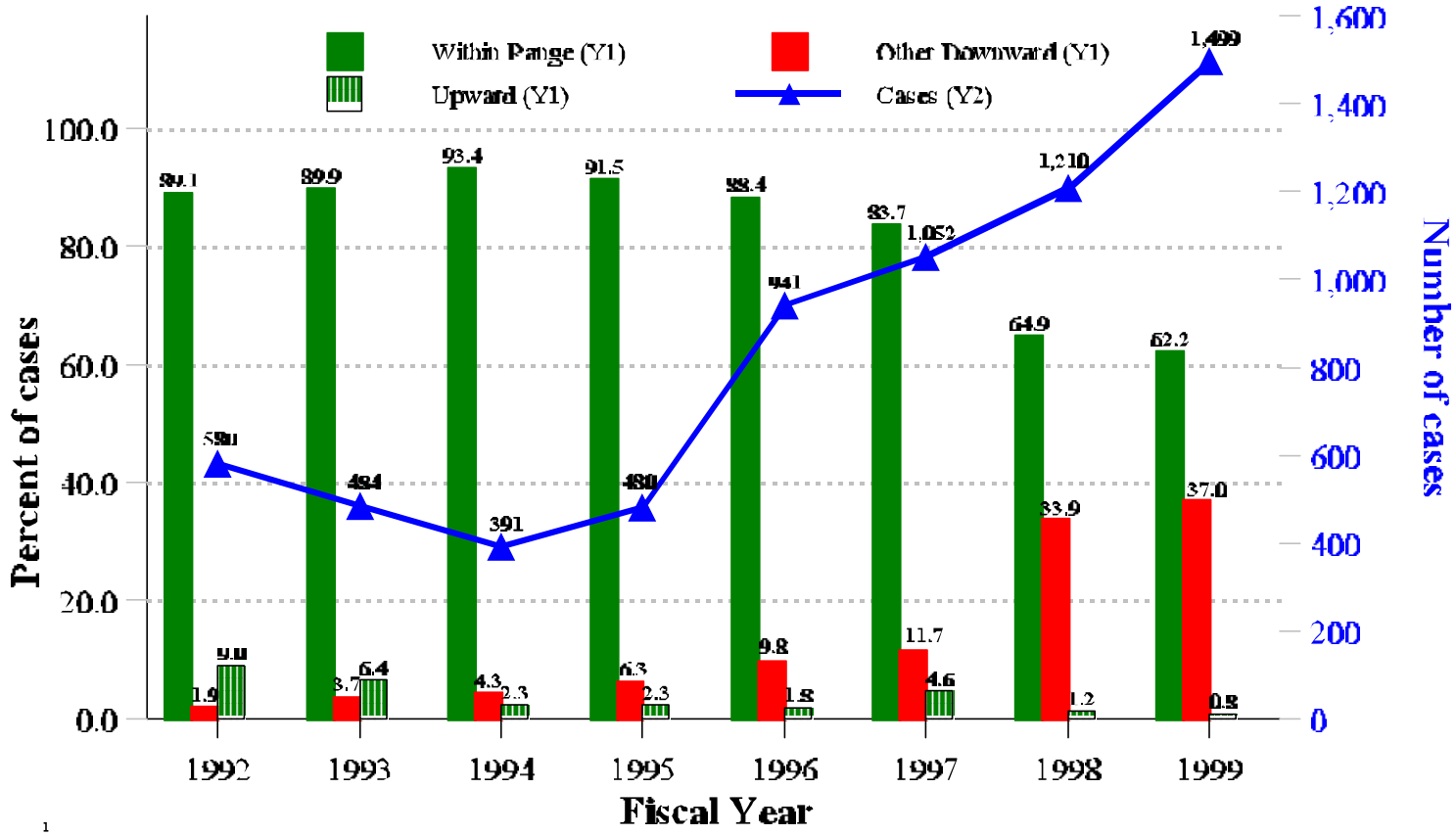
FY1992 through FY1999



[1] Cases with one guideline computation of §2D1.1 (unlawful manufacturing, importing, exporting, or trafficking, including possession with intent to commit these offenses) sentenced within the guideline range, or as an upward or other downward departure. Substantial Assistance §5K1.1 cases are excluded.
SOURCE: U.S. Sentencing Commission, 1992-1999 Datafiles, USSCFY92-USSCFY99.

Exhibit 7

§2L1.1 Alien Smuggling:[1] Departure Status (excluding §5K1.1)
FY1992 through FY1999



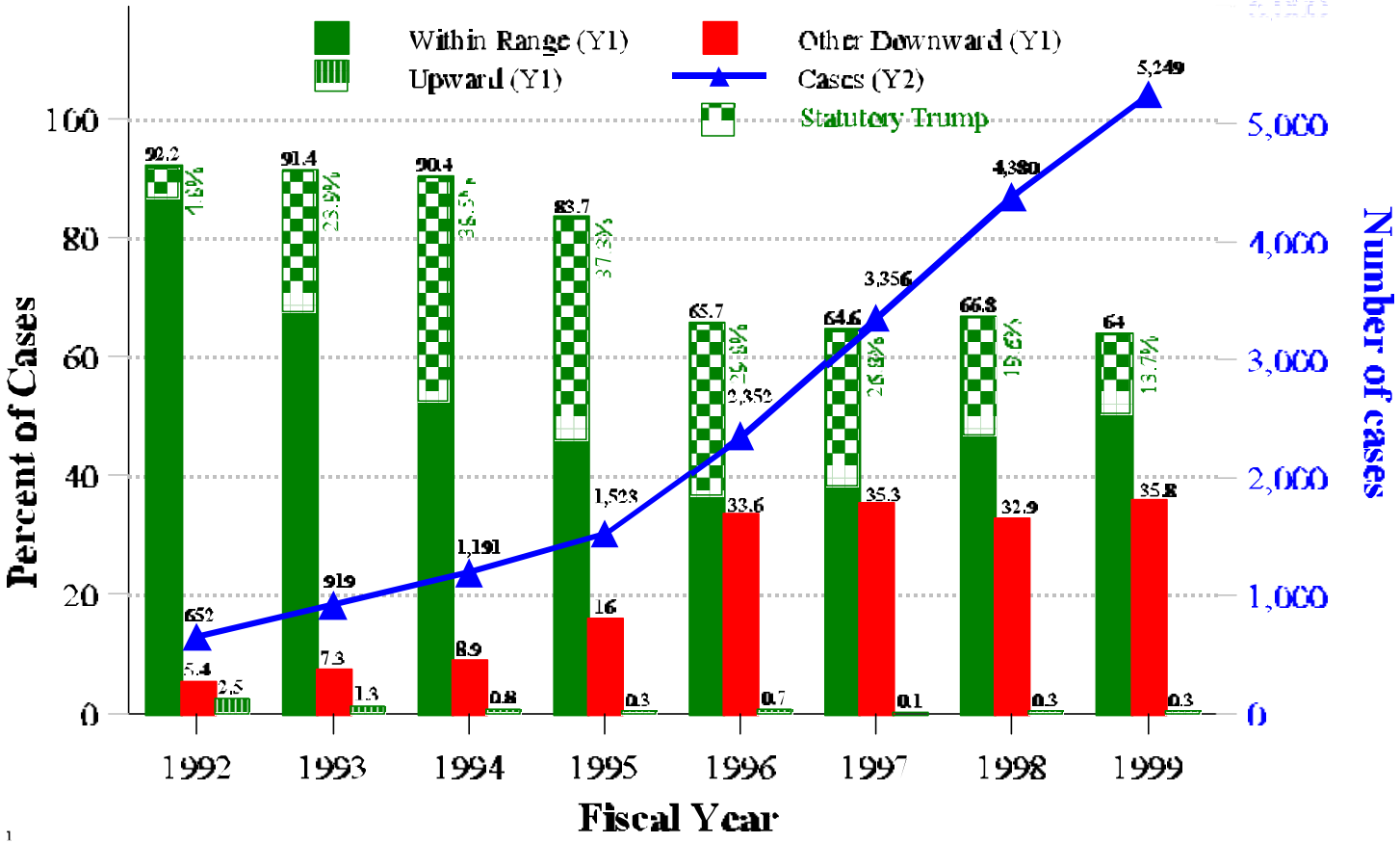
[1] Cases with one guideline computation of §2L1.1 (smuggling, transporting, or harboring an unlawful alien) sentenced within the guideline range, or as an upward or other downward departure. Substantial Assistance §5K1.1 cases are excluded.

SOURCE: U.S. Sentencing Commission, 1992-1999 Datafiles, USSCFY92-USSCFY99

Exhibit 8

§2L1.2 Unlawful Entry:[1] Departure Status (excluding §5K1.1)

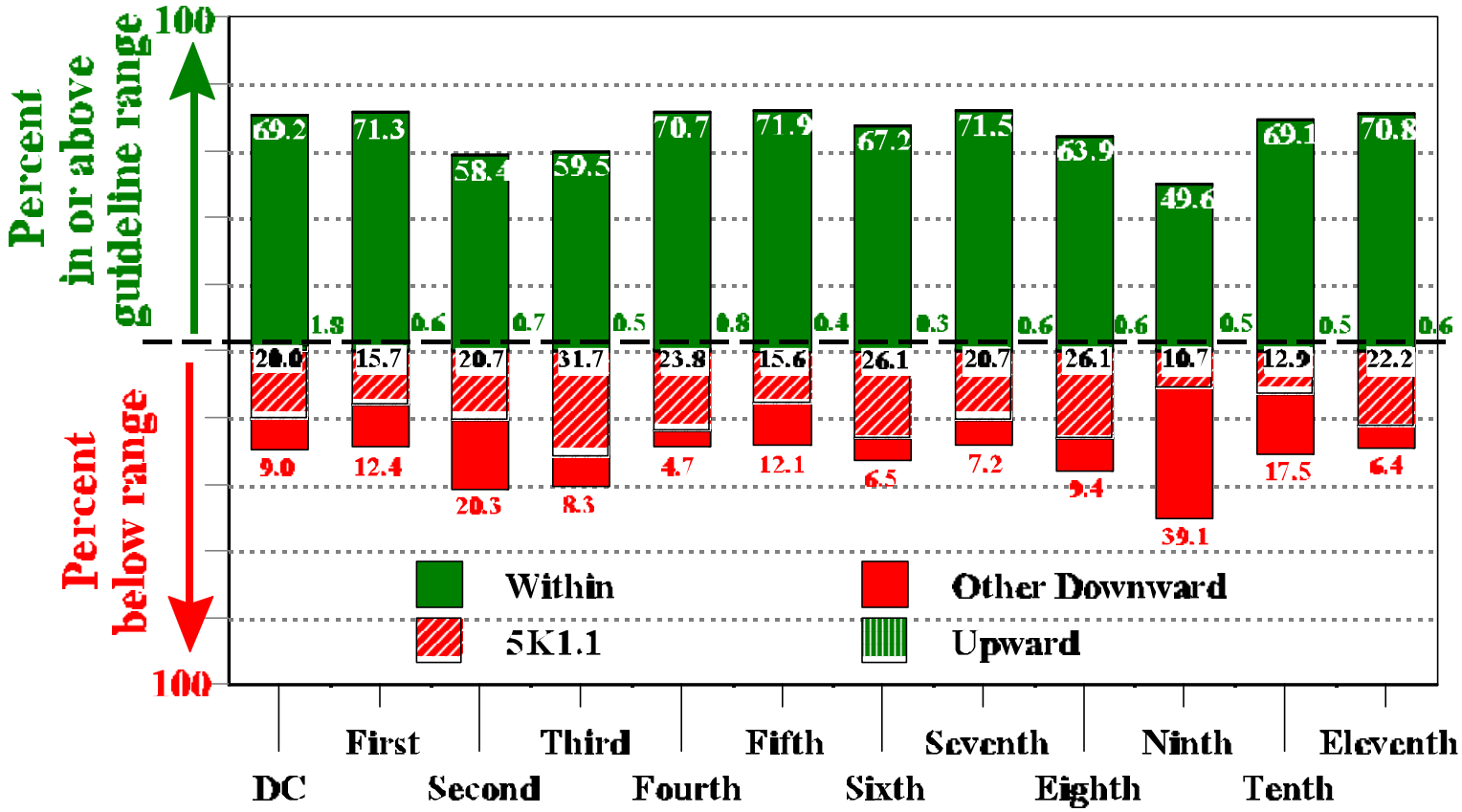
FY1992 through FY1999



[1] Cases with one guideline computation of §2L1.2 (unlawfully entering or remaining in the United States) sentenced within the guideline range, or as an upward or other downward departure. Substantial Assistance §5K1.1 cases are excluded.

SOURCE: U.S. Sentencing Commission, 1992-1999 Datafiles, USSCFY92-USSCFY99

Exhibit 9
Departure Rate by Circuit
FY1999



SOURCE: U.S. Sentencing Commission, 1999 Datafile, USSCFY99.

Exhibit 10

Districts with Highest Departure Rates

Fiscal Year 1999

Substantial Assistance (%)		Other Downward (%)		Overall (%)[1]	
1. NC Western (N=661)	52.3	1. Arizona (N=2,830)	57.9	1. Arizona (N=2,830)	65.0
2. N. Mariana Islands (N=14)	50.0	2. CA Southern (N=4,012)	49.1	2. CA Southern (N=4,012)	57.7
3. New York North, PA Eastern (N=378; N=846)	43.1	3. WA Eastern (N=291)	40.8	3. NC Western (N=661)	57.2
4. MO Western (N=469)	41.0	4. Connecticut (N=271)	31.7	4. NY Eastern (N=1,469)	56.1
5. MS Northern (N=164)	39.6	5. NY Eastern (N=1,469)	30.6	5. NY Northern (N=378)	55.2
6. IN Southern (N=236)	38.2	6. Vermont (N=160)	28.3	6. Vermont (N=160)	52.8
7. OH Southern (N=581)	38.1	7. WA Western (N=672)	26.3	7. PA Eastern (N=846)	50.9
8. IA Southern (N=372)	35.2	8. New Mexico (N=1,138)	25.9	8. N. Mariana Islands (N=14)	50.0
9. New Hampshire, AL Middle (N=142; N=221)	34.5	9. OK Eastern (N=88)	25.0	9. IN Southern (N=236)	48.4
10. AL Southern	33.7	10. Massachusetts	22.6	10. WA Eastern (N=291)	48.2

[1] "Overall" category includes upward departures, other downward departures, and substantial assistance departures.

SOURCE: U.S. Sentencing Commission, 1999 Datafile, USSCFY99.

Exhibit 11

Districts with Lowest Departure Rates

Fiscal Year 1999

Substantial Assistance (%)		Other Downward (%)		Overall (%)	
1. South Dakota (N=380)	5.3	1. Virginia East (N=1,285)	1.8	1. Kentucky West (N=110)	8.8
2. Utah (N=528)	5.9	2. Alabama North (N=319)	1.9	2. Virginia East (N=1,285)	9.1
3. Alaska (N=159)	5.9	3. WV North (N=157)	1.9	3. WV North (N=157)	9.7
4. Kentucky West (N=110)	6.3	4. Virgin Islands (N=94)	2.2	4. Virgin Islands (N=94)	10.1
5. WV North (N=157)	6.5	5. Kentucky West (N=410)	2.3	5. Illinois South (N=364)	13.0
6. Wash. East (N=291)	6.7	6. Arkansas East (N=269)	2.3	6. Texas East (N=605)	13.3
7. Virgin Islands (N=94)	6.7	7. Wisconsin West (N=130)	3.2	7. Puerto Rico (N=521)	14.1
8. Virginia East (N=1,285)	7.0	8. South Carolina (N=851)	3.3	8. WV South (N=236)	17.0
9. Rhode Island (N=114)	7.0	9. Maine (N=124)	3.3	9. Oklahoma West (N=219)	18.1
10. Arizona (N=2,830)	7.3	10. NC Middle (N=429)	3.3	10. South Dakota (N=380)	18.6

[1] "Overall" category includes upward departures, other downward departures, and substantial assistance departures.

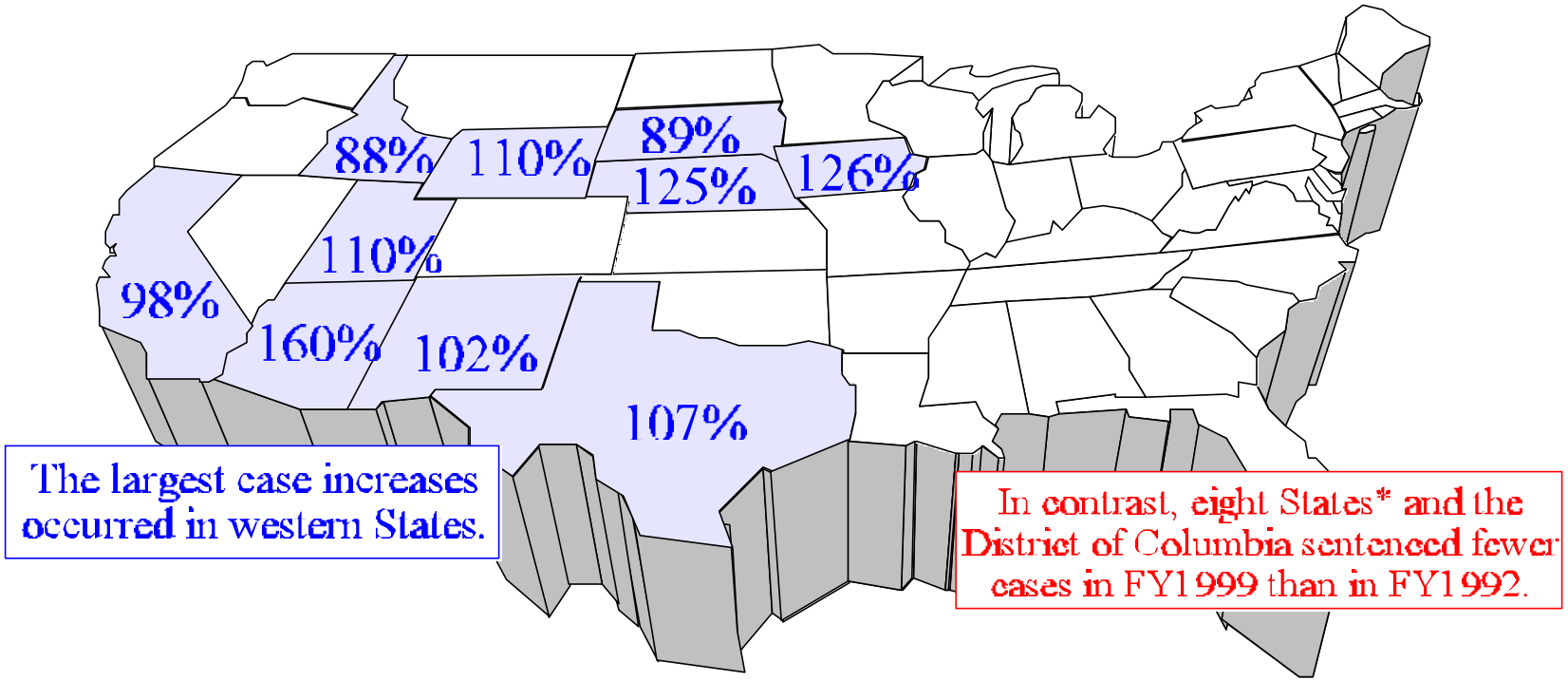
SOURCE: U.S. Sentencing Commission, 1999 Datafile, USSCFY99

Exhibit 12

States: Largest Increases in Number of Guideline Sentencings

FY1992 to FY1999

Cases increased by 45% overall from FY1992 to FY1999. The average percent increase per State was 60%. Arizona, Iowa, and Nebraska led the States with the largest increases: 160%, 126% and 125% respectively.



The largest case increases occurred in western States.

In contrast, eight States* and the District of Columbia sentenced fewer cases in FY1999 than in FY1992.

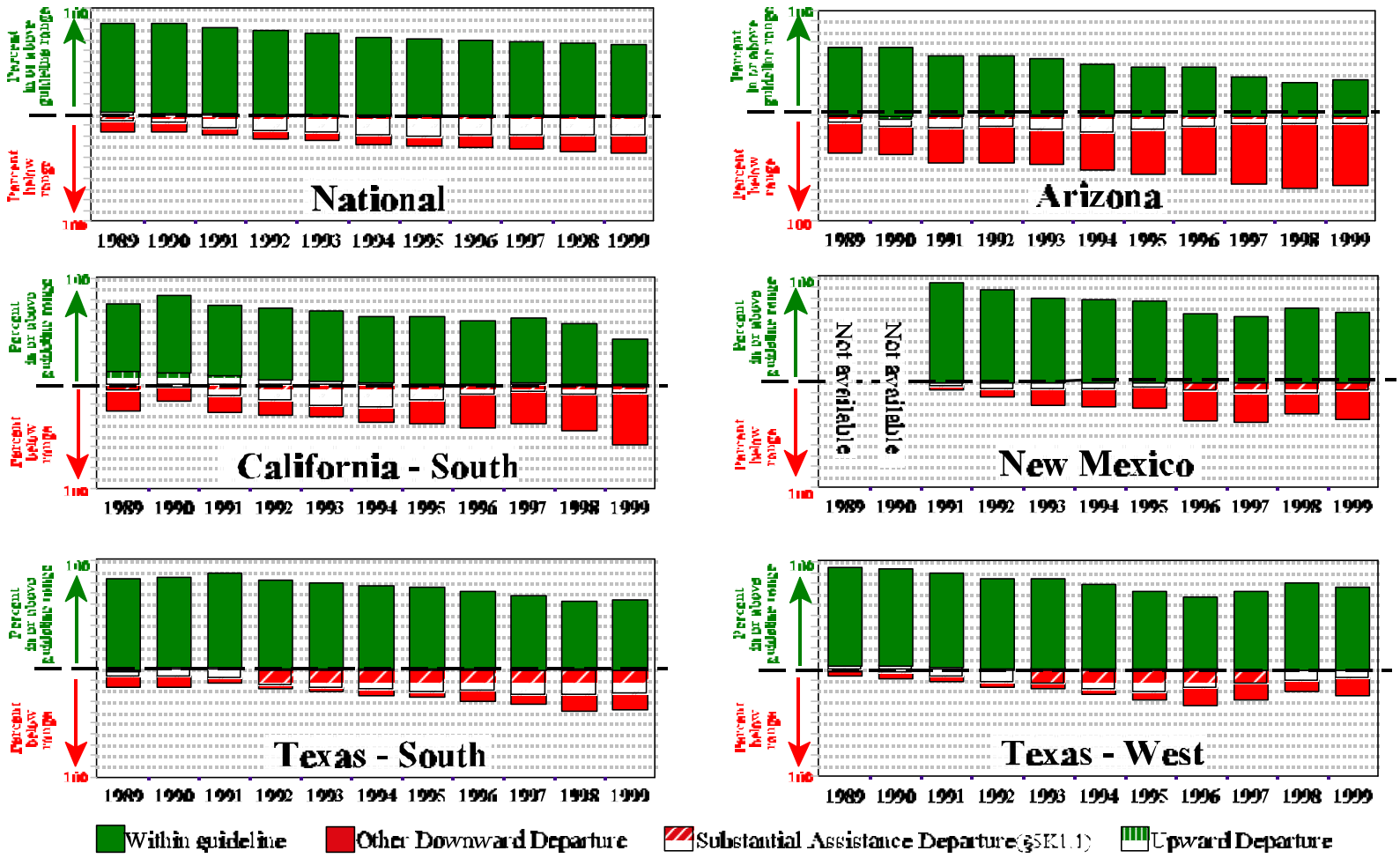
SOURCE: U.S. Sentencing Commission, 1992 and 1999 Datafiles, USSCFY92 and USSCFY99.

* WI, ME, TN, AL, AK, DE, WV, and RI

Exhibit 13

Trend in Departure Status: Southwest Border Districts

FY1989 through FY1999

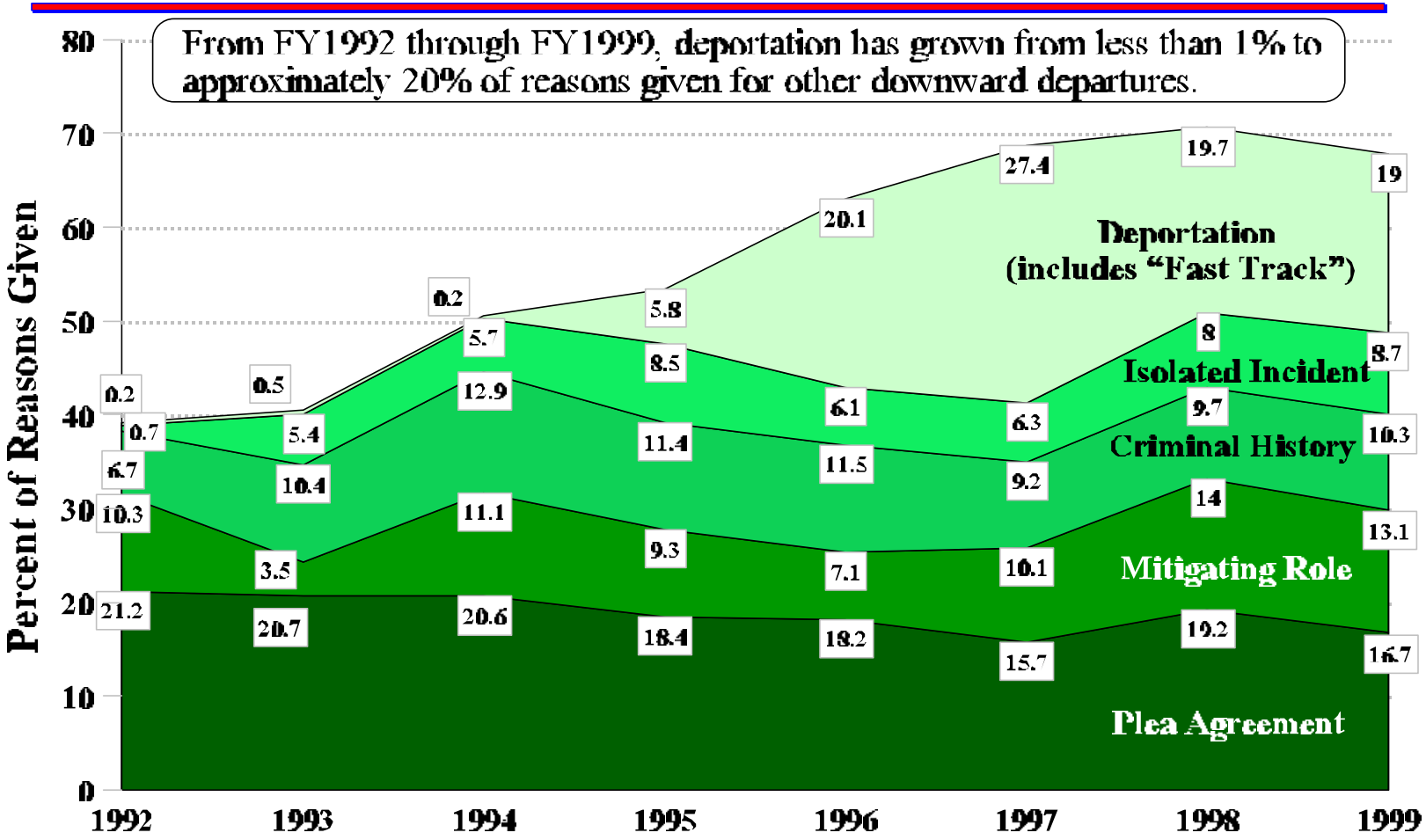


SOURCE: U.S. Sentencing Commission, 1989-1999 Datafiles, USSCFY89-USSCFY99.

Exhibit 14

Five Most Frequent Reasons for Other Downward Departures[1]

FY1992 through FY1999



[1] Cases with more than one guideline computation are excluded from the analysis. Analysis includes only cases with other downward departures; Substantial Assistance §5K1.1 cases are excluded. In FY1999, these top five reasons are approximately 58% of all reasons for other downward departures.
Source: U.S. Sentencing Commission, 1992-1998 Datafiles, USSCFY92-USSCFY98.