## Spread of Non-Government Sponsored Below Range Sentences by Circuit and District

#### Introduction

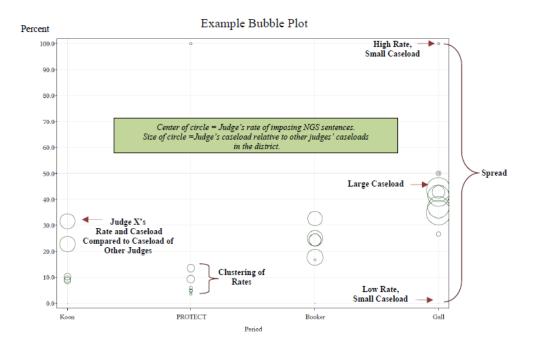
The Commission examined the sentencing practices of individual judges within each district to explore differences in non-government sponsored below range sentence rates among judges within the same district. The Commission analyzed these rates by district because judges within the same district generally are more likely than judges across districts to preside over similar cases to the extent the district's cases are randomly distributed among the judges. Furthermore, United States Attorneys' prosecutorial practices within one district are more likely to be similar than across various districts. The Commission recognizes, however, that caseload composition may differ substantially across divisions within the same district.1 For this reason and others, including all the districts' judges in one analysis may not have accounted for all relevant differences within a district and may have limited the Commission's analysis. Nonetheless, for the purpose of analyzing differences among sentencing judges' practices, examining each district separately reduced, though did not eliminate, differences that may have been attributable to caseload composition and prosecutorial practices, and revealed substantial differences in sentencing practices.

In general, these plots showed that the spread in the rates of non-government sponsored below range sentences was smallest during the PROTECT Act period and greatest during the Gall period. In other words, within each district, judges' rates of nongovernment sponsored below range sentences were most similar during the PROTECT Act period, and were most varied during the Gall period. This general observation was not universal, however. Some districts showed a contraction in the spread during the Gall period compared to the Booker period. In some districts, judges with similar size caseloads had similar non-government sponsored below range rates, while in other districts judges with similar size caseloads had very different non-government sponsored below range rates.

The average extent of the reduction below the guideline minimum varied broadly during each period, and did not appear to have been affected by legislation or Supreme Court decisions.

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<sup>&</sup>lt;sup>1</sup> For example, Western North Carolina has one division (Charlotte) with a large urban population, another division (Asheville) with substantial federal property, and yet another division (Bryson City), with a substantial American Indian population. Different types of cases arise in each of these divisions, and one judge may be assigned more cases from a certain division than other judges due to caseload management issues.



#### METHODOLOGY

The data in this Part refers to individual federal judges who imposed at least one sentence on a felony or Class A misdemeanor offender between fiscal years 2001 and 2011. For this analysis, the *Koon* period included all judges who sentenced such offenders from October 1, 2000 through and including April 30, 2003.<sup>2</sup> The PROTECT Act period included all judges who sentenced such offenders from May 1, 2003 through and including June 24, 2004.<sup>3</sup> The

Because more limited information is required for this analysis, cases with certain missing information could still

be included in this analysis.

<sup>2</sup> Sentences imposed before October 1, 2000 were excluded

Booker period included judges who sentenced such offenders from January 12, 2005 through and including December 10, 2007, and the *Gall* period included judges who sentenced such offenders from December 11, 2007 through and including September 30, 2011.

#### **Bubble Plots**

The bubble plots depict the spread of nongovernment sponsored below range sentences by circuit and district over the four periods. individual circle represents a single judge in that jurisdiction who sentenced an offender for a felony or Class A misdemeanor offense during the relevant time period in that district. The location of the circle on the plot answers the question: out of each judge's caseload, in what percentage of cases did that judge impose a non-government sponsored sentence? The bubble is sized according to the size of that judge's caseload relative to the caseloads of all the other judges in the plot. Some judges with the highest or lowest rates of non-government sponsored below range sentences had very small caseloads compared to other judges, either because they were visitors to the district or were on senior status and had limited criminal dockets. Other judges may have had very high or low rates of non-government sponsored below

from the analysis because additional verification of some judge names was required to conduct this analysis, and verification has been completed for fiscal years 2001 through 2011. For this reason the *Koon* period depicted in the bubble plots is different from the *Koon* period in the remainder of this report. In the other analyses in this report, the *Koon* period begins with sentences imposed on June 13, 1996. These data include all cases sentenced during these periods, including many cases that were excluded from the analyses in Part C of this report due to missing information.

<sup>&</sup>lt;sup>3</sup> Sentences imposed after the Supreme Court's *Blakely* decision (June 24, 2004) but before the *Booker* decision are excluded from the analysis.

range sentences combined with large caseloads. The bubble plot makes it possible to see these distinctions. The plots are grouped by circuit; after each circuit-level plot, the district-level plots for that circuit follow in alphabetical order.

The location of the circle along the vertical axis ("Below Range Rate") shows the rate at which the judge imposed non-government sponsored below range sentences for all the offenders the judge sentenced during the relevant period. If the judge imposed no non-government sponsored below range sentences during the period, then the circle representing that judge will be located at 0.0 along the vertical axis. If the judge imposed non-government sponsored below range sentences in every case during that period, that judge's circle will be located at 100.0 on the vertical axis. The judge's rate of nongovernment sponsored below range sentences determines the location of the circle, but the circle might represent a judge who sentenced any number of offenders during that period, from one to several hundred or more.

The size of the bubble reflects the size of the judge's caseload relative to the caseload of the other judges in that district. For example, if a visiting or senior status judge sentenced only three offenders and imposed a non-government sponsored below range sentence on two of those offenders, the judge's rate of non-government sponsored below range sentences would be 66 percent. However, that seemingly high rate was the result of imposing a non-government sponsored below range sentence on two out of three offenders, and the judge's bubble would be very small relative to those of the other judges. In many districts, the circles at the top and bottom of the bubble plots are so small as to appear to be a small dot. Thus, the bubble plot enables the reader to see not only the entire spread of the rates along the vertical axis, but also the relative number of cases the spread represents.

Individual circles may not be distinguishable due to crowding. This indicates that a number of judges had similar rates of non-government sponsored below range sentences and therefore the bubbles clustered along the vertical axis. Much like the box plots depicting various sentencing practices (*see*, *e.g.*, Part C, Statistical Analysis of Federal Sentencing Data, Federal Offenses in the Aggregate, "Spread of Rates of Non-Government Sponsored Below Range Sentences") the strength of the bubble plots is that

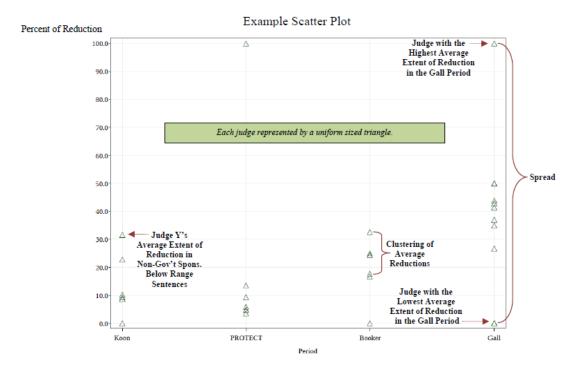
they depict the variation in the rates of non-government sponsored below range sentences.

Two additional issues should be noted with respect to bubble size. First, the size of the bubble is relative only to the size of other bubbles within that circuit or district plot. Bubble sizes can be compared across time periods within the same plot, but *cannot* be compared across districts or circuits. Second, bubble sizes were often largest during the *Gall* period, because of the growth of the federal caseload over time. PROTECT Act period bubbles were often smallest relative to the other time periods because the limited time frame means there were not as many cases as during longer periods.

Finally, in several circuits, one or two large districts may have had a disproportionate impact on the circuit-level data. For example, in the Fifth Circuit, judges in the Southern and Western Districts of Texas sentenced far more offenders than judges in other districts in that circuit. Therefore, circuit-level data for the Fifth Circuit reflects, in large part, the sentencing practices in those two districts. An examination of district-level data allows clearer observation of where variations in non-government sponsored below range sentences occurred.

In determining whether the spread in the rates had expanded or contracted over time, Commission examined the entire spread of judges' non-government sponsored below range rates. All judges (magistrate or district) who sentenced at least one offender convicted of a felony or a Class A misdemeanor were included in the plots. However, in determining whether any patterns existed with respect to changes in the spread, it was important to distinguish whether the judge represented by the bubble sentenced a few or many offenders. When the judge's bubble was a small pinpoint, indicating that the judge sentenced one or a very small number of offenders relative to the other judges in the district, the Commission did not consider that judge in its assessment of whether the spread of the rates generally increased or decreased during that period in order to avoid overstating the spread during any period.

<sup>&</sup>lt;sup>4</sup> In fiscal year 2011, judges in Southern Texas sentenced 8,314 offenders, and judges in Western Texas sentenced 8,526 offenders. Judges in these two districts sentenced 84.0 percent of all offenders in the Fifth Circuit (and almost 20 percent (19.5%) of all offenders nationwide).



#### **Scatter Plots**

Following each bubble plot is a scatter plot depicting, for each judge in the district, the average extent of the reduction for that judge's below range sentences. Each triangle represents a judge (district or magistrate) who sentenced at least one offender in that district for a Class A misdemeanor or felony offense. The triangles in the scatter plot are of uniform size; they are not sized according to the judge's caseload. These scatter plots answer the question: when a judge imposes a non-government sponsored below range sentence, on average, how far below the guideline minimum is the sentence? The answer is expressed in terms of the percentage reduction below the guideline minimum: the triangle is placed along the vertical axis according to the average extent of the reduction for that judge.

Some of the non-government sponsored below range sentences in the bubble plot were excluded from the corresponding scatter plot either because of missing sentence information, or because the offender's guideline minimum was either life or zero – the extent of the reduction cannot be calculated for those sentences.<sup>5</sup>

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<sup>&</sup>lt;sup>5</sup> For example, a court may report that the defendant received a below range sentence but not provide the actual sentence imposed. In such a case, the extent of the departure cannot be calculated.

#### ANALYSIS

#### Circuit-Level Plots

Circuit-level plots showed some similarities and differences among the circuits during the four periods. In most circuits, the spread in the rate of nongovernment sponsored below range sentences was smallest during the PROTECT Act period and greatest during the *Gall* period, meaning that in most circuits, judges were most uniform in their non-government sponsored below range rates during the PROTECT Act period, and most varied during the *Gall* period. Judges with the highest and lowest non-government sponsored below range sentence rates during each period generally had relatively small caseloads, as seen in the small size of the bubble (often a single point).

In some circuits, a growing spread in the rates of non-government sponsored below range sentences was visible when comparing the PROTECT Act, *Booker*, and *Gall* periods. The District of Columbia, Seventh, and Eighth Circuits exhibited this pattern most clearly. In other circuits, with the exception of relatively high uniformity during the PROTECT Act period, there were few apparent changes across the periods. For example, in the Tenth Circuit, variation seemed to have been present to a near equal degree during the *Koon*, *Booker*, and *Gall* periods. In the District of Columbia, First, Third, Fourth, and Seventh Circuits, judges had more uniform non-government sponsored below range rates during the *Koon* period than during the *Booker* and *Gall* period.

In contrast to the other circuits, the spread in the Ninth Circuit was greatest during the *Koon* period. This pattern in the Ninth Circuit may reflect the prevalence of fast-track departures in immigration cases along the United States-Mexico border before the government's formal approval of Early Disposition Program departures. Before the

<sup>6</sup> In those districts where the Attorney General authorized the use of early disposition programs, an offender may receive a departure of up to four levels if the offender meets the eligibility criteria established by the Department of Justice and the United States Attorney (*e.g.*, having committed an eligible offense, agreeing to plead guilty, and waiving the right to challenge the conviction on appeal or in collateral proceedings). *See* Memorandum of John Ashcroft, Attorney General, Department Principles for

PROTECT Act period, the Commission reported two categories of sentences: "substantial assistance" departures, which were attributed to the government, and "other downward departures," which were not attributed to the government. However, a number of those "other downward departures" that were attributed to courts actually cited some benefit to the government as a reason for the departure. resulted in an overstatement of the proportion of downward departures attributable to the courts and an understatement of the proportion of downward departures attributable to the government during the Koon period. The smaller spread during the Gall period compared to the Koon period in the Ninth Circuit likely reflects high rates of EDP departures in Ninth Circuit border districts in both periods and the attribution of those departures to the government in the *Gall* period.

#### District-Level Plots

District-level plots shared some similarities with each other but tended to show more varied patterns than circuit-level plots. Consistent with the circuit-level plots, many districts had the smallest spread in the rates of non-government sponsored below range sentences during the PROTECT Act period, and the largest spread during the Gall period. The South Carolina and Northern Texas plots provided a clear example of the typical pattern. The plots showed contraction in the spread from the Koon period to the PROTECT Act period, when judges' discretion was significantly circumscribed. The plots then showed an expansion in the spread from the PROTECT Act period to the Booker period, when judges exercised greater discretion. The expansion continued from the Booker period to the Gall period, which was consistent with increasing rates of nongovernment sponsored below range sentences observed in most, if not all offense types.

The majority of districts (N=64) showed a contraction in the spread from the *Koon* to the PROTECT Act periods. The spread in a much smaller number of districts (N=16) either did not change, or actually expanded from the *Koon* to the PROTECT

Implementing an Expedited Disposition or "Fast-Track" Prosecution Program in a District (Sept. 22, 2003).

Act periods.<sup>7</sup> In some districts (N=14), any difference in the spread between the *Koon* and PROTECT Act periods was too subtle to discern.<sup>8</sup>

The vast majority of districts (N=80) showed expansion in the spread from the PROTECT Act to *Booker* periods. However, the plots for nine districts showed either no change from the PROTECT Act period to the *Booker* period, or a contraction in the spread.<sup>9</sup> In the remaining five districts, any differences in the spread between the PROTECT Act and *Booker* periods were too subtle to discern.<sup>10</sup>

The spread in most districts (N=53) expanded from the *Booker* to the *Gall* periods, but in many districts there was no expansion in the spread between the *Booker* and *Gall* periods (N=29). In 12 districts

any difference in the spread between the *Booker* and *Gall* periods was too subtle to discern. <sup>12</sup>

Even in districts exhibiting the typical pattern, differences between districts emerged. Comparing several small districts illustrates this point. example, in the District of Rhode Island, the plot followed the typical pattern. In the Gall period the spread was fairly wide. Two of the judges with high rates of non-government sponsored below range sentences had the two largest caseloads in the district during the Gall period. These rates were between 35 and 45 percent. In contrast, in the District of Southern Illinois plot, five out of six judges clustered at rates of approximately 25 percent and under, while two of the judges with large caseloads clustered at rates between 10 and 20 percent. Western Arkansas was also a small district exhibiting the typical pattern. In the Gall period, the judge with the largest caseload in the district had a non-government sponsored below range rate of less than 10 percent, but the judge with the next largest caseload had a non-government sponsored below range rate of approximately 25 percent.

The Western District of New York was an example of a district that did not experience much change in the spread of the rates of non-government sponsored below range sentences over the periods. The spread in the Western District of New York was approximately the same in all four periods. The bubble plot showed a slight increase in the height of the bubbles during the *Gall* period, indicating an increase in the rate of non-government sponsored below range sentences and a small increase in the spread. In addition, the size of the bubbles in the bubble plot showed that during the *Gall* period, the two judges with the highest rates of non-government sponsored below range sentences had sizeable caseloads.

Some districts also reversed the typical pattern. In Western Michigan, Western Tennessee, and Nebraska, the spread was greater during the *Booker* period than during the *Gall* period. Several border districts, including Western Texas and

<sup>&</sup>lt;sup>7</sup> The 16 districts in which the spread either did not change or expanded between the *Koon* and PROTECT Act periods were New Hampshire, Connecticut, Delaware, Maryland, Eastern Virginia, Northern Mississippi, Eastern Kentucky, Southern Ohio, Eastern Wisconsin, Southern Iowa, Eastern Missouri, Nebraska, Guam, Northern Mariana Islands, Utah, and Northern Georgia.

<sup>&</sup>lt;sup>8</sup> The 14 districts in which changes between the *Koon* and PROTECT Act periods were too subtle to discern were Puerto Rico, Rhode Island, Eastern New York, Western New York, New Jersey, Eastern Pennsylvania, Western Pennsylvania, Virgin Islands, Middle North Carolina, Western North Carolina, Western Virginia, Northern Ohio, North Dakota, and Nevada.

<sup>&</sup>lt;sup>9</sup> The nine districts that showed either no change or a contraction in the spread between the PROTECT Act and *Booker* periods were Connecticut, Northern New York, Northern Mississippi, Southern Texas, Northern Ohio, Nebraska, Arizona, Oregon, and Middle Alabama.

<sup>&</sup>lt;sup>10</sup> The five districts in which changes between the PROTECT Act and *Booker* periods were too subtle to discern were Eastern New York, Western New York, Northern California, Idaho, and Southern Georgia.

<sup>&</sup>lt;sup>11</sup> The 29 districts showing either contraction in the spread or no change between the *Booker* and *Gall* periods were Delaware, Virgin Islands, Eastern North Carolina, Middle North Carolina, Western North Carolina, Western Virginia, Eastern Texas, Western Texas, Western Michigan, Middle Tennessee, Western Tennessee, Eastern Wisconsin, Eastern Arkansas, Minnesota, Western Missouri, Nebraska, North Dakota, Arizona, Central California, Eastern California, Northern California, Southern California, Guam, Hawaii, Oregon, Eastern Washington, Western Washington, Utah, and Southern Alabama.

The 12 districts in which changes between the *Booker* and *Gall* periods were too subtle to discern were Eastern New York, Vermont, New Jersey, Eastern Pennsylvania, Southern Ohio, Eastern Tennessee, Southern Iowa, Eastern Missouri, Kansas, New Mexico, Middle Georgia, and Northern Georgia.

Arizona, had a smaller spread of non-government sponsored below range sentences during the *Gall* period, compared to a much greater spread during the *Koon* period, most likely reflecting the impact of EDP departures.

In summary, these plots showed that in most districts the spread in the rates of non-government sponsored below range sentences was smallest during the PROTECT Act period and greatest during the *Gall* period. In other words, within each district, judges' rates of non-government sponsored below range sentences were most similar during the PROTECT Act period, and most varied during the *Gall* period. However, whether the spread expanded, contracted, or remained consistent over time varied by district. Furthermore, the scatter plots revealed that the average extent of the reduction below the guideline minimum varied broadly during each period, and did not appear to have been affected by legislation or Supreme Court decisions.

### Appendix:

# Spread of Non-Government Sponsored Below Range Sentences by Circuit and District

#### **❖ D.C. CIRCUIT**

#### ❖ FIRST CIRCUIT

- Maine
- Massachusetts
- New Hampshire
- Puerto Rico
- Rhode Island

#### **❖** SECOND CIRCUIT

- Connecticut
- Eastern New York
- Northern New York
- Southern New York
- Western New York
- Vermont

#### **❖** THIRD CIRCUIT

- Delaware
- New Jersey
- Eastern Pennsylvania
- Middle Pennsylvania
- Western Pennsylvania
- Virgin Islands

#### **❖** FOURTH CIRCUIT

- Maryland
- Eastern North Carolina
- Middle North Carolina
- Western North Carolina
- South Carolina
- Eastern Virginia
- Western Virginia
- ❖ Northern West Virginia
- Southern West Virginia

#### **❖** FIFTH CIRCUIT

- Eastern Louisiana
- Middle Louisiana
- Western Louisiana
- Northern Mississippi
- Southern Mississippi
- **❖** Eastern Texas
- Northern Texas
- Southern Texas
- Western Texas

#### **❖** SIXTH CIRCUIT

- Eastern Kentucky
- Western Kentucky
- Eastern Michigan
- Western Michigan
- Northern Ohio
- Southern Ohio
- Eastern Tennessee
- Middle Tennessee
- Western Tennessee

#### **♦** SEVENTH CIRCUIT

- Central Illinois
- Northern Illinois
- ❖ Southern Illinois
- Northern Indiana
- Southern Indiana
- Eastern Wisconsin
- Western Wisconsin

#### **❖** EIGHTH CIRCUIT

- Eastern Arkansas
- Western Arkansas
- Northern Iowa
- ❖ Southern Iowa
- Minnesota
- Eastern Missouri
- Western Missouri
- Nebraska
- ❖ North Dakota
- South Dakota

#### NINTH CIRCUIT

- Alaska
- Arizona
- Central California
- Eastern California
- Northern California
- Southern California
- ❖ Guam
- Hawaii
- Idaho
- Montana
- Nevada
- Northern Mariana Islands
- Oregon
- Eastern Washington
- Western Washington

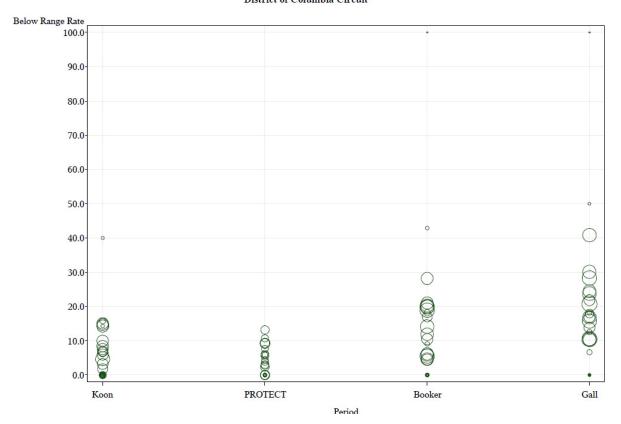
#### **❖** TENTH CIRCUIT

- Colorado
- Kansas
- New Mexico
- Eastern Oklahoma
- Northern Oklahoma
- Western Oklahoma
- Utah
- Wyoming

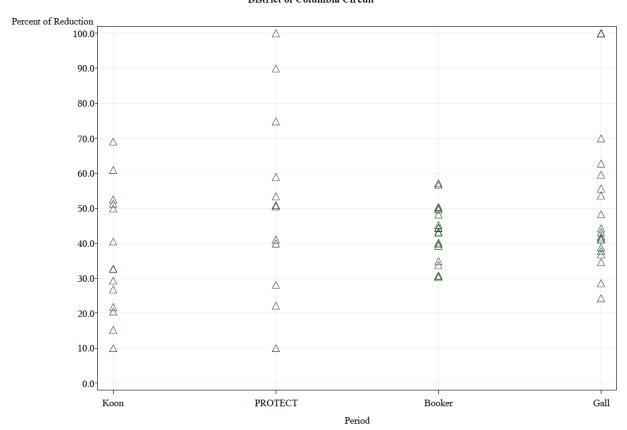
#### **❖** ELEVENTH CIRCUIT

- Middle Alabama
- Northern Alabama
- Southern Alabama
- Middle Florida
- ❖ Northern Florida
- ❖ Southern Florida
- Middle Georgia
- Northern Georgia
- Southern Georgia

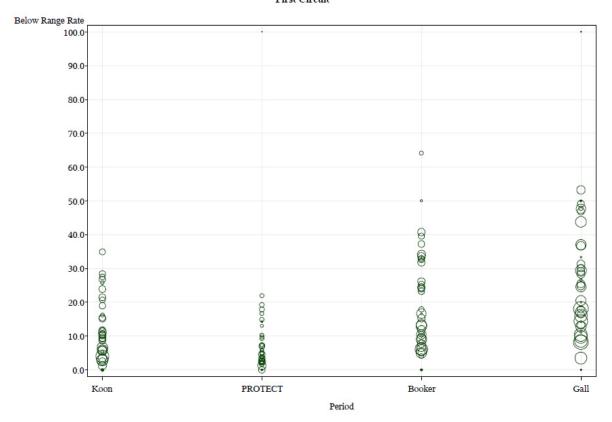
## Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) District of Columbia Circuit



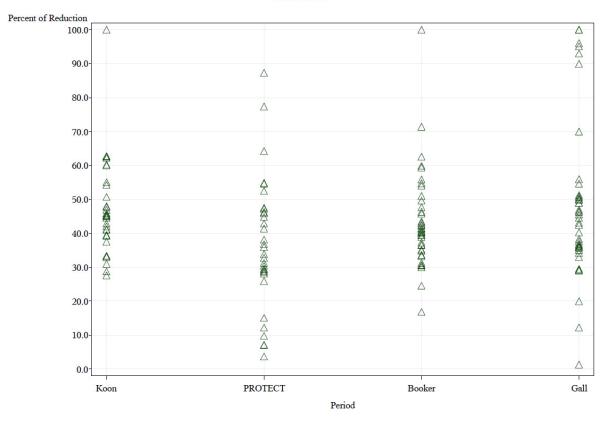
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) District of Columbia Circuit



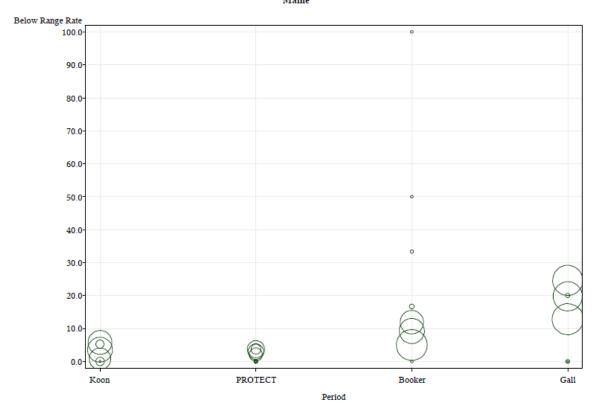
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) First Circuit



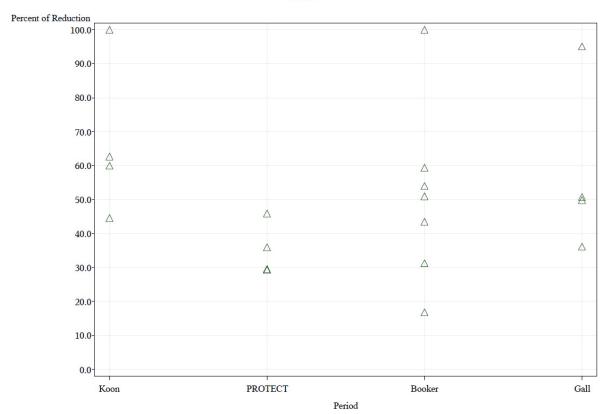
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) First Circuit



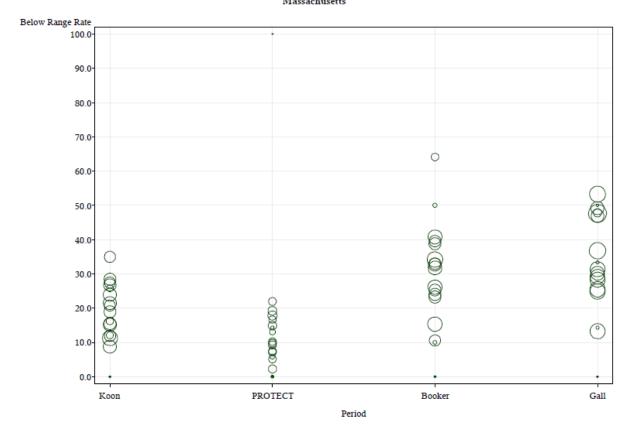
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Maine



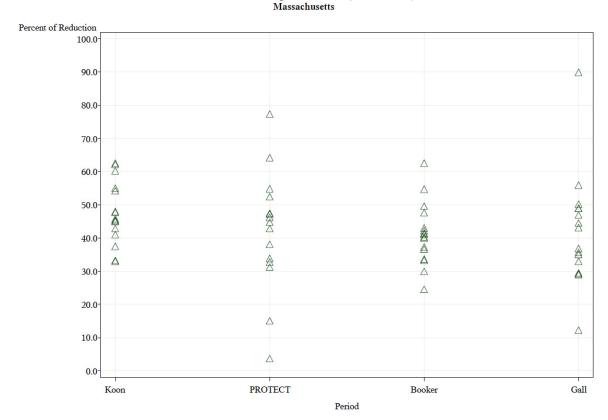
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Maine



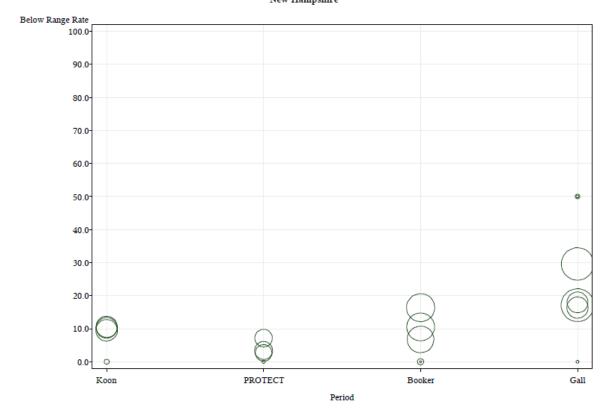
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Massachusetts



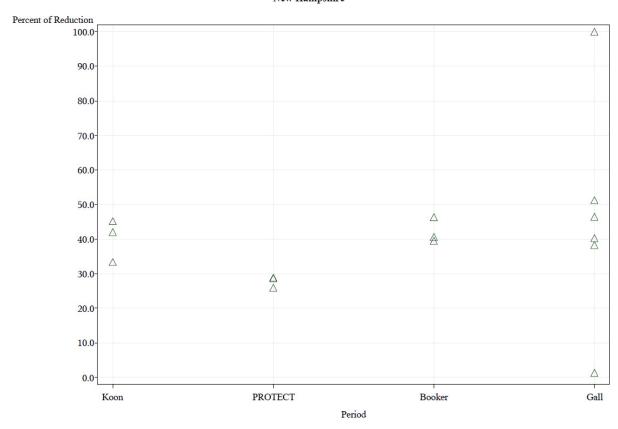
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001)



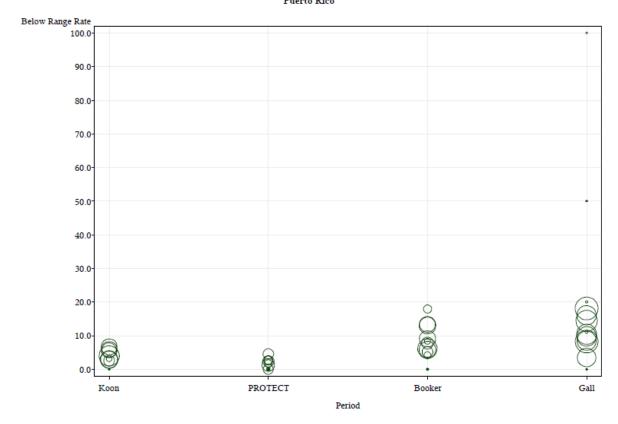
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) New Hampshire



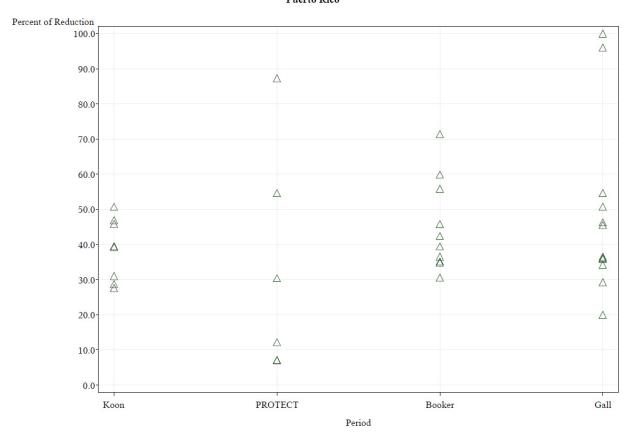
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) New Hampshire



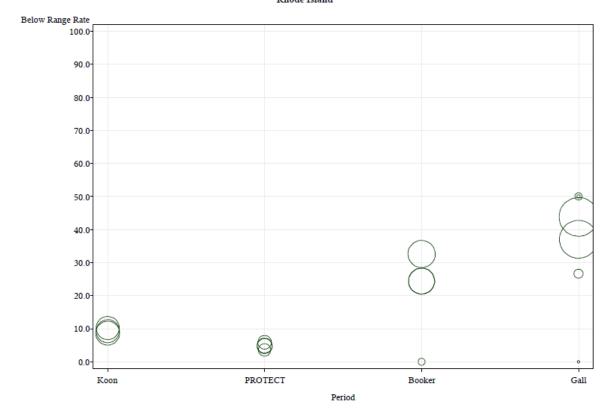
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Puerto Rico



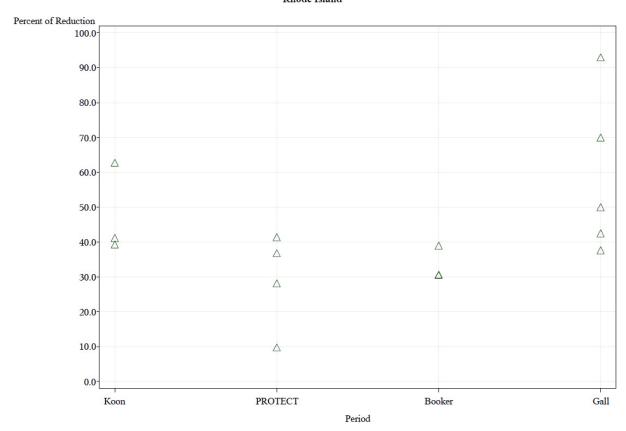
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Puerto Rico



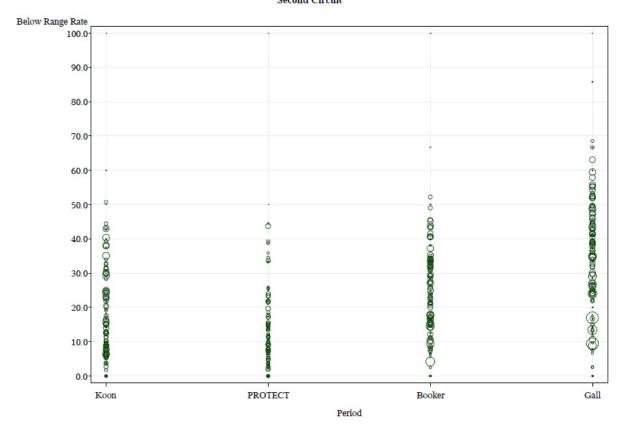
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Rhode Island



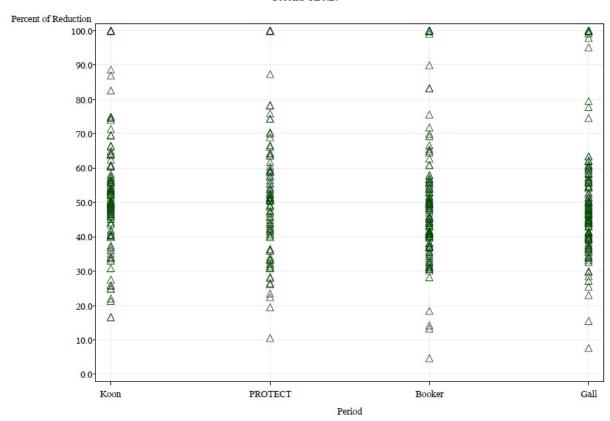
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Rhode Island



#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Second Circuit

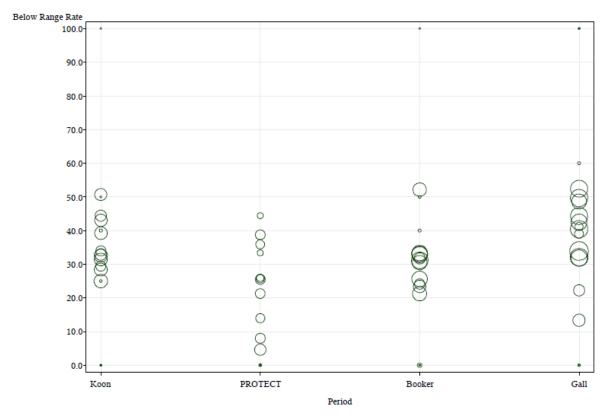


Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Second Circuit

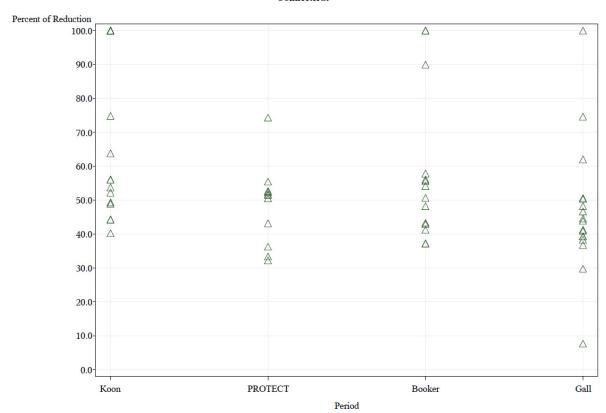


#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001)

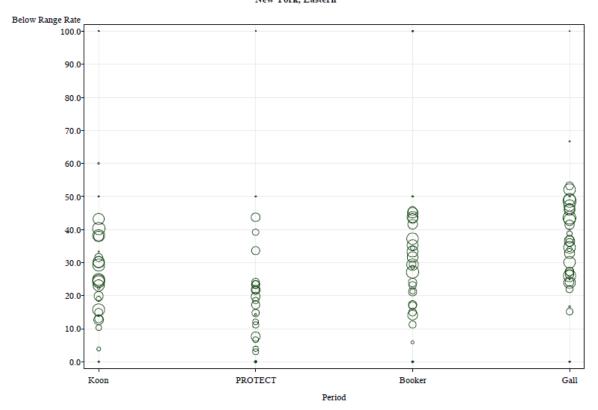
Connecticut



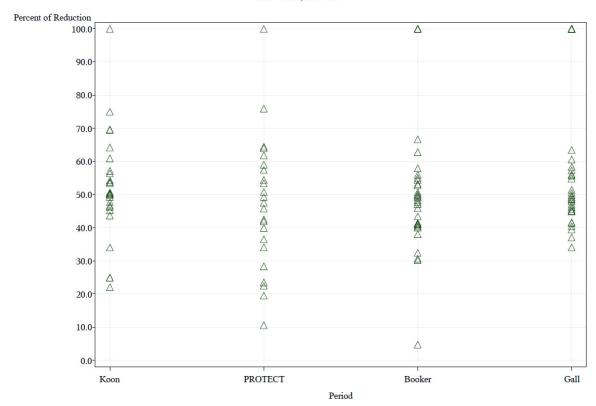
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Connecticut



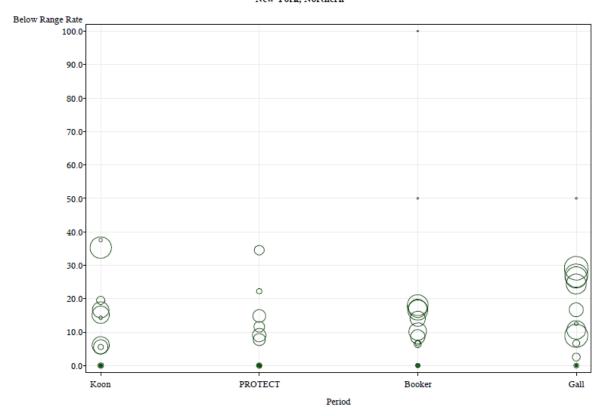
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) New York, Eastern



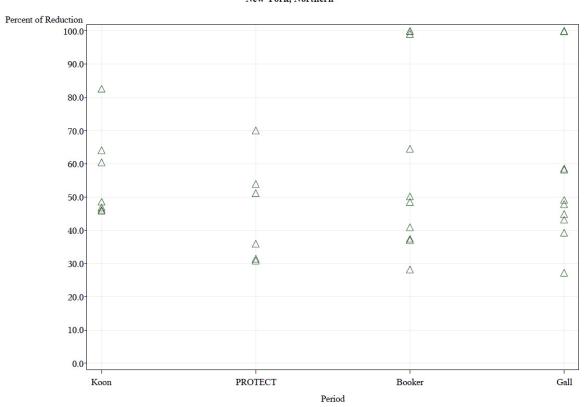
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) New York, Eastern



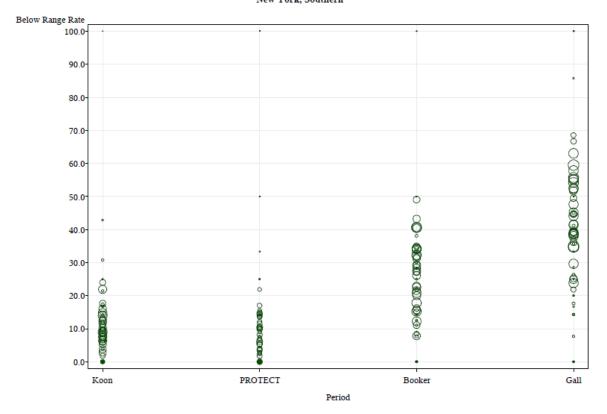
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) New York, Northern



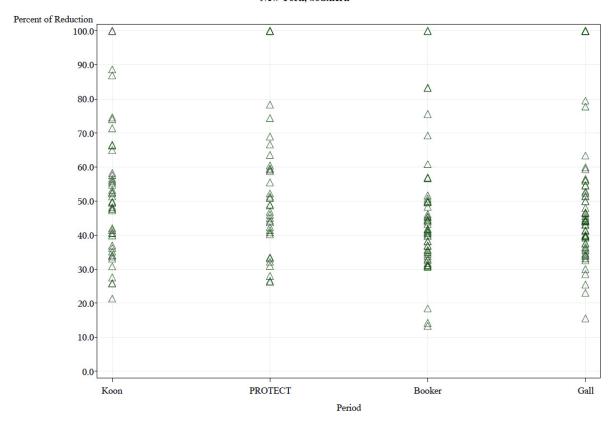
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) New York, Northern



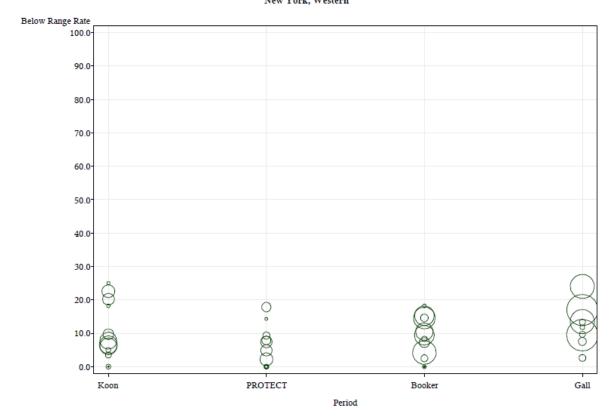
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) New York, Southern



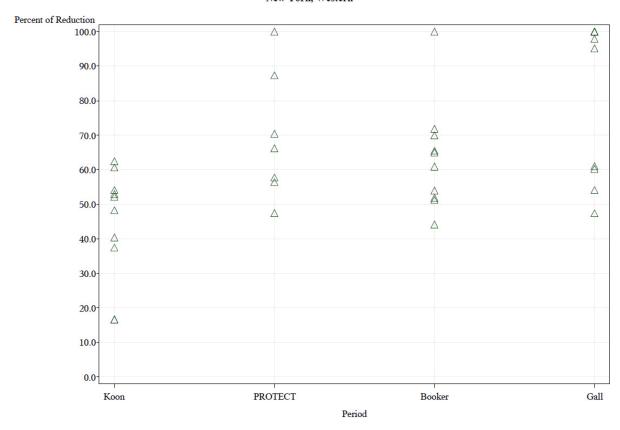
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) New York, Southern



#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) New York, Western

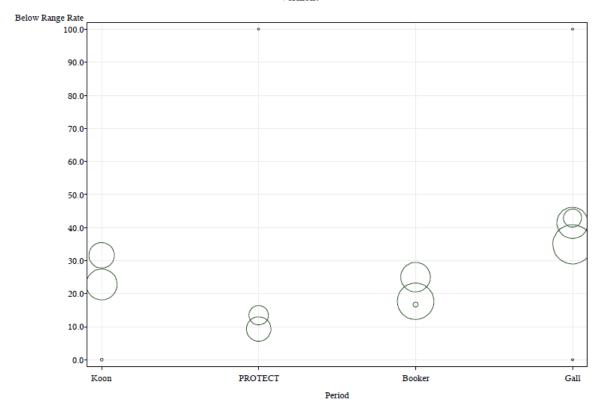


Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) New York, Western

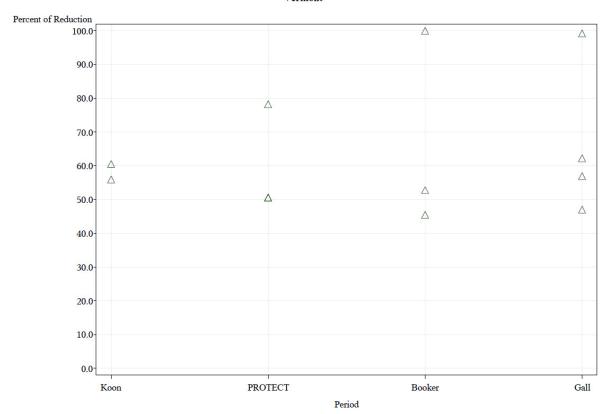


#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001)

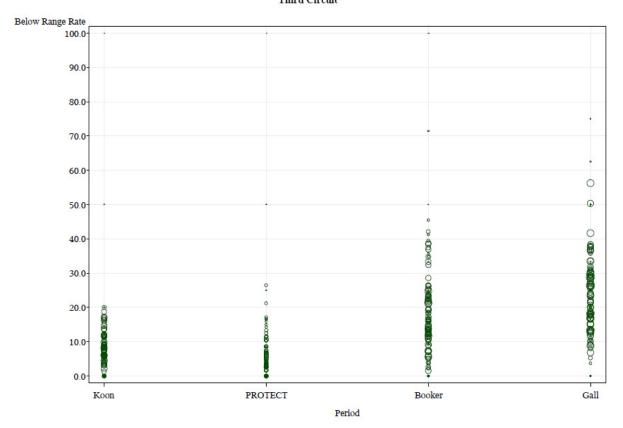
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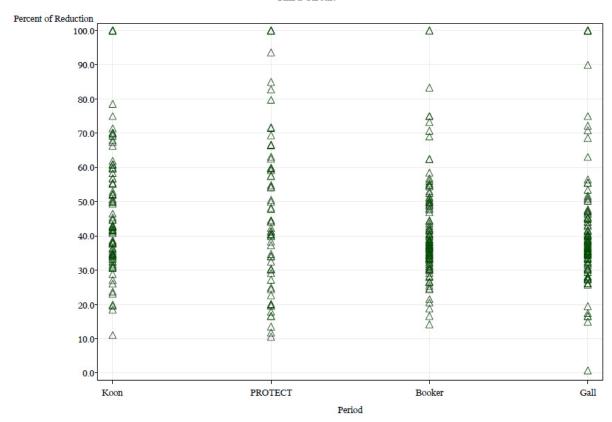
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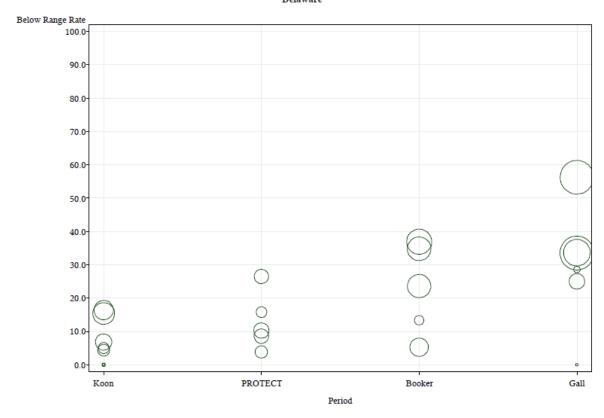
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Third Circuit



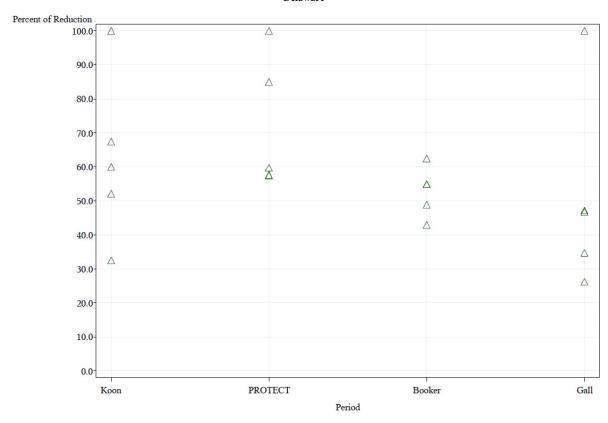
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Third Circuit



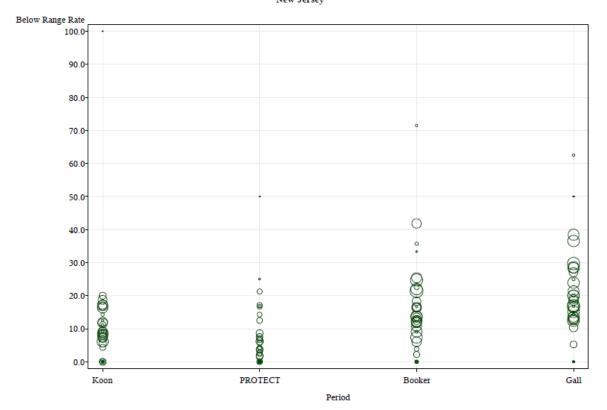
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Delaware



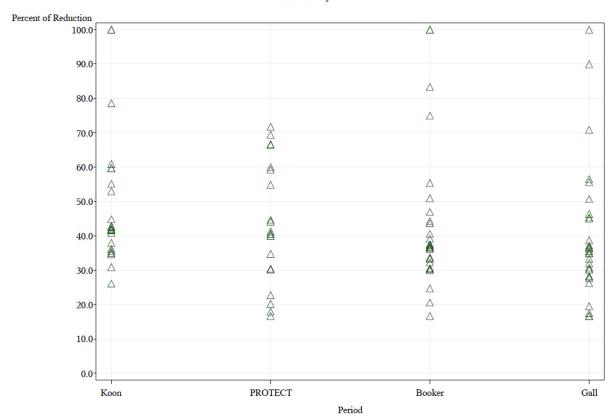
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Delaware



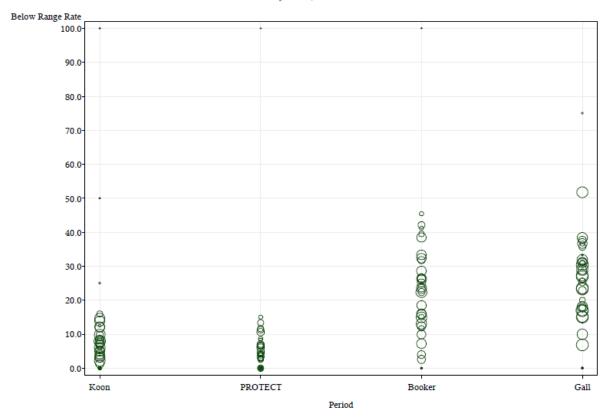
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) New Jersey



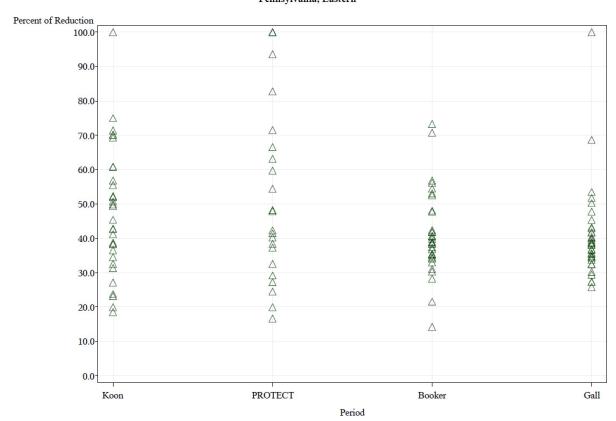
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) New Jersey



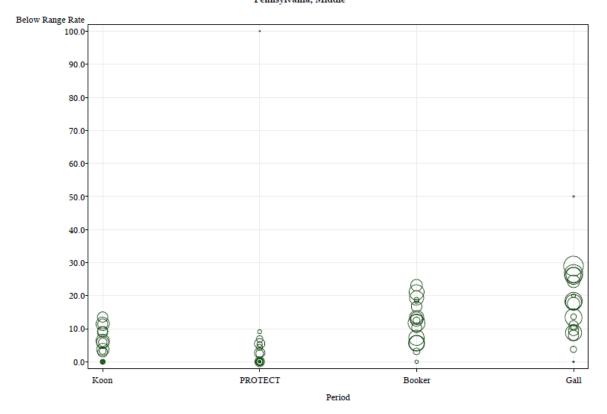
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Pennsylvania, Eastern



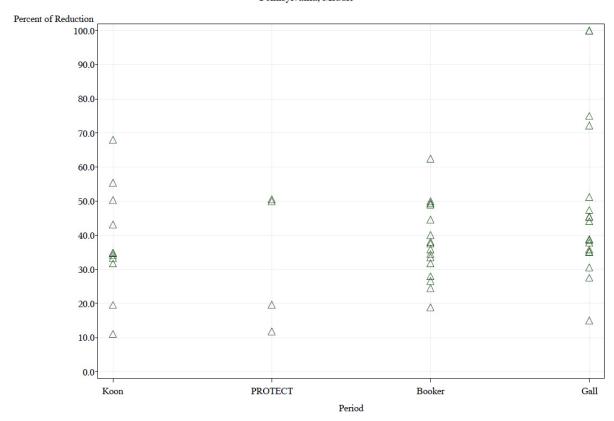
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Pennsylvania, Eastern



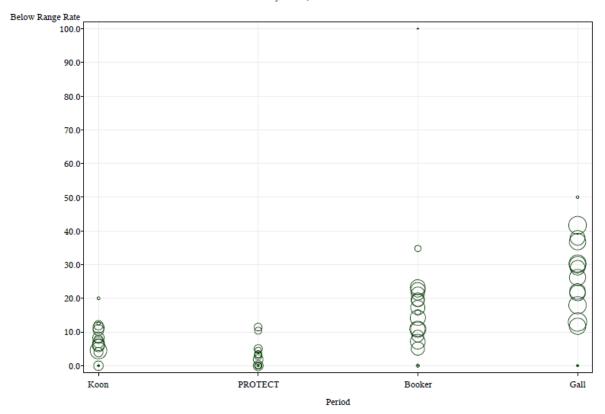
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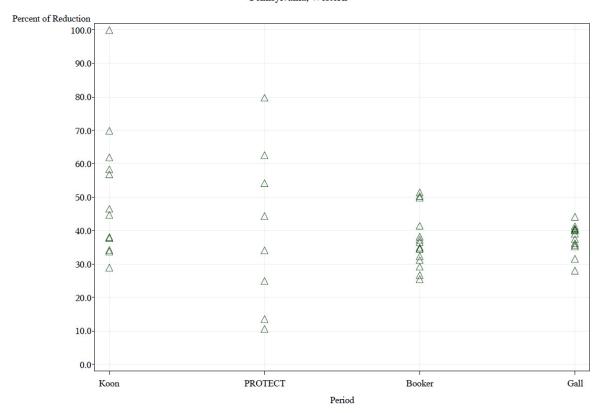
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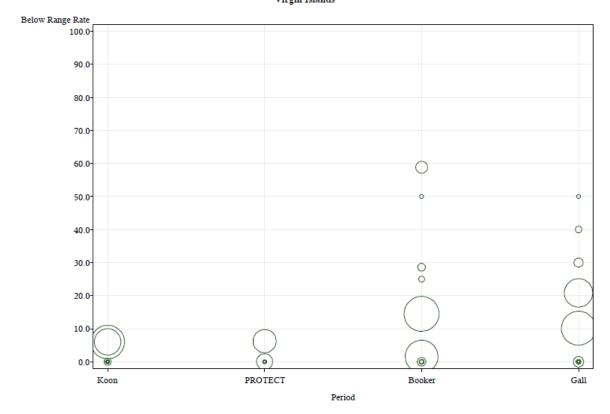
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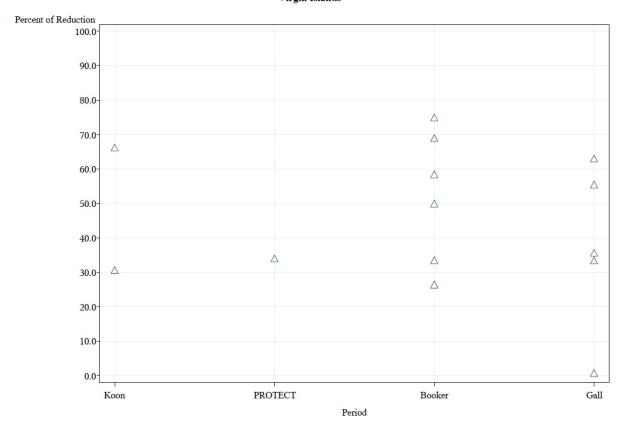
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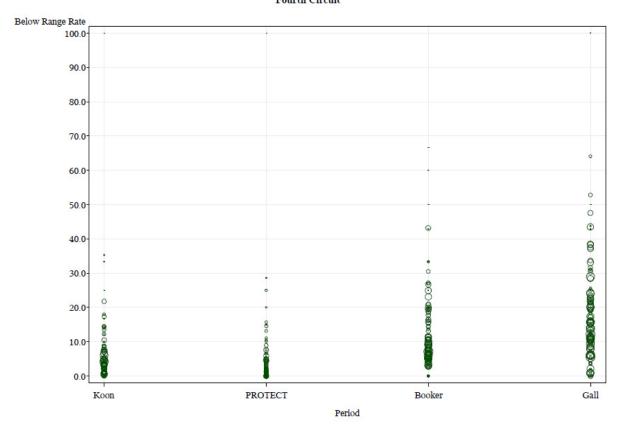
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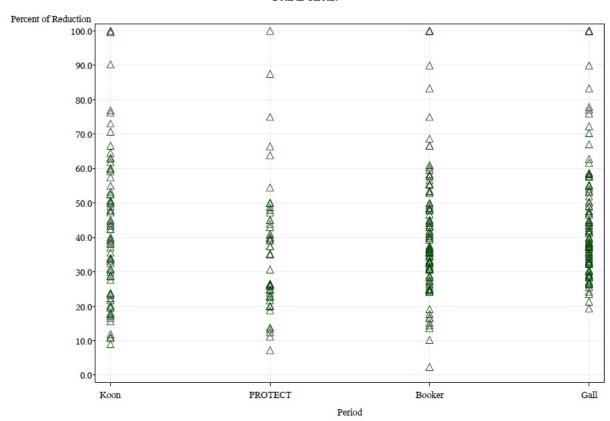
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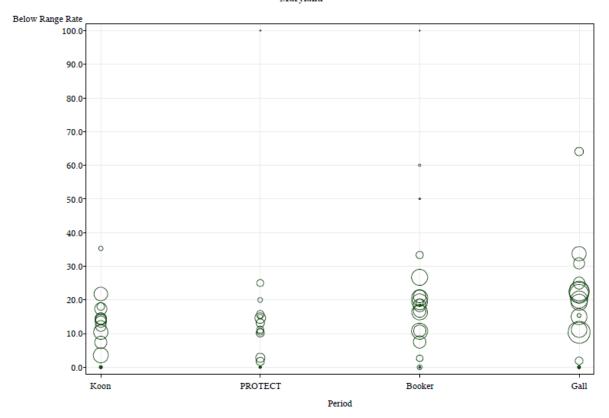
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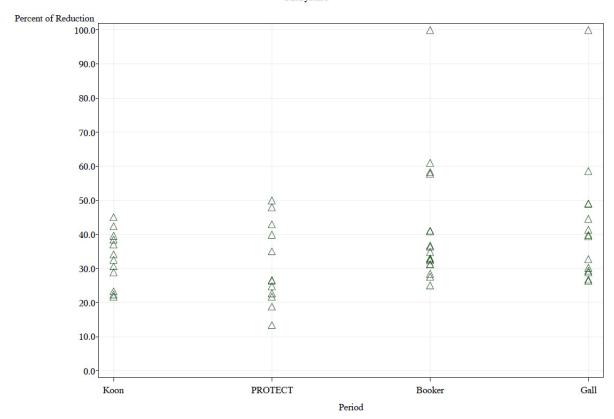
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Fourth Circuit



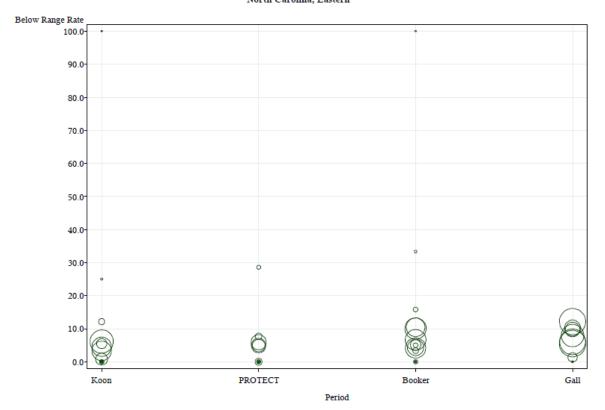
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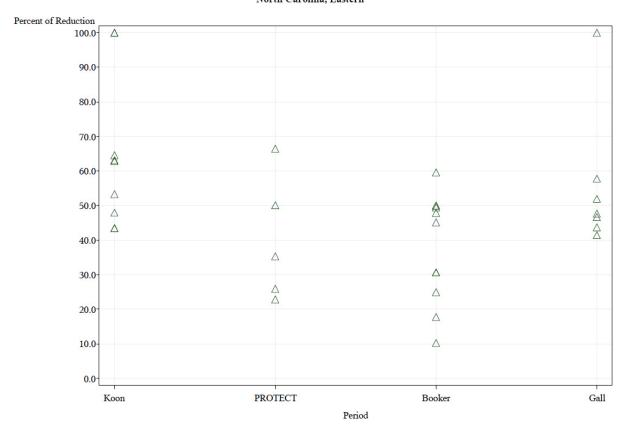
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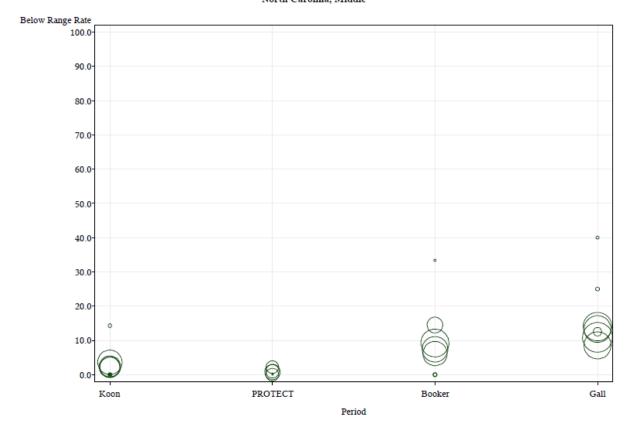
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) North Carolina, Eastern



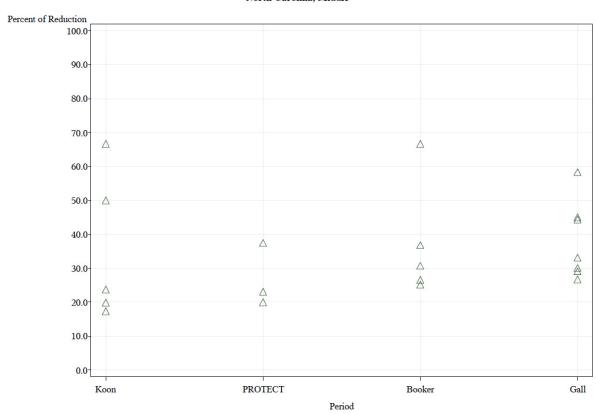
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) North Carolina, Eastern



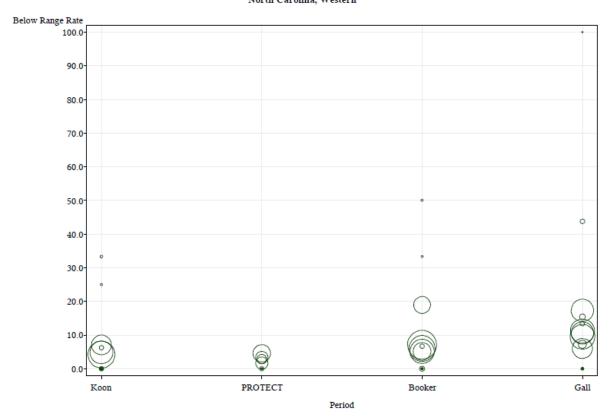
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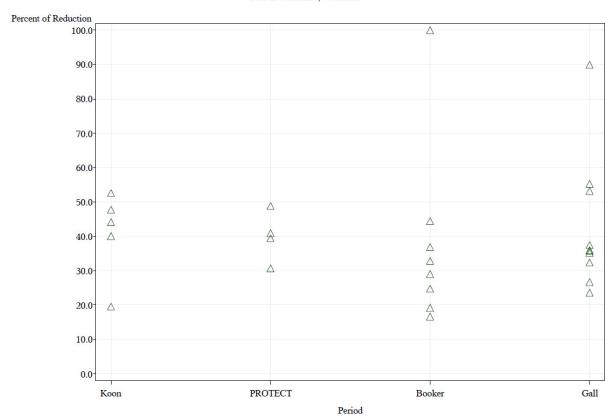
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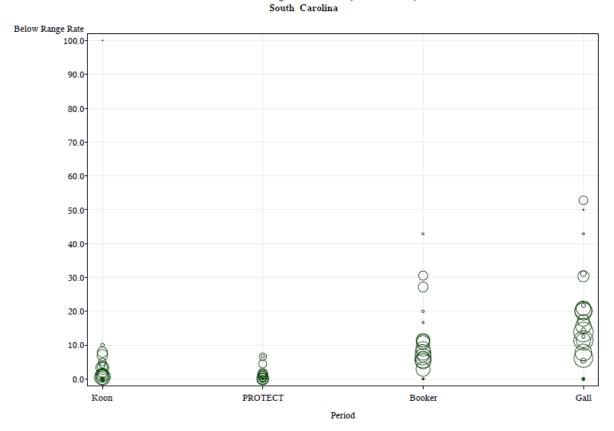
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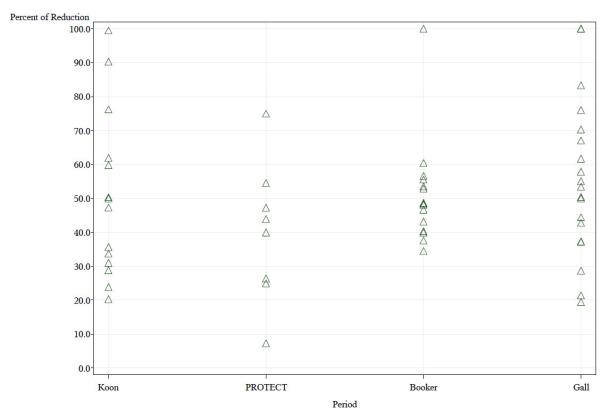
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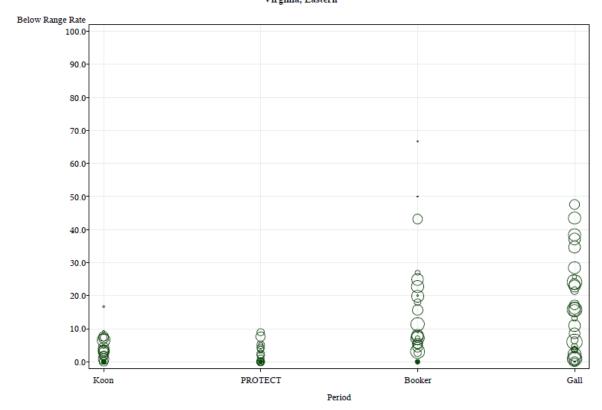
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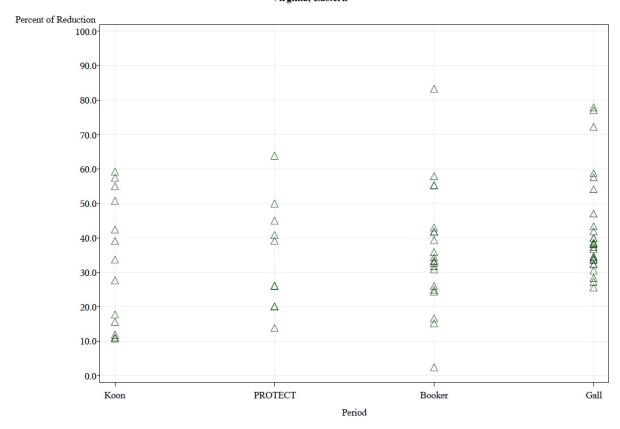
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) South Carolina



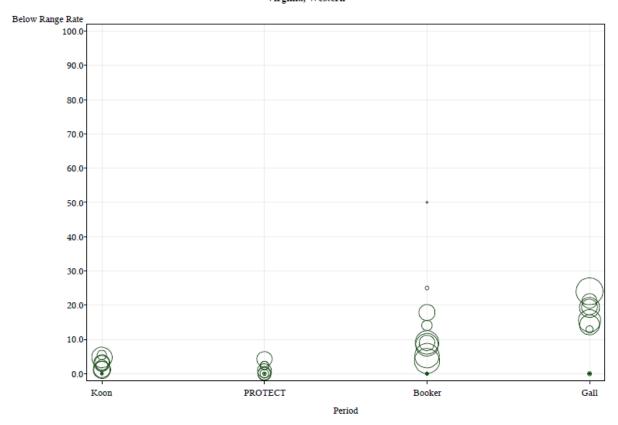
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Virginia, Eastern



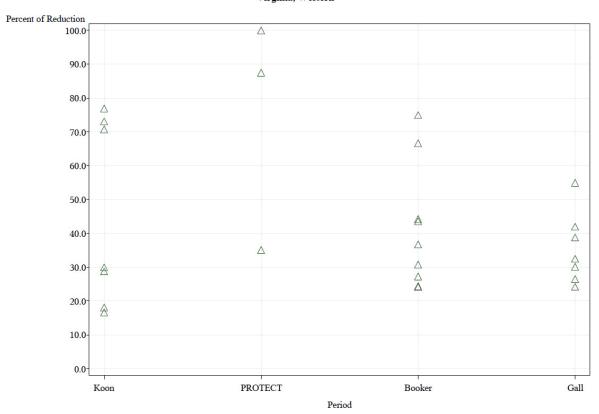
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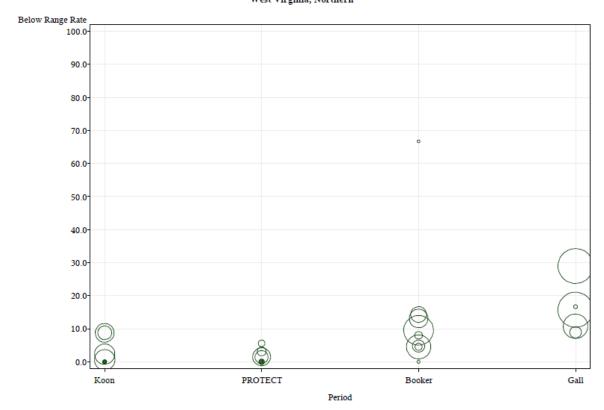
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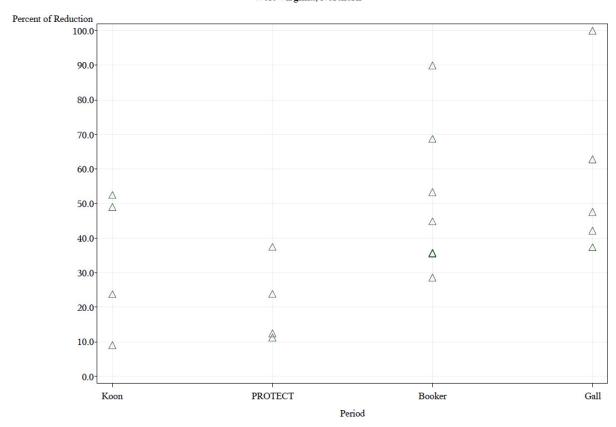
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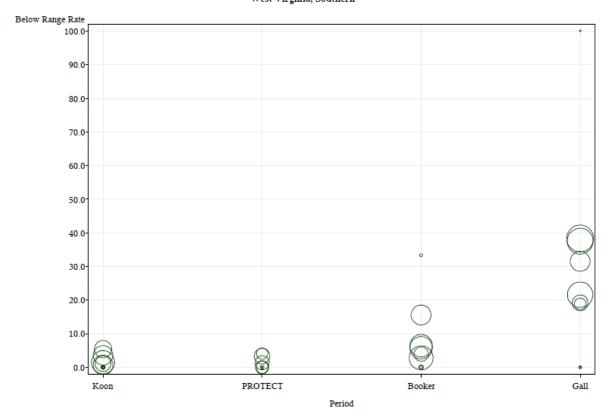
# Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) West Virginia, Northern



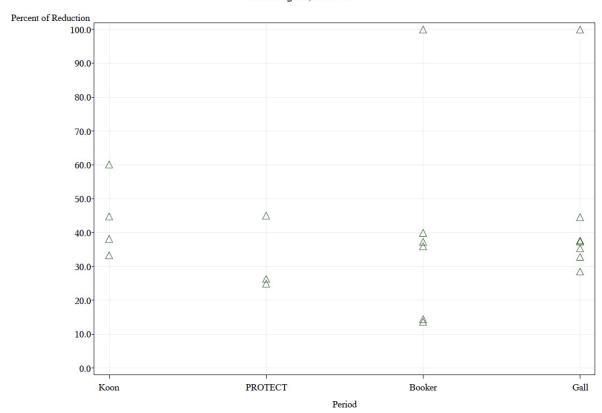
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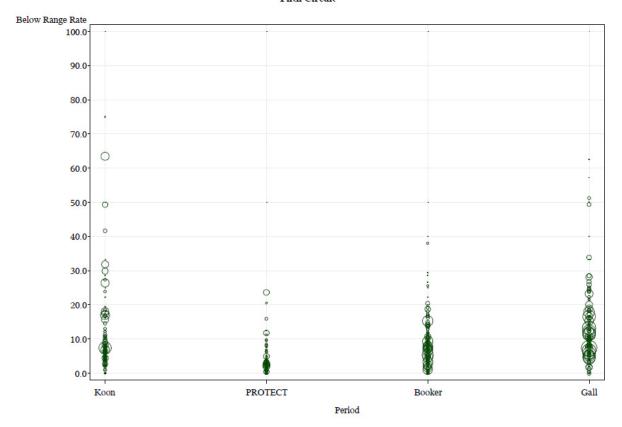
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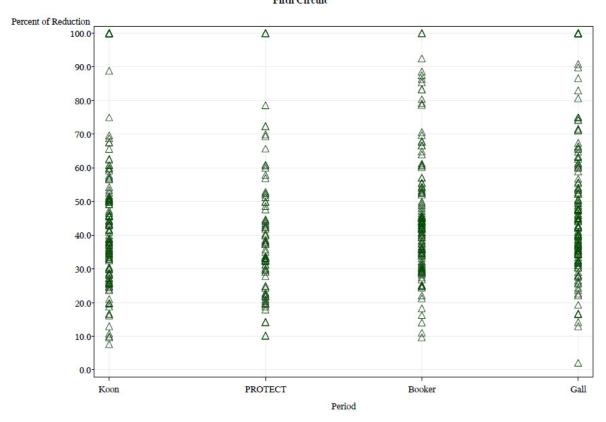
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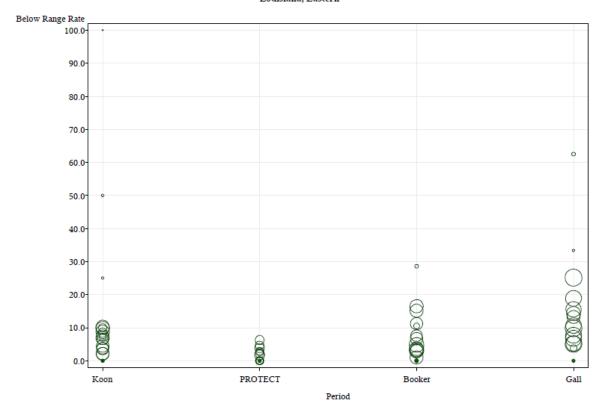
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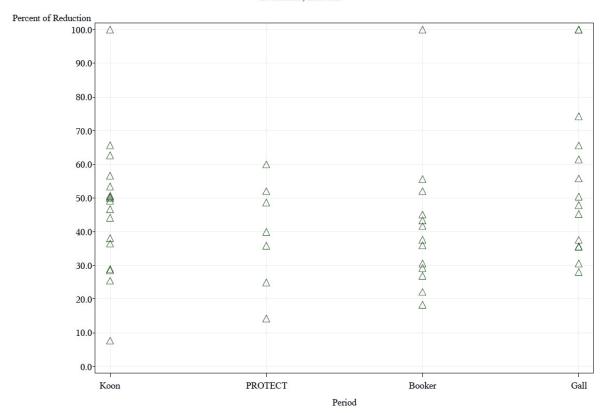
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Fifth Circuit



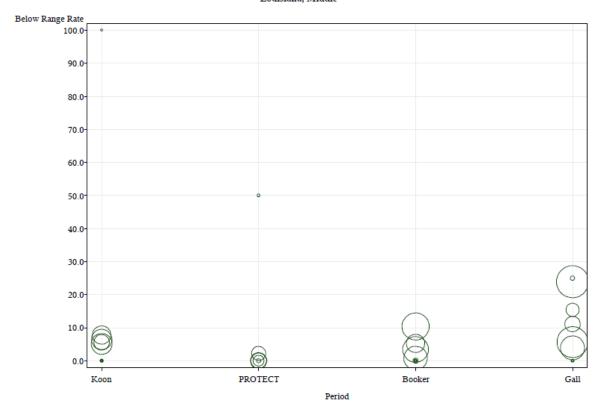
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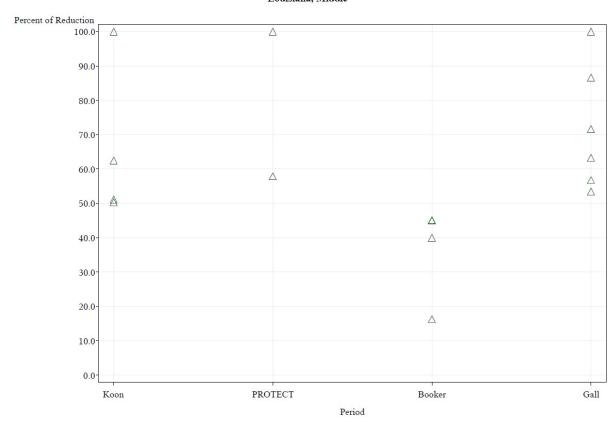
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Louisiana, Eastern



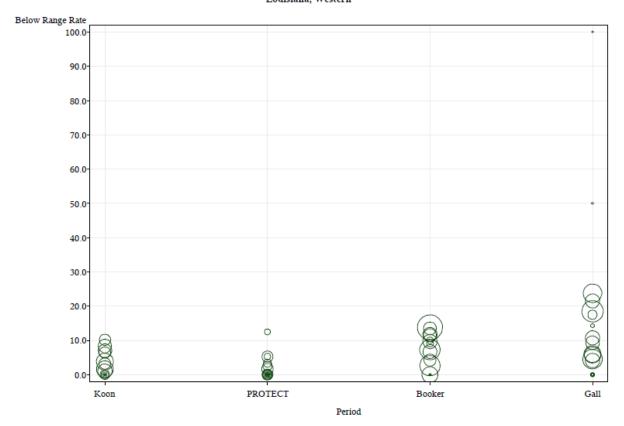
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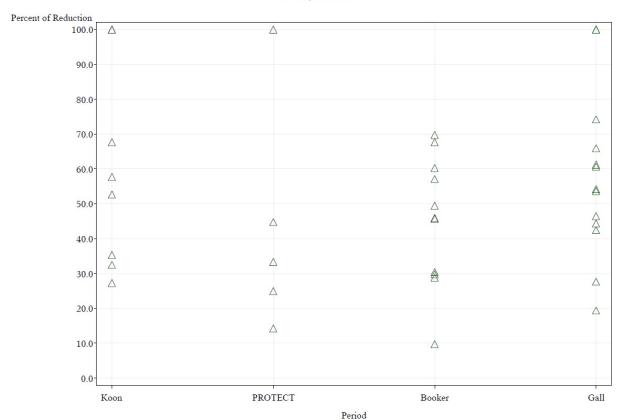
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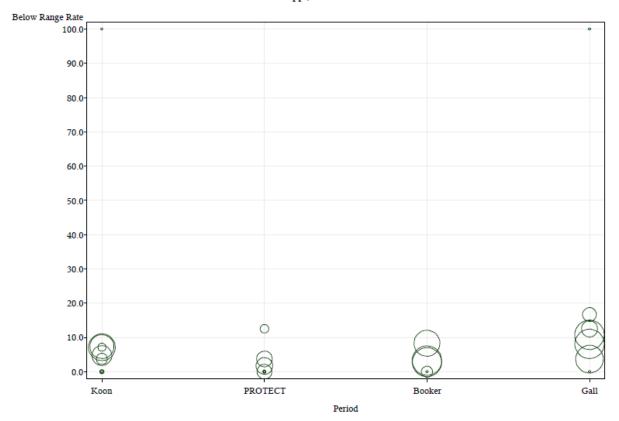
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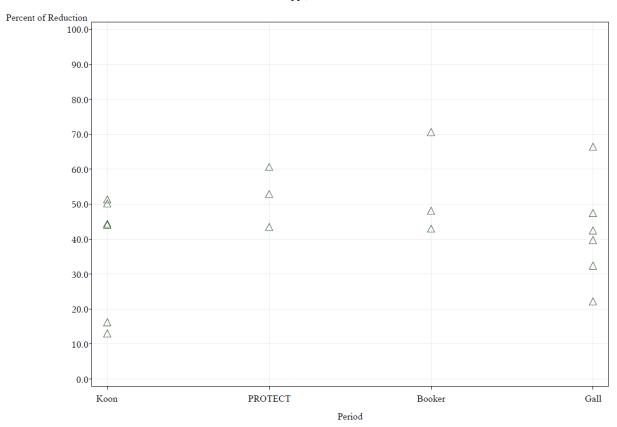
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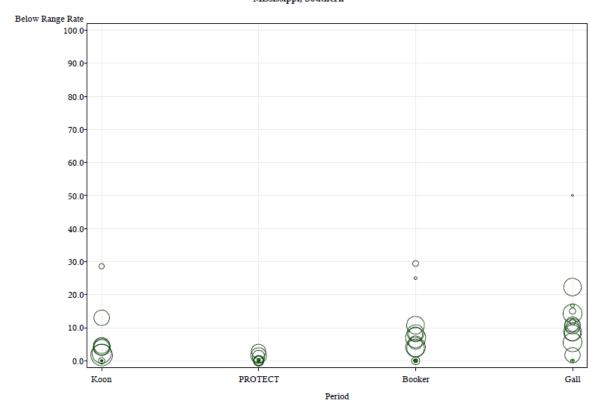
# Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Mississippi, Northern



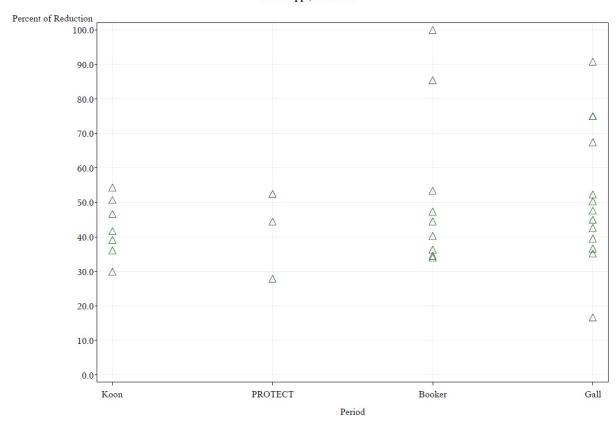
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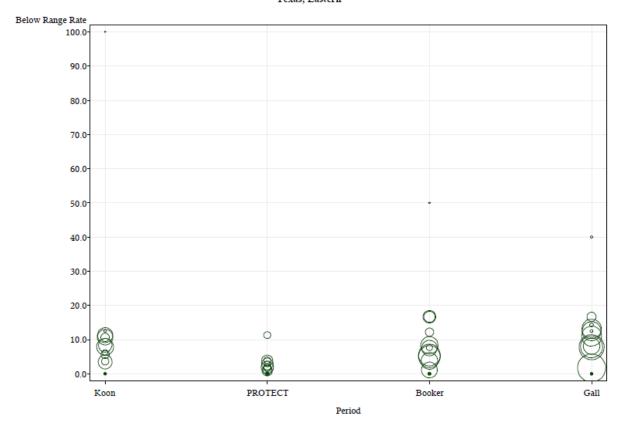
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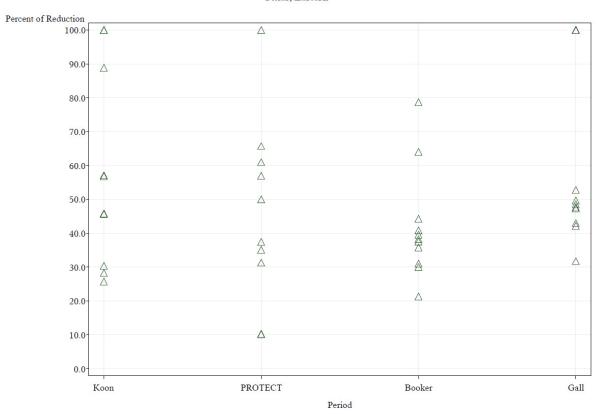
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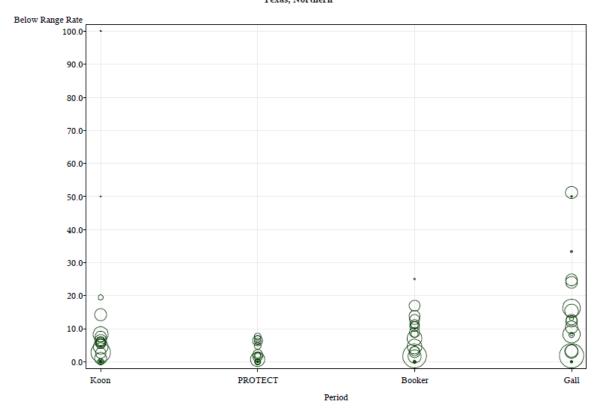
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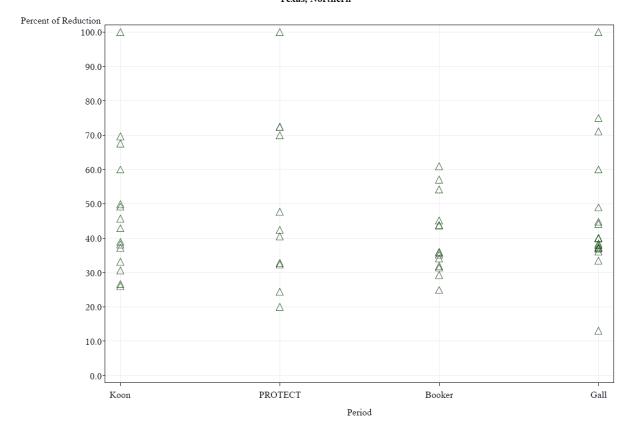
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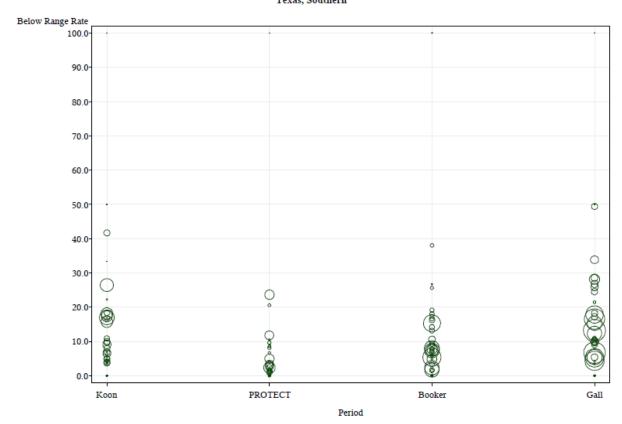
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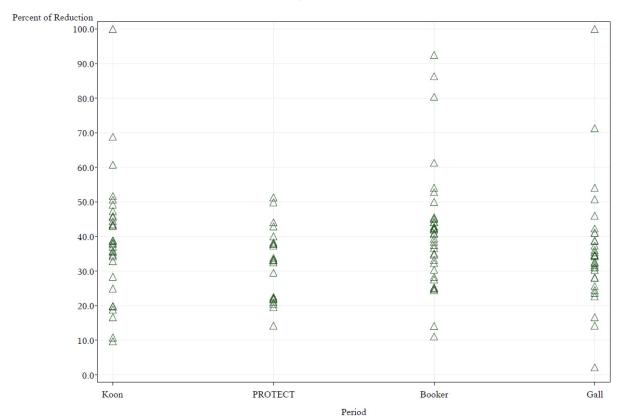
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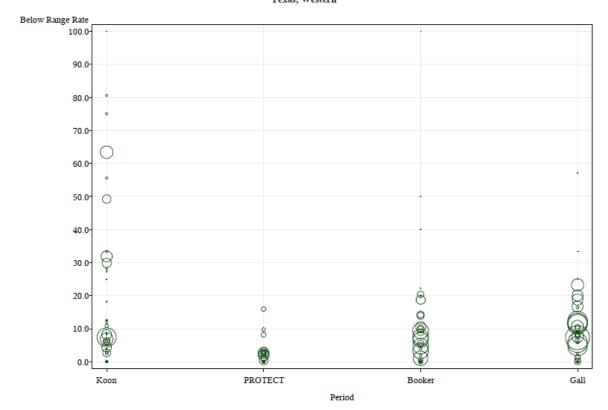
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Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Texas, Southern

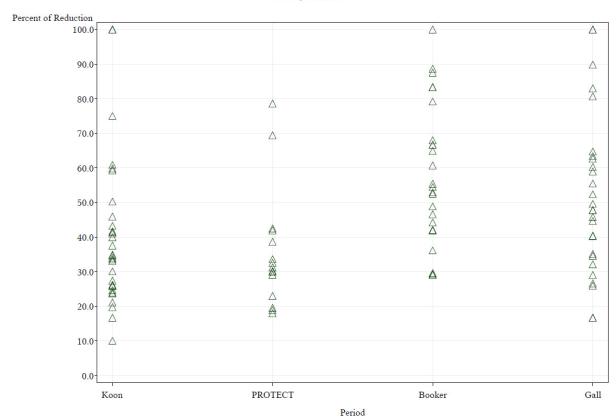


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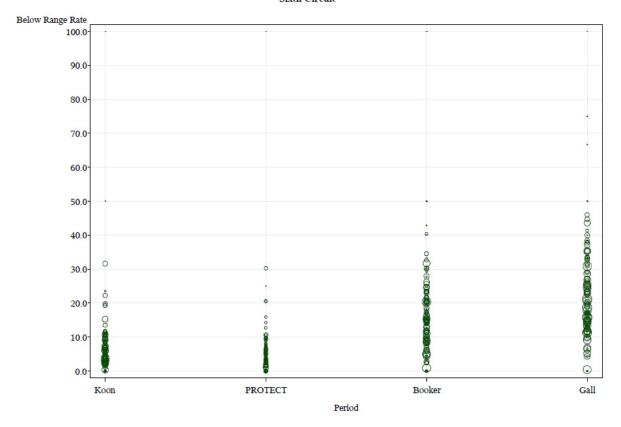


Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001)

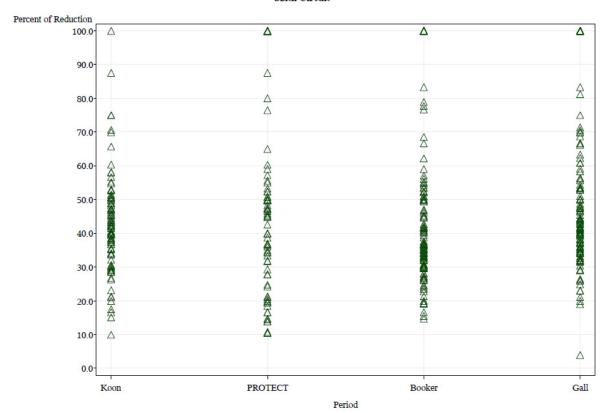
Texas, Western



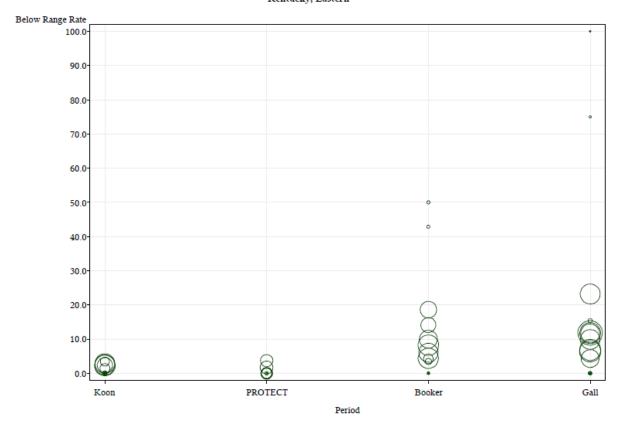
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Sixth Circuit



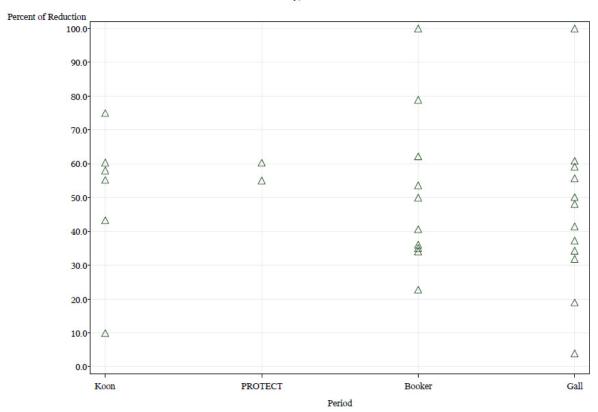
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Sixth Circuit



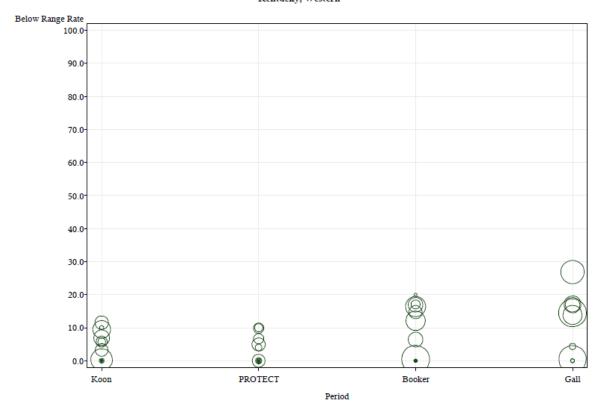
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Kentucky, Eastern



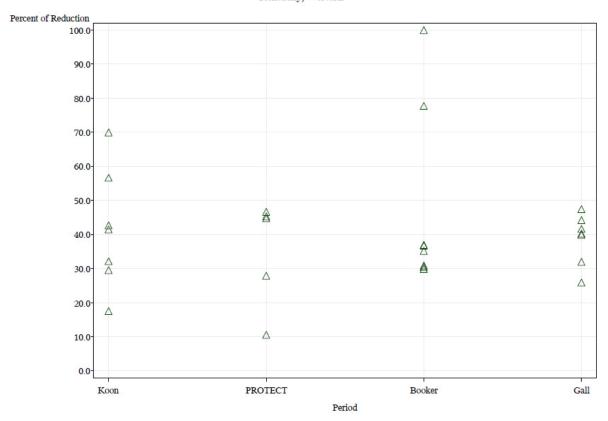
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Kentucky, Eastern



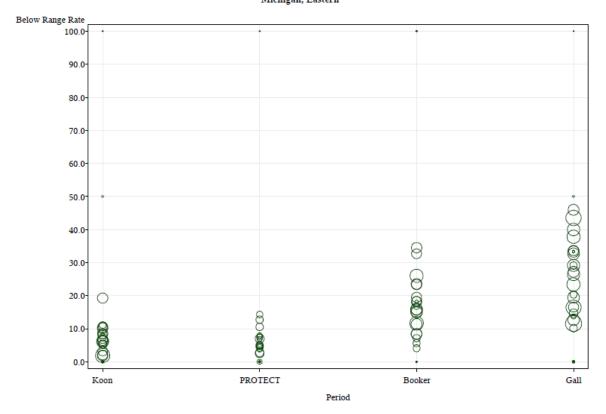
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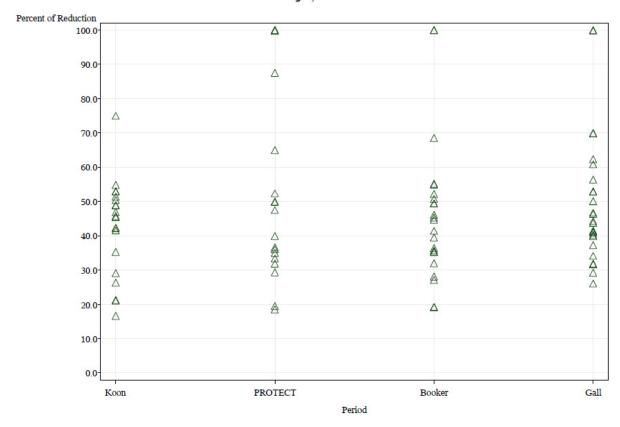
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Kentucky, Western



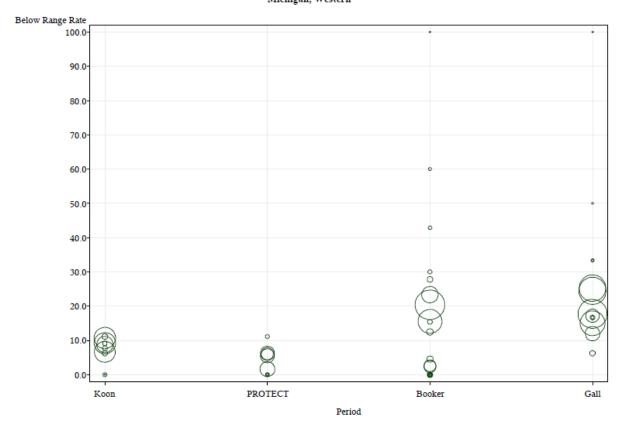
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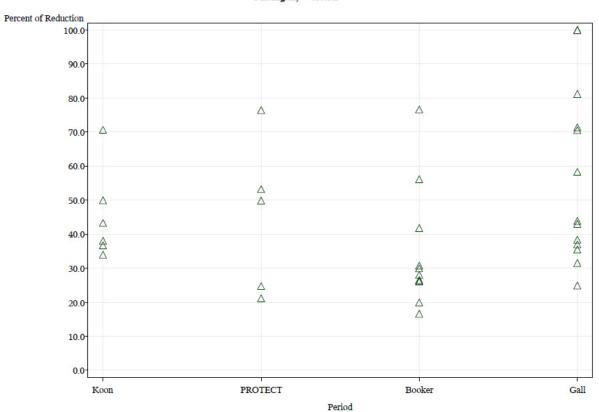
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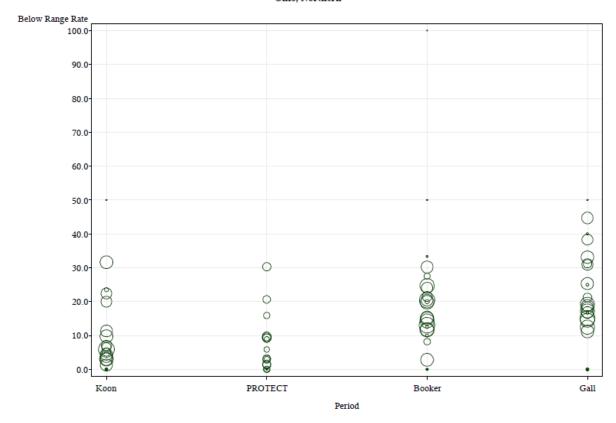
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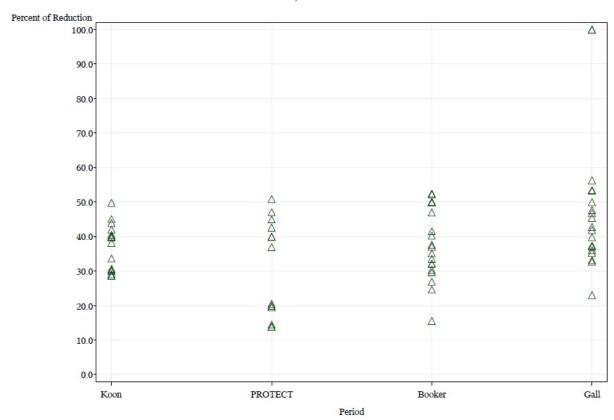
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Michigan, Western



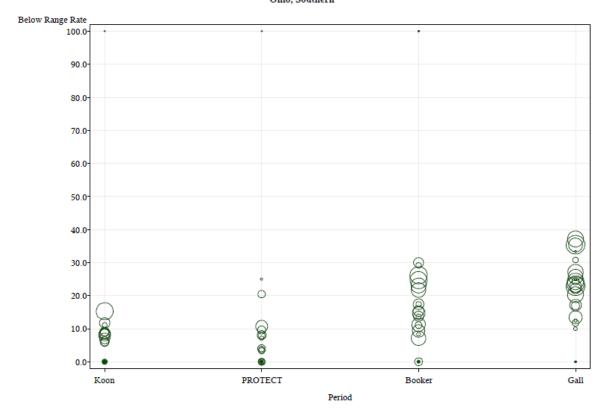
# Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Ohio, Northern



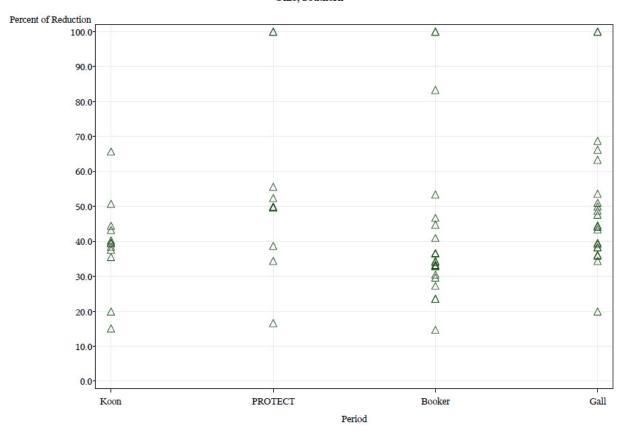
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Ohio, Northern



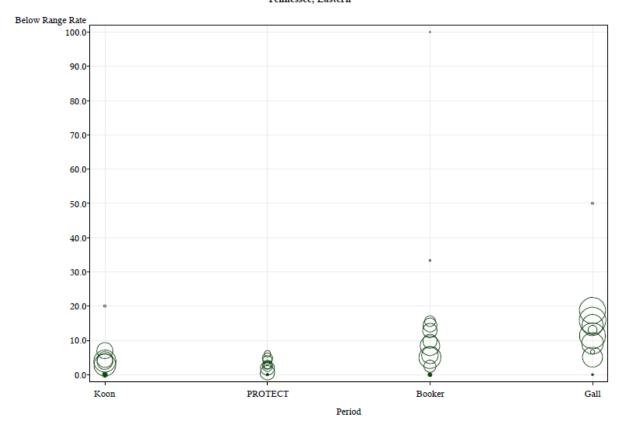
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Ohio, Southern



Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Ohio, Southern

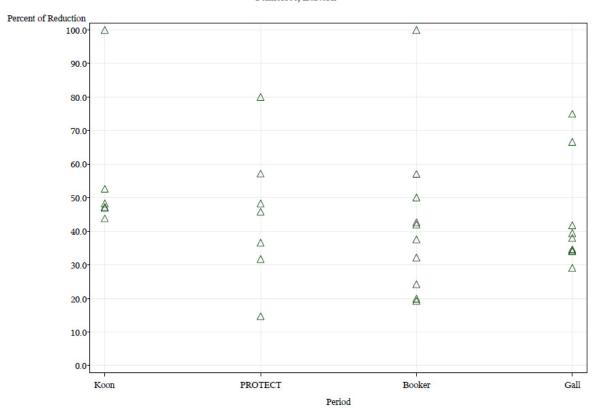


### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Tennessee, Eastern

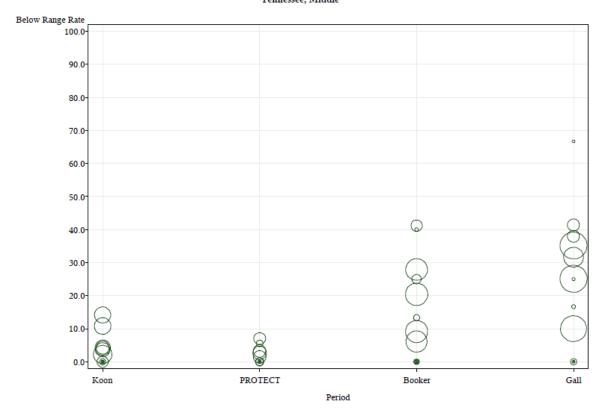


Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001)

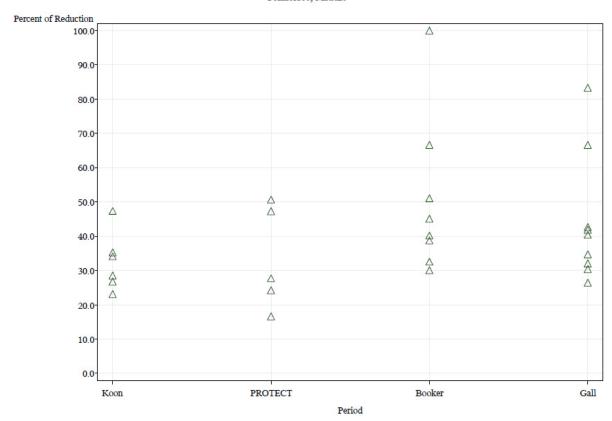
Tennessee, Eastern



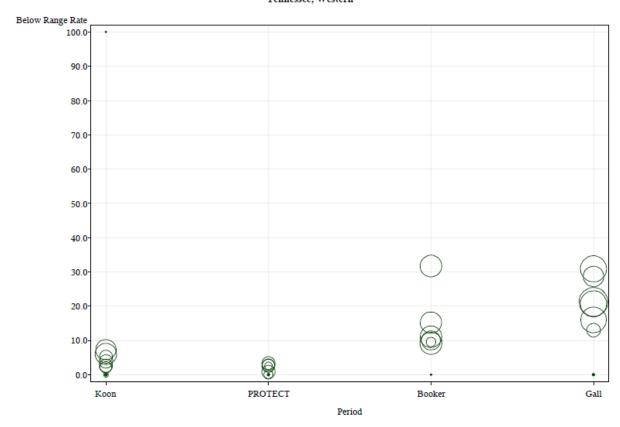
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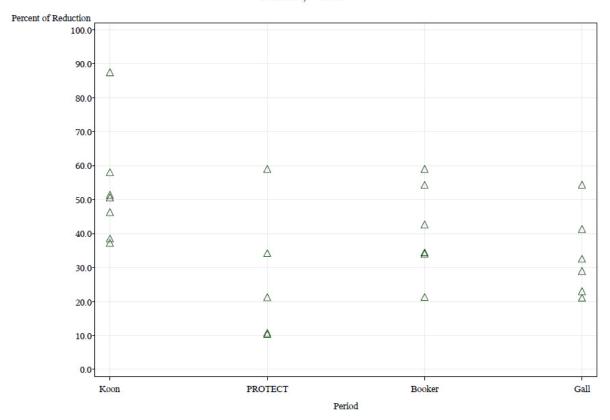
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001)
Tennessee, Middle



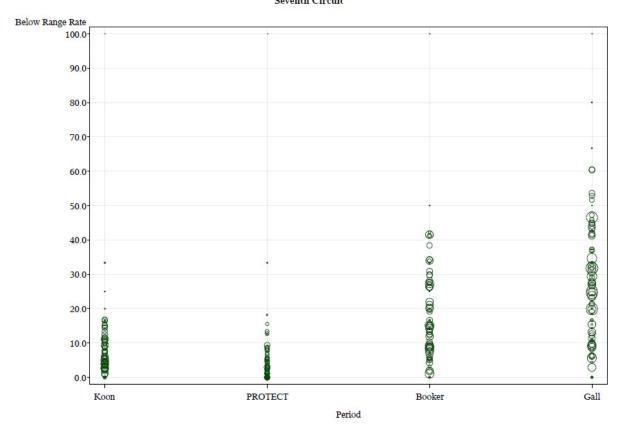
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Tennessee, Western



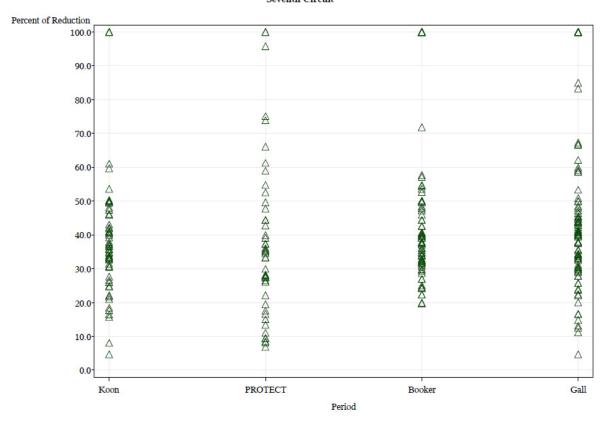
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001)
Tennessee, Western



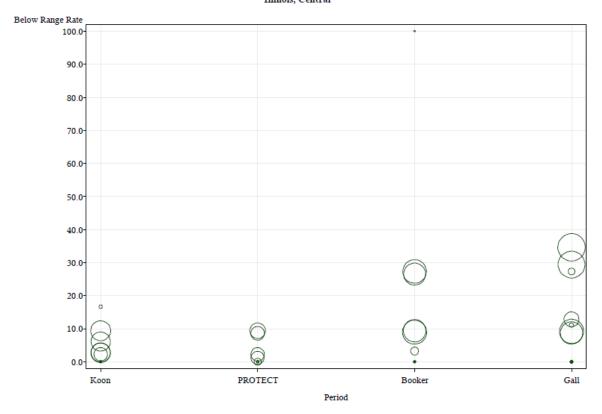
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Seventh Circuit



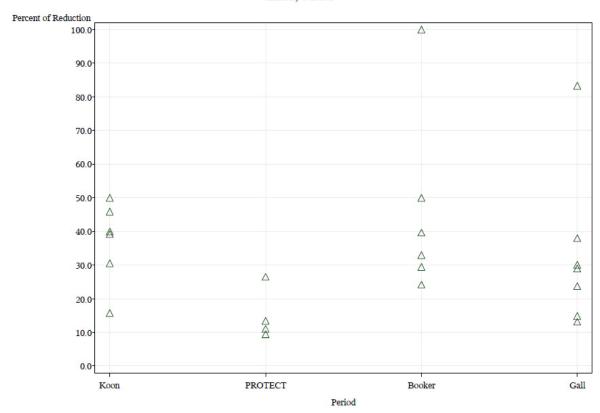
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Seventh Circuit



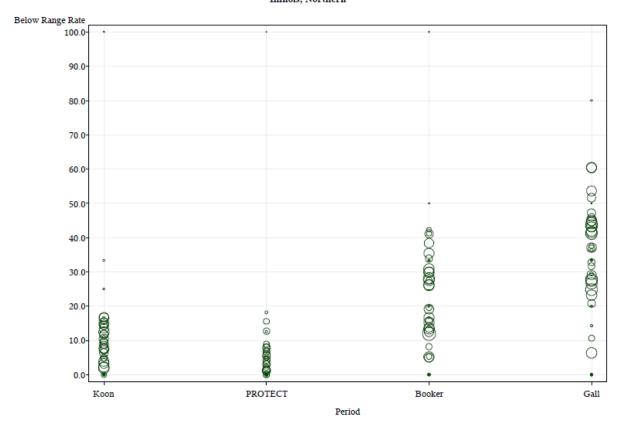
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Illinois, Central



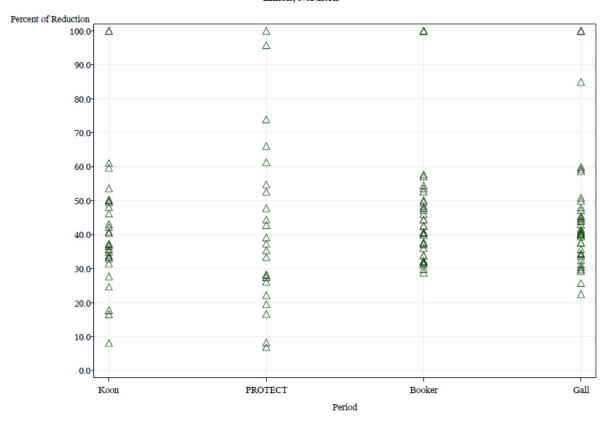
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Illinois, Central



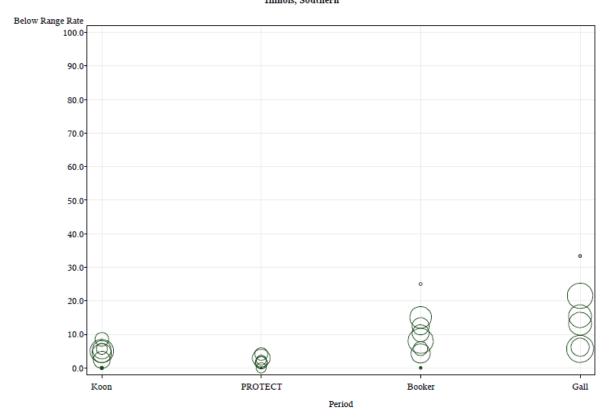
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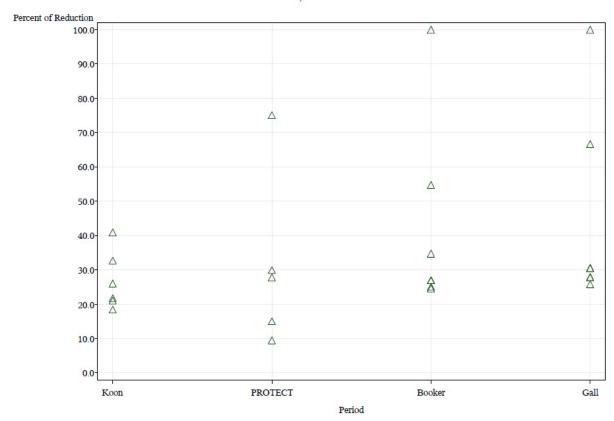
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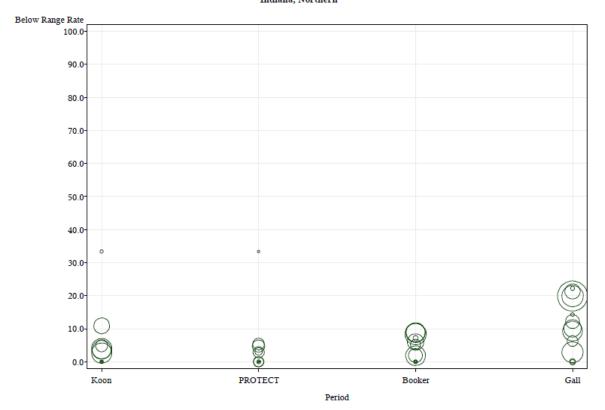
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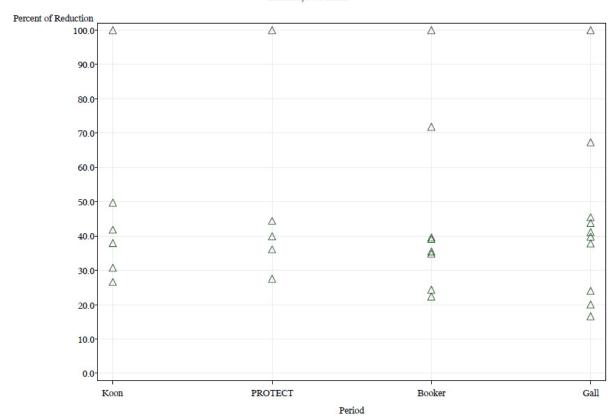
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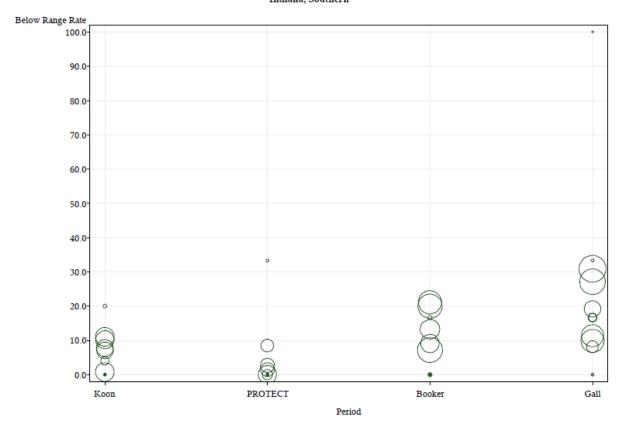
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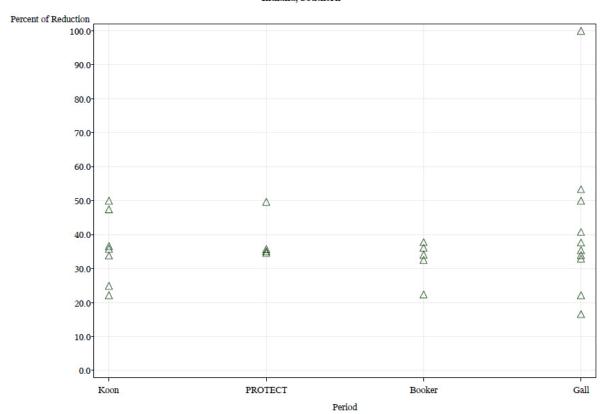
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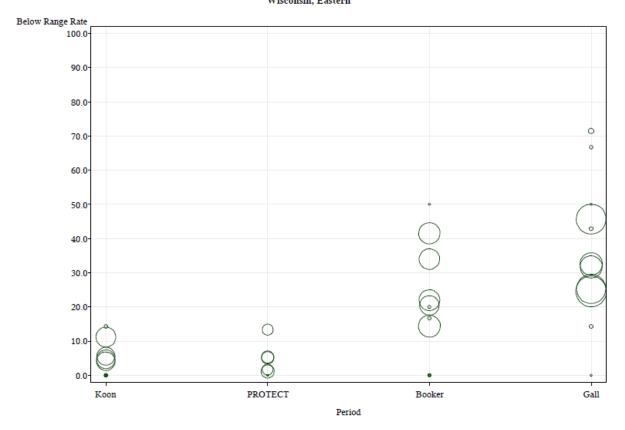
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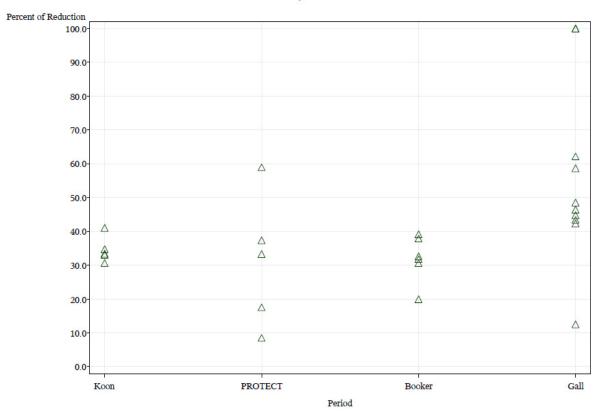
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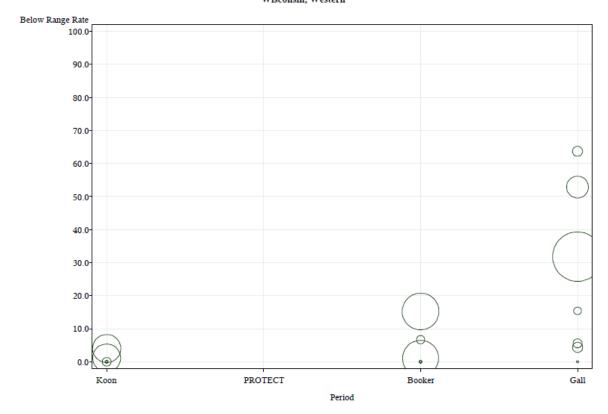
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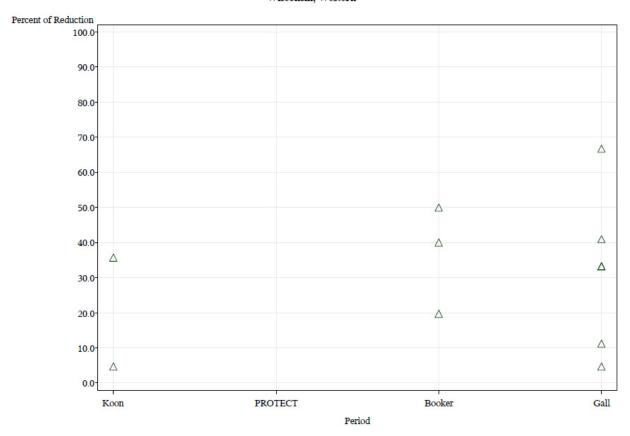
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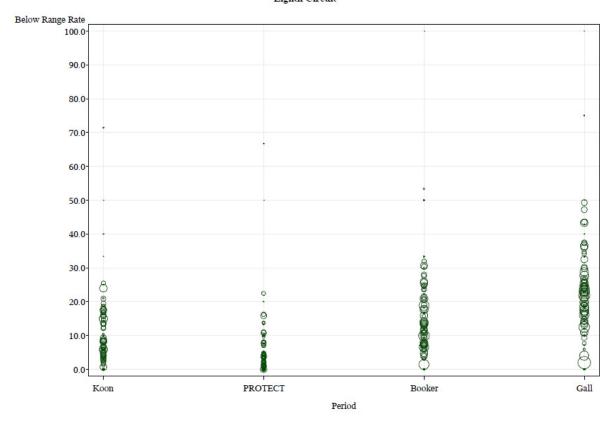
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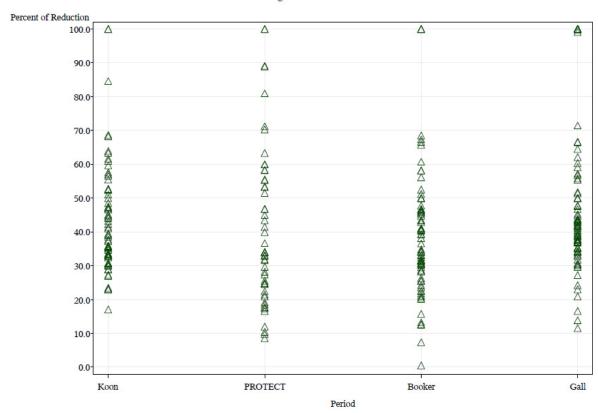
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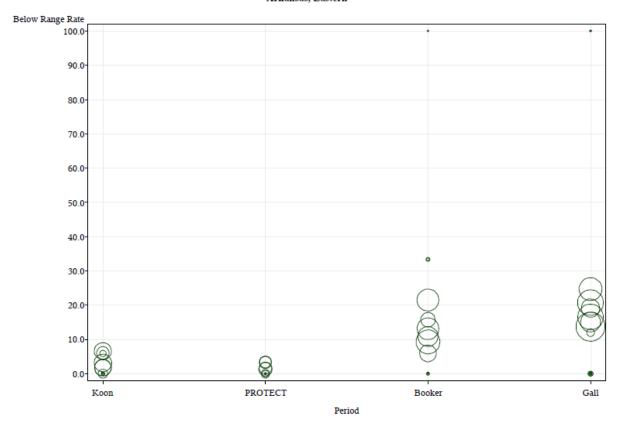
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Eighth Circuit



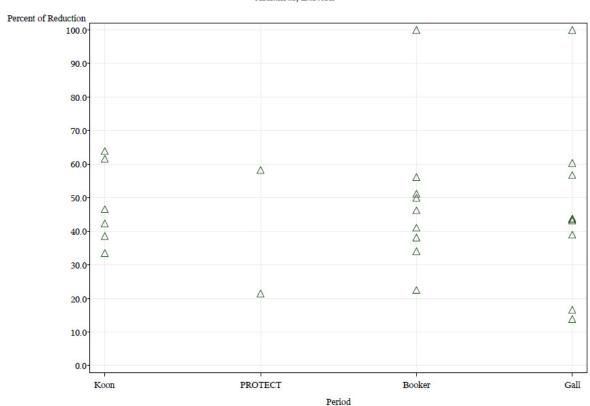
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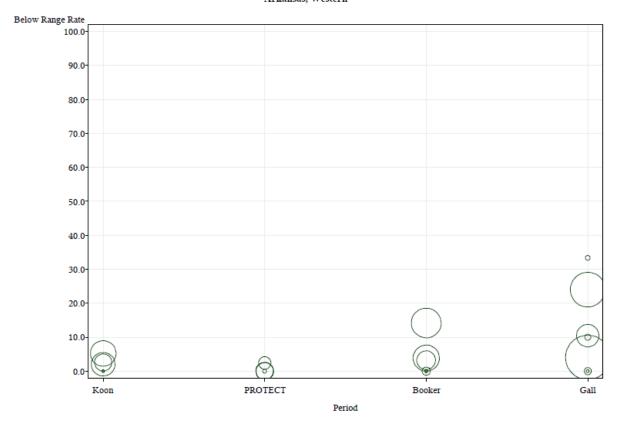
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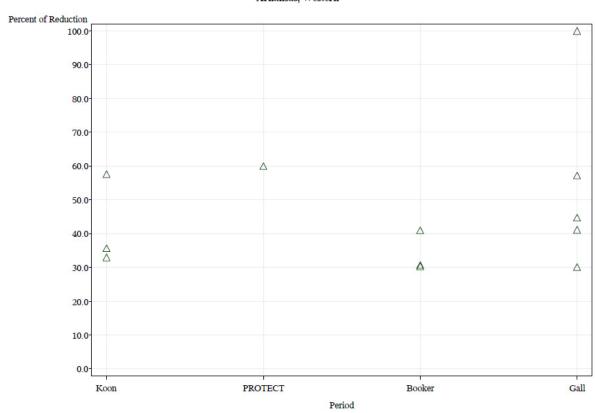
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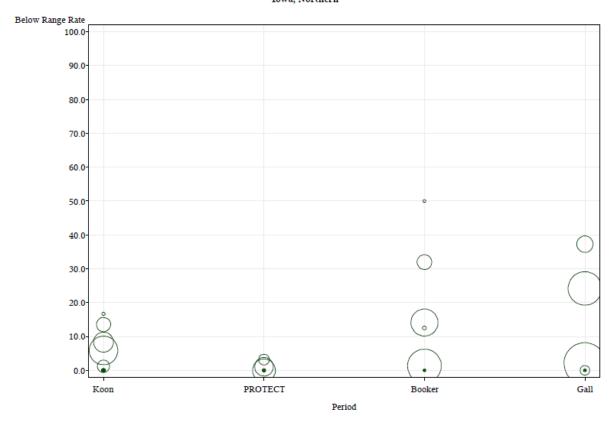
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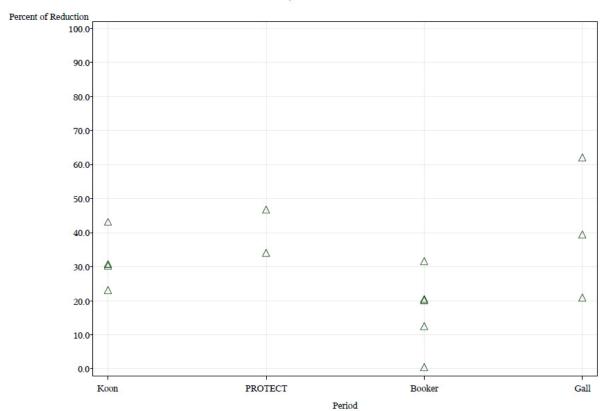
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Arkansas, Western



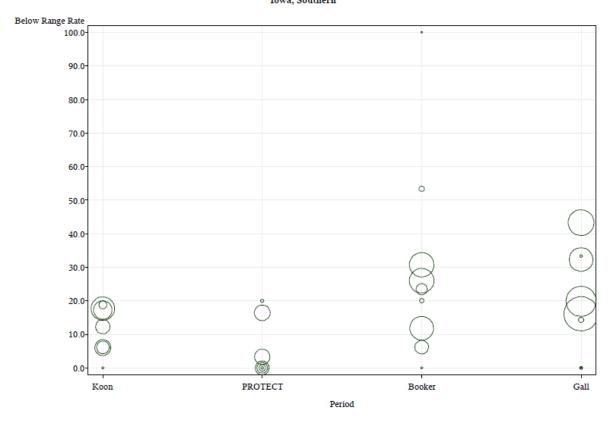
# Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Iowa, Northern



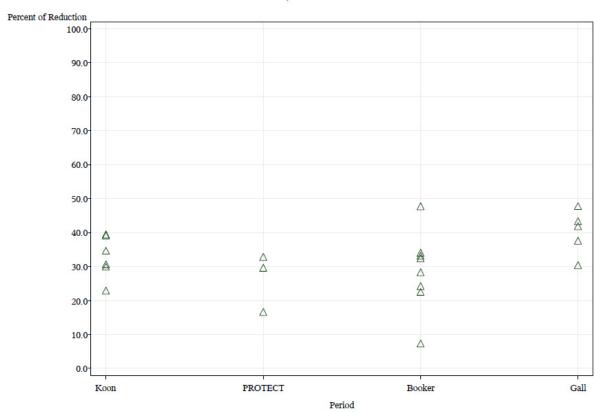
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Iowa, Northern



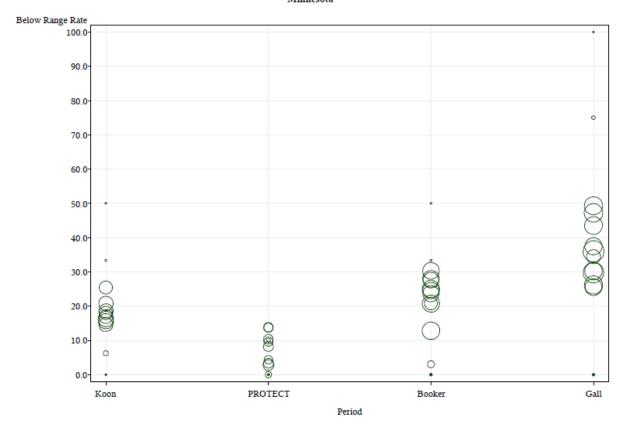
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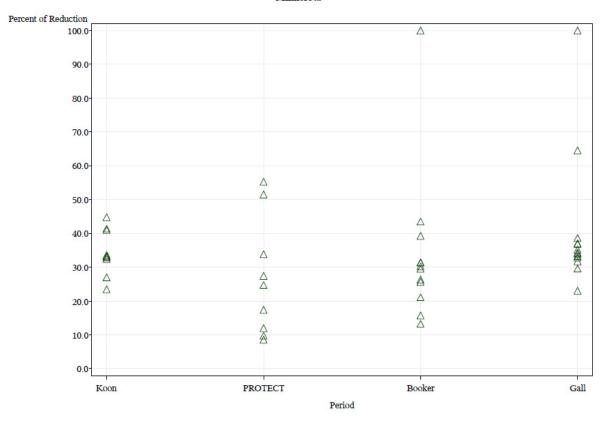
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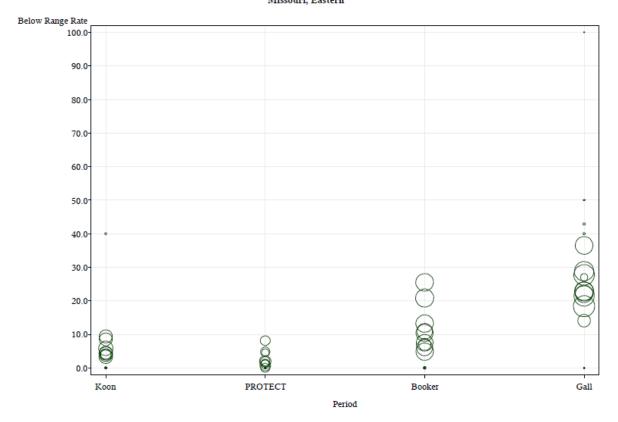
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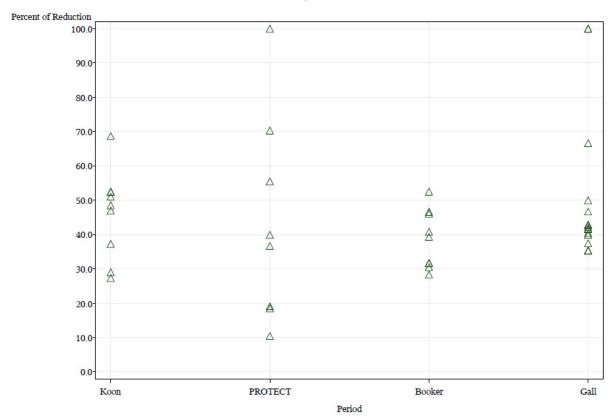
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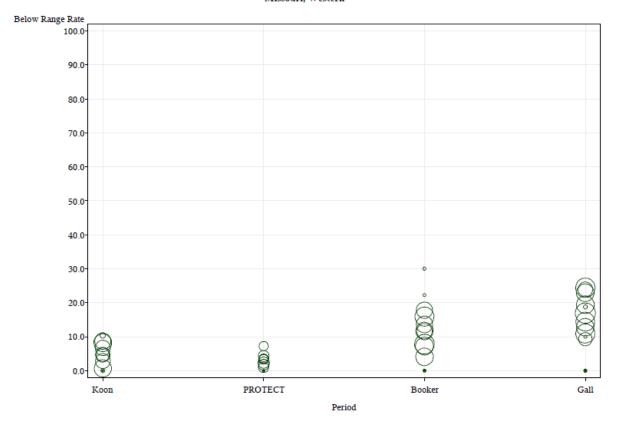
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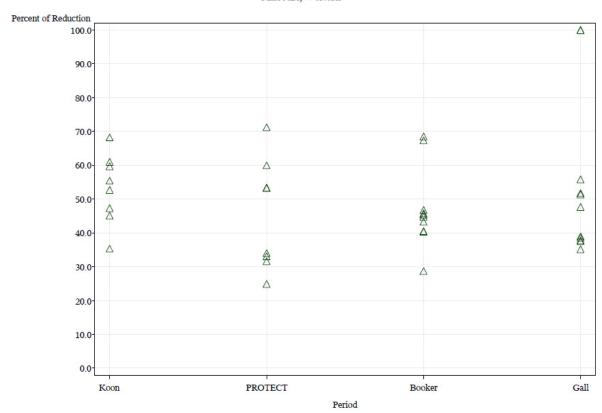
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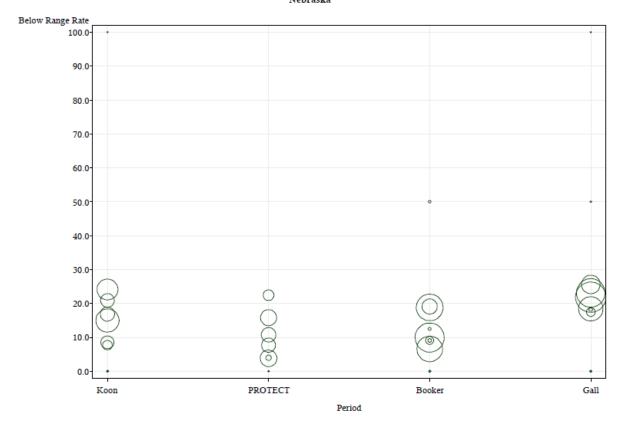
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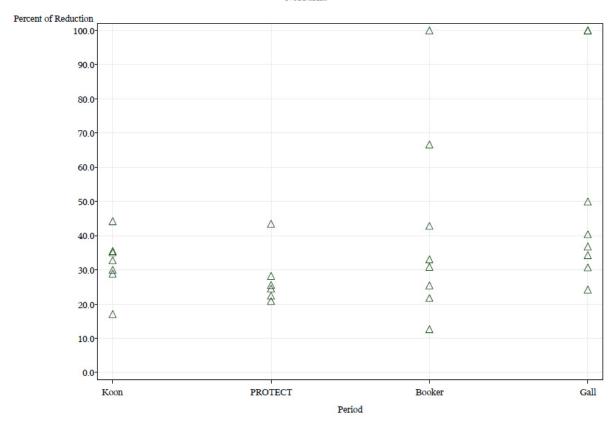
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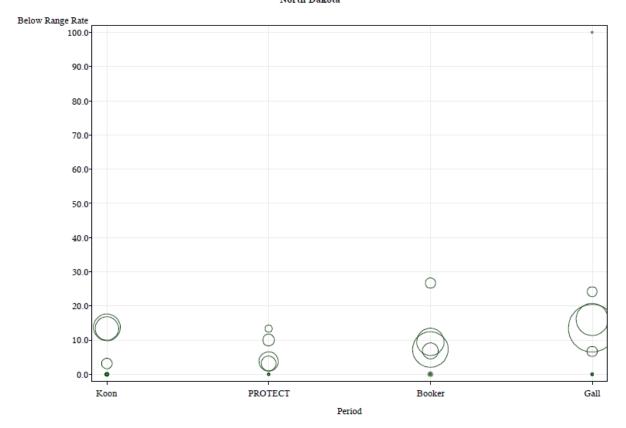
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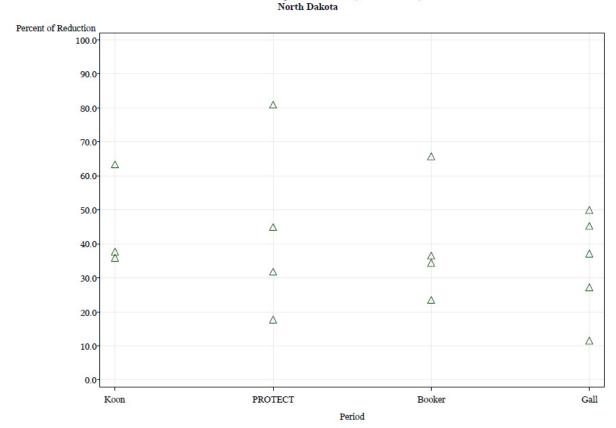
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Nebraska



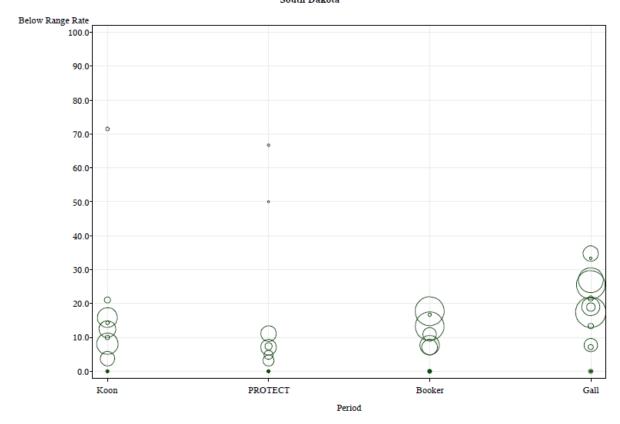
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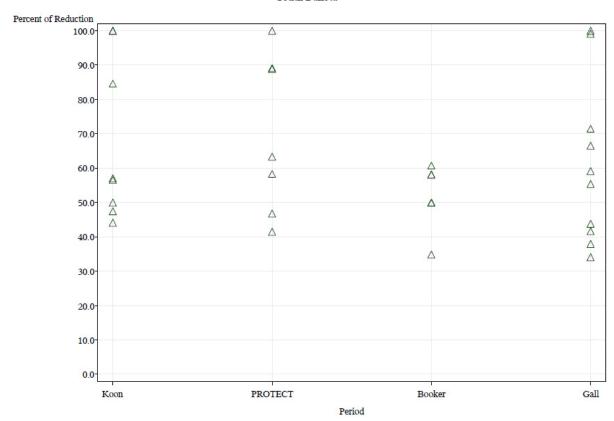
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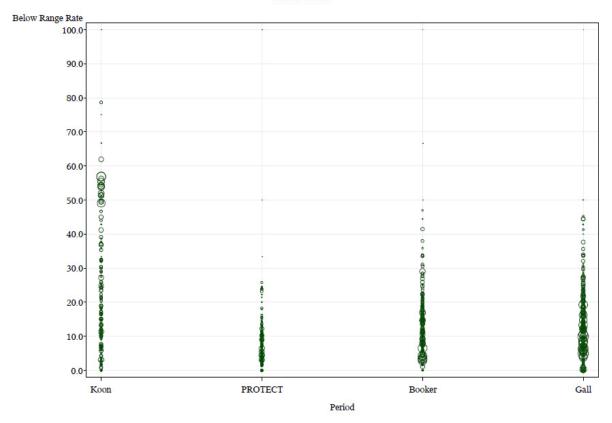
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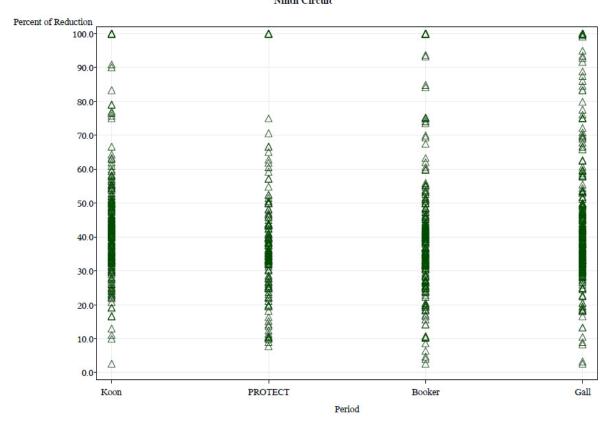
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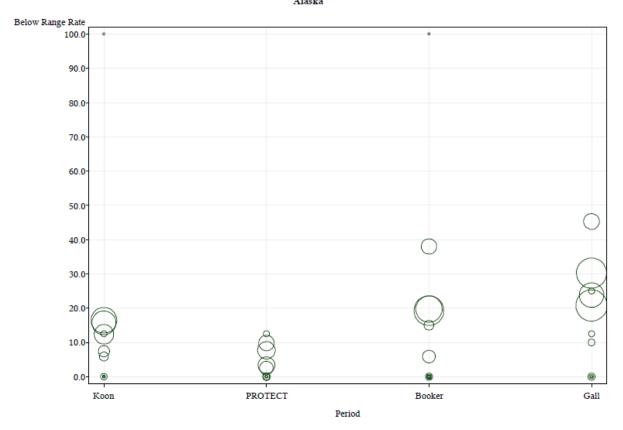
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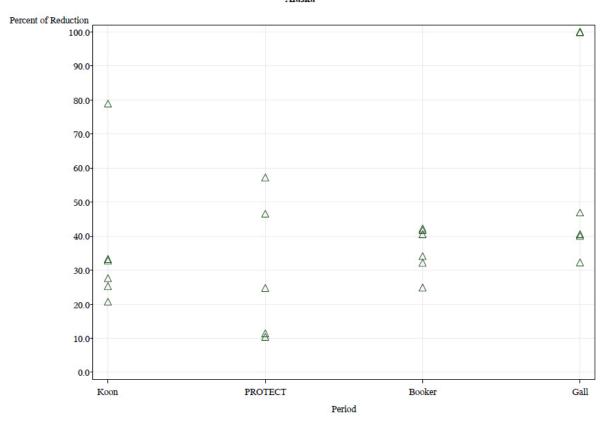
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Ninth Circuit



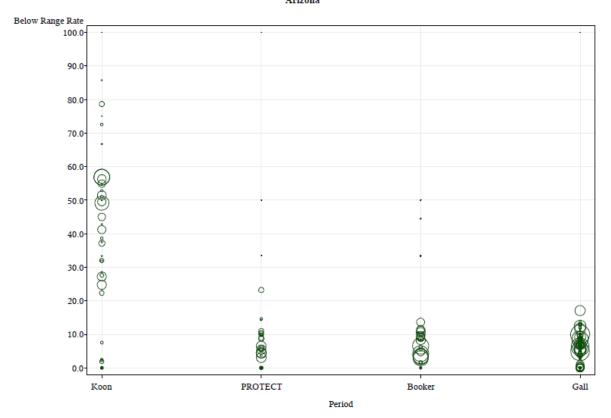
Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Alaska



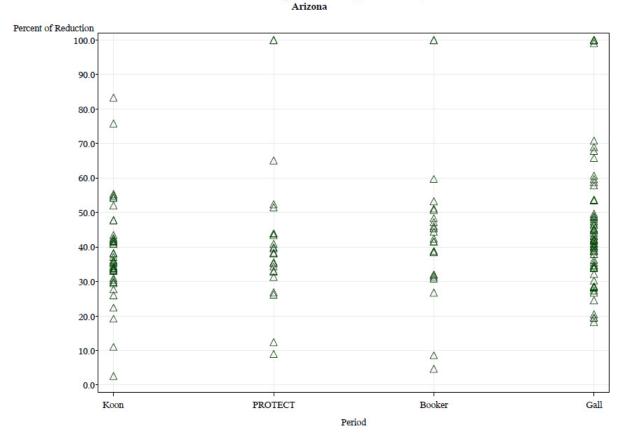
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Alaska



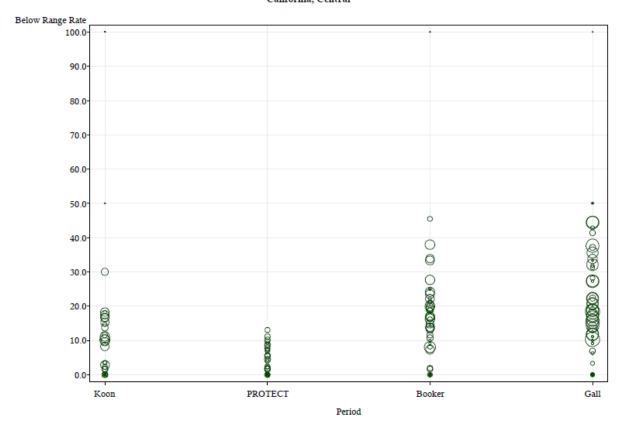
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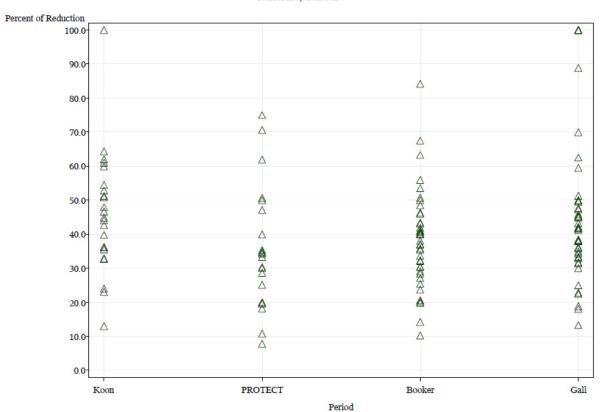
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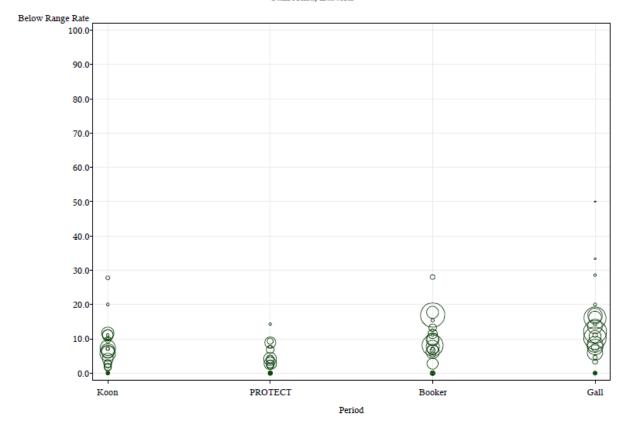
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) California, Central



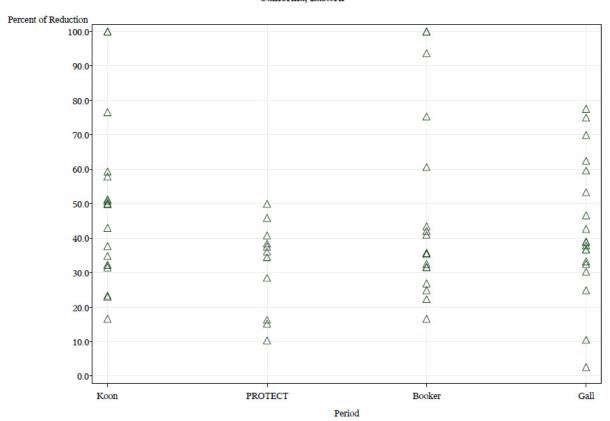
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) California, Central



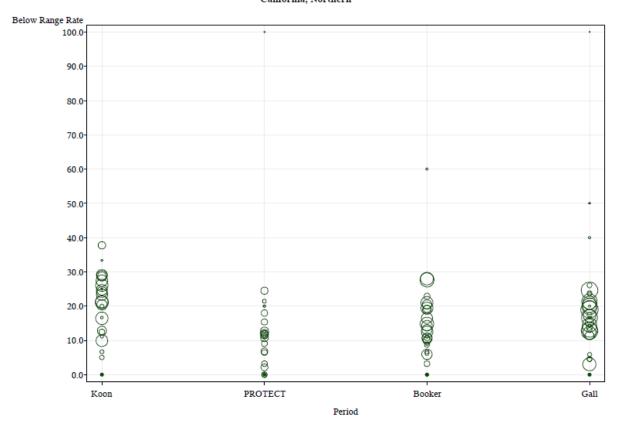
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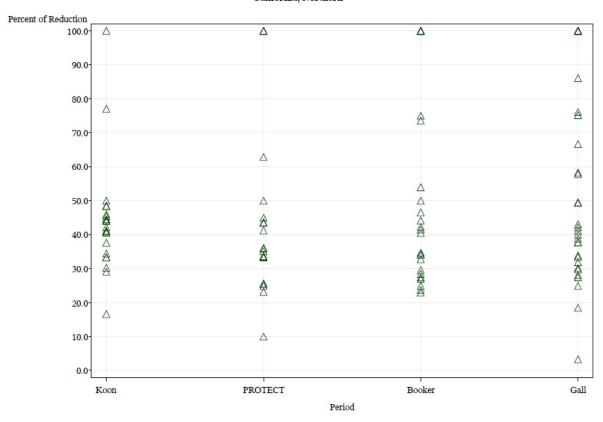
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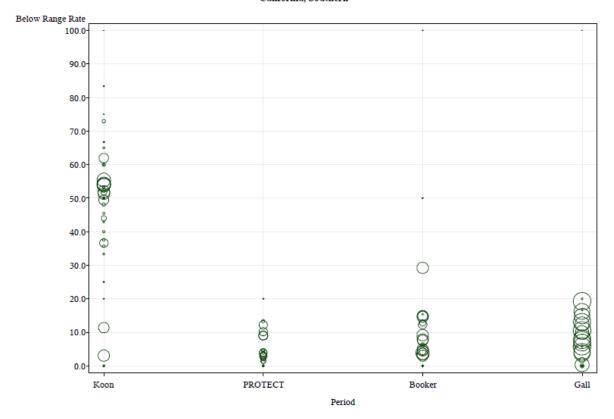
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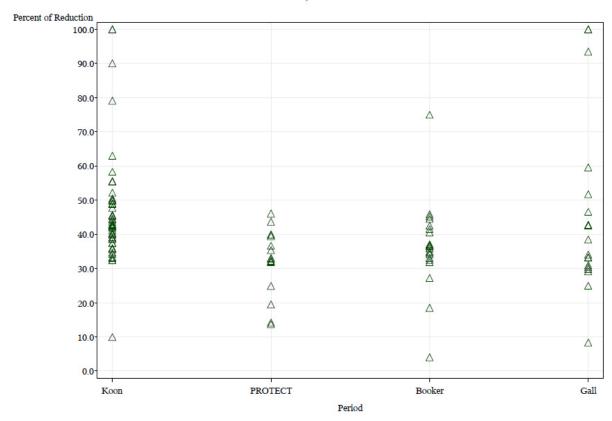
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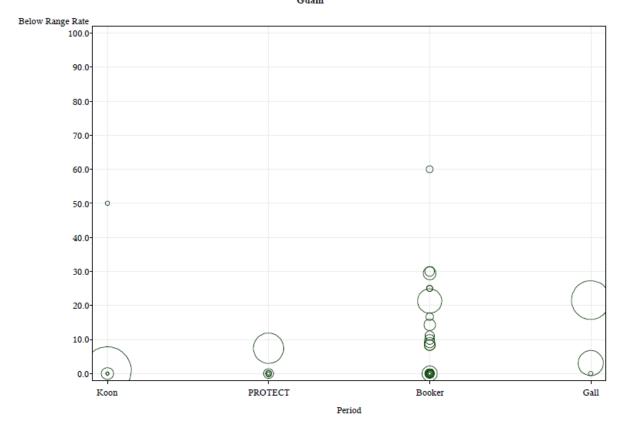
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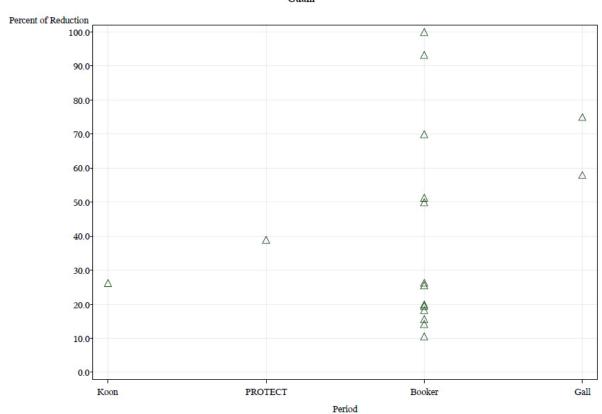
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) California, Southern



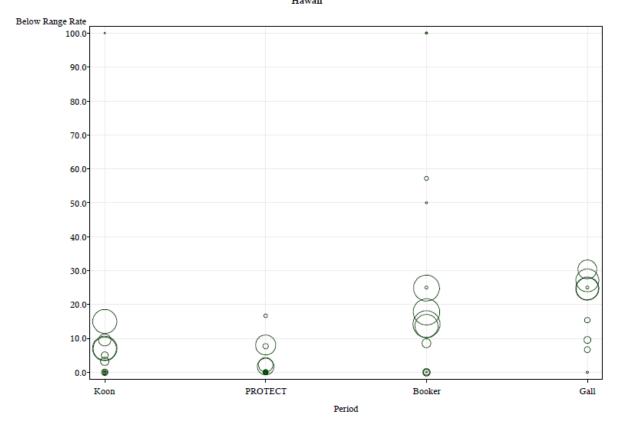
# Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001)



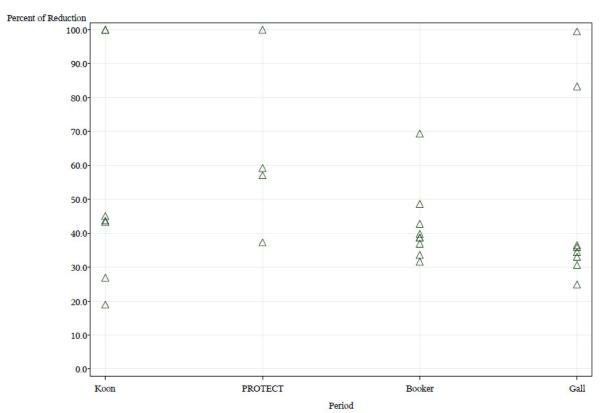
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Guam



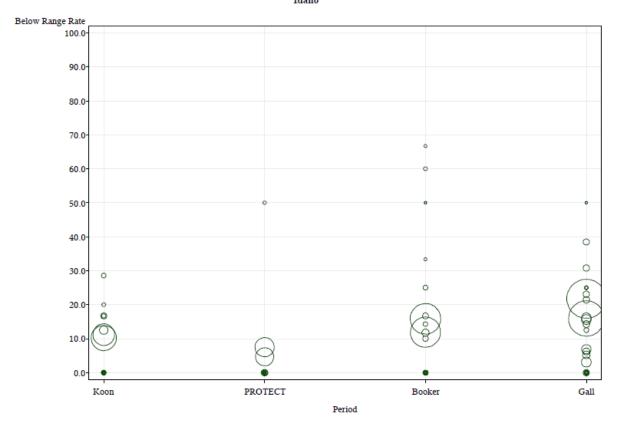
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Hawaii



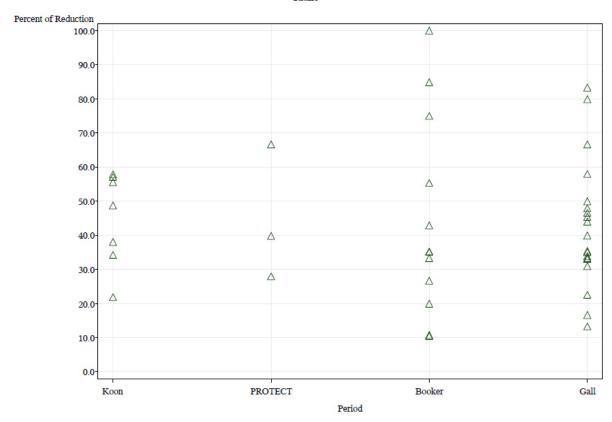
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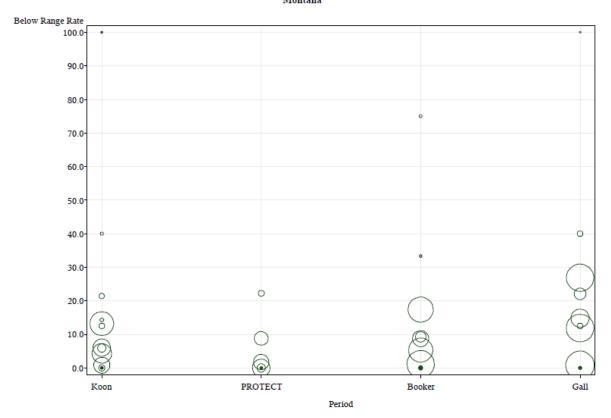
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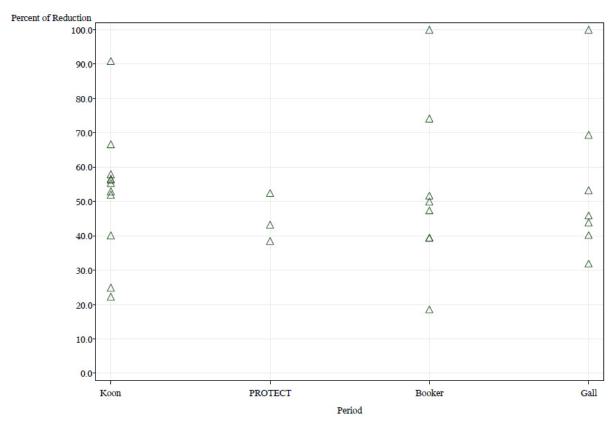
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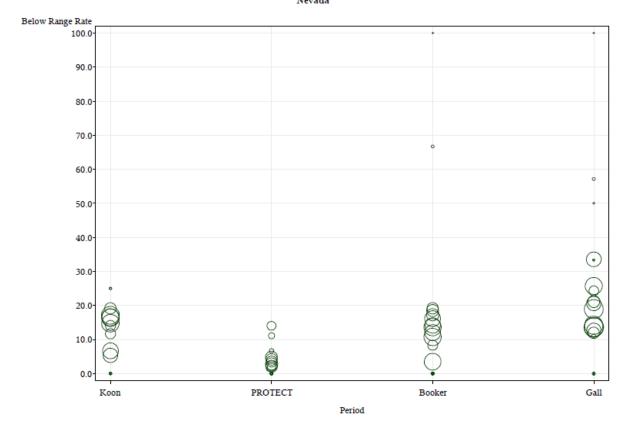
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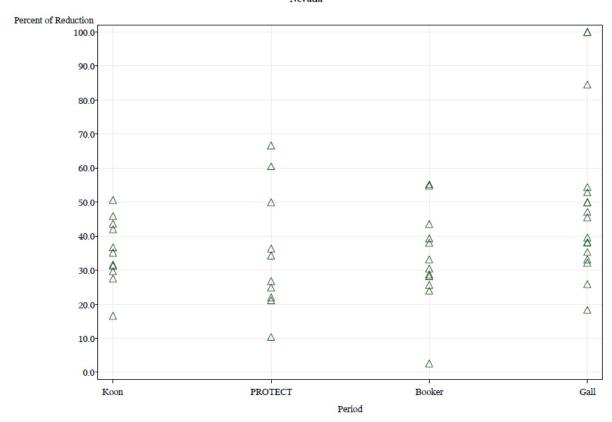
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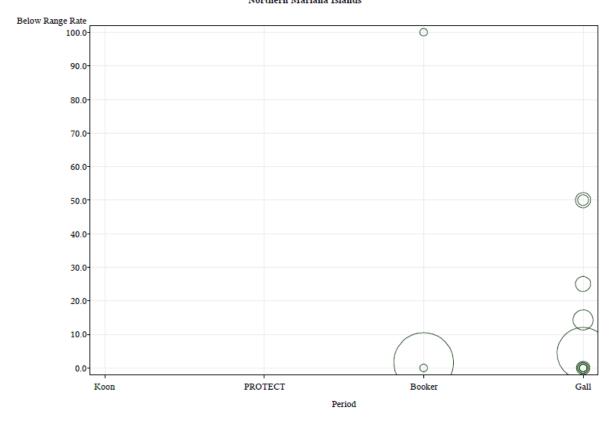
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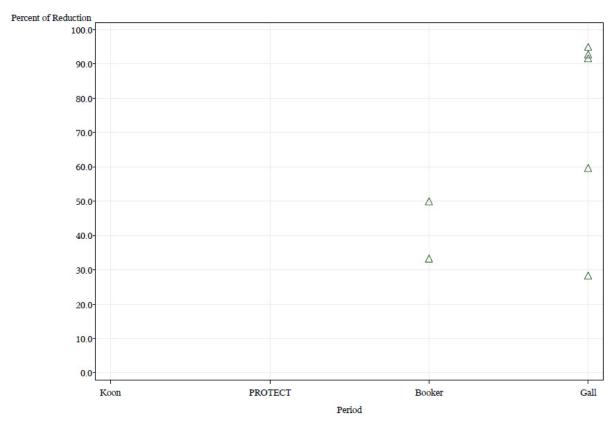
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Nevada



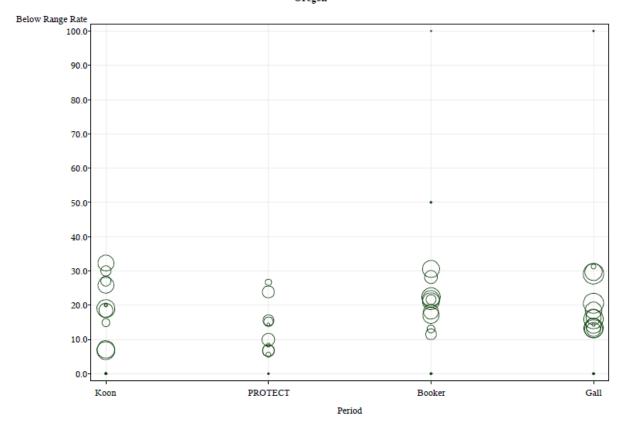
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Northern Mariana Islands



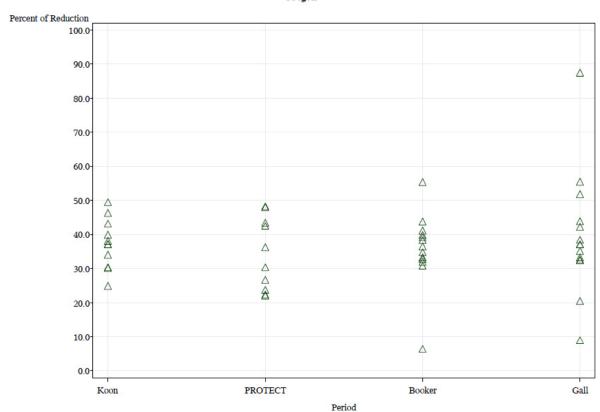
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Northern Mariana Islands



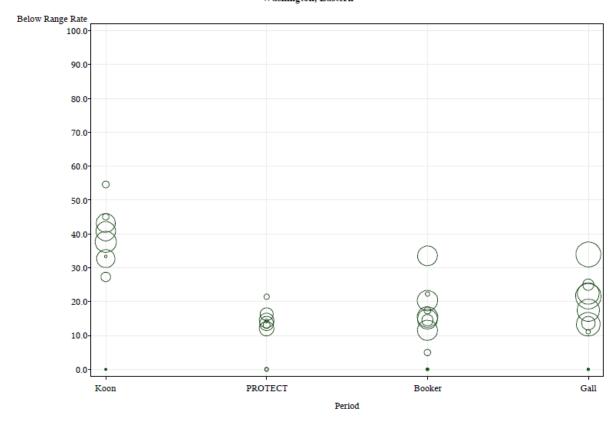
Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Oregon



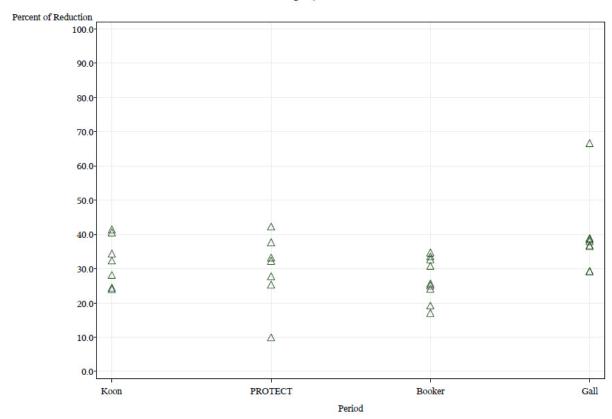
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Oregon



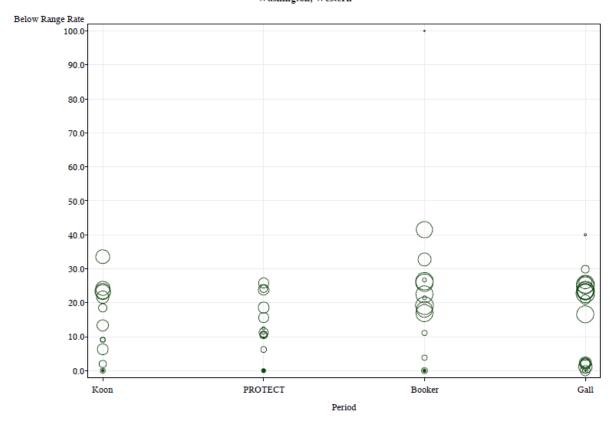
## Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Washington, Eastern



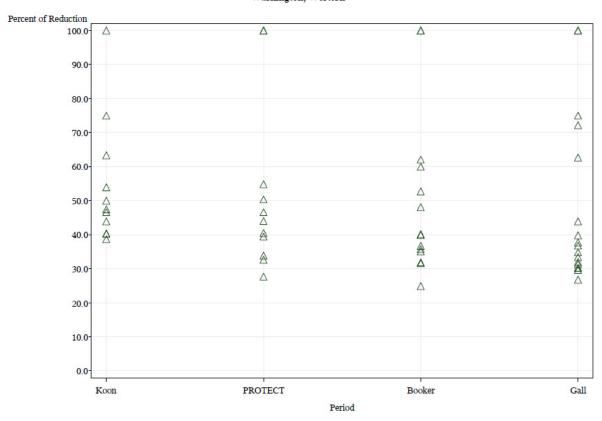
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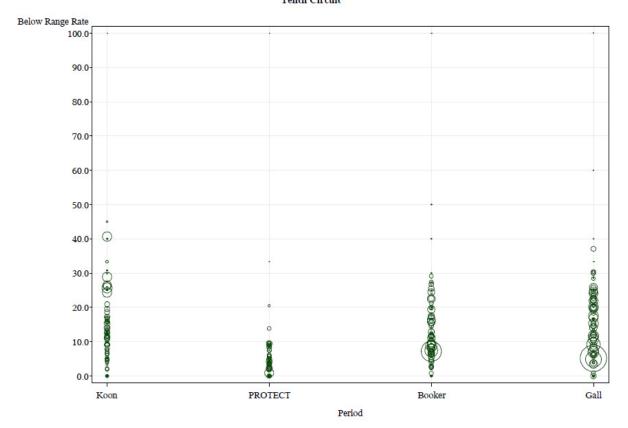
## Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Washington, Western



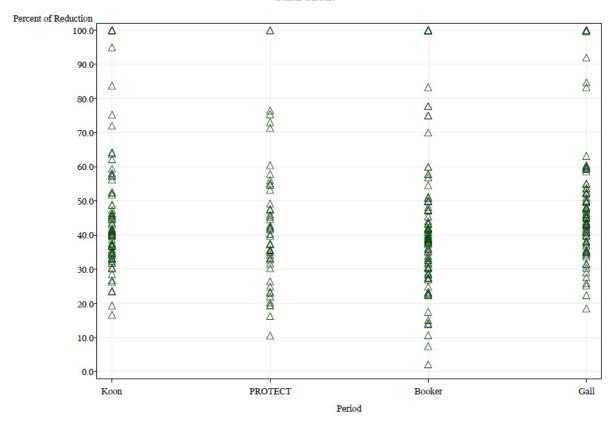
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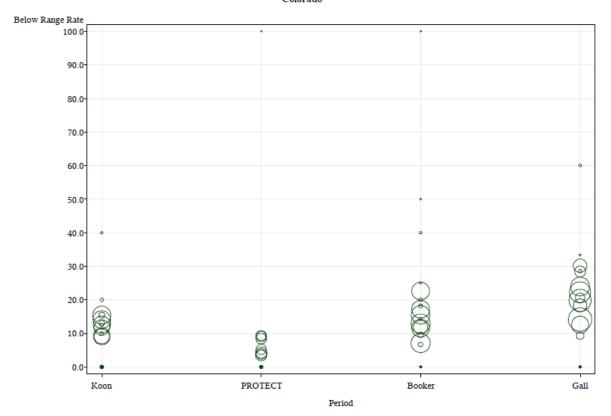
#### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Tenth Circuit



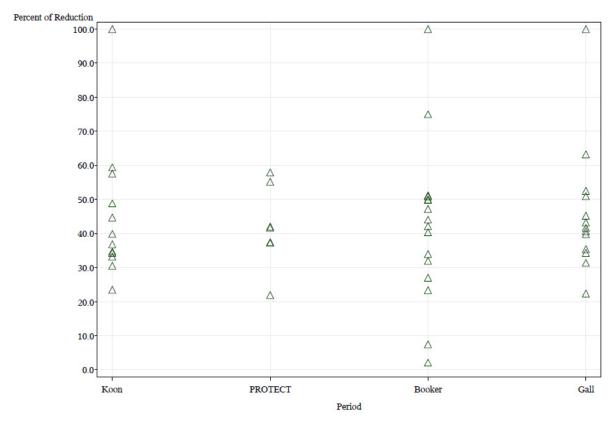
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Tenth Circuit



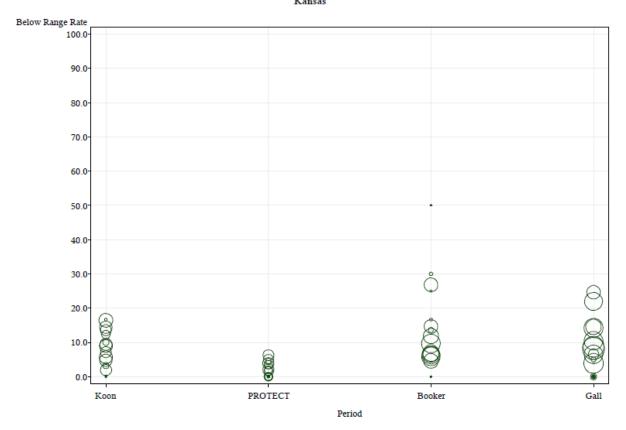
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Colorado



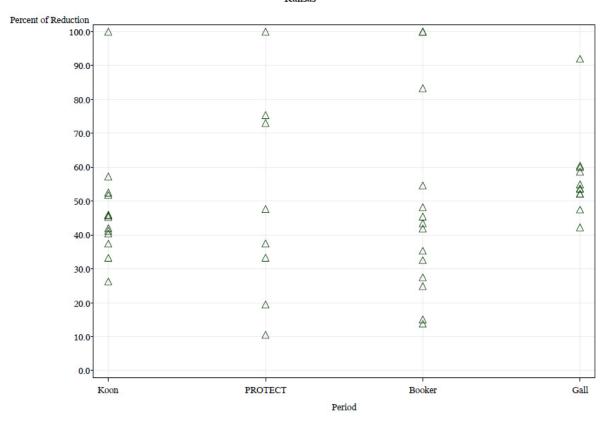
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Colorado



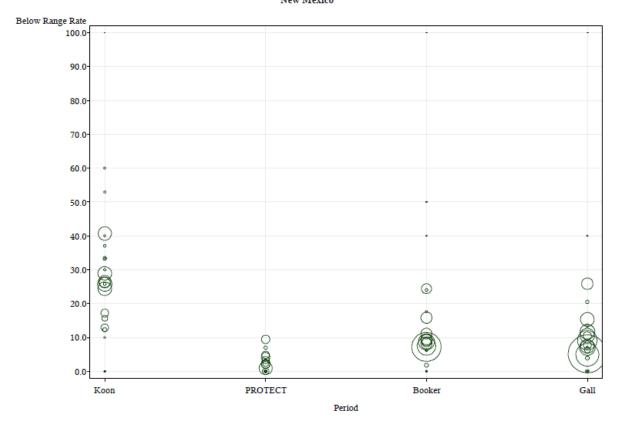
Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Kansas



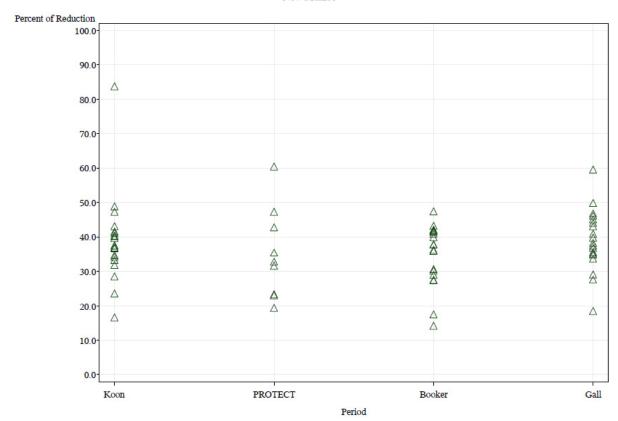
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Kansas



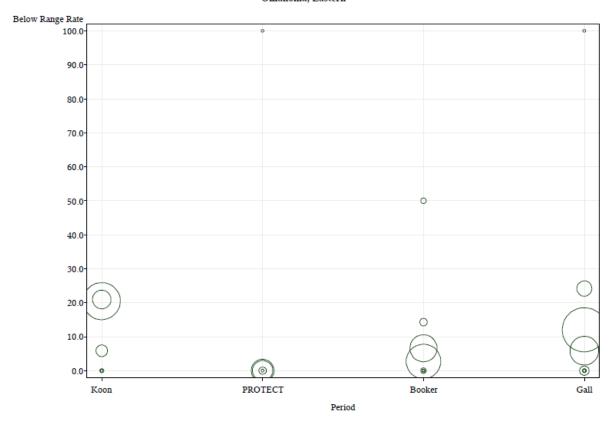
## Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) New Mexico



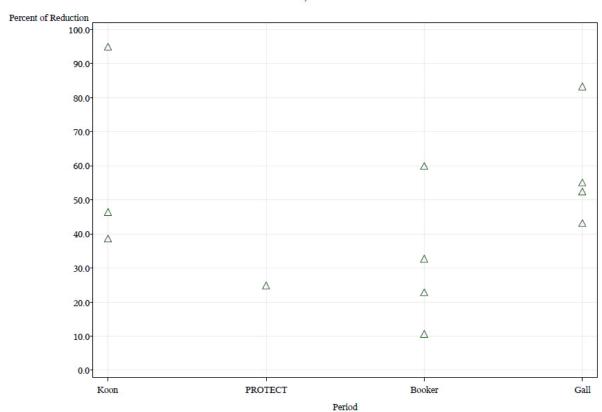
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) New Mexico



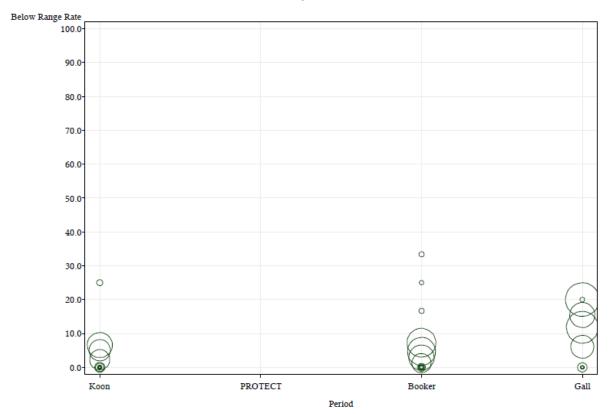
## Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Oklahoma, Eastern



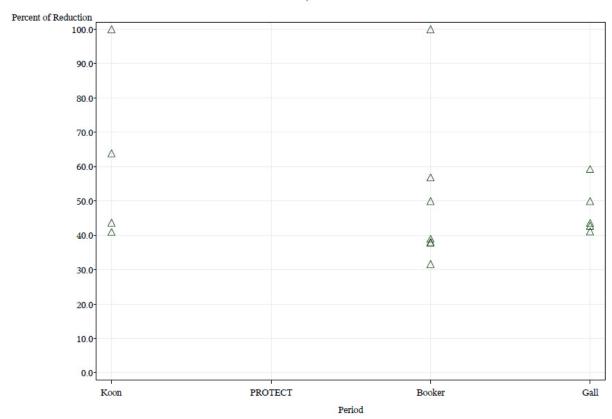
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Oklahoma, Eastern



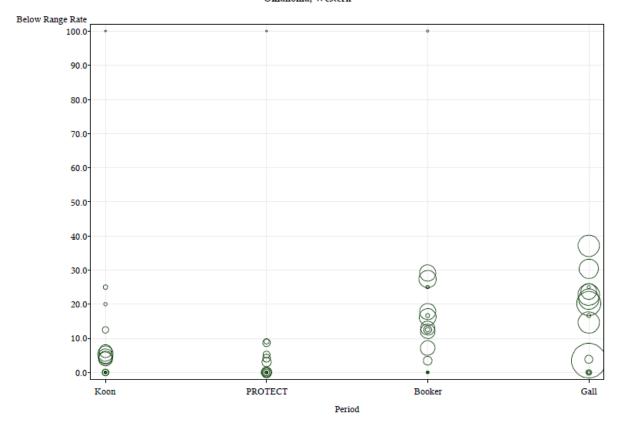
## Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Oklahoma, Northern



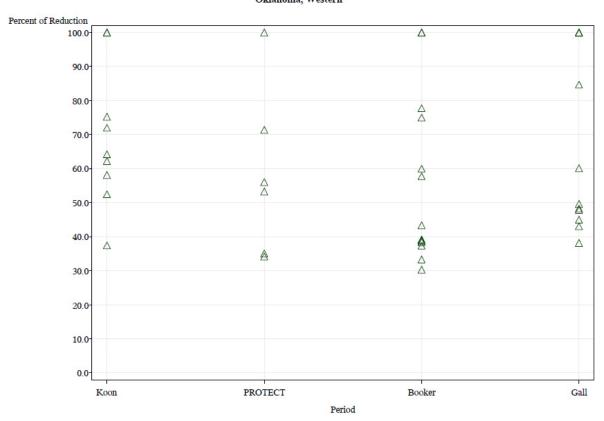
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Oklahoma, Northern



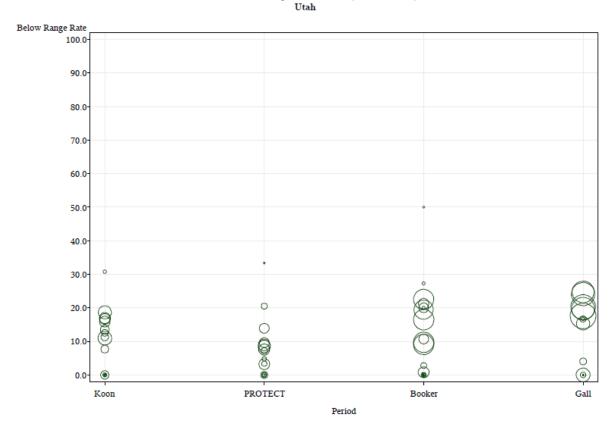
## Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Oklahoma, Western



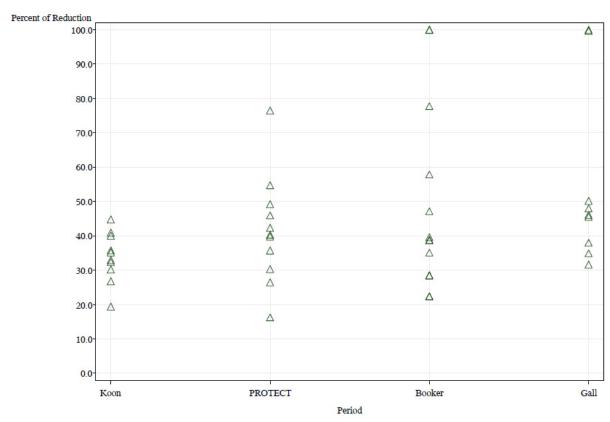
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Oklahoma, Western



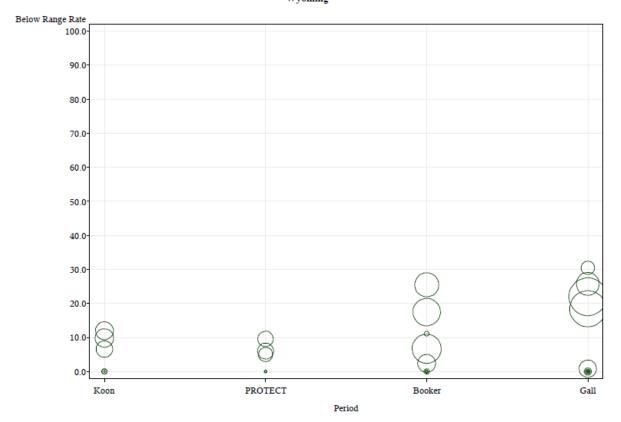
## Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001)



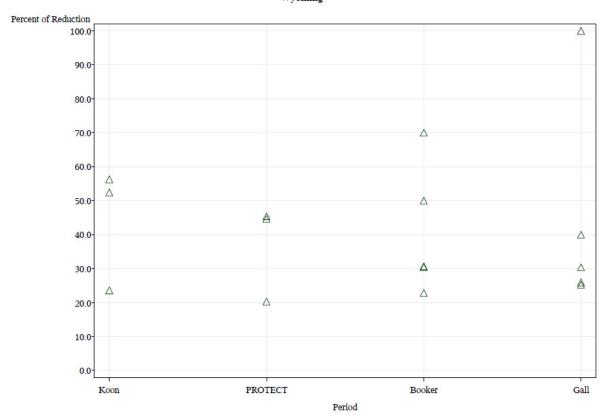
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Utah



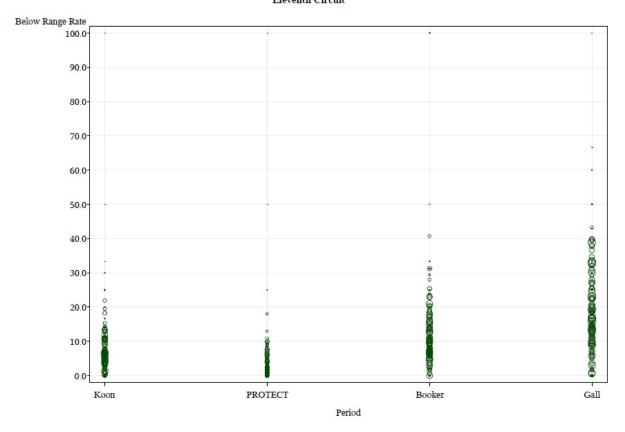
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Wyoming



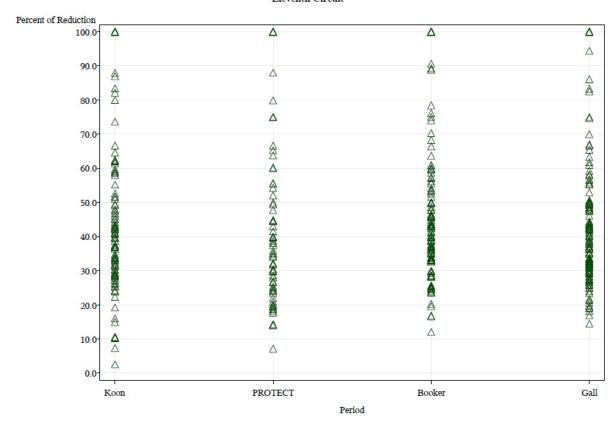
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Wyoming



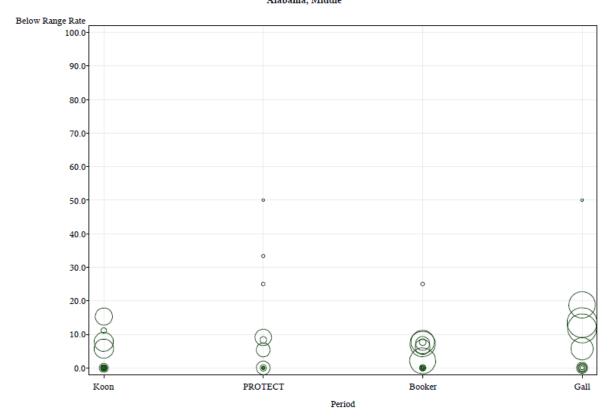
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Eleventh Circuit



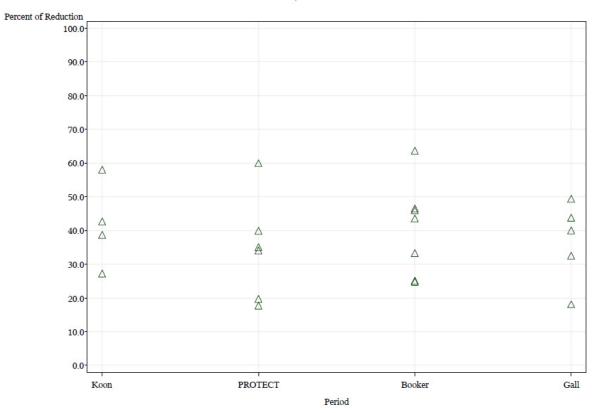
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Eleventh Circuit



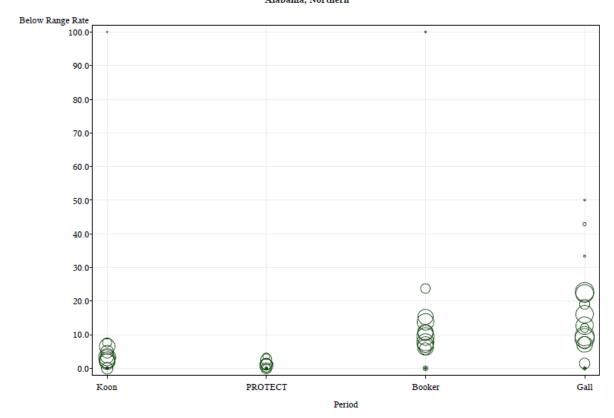
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Alabama, Middle



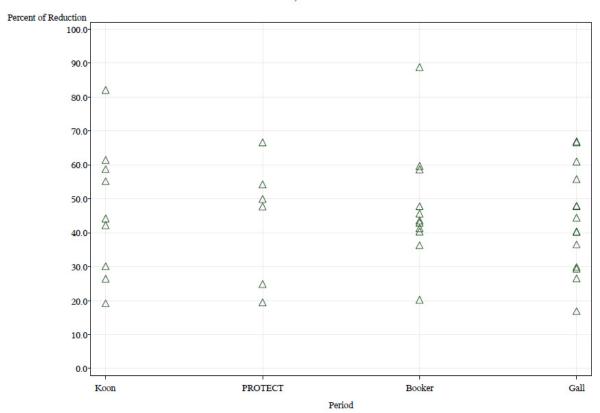
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Alabama, Middle



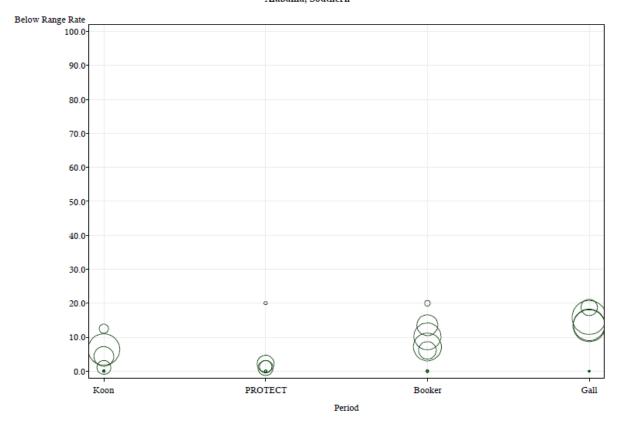
## Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Alabama, Northern



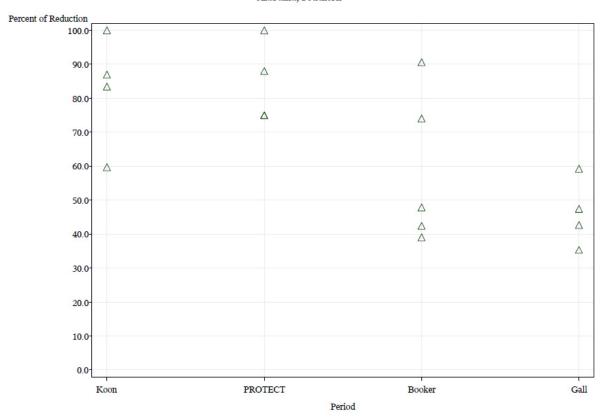
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Alabama, Northern



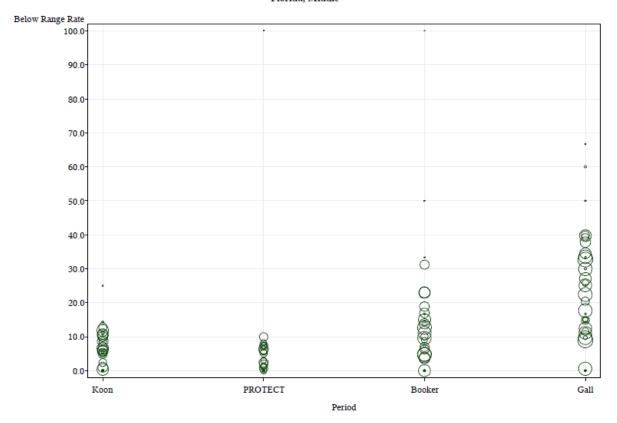
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Alabama, Southern



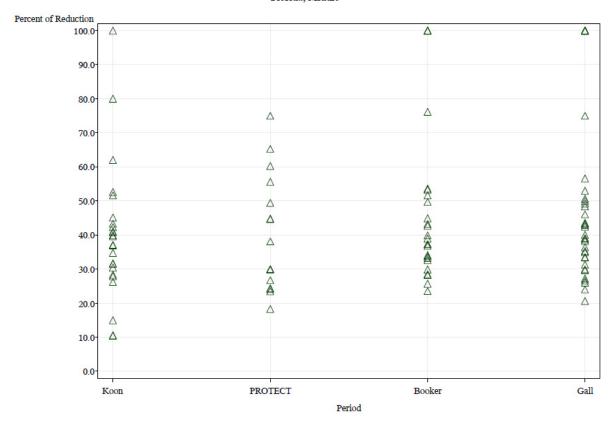
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Alabama, Southern



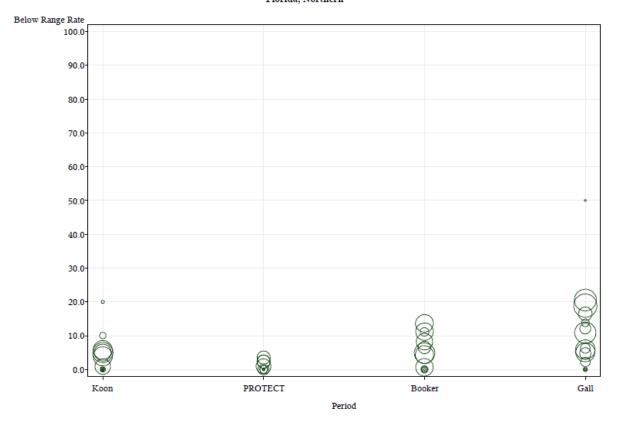
## Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Florida, Middle



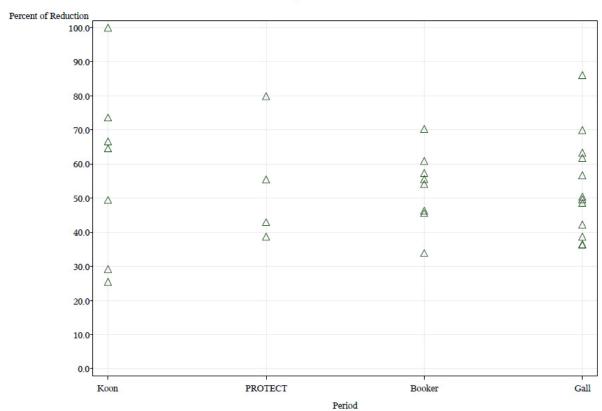
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Florida, Middle



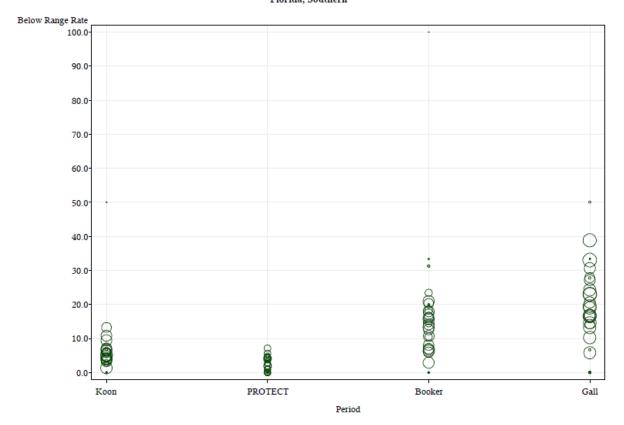
## Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Florida, Northern



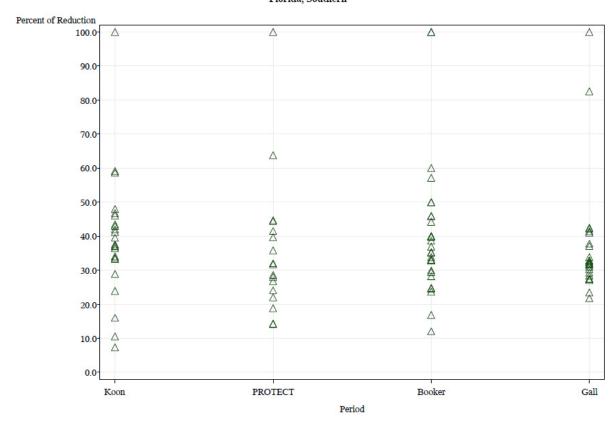
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Florida, Northern



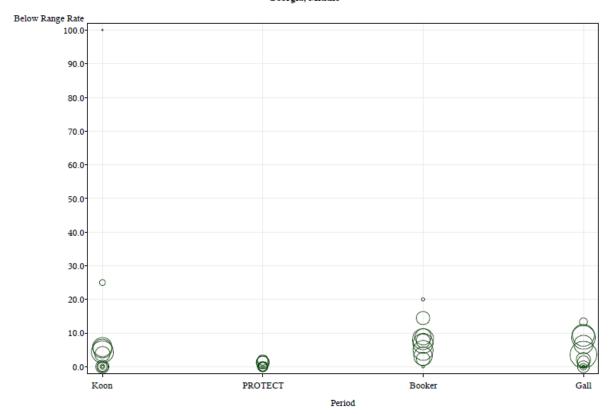
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Florida, Southern



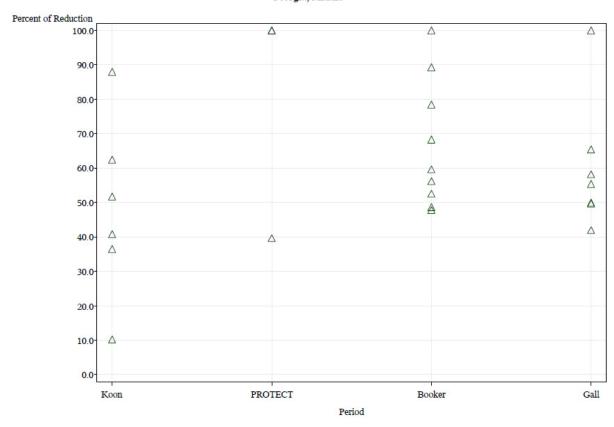
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Florida, Southern



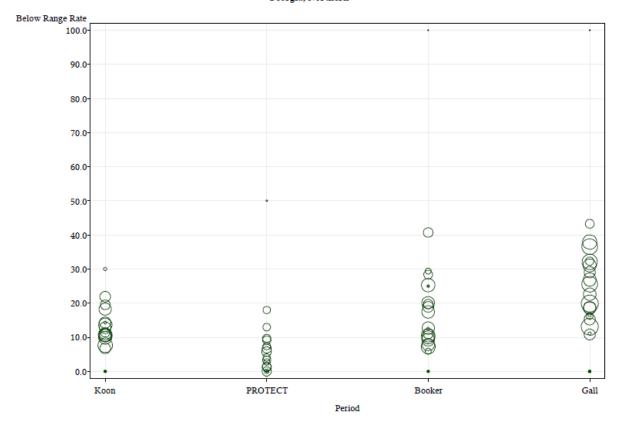
## Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Georgia, Middle



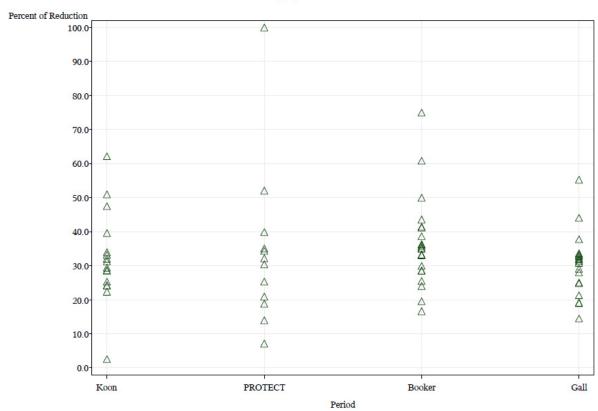
Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Georgia, Middle



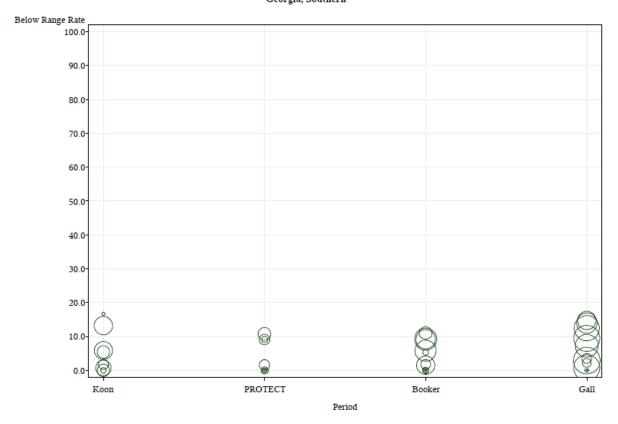
### Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Georgia, Northern



Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Georgia, Northern



## Relative Caseload and Rate of Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Georgia, Southern



Average Extent of Reduction for Non-Government Sponsored Below Range Sentences by Federal Judge Koon Period through Gall Period (Post FY 2001) Georgia, Southern

