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United States Sentencing Commission



1993 Annual Report

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LETTER FROM THE CHAIRMAN

The President,
The Congress, and
The Judicial Conference
of the United States of America

I am pleased to transmit this report of the activities and accomplishments of the United States Sentencing Commission in 1993.

During the past year, the Commission has continued to refine the guidelines to maximize the effectiveness of our federal sentencing system. Increasingly, the Commission is called on by all three branches of government to provide research, data, and analyses on important criminal justice issues.

We look forward to continuing in our role as a clearinghouse for information and substantive research on federal sentencing issues.

Respectfully,

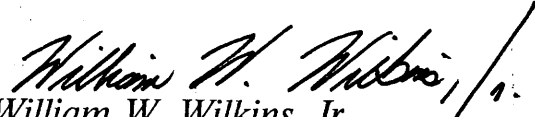

William W. Wilkins, Jr.
Judge, U.S. Court of Appeals for the
Fourth Circuit

TABLE OF CONTENTS

Title Page	i
Staff Page	ii
Letter From The Chairman	iii
Table of Contents	v
List of Figures	ix
List of Tables	xi
Introduction	xv
Chapter One, Commission Overview	1
<i>Organization</i>	1
<i>Staffing</i>	3
<i>Budget and Expenditures</i>	3
Chapter Two, Guideline Amendments	5
<i>Amendment Authority</i>	5
<i>Amendments Promulgated</i>	5
<i>Working Groups</i>	8
Crack Cocaine	9
SRA Prison Issues	9
Computer Fraud	10
Public Corruption	10
Substantial Assistance	11
Food and Drug	11
Departures	12
Environmental Sanctions	12
Chapter Three, Legal Issues	13
<i>Introduction</i>	13
<i>Supreme Court</i>	13
<i>Courts of Appeals</i>	14
Relevant Conduct	14
Vulnerable Victim, Role in the Offense	20
Obstruction of Justice, Acceptance of Responsibility	21
Criminal History	22
Departures Based on Aggravating and Mitigating Circumstances	23
Departures Based on Offender Characteristics	24

Chapter Four, Guideline Training and Education	31
<i>Training</i>	31
Court Personnel	31
Local Training	32
<i>Hotlines</i>	32
Calls Received in 1993	32
Temporary Assignment Program	33
<i>Publications and Training Materials</i>	38
ASSYST	38
Chapter Five, Symposium on Drugs & Violence in America	39
<i>Causation</i>	39
<i>Prevention</i>	42
<i>Treatment and Policy Options</i>	42
<i>Special Presentations</i>	42
Chapter Six, Research	45
A. Monitoring	45
<i>Background and Data Collection Activities</i>	45
Statutory Requirements	45
USSC Data Collection	46
Data Collection Issues	46
<i>Descriptive Statistics</i>	51
Implementation of the Guidelines	51
<i>Primary Offense and Demographic Characteristics</i>	51
Primary Offense Type	51
Race and Ethnicity	51
Gender	58
Age	58
Education	58
Citizenship	58
Mode of Conviction	66
<i>Sentencing Information on Guideline Cases</i>	66
Type of Sentence	66
Average Length of Imprisonment	75
Fines and Restitution	78
Sentencing Alternatives	80

<i>Guideline Application</i>	83
Overview	83
Chapter Two Guideline Application	83
Chapter Three Adjustments	87
Chapter Four Assessment of Criminal History	91
Determining the Applicable Sentencing Range - Chapter Five	96
Guideline Application for Select Offenses	99
Guideline 2B3.1 - Robbery, Extortion, and Blackmail	99
Guideline 2K2.1 - Firearms	109
Guideline 2F1.1 - Fraud and Deceit	120
Guideline Drug Defendants	130
Drugs and Mandatory Minimum Penalties	145
Demographic Information	145
Offense and Offender Characteristics	148
Departures and Sentences Within the Guideline Range	155
Departure Rates	155
Within Guideline Range Sentences and Departures by Circuit and District	160
Judicial Discretion Under the Guidelines	164
<i>Organization Defendants</i>	166
Organizational Sentencing Practices	166
Offense Characteristics	167
Offender Characteristics	169
Culpability Score	169
Sanctions Imposed	173
Organizations Sentenced Pursuant to the Antitrust Guideline	173
<i>Sentencing Appeals</i>	176
Introduction	176
Information Collection and Compilation	176
Potential Utility of Appeals Information	177
Summary of Information Received	178
Issues and Guidelines Appealed	186
B. Research Studies	192
<i>Background</i>	192
<i>Research Conference</i>	192
<i>Just Punishment Research Project</i>	193
<i>Prison Impact Assessment</i>	193
<i>Study of Changing Composition of Offenses and Offenders</i>	195
<i>Race and Ethnicity</i>	196
<i>Drugs and Violence Task Force</i>	197

LIST OF FIGURES

Figure A	Organization of the United States Sentencing Commission	2
Figure B	Distribution of Sentenced Guideline Defendants by Primary Offense Category	55
Figure C	Mode of Conviction by Sentencing Year	68
Figure D	Type of Guideline Sentence Imposed	74
Figure E	Incarceration Rate of Defendants Eligible for Non-Prison Sentences by Primary Offense Type	82
Figure F	Distribution of Drug Guideline Offenses	133
Figure G	Average Sentence Imposed by Drug Type	144
Figure H	Mode of Conviction and Departure Information for Drug Offenders	153
Figure I	Type of Departure by Sentencing Year	157
Figure J	Type and Distribution of Appeals Cases	182

LIST OF TABLES

Table 1	Budget Authority and Obligations	4
Table 2	Witness List: Public Hearing on Proposed Amendments to the Sentencing Guidelines	6
Table 3	Circuit Conflicts Addressed by Commission Amendment	15
Table 4	Downward Departure Factors Approved by Appellate Courts	25
Table 5	Downward Departure Factors Disapproved by Appellate Courts	26
Table 6	Upward Departure Factors Approved by Appellate Courts	27
Table 7	Upward Departure Factors Disapproved by Appellate Courts	29
Table 8	Judge and Probation Officer Hotline Questions by Guideline Section	34
Table 9	Judge and Probation Officer Hotline Calls by District	36
Table 10	Panelists — Symposium on Drugs & Violence in America	40
Table 11	Document Submission Rate by Circuit and District	48
Table 12	Guideline Defendants by Circuit and District	53
Table 13	Distribution of Sentenced Guideline Defendants by Primary Offense Category	56
Table 14	Race of Defendant by Primary Offense Category	57
Table 15	Gender of Defendant by Primary Offense Category	60
Table 16	Age of Defendant by Primary Offense Category	61
Table 17	Age, Race, and Gender of Defendants	62
Table 18	Education of Defendant by Primary Offense Category	63
Table 19	Citizenship Status of Defendant by Primary Offense Category	64
Table 20	Country of Citizenship for Non-U.S. Citizens	65
Table 21	Mode of Conviction by Circuit and District	69

Table 22	Mode of Conviction by Primary Offense Category	72
Table 23	Type of Sentence Imposed by Primary Offense Category	73
Table 24	Average Length of Imprisonment by Primary Offense and Criminal History Categories	76
Table 25	Fines and Restitution by Primary Offense Category	79
Table 26	Guideline Ranges with Sentencing Alternatives by Type of Sentence Imposed	81
Table 27	Chapter Two Guideline Applied	85
Table 28	Chapter Three Guideline Application Information - All Cases	88
Table 29	Acceptance of Responsibility Reduction by Primary Offense Category - All Cases	90
Table 30	Chapter Four Guideline Application Information - All Cases	92
Table 31	Career Offender/Armed Career Criminal Adjustments by Primary Offense Category - All Cases	95
Table 32	Offense Level by Criminal History Category - All Cases	97
Table 33	Guideline Sentencing Range - All Cases	98
Table 34	Chapter Two Guideline Application Information - Robbery	100
Table 35	Chapter Three Guideline Application Information - Robbery	102
Table 36	Chapter Four Guideline Application Information - Robbery	104
Table 37	Offense Level by Criminal History Category - Robbery	107
Table 38	Guideline Sentencing Range - Robbery	108
Table 39	Chapter Two Guideline Application Information - Firearms	110
Table 40	Chapter Three Guideline Application Information - Firearms	113
Table 41	Chapter Four Guideline Application Information - Firearms	115
Table 42	Offense Level by Criminal History Category - Firearms	118
Table 43	Guideline Sentencing Range - Firearms	119

Table 44	Chapter Two Guideline Application Information - Fraud	121
Table 45	Chapter Three Guideline Application Information - Fraud	123
Table 46	Chapter Four Guideline Application Information - Fraud	125
Table 47	Offense Level by Criminal History Category - Fraud	128
Table 48	Guideline Sentencing Range - Fraud	129
Table 49	Gender of Drug Defendants by Guideline	134
Table 50	Race of Drug Defendants by Guideline	135
Table 51	Citizenship of Drug Defendants by Guideline	136
Table 52	Drug Type of Drug Defendants by Guideline	137
Table 53	Weapon Involvement of Drug Defendants by Guideline	138
Table 54	Criminal History Category of Drug Defendants by Guideline	139
Table 55	Mode of Conviction of Drug Defendants by Guideline	140
Table 56	Role Adjustment of Drug Defendants by Guideline	141
Table 57	Acceptance of Responsibility of Drug Defendants by Guideline	142
Table 58	Departure Rate of Drug Defendants by Guideline	143
Table 59	Demographic Information for Drug Offenders by Mandatory Minimum	147
Table 60	Offense and Offender Information for Drug Offenders by Mandatory Minimum	150
Table 61	Drug Type and Amount for Drug Offenders by Mandatory Minimum	151
Table 62	Drug Type and Race for Drug Offenders by Mandatory Minimum	152
Table 63	Average Sentence Length for Drug Offenders by Weapon Involvement and Drug Type	154
Table 64	Reasons Given by Sentencing Courts for Upward Departures	158
Table 65	Reasons Given by Sentencing Courts for Downward Departures	159
Table 66	Guideline Departure Rate by Circuit and District	161

Table 67	Position of Sentence Relative to Guideline Range by Primary Offense Category	165
Table 68	Organizations Sentenced Pursuant to Chapter Eight by Primary Offense Category	168
Table 69	Organizations Sentenced Pursuant to Chapter Eight: Culpability Factors ...	171
Table 70	Organizations Sentenced Pursuant to Chapter Eight: Fine Imposed by Primary Offense Type	174
Table 71	Organizations Sentenced Pursuant to the Antitrust Guideline: Fine Imposed by Volume of Commerce	175
Table 72	Appeals Information Received by Circuit and District	180
Table 73	Appeals Case Disposition by Circuit and District	183
Table 74	Guideline Involved in Issues Appealed by Defendant	187
Table 75	Guideline Involved in Issues Appealed by Government	188
Table 76	Sentencing Issues Appealed by Defendant	189
Table 77	Sentencing Issues Appealed by Government	191

Introduction

The United States Sentencing Commission, an independent agency in the judicial branch of government, is responsible for developing and monitoring sentencing policies and practices for the federal courts. The Commission promulgates sentencing guidelines, subject to congressional review, that prescribe the appropriate form and severity of punishment for offenders convicted of federal crimes. The agency's activities are directed by seven voting members, appointed by the President and confirmed by the Senate, and two non-voting, *ex-officio* members.

The sentencing reform provisions of the Comprehensive Crime Control Act, Pub. L. No. 98-473 (1984), established the Commission. The authority and duties of the Commission are set out in chapter 58 of title 28, United States Code, with procedures for implementing guideline sentencing prescribed in chapter 227 of title 18.

The Commission's sentencing guidelines, as specified in 28 U.S.C. § 991(b)(1), are designed:

- To effectuate the sentencing purposes enumerated in 18 U.S.C. § 3553(a)(2). In brief, those purposes are just punishment, deterrence, incapacitation, and rehabilitation;
- To provide certainty and fairness in meeting these purposes by avoiding unwarranted sentencing disparity among offenders with similar characteristics convicted of similar criminal conduct while permitting sufficient judicial flexibility to account for relevant aggravating and mitigating factors; and
- To reflect, to the extent practicable, advancement in the knowledge of human behavior as it relates to the criminal justice process.

In addition, the Commission is directed by 28 U.S.C. § 991(b)(2) to "develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing...."

Organized in October 1985, the Commission submitted to Congress on April 13, 1987, its original Sentencing Guidelines and Policy Statements. Prior to this initial submission, the Commission held 13 public hearings, published two drafts for public comment, and received more than 1,000 letters and position papers from hundreds of individuals and organizations. The guidelines became effective November 1, 1987, following the requisite period of congressional review; they apply to all offenses committed on or after that date.

Shortly after implementation of the guidelines, defendants throughout the country challenged the constitutionality of the Commission and the Sentencing Reform Act on the basis of improper legislative delegation and violation of the separation of powers doctrine. The U.S. Supreme Court rejected these challenges in *Mistretta v. United States*, January 18, 1989, and upheld the constitutionality of the Commission as an independent judicial branch agency. This decision cleared the way for nationwide implementation of the guidelines.

Following the *Mistretta* decision, the Commission continued to address its significant responsibilities concerning research, sentence monitoring, evaluation, and training. It also has served as a clearinghouse of sentencing information for Congress, criminal justice practitioners, and the public. Since nationwide implementation in January 1989, federal judges have sentenced more than 168,000 defendants under the guidelines.

The Commission's comprehensive data collection system tracks guideline application in each case. Staff members routinely extract, code, and enter data from judgment of conviction orders, presentence reports, statements of reasons, and written plea agreements for cases sentenced under the guidelines. These monitoring data furnish important ingredients for the Commission's working group studies and amendment choices and provide support for other Commission activities.

Current Commission research includes studies on criminal history, prison impact, recidivism, just punishment, the changing composition of offenses and offenders, utilization of prison resources, race and ethnicity, and the relationship between drugs and violence. The Commission also responds to requests from the Congress and the courts for sentencing data and analyses.

In 1993, in furtherance of its statutory mandate, the Commission sponsored a research conference and a national symposium on drugs and violence. The research conference examined such topics as: (1) the role of empirical research in sentencing; (2) the methodology of sentencing research; (3) available sentencing data sources; and (4) the utilization of sentencing data for policy analysis and applied research by Congress, the courts, and the Commission. The 125 conference attendees included experts from the academic community, research institutes, consulting firms, the courts, congressional staff, the Administrative Office of the U.S. Courts, the Federal Judicial Center, the Federal Bureau of Prisons, the Department of Justice, the General Accounting Office, and other governmental agencies. The conference served as a useful first step in stimulating individual research efforts that will assist the Commission and policymakers in assessing the effectiveness of various sentencing and penal practices.

More than 350 people attended the Commission's Inaugural Symposium on Crime and Punishment: Drugs & Violence in America, held in Washington, D.C., June 16-18. The symposium brought together key policymakers and experts to share information and exchange ideas about the problem of drug abuse and violence. Participants included the Attorney General, the Chief Justice of the Supreme Court, members of Congress and their staffs, state officials, mayors, judges, federal and state corrections officials, probation officers, and law enforcement personnel. In September, the Commission published the proceedings of this symposium.

The harsher federal penalties imposed by statute on crack cocaine offenders compared to powder cocaine offenders came under increasing scrutiny by courts and commentators in 1993. In response, the Commission began a comprehensive study that examines the issue from a variety of perspectives, including the legislative background of the crack and powder cocaine penalties, the pharmacological aspects of crack and powder cocaine, drug distribution patterns, the association of drugs with violence and other crime, cocaine's effects on health and society, research data on federal drug offenders, legal challenges to the crack cocaine penalties, and public comment on the issue.

As part of its study, the Commission scheduled a public hearing for November in Washington, D.C., to hear testimony from four panels of experts on law enforcement, violence and gangs, pharmacology, and crack cocaine's effects on the nation's social institutions. The Commission planned to release its report to Congress in early 1994.

This annual report covers fiscal year 1993 (October 1, 1992, through September 30, 1993). Unless otherwise noted, "1993" refers to fiscal year 1993.

Chapter One

Commission Overview

The Sentencing Commission's seven voting members — at least three of whom must be federal judges, and no more than four can be members of the same political party — are appointed to staggered six-year terms by the President with the advice and consent of the Senate. By statute, Commissioners will hold full-time positions until November 1, 1993, at which time all Commissioners except the Chairman convert to part-time status.

Organization

The Commission staff of approximately 100 employees, headed by a Staff Director, comprises six offices: Communications, General Counsel, Monitoring, Policy Analysis, Training and Technical Assistance, and Administration (see organization chart, Figure A). The **Staff Director** is responsible for planning, directing, coordinating, and allocating resources for all staff activities and special projects.

The **Office of Communications** directs the public information functions of the Commission. In 1993, the Communications staff responded to approximately 4,900 telephone inquiries and 1,200 written requests for information or publications from Congress, attorneys, government agencies, the academic community, inmates and their families, the public, and the media. In addition to providing writing and editorial support to the Commission, the Communications staff processes and coordinates the distribution of Commission publications and reports.

The **Office of General Counsel** provides support to the Commission on a variety of legal issues, including the formulation and application

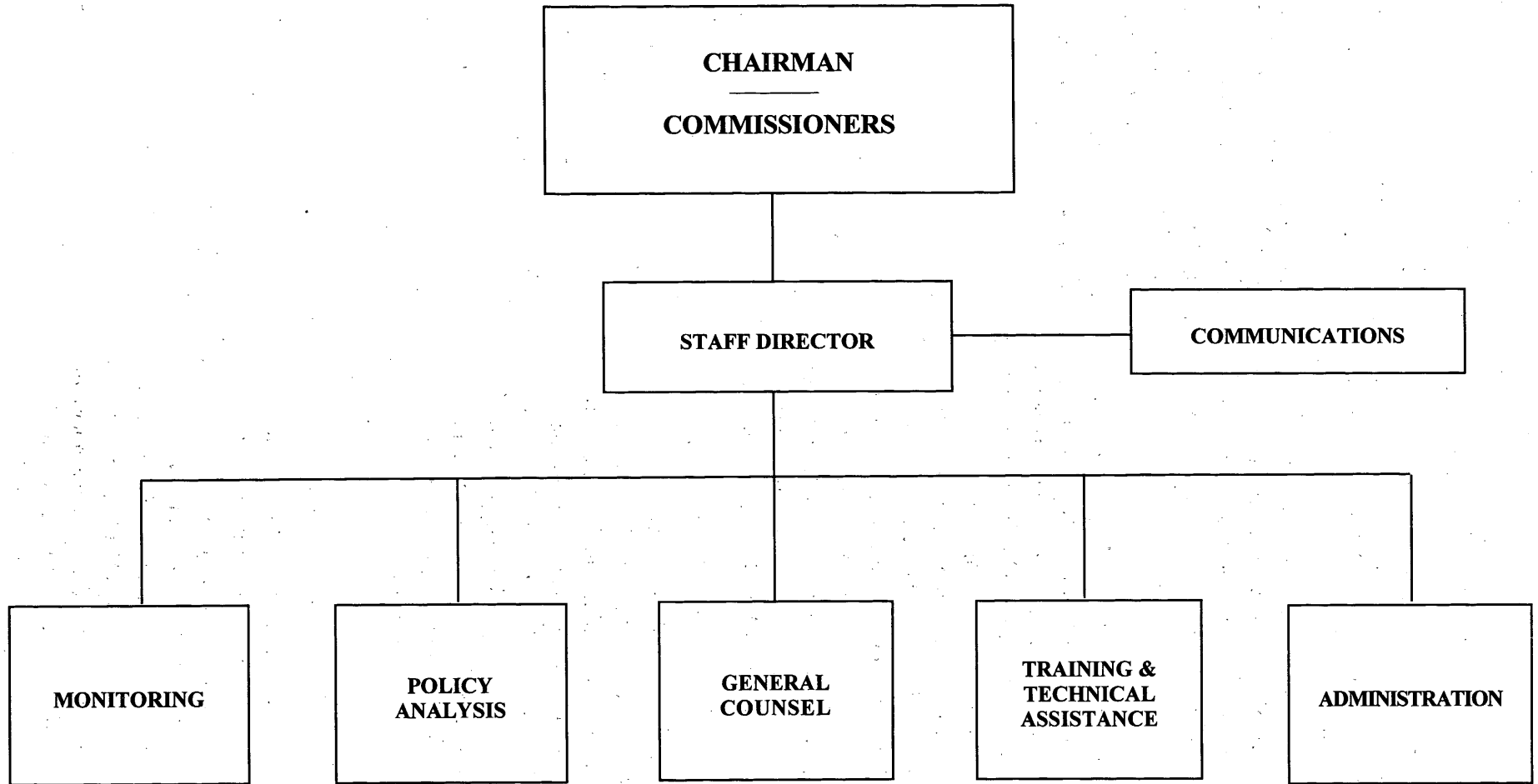
of guidelines and guideline amendments, legislative proposals, and statutory interpretations. Legal staff members monitor district and circuit court application and interpretation of the guidelines and advise Commissioners about statutes and legislation affecting the Commission's work. The legal staff operate a "hotline" on guideline application issues for assistant U.S. attorneys and defense attorneys, and provide training support for the Office of Training and Technical Assistance.

The **Office of Monitoring** maintains a comprehensive computerized data collection system to report on federal sentencing practices and to track application of the guidelines for individual cases. The staff receive and enter case data and produce periodic reports about guideline application, providing significant information for Commission review as it monitors the national implementation process or considers amending individual guidelines. New data collection components under development in 1993 include databases for appeals, real offense sentencing, probation revocation and violation of supervised release, and organizational sanctions. The office maintains a master file of guideline sentencing data, available to the public through the Inter-University Consortium for Political and Social Research at the University of Michigan. This staff also provides the Commission with programming, acquisition, and other automated data processing services.

The **Office of Policy Analysis**, working with the Commission's comprehensive sentencing database, provides to the Commission short- and long-term guideline and sentencing-related research support. The office's efforts focus on a

Figure A

**ORGANIZATION OF THE
UNITED STATES SENTENCING COMMISSION**



variety of research topics including deterrence, recidivism, just punishment, and selective incapacitation; the effect of proposed guideline amendments on projections of the federal prison population; and sentencing practices related to organizational defendants. In addition, the office provides data and analyses on specific criminal justice issues at the request of Congress and the courts.

The **Office of Training and Technical Assistance** teaches guideline application to judges, probation officers, prosecuting and defense attorneys, and other criminal justice professionals. The staff develop training materials, participate in the sentencing guideline segments of training programs sponsored by other agencies, and provide substantive input in the amendment process by informing the Commission of current guideline application practices. The office also operates a "hotline" to respond to guideline application questions from judges and probation officers.

The **Office of Administration** provides general administrative support to Commissioners and staff regarding budget and finance, contracting, personnel management, the Commission library, facilities, and a variety of other office activities. The office provides support to the Staff Director and senior managers in accomplishing project planning and budget forecasting on a short- and long-term basis.

Staffing

During fiscal year 1993, the Commission used staff resources totaling 98 workyears. Approximately 33 percent of staff resources was spent in various aspects of sentence monitoring efforts, 16 percent in research and analysis, ten percent in technical assistance and training, and 16 percent in legal activities. The Commissioners' offices, the Office of the Staff Director, the Office

of Communications, and the Office of Administration accounted for the remaining 25 percent of staff resources.

Budget and Expenditures

For fiscal year 1993, Public Law 102-395 provided an appropriation of \$9,000,000 for the Commission's salaries and expenses, and the Commission expended \$8,850,000. For fiscal year 1994, Public Law 103-121 granted the Commission an appropriation of \$8,468,000.

Table 1

BUDGET AUTHORITY AND OBLIGATIONS
(dollar amounts in thousands)

	<u>FY 1993</u>	<u>FY 1994</u>
New Budget Authority	\$9,000	\$8,468
Personnel Compensation	\$4,535	\$5,302
Personnel Benefits	\$1,280	\$1,467
Travel and Transportation	\$ 425	\$ 400
Communications, Utilities and Other Rent	\$ 625	\$ 418
Printing and Reproduction	\$ 174	\$ 180
Other Services	\$1,508	\$1,327
Supplies and Equipment	<u>\$ 303</u>	<u>\$ 321</u>
Total Obligations	\$8,850	\$9,415*

*Total obligation amount includes funds carried forward from previous "no-year" appropriations.

Chapter Two

Guideline Amendments

The legislation creating the Sentencing Commission envisioned that the guidelines would be modified and refined over time. Congress provided that "[t]he Commission periodically shall review and revise, in consideration of comments and data coming to its attention, the guidelines promulgated pursuant to the provisions of this section." 28 U.S.C. § 994(o).

The Commission has adopted an evolutionary approach to guideline development. Accordingly, it refines and modifies the guidelines in light of district court sentencing practices, appellate decisions, research, congressional enactment of new statutes, and input from federal criminal justice practitioners.

Amendment Authority

By statute, the Commission may transmit amendments to the Congress annually on or after the beginning of a regular session of Congress but not later than the first day of May. Such amendments become effective automatically after the expiration of a 180-day congressional review period, or at a later date set by the Commission unless the Congress provides otherwise by enactment of law.

Amendments Promulgated

In 1993, the Commission continued its efforts to clarify and improve the Guidelines Manual, publishing proposed amendments for public comment in the Federal Register December 31, 1992. The Commission received extensive written and oral comment on the proposed amendments in connection with a public hearing (see Table 2) held in Washington, D.C., March 22, 1993.

After review of the written comment and hearing testimony, the Commission adopted 22 amendments to the sentencing guidelines, policy statements, and official commentary which, along with explanatory reasons, were reported to Congress on April 29, 1993. Congress took no action to delay or revise the amendments during its 180-day review period, and consequently, they became effective November 1, 1993. An additional nine amendments to clarify commentary to the guidelines did not require submission to Congress and also became effective at that time. The 29 amendments in Appendix C of the Guidelines Manual reflects a consolidation of the 22 amendments published in the Federal Register of May 6, 1993, and the nine amendments in the Federal Register of October 8, 1993.

A number of the amendments promulgated by the Commission in 1993 were derived primarily from analyses conducted by interdisciplinary staff working groups. Some of the more significant amendments were:

- §2B3.1 (Robbery) – The amendment adds a specific offense characteristic for "carjacking" and a cross reference to address the situation in which a victim is murdered during the offense.
- §2D1.1 (Drug Trafficking) – These amendments:
 - (1) Address an intercircuit conflict regarding the meaning of the term "mixture or substance" as used in §2D1.1, expressly providing that this term does not include portions of a drug mixture that must be separated from the controlled substance before that substance can be used.

Table 2

**WITNESS LIST: PUBLIC HEARING ON PROPOSED
AMENDMENTS TO THE SENTENCING GUIDELINES**

Washington D.C. — March 22, 1993

Judge Vincent Broderick
Judge Mark Wolf
Judicial Conference of the United States

Roger Pauley
Department of Justice

Carol Brook
Federal Public and Community Defenders

Donald Santarelli
Steve Salky
American Bar Association

Paul Bergman
New York Council of Defense Lawyers

Alan Chaset
National Association of Criminal Defense Lawyers

Julie Stewart
Denise Helou
Faye Flanagan
Gene Brown
Douglas Thrasher
Families Against Mandatory Minimums

K.M. Hearst
U.S. Postal Inspection Service

Stephen LaCheen
Pennsylvania Association of Criminal Defense Lawyers

Eric Sterling
Criminal Justice Policy Foundation

Michael Dolan
Internal Revenue Service

James Becker
Criminal Law Committee, Federal Bar Association

Nkechi Taifa
American Civil Liberties Union

Chuck Morley
The Morley Group

Mary Shilton
*International Association of
Residential and Community Alternatives*

David Stewart
Ropes & Gray

John Zwerling
National Organization for the Reform of Marijuana Laws

Rabbi Moshe Horn
Aleph Institute

Don Bergerson
Barry Dumont
Citizens for Equal Justice

Ed Rosenthal

Thomas Guidoboni

David W. O'Brien

Santina Bayerle

John Beresford

Charles W. Blau

Michael Stepanian

- (2) Authorize a downward departure in specified circumstances when the quantity of drugs overrepresents the defendant's culpability in the criminal activity.
 - (3) Authorize a downward departure if, in a reverse sting operation, the court finds that the government agent set a price for the controlled substance substantially below market value, thereby significantly inflating the quantity purchased beyond the amount the defendant otherwise could have afforded.
 - (4) Address an intercircuit conflict by providing that, for purposes of the guidelines, "cocaine base" means "crack." Under this amendment, forms of cocaine base other than crack (*e.g.*, coca paste) will be treated as cocaine.
 - (5) Establish a weight per dose of 0.4 milligram to be used for determining the base offense level in cases involving LSD on a carrier medium. Because the weights of LSD carrier media vary widely and typically far exceed the weight of the controlled substance itself, the Commission determined that basing offense levels on the entire weight of the LSD and the carrier medium produced unwarranted disparity among offenses involving the same quantity of actual LSD but different carrier weights.
- §2S1.3 (Structuring Monetary Transactions) – The amendment consolidates existing guidelines §§2S1.3 and 2S1.4, modifying them to assure greater consistency of punishment for similar offenses and greater sensitivity to indicia of offense seriousness. A replacement guideline with accompanying commentary is inserted as §2S1.3.
 - Chapter Two, Part T (Tax) – This amendment consolidates §§2T1.1, 2T1.2, 2T1.3, and 2T1.5, thereby eliminating confusion in some cases about which guideline applies. In addition, the amendment adopted a uniform definition of tax loss and a revised "tax loss" table to provide increased deterrence for tax offenses.
 - Chapter Two (Offense Conduct) – The amendment deletes 25 offense guidelines by consolidating them with others that cover similar offense conduct and that have identical or very similar base offense levels and adjustments.

Working Groups

In June 1993, the Commission convened interdisciplinary staff working groups to study specific guideline areas in detail for consideration during the 1993-94 amendment cycle. Issues for working group study included: computer fraud, public corruption, crack cocaine, and Sentencing Reform Act prison issues. Substantial assistance, food and drug offenses, and departures were working group topics designated for longer-term study.

Staff working groups typically study a specific guideline issue, profile relevant sentencing practices, identify areas of concern, and recommend options for Commission action. During the process, each group reviews: training and legal staff reports of frequent questions ("hotline calls") from probation officers, judges, and attorneys about guideline application; monitoring data regarding sentencing practices and departures; case files of sentenced defendants; previously considered draft amendment proposals; relevant court decisions; public comment; and legislative history and recent legislative enactments. The groups also solicit input from the Commission's Judicial Working Group, the Practitioners' Advi-

sory Group, the Probation Officers' Advisory Group, and subcommittees of the American Bar Association Sentencing Guidelines Committee.

Crack Cocaine

In 1986, Congress established mandatory minimum penalties for drug offenses that based sentences on the quantity of illicit drugs involved in trafficking. Among the drugs listed in the statute were two forms of cocaine – powder cocaine and crack cocaine. Congress distinguished between the two by requiring 100 times less crack cocaine than powder cocaine to trigger the five- and ten-year mandatory minimum sentences.

The Commission convened an interdisciplinary staff working group to study crack cocaine and federal sentencing policy for a variety of reasons, including (1) a recommendation from the Drug Guidelines Working Group; (2) public comment received by the Commission; (3) statements by public officials, criminal justice practitioners, and interest groups; and (4) extensive litigation challenging the constitutionality of the statutory penalties.

The working group is reviewing the economic, social, pharmacological, and legal issues surrounding crack cocaine to examine Congress's differential treatment of crack cocaine. Because these penalties were promulgated at the time of crack cocaine's introduction into the American drug culture, a broader objective of the report is to collect current information about crack cocaine and the progression and impact of its use.

In its research, the working group is examining information from a variety of sources: (1) the language and the legislative history of the 1986 and 1988 Anti-Drug Abuse Acts; (2) court opinions dealing with crack cocaine; (3) academic and applied journal studies; (4) a Commission survey of state sentencing practices with respect

to the treatment of crack cocaine offenses compared to offenses involving other controlled substances; (5) input and expert assistance from practitioners, probation officers, medical professionals, the Department of Justice, the Drug Enforcement Administration, interest groups, and the academic community; and (6) data drawn from the Commission's Monitoring files.

In conjunction with the working group's study, the Commission scheduled a hearing on crack cocaine for the Fall of 1993. Plans included participation by expert panelists: law enforcement officials, members of the academic community, and medical professionals. Witnesses were to address different aspects of crack cocaine: (1) law enforcement and community corrections; (2) violence and gangs; (3) pharmacology; and (4) social institutions. Publication of the report on crack cocaine is expected in 1994.

SRA Prison Issues

The Commission established the SRA Prison Issues Working Group in 1992 to examine the penal and correctional provisions of the Sentencing Reform Act of 1984, to determine which provisions require or allow Commission action, and to develop and suggest appropriate methods for discharging these statutory obligations:

During 1993, the working group concentrated on analyzing the operation and general correctional practices of the Federal Bureau of Prisons as directed by Congress in the Sentencing Reform Act (see 28 U.S.C. §§ 994(g), 994(q), and 995(a)(20)). In cooperation with the Bureau of Prisons, the working group studied Bureau goals, policies, and practices relating to designation, classification, and facilities. A report on this joint analysis with the Bureau will be submitted to Congress during the next fiscal year.

Computer Fraud

The Commission established the Computer Fraud Working Group to study the effectiveness of the fraud (§2F1.1) and related guidelines on computer fraud offenses. To accomplish this goal, the working group met with interested parties, conducted an empirical analysis of cases sentenced under the act, and reviewed public comment, legislative history, case law, relevant literature, and hotline calls. Based on this review, the group recommended that the Commission not adopt a new guideline but revise the loss commentary in the fraud guideline and explore whether other guidelines might be more appropriate for certain computer offenses. The group reported that one such guideline, covering trespass, might fit better than the fraud guideline for offenses that involve illegally accessing a government computer.

The group suggested that amending the fraud guideline's commentary to address the unique aspects of computer fraud has a certain advantage. Definitional and just punishment concerns could be dealt with more easily in commentary, where harms that are difficult to define – such as privacy interests – could be made a basis for a departure. The group recommended amending the loss commentary to include consequential loss in the sentencing equation in computer cases.

Public Corruption

The Public Corruption Working Group, convened in 1993, was charged with examining sentencing practices under the public corruption guidelines. To accomplish this task, the working group drew on a variety of sources in drafting its report: relevant statutes and common law principles, legislative history of pertinent statutes, pending legislation, interviews and discussions with members of the criminal justice system

(U.S. Department of Justice, Practitioners' Advisory Group, other defense bar practitioners, U.S. Probation Officers' Advisory Group, and Commission training staff), public comment, hotline calls, criminal justice literature, case law, Commission monitoring data, and a detailed review of approximately 300 public corruption cases.

The review identified a number of issues involving application of the public corruption guidelines. An initial structural issue involved the scope of application of the guidelines. In some instances, more than one guideline applies to cases that may often involve substantially similar offense conduct. For example, §2C1.2 (Offering, Giving, Soliciting, or Receiving a Gratuity) and §2C1.6 (Loan or Gratuity to Bank Examiner, or Gratuity for Adjustment of Farm Indebtedness, or Procuring Bank Loan, or Discount of Commercial Paper) both involve gratuities paid to federal officials. In other cases, one guideline is applied to disparate offenses. For example, the guideline for bribery, §2C1.1 (Offering, Giving, Soliciting, or Receiving a Bribe; Extortion Under Color of Official Right), may be applied not only to cases involving bribery but to cases that traditionally would be considered gratuity. To address these concerns, the Commission has published for public comment amendments that would combine guidelines that cover similar conduct and would clarify the scope of the bribery and gratuity guidelines.

Two additional issues involve application of guideline adjustments in complex or difficult cases. For example, the working group observed some difficulty (1) in applying the definition of an "official holding a high-level decision-making or sensitive position"; and (2) in determining the value of the payment or the benefit received for purposes of the value table adjustment, particularly in complex cases such as procurement cases in which the facts were obscure or the

benefit was not readily determinable. The Commission has published for public comment amendments that may clarify and simplify application in these areas.

Finally, the working group identified an issue concerning the appropriateness of departures on grounds of collateral consequences (*e.g.*, debarment, loss of official position, vulnerability in prison) and cultural disposition (*e.g.*, the purported tendency in some cultures to offer a gratuity for services rendered). The Commission has published a request for public comment on how to resolve the competing policy concerns involved in these departures and the statutory mandate to remain "entirely neutral as to the race, sex, national origin, creed, and socioeconomic status of offenders."

Substantial Assistance

During 1992, the Commission formed a working group to conduct a long-term study of issues related to sentencing reductions for defendants who assist the government in the investigation and prosecution of others.

Creation of the Substantial Assistance Working Group was prompted by three findings: (1) a significant increase from 1989 to 1992 in the national rate of departure for substantial assistance (from 5.8% to 15.1% of all cases); (2) a wide variation in the rate of substantial assistance departures among circuits and districts (from 0.0% to 48.8%); and (3) considerable variation in the kinds of defendant assistance that result in substantial assistance motions as well as the extent of departure granted by the court.

The comprehensive research proposal includes a variety of methods and data sources:

- (1) a detailed statistical analysis of substan-

tial assistance departures based on the Commission's aggregate data sources;

- (2) a comparative case study of select groups of codefendants;
- (3) a survey of general office policies and practices in U.S. attorney offices in each of the 94 districts;
- (4) telephone interviews with a random sample of assistant U.S. attorneys to obtain additional data about substantial assistance cases;
- (5) on-site interviews of judges, prosecutors, defense attorneys, and probation officers in selected districts about substantial assistance practices; and
- (6) case law analyses and review of relevant literature.

Food and Drug

The Food and Drug Working Group, established in 1993 as a two-year effort to assess the feasibility of formulating organizational guidelines for offenses covered by §2N2.1, used the first year to study how individual defendants were sentenced under the guideline. In its second year, the group will focus more specifically on organizational guidelines.

During 1993, the group prepared a preliminary report that included: (1) an overview of §2N2.1 and the most commonly prosecuted crimes sentenced under it; (2) a description and analysis of food and drug cases involving individuals sentenced under §2N2.1 during fiscal years 1991 and 1992; (3) a description of food and drug cases involving organizational defendants sentenced under pre-guidelines law; (4) an analysis of significant application issues under §2N2.1;

and (5) a description of additional research the group will undertake during fiscal year 1994.

Departures

The Departures Working Group was formed to study the use of sentencing judges' authority to depart from the guidelines and to impose a sentence outside the otherwise specified sentencing range. To clarify the role of departure in the guidelines sentencing process and to determine whether current departure practice is consistent with statutory authority and congressional intent, the Departures Working Group is engaged in reviews and analyses of: (1) the currently available legal and policy bases for departure; and (2) when and why sentencing judges exercise their departure authority.

The key element of the study is an empirical analysis of district court departure practices. For this phase of the research, the working group selected 30 district courts in six circuits and conducted a detailed review of monitoring files for departure cases in each district – more than 1,400 cases in all – and is analyzing this information for important patterns. This empirical review is supplemented by two legal research projects: (1) an analysis of the appellate jurisprudence of each circuit, focusing on treatment of offender characteristics, offense circumstances, and criminal history as bases for departure; and (2) an examination of the language and legislative history of the Sentencing Reform Act's departure provisions.

The working group anticipates that this combination of legal and empirical research will promote better understanding of the role of departure in the guidelines sentencing scheme and will aid the Commission in its assessment of the need for amendment of guidelines provisions relating to departure.

Environmental Sanctions

The Commission in 1992 authorized the formation of the Advisory Working Group on Environmental Sanctions to render its independent opinions on the development of sanctions for organizations convicted of federal environmental offenses. This *ad hoc* working group comprises 16 experts in environmental or corporate criminal law. It includes representatives from the Department of Justice, the Environmental Protection Agency, environmental public interest groups, the regulated corporate community, the private defense bar, and academia.

The activities of this working group represented but the first step in the Commission's process of developing guidelines. The group met frequently throughout 1992 and 1993 to discuss the difficult issues of sentencing organizations found guilty of environmental offenses. In March 1993, the group released for public comment a working draft of proposed recommendations, stimulating public debate on the need for, and the appropriate content of, sentencing guidelines to be applied to organizations convicted of environmental offenses. Witnesses expressed their views at a May 10, 1993, public meeting before the advisory working group, and others submitted more than 100 sets of written comment on the working draft.

The advisory working group revised its recommendations in light of the comments received and expected to submit its final recommendations to the Commission in November 1993.

Chapter Three

Legal Issues

Introduction

During 1993, federal courts issued hundreds of decisions on constitutional, statutory, and guideline application issues. While the Commission is not a party to individual sentencing proceedings, it closely follows court decisions as part of its congressionally mandated responsibility to monitor application of the guidelines and to formulate guideline amendments promoting a greater degree of sentencing uniformity.¹ What follows is an overview of some of the more significant sentencing-related legal issues addressed by the courts in 1993.

Supreme Court

The United States Supreme Court, in 1989, ensured nationwide application of the sentencing guidelines by laying to rest a series of constitutional challenges to the Sentencing Reform Act and the guidelines.² In 1993, the Court issued

two unanimous decisions on issues related to guideline sentencing.³ In United States v. Stinson,⁴ the Court held that commentary in the Sentencing Commission's Guidelines Manual that explains or interprets a guideline is authoritative unless it violates the Constitution or a federal statute, is inconsistent with that guideline, or is a plainly erroneous reading of it.⁵

According to this measure of controlling authority to the commentary is consistent with the role the Sentencing Reform Act contemplates for the Sentencing Commission. The Commission, after all, drafts the guidelines as well as the commentary interpreting them, so we can presume that the interpretations of the guidelines contained in the commentary represent the most accurate indications of how the Commission deems that the guidelines should be applied to be consistent with the guidelines as a whole as well as the authorizing statute.⁶

1. See generally 28 U.S.C. § 991(b)(1)(B); S. Rep. No. 225, 98th Cong., 2d Sess. 39-56, 159-81 (1983), reprinted in 1984 U.S.C.C.A.N. 3182, 3222-339, 3342-64.
2. Mistretta v. United States, 488 U.S. 361 (1989).
3. During the same period, the Supreme Court agreed to hear three cases that will have an impact on guideline sentencing: U.S. v. Custis, 988 F.2d 1355 (4th Cir.), cert. granted, 62 U.S.L.W. 3272 (U.S. Oct. 12, 1993)(No. 93-5209)(whether a defendant may challenge the constitutional validity of prior state convictions offered by the government to enhance his sentence under the provisions of the Armed Career Criminal Act); U.S. v. Nichols, 979 F.2d 402 (6th Cir. 1992), cert. granted, 62 U.S.L.W. 3259 (U.S. Sept. 28, 1993)(No. 92-8556)(whether the district court may consider a prior, uncounseled misdemeanor conviction for driving while intoxicated in determining defendant's criminal history score under the guidelines); U.S. v. Granderson, 969 F.2d 980 (11th Cir. 1992), cert. granted, 113 S. Ct. 3033 (1993)(whether the phrase "original sentence" in 18 U.S.C. § 3565(a), requiring a federal probationer convicted of a drug offense to serve a minimum sentence "not less than one-third the original sentence," refers to the original term of probation imposed or the original sentence of imprisonment that could have been imposed under the guidelines at the original sentencing hearing). Arguments were scheduled to be heard on Granderson January 10, 1994, on Nichols January 11, 1994, and on Custis February 28, 1994.
4. 113 S. Ct. 1913 (1993).
5. In the same vein, the principle that certain kinds of policy statements in the Guidelines Manual bind federal courts was decided in 1992. Williams v. United States, 503 U.S. ___, ___ (1992)(slip op., at 6).
6. 113 S. Ct. 1913, 1918-19 (1993).

In the second case, United States v. Dunnigan,⁷ the Court ruled that an obstruction enhancement given under guideline 3C1.1 for a defendant's perjurious trial testimony does not contravene the privilege of an accused to testify on her own behalf, provided the sentencing judge makes "a proper determination" that the defendant, in fact, committed perjury at trial. If the defendant challenges the sentence enhancement resulting from her trial testimony, the court must review the evidence and make independent findings to support all the elements of a perjury violation. This decision resolved an intercircuit conflict and restored uniformity in the interpretation of the applicable constitutional law.

Courts of Appeals

When an intercircuit conflict concerns differences in interpretation of guidelines provisions that do not reach constitutional issues, the Supreme Court has indicated that the Commission has the initial and primary task of addressing and resolving the conflict.⁸ The Commission's actions to resolve conflicts among the circuits by guideline amendment are set out in Table 3. A discussion of the most significant appellate decisions follows.

Relevant Conduct

Section 1B1.3, the Relevant Conduct guideline, determines the scope of a defendant's offense conduct, and that of others acting in concert with the defendant, that will be used to determine the defendant's offense level. In 1993, the appellate courts continued to reject statutory challenges to the Commission's authority to promulgate this guideline. The Fifth Circuit joined several other circuits in holding "that 28 U.S.C. § 994(c)(2) provides statutory authority for USSG §1B1.3" to consider for sentencing purposes conduct outside the confines of the offense of conviction.⁹ Appellate courts have continued to reject arguments that consideration of acquitted conduct in determining the base offense level violates the double jeopardy clause or due process.¹⁰

The courts have continued to uphold the inclusion of drug quantities outside the offense of conviction as relevant conduct in drug distribution cases in which the sentencing judge made factual findings that the drugs were part of the same "course of conduct or part of a common scheme or plan" as the count of conviction.¹¹ Appellate courts continued to reject challenges to a sentencing court's consideration of conduct charged in dismissed counts when determining relevant conduct.¹²

7 113 S. Ct. 1111 (1993).

8 Braxton v. United States, 111 S. Ct. 1854 (1991).

9 U.S. v. Gracia, 983 F.2d 625, 629 (5th Cir. 1993); accord U.S. v. Galloway, 976 F.2d 414, 419-21 (8th Cir. 1992) (*en banc*), *cert. denied*, 113 S. Ct. 1420 (1993); U.S. v. Davern, 970 F.2d 1490 (6th Cir. 1992) (*en banc*), *cert. denied*, 113 S. Ct. 1289 (1993); See also U.S. v. Ebbhole, 917 F.2d 1495 (7th Cir. 1990) (rejecting statutory challenge to §1B1.3).

10 U.S. v. Garcia, 987 F.2d 1459 (10th Cir. 1993) (following holding in U.S. v. Johnson, 911 F.2d 1394, 1400-02 (10th Cir. 1990), *cert. denied*, 111 S. Ct. 761 (1991) that double jeopardy is inapplicable because there is no separate punishment for the acquitted crime, only an enhancement of the sentence for the crime of which defendant is convicted).

11 U.S. v. Olea, 987 F.2d 874, 877 (1st Cir. 1993).

12 U.S. v. Von Mitchell, 984 F.2d 338 (9th Cir. 1993).

Table 3

CIRCUIT CONFLICTS ADDRESSED BY COMMISSION AMENDMENT
(Amendments effective November 1, 1993)

GUIDELINE ISSUE	CIRCUIT DECISIONS ¹	COMMISSION AMENDMENT
<p>§1B1.11 ("One Book Rule")</p> <p>When sentencing a defendant, should the sentencing court apply the entire manual instead of applying different versions for different counts?</p>	<p>Yes (Second, Fourth, Seventh, Eighth, Ninth)</p> <p>Single-count cases:</p> <p><u>United States v. Stephenson</u>, 921 F.2d 438, 441 (2d Cir. 1990)</p> <p><u>United States v. Boula</u>, 997 F.2d 263 (7th Cir. 1993) (after amendment 442).</p> <p><u>United States v. Lenfesty</u>, 923 F.2d 1293, 1299 (8th Cir. 1991)</p> <p><u>United States v. Warren</u>, 980 F.2d 1300 (9th Cir. 1992) (post-amendment)</p> <p>Multiple-count cases:</p> <p><u>United States v. Hartzog</u>, 983 F.2d 604, 608 (4th Cir. 1993)</p> <p>No (Third, Ninth)</p> <p>Multiple-count cases:</p> <p><u>United States v. Seligsohn</u>, 981 F.2d 1418, 1424-26 (3d Cir. 1992)</p> <p><u>United States v. Castro</u>, 972 F.2d 1107 (9th Cir. 1992)</p>	<p>Amendment 474 amends §1B1.11 and its commentary to state that a single manual should be applied in cases involving multiple counts (effective November 1, 1993). Amendment 442, effective November 1, 1992, added §1B1.11 and commentary specifying that a single manual should be used in cases involving a single count.</p>
<p>§2D1.1 (n.*) (Cocaine Base)</p> <p>Is the term "cocaine base" as used in §2D1.1 synonymous with the term "crack"?</p>	<p>Yes (Ninth)</p> <p><u>United States v. Shaw</u>, 936 F.2d 412 (9th Cir. 1991)</p> <p>No (First, Second, Fifth, Eleventh)</p> <p><u>United States v. Lopez-Gil</u>, 965 F.2d 1124, 1135 (1st Cir. 1992), <i>amended</i>, No. 90-2059 (May 14, 1992) (<i>en banc</i>)</p> <p><u>United States v. Jackson</u>, 968 F.2d 158 (2d Cir. 1992)</p> <p><u>United States v. Butler</u>, 988 F.2d 537 (5th Cir. 1993)</p> <p><u>United States v. Rodriguez</u>, 980 F.2d 1375 (11th Cir. 1992)</p>	<p>Amendment 487 to the commentary of §2D1.1 states that "cocaine base" means "crack" for purposes of applying the sentencing guidelines (effective November 1, 1993).</p>

Table 3 (Cont'd)

GUIDELINE ISSUE	CIRCUIT DECISIONS ¹	COMMISSION AMENDMENT
<p>§2D1.1, comment. (n.1) (Mixture or Substance)</p> <p>Does the term "mixture or substance" for purposes of §2D1.1 include materials that must be separated from the controlled substance before the controlled substance can be used?</p>	<p>Yes (First, Fifth, Ninth, Tenth)</p> <p><u>United States v. Mahecha-Onofre</u>, 936 F.2d 623 (1st Cir. 1991) (cocaine) <u>United States v. Lopez-Gil</u>, 965 F.2d 1124 (1st Cir. 1992), <i>amended on other grounds</i>, No. 90-2059 (1st Cir. May 14, 1992) (<i>en banc</i>) (cocaine) <u>United States v. Sherrod</u>, 964 F.2d 1501 (5th Cir. 1992) (methamphetamine) <u>United States v. Innis</u>, 7 F.3d 840 (9th Cir. 1993) (methamphetamine) <u>United States v. Killion</u>, 7 F.3d 927 (10th Cir. 1993) (methamphetamine)</p> <p>No (Second, Third, Fifth, Sixth, Seventh, Eleventh)</p> <p><u>United States v. Acosta</u>, 963 F.2d 551 (2d Cir. 1992) (cocaine) <u>United States v. Rodriguez</u>, 975 F.2d 999 (3d Cir. 1992) (cocaine) <u>United States v. Palacios-Molina</u>, 7 F.3d 49 (5th Cir. 1993) (cocaine) <u>United States v. Jennings</u>, 945 F.2d 129, 134 (6th Cir. 1991) (methamphetamine) <u>United States v. Johnson</u>, 999 F.2d 1192 (7th Cir. 1993) (cocaine) <u>United States v. Rolande-Gabriel</u>, 938 F.2d 1231 (11th Cir. 1991) (cocaine) <u>United States v. Newsome</u>, 998 F.2d 1571 (11th Cir. 1993) (methamphetamine)</p>	<p>Amendment 484 to the commentary of §2D1.1 states that the term "mixture or substance" does not include materials that must be separated from the controlled substance before it may be used (effective November 1, 1993).</p>

Table 3 (Cont'd)

GUIDELINE ISSUE	CIRCUIT DECISIONS ¹	COMMISSION AMENDMENT
<p>§2F1.1(b)(2) (More than Minimal Planning Adjustment); §3B1.1 (Aggravating Role)</p> <p>Can a sentencing court apply both the adjustment for §3B1.1 (Aggravating Role) and an adjustment for more than minimal planning (e.g., under §2F1.1 (Fraud and Deceit))?</p>	<p>Yes (First, Third, Fourth, Seventh, Eighth, Ninth, Tenth)</p> <p><u>United States v. Balogun</u>, 989 F.2d 20, 24 (1st Cir. 1993) <u>United States v. Wong</u>, 3 F.3d 667 (3d Cir. 1993) <u>United States v. Curtis</u>, 934 F.2d 553 (4th Cir. 1991) <u>United States v. Boula</u>, 932 F.2d 651, 655 (7th Cir. 1991) <u>United States v. Willis</u>, 997 F.2d 407 (8th Cir. 1993) <u>United States v. Kelly</u>, 993 F.2d 705 (9th Cir. 1993) <u>United States v. Smith</u>, No. 93-3159 (10th Cir. Jan. 6, 1994)</p> <p>No (Sixth)</p> <p><u>United States v. Romano</u>, 970 F.2d 164 (6th Cir. 1992) (§3B1.1(a)) <u>United States v. Chichy</u>, 1 F.3d 1501 (6th Cir. 1993) (§3B1.1(c))</p>	<p>Amendment 497 clarifies §1B1.1 (Application Instructions) to provide that adjustments from different guideline sections are applied cumulatively unless otherwise stated (effective November 1, 1993).</p>
<p>§3B1.1(b) (Aggravating Role)</p> <p>Does §3B1.1(b) (Aggravating Role) permit an enhancement if the defendant manages or supervises only property or enterprises and not persons?</p>	<p>Yes (Fourth, Seventh)</p> <p><u>United States v. Chambers</u>, 985 F.2d 1263 (4th Cir. 1993) <u>United States v. Morales</u>, 994 F.2d 386 (7th Cir. 1993)</p> <p>No (First, Third, Sixth, Ninth)</p> <p><u>United States v. Fuller</u>, 897 F.2d 1217, 1220-21 (1st Cir. 1990) <u>United States v. Fuentes</u>, 954 F.2d 151, 154 (3d Cir. 1992) <u>United States v. Carroll</u>, 893 F.2d 1502 (6th Cir. 1990) <u>United States v. Mares-Molina</u>, 913 F.2d 770, 773-74 (9th Cir. 1990)</p>	<p>Amendment 500 to the commentary of §3B1.1 (Aggravating Role) specifies that the defendant must have managed one or more other participants, but suggests an upward departure when the defendant has management responsibility over the property, assets, or activities of a criminal organization but not over other persons (effective November 1, 1993).</p>

Table 3 (Cont'd)

GUIDELINE ISSUE	CIRCUIT DECISIONS ¹	COMMISSION AMENDMENT
<p>§4A1.2, comment. (n.6) (Collateral Attack of Prior Convictions)</p> <p>Does note 5 of the commentary to §4A1.2 (Definitions and Instructions for Computing Criminal History) independently confer on sentencing courts the discretion to entertain defendant's initial challenges to prior convictions?</p>	<p>Yes (Second, Third, Fifth)</p> <p><u>United States v. Jacobetz</u>, 955 F.2d 786, 805 (2d Cir. 1992) <u>United States v. Brown</u>, 991 F.2d 1162 (3d Cir. 1993) <u>United States v. Canales</u>, 960 F.2d 1311, 1316 (5th Cir. 1992)</p> <p>No (First, Fourth, Sixth, Eighth, Eleventh)</p> <p><u>United States v. Isaacs</u>, Nos. 92-2068 (1st Cir. Jan. 25, 1993) <u>United States v. Byrd</u>, 995 F.2d 536 (4th Cir. 1993) <u>United States v. McGlocklin</u>, 8 F.3d 1037 (6th Cir. 1993) (<i>en banc</i>) <u>United States v. Hewitt</u>, 942 F.2d 1270, 1276 (8th Cir. 1991) <u>United States v. Roman</u>, 989 F.2d 1117 (11th Cir. 1993)</p> <p>See also (Ninth)</p> <p><u>United States v. Vea-Gonzales</u>, 986 F.2d 321, 327 (9th Cir. 1993)</p>	<p>Amendment 493 to the commentary of §4A1.2 clarifies that the Commission does not intend this commentary to enlarge the defendant's right to attack collaterally a prior conviction beyond any right otherwise recognized by law (effective November 1, 1993).</p>

1. Case citations do not include information regarding denial of certiorari.

The Sixth Circuit addressed the issue of whether quantities of drugs seized in violation of the Fourth Amendment may be considered when determining relevant conduct. In United States v. Jenkins,¹³ the court allowed consideration of the evidence, because there was no indication in the trial record that the evidence was obtained to enhance the defendants' sentences. In so holding, the panel chose not to follow dicta from an earlier decision by another panel.¹⁴

In monitoring application of the Relevant Conduct guideline, the Commission determined that clarifying changes should be made and additional illustrative commentary should be added. These amendments became effective November 1, 1992. One area the amendments sought to clarify was the concept of "reasonable foreseeability" as a means of determining sentencing accountability for defendants who have participated in jointly undertaken criminal activity. The Second and Seventh Circuits¹⁵ have permitted sentencing courts to consider conduct that may have occurred before the defendant joined the conspiracy. Taking the contrary view, the First and Ninth Circuits have limited consideration to conduct occurring after the defendant joined the conspiracy,¹⁶ reasoning that "reasonable foreseeability" should reflect only what the

defendant foresees is the object of the conspiracy once he has joined. The Fifth Circuit reached the same conclusion as the First and Ninth. In United States v. Evbuomwan,¹⁷ the court looked to an example from the prospective amended guideline (which the court believed it could appropriately consider because the amendment was of a clarifying nature) and concluded that "appropriate application of §1B1.3 requires giving temporal primacy to the determination of whether a defendant has agreed to jointly undertake a criminal activity. . . . The reasonably foreseeable standard applies only *after* it is shown that a jointly undertaken activity has taken place."

The concept of reasonable foreseeability in the Relevant Conduct guideline also has been applied by the courts in construing the reach of the statutory minimum provisions of 21 U.S.C. §§ 841(b) and 846. The Second Circuit, in United States v. Martinez,¹⁸ agreed with the Eighth Circuit's decision in United States v. Jones,¹⁹ holding that the standards governing sentencing under the guidelines "should apply to the statutory minimums of § 841(b)." The Second Circuit examined the legislative history of 21 U.S.C. § 846 and held that the guideline standards also apply to sentences for conspiracy

13 U.S. v. Jenkins, 4 F.3d 1338 (6th Cir. 1993).

14 See U.S. v. Nichols, 979 F.2d 402 (6th Cir. 1992), *cert. granted* on other issue, 62 U.S.L.W. 3259 (U.S. Sept. 28, 1993) (No. 92-8556).

15 See U.S. v. Miranda-Ortiz, 926 F.2d 172, 173 (2d Cir.), *cert. denied*, 112 S. Ct. 347 (1991); U.S. v. Edwards, 945 F.2d 1387 (7th Cir. 1991), *cert. denied*, 112 S. Ct. 1590 (1992).

16 U.S. v. O'Campo, 973 F.2d 1015, 1026 (1st Cir. 1992); U.S. v. Petty, 982 F.2d 1374, 1377 (9th Cir. 1993).

17 U.S. v. Evbuomwan, 992 F.2d 70, 74 (5th Cir. 1993).

18 U.S. v. Martinez, 987 F.2d 920, 924-25 (2d Cir. 1993).

19 U.S. v. Jones, 965 F.2d 1507, 1516-17 (8th Cir.), *cert. denied*, 113 S. Ct. 3346 (1992); *accord* U.S. v. Becerra, 992 F.2d 960, 967, n.2 (9th Cir. 1993) ("we see no reason why sentencing under the statutory minimums should differ. They are, in essence, part of the Guidelines scheme."); U.S. v. Irvin, 2 F.3d 72 (4th Cir. 1993).

under 21 U.S.C. § 846. In joining these circuits, the Seventh Circuit stated:²⁰

The view they have taken preserves the traditional approach to co-conspirator liability, an approach well-established in our criminal law. It also permits the administration of the statute in a way that does no violence to the approach of the Sentencing Guidelines. Accordingly, we join the other circuits that have confronted the issue in holding that, in imposing a sentence for conspiracy under the provisions of section 841(b), the district court must determine the quantity of drugs that the defendant could reasonably have foreseen.

Vulnerable Victim, Role in the Offense

The Vulnerable Victim adjustment under guideline 3A1.1 provides for a two-level enhancement of a defendant's offense level if "the defendant knew or should have known that a victim of the offense was unusually vulnerable due to age, physical or mental condition, or . . . was otherwise particularly susceptible to the criminal conduct . . ." ²¹ During 1993, several cases focused on the "otherwise particularly susceptible" language of the guideline. Among the most significant was the Eleventh Circuit's *en banc* decision ²² on remand from the Supreme Court ²³ that bank tellers, as a group, are not "otherwise

particularly susceptible" to bank robbery within the meaning of §3A1.1. This holding reversed a prior panel decision. ²⁴ In making this determination, the circuit court agreed with the Solicitor General's argument that "section 3A1.1 was intended to apply only when the special vulnerability of the victim makes the offender more culpable than he otherwise would be in committing the particular offense." ²⁵ In this instance, bank tellers are typically the victims of bank larceny and robbery offenses. However, the court noted that by ruling that tellers are not *per se* vulnerable victims does not preclude a teller from being a vulnerable victim in a particular case.

The Seventh Circuit also examined the "otherwise particularly susceptible" language and held that a married homosexual was a particularly susceptible blackmail victim. ²⁶ The court noted that "blackmail victims are not all susceptible to the same degree"; and the fact that the defendant targeted married homosexuals indicated "a malevolent focusing in on a particularly susceptible subgroup of blackmail victims." That circuit also upheld the enhancement for a case in which the defendant targeted an emotionally disturbed minor and lured her into prostitution. ²⁷

The Role in the Offense adjustment of guideline 3B1.1 also has been the subject of conflicting interpretations among the circuits. The courts have disagreed on whether an adjustment is per-

20 U.S. v. Young, 997 F.2d 1204, 1210 (7th Cir. 1993).

21 USSC §3A1.1.

22 U.S. v. Morrill, 984 F.2d 1136 (11th Cir. 1993) (*en banc*).

23 Morrill v. United States, 113 S. Ct. 955 (1993).

24 U.S. v. Jones, 899 F.2d 1097 (11th Cir.), *cert. denied*, 498 U.S. 906 (1990).

25 U.S. v. Morrill, *supra*, n. 22, 984 F.2d at 1137.

26 U.S. v. Lallemand, 989 F.2d 936, 940 (7th Cir. 1993).

27 U.S. v. White, 979 F.2d 539, 544 (7th Cir. 1992).

mitted if the defendant manages or supervises only property or assets and not other participants in the criminal activity.²⁸ During 1993, the Commission amended the guideline commentary to resolve this conflict. The amended commentary, effective November 1, 1993, states that the defendant must manage other persons, but provides that an upward departure may be warranted if the defendant "exercised management responsibility over the property, assets, or activities of a criminal organization."²⁹

Obstruction of Justice, Acceptance of Responsibility

The guidelines provide for a two-level upward adjustment to the offense level if the defendant "willfully obstructed or impeded, or attempted to obstruct or impede the administration of justice during the investigation, prosecution, or sentencing of the instant offense."³⁰ The Supreme Court's decision in United States v. Dunnigan³¹ upheld the constitutionality of enhancing a defendant's sentence under this guideline upon a finding that the defendant committed perjury at trial; however, the judge may not rely solely on the jury verdict of guilty, but must make inde-

pendent findings of perjury. As the Eighth Circuit has held, it is not enough that the defendant testified in his own behalf and the jury disbelieved him.³² Obstruction adjustments were also upheld for defendants who attempted to escape custody prior to sentencing,³³ tried to influence witnesses' testimony by threatening them,³⁴ and flushed crack cocaine down the toilet when police entered his apartment with a search warrant.³⁵

Obstruction adjustments have been reversed for cases in which the sentencing judge relied solely on the jury verdict in determining that the defendant testified falsely,³⁶ the acts relied on by the court were unrelated to the counts of conviction and could not have impeded investigation into them,³⁷ and the adjustment was based on the defendant lawyer's objection to information in the presentence report that was later proven by the government.³⁸

The defendant's base offense level may be adjusted downward two levels "if the defendant clearly demonstrates acceptance of responsibility for his offense," and an additional one-level downward adjustment may be made for certain

28 Compare U.S. v. Chambers, 985 F.2d 1263 (4th Cir.), cert. denied, 114 S. Ct. 107 (1993) (the aggravating role adjustment applies where the defendant manages or supervises property or assets); U.S. v. Morales, 994 F.2d 386 (7th Cir. 1993) (same) with U.S. v. Fuller, 897 F.2d 1217 (1st Cir. 1990) (the defendant must have exercised some degree of control over others involved in the commission of the offense); U.S. v. Fuentes, 954 F.2d 151 (3d Cir.), cert. denied, 112 S. Ct. 2950 (1992); U.S. v. Carroll, 893 F.2d 1502 (6th Cir. 1990); U.S. v. Mares-Molina, 913 F.2d 770, 773-74 (9th Cir. 1990).

29 Section 3B1.1, App. C., amend. 500 (Nov. 1993).

30 USSC §3C1.1.

31 113 S. Ct. 1111 (1993).

32 U.S. v. Yankton, 986 F.2d 1225 (8th Cir. 1993).

33 U.S. v. Amos, 984 F.2d 1067 (10th Cir. 1993).

34 U.S. v. Riley, 991 F.2d 120 (4th Cir. 1993).

35 U.S. v. Chatman, 994 F.2d 1510 (10th Cir. 1993).

36 U.S. v. Medina, 992 F.2d 573 (6th Cir. 1993).

37 U.S. v. Levy, 992 F.2d 1081 (10th Cir. 1993).

38 U.S. v. Eirven, 987 F.2d 634 (9th Cir. 1993).

defendants who have "assisted authorities in the investigation or prosecution of his own misconduct" by taking certain specified actions.³⁹ In 1993, four circuits held that §3E1.1(b), providing for the additional one-level adjustment, could not be applied retroactively because the amendment was not listed by the Commission under USSC §1B1.10 for possible retroactive application.⁴⁰

Criminal History

Language in the commentary to §4A1.2, relating to invalidated convictions and the procedural issue of whether a defendant may at sentencing collaterally attack prior convictions, has been amended several times to clarify guideline interpretation. An amendment to Application Note 6 to the guideline commentary, effective November 1, 1993, further clarifies the commentary⁴¹ in response to an intercircuit conflict. The circuits have differed in their interpretation of the

November 1990 version of language in Application Note 6 and background commentary, which provides that "sentences resulting from convictions that a defendant shows to have been previously ruled constitutionally invalid are not to be counted" and that "[t]he Commission leaves for court determination the issue of whether a defendant may collaterally attack at sentencing a prior conviction." The Fourth, Eighth, and Eleventh Circuits have held that the 1990 amended language prohibits a defendant from collaterally attacking a prior sentence at the sentencing hearing unless the Constitution or a federal statute requires that the challenge be allowed.⁴²

In contrast, the Second, Third, Fifth, and Sixth Circuits have held that the amendments do not restrict district court discretion to permit defendants to challenge prior convictions.⁴³

39 USSC §3E1.1, App. C, amend. 459 (Nov. 1992).

40 See *U.S. v. DeSouza*, 995 F.2d 323 (1st Cir. 1993); *U.S. v. Caceda*, 990 F.2d 707 (2d Cir. 1993); *U.S. v. Rodriguez*, 989 F.2d 583 (2d Cir. 1993); *U.S. v. Dowty*, 996 F.2d 937 (8th Cir. 1993) (*per curiam*); *U.S. v. Avila*, 997 F.2d 767 (8th Cir. 1993).

41 USSC App. C, amend. 493 to §4A1.2, comment. (n.6) (Nov. 1, 1993) that: "Reversed, Vacated, or Invalidated Convictions. Sentences resulting from convictions that (A) have been reversed or vacated because of errors of law or because of subsequently discovered evidence exonerating the defendant, or (B) have been ruled constitutionally invalid in a prior case are not to be counted. With respect to the current sentencing proceeding, this guideline and commentary do not confer upon the defendant any right to attack collaterally a prior conviction or sentence beyond any such rights otherwise recognized in law (*e.g.*, 21 U.S.C. § 851 expressly provides that a defendant may collaterally attack certain prior convictions)." Nonetheless, the criminal conduct underlying any conviction that is not counted in the criminal history score may be considered pursuant to §4A1.3 (Adequacy of Criminal History Category).

42 See *U.S. v. Byrd*, 995 F.2d 536 (4th Cir. 1993), *petition for cert. filed*, ___ U.S.L.W. ___ (U.S. Oct. 1993) (No. 93-6385) (the guidelines provide no independent power for collateral review; review is mandated by the Constitution only in certain limited circumstances); *U.S. v. Roman*, 989 F.2d 1270, 1276 (8th Cir. 1991) (*en banc*) (the guidelines add no independent power for collateral review; the Constitution only mandates review if the prior conviction is "presumptively void"); and *U.S. v. Hewitt*, 942 F.2d 1270, 1276 (8th Cir. 1991) (the amendment to note 6 of the commentary demonstrates the Commission's intent to disallow challenges to prior convictions; it does not discuss the background note).

43 *U.S. v. Brown*, 991 F.2d 1162, 1165-66 (3d Cir. 1993); *U.S. v. Canales*, 960 F.2d 1311, 1315 (5th Cir. 1992) (the background note demonstrates Commission intent that the sentencing court exercise discretion in deciding whether to permit challenges to prior convictions); *U.S. v. McGlocklin*, 8 F.3d 1037 (6th Cir. 1993) (Application Note 6 is consistent with the district courts' inherent authority to allow attacks on prior convictions); *U.S. v. Jakobetz*, 955 F.2d 786, 805 (2d Cir.), *cert. denied*, 113 S. Ct. 104 (1992) ("[w]hile defendants may always present the sentencing court with evidence that another court has ruled their prior convictions invalid and hence unsuitable for consideration as part of the criminal history score at sentencing, the court also retains discretion to

The circuit courts also are divided on whether the Constitution requires the courts to allow collateral attacks on prior convictions.⁴⁴

The Commission has acted to address these conflicts and awaits the Supreme Court's decision in Custis and Nichols (see footnote 3, *supra*) for additional guidance in this area.

Departures Based on Aggravating and Mitigating Circumstances

The guidelines and the underlying statute provide that a district court may impose a sentence outside the applicable range if the court finds an "aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence different from that described."⁴⁵ Although departures depend to a large extent on the individual circumstances of each case, some general patterns have emerged concerning what constitutes a valid or invalid ground for departure.

In 1993, appellate courts continued to affirm upward departures in cases in which the district courts found that the defendant's conduct was not adequately covered by the applicable guideline or adjustments. Examples include the "inordinate" abuse of trust in excess of that

contemplated in §3B1.3 of a United States bankruptcy trustee who embezzled more than \$1.5 million from an account under his receivership,⁴⁶ a defendant whose perjury at trial was significantly more egregious than ordinary cases of obstruction of justice,⁴⁷ and a defendant convicted of fraudulent phonecard use who falsely reported an armed hostage situation that resulted in \$2,500 in property damage to a hotel (see §5K2.5), and the needless dispatching of the city's SWAT team (see §5K2.7).⁴⁸

During the same period, appellate courts reversed upward departures for a variety of reasons. Departures were reversed because the conduct or circumstances were included or inherent in the base offense level or adjustment, or were otherwise considered by the Commission in formulating the guidelines. Examples include a departure based on extreme psychological injury for which there was no evidence that the injury to the victim was more serious than that normally resulting from witnessing a murder and being assaulted,⁴⁹ a departure based on greed in a drug trafficking offense,⁵⁰ and a departure based on the defendant's repeated acts of fraud, which were already encompassed by the "more than minimal planning" adjustment he received, and on the district court's efforts to ensure that his sentence would be twice as long as his co-defen-

determine whether a defendant may mount an initial challenge to the validity of such convictions.").

- 44 Compare U.S. v. Vea-Gonzales, 986 F.2d 321, 325-29 (9th Cir. 1993) (the Constitution guarantees the defendants' right collaterally to attack prior convictions at sentencing) with U.S. v. Roman, 989 F.2d 1270, 1276 (8th Cir. 1991) (*en banc*) (the Constitution does not require sentencing courts to allow collateral challenge to prior convictions at sentencing unless the alleged constitutional error is of the magnitude to make the prior conviction "presumptively void").
- 45 USSC §5K2.0; 18 U.S.C. § 3553(b).
- 46 U.S. v. Bartsh, 985 F.2d 930 (8th Cir. 1993).
- 47 U.S. v. Momeni, 991 F.2d 493 (9th Cir.), *cert. denied*, 114 S. Ct. 280 (1993).
- 48 U.S. v. Flinn, 987 F.2d 1497 (10th Cir. 1993).
- 49 U.S. v. Luscier, 983 F.2d 1507 (9th Cir. 1993).
- 50 U.S. v. Gray, 982 F.2d 1020 (6th Cir. 1993).

dant's (see USSG §1B1.1).⁵¹

Departures Based on Offender Characteristics

Policy statements in the Guidelines Manual provide that offender characteristics and personal circumstances, such as age,⁵² education and vocational skills,⁵³ mental and emotional conditions,⁵⁴ physical condition,⁵⁵ previous employment record,⁵⁶ family ties and responsibilities,⁵⁷ and military, civic, charitable, or public service⁵⁸ are not ordinarily relevant in determining whether a sentence should be outside the applicable guideline range. In 1993, several appellate courts identified atypical circumstances involving offender characteristics that were sufficiently unusual to warrant a downward departure. A downward departure was affirmed for a defendant with an "extraordinary physical impairment" that resulted in "extreme vulnerability to victimization in prison,"⁵⁹ for a defendant with reduced mental capacity,⁶⁰ and for a defendant with mental and emotional disorders whose panic disorder and agoraphobia were at times totally debilitating.⁶¹

The majority of the circuits have held that a downward departure may be based on the defendant's family ties and responsibilities or commu-

nity ties only in "extraordinary circumstances." In an opinion significant for its revised mode of departure analysis, the First Circuit in U.S. v. Rivera⁶² remanded a case for resentencing where the district court stated that it lacked the power to depart downward on the basis of the defendant's circumstances as a destitute single mother of three small children for whom she was the sole support. According to the First Circuit, the district court could consider those factors as a basis for a downward departure if it found the circumstances were out of the ordinary. The court characterized this decision as providing a more deferential standard of review for departures, stating, "We now extend that 'respect' to sentencing court determinations of whether (and the extent to which) given circumstances make a case 'unusual' or 'not ordinary.'" The court called its decision an "elaboration and modification" of the three-part departure test of U.S. v. Diaz-Villafane.⁶³

Because departure decisions are tailored largely to the particular circumstances of the case, a brief description of selected departure cases (approved and disapproved by appellate courts) under guideline sections 5H and 5K from this fiscal year is provided in Tables 4-7.

51 U.S. v. Alpert, 989 F.2d 454 (11th Cir. 1993).

52 USSG §5H1.1.

53 USSG §5H1.2.

54 USSG §5H1.3.

55 USSG §5H1.4.

56 USSG §5H1.5.

57 USSG §5H1.6.

58 USSG §5H1.11.

59 U.S. v. Long, 977 F.2d 1264 (8th Cir. 1992).

60 U.S. v. Lewinson, 988 F.2d 1005 (9th Cir. 1993).

61 U.S. v. Garza-Juarez, 992 F.2d 896 (9th Cir. 1993).

62 U.S. v. Rivera, 994 F.2d 942 (1st Cir. 1993).

63 U.S. v. Diaz-Villafane, 874 F.2d 43 (1st Cir.), *cert. denied*, 110 S. Ct. 177 (1989).

Table 4

**DOWNWARD DEPARTURE FACTORS APPROVED BY APPELLATE COURTS
(October 1, 1992, through September 30, 1993)**

DEPARTURE FACTORS	CASES
Severe physical impairment and consequent vulnerability to victimization in prison.	<u>United States v. Long</u> , 977 F.2d 1264 (8th Cir. 1992).
Reduced mental capacity.	<u>United States v. Lewinson</u> , 988 F.2d 1005 (9th Cir. 1993).
Mental/emotional disorders (panic disorder and agoraphobia); conduct of investigation was coercive in nature, although not amounting to complete defense of entrapment.	<u>United States v. Garza-Juarez</u> , 992 F.2d 896 (9th Cir. 1993), <i>cert. denied</i> , ____ S. Ct. ____, 1993 WL 481952 (U.S. Jan. 10, 1994) (No. 93-6757).
Family ties in extraordinary circumstances. ¹	<u>United States v. Califano</u> , 978 F.2d 65 (2d Cir. 1992). <u>United States v. Rivera</u> , 994 F.2d 942 (1st Cir. 1993).
Defendant's sole responsibility for and extraordinary care required by mentally ill wife; availability of alternatives to imprisonment. ¹	<u>United States v. Gaskill</u> , 991 F.2d 82 (3d Cir. 1993).
Exceptionally abusive upbringing; extraordinary history of childhood neglect. ¹	<u>United States v. Roe</u> , 976 F.2d 1216 (9th Cir. 1992).
Incarceration of defendant could cause "major regression" for 12-year-old boy undergoing psychological treatment.	<u>United States v. Sclamo</u> , 997 F.2d 970 (1st Cir. 1993).

¹Factors approved, case remanded for consideration of whether facts warrant departure in the particular case.

Table 5

**DOWNWARD DEPARTURE FACTORS DISAPPROVED BY APPELLATE COURTS
(October 1, 1992, through September 30, 1993)**

DEPARTURE FACTORS	CASES
The defendant's conduct was "atypical" (convicted of structuring currency transactions but acquitted of tax evasion).	<u>United States v. Shirk</u> , 981 F.2d 1382 (3d Cir. 1992), <i>petition for cert. filed</i> (May 17, 1993).
Disparity in sentencing between the defendant and co-defendants.	<u>United States v. Piche</u> , 981 F.2d 706 (4th Cir. 1992), <i>cert. denied</i> , 113 S. Ct. 2356 (1993).
Diminished capacity not sufficiently proven.	<u>United States v. Johnson</u> , 979 F.2d 396 (6th Cir. 1992). <u>United States v. Frazier</u> , 979 F.2d 1227 (7th Cir. 1992).
Substantial assistance departure in the absence of a motion by the government under §5K1.1.	<u>United States v. Sellers</u> , 975 F.2d 149 (5th Cir. 1992).
The defendants' youth, lack of criminal record, small amount of marijuana, effort to cooperate, aberrant behavior (departure below mandatory minimum in absence of government motion).	<u>United States v. Hawley</u> , 984 F.2d 252 (8th Cir. 1993).
Prosecutor's decision to bring the case in federal court rather than state court.	<u>United States v. Haynes</u> , 985 F.2d 65 (2d Cir. 1993).
Defendant's lack of prior convictions and family responsibilities.	<u>United States v. Miller</u> , 991 F.2d 552 (9th Cir. 1993).
Defendant's minor role.	<u>United States v. Farah</u> , 991 F.2d 1065 (2d Cir. 1993).
Community standards.	<u>United States v. Hadaway</u> , 998 F.2d 917 (11th Cir. 1993).
Defendant's relative lack of culpability.	<u>United States v. Madison</u> , 990 F.2d 178 (5th Cir.), <i>cert. dismissed</i> , 114 S. Ct. 339 (1993).
Defendant's education, imposition of a lengthy term of supervised release, relatedness of two charges, and dismissed charge.	<u>United States v. Edelin</u> , 996 F.2d 1238 (D.C. Cir.), <i>petition for cert. filed</i> (Dec. 7, 1993).
Payment of restitution.	<u>United States v. Rivera</u> , 994 F.2d 942 (1st Cir. 1993).
Defendant's military service.	<u>United States v. Pittman</u> , 4 F.3d 988 (4th Cir.), <i>cert. denied</i> , ___ S. Ct. ___ (U.S. Jan. 10, 1994) (No. 93-6775).

Table 6

UPWARD DEPARTURE FACTORS APPROVED BY APPELLATE COURTS
(October 1, 1992, through September 30, 1993)

DEPARTURE FACTORS	CASES
Numerous, non-similar outdated convictions that received lenient sentences.	<u>United States v. Diaz-Collado</u> , 981 F.2d 640 (2d Cir. 1992), <i>cert. denied</i> , 113 S. Ct. 2934 (1993).
The defendant had 24 criminal history points and three prior convictions that had been consolidated for sentencing.	<u>United States v. Doucette</u> , 979 F.2d 1042 (5th Cir. 1992).
Repeated firearms offenses.	<u>United States v. Medina-Gutierrez</u> , 980 F.2d 980 (5th Cir. 1992).
The defendant murdered the owner of the U.S. Treasury check which she stole.	<u>United States v. Billingsley</u> , 978 F.2d 861 (5th Cir. 1992), <i>cert. denied</i> , 113 S. Ct. 1661 (1993).
The defendant knowingly risked the death of a 16-year-old girl.	<u>United States v. White</u> , 979 F.2d 539 (7th Cir. 1992).
Adequacy of the defendant's criminal history score. The defendant was subject to an outstanding bench warrant for a state controlled substance offense.	<u>United States v. Garcia</u> , 978 F.2d 746 (1st Cir. 1992).
Seriousness of the defendant's criminal conduct. The defendant had threatened a federal witness and committed other, unrelated acts of violence.	<u>United States v. Torres</u> , 977 F.2d 321 (7th Cir. 1992).
The defendant's extortionate conduct in smuggling aliens took the case out of the "heartland" of §2L1.1.	<u>United States v. Lara</u> , 975 F.2d 1120 (5th Cir. 1992).
Previous convictions not counted in criminal history, pending state charges, and failure of prior sentences to deter further criminal conduct.	<u>United States v. Morse</u> , 983 F.2d 851 (8th Cir. 1993).
Potency of a synthetic drug.	<u>United States v. Ono</u> , 997 F.2d 647 (9th Cir. 1993), <i>cert. denied</i> , ___ S. Ct. ___ (U.S. Jan. 10, 1994) (No. 93-6959).
"Inordinate" abuse of trust as a federal officer.	<u>United States v. Bartsh</u> , 985 F.2d 930 (8th Cir. 1993).
Criminal history score did not represent seriousness of past conduct.	<u>United States v. Sweet</u> , 985 F.2d 443 (8th Cir. 1993).
Pervasive fraudulent activities, sexual relationship with an 11-year-old girl, inducing girl to enter a life of crime.	<u>United States v. Passmore</u> , 984 F.2d 933 (8th Cir. 1993).

Table 6 (Cont'd)

DEPARTURE FACTORS	CASES
Underrepresentative criminal history score.	<u>United States v. Cash</u> , 983 F.2d 558 (4th Cir. 1992), <i>cert. denied</i> , 113 S. Ct. 2380 (1993). <u>United States v. Fitzhugh</u> , 984 F.2d 143 (5th Cir.), <i>cert. denied</i> , 114 S. Ct. 259 (1993). <u>United States v. Lambert</u> , 984 F.2d 658 (5th Cir. 1993).
Defendant's refusal to return funds obtained by fraud.	<u>United States v. Merritt</u> , 988 F.2d 1298 (2d Cir.), <i>cert. denied</i> , 113 S. Ct. 2933 (1993).
Guideline's failure to consider kind or degree of arson committed.	<u>United States v. Willey</u> , 985 F.2d 1342 (7th Cir. 1993).
Defendant's recidivism and violent behavior.	<u>United States v. Laury</u> , 985 F.2d 1293 (5th Cir. 1993).
Criminal history did not reflect prior felony narcotics conviction.	<u>United States v. Goines</u> , 988 F.2d 750 (7th Cir.), <i>cert. denied</i> , 114 S. Ct. 241 (1993).
Victims' loss of life savings.	<u>United States v. Stouffer</u> , 986 F.2d 916 (5th Cir.), <i>cert. denied</i> , 114 S. Ct. 115 (1993).
Rape-induced pregnancy of 15-year-old victim.	<u>United States v. Yankton</u> , 986 F.2d 1225 (8th Cir. 1993).
Property damages and disruption of governmental functions.	<u>United States v. Flinn</u> , 987 F.2d 1497 (10th Cir. 1993).
Reckless endangerment of civilians.	<u>United States v. Lee</u> , 989 F.2d 180 (5th Cir. 1993).
Restraint of more than one person during the course of a bank robbery.	<u>United States v. Foppe</u> , 993 F.2d 1444 (9th Cir.), <i>cert. denied</i> , 114 S. Ct. 615 (1993).
High degree of purity of a large quantity of cocaine; seriousness of the defendant's criminal history.	<u>United States v. Connor</u> , 992 F.2d 1459 (7th Cir. 1993).
President of the United States as the victim of a threatening communication; racist motivation for defendant's actions.	<u>United States v. McAninch</u> , 994 F.2d 1380 (9th Cir.), <i>cert. denied</i> , 114 S. Ct. 394 (1993).
Adequacy of criminal history category to reflect the defendant's past conduct.	<u>United States v. McKenzie</u> , 991 F.2d 203 (5th Cir. 1993).
Juvenile offenses similar to the instant offense not counted in the defendant's criminal history category.	<u>United States v. Beck</u> , 992 F.2d 1008 (9th Cir. 1993).
Extreme psychological injury.	<u>United States v. Miller</u> , 993 F.2d 16 (2d Cir. 1993).
Defendant defrauded at least 31 women.	<u>United States v. Barakett</u> , 994 F.2d 1107 (5th Cir.), <i>cert. denied</i> , ___ S. Ct. ___ (U.S. Jan. 10, 1994) (No. 93-6128).
Section 3C1.1 adjustment did not sufficiently address the defendant's perjury.	<u>United States v. Momeni</u> , 991 F.2d 493 (9th Cir.), <i>cert. denied</i> , 114 S. Ct. 280 (1993).

Table 7

**UPWARD DEPARTURE FACTORS DISAPPROVED BY APPELLATE COURTS
(October 1, 1992, through September 30, 1993)**

DEPARTURE FACTORS	CASES
Defendant's admitted involvement in previous alien smuggling operations and outstanding Canadian arrest warrant.	<u>United States v. Huang</u> , 977 F.2d 540 (11th Cir. 1992).
Past drug use.	<u>United States v. Luscier</u> , 983 F.2d 1507 (9th Cir. 1993).
Defendant's greed in drug activities.	<u>United States v. Gray</u> , 982 F.2d 1020 (6th Cir. 1993).
Victim's death (the defendant was sentenced for second-degree murder of his wife).	<u>United States v. Roston</u> , 986 F.2d 1287 (9th Cir.), <i>cert. denied</i> , 114 S. Ct. 206 (1993).
Unconvicted conduct.	<u>United States v. Alter</u> , 985 F.2d 105 (2d Cir. 1993).
The defendant's criminal record and likelihood of recidivism may not be the basis for a §5K2.0 departure; rather, the procedures under §4A1.3 apply.	<u>United States v. Deutsch</u> , 987 F.2d 878 (2d Cir. 1993).
Inadequacy of the defendant's criminal history category; reliance on convictions more than 15 years old.	<u>United States v. Eve</u> , 984 F.2d 701 (6th Cir. 1993).
Pending sentencing on another offense.	<u>United States v. Stevens</u> , 985 F.2d 1175 (2d Cir. 1993).
Adequacy of criminal history category, district court did not provide sufficient analysis under §4A1.3.	<u>United States v. Hickman</u> , 991 F.2d 1110 (3d Cir. 1993).
Reliance on local pre-guideline practice in sentencing defendant as a career offender.	<u>United States v. Ruffin</u> , 997 F.2d 343 (7th Cir. 1993).
Number of victims and psychological harm.	<u>United States v. Mandel</u> , 991 F.2d 55 (2d Cir. 1993).
Nature of the defendant's previous convictions.	<u>United States v. Henderson</u> , 993 F.2d 187 (9th Cir. 1993).
Remote juvenile convictions, prior arrests.	<u>United States v. Williams</u> , 989 F.2d 1137 (11th Cir. 1993).
Extreme psychological injury.	<u>United States v. McAninch</u> , 994 F.2d 1380 (9th Cir.), <i>cert. denied</i> , 114 S. Ct. 394 (1993).
Amount of loss, attempts to flee, likelihood of recidivism, and assault on two Secret Service agents.	<u>United States v. Adudu</u> , 993 F.2d 821 (11th Cir. 1993).
Terroristic nature of the defendant's activities.	<u>United States v. Hicks</u> , 997 F.2d 594 (9th Cir. 1993).
Upward departure for drug dependency not warranted unless the dependency is so extraordinary that longer imprisonment is more appropriate than a term of supervised release conditioned on participation in a drug rehabilitation program.	<u>United States v. Nevell</u> , 5 F.3d 542 (9th Cir. 1993).

Chapter Four

Guideline Training and Education

In 1993, the Commission continued to provide guideline application assistance in a variety of forms:

- **Training.** The Commission coordinated and participated in training sessions across the country on guideline application and sentencing-related matters for judges, probation officers, prosecutors, defense attorneys, and others.
- **Hotlines.** Commission staff responded to telephone inquiries about application of the sentencing guidelines from judges and their staffs, probation officers, assistant U.S. attorneys, and defense attorneys.
- **Publications and Training Materials.** The Commission published resource materials and prepared training and educational materials in response to requests from criminal justice practitioners.

Training

Congress authorized the Commission to "devise and conduct periodic training programs of instruction in sentencing techniques for judicial and probation personnel and other persons connected with the sentencing process." 28 U.S.C. § 995(a)(17) and (18). The Commission recognizes that an evolving guideline system along with the steady influx of new practitioners creates a continuing need for effective training programs and materials. In 1993, the Commission provided training to approximately 4,700 individuals at more than 70 training sessions across the country. Participants included circuit and

district court judges, probation officers, prosecuting and defense attorneys, congressional staff members, law clerks, and other government agency personnel. The Commission continued its collaborative training efforts with the Federal Judicial Center (FJC) and the Department of Justice (DOJ) to develop and refine permanent, academy-based guideline education programs.

At the seminars, Commission faculty provided intensive training on selected guidelines and significant amendments. Participants also received instruction on developing case law and related sentencing issues, ASSYST (see discussion below), and policy statements for revocation of probation and supervised release.

Court Personnel

The Commission continued to participate in the FJC's orientation program for newly appointed judges, providing two days of guideline training to "new" judges. This year, the Commission provided training to 154 federal district court judges at three "Mega Workshops" sponsored by the FJC. In addition, judges discussed guideline sentencing issues with Commissioners and staff at three Sentencing Institutes sponsored by the FJC and the Federal Bureau of Prisons. Judges from the Third, Seventh, and District of Columbia Circuits met in Tallahassee, Florida, in October 1992 for the first Sentencing Institute of fiscal year 1993; in August 1993, newly appointed federal judges and judges from the Tenth Circuit met in Denver, Colorado; and in September 1993, Fourth and Sixth Circuit judges met in Durham, North Carolina.

In 1993, the Commission presented three days of guideline application training to 250 new probation officers during five orientation programs at the National Probation and Pretrial Services Academy near Baltimore, Maryland. In conjunction with DOJ's Advocacy Institute, the Commission provided guideline training to approximately 200 newly appointed assistant U.S. attorneys at the Basic Criminal Trial Advocacy Program in Washington, D.C., and the Federal Practice Skills Seminars held in various cities across the country.

An informal, interagency task force organized by the Commission in 1992 continued its work of promoting increased defense attorney training on the guidelines. Initiatives by this task force led to a significant increase in defense attorney training programs nationwide and to the development of a training packet of guideline application materials specifically designed for defense attorneys.

Local Training

In 1993, the Commission responded to requests for training by conducting programs in 35 localities with an approximate combined attendance of more than 2,000. A majority of the requests for training came from probation officers, but many came from judges, defense attorneys, and prosecutors. Throughout the year, Commissioners and staff lectured widely on sentencing issues at academic seminars, judges' meetings, and professional conferences. In addition, more than 1,100 prosecuting and defense attorneys and business officials attended nearly a dozen presentations at which Commissioners and staff discussed the organizational sentencing guidelines.

Hotlines

The Commission's two hotlines – one servicing judges and probation officers, the other prose-

cuting and defense attorneys – continued to assist callers with guideline application questions. Initially envisioned as temporary services, the hotlines have become invaluable avenues to continuing education for both practitioners and Commission staff, prompting the decision to make them permanent components of the Commission's guideline education and training efforts. The hotlines are open to callers Monday through Friday between 8:30 a.m. and 5:30 p.m., EST.

In an advisory capacity, the hotline staff assist callers in applying the sentencing guidelines. Staff answer questions not involving subjective judgments, subject to the caution given all callers that hotline advice is neither binding on the court nor to be represented as the official position of the Sentencing Commission. Those questions involving a subjective determination by the judge, such as whether a defendant should receive an adjustment for acceptance of responsibility, are answered by reference to pertinent guidelines, commentary, or policy statements. For debatable questions or interpretations of correct application, staff assist the caller in understanding alternative approaches, emphasizing that such decisions are left to the courts.

Calls Received in 1993

The judge and probation officer hotline staff responded to 1,791 questions in 1993, an average of 149 questions per month. Since its inception, the hotline staff have responded to more than 13,000 questions from probation officers, judges, and law clerks. During 1993, the attorney hotline staff responded to more than 700 guideline application questions from assistant U.S. attorneys and defense attorneys.

Table 8 organizes by guideline section the questions received through the judge and probation officer hotline in 1993. The greatest number of

questions (191) related to the criminal history guidelines. Inquiries regarding drugs ranked second (117), followed by offenses involving firearms (102), multiple counts (97), implementing the total sentence of imprisonment (94), and relevant conduct (93).

Table 9 shows the number of calls made from each district to the judge and probation officer hotline in 1993. The table provides a national breakdown of hotline use by probation officers and judges and their law clerks; it should not be interpreted as indicating any district's level of guideline application proficiency.

In the process of responding to hotline questions, Commission training and legal staffs regularly consult with each other to ensure that questions are researched fully and answered accurately. To assist with quality control, staff maintain a log of the calls received and the responses provided. The Commission began this log in 1988 using a computer program specifically developed to document hotline calls. The program provides an easily accessible database that allows staff to check whether a similar question has been asked previously, thereby speeding research efforts and enabling more consistent and accurate responses.

In response to requests from probation officers, the Commission developed a hotline computer program for use in probation offices across the nation. Called "SC_HELP" (Sentencing Commission Hotline Extended Library Program), the program was distributed early in 1992. SC_HELP allows probation officers to develop their own databases of questions and answers on a variety of topics (e.g., guideline application, procedural issues, local rules). The program also includes the Sixth Edition of the Commission's Most Frequently Asked Questions About the Sentencing Guidelines.

Temporary Assignment Program

The Commission's temporary assignment program for probation officers, assistant U.S. attorneys, and assistant federal defenders has proven successful in promoting guideline application training and in providing a link between the Commission and practitioners. Temporary duty assignments for probation officers are for six weeks while the average attorney detail lasts six months. At the Commission, participants help staff the hotlines, become involved in the amendment process, and assist with various projects. The Commission bears the cost of travel and living expenses of the participants during the temporary assignment.

Twenty probation officers representing 17 districts and 20 different offices participated in the Commission's temporary assignment program in 1993. They represented a diverse geographical constituency and provided the Commission with broad insight into sentencing practices in various regions. Since the program's inception, 99 officers representing 43 districts have participated. During 1993-94, the Commission will give scheduling priority to probation officers from districts that have not yet participated.

Since the visiting attorney program began in 1988, seven assistant federal defenders and nine assistant U.S. attorneys have participated, representing 11 districts and the Department of Justice.

Both those on temporary assignment and the Commission itself benefit from this program. During their tenure at the Commission, program participants become proficient in guideline application and gain exposure to the many types of cases sentenced in the federal system. They also acquire a broader perspective of the criminal justice system through observation of Commission operations and guideline development and

Table 8

**JUDGE AND PROBATION OFFICER HOTLINE QUESTIONS BY GUIDELINE SECTION
(October 1, 1992, through September 30, 1993)**

CHAPTER 1: Introduction and Application Principles	Number
Application	23
Relevant Conduct	93
Other Information to be Used	2
Interpretation of Cross References	1
Use of Certain Information	10
Retroactivity of Amended Guideline Range	12
Use of Guidelines Manual in Effect on Date of Sentencing	38
CHAPTER 2: Offense Conduct	
Offenses Against the Person	28
Offenses Involving Property	72
Offenses Involving Public Officials	10
Offenses Involving Drugs	117
Offenses Involving Criminal Enterprise and Racketeering	11
Offenses Involving Fraud or Deceit	85
Offenses Involving Prostitution, Sexual Exploitation of Minors, and Obscenity	6
Offenses Involving Individual Rights	5
Offenses Involving Administration of Justice	44
Offenses Involving Public Safety	102
Offenses Involving Immigration, Naturalization, and Passports	34
Offenses Involving National Defense	1
Offenses Involving Food, Drugs, Agricultural Products	2
Offenses Involving Prisons and Correctional Facilities	11
Offenses Involving the Environment	13
Antitrust Offenses	6
Money Laundering and Monetary Transaction Reporting	14
Offenses Involving Taxation	34
Other Offenses	28
CHAPTER 3: Adjustments	
Victim-Related Adjustments	21
Role in the Offense	28
Obstruction	43
Multiple Counts	97
Acceptance of Responsibility	49

Table 8 (Con't)

CHAPTER 4: Criminal History and Criminal Livelihood

Criminal History	191
Career Offender and Armed Career Criminal	85
Criminal Livelihood	3

CHAPTER 5: Determining the Sentence

Sentencing Table	3
Probation	13
Imprisonment/Sentencing Options	31
Supervised Release	20
Restitution, Fines, Assessments, Forfeitures	18
Implementing the Total Sentence of Imprisonment	94
Specific Offender Characteristics	4
Departures	36

CHAPTER 6: Sentencing Procedures and Plea Agreements

Sentencing Procedures	1
Plea Agreements	2

CHAPTER 7: Violations of Probation and Supervised Release

68

CHAPTER 8: Sentencing of Organizations

12

ADDITIONAL ISSUES

Amendments	16
Miscellaneous	23
Old Law/New Law	6
PSR	11
Statutory/Legal	48
Juvenile	1
Monitoring	7
Statement of Reasons	2
Other Questions	56

TOTAL QUESTIONS

1,791

Table 9

**JUDGE AND PROBATION OFFICER HOTLINE CALLS BY DISTRICT
(October 1, 1992, through September 30, 1993)**

District	Number	District	Number
Alabama		Missouri	
Northern	10	Eastern	33
Middle	0	Western	16
Southern	5	Montana	18
Alaska	13	Nebraska	9
Arizona	9	Nevada	8
Arkansas		New Hampshire	14
Eastern	18	New Jersey	18
Western	13	New Mexico	33
California		New York	
Northern	34	Northern	7
Eastern	21	Eastern	7
Central	25	Southern	14
Southern	11	Western	24
Colorado	24	North Carolina	
Connecticut	25	Eastern	24
Delaware	10	Middle	35
District of Columbia	17	Western	27
Florida		North Dakota	11
Northern	9	Ohio	
Middle	26	Northern	9
Southern	72	Southern	38
Georgia		Oklahoma	
Northern	6	Northern	2
Middle	20	Eastern	8
Southern	1	Western	11
Guam	3	Oregon	12
Hawaii	18	Pennsylvania	
Idaho	8	Eastern	41
Illinois		Middle	34
Northern	63	Western	5
Central	15	Puerto Rico	35
Southern	8	Rhode Island	20
Indiana		South Carolina	11
Northern	33	South Dakota	15
Southern	17	Tennessee	
Iowa		Eastern	18
Northern	13	Middle	17
Southern	12	Western	41
Kansas	25	Texas	
Kentucky		Northern	17
Eastern	9	Eastern	21
Western	9	Southern	50
Louisiana		Western	48
Western	20	Utah	29
Eastern	17	Vermont	12
Middle	6	Virgin Islands	2
Maine	7	Virginia	
Maryland	20	Eastern	59
Massachusetts	18	Western	15
Michigan		Washington	
Eastern	16	Eastern	7
Western	12	Western	9
Minnesota	6	West Virginia	
Mississippi		Northern	21
Northern	13	Southern	18
Southern	18	Wisconsin	
		Eastern	13
		Western	12
		Wyoming	4

refinement. These probation officers and attorneys return to their districts as valuable resources to their colleagues and the court. Through interaction with officers and attorneys

who apply the guidelines on a regular basis, the Commission benefits by acquiring a better understanding of the practical concerns confronting practitioners.

The following probation officers participated in the Commission's temporary assignment program in 1993:

Probation Officer

Thomas A. Whitaker
 Daniel C. Barron
 S. Fred Fortenberry
 Raymond Lopez
 Jose N. Cordova
 Paul C. Michener
 Milton N. Gross
 Margarette Foster
 Deborah A. Jason
 Abelardo R. Colores
 Kevin M. Jones
 Debra James Marshall
 Larry D. Valadez
 Ricardo A. Esparza
 Willie R. LeDay
 Dae Lynn Combs
 Ronald L. Hudson
 Phelps Jones
 Joseph A. McNamara
 Pamela J. Lombardini

City (District)

Tampa, FL (Middle Florida)
 Brownsville, TX (Southern Texas)
 Jacksonville, FL (Middle Florida)
 Oakland, CA (Northern California)
 Albuquerque, NM (New Mexico)
 Reading, PA (Eastern Pennsylvania)
 Hyattsville, MD (Maryland)
 Dayton OH (Southern Ohio)
 Washington, DC (District of Columbia)
 Las Vegas, NV (Nevada)
 San Francisco, CA (Northern California)
 Oklahoma City, OK (Western Oklahoma)
 Spokane, WA (Eastern Washington)
 El Paso, TX (Western Texas)
 Lafayette, LA (Western Louisiana)
 Indianapolis, IN (Southern Indiana)
 Hammond, IN (Northern Indiana)
 Columbus, OH (Southern Ohio)
 Burlington, VT (Vermont)
 Boston, MA (Massachusetts)

The following assistant U.S. attorneys and assistant federal public defenders participated in the Commission's temporary assignment program in 1993:

Assistant U.S. Attorney

Catherine M. Goodwin
 Amy Lecoq

City (District)

San Jose, CA (Northern California)
 (U.S. Department of Justice)

Assistant Federal Defender

David B. Levitt
 Jon M. Sands

City (District)

New York, NY (Southern New York)
 Phoenix, AZ (Arizona)

Publications and Training Materials

In December 1992, the Commission published the Sixth Edition of Most Frequently Asked Questions About the Sentencing Guidelines, which comprises 150 questions and answers that address guideline application issues identified through hotline calls and Commission training seminars. The Commission also publishes annually a summary entitled Amendment Highlights, which offers a synopsis of new guideline amendments. The Commission's biannual Selected Guideline Application Decisions, organized by guideline section and judicial circuit, summarizes selected cases involving application of the guidelines or related sentencing issues.

ASSYST

In 1993, the Commission modified and improved the ASSYST software used by probation officers and others as an aid to guideline application. In its most recent version (ASSYST 1.4), improvements included the incorporation of guideline amendments and 54 months of applicable case law organized by individual guideline section. In addition, updated function keys include 1993 guideline text and commentary. This version of ASSYST incorporates five editions of the Guidelines Manual to assist with *ex post facto* considerations. The updated software was made available during the fall of 1993 to U.S. probation offices, the Executive Office of U.S. Attorneys, federal public defenders, the American Bar Association, the National Association of Criminal Defense Lawyers, and the Internal Revenue Service.

This year, the Commission began its extensive redesign of the ASSYST program. With an expected distribution date of November 1, 1994, this new software will run on a network and have

a "Windows-like" appearance. In addition, ASSYST (Version 2.0) will handle revocation calculations and the sentencing of organizations.

Chapter Five

Symposium on Drugs & Violence in America

The Commission's Inaugural Symposium on Crime and Punishment held in Washington, D.C., June 16-18, 1993, focused on drugs and violence in America. More than 350 policymakers from federal and state governments gathered to share information and exchange strategies for addressing drug abuse and violent crime.

Participants included the Attorney General, the Chief Justice of the United States, members of Congress and their staffs, state officials, mayors, federal and state judges and corrections officials, treatment and education specialists, researchers, probation officers, law enforcement personnel, executive branch officials, representatives of advocacy organizations, and private citizens. The symposium had a national flavor as 45 percent of the attendees came from outside the District of Columbia metropolitan area.

The Commission sponsored the symposium in furtherance of its mandate to "reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process" and to "develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing." 28 U.S.C. § 991.

Participants considered drug abuse and violence from three perspectives, with two panels devoted to each topic (see Table 10):

I. Causation – the underlying causal issues of drug abuse and violence.

II. Prevention – the role government and community components play in the prevention of drug abuse and violence.

III. Treatment and Policy Options – the availability of federal and state treatment programs; potential policy options to address drug abuse and violence.

Causation

The first two panels explored reasons why individuals initially became involved with drugs and violent crime. In considering "Perspectives from the Street," panelists looked at drugs and violence first-hand, either as individual observers or as criminal justice professionals responding to the problem. Panelists discussed: (1) the need for a strong family unit or a "significant other" to help children avoid involvement in drugs and violence; (2) the pervasiveness of gangs, drugs, and violence in urban communities; and (3) the sense of hopelessness and the hunger for acceptance that drive many young people toward a life of drug activity and violence.

"Perspectives from the Research Community" featured discussions of the latest research about the causes of drug abuse and violence; biological, psychological, and sociological factors related to drug abuse and violent crime; and the relationship between drug abuse and violence. Specifically, this panel addressed: (1) the role of drugs as a "passkey" to the brain's pleasure centers; (2) the lack of reliable data illustrating the relationship between drug abuse and vio-

Table 10

PANELISTS - SYMPOSIUM ON DRUGS & VIOLENCE IN AMERICA
June 16-18, 1993

PANEL 1

Perspectives from the Streets

Mr. David Plaza
Gang Alternatives Program

Inspector Benny N. Napoleon
Detroit Police Department

The Honorable Reggie B. Walton
District of Columbia Superior Court

Mr. Richard Price
Author and Playwright

PANEL 2

Perspectives from the Research Community

Dr. Robert L. DuPont
Institute for Behavior and Health, Inc.

Professor John Monahan
School of Law, University of Virginia

Dr. Paul J. Goldstein
*School of Public Health,
University of Illinois at Chicago*

PANEL 3

Role of Government in Prevention Efforts

Ms. Luceille Fleming
*Ohio Department of Alcohol and Drug
Addiction Services*

Mr. Rod G. Mullen and Ms. Naya Arbiter
AMITY, Inc.

Dr. Alex E. Crosby
*The National Center for Injury
Prevention and Control, Centers for Disease Control*

PANEL 4

Role of Community in Reducing Drug Abuse and Violence

Monsignor Raymond G. East
St. Teresa of Avila Catholic Church

Mr. Gus Frias
Los Angeles County Office of Education

Mr. Peter B. Goldberg
The Prudential Foundation

Dr. Paul S. Jellinek
Robert Wood Johnson Foundation

PANEL 5

Judicial and Corrections Treatment Options

The Honorable George P. Kazen
*United States District Court,
Southern District of Texas*

The Honorable Thomas R. Fitzgerald
*Criminal Division, Circuit Court,
Cook County, Illinois*

The Honorable Kathleen M. Hawk
Federal Bureau of Prisons

Mr. Harry K. Singletary
Florida Department of Corrections

PANEL 6

Approaches to the Problems of Drugs and Violence

Ms. Mathea Falco
The Carnegie Corporation

The Honorable Kurt L. Schmoke
Mayor of Baltimore

Dr. Joseph D. McNamara
Hoover Institution

Chief Reuben M. Greenberg
Charleston, South Carolina, Police Department

lence; and (3) addiction and the effect of living in an environment that promotes the use of alcohol and other drugs.

Prevention

The panel addressing the "Role of Government in Prevention Efforts" examined initiatives for local, state, and federal governments in the prevention of drug abuse and violent crime: (1) the need for state governments to build coalitions with community groups, businesses, and private organizations to improve coordination of limited resources; (2) the role of public health agencies in promoting and facilitating prevention programs; and (3) the substance-abusing parent as a predictor for substance abuse and criminality of the child.

Highlighting the role of "community" components – family, religion, school, and business organizations – in the prevention of drug abuse and violent crime, panelists addressed the issues of: (1) overcoming the denial that drugs have caused devastation in communities; (2) developing interagency advisory committees in schools; (3) adopting violence prevention programs; (4) training teachers and parents to recognize and react to signs of drug and gang involvement; and (5) monitoring the expenditure of funds targeted for demand reduction.

Treatment and Policy Options

On the panel "Judicial and Corrections Treatment Options," federal and state judges and corrections officials assessed treatment options, including pre-arrest community programs, sanctions available to judges following arrest or conviction, and programs available to incarcerated offenders. Specific issues included: (1) the importance of patience and providing a second

chance to addicted offenders who slip back into drug use while in treatment; (2) the need for monetary commitment to federal drug-treatment programs; and (3) attempts to modify destructive behavior through inmate treatment programs.

In "Approaches to the Problems of Drugs and Violence," panelists reviewed policy options to address the problems of drug abuse and violence, including the effectiveness of supply and demand reduction, decriminalization of drug offenses, and gun control. Panelists discussed: (1) reducing demand through prevention, education, treatment, law enforcement, and community organization; (2) addiction as a disease to be treated rather than an act to be criminalized; (3) youth programs as alternatives to gangs; and (4) the role of law enforcement in addressing drug abuse and violence.

Special Presentations

Throughout the symposium, prominent members of all three branches of the federal government addressed issues related to drugs and violence.

In the keynote address, Attorney General Janet Reno emphasized the need to strike a balance between punishment and prevention in addressing the problems of drug abuse and violence. She called for a nurturing environment for children to make drug abuse and violence less of a threat in their lives. The Attorney General specifically advocated development of a national agenda for children that would be implemented by communities and the federal government.

Congresswoman Maxine Waters underscored the need for effective job training for the unemployed, especially innercity youths. She spoke of prison crowding and the deleterious effects of incarceration. She said that many youths involved in gang-related drug distribution and vio-

lence are the products of dysfunctional families.

Senator Edward M. Kennedy, Chairman of the Senate Labor and Human Resources Committee, stated that until now this country appears to have relied on a single criminal justice strategy to address the problems of drug abuse – massive incarceration. He stressed the need for lengthy incarceration for violent career criminals, but less expensive, more constructive approaches for less serious offenders. To Senator Kennedy, the ultimate goal of the criminal justice system should be crime prevention, not punishment. He cited drug treatment, community policing, and gun control as preventive approaches too long neglected in this country.

Senator Joseph R. Biden, Jr., Chairman of the Senate Judiciary Committee, in a wide-ranging speech came out squarely against federal mandatory minimum penalties. He spoke of the need to focus on victims of crime to counter a growing belief among citizens that government and the courts are incapable of dealing with crime. Senator Biden stated that the single most significant problem Americans face is violence.

Peter B. Edelman, Counselor to the Secretary of the Department of Health and Human Resources, said that this country needs to develop a genuine service system before treatment and prevention programs can be successful. Mr. Edelman stressed the importance of developing partnerships to promote an infrastructure of treatment and prevention services between government and communities.

Chief Justice William H. Rehnquist offered observations on the debate surrounding the efficacy and fairness of federal sentencing policy and the Judiciary's role in this ongoing debate. He addressed the issue of mandatory minimum penalties imposing unduly harsh penalties for first-time offenders – particularly for "mules"

who play only a minor role in drug distribution schemes. However, the Chief Justice said that the final decision on federal sentencing is a policy issue left to Congress.

In September 1993, the Commission published and widely distributed a volume titled, Proceedings of the Inaugural Symposium on Crime and Punishment in the United States: Drugs and Violence in America.

Chapter Six

Research

A. MONITORING

Background and Data Collection Activities

Statutory Requirements

The Commission collects, prepares, and analyzes data on guideline sentences to support its varied activities. Authorized by Congress, the Commission's numerous research responsibilities include:

- the establishment of a research and development program to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on federal sentencing practices (28 U.S.C. § 995(a)(12));
- the publication of data concerning the sentencing process (28 U.S.C. § 995(a)(14));
- the systematic collection and dissemination of information concerning sentences actually imposed and the relationship of such sentences to the factors set forth in section 3553(a) of title 18, United States Code (28 U.S.C. § 995(a)(15)); and
- the systematic collection and dissemination of information regarding the effectiveness of sentences imposed (28 U.S.C. § 995 (a)(16)).

In large part, the Commission's systematic collection and reporting of information on guideline cases drives the agency's research mission. As required by Congress:

The appropriate judge or officer shall submit to the Commission in connection with each sentence imposed (other than a sentence imposed for a petty offense, as defined in title 18, for which there is no applicable sentencing guideline) a written report of the sentence, the offense for which it is imposed, the age, race, and gender of the offender, information regarding factors made relevant by the guidelines, and such other information as the Commission finds appropriate. The Commission shall submit to Congress at least annually an analysis of these reports and any recommendations for legislation that the Commission concludes is warranted by that analysis (28 U.S.C. § 994(w)).

Pursuant to its authority under 28 U.S.C. §§ 994(w) and 995(a)(8) and after discussions with the Judicial Conference Committee on Criminal Law and the Administrative Office of the U.S. Courts (AO), the Commission requested that each probation office in each judicial district submit the following documents on every defendant sentenced under the guidelines:

- Presentence Report (PSR)
- Guideline Worksheets⁶⁴

⁶⁴ Requirement waived as of July 7, 1993, if guideline application information is captured in the PSR.

- Report on the Sentencing Hearing (statement of reasons for imposing sentence as required by 18 U.S.C. § 3553(c))
- Written Plea Agreement (if applicable)
- Judgment of Conviction

USSC Data Collection

Throughout fiscal year 1993 (hereinafter "1993"), the Commission expanded the scope of its computerized datafile on defendants sentenced under the guidelines. The Commission routinely collects data in three major modules:

Module I, Receipt Control, is a document control system that provides a mechanism for identifying cases. **Module II, Basic Sentencing Information**, collects sentencing information on each defendant as documented in the Judgment of Conviction order as well as statutory and guideline provisions from the Presentence Report and Report on the Sentencing Hearing. **Module III, Guideline Application and Departures**, captures the complete range of court guideline decisions and departure information on each case.

The 1993 Monitoring datafile provides frequencies and descriptive statistics on all guideline cases sentenced within the past fiscal year. This file, without individual identifiers, is available through the Inter-University Consortium for Political and Social Research at the University of Michigan.

In addition, the Commission continues to develop new data collection modules on a variety of sentencing-related issues. An **Organizational Module**

records cases that involve organizations sentenced under Chapter Eight of the guidelines. (See discussion of this module later in this chapter.)

The new **Appeals Module** tracks appellate review of sentencing decisions. (See discussion of the appeals database later in this chapter.) The Commission is making available to the Inter-University Consortium both the Organizational and the Appeals databases.

The **Probation and Supervised Release Violation Module** monitors court decisions regarding probation and supervised release violations. However, due to conflicting interpretations of the statute, some circuits do not use the Commission's Chapter Seven policy statements on revocations, a practice that biases current data collection efforts. Anticipating a legislative correction to statutory inconsistencies, the Commission is prepared to refocus efforts on data collection for this module during the coming year.

Work is also progressing on an additional module that will record real offense factors and detailed criminal history characteristics.

Data Collection Issues

The Commission received documentation on 42,107 individual cases sentenced under the Sentencing Reform Act between October 1, 1992, and September 30, 1993.⁶⁵ As used in this report, a "case" is defined as a single sentencing event for a single defendant (even if it includes multiple indictments or multiple convictions consolidated for sentencing).

⁶⁵ Reported figures exclude cases involving solely petty offenses, organizational defendants, or diversionary sentences. The USSC Monitoring datafile used for this report, MONFY93, includes defendants sentenced during fiscal year 1993 for whom information was received by the Commission as of January 11, 1994.

The Commission has no direct source for ascertaining the ratio of guideline to pre-guideline cases or the rate at which guideline cases are reported to the Commission since the elimination of sentencing factors from the AO's Federal Probation Sentencing and Supervision Information System (FPSSIS) data entry system. Despite possible reporting problems, differences in general characteristics or descriptive statistics about the national population of defendants sentenced pursuant to the guidelines are expected to be minor. However, reporting problems specific to individual districts or offices may make generalizations problematic. Note that all data collected and analyzed by the Commission reflect only reported populations (*i.e.*, cases in which appropriate documentation was forwarded to the Commission).

While the degree of potential non-reporting is estimated to be small, further study would be required to uncover any biases associated with non-reporting. For example, one known reporting bias arising from fewer reported magistrate cases is the potential for slightly higher rates of imprisonment, longer average prison terms, and fewer cases among less serious crimes. Other unknown reporting biases could enhance or counteract these biases.

As noted previously, the Commission should receive up to five documents on each case sentenced pursuant to the guidelines. In 1993, the Commission received Presentence Reports (PSR) for 96.8 percent of the cases (in an additional 1.3% of the cases the PSR was known to have been waived) and Judgment of Conviction Orders for 99.4 percent of the cases.

The submission rate for the Report on the Sentencing Hearing (statement of reasons) remained nearly constant with that of the previous year: 93.6 percent in 1993 compared to 94.0 percent in 1992. The incorporation of the Report on the Sentencing Hearing within the Judgment of Conviction Order (AO 245 S, Rev. 7/90) has enhanced both the submission and uniformity of this information. See Table 11 for the submission rate of documents by circuit and district. Guideline Worksheets (no longer required for many cases) were received for 68.4 percent of the cases, and Written Plea Agreements or other comparable documents for 68.1 percent of the cases.⁶⁶

⁶⁶ Table 11 does not report the submission rate of written plea agreements by circuit and district. Because the Commission cannot always determine the applicability of a written plea agreement in a particular case, it is difficult to establish a baseline of what should be received.

Table 11

DOCUMENT SUBMISSION RATE BY CIRCUIT AND DISTRICT¹
(October 1, 1992, through September 30, 1993)

CIRCUIT District	Number of Cases	Judgment of Conviction Order				Presentence Report						Report on the Sentencing Hearing			
		Received		Not Received		Received		Not Received		Waived		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	42,107	41,838	99.4	271	0.6	40,752	96.8	817	1.9	538	1.3	39,422	93.6	2,683	6.4
D.C. CIRCUIT	436	429	98.4	7	1.6	435	99.8	1	0.2	0	0.0	430	98.6	6	1.4
District of Columbia	436	429	98.4	7	1.6	435	99.8	1	0.2	0	0.0	430	98.6	6	1.4
FIRST CIRCUIT	1,094	1,090	99.6	4	0.4	1,020	93.2	71	6.5	3	0.3	1,081	98.8	13	1.2
Maine	141	139	98.6	2	1.4	140	99.3	1	0.7	0	0.0	140	99.3	1	0.7
Massachusetts	355	355	100.0	0	0.0	290	81.7	65	18.3	0	0.0	347	97.8	8	2.3
New Hampshire	108	106	98.2	2	1.9	108	100.0	0	0.0	0	0.0	107	99.1	1	0.9
Puerto Rico	359	359	100.0	0	0.0	351	97.8	5	1.4	3	0.8	356	99.2	3	0.8
Rhode Island	131	131	100.0	0	0.0	131	100.0	0	0.0	0	0.0	131	100.0	0	0.0
SECOND CIRCUIT	3,893	3,844	98.7	49	1.3	3,803	97.7	59	1.5	31	0.8	3,459	88.9	434	11.2
Connecticut	262	262	100.0	0	0.0	261	99.6	1	0.4	0	0.0	259	98.9	3	1.2
New York															
Eastern	1,614	1,606	99.5	8	0.5	1,592	98.6	22	1.4	0	0.0	1,390	86.1	224	13.9
Northern	358	319	89.1	39	10.9	300	83.8	29	8.1	29	8.1	355	99.2	3	0.8
Southern	1,174	1,172	99.8	2	0.2	1,166	99.3	7	0.6	1	0.1	971	82.7	203	17.3
Western	347	347	100.0	0	0.0	346	99.7	0	0.0	1	0.3	346	99.7	1	0.3
Vermont	138	138	100.0	0	0.0	138	100.0	0	0.0	0	0.0	138	100.0	0	0.0
THIRD CIRCUIT	2,542	2,535	99.7	7	0.3	2,464	96.9	21	0.8	57	2.2	2,488	97.9	54	2.1
Delaware	83	83	100.0	0	0.0	76	91.6	6	7.2	1	1.2	81	97.6	2	2.4
New Jersey	547	545	99.6	2	0.4	547	100.0	0	0.0	0	0.0	540	98.7	7	1.3
Pennsylvania															
Eastern	1,128	1,127	99.9	1	0.1	1,073	95.1	0	0.0	55	4.9	1,097	97.3	31	2.8
Middle	295	293	99.3	2	0.7	295	100.0	0	0.0	0	0.0	293	99.3	2	0.7
Western	325	324	99.7	1	0.3	309	95.1	15	4.6	1	0.3	318	97.9	7	2.2
Virgin Islands	164	163	99.4	1	0.6	164	100.0	0	0.0	0	0.0	159	97.0	5	3.1
FOURTH CIRCUIT	4,696	4,676	99.6	20	0.4	4,512	96.1	55	1.2	129	2.8	4,475	95.3	221	4.7
Maryland	334	334	100.0	0	0.0	331	99.1	3	0.9	0	0.0	331	99.1	3	0.9
North Carolina															
Eastern	450	447	99.3	3	0.7	408	90.7	4	0.9	38	8.4	443	98.4	7	1.6
Middle	350	349	99.7	1	0.3	350	100.0	0	0.0	0	0.0	349	99.7	1	0.3
Western	644	642	99.7	2	0.3	610	94.7	23	3.6	11	1.7	606	94.1	38	5.9
South Carolina	896	894	99.8	2	0.2	895	99.9	0	0.0	1	0.1	892	99.6	4	0.5
Virginia															
Eastern	1,094	1,090	99.6	4	0.4	1,010	92.3	8	0.7	76	7.0	935	85.5	159	14.5
Western	313	310	99.0	3	1.0	310	99.0	1	0.3	2	0.6	309	98.7	4	1.3
West Virginia															
Northern	210	210	100.0	0	0.0	210	100.0	0	0.0	0	0.0	210	100.0	0	0.0
Southern	405	400	98.8	5	1.2	388	95.8	16	4.0	1	0.3	400	98.8	5	1.2

CIRCUIT District	Number of Cases	Judgment of Conviction Order				Presentence Report						Report on the Sentencing Hearing			
		Received		Not Received		Received		Not Received		Waived		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	5,489	5,472	99.7	17	0.3	5,400	98.4	88	1.1	31	0.6	5,325	97.0	164	3.0
Louisiana															
Eastern	481	479	99.6	2	0.4	433	90.0	48	10.0	0	0.0	455	94.6	26	5.4
Middle	74	74	100.0	0	0.0	74	100.0	0	0.0	0	0.0	74	100.0	0	0.0
Western	277	274	98.9	3	1.1	275	99.3	2	0.7	0	0.0	267	96.4	10	3.6
Mississippi															
Northern	153	152	99.4	1	0.7	150	98.0	2	1.3	1	0.7	153	100.0	0	0.0
Southern	281	279	99.3	2	0.7	281	100.0	0	0.0	0	0.0	278	98.9	3	1.1
Texas															
Eastern	430	430	100.0	0	0.0	429	99.8	1	0.2	0	0.0	428	99.5	2	0.5
Northern	947	947	100.0	0	0.0	946	99.9	1	0.1	0	0.0	946	99.9	1	0.1
Southern	1,363	1,361	99.9	2	0.2	1,356	99.5	3	0.2	4	0.3	1,351	99.1	12	0.9
Western	1,483	1,476	99.5	7	0.5	1,456	98.2	1	0.1	26	1.8	1,373	92.6	110	7.4
SIXTH CIRCUIT	4,126	4,108	99.6	18	0.4	3,949	95.7	132	3.2	45	1.1	4,047	98.1	79	1.9
Kentucky															
Eastern	331	327	98.8	4	1.2	329	99.4	0	0.0	2	0.6	327	98.8	4	1.2
Western	444	444	100.0	0	0.0	291	65.5	117	26.4	36	8.1	438	98.7	6	1.4
Michigan															
Eastern	927	926	99.9	1	0.1	926	99.9	1	0.1	0	0.0	917	98.9	10	1.1
Western	213	213	100.0	0	0.0	213	100.0	0	0.0	0	0.0	212	99.5	1	0.5
Ohio															
Northern	639	639	100.0	0	0.0	638	99.8	1	0.2	0	0.0	633	99.1	6	0.9
Southern	526	524	99.6	2	0.4	520	98.9	6	1.1	0	0.0	518	98.5	8	1.5
Tennessee															
Eastern	392	387	98.7	5	1.3	390	99.5	2	0.5	0	0.0	383	97.7	9	2.3
Middle	208	208	100.0	0	0.0	196	94.2	5	2.4	7	3.4	177	85.1	31	14.9
Western	446	440	98.7	6	1.4	446	100.0	0	0.0	0	0.0	442	99.1	4	0.9
SEVENTH CIRCUIT	2,333	2,332	100.0	1	0.0	2,280	97.7	46	2.0	7	0.3	2,138	91.6	195	8.4
Illinois															
Central	259	258	99.6	1	0.4	249	96.1	7	2.7	3	1.2	256	98.8	3	1.2
Northern	832	832	100.0	0	0.0	814	97.8	18	2.2	0	0.0	656	78.9	176	21.2
Southern	317	317	100.0	0	0.0	315	99.4	1	0.3	1	0.3	317	100.0	0	0.0
Indiana															
Northern	245	245	100.0	0	0.0	232	94.7	13	5.3	0	0.0	238	97.1	7	2.9
Southern	203	203	100.0	0	0.0	202	99.5	1	0.5	0	0.0	203	100.0	0	0.0
Wisconsin															
Eastern	329	329	100.0	0	0.0	321	97.6	6	1.8	2	0.6	322	97.9	7	2.1
Western	148	148	100.0	0	0.0	147	99.3	0	0.0	1	0.7	146	98.7	2	1.4
EIGHTH CIRCUIT	2,387	2,383	99.8	4	0.2	2,295	96.2	81	3.4	11	0.5	2,352	98.5	35	1.5
Arkansas															
Eastern	243	243	100.0	0	0.0	194	79.8	48	19.8	1	0.4	242	99.6	1	0.4
Western	166	166	100.0	0	0.0	166	100.0	0	0.0	0	0.0	166	100.0	0	0.0
Iowa															
Northern	137	137	100.0	0	0.0	137	100.0	0	0.0	0	0.0	130	94.9	7	5.1
Southern	115	115	100.0	0	0.0	115	100.0	0	0.0	0	0.0	115	100.0	0	0.0
Minnesota															
Northern	365	365	100.0	0	0.0	362	99.2	1	0.3	2	0.6	355	97.3	10	2.7
Missouri															
Eastern	337	337	100.0	0	0.0	336	99.7	1	0.3	0	0.0	333	98.8	4	1.2
Western	453	452	99.8	1	0.2	453	100.0	0	0.0	0	0.0	451	99.6	2	0.4
Nebraska															
Northern	260	258	99.2	2	0.8	236	90.8	24	9.2	0	0.0	253	97.3	7	2.7
North Dakota															
Northern	130	130	100.0	0	0.0	123	94.6	7	5.4	0	0.0	127	97.7	3	2.3
South Dakota															
Northern	181	180	99.5	1	0.6	173	95.6	0	0.0	8	4.4	180	99.5	1	0.6

CIRCUIT	District	Number of Cases	Judgment of Conviction Order				Presentence Report						Report on the Sentencing Hearing				
			Received		Not Received		Received		Not Received		Waived		Received		Not Received		
			n	%	n	%	n	%	n	%	n	%	n	%	n	%	
NINTH CIRCUIT		7,545		7,490	99.3	55	0.7	7,083	93.9	278	3.7	184	2.4	6,144	81.4	1,401	18.6
Alaska	147	135	91.8	12	8.2	123	83.7	20	13.6	4	2.7	119	81.0	28	19.1		
Arizona	1,247	1,240	99.4	7	0.6	1,092	87.6	154	12.4	1	0.1	1,213	97.3	34	2.7		
California																	
Central	1,195	1,188	99.4	7	0.6	1,188	99.4	7	0.6	0	0.0	521	43.6	674	56.4		
Eastern	573	569	99.3	4	0.7	539	94.1	25	4.4	9	1.6	558	97.4	15	2.6		
Northern	254	249	98.0	5	2.0	254	100.0	0	0.0	0	0.0	211	83.1	43	16.9		
Southern	1,946	1,942	99.8	4	0.2	1,942	99.8	3	0.2	1	0.1	1,365	70.1	581	29.9		
Guam	94	94	100.0	0	0.0	76	80.9	6	6.4	12	12.8	91	96.8	3	3.2		
Hawaii	229	229	100.0	0	0.0	141	61.6	56	24.5	32	14.0	229	100.0	0	0.0		
Idaho	61	61	100.0	0	0.0	61	100.0	0	0.0	0	0.0	61	100.0	0	0.0		
Montana	176	175	99.4	1	0.6	172	97.7	1	0.6	3	1.7	173	98.3	3	1.7		
Nevada	432	421	97.5	11	2.6	431	99.8	1	0.2	0	0.0	425	98.4	7	1.6		
Northern Mariana Islands	8	8	100.0	0	0.0	6	75.0	2	25.0	0	0.0	7	87.5	1	12.5		
Oregon	479	477	99.6	2	0.4	477	99.6	2	0.4	0	0.0	471	98.3	8	1.7		
Washington																	
Eastern	270	270	100.0	0	0.0	148	54.8	1	0.4	121	44.8	267	98.9	3	1.1		
Western	434	432	99.5	2	0.5	433	99.8	0	0.0	1	0.2	433	99.8	1	0.2		
TENTH CIRCUIT		2,249		2,246	99.9	3	0.1	2,231	99.2	7	0.3	11	0.5	2,225	98.9	24	1.1
Colorado	413	412	99.8	1	0.2	409	99.0	1	0.2	3	0.7	398	96.4	15	3.6		
Kansas	304	304	100.0	0	0.0	304	100.0	0	0.0	0	0.0	304	100.0	0	0.0		
New Mexico	590	588	99.7	2	0.3	583	98.8	5	0.9	2	0.3	584	99.0	6	1.0		
Oklahoma																	
Eastern	46	46	100.0	0	0.0	46	100.0	0	0.0	0	0.0	46	100.0	0	0.0		
Northern	169	169	100.0	0	0.0	169	100.0	0	0.0	0	0.0	169	100.0	0	0.0		
Western	306	306	100.0	0	0.0	300	98.0	0	0.0	6	2.0	303	99.0	3	1.0		
Utah	276	276	100.0	0	0.0	275	99.6	1	0.4	0	0.0	276	100.0	0	0.0		
Wyoming	145	145	100.0	0	0.0	145	100.0	0	0.0	0	0.0	145	100.0	0	0.0		
ELEVENTH CIRCUIT		5,317		5,233	98.4	86	1.6	5,280	99.3	8	0.2	29	0.6	5,260	98.9	57	1.1
Alabama																	
Middle	229	228	99.6	1	0.4	229	100.0	0	0.0	0	0.0	228	99.6	1	0.4		
Northern	292	267	91.4	25	8.6	288	98.6	1	0.3	3	1.0	287	98.3	5	1.7		
Southern	439	433	98.6	6	1.4	438	99.8	1	0.2	0	0.0	438	99.8	1	0.2		
Florida																	
Middle	1,217	1,217	100.0	0	0.0	1,208	99.3	2	0.2	7	0.6	1,215	99.8	2	0.2		
Northern	404	404	100.0	0	0.0	401	99.3	1	0.3	2	0.5	403	99.8	1	0.3		
Southern	1,493	1,488	99.7	5	0.3	1,490	99.8	1	0.1	2	0.1	1,486	99.5	7	0.5		
Georgia																	
Middle	319	319	100.0	0	0.0	319	100.0	0	0.0	0	0.0	319	100.0	0	0.0		
Northern	684	638	93.3	46	6.7	682	99.7	2	0.3	0	0.0	645	94.3	39	5.7		
Southern	240	239	99.6	1	0.4	225	93.8	0	0.0	15	6.3	239	99.6	1	0.4		

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

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Descriptive Statistics

Implementation of the Guidelines

By statute, the Commission receives information only on defendants sentenced pursuant to the Sentencing Reform Act of 1984 (SRA).⁶⁷ Information on guideline defendants whose files are sealed is not included in this report, with the possible result of underrepresenting, at least for some districts, the number and rate of substantial assistance motions and departures. Finally, information about defendants sentenced under pre-guideline law is reported through the AO's data collection systems.

Of the 42,107 cases sentenced under the SRA in 1993, 24.6 percent were in seven districts (with more than 1,200 cases each): Southern Texas, Western Texas, Southern California, Eastern New York, Southern Florida, Middle Florida, and Arizona. The Fifth, Ninth, and Eleventh Circuits accounted for 43.5 percent of all guideline cases. Table 12 depicts the distribution of guideline cases across the 94 judicial districts and 12 judicial circuits.

Primary Offense and Demographic Characteristics

Primary Offense Type

Almost 44 percent (43.9%) of all defendants sentenced under the guidelines in 1993 were convicted of drug offenses (*i.e.*, either drug trafficking, use of a communication facility in a drug

offense, or simple possession of drugs). Of the drug violations, the largest number involved powder cocaine, followed by marijuana and crack cocaine. Other frequent offenses of conviction included fraud (13.3%), firearms (7.5%), larceny (7.4%), and immigration (5.2%). Figure B and Table 13 display the distribution and frequency of guideline cases across the primary offense categories. Figure B also displays the primary drug type involved for the 18,409 defendants convicted of drug offenses for which such information was available.

Race and Ethnicity

As Table 14 illustrates, 43.6 percent of defendants sentenced under the guidelines in 1993 were identified as White, 29.2 percent Black, 23.8 percent Hispanic, and 3.4 percent Other (American Indian, Alaskan Native, Asian, or Pacific Islander).⁶⁸ Table 14 also displays the distribution of these racial and ethnic groups within primary offense categories.

In offense categories such as arson, tax, gambling/lottery, civil rights, pornography/prostitution, antitrust, and food and drug violations, Whites constituted more than 75 percent of the offender population. Black defendants were overrepresented proportionately in murder, robbery, firearms, larceny, forgery/counterfeiting, and prison offenses violations (representing more than 35% of the cases in each of these categories), while Hispanics were overrepresented in simple possession of drugs, immigration, and national defense violations (more than 35% in each of these categories). In drug traf-

67 A "defendant" or "case" as discussed in this report is defined in the USSC data collection system as a single sentencing event for a single defendant. Multiple defendants in a single sentencing event are treated as separate cases. If an individual defendant is sentenced more than once during the time period of interest, each sentencing event is identified as a separate case.

68 While "Black," "White," and "Other" refer to racial categories, "Hispanic" refers to ethnic origin irrespective of race.

ficking offenses, White defendants were underrepresented, Black defendants slightly overrepresented, and Hispanic defendants greatly overrepresented compared to their proportions in the overall defendant population.

Table 12

GUIDELINE DEFENDANTS BY CIRCUIT AND DISTRICT¹
(October 1, 1992, through September 30, 1993)

CIRCUIT			CIRCUIT		
District	Number	Percent	District	Number	Percent
TOTAL	42,107	100.0			
D.C. CIRCUIT	436	1.0	FIFTH CIRCUIT	5,489	13.0
District of Columbia	436	1.0	Louisiana		
FIRST CIRCUIT	1,094	2.6	Eastern	481	1.1
Maine	141	0.3	Middle	74	0.2
Massachusetts	355	0.8	Western	277	0.7
New Hampshire	108	0.3	Mississippi		
Puerto Rico	359	0.9	Northern	153	0.4
Rhode Island	131	0.3	Southern	281	0.7
SECOND CIRCUIT	3,893	9.3	Texas		
Connecticut	262	0.6	Eastern	430	1.0
New York			Northern	947	2.3
Eastern	1,614	3.8	Southern	1,363	3.2
Northern	358	0.9	Western	1,483	3.5
Southern	1,174	2.8	SIXTH CIRCUIT	4,126	9.8
Western	347	0.8	Kentucky		
Vermont	138	0.3	Eastern	331	0.8
THIRD CIRCUIT	2,542	6.0	Western	444	1.1
Delaware	83	0.2	Michigan		
New Jersey	547	1.3	Eastern	927	2.2
Pennsylvania			Western	213	0.5
Eastern	1,128	2.7	Ohio		
Middle	295	0.7	Northern	639	1.5
Western	325	0.8	Southern	526	1.3
Virgin Islands	164	0.4	Tennessee		
FOURTH CIRCUIT	4,696	11.2	Eastern	392	0.9
Maryland	334	0.8	Middle	208	0.5
North Carolina			Western	446	1.1
Eastern	450	1.1	SEVENTH CIRCUIT	2,333	5.5
Middle	350	0.8	Illinois		
Western	644	1.5	Central	259	0.6
South Carolina	896	2.1	Northern	832	2.0
Virginia			Southern	317	0.8
Eastern	1,094	2.6	Indiana		
Western	313	0.7	Northern	245	0.6
West Virginia			Southern	203	0.5
Northern	210	0.5	Wisconsin		
Southern	405	1.0	Eastern	329	0.8
			Western	148	0.4

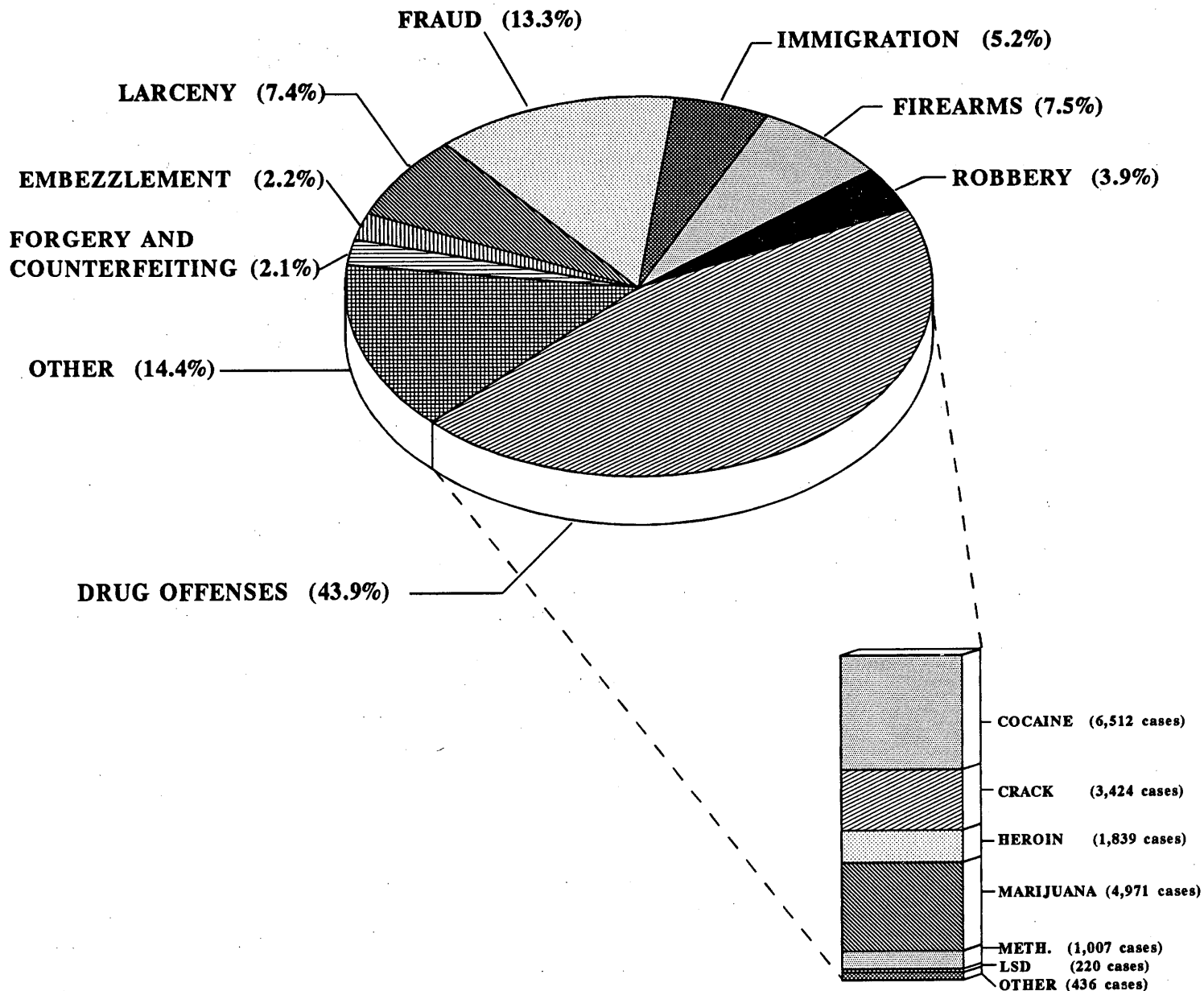
CIRCUIT			CIRCUIT		
District	Number	Percent	District	Number	Percent
EIGHTH CIRCUIT	2,387	5.7	TENTH CIRCUIT	2,249	5.3
Arkansas			Colorado	413	1.0
Eastern	243	0.6	Kansas	304	0.7
Western	166	0.4	New Mexico	590	1.4
Iowa			Oklahoma		
Northern	137	0.3	Eastern	46	0.1
Southern	115	0.3	Northern	169	0.4
Minnesota	365	0.9	Western	306	0.7
Missouri			Utah	276	0.7
Eastern	337	0.8	Wyoming	145	0.3
Western	453	1.1			
Nebraska	260	0.6	ELEVENTH CIRCUIT	5,317	12.6
North Dakota	130	0.3	Alabama		
South Dakota	181	0.4	Middle	229	0.5
			Northern	292	0.7
NINTH CIRCUIT	7,545	17.9	Southern	439	1.0
Alaska	147	0.4	Florida		
Arizona	1,247	3.0	Middle	1,217	2.9
California			Northern	404	1.0
Central	1,195	2.8	Southern	1,493	3.6
Eastern	573	1.4	Georgia		
Northern	254	0.6	Middle	319	0.8
Southern	1,946	4.6	Northern	684	1.6
Guam	94	0.2	Southern	240	0.6
Hawaii	229	0.5			
Idaho	61	0.1			
Montana	176	0.4			
Nevada	432	1.0			
Northern Mariana Islands	8	0.0			
Oregon	479	1.1			
Washington					
Eastern	270	0.6			
Western	434	1.0			

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

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Figure B

**DISTRIBUTION OF SENTENCED GUIDELINE DEFENDANTS
BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1992, through September 30, 1993)**



¹Of the 42,107 guideline cases, 94 were excluded due to missing primary offense category. The number of cases in each category is reflected in Table 13. Of the 18,452 drug cases (including trafficking, use of a communication facility, and simple possession), 43 were excluded from the bar chart due to missing drug type. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 13

**DISTRIBUTION OF SENTENCED GUIDELINE DEFENDANTS
BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1992, through September 30, 1993)**

PRIMARY OFFENSE	Number	Percent
TOTAL	42,013	100.0
Murder	85	0.2
Manslaughter	46	0.1
Kidnapping/Hostage-Taking	47	0.1
Sexual Abuse	155	0.4
Assault	356	0.9
Robbery	1,652	3.9
Arson	91	0.2
Drugs - Trafficking	17,251	41.1
Drugs - Communication Facility	262	0.6
Drugs - Simple Possession	939	2.2
Firearms	3,130	7.5
Burglary/B&E	65	0.2
Auto Theft	312	0.7
Larceny	3,096	7.4
Fraud	5,602	13.3
Embezzlement	943	2.2
Forgery/Counterfeiting	896	2.1
Bribery	224	0.5
Tax	811	1.9
Money Laundering	943	2.2
Racketeering/Extortion	439	1.0
Gambling/Lottery	184	0.4
Civil Rights	123	0.3
Immigration	2,189	5.2
Pornography/Prostitution	89	0.2
Prison Offenses	254	0.6
Administration of Justice Offenses	715	1.7
Environmental/Wildlife	164	0.4
National Defense	59	0.1
Antitrust	40	0.1
Food & Drug	73	0.2
Other Miscellaneous Offenses	778	1.9

¹Of the 42,107 guideline cases, 94 were excluded due to missing information on primary offense category. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 14

RACE OF DEFENDANT BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1992, through September 30, 1993)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	41,680	18,161	43.6	12,163	29.2	9,925	23.8	1,431	3.4
Murder	85	29	34.1	30	35.3	8	9.4	18	21.2
Manslaughter	46	10	21.7	2	4.4	1	2.2	33	71.7
Kidnapping/Hostage-Taking	47	21	44.7	5	10.6	11	23.4	10	21.3
Sexual Abuse	155	18	11.6	11	7.1	5	3.2	121	78.1
Assault	352	147	41.8	84	23.9	38	10.8	83	23.6
Robbery	1,650	814	49.3	697	42.2	99	6.0	40	2.4
Arson	91	79	86.8	8	8.8	2	2.2	2	2.2
Drugs - Trafficking	17,239	5,717	33.2	5,588	32.4	5,624	32.6	310	1.8
Drugs - Communication Facility	262	119	45.4	51	19.5	86	32.8	6	2.3
Drugs - Simple Possession	925	375	40.5	171	18.5	364	39.4	15	1.6
Firearms	3,121	1,442	46.2	1,213	38.9	382	12.2	84	2.7
Burglary/B&E	65	41	63.1	16	24.6	1	1.5	7	10.8
Auto Theft	310	210	67.7	61	19.7	28	9.0	11	3.6
Larceny	3,010	1,556	51.7	1,107	36.8	228	7.6	119	3.9
Fraud	5,561	3,395	61.0	1,566	28.2	430	7.7	170	3.1
Embezzlement	933	609	65.3	211	22.6	62	6.6	51	5.5
Forgery/Counterfeiting	891	423	47.5	329	36.9	110	12.4	29	3.2
Bribery	221	122	55.2	52	23.5	24	10.9	23	10.4
Tax	805	612	76.0	114	14.2	49	6.1	30	3.7
Money Laundering	942	482	51.2	153	16.2	282	29.9	25	2.7
Racketeering/Extortion	439	267	60.8	100	22.8	34	7.7	38	8.7
Gambling/Lottery	182	143	78.6	25	13.7	1	0.6	13	7.1
Civil Rights	123	101	82.1	19	15.5	2	1.6	1	0.8
Immigration	2,146	142	6.6	172	8.0	1,738	81.0	94	4.4
Pornography/Prostitution	89	82	92.2	5	5.6	1	1.1	1	1.1
Prison Offenses	253	113	44.7	91	36.0	45	17.8	4	1.6
Administration of Justice Offenses	709	352	49.6	158	22.3	171	24.1	28	4.0
Environmental/Wildlife	162	121	74.7	4	2.5	18	11.1	19	11.7
National Defense	59	32	54.2	1	1.7	23	39.0	3	5.1
Antitrust	40	40	100.0	0	0.0	0	0.0	0	0.0
Food & Drug	73	57	78.1	1	1.4	13	17.8	2	2.7
Other Miscellaneous Offenses	694	490	70.6	118	17.0	45	6.5	41	5.9

¹Of the 42,107 guideline cases, 427 were excluded due to one or both of the following conditions: missing primary offense category (94) or missing race (388). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Gender

Males comprised 84.6 percent of defendants sentenced under the guidelines. Table 15 displays the distribution of cases by gender within each primary offense category, with most offenses predominantly male. Examining gender within the primary offense categories, the five categories showing the least dramatic differences in the ratio of male to female defendants include embezzlement (in which 59.6% of those sentenced were female), larceny (32.6% female), administration of justice offenses (25.2% female), use of a communication facility in a drug offense (24.8% female), and fraud (24.7% female).

Age

The average age for all defendants sentenced under the guidelines in 1993 was 34.7 (mean age) and 33 years (median age). Patterns of offense behavior appear to be related to defendant age. For example, while defendants aged 25 years and younger accounted for 22.3 percent of federal convictions, they were convicted of nearly half (49.3%) of burglary/breaking-and-entering offenses. On the other hand, while defendants aged 41 years and older accounted for 26.8 percent of federal convictions, they were convicted of more than half of antitrust (85.0%), gambling/lottery (77.2%), pornography/prostitution (64.1%), tax (63.1%), and bribery (57.1%) offenses. (See Table 16 for distribution of cases by defendant age for each primary offense category.)

Table 17 provides a demographic profile of all defendants sentenced in 1993 by age, race, and gender.

Education

Table 18 shows the highest level of education achieved by defendants, by primary offense category. Slightly more than 39 percent (39.4%) of defendants did not graduate from high school; only 26.5 percent received any post-high school education. Among all education categories, except college graduate, drug trafficking was the leading offense of conviction: 7,984 of 16,016 (49.9%) in the "less than high school" category; 5,619 of 13,817 (40.7%) in the "high school graduate" category; and 2,614 of 7,606 (34.4%) in the "some college" category. Among college graduates, the most frequent offense type was fraud (991 of 3,165 or 31.3%). For most offense categories, defendants were most likely to hold a high school degree or less. In contrast, defendants convicted of bribery, antitrust, and food and drug offenses were most likely to fall into the college graduate category.

Citizenship

Seventy-eight percent of defendants sentenced under the guidelines in 1993 were citizens of the United States, while nearly one-fourth (22.0%) were not.⁶⁹ As reported in Table 19, this percentage varied considerably by primary offense type, with the highest rate of non-citizens sentenced for immigration (89.0%), national defense (53.4%), simple possession of drugs (32.2%), kidnapping/hostage taking (29.8%), money laundering (29.0%), drug trafficking (27.7%), and drug communication facility (27.6%).

Table 20 lists the country of citizenship for non-U.S. citizens sentenced under the guidelines in 1993. Mexican citizens comprised 46.8 percent of the total population of non-U.S. citizens sentenced under the guidelines in 1993; Colombian

69 Note that this "non-U.S. citizen" figure includes both legal and illegal aliens.

citizens constituted the second largest group at 11.6 percent.

Table 15

GENDER OF DEFENDANT BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1992, through September 30, 1993)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		Number	Percent	Number	Percent
TOTAL	42,000	35,555	84.6	6,445	15.4
Murder	85	77	90.6	8	9.4
Manslaughter	46	36	78.3	10	21.7
Kidnapping/Hostage-Taking	47	42	89.4	5	10.6
Sexual Abuse	155	154	99.4	1	0.6
Assault	356	318	89.3	38	10.7
Robbery	1,652	1,573	95.2	79	4.8
Arson	91	77	84.6	14	15.4
Drugs - Trafficking	17,251	15,402	89.3	1,849	10.7
Drugs - Communication Facility	262	197	75.2	65	24.8
Drugs - Simple Possession	938	759	80.9	179	19.1
Firearms	3,130	3,020	96.5	110	3.5
Burglary/B&E	65	63	96.9	2	3.1
Auto Theft	312	285	91.4	27	8.6
Larceny	3,092	2,085	67.4	1,007	32.6
Fraud	5,602	4,218	75.3	1,384	24.7
Embezzlement	943	381	40.4	562	59.6
Forgery/Counterfeiting	896	691	77.1	205	22.9
Bribery	224	186	83.0	38	17.0
Tax	811	693	85.4	118	14.6
Money Laundering	943	751	79.6	192	20.4
Racketeering/Extortion	439	395	90.0	44	10.0
Gambling/Lottery	184	169	91.8	15	8.2
Civil Rights	123	115	93.5	8	6.5
Immigration	2,185	2,032	93.0	153	7.0
Pornography/Prostitution	89	86	96.6	3	3.4
Prison Offenses	254	235	92.5	19	7.5
Administration of Justice Offenses	715	535	74.8	180	25.2
Environmental/Wildlife	164	157	95.7	7	4.3
National Defense	59	57	96.6	2	3.4
Antitrust	40	39	97.5	1	2.5
Food & Drug	73	63	86.3	10	13.7
Other Miscellaneous Offenses	774	664	85.8	110	14.2

¹Of the 42,107 guideline cases, 107 were excluded due to one or both of the following conditions: missing primary offense category (94) or missing gender (33). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 16

AGE OF DEFENDANT BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1992, through September 30, 1993)

PRIMARY OFFENSE	TOTAL	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		Over 50		Mean	Median
		n	%	n	%	n	%	n	%	n	%	n	%	n	%		
TOTAL	41,810	2,013	4.8	7,326	17.5	7,805	18.7	7,426	17.8	6,020	14.4	7,398	17.7	3,822	9.1	34.7	33.0
Murder	84	5	6.0	17	20.2	21	25.0	18	21.4	12	14.3	6	7.1	5	6.0	32.1	30.0
Manslaughter	46	4	8.7	12	26.1	15	32.6	5	10.9	2	4.3	5	10.9	3	6.5	30.4	28.0
Kidnapping/Hostage-Taking	47	5	10.6	12	25.5	5	10.6	9	19.2	7	14.9	4	8.5	5	10.6	32.4	31.0
Sexual Abuse	154	17	11.0	31	20.1	30	19.5	25	16.2	14	9.1	13	8.4	24	15.6	33.6	30.0
Assault	352	43	12.2	72	20.4	64	18.2	53	15.1	43	12.2	51	14.5	26	7.4	32.3	30.0
Robbery	1,650	137	8.3	373	22.6	355	21.5	304	18.4	218	13.2	196	11.9	67	4.1	31.5	30.0
Arson	91	9	9.9	17	18.7	15	16.5	21	23.1	9	9.9	10	11.0	10	11.0	33.2	31.0
Drugs - Trafficking	17,217	868	5.0	3,374	19.6	3,474	20.2	3,314	19.2	2,559	14.9	2,637	15.3	991	5.8	33.2	32.0
Drugs - Communication Facility	261	8	3.1	42	16.1	51	19.5	69	26.4	31	11.9	42	16.1	18	6.9	34.2	33.0
Drugs - Simple Possession	919	80	8.7	213	23.2	206	22.4	165	18.0	124	13.5	97	10.5	34	3.7	31.2	30.0
Firearm	3,126	207	6.6	668	21.4	625	20.0	555	17.7	439	14.0	461	14.8	171	5.5	32.6	31.0
Burglary/B&E	65	15	23.1	17	26.2	15	23.1	6	9.2	3	4.6	8	12.3	1	1.5	27.9	26.0
Auto Theft	312	20	6.4	77	24.7	53	17.0	49	15.7	36	11.5	56	18.0	21	6.7	33.2	31.0
Larceny	3,076	224	7.3	520	16.9	514	16.7	505	16.4	424	13.8	555	18.0	334	10.9	35.1	33.0
Fraud	5,584	97	1.7	595	10.7	816	14.6	919	16.5	866	15.5	1,400	25.1	891	16.0	38.7	37.0
Embezzlement	942	20	2.1	154	16.4	193	20.5	161	17.1	151	16.0	194	20.6	69	7.3	35.0	34.0
Forgery/Counterfeiting	893	40	4.5	181	20.3	182	20.4	160	17.9	122	13.7	146	16.3	62	6.9	33.7	32.0
Bribery	224	0	0.0	12	5.4	19	8.5	40	17.9	25	11.2	70	31.2	58	25.9	43.1	42.0
Tax	809	15	1.9	36	4.5	48	5.9	75	9.3	124	15.3	260	32.1	251	31.0	44.7	45.0
Money Laundering	942	6	0.6	67	7.1	117	12.4	143	15.2	148	15.7	296	31.4	165	17.5	40.7	40.0
Racketeering/Extortion	439	18	4.1	51	11.6	51	11.6	56	12.8	57	13.0	112	25.5	94	21.4	40.0	39.0
Gambling/Lottery	184	1	0.5	0	0.0	11	6.0	12	6.5	18	9.8	66	35.9	76	41.3	48.6	49.0
Civil Rights	123	6	4.9	17	13.8	30	24.4	22	17.9	14	11.4	18	14.6	16	13.0	35.0	33.0
Immigration	2,127	99	4.7	494	23.2	561	26.4	417	19.6	274	12.9	218	10.2	64	3.0	31.2	30.0
Pornography/Prostitution	89	2	2.2	2	2.2	8	9.0	9	10.1	11	12.4	28	31.5	29	32.6	44.8	44.0
Prison Offenses	253	6	2.4	45	18.0	53	21.0	54	21.3	32	12.7	51	20.2	12	4.7	34.0	33.0
Administration of Justice Offenses	714	26	3.6	110	15.4	131	18.4	118	16.5	96	13.5	126	17.6	107	15.0	36.7	35.0
Environmental/Wildlife	163	1	0.6	9	5.5	23	14.1	31	19.0	23	14.1	48	29.5	28	17.2	40.2	39.0
National Defense	59	1	1.7	6	10.2	8	13.6	9	15.2	11	18.6	14	23.7	10	17.0	39.2	38.0
Antitrust	40	0	0.0	0	0.0	0	0.0	3	7.5	3	7.5	7	17.5	27	67.5	55.2	58.0
Food & Drug	73	0	0.0	7	9.6	15	20.5	7	9.6	13	17.8	18	24.7	13	17.8	39.3	39.0
Other Miscellaneous Offenses	752	33	4.4	95	12.6	96	12.8	92	12.2	111	14.8	185	24.6	140	18.6	38.9	38.5

¹Of the 42,107 guideline cases, 297 were excluded due to one or both of the following conditions: missing primary offense category (94) or missing date of birth (263). Descriptions of variables used in this table are provided in Appendix A.

Table 17

AGE, RACE, AND GENDER OF DEFENDANTS¹
(October 1, 1992, through September 30, 1993)

AGE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	Number	Percent	Male	Female	Male	Female	Male	Female	Male	Female
Under 18	6	0.0	1	0	4	0	1	0	0	0
18	218	0.5	32	11	77	9	79	2	8	0
19	702	1.7	156	27	288	40	151	8	28	4
20	1,062	2.6	227	47	413	73	230	21	46	5
21	1,241	3.0	289	59	483	64	263	29	46	8
22	1,493	3.6	343	90	564	74	342	30	45	5
23	1,496	3.6	316	99	518	112	367	33	47	4
24	1,576	3.8	348	64	536	80	458	37	48	5
25	1,468	3.5	366	88	445	90	390	39	44	6
26	1,526	3.7	387	86	480	96	384	33	52	8
27	1,548	3.7	419	95	447	86	403	50	36	12
28	1,581	3.8	391	104	454	110	409	44	56	13
29	1,593	3.8	479	117	425	102	392	36	35	7
30	1,521	3.7	460	113	408	82	368	40	41	9
31	1,510	3.6	530	94	389	63	332	53	41	8
32	1,626	3.9	538	106	398	98	396	38	44	8
33	1,484	3.6	506	104	353	90	328	38	57	8
34	1,351	3.2	479	97	328	86	279	46	32	4
35	1,424	3.4	527	97	295	88	336	44	32	5
36	1,336	3.2	503	95	284	82	287	51	26	8
37	1,252	3.0	493	87	270	66	260	36	30	10
38	1,194	2.9	455	83	220	74	281	39	31	11
39	1,145	2.8	486	69	196	65	251	45	26	7
40	1,053	2.5	432	85	199	57	219	26	29	6
41	1,010	2.4	440	86	188	46	193	26	23	8
42	902	2.2	400	74	140	49	175	22	35	7
43	869	2.1	427	53	141	42	147	25	24	10
44	856	2.1	407	68	151	34	137	31	21	7
45	826	2.0	444	66	120	28	123	22	17	6
46	728	1.8	395	71	92	29	99	20	16	6
47	557	1.3	297	39	81	22	86	12	18	2
48	552	1.3	290	48	66	21	93	13	18	3
49	516	1.2	305	49	62	16	66	8	10	0
50	540	1.3	287	70	71	22	58	8	19	5
51	429	1.0	265	27	45	10	60	5	13	4
52	367	0.9	217	27	40	10	54	7	9	3
53	336	0.8	202	22	38	10	46	4	14	0
54	299	0.7	188	28	32	5	33	5	8	0
55	298	0.7	192	17	34	7	35	8	3	2
56	265	0.6	165	23	25	5	32	6	7	2
57	220	0.5	136	30	14	6	27	3	4	0
58	204	0.5	135	11	19	5	20	6	7	1
59	170	0.4	105	20	19	3	16	4	2	1
60	156	0.4	99	17	12	7	16	1	3	1
61	152	0.4	102	12	20	1	13	0	3	1
62	141	0.3	100	12	11	4	11	1	2	0
63	134	0.3	89	12	16	2	9	1	4	1
64	113	0.3	77	10	6	4	10	1	5	0
65	105	0.2	72	7	11	2	6	2	4	1
Over 65	413	1.0	272	46	41	6	31	6	9	2
TOTAL	41,564	100.0	15,271	2,862	9,969	2,183	8,802	1,065	1,178	234
Percent		100.0	36.7	6.9	24.0	5.2	21.2	2.6	2.8	0.6
Race Column Total			18,133 (43.6)		12,152 (29.2)		9,867 (23.7)		1,412 (3.4)	

¹Of the 42,107 guideline cases, 543 were excluded due to one or more of the following conditions: missing age (263), missing race (388), or missing gender (33). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 18

EDUCATION OF DEFENDANT BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1992, through September 30, 1993)

PRIMARY OFFENSE	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	40,604	16,016	39.4	13,817	34.0	7,606	18.7	3,165	7.8
Murder	82	41	50.0	27	32.9	12	14.6	2	2.4
Manslaughter	46	19	41.3	19	41.3	8	17.4	0	0.0
Kidnapping/Hostage-Taking	47	26	55.3	13	27.7	6	12.8	2	4.3
Sexual Abuse	147	66	44.9	59	40.1	18	12.2	4	2.7
Assault	341	150	44.0	118	34.6	51	15.0	22	6.4
Robbery	1,622	674	41.6	639	39.4	277	17.1	32	2.0
Arson	91	27	29.7	35	38.5	26	28.6	3	3.3
Drugs - Trafficking	16,939	7,984	47.1	5,619	33.2	2,614	15.4	722	4.3
Drugs - Communication Facility	254	107	42.1	90	35.4	43	16.9	14	5.5
Drugs - Simple Possession	865	434	50.2	267	30.9	126	14.6	38	4.4
Firearms	3,069	1,419	46.2	1,196	39.0	378	12.3	76	2.5
Burglary/B&E	65	35	53.9	22	33.8	7	10.8	1	1.5
Auto Theft	307	138	45.0	104	33.9	56	18.2	9	2.9
Larceny	2,917	733	25.1	1,267	43.4	714	24.5	203	7.0
Fraud	5,435	1,115	20.5	1,785	32.8	1,544	28.4	991	18.2
Embezzlement	918	58	6.3	402	43.8	345	37.6	113	12.3
Forgery/Counterfeiting	881	301	34.2	333	37.8	183	20.8	64	7.3
Bribery	215	32	14.9	60	27.9	51	23.7	72	33.5
Tax	802	157	19.6	222	27.7	204	25.4	219	27.3
Money Laundering	928	243	26.2	281	30.3	240	25.9	164	17.7
Racketeering/Extortion	432	147	34.0	151	35.0	80	18.5	54	12.5
Gambling/Lottery	177	55	31.1	75	42.4	31	17.5	16	9.0
Civil Rights	120	25	20.8	53	44.2	31	25.8	11	9.2
Immigration	1,861	1,378	74.0	266	14.3	146	7.8	71	3.8
Pornography/Prostitution	86	15	17.4	32	37.2	18	20.9	21	24.4
Prison Offenses	248	110	44.4	96	38.7	33	13.3	9	3.6
Administration of Justice Offenses	701	282	40.2	213	30.4	142	20.3	64	9.1
Environmental/Wildlife	150	59	39.3	49	32.7	25	16.7	17	11.3
National Defense	58	17	29.3	19	32.8	10	17.2	12	20.7
Antitrust	40	4	10.0	13	32.5	8	20.0	15	37.5
Food & Drug	73	7	9.6	16	21.9	20	27.4	30	41.1
Other Miscellaneous Offenses	687	158	23.0	276	40.2	159	23.1	94	13.7

¹Of the 42,107 guideline cases, 1,503 were excluded due to one or both of the following conditions: missing primary offense category (94) or missing education information (1,478). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 19

CITIZENSHIP STATUS OF DEFENDANT BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1992, through September 30, 1993)

PRIMARY OFFENSE	TOTAL	United States Citizen		Non-U.S. Citizen	
		Number	Percent	Number	Percent
TOTAL	40,859	31,863	78.0	8,996	22.0
Murder	82	74	90.2	8	9.8
Manslaughter	46	45	97.8	1	2.2
Kidnapping/Hostage-Taking	47	33	70.2	14	29.8
Sexual Abuse	152	152	100.0	0	0.0
Assault	341	310	90.9	31	9.1
Robbery	1,626	1,591	97.8	35	2.2
Arson	91	85	93.4	6	6.6
Drugs - Trafficking	17,001	12,298	72.3	4,703	27.7
Drugs - Communication Facility	254	184	72.4	70	27.6
Drugs - Simple Possession	896	607	67.8	289	32.2
Firearms	3,078	2,798	90.9	280	9.1
Burglary/B&E	65	64	98.5	1	1.5
Auto Theft	308	274	89.0	34	11.0
Larceny	2,890	2,707	93.7	183	6.3
Fraud	5,480	4,850	88.5	630	11.5
Embezzlement	918	888	96.7	30	3.3
Forgery/Counterfeiting	883	723	81.9	160	18.1
Bribery	216	168	77.8	48	22.2
Tax	802	733	91.4	69	8.6
Money Laundering	933	662	71.0	271	29.0
Racketeering/Extortion	434	374	86.2	60	13.8
Gambling/Lottery	177	170	96.0	7	4.0
Civil Rights	120	116	96.7	4	3.3
Immigration	2,008	221	11.0	1,787	89.0
Pornography/Prostitution	86	85	98.8	1	1.2
Prison Offenses	250	228	91.2	22	8.8
Administration of Justice Offenses	703	572	81.4	131	18.6
Environmental/Wildlife	153	127	83.0	26	17.0
National Defense	58	27	46.6	31	53.4
Antitrust	40	40	100.0	0	0.0
Food & Drug	73	59	80.8	14	19.2
Other Miscellaneous Offenses	648	598	92.3	50	7.7

¹Of the 42,107 guideline cases, 1,248 were excluded due to one or both of the following conditions: missing primary offense category (94) or missing citizenship information (1,220). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 20**COUNTRY OF CITIZENSHIP FOR NON-U.S. CITIZENS¹**
(October 1, 1992, through September 30, 1993)

COUNTRY OF CITIZENSHIP	Number	Percent
TOTAL	8,920	100.0
Mexico	4,176	46.8
Colombia	1,035	11.6
Dominican Republic	529	5.9
Nigeria	460	5.2
Cuba	347	3.9
Jamaica	325	3.6
Canada	203	2.3
China	92	1.0
Vietnam	82	0.9
Haiti	80	0.9
El Salvador	79	0.9
Ghana	75	0.8
Great Britain	71	0.8
Guyana	60	0.7
Philippines	60	0.7
Pakistan	55	0.6
Venezuela	52	0.6
Guatemala	51	0.6
Other	1,088	12.2

¹Of the 42,107 guideline cases, 1,285 were excluded due to missing citizenship information (1,200) or missing information on country of origin for non-citizens. Only countries with 50 or more cases are listed here. Descriptions of variables used in this table are provided in Appendix A.

United States Sentencing Commission

Mode of Conviction

Monitoring data show that 88.5 percent of all defendants sentenced under the guidelines in 1993 pleaded guilty, while 11.5 percent were convicted at trial. During the past five years of guideline application (since the *Mistretta* decision in January 1989), the plea/trial rate has remained relatively constant at 85-89 percent pleas to 11-15 percent trials. Figure C displays the national plea/trial rates under the guidelines since January 1989. Table 21 shows the rates of conviction by plea and trial in 1993 for guideline defendants by circuit and district.

Considerable variation exists in the rate of guilty pleas versus trials from district to district. Southern Ohio and Southern California reported the highest plea rates (96.0% and 95.2% respectively) with 35 other districts posting plea rates of 90 percent or more. Eight districts had trial rates of 20 percent or higher: Northern Mariana Islands (37.5%), Idaho (31.7%), both Southern Iowa and Eastern Oklahoma (23.9%), Southern Florida (23.4%), District of Columbia (20.9%),⁷⁰ Rhode Island (20.6%), and Maryland (20.1%). Case load, offense type and seriousness, and policies of individual U.S. attorney offices may explain some of this variation.

The Second Circuit reported the highest guilty plea rate of any circuit at 91.8 percent of all guideline cases; the Ninth Circuit closely followed with 91.7 percent. Conversely, the Eleventh Circuit reported the highest trial rate — double the rates of the Second and Ninth Circuits — at 16.7 percent.

An analysis of the mode of conviction by primary offense category (see Table 22) indicates that defendants in certain offense categories like murder, kidnapping, arson, assault, racketeering/extortion, or civil rights were substantially more likely to go to trial than the national average for all offenses, probably due to severe penalties accompanying convictions for most of these offenses. The trial rate for drug trafficking offenses was more than four percentage points higher than the national average for all offenses (15.7% trial rate for drug trafficking compared to the national rate of 11.5% for all offenses). However, this trial rate of 15.7 percent is three percentage points lower than the drug trafficking trial rate in 1992.⁷¹

Note that the trial rates for less serious drug offenses — use of a communication facility and simple possession — are significantly below the national average. For both use of a communication facility and simple possession, the count of conviction may represent a plea agreement reducing charges or the scope of relevant conduct (e.g., lesser drug amounts). Offense categories such as burglary, use of a communication facility in drug trafficking, embezzlement, gambling/lottery, or immigration had the lowest trial rates.

Sentencing Information on Guideline Cases

Type of Sentence

More than three-fourths (77.3%) of guideline defendants sentenced in 1993 received a sentence that included a term of incarceration (see Table 23 and Figure D). Of the 77.3 percent of

70 The District of Columbia's 1993 trial rate of 20.9 percent is almost ten percent lower than its 1992 rate of 30.8 percent.

71 One explanation for the drop in the trial rate for drug trafficking is the increase in the rate of substantial assistance for these defendants from 28.3% in 1992 to 33.6% in 1993.

defendants receiving prison terms, 3.7 percent received the "prison/community split sentence" option under the guidelines (a term of imprisonment followed by supervised release with a condition of community confinement or home detention). The rate of imprisonment has remained virtually the same for the past four years: 76.9 percent in 1990, 76.5 percent in 1991, 76.2 percent in 1992, and 77.3 percent in 1993.

Conversely, almost one-quarter (22.7%) of all guideline defendants sentenced in 1993 received a sentence of probation. Probation with a condition of community confinement, intermittent confinement, or home detention was imposed in 7.9 percent of the cases, while 14.8 percent of guideline defendants received sentences of "straight" probation (*i.e.*, no confinement conditions).

Table 23 shows the distribution of type of sentence imposed within primary offense categories. Predictably, the type of sentence imposed most frequently by the court varied by offense type. Defendants convicted of murder, kidnaping/hostage-taking, sexual abuse, robbery, drug trafficking, and prison offenses were imprisoned at the highest rates (all more than 92%). Defendants convicted of larceny, tax offenses, gambling/lottery, antitrust, environmental/wildlife, or food and drug violations were least likely to receive sentences of imprisonment (all less than 43%); the majority of defendants in these categories received probation or some form of confinement along with probation.

Figure C
MODE OF CONVICTION BY SENTENCING YEAR¹
(January 19, 1989, through September 30, 1993)

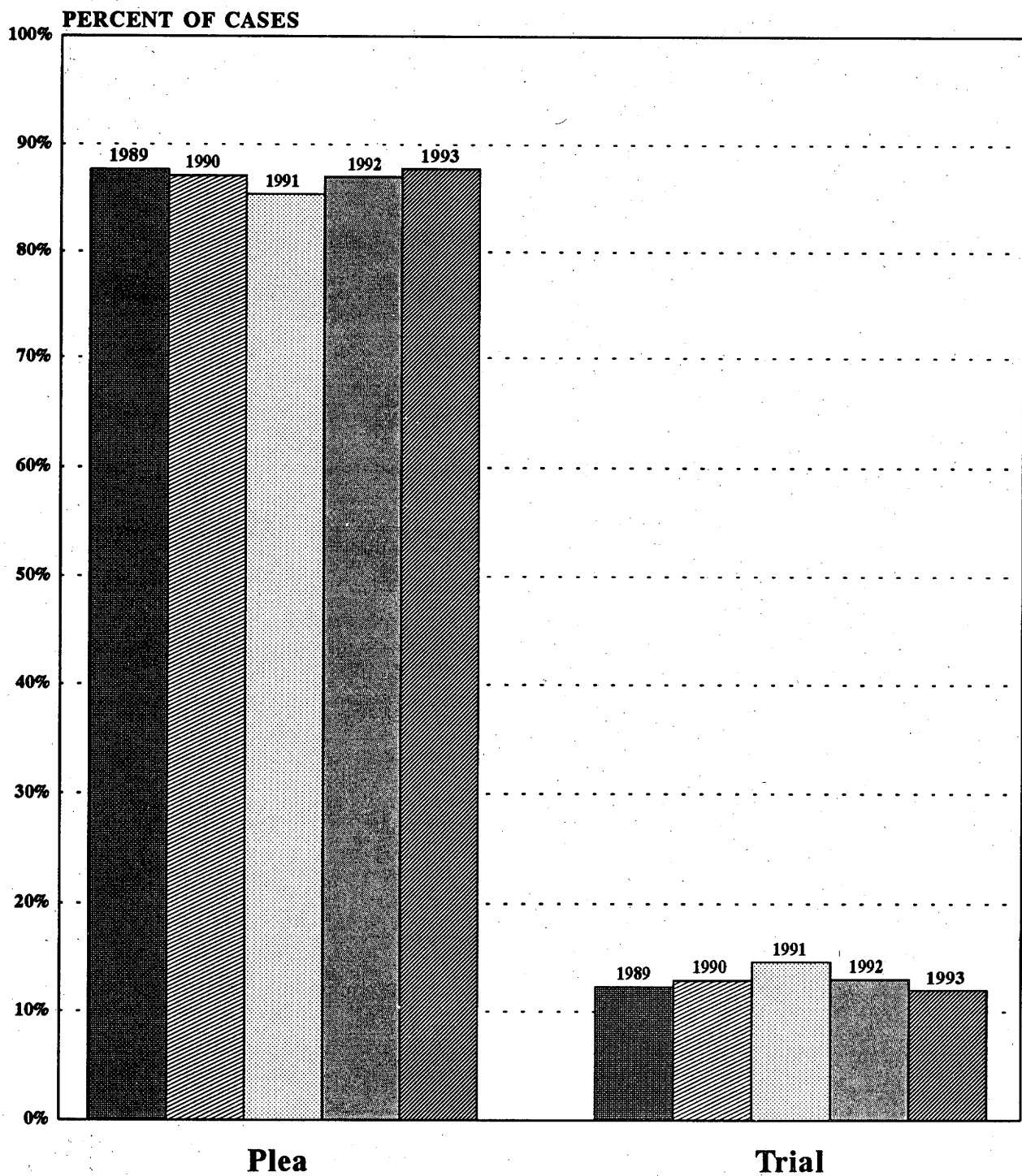


Table 21

MODE OF CONVICTION BY CIRCUIT AND DISTRICT¹
(October 1, 1992, through September 30, 1993)

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	41,873	37,048	88.5	4,825	11.5
D.C. CIRCUIT	431	341	79.1	90	20.9
District of Columbia	431	341	79.1	90	20.9
FIRST CIRCUIT	1,091	931	85.3	160	14.7
Maine	141	117	83.0	24	17.0
Massachusetts	354	307	86.7	47	13.3
New Hampshire	107	88	82.2	19	17.8
Puerto Rico	358	315	88.0	43	12.0
Rhode Island	131	104	79.4	27	20.6
SECOND CIRCUIT	3,836	3,523	91.8	313	8.2
Connecticut	261	246	94.3	15	5.8
New York				135	8.4
Eastern	1,604	1,469	91.6	34	10.8
Northern	315	281	89.2	98	8.4
Southern	1,172	1,074	91.6	21	6.1
Western	347	326	94.0	10	7.3
Vermont	137	127	92.7		
THIRD CIRCUIT	2,534	2,252	88.9	282	11.1
Delaware	83	73	88.0	10	12.1
New Jersey	546	491	89.9	55	10.1
Pennsylvania				117	10.4
Eastern	1,122	1,005	89.6	45	15.3
Middle	294	249	84.7	26	8.0
Western	325	299	92.0	29	17.7
Virgin Islands	164	135	82.3		
FOURTH CIRCUIT	4,679	4,096	87.5	583	12.5
Maryland	333	266	79.9	67	20.1
North Carolina				53	11.9
Eastern	445	392	88.1	52	14.9
Middle	348	296	85.1	49	7.6
Western	641	592	92.4	74	8.3
South Carolina	895	821	91.7		
Virginia				173	15.9
Eastern	1,091	918	84.1	58	18.6
Western	312	254	81.4		
West Virginia				30	14.3
Northern	210	180	85.7	27	6.7
	404	377	93.3		

CIRCUIT District	TOTAL	PLEA		TRIAL ¹	
		Number	Percent	Number	Percent
FIFTH CIRCUIT	5,473	4,837	88.4	636	11.6
Louisiana					
Eastern	481	448	93.1	33	6.9
Middle	74	70	94.6	4	5.4
Western	276	251	90.9	25	9.1
Mississippi					
Northern	153	127	83.0	26	17.0
Southern	279	250	89.6	29	10.4
Texas					
Eastern	430	388	90.2	42	9.8
Northern	943	833	88.3	110	11.7
Southern	1,355	1,154	85.2	201	14.8
Western	1,482	1,316	88.8	166	11.2
SIXTH CIRCUIT	4,107	3,666	89.3	441	10.7
Kentucky					
Eastern	329	289	87.8	40	12.2
Western	441	395	89.6	46	10.4
Michigan					
Eastern	924	802	86.8	122	13.2
Western	213	177	83.1	36	16.9
Ohio					
Northern	639	601	94.1	38	6.0
Southern	526	505	96.0	21	4.0
Tennessee					
Eastern	389	353	90.8	36	9.3
Middle	205	169	82.4	36	17.6
Western	441	375	85.0	66	15.0
SEVENTH CIRCUIT	2,317	2,000	86.3	317	13.7
Illinois					
Central	257	226	87.9	31	12.1
Northern	831	705	84.8	126	15.2
Southern	308	279	90.6	29	9.4
Indiana					
Northern	243	211	86.8	32	13.2
Southern	202	173	85.6	29	14.4
Wisconsin					
Eastern	329	274	83.3	55	16.7
Western	147	132	89.8	15	10.2
EIGHTH CIRCUIT	2,378	2,086	87.7	292	12.3
Arkansas					
Eastern	241	207	85.9	34	14.1
Western	166	143	86.1	23	13.9
Iowa					
Northern	137	118	86.1	19	13.9
Southern	113	86	76.1	27	23.9
Minnesota					

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
NINTH CIRCUIT	7,504	6,879	91.7	625	8.3
Alaska	146	125	85.6	21	14.4
Arizona	1,235	1,131	91.6	104	8.4
California					
Central	1,183	1,067	90.2	116	9.8
Eastern	573	528	92.2	45	7.9
Northern	248	233	94.0	15	6.1
Southern	1,944	1,850	95.2	94	4.8
Guam	94	85	90.4	9	9.6
Hawaii	229	207	90.4	22	9.6
Idaho	60	41	68.3	19	31.7
Montana	176	163	92.6	13	7.4
Nevada	430	379	88.1	51	11.9
Northern Mariana Islands	8	5	62.5	3	37.5
Oregon	479	430	89.8	49	10.2
Washington					
Eastern	269	248	92.2	21	7.8
Western	430	387	90.0	43	10.0
TENTH CIRCUIT	2,228	2,028	91.0	200	9.0
Colorado	411	379	92.2	32	7.8
Kansas	304	263	86.5	41	13.5
New Mexico	576	545	94.6	31	5.4
Oklahoma					
Eastern	46	35	76.1	11	23.9
Northern	166	146	88.0	20	12.1
Western	306	275	89.9	31	10.1
Utah	274	252	92.0	22	8.0
Wyoming	145	133	91.7	12	8.3
ELEVENTH CIRCUIT	5,295	4,409	83.3	886	16.7
Alabama					
Middle	228	200	87.7	28	12.3
Northern	286	258	90.2	28	9.8
Southern	435	367	84.4	68	15.6
Florida					
Middle	1,216	1,068	87.8	148	12.2
Northern	403	326	80.9	77	19.1
Southern	1,486	1,139	76.7	347	23.4
Georgia					
Middle	319	287	90.0	32	10.0
Northern	682	562	82.4	120	17.6
Southern	240	202	84.2	38	15.8

Table 22

MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1992, through September 30, 1993)

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	41,838	37,019	88.5	4,819	11.5
Murder	85	49	57.7	36	42.4
Manslaughter	46	41	89.1	5	10.9
Kidnapping/Hostage-Taking	47	33	70.2	14	29.8
Sexual Abuse	153	124	81.1	29	19.0
Assault	354	269	76.0	85	24.0
Robbery	1,647	1,463	88.8	184	11.2
Arson	91	70	76.9	21	23.1
Drugs - Trafficking	17,157	14,460	84.3	2,697	15.7
Drugs - Communication Facility	260	253	97.3	7	2.7
Drugs - Simple Possession	935	894	95.6	41	4.4
Firearms	3,119	2,704	86.7	415	13.3
Burglary/B&E	65	65	100.0	0	0.0
Auto Theft	312	293	93.9	19	6.1
Larceny	3,089	2,938	95.1	151	4.9
Fraud	5,586	5,161	92.4	425	7.6
Embezzlement	943	923	97.9	20	2.1
Forgery/Counterfeiting	894	853	95.4	41	4.6
Bribery	222	204	91.9	18	8.1
Tax	809	729	90.1	80	9.9
Money Laundering	938	784	83.6	154	16.4
Racketeering/Extortion	437	329	75.3	108	24.7
Gambling/Lottery	183	179	97.8	4	2.2
Civil Rights	120	94	78.3	26	21.7
Immigration	2,187	2,121	97.0	66	3.0
Pornography/Prostitution	89	79	88.8	10	11.2
Prison Offenses	253	234	92.5	19	7.5
Administration of Justice Offenses	711	654	92.0	57	8.0
Environmental/Wildlife	164	154	93.9	10	6.1
National Defense	58	53	91.4	5	8.6
Antitrust	39	36	92.3	3	7.7
Food & Drug	72	65	90.3	7	9.7
Other Miscellaneous Offenses	773	711	92.0	62	8.0

¹Of the 42,107 guideline cases, 269 were excluded due to one or both of the following conditions: missing primary offense category (94)

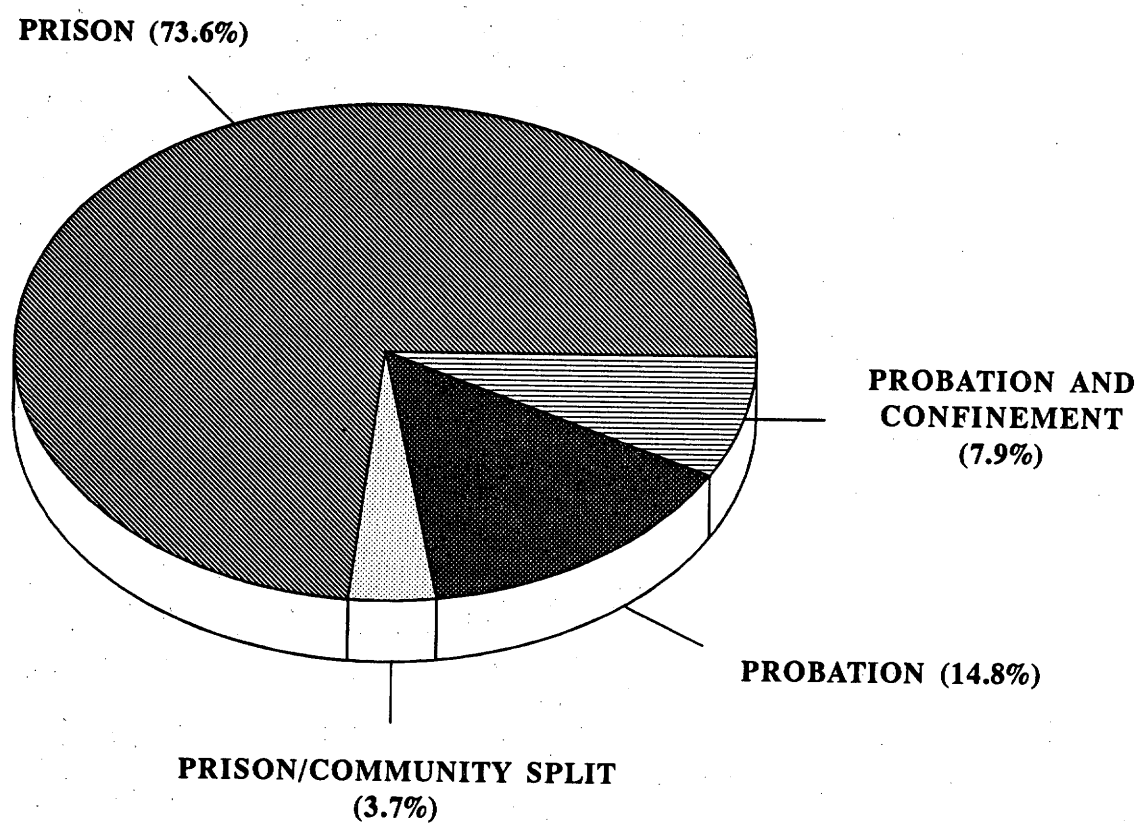
Table 23

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1992, through September 30, 1993)

OFFENSE	TOTAL	IMPRISONMENT						PROBATION					
		TOTAL RECEIVING IMPRISONMENT		Prison		Prison/Community Split Sentence		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
	41,590	32,140	77.3	30,609	73.6	1,531	3.7	9,450	22.7	3,276	7.9	6,174	14.8
	84	83	98.8	83	98.8	0	0.0	1	1.2	1	1.2	0	0.0
	46	37	80.4	35	76.1	2	4.4	9	19.6	4	8.7	5	10.9
Age-Taking	47	46	97.9	46	97.9	0	0.0	1	2.1	0	0.0	1	2.1
	154	143	92.9	142	92.2	1	0.7	11	7.1	10	6.5	1	0.7
	355	291	82.0	277	78.0	14	3.9	64	18.0	20	5.6	44	12.4
	1,647	1,633	99.2	1,629	98.9	4	0.2	14	0.9	8	0.5	6	0.4
	91	78	85.7	75	82.4	3	3.3	13	14.3	7	7.7	6	6.6
ing	17,159	16,125	94.0	15,824	92.2	301	1.8	1,034	6.0	488	2.8	546	3.2
ication Facility	259	204	78.8	200	77.2	4	1.5	55	21.2	24	9.3	31	12.0
Possession	921	456	49.5	440	47.8	16	1.7	465	50.5	80	8.7	385	41.8
	3,116	2,759	88.5	2,676	85.9	83	2.7	357	11.5	157	5.0	200	6.4
	65	58	89.2	55	84.6	3	4.6	7	10.8	5	7.7	2	3.1
	311	235	75.6	223	71.7	12	3.9	76	24.4	46	14.8	30	9.7
	3,028	1,247	41.2	1,131	37.4	116	3.8	1,781	58.8	465	15.4	1,316	43.5
	5,528	3,196	57.8	2,709	49.0	487	8.8	2,332	42.2	930	16.8	1,402	25.4
	918	484	52.7	314	34.2	170	18.5	434	47.3	143	15.6	291	31.7
rfeiting	884	457	51.7	427	48.3	30	3.4	427	48.3	161	18.2	266	30.1
	221	133	60.2	108	48.9	25	11.3	88	39.8	34	15.4	54	24.4
	800	309	38.6	257	32.1	52	6.5	491	61.4	154	19.3	337	42.1
ring	932	706	75.8	679	72.9	27	2.9	226	24.3	70	7.5	156	16.7
xtortion	438	389	88.8	372	84.9	17	3.9	49	11.2	21	4.8	28	6.4
ery	183	59	32.2	43	23.5	16	8.7	124	67.8	57	31.2	67	36.6
	119	63	52.9	49	41.2	14	11.8	56	47.1	19	16.0	37	31.1
	2,170	1,824	84.1	1,777	81.9	47	2.2	346	15.9	87	4.0	259	11.9
rostitution	89	53	59.6	50	56.2	3	3.4	36	40.5	23	25.8	13	14.6
s	254	248	97.6	239	94.1	9	3.5	6	2.4	3	1.2	3	1.2
of Justice Offenses	708	467	66.0	430	60.7	37	5.2	241	34.0	90	12.7	151	21.3
/Wildlife	150	50	33.3	45	30.0	5	3.3	100	66.7	35	23.3	65	43.3
se	57	35	61.4	31	54.4	4	7.0	22	38.6	6	10.5	16	28.1
	37	10	27.0	9	24.3	1	2.7	27	73.0	18	48.7	9	24.3
	71	30	42.3	20	28.2	10	14.1	41	57.8	9	12.7	32	45.1
neous Offenses	748	232	31.0	214	28.6	18	2.4	516	69.0	101	13.5	415	55.5

guideline cases, 517 were excluded due to one or both of the following conditions: missing primary offense category (94), missing sentencing information (223), or cases in which defendant received at or probation (233). Descriptions of variables used in this table are provided in Appendix A.

Figure D
TYPE OF GUIDELINE SENTENCE IMPOSED¹
(October 1, 1992, through September 30, 1993)



¹Of the 42,107 guideline cases, 456 were excluded due to one or both of the following conditions: missing sentencing information (223) or cases in which defendant was not

Average Length of Imprisonment

Table 24 reports average term of imprisonment by both offense type and criminal history category. In general, the median term better represents the "average length of imprisonment" because it is not affected by unusually lengthy sentences that may skew the mean. The median represents the amount (in months) at which 50 percent of defendants received longer sentences and 50 percent received shorter sentences.

The median term of imprisonment for defendants sentenced to prison in 1993 was 37 months, while the mean term was 67 months. Defendants sentenced for murder received median sentences of 240 months, by far the longest median term under the guidelines. Defendants sentenced for kidnapping, robbery, drug trafficking, and racketeering received the next longest median terms under the guidelines (all 59 months or longer). In comparison, the shortest median prison sentences were imposed for simple drug possession, embezzlement, tax, antitrust, environmental, national defense, and food and drug violations (all ten months or less).

The first two columns of Table 24 provide the mean and median sentence for defendants sentenced to imprisonment for each primary offense category. In comparing the two measures, the mean was higher for all offenses except use of a communications facility (mean 34.9, median 37).⁷² The closer the median is to the mean, the less the number of lengthy sentences in each category that inflate the mean but not the median. For example, note "Firearms": 50 percent

of defendants sentenced in this category received a prison sentence of 37 months or less (the median sentence). However, the mean prison sentence for firearms defendants was 72.2 months, reflecting a significant number of lengthy sentences.

Table 24 also reports average prison sentences for offenders by criminal history categories. Independent of offense type, average terms of incarceration increase progressively to reflect the seriousness of a defendant's prior criminal record. Not surprisingly, across criminal history categories the mean imprisonment lengths change more drastically than median imprisonment lengths, with the mean for all offenses ranging from 53.9 months in Criminal History Category I to 91.4 months in Category VI (for non-career offenders), compared to the median range of 30 to 48 months across the criminal history categories. Because all defendants classified as career offenders are included in Criminal History Category VI, cases in that category are presented in two groups: the mean and median prison terms for Category VI non-career offenders is 91.4 and 48 months, respectively, significantly lower than the 204.9 and 180 months for career offenders.⁷³

72 The statutory maximum for this offense, under 21 U.S.C. § 843(b) is four years, thereby capping any long sentence

Table 24

**AVERAGE LENGTH OF IMPRISONMENT BY
PRIMARY OFFENSE AND CRIMINAL HISTORY CATEGORIES¹
(October 1, 1992, through September 30, 1993)**

PRIMARY OFFENSE	CRIMINAL HISTORY CATEGORY											
	TOTAL			I			II			III		
	Mean Mths	Median Mths	n	Mean Mths	Median Mths	n	Mean Mths	Median Mths	n	Mean Mths	Median Mths	n
TOTAL	67.0	37.0	30,909	53.9	30.0	17,070	66.4	37.0	3,693	70.8	41.0	4,187
Murder	288.6	240.0	80	230.2	168.0	38	298.0	313.0	4	315.9	293.0	17
Manslaughter	38.6	30.0	36	34.9	27.0	22	43.3	19.5	6	36.0	24.0	5
Kidnapping/Hostage-Taking	99.1	63.0	46	94.3	70.0	23	94.8	64.5	4	64.8	53.0	4
Sexual Abuse	84.4	34.5	136	64.4	27.0	94	86.8	87.0	13	105.1	121.0	19
Assault	39.7	24.0	279	35.6	24.0	129	32.8	24.0	31	40.9	16.0	53
Robbery	113.7	84.0	1,602	80.0	57.0	475	85.7	60.0	166	90.3	63.0	246
Arson	61.3	36.5	76	33.6	27.5	44	39.1	36.5	10	89.1	48.0	13
Drugs - Trafficking	89.4	60.0	15,828	74.1	60.0	9,718	91.1	60.0	2,095	101.7	70.0	2,091
Drugs - Communication Facility	34.9	37.0	200	34.5	36.0	120	31.1	26.0	36	36.8	48.0	25
Drugs - Simple Possession	11.0	6.0	445	8.5	4.0	246	13.4	6.0	53	9.3	6.0	60
Firearms	72.2	37.0	2,430	39.2	21.0	637	35.4	24.0	247	45.0	30.0	407
Burglary/B&E	22.3	21.0	58	17.1	12.5	22	17.0	16.5	6	23.3	24.0	10
Auto Theft	19.9	15.0	230	15.6	12.0	94	16.1	14.5	36	15.9	15.0	36
Larceny	21.7	12.0	1,205	15.6	10.0	505	17.5	12.0	134	19.5	12.0	211
Fraud	17.2	12.0	3,083	15.0	12.0	2,001	16.1	12.0	329	17.2	12.5	346
Embezzlement	9.5	7.5	470	8.9	6.0	456	11.8	10.0	9	18.3	8.0	11
Forgery/Counterfeiting	15.3	12.0	447	13.6	12.0	205	15.4	8.0	43	13.9	9.0	73
Bribery	16.9	12.0	127	15.2	12.0	109	19.5	12.0	11	21.3	15.0	3
Tax	14.1	10.0	304	13.2	10.0	237	15.6	12.0	36	20.3	11.0	22
Money Laundering	46.1	37.0	697	42.0	34.0	528	48.0	35.0	72	54.1	41.0	64
Racketeering/Extortion	106.4	59.0	382	76.7	47.0	248	151.1	60.0	45	155.5	60.0	44
Gambling/Lottery	14.0	12.0	55	10.1	11.0	31	12.1	10.0	15	24.5	15.0	11
Civil Rights	36.7	15.0	63	32.5	15.0	43	42.8	18.0	11	18.8	12.0	5
Immigration	18.9	14.0	1,610	6.0	4.0	554	11.9	8.0	175	17.7	12.0	283
Pornography/Prostitution	33.9	21.0	51	34.2	18.0	39	35.9	21.0	8	27.0	27.0	3
Prison Offenses	20.9	18.0	242	15.3	9.5	12	24.3	13.5	4	11.1	12.0	36
Administration of Justice Offenses	19.4	14.5	456	15.6	12.0	267	18.6	12.0	55	18.9	15.0	60
Environmental/Wildlife	10.4	10.0	45	9.5	8.0	30	11.7	10.0	9	9.8	10.0	5
National Defense	20.1	10.0	33	20.4	10.0	28	18.8	12.0	4	10.0	10.0	1
Antitrust	7.8	7.5	10	7.9	8.0	9	7.0	7.0	1	0.0	0.0	0
Food & Drug	29.9	10.0	30	27.7	8.0	26	0.0	0.0	0	49.5	49.5	2
Other Miscellaneous Offenses	30.9	12.0	153	22.1	10.0	80	31.8	10.0	25	18.5	10.0	21

Table 24 (continued)

PRIMARY OFFENSE	CRIMINAL HISTORY CATEGORY											
	IV			V			VI (non-career offender)			VI (career offender) ²		
	Mean Mths	Median Mths	n	Mean Mths	Median Mths	n	Mean Mths	Median Mths	n	Mean Mths	Median Mths	n
TOTAL	70.6	42.0	2,303	74.9	46.0	1,378	91.4	48.0	2,005	204.9	180.0	938
Murder	270.0	234.0	6	262.7	240.0	3	440.6	470.0	9	334.0	360.0	5
Manslaughter	0.0	0.0	0	0.0	0.0	0	49.8	51.5	4	0.0	0.0	0
Kidnapping/Hostage-Taking	151.0	190.0	5	69.0	56.0	6	168.0	168.0	2	123.5	123.5	2
Sexual Abuse	117.4	51.0	7	137.6	180.0	5	36.0	36.0	1	294.8	289.5	4
Assault	22.5	16.0	20	45.7	37.0	17	62.4	36.0	20	89.5	63.0	17
Robbery	93.9	78.0	204	102.6	92.0	102	131.4	100.0	160	217.4	180.0	272
Arson	91.3	72.5	4	85.0	85.0	2	0.0	0.0	0	232.6	120.0	5
Drugs - Trafficking	110.9	84.0	850	133.4	96.0	381	147.9	120.0	353	200.0	188.0	571
Drugs - Communication Facility	44.7	48.0	9	32.0	38.0	5	33.1	33.5	8	48.0	48.0	1
Drugs - Simple Possession	11.4	6.0	44	23.7	9.0	29	20.7	12.0	19	24.0	24.0	1
Firearms	62.2	41.5	362	83.1	63.0	256	139.3	120.0	517	244.8	237.5	38
Burglary/B&E	23.6	21.0	5	27.0	24.0	7	34.1	31.5	8	0.0	0.0	0
Auto Theft	19.7	18.0	19	27.9	27.0	24	37.7	33.0	26	0.0	0.0	0
Larceny	26.3	12.0	121	28.8	21.0	108	34.6	24.0	150	157.6	96.0	5
Fraud	21.8	18.0	193	23.1	24.0	115	30.7	27.0	180	0.0	0.0	0
Embezzlement	24.0	24.0	2	0.0	0.0	0	42.0	42.0	2	0.0	0.0	0
Forgery/Counterfeiting	15.5	11.0	48	23.0	15.0	31	22.8	21.0	51	0.0	0.0	0
Bribery	48.7	27.0	3	18.0	18.0	3	29.5	29.5	2	0.0	0.0	0
Tax	18.2	15.0	9	13.5	13.5	2	17.0	12.0	3	0.0	0.0	0
Money Laundering	87.7	51.0	19	75.3	63.0	9	66.8	63.0	9	240.0	240.0	1
Racketeering/Extortion	152.7	60.0	21	131.1	60.0	10	228.5	175.0	11	220.1	151.0	9
Gambling/Lottery	24.5	24.5	2	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0
Civil Rights	84.0	84.0	1	89.0	65.0	3	0.0	0.0	0	0.0	0.0	0
Immigration	22.9	18.0	232	28.7	24.0	183	31.7	24.0	346	0.0	0.0	0
Pornography/Prostitution	24.0	24.0	1	50.5	50.5	2	0.0	0.0	0	0.0	0.0	0
Prison Offenses	15.4	18.0	70	23.2	24.0	50	27.3	27.0	71	65.5	60.0	4
Administration of Justice Offenses	27.0	24.0	31	33.3	30.0	17	29.2	27.0	33	107.5	107.5	2
Environmental/Wildlife	12.0	12.0	1	10.3	10.0	3	27.0	27.0	1	0.0	0.0	0
National Defense	0.0	0.0	0	0.0	0.0	0	36.0	36.0	1	0.0	0.0	0
Antitrust	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	0
Food & Drug	0.0	0.0	0	0.0	0.0	0	39.0	39.0	2	0.0	0.0	0
Other Miscellaneous Offenses	27.9	16.5	14	38.6	10.0	5	70.3	34.5	16	225.0	225.0	1

United States Sentencing Commission

Fines and Restitution

Defendants were ordered to pay a fine, make restitution, or both in 36.0 percent of all cases sentenced under the guidelines. Neither sanction was ordered in the remaining 64.0 percent of the cases, primarily due to findings by the court of the defendant's inability to pay or because the sanction would place an undue burden on the defendant's family. The frequency with which fines and/or restitution were ordered as part of guideline sentences is reported in Table 25.

The imposition of fines or restitution orders varied greatly by offense category.⁷⁴ Financial sanctions of some type were most common in convictions for burglary, larceny, embezzlement, fraud, and antitrust offenses. Fines — either with or without restitution — were imposed in more than 40 percent of the tax, gambling/lottery, pornography/prostitution, environmental/wildlife, antitrust, and food and drug violation cases; restitution orders — either with or without fines — were most common (more than 40%) for arson, burglary, robbery, embezzlement, fraud, auto theft, and larceny.

Drug trafficking, use of a communication facility in a drug offense, firearms, immigration, and prison offenses resulted in financial sanctions least frequently. This finding is not surprising given the high incarceration rates for these offenses and the alien status and possible deportation of defendants in immigration cases.

Table 25 also provides the mean, median, and total payments ordered. In general, the median fine better represents the "average fine" imposed because it is not affected by unusually high or

low fines that may skew the mean. The median represents the amount at which 50 percent of the fines are higher and 50 percent are lower. The greatest median payments were ordered for anti-trust cases (\$20,000), fraud (\$9,173), arson (\$8,071), embezzlement (\$7,789), and racketeering (\$7,025). The total of all payments ordered was more than \$925 million, with more than 50 percent of this amount ordered in fraud cases. This total is significantly higher than the \$634 million ordered in 1992 as fines and restitution payments.

Table 25

FINES AND RESTITUTION BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1992, through September 30, 1993)

OFFENSE	TOTAL	NO FINE OR RESTITUTION ORDERED		RESTITUTION ORDERED/NO FINE		FINE ORDERED/NO RESTITUTION		BOTH FINE AND RESTITUTION ORDERED		AMOUNT OF PAYMENT ORDERED			
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Total	Mean	Median	Sum
	41,794	26,743	64.0	6,624	15.9	7,352	17.6	1,075	2.6	14,445	64,074	3,000	925,554,098
	84	49	58.3	22	26.2	6	7.1	7	8.3	32	13,723	3,445	439,143
	46	27	58.7	17	37.0	2	4.4	0	0.0	16	5,773	4,110	92,363
Drinking	47	36	76.6	4	8.5	3	6.4	4	8.5	11	16,402	4,931	180,418
	154	114	74.0	13	8.4	24	15.6	3	2.0	40	1,281	1,000	51,228
	356	250	70.2	48	13.5	51	14.3	7	2.0	103	9,283	1,673	956,145
	1,647	787	47.8	757	46.0	54	3.3	49	3.0	783	14,634	3,134	11,458,369
	91	40	44.0	40	44.0	8	8.8	3	3.3	46	74,001	8,071	3,404,027
Non-Facility	17,172	14,184	82.6	207	1.2	2,738	15.9	43	0.3	2968	15,021	2,000	44,583,091
Violation	260	210	80.8	0	0.0	48	18.5	2	0.8	49	6,536	2,000	320,281
	930	572	61.5	12	1.3	336	36.1	10	1.1	355	1,199	1,000	425,661
	3,119	2,514	80.6	123	3.9	468	15.0	14	0.5	583	15,071	2,000	8,786,350
	65	18	27.7	42	64.6	1	1.5	4	6.2	43	11,261	1,696	484,220
	309	129	41.8	115	37.2	55	17.8	10	3.2	166	14,718	3,712	2,443,267
	3,083	930	30.2	1,228	39.8	719	23.3	206	6.7	2048	20,572	1,795	42,131,094
	5,578	1,709	30.6	2,734	49.0	736	13.2	399	7.2	3624	138,029	9,173	500,217,544
	941	266	28.3	523	55.6	89	9.5	63	6.7	654	42,450	7,789	27,762,607
	888	421	47.4	276	31.1	118	13.3	73	8.2	433	8,586	1,417	3,717,948
	220	119	54.1	24	10.9	66	30.0	11	5.0	96	262,368	5,000	25,187,283
	786	324	41.2	103	13.1	291	37.0	68	8.7	443	35,746	5,000	15,835,478
	937	564	60.2	101	10.8	264	28.2	8	0.9	371	367,939	6,151	136,505,299
	437	254	58.1	49	11.2	117	26.8	17	3.9	180	473,854	7,025	85,293,630
	183	86	47.0	1	0.6	96	52.5	0	0.0	96	3,732	2,000	358,253
	120	66	55.0	9	7.5	39	32.5	6	5.0	54	4,068	2,000	219,681
	2,182	1,894	86.8	10	0.5	276	12.7	2	0.1	286	2,568	1,000	734,465
Non-Offenses	88	50	56.8	0	0.0	38	43.2	0	0.0	38	6,377	2,000	242,317
	254	231	90.9	4	1.6	19	7.5	0	0.0	23	1,129	500	25,960
	711	478	67.2	53	7.5	172	24.2	8	1.1	230	19,341	2,000	4,448,505
	161	68	42.2	13	8.1	73	45.3	7	4.4	91	4,660	2,000	424,086
	59	39	66.1	0	0.0	20	33.9	0	0.0	20	4,376	3,500	87,528
	40	9	22.5	0	0.0	30	75.0	1	2.5	31	45,498	20,000	1,410,445
Offenses	72	35	48.6	5	6.9	31	43.1	1	1.4	36	103,442	2,750	3,723,914
	774	270	34.9	91	11.8	364	47.0	49	6.3	496	7,265	1,000	3,603,498

cases, 313 were excluded due to missing information on type of economic sanction for cases in which orders were made. The total number of cases (14,445) used to calculate amounts of payment ordered is the number of cases receiving fines and/or restitution (15,051) because of the exclusion of cases for which a fine and/or restitution was ordered but the amount was not specified. Descriptions of variables used are in Appendix A.

United States Sentencing Commission

Sentencing Alternatives

The guidelines provide a variety of alternatives to imprisonment for less serious offenders at lower offense levels (see §5C1.1). If the minimum of the applicable guideline range is zero months, a sentence of imprisonment is not required ("straight" probation is available). If the minimum of the guideline range is one to seven months, probation with a condition of community confinement, intermittent confinement, or home detention is available. Finally, if the minimum of the range is eight to ten months, a "split" sentence may be imposed, requiring a sentence of imprisonment for at least one-half of the minimum followed by a term of supervised release with a condition of community confinement or home detention to satisfy the remainder of the term.

Table 26 presents the distribution of sentences imposed in cases falling within guideline ranges for which alternatives to imprisonment generally are available. (Imprisonment is the only sanction available at higher offense levels, absent departure.) In 78.2 percent of the cases with a guideline range of zero to six months, the sentence imposed was probation only or probation with community confinement, intermittent confinement, or home detention. In the next five guideline ranges where the minimum of the range was one to six months, probation plus confinement was ordered in 45.2 percent (1,847 of 4,087) of the cases, while a split sentence was ordered in 8.3 percent (341 of 4,087). In the three final guideline ranges in which alternatives were available (cases in which the minimum of the guideline ranges was eight to ten months), courts ordered the prison/community split sentence 29.6 percent of the time (791 of 2,673 cases).

alternatives are not available under the guidelines) received a term of imprisonment.

Figure E represents the frequency with which defendants eligible for alternatives to imprisonment in various offense categories received sentences of incarceration. Of those eligible for alternative sentences, larceny offenders were the least likely (20.0%) to be incarcerated and immigration violators the most likely (67.0%). A large proportion of immigration violators with relatively low guideline ranges receive short prison sentences rather than alternatives because for non-U.S. citizens alternatives to imprisonment are not always available prior to deportation. Consequently, they may be treated somewhat differently than offenders at similar offense levels convicted of other offenses.

Table 26

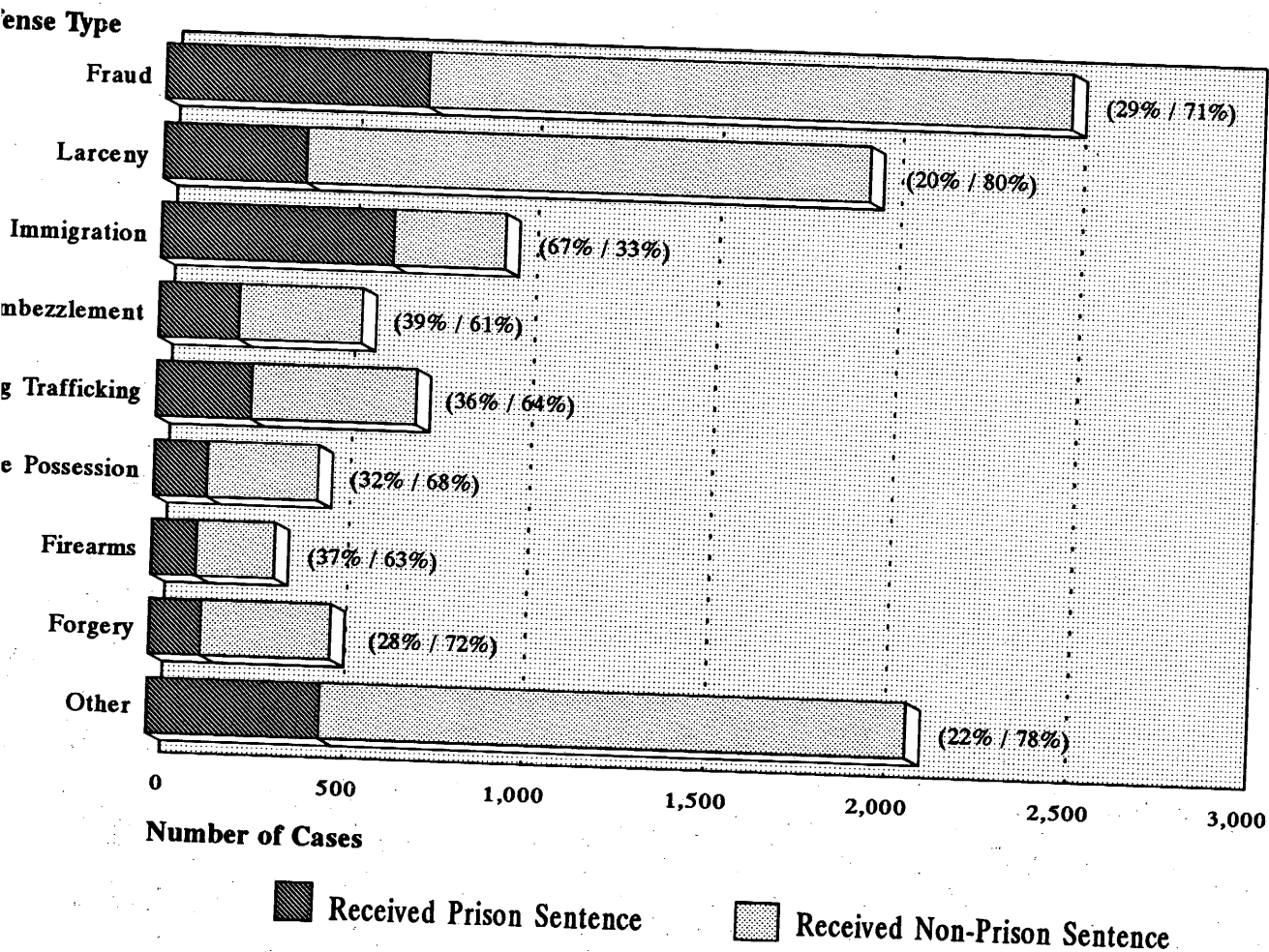
**GUIDELINE RANGES WITH SENTENCING ALTERNATIVES
BY TYPE OF SENTENCE IMPOSED¹
(October 1, 1992, through September 30, 1993)**

TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
38,128	28,288	74.2	1,457	3.8	3,038	8.0	5,345	14.0
5,860	1,241	21.2	38	0.7	479	8.2	4,102	70.0
357	152	42.6	8	2.2	168	47.1	29	8.1
444	241	54.3	8	1.8	165	37.2	30	6.8
13	13	100.0	0	0.0	0	0.0	0	0.0
1,340	454	33.9	113	8.4	639	47.7	134	10.0
1,933	662	34.3	212	11.0	875	45.3	184	9.5
1,105	536	48.5	345	31.2	106	9.6	118	10.7
79	67	84.8	8	10.1	2	2.5	2	2.5
1,489	809	54.3	438	29.4	113	7.6	129	8.7
25,508	24,113	94.5	287	1.1	491	1.9	617	2.4

¹ Guideline cases, the Commission received Reports on the Sentencing Hearing for 39,424 (93.6%). Of the 39,424 cases with such reports, 1,296 were excluded due to one or more of the following: missing guideline range (675), missing sentencing information (93), cases with no analogous guideline (358), or cases in which defendant received no imprisonment or probation (194). The guideline ranges correspond to the offense levels and criminal history categories established by the court and do not indicate the impact of mandatory minimums or statutory maximums constricting the sentence. Variables used in this table are provided in Appendix A.

Figure E

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR
NON-PRISON SENTENCES BY PRIMARY OFFENSE TYPE¹**
(October 1, 1992, through September 30, 1993)



¹Of the 42,107 guideline cases, the Commission received Reports on the Sentencing Hearing for 39,424 (93.6%). Of these 39,424 cases, 29,299 were ineligible for non-prison sentences, and 42 cases missing information on offense type were excluded. Non-prison sentences include probation with conditions of confinement as defined in section 5C1.1 of the USSC Guidelines Manual. Descriptions of variables used in this figure are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Guideline Application

Overview

Data coded in the Commission's Guidelines Application Module reflect specific guideline application factors determined by the court, such as base offense level, specific offense characteristics, victim, role, and acceptance of responsibility adjustments, criminal history points and category, and guideline range.

The Report on the Sentencing Hearing (statement of reasons) plays a crucial role in determining a court's guideline application decisions (see discussion under Data Collection Issues). In 1993, the Commission received statements of reasons in 39,422 (93.6%) of the 42,107 cases submitted. Of the reports submitted, complete information to determine the relevant guideline factors was available in 34,612 cases. Because a detailed description of guideline application factors requires complete sentencing information, the tables following in this section (except Table 27) reflect fewer cases than in previous sections.

Chapter Two Guideline Application

The first step in applying sentencing guidelines involves a determination of the appropriate Chapter Two guideline based on the count(s) of conviction.⁷⁵ Table 27 provides the distribution of Chapter Two guidelines applied as (1) the primary guideline and (2) any guideline when the case involves multiple guidelines. Given the predominance of drug offenses in the federal system (see Figure B), it is not surprising that the most frequently applied Chapter Two guideline,

either as the primary guideline or as any guideline, was the drug trafficking guideline, §2D1.1. This was the primary guideline applied in 16,444 (40.8%) of the 40,262 cases reported in Table 27. Considering all guidelines applied in these cases (a total of 43,989 guidelines across the 40,262 cases), the drug guideline was applied 16,643 times, for a total of 37.8 percent of all guideline applications. Other Chapter Two guidelines applied frequently as primary guideline include §2F1.1 (Fraud and Deceit) at 14.2 percent; §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft) at 7.7 percent; and §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition) at 6.1 percent. Other Chapter Two guidelines applied most frequently as any guideline (not necessarily as the primary guideline) include §2F1.1 (Fraud and Deceit) at 13.6 percent; §2B3.1 (Robbery) at 7.5 percent, and §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft) at 7.2 percent.

After determining the relevant guideline and assigning a base offense level, the court decides whether certain attributes common to that offense are present in the case. These "specific offense characteristics" are enumerated in the applicable Chapter Two guidelines and help establish the seriousness of a particular offense. Offense characteristics such as the quantity of drugs, use of a firearm, and amount of property loss require an adjustment in the base offense level.

Sheer numbers prevent the presentation of a complete picture of the interaction among base offense levels and specific offense characteristics applied. Each Chapter Two guideline

United States Sentencing Commission

provides a unique set of specific offense characteristics tailored to each offense. Subsequent sections of this report provide detailed profiles of the sentencing process, in contrast to aggregate numbers, for three frequently applied Chapter Two guidelines: robbery, firearms violations, and fraud.

Table 27

CHAPTER TWO GUIDELINE APPLIED¹
(October 1, 1992, through September 30, 1993)

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	n	%	n	%		n	%	n	%
2A1.1	76	0.2	108	0.3	2D1.13	2	0.0	3	0.0
2A1.2	28	0.1	29	0.1	2D2.1	904	2.3	961	2.2
2A1.3	11	0.0	11	0.0	2D2.2	34	0.1	38	0.1
2A1.4	33	0.1	52	0.1	2D2.3	0	0.0	0	0.0
2A1.5	13	0.0	31	0.1	2D3.1	7	0.0	7	0.0
2A2.1	30	0.1	71	0.2	2D3.2	0	0.0	0	0.0
2A2.2	153	0.4	189	0.4	2D3.3	0	0.0	0	0.0
2A2.3	25	0.1	26	0.1	2D3.4	1	0.0	1	0.0
2A2.4	83	0.2	97	0.2	2D3.5	2	0.0	2	0.0
2A3.1	66	0.2	82	0.2	2E1.1	56	0.1	89	0.2
2A3.2	26	0.1	36	0.1	2E1.2	72	0.2	90	0.2
2A3.3	0	0.0	0	0.0	2E1.3	26	0.1	55	0.1
2A3.4	65	0.2	92	0.2	2E1.4	24	0.1	26	0.1
2A4.1	61	0.2	76	0.2	2E1.5	58	0.1	86	0.2
2A4.2	4	0.0	4	0.0	2E2.1	31	0.1	48	0.1
2A5.1	2	0.0	2	0.0	2E3.1	157	0.4	185	0.4
2A5.2	10	0.0	12	0.0	2E3.2	23	0.1	29	0.1
2A5.3	0	0.0	0	0.0	2E3.3	8	0.0	8	0.0
2A6.1	102	0.3	127	0.3	2E4.1	0	0.0	0	0.0
2B1.1	3,110	7.7	3,178	7.2	2E5.1	4	0.0	5	0.0
2B1.2	659	1.6	724	1.7	2E5.2	16	0.0	17	0.0
2B1.3	74	0.2	79	0.2	2E5.3	2	0.0	2	0.0
2B2.1	8	0.0	14	0.0	2E5.4	22	0.1	22	0.1
2B2.2	78	0.2	116	0.3	2E5.5	20	0.1	20	0.1
2B2.3	4	0.0	5	0.0	2E5.6	7	0.0	9	0.0
2B3.1	1,945	4.8	3,298	7.5	2F1.1	5,696	14.2	5,963	13.6
2B3.2	36	0.1	52	0.1	2F1.2	6	0.0	7	0.0
2B3.3	14	0.0	16	0.0	2G1.1	4	0.0	7	0.0
2B4.1	47	0.1	52	0.1	2G1.2	5	0.0	10	0.0
2B5.1	422	1.1	438	1.0	2G2.1	11	0.0	29	0.1
2B5.2	188	0.5	192	0.4	2G2.2	30	0.1	31	0.1
2B5.3	95	0.2	97	0.2	2G2.3	0	0.0	0	0.0
2B5.4	48	0.1	50	0.1	2G2.4	31	0.1	34	0.1
2B6.1	85	0.2	93	0.2	2G2.5	0	0.0	0	0.0
2C1.1	206	0.5	237	0.5	2G3.1	10	0.0	10	0.0
2C1.2	13	0.0	15	0.0	2G3.2	1	0.0	1	0.0
2C1.3	4	0.0	4	0.0	2H1.1	22	0.1	26	0.1
2C1.4	7	0.0	7	0.0	2H1.2	1	0.0	1	0.0
2C1.5	0	0.0	0	0.0	2H1.3	8	0.0	12	0.0
2C1.6	1	0.0	1	0.0	2H1.4	23	0.1	32	0.1
2C1.7	16	0.0	16	0.0	2H1.5	0	0.0	0	0.0
2D1.1	16,444	40.8	16,643	37.8	2H2.1	4	0.0	12	0.0
2D1.2	523	1.3	533	1.2	2H3.1	12	0.0	12	0.0
2D1.3	0	0.0	0	0.0	2H3.2	13	0.0	14	0.0
2D1.4	0	0.0	0	0.0	2H3.3	17	0.0	17	0.0
2D1.5	80	0.2	85	0.2	2H4.1	0	0.0	0	0.0
2D1.6	218	0.5	228	0.5	2J1.1	0	0.0	0	0.0
2D1.7	9	0.0	11	0.0	2J1.2	89	0.2	111	0.3
2D1.8	118	0.3	122	0.3	2J1.3	109	0.3	125	0.3
2D1.9	0	0.0	0	0.0	2J1.4	14	0.0	17	0.0
2D1.10	0	0.0	0	0.0	2J1.5	1	0.0	1	0.0

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	n	%	n	%		n	%	n	%
2J1.8	2	0.0	2	0.0	2M6.2	4	0.0	5	0.0
2J1.9	0	0.0	0	0.0	2N1.1	4	0.0	7	0.0
2K1.1	0	0.0	0	0.0	2N1.2	4	0.0	4	0.0
2K1.2	8	0.0	9	0.0	2N1.3	2	0.0	2	0.0
2K1.3	24	0.1	27	0.1	2N2.1	39	0.1	40	0.1
2K1.4	98	0.2	131	0.3	2N3.1	17	0.0	17	0.0
2K1.5	4	0.0	4	0.0	2P1.1	220	0.6	234	0.5
2K1.6	0	0.0	0	0.0	2P1.2	49	0.1	64	0.2
2K1.7	0	0.0	0	0.0	2P1.3	0	0.0	0	0.0
2K2.1	2,452	6.1	2,728	6.2	2P1.4	0	0.0	0	0.0
2K2.2	100	0.3	122	0.3	2Q1.1	0	0.0	0	0.0
2K2.3	7	0.0	10	0.0	2Q1.2	55	0.1	60	0.1
2K2.4	0	0.0	0	0.0	2Q1.3	41	0.1	41	0.1
2K2.5	63	0.2	66	0.2	2Q1.4	0	0.0	0	0.0
2K3.1	1	0.0	1	0.0	2Q1.5	0	0.0	0	0.0
2K3.2	1	0.0	1	0.0	2Q1.6	0	0.0	0	0.0
2L1.1	521	1.3	533	1.2	2Q2.1	157	0.4	159	0.4
2L1.2	987	2.5	1010	2.3	2Q2.2	4	0.0	5	0.0
2L1.3	0	0.0	0	0.0	2R1.1	42	0.1	47	0.1
2L2.1	227	0.6	244	0.6	2S1.1	562	1.4	762	1.7
2L2.2	156	0.4	186	0.4	2S1.2	83	0.2	117	0.3
2L2.3	14	0.0	15	0.0	2S1.3	203	0.5	250	0.6
2L2.4	120	0.3	148	0.3	2S1.4	137	0.3	145	0.3
2L2.5	0	0.0	0	0.0	2T1.1	225	0.6	302	0.7
2M1.1	0	0.0	0	0.0	2T1.2	158	0.4	186	0.4
2M2.1	0	0.0	0	0.0	2T1.3	187	0.5	267	0.6
2M2.2	0	0.0	0	0.0	2T1.4	25	0.1	28	0.1
2M2.3	0	0.0	0	0.0	2T1.5	80	0.2	82	0.2
2M2.4	0	0.0	0	0.0	2T1.6	5	0.0	5	0.0
2M3.1	1	0.0	1	0.0	2T1.7	0	0.0	0	0.0
2M3.2	1	0.0	1	0.0	2T1.8	0	0.0	1	0.0
2M3.3	0	0.0	0	0.0	2T1.9	42	0.1	48	0.1
2M3.4	0	0.0	0	0.0	2T2.1	5	0.0	7	0.0
2M3.5	0	0.0	0	0.0	2T2.2	0	0.0	0	0.0
2M3.6	0	0.0	0	0.0	2T3.1	49	0.1	52	0.1
2M3.7	1	0.0	1	0.0	2T3.2	1	0.0	1	0.0
2M3.8	0	0.0	0	0.0	2T4.1	0	0.0	0	0.0
2M3.9	0	0.0	0	0.0	2X1.1	(1,230) ²	--	(6,150)	--
2M4.1	0	0.0	0	0.0	2X2.1	(191) ²	--	(955)	--
2M5.1	5	0.0	5	0.0	2X3.1	(98) ²	--	(490)	--
2M5.2	51	0.1	54	0.1	2X4.1	(313) ²	--	(1,565)	--
2M6.1	0	0.0	0	0.0	2X5.1	(80) ²	--	(400)	--
Total number of guidelines applied:						43,989			
Total number of cases:						40,262			

¹Of the 42,107 guideline cases, 1,845 were excluded due to missing guideline applied. Totals can exceed 100 percent because a single case may reference several different guidelines. For cases in which a cross reference was used, the original guideline rather than the cross-referenced guideline is shown — except cases in which the cross reference was to guidelines in Chapter Two, Parts J or X. Descriptions of variables used in this table are provided in Appendix A.

Chapter Three Adjustments

Once the court establishes a base offense level and applies all appropriate specific offense characteristics, it considers whether certain generic adjustments to the offense level apply. These Chapter Three adjustments, which may be made to any offense at any offense level, refer to general factors relating to the victim(s) of the offense, the defendant's role in the offense, acts that constitute an obstruction of justice, and the defendant's acceptance of responsibility.

Table 28 provides a description of the various Chapter Three adjustments applied by the courts for all 1993 guideline cases for which a complete Report on the Sentencing Hearing was available.

An upward adjustment for victim-related factors, such as vulnerable victim, official victim, or restraint of victim (§§3A1.1, 3A1.2, 3A1.3), was imposed in less than one percent of the cases (for each factor). A reduction for a mitigating role (§3B1.2) was given in 10.1 percent of the cases. The offense level was increased in 7.4 percent of the cases due to the defendant's aggravating role (§3B1.1) and in 3.0 percent for an abuse of the defendant's position of trust or use of special skill (§3B1.3).

More than four percent of all cases received the enhancement for obstruction of justice (§3C1.1), while reckless endangerment during flight (§3C1.2), an adjustment added to the guidelines in November 1990, applied to 0.3 percent of the cases.

Finally, the court may reduce a defendant's offense level if the defendant "demonstrates a recognition and affirmative acceptance of personal

responsibility. According to Table 29, acceptance was granted less frequently in violent crimes such as murder, kidnapping, assault, sexual abuse, and racketeering, and more frequently in offenses such as embezzlement, gambling/lottery, and immigration. This relationship between offense type and acceptance of responsibility resembles the relationship between offense type and plea rates and implies that higher plea rates correlate with higher rates of acceptance of responsibility (see Table 21).

Table 28

CHAPTER THREE GUIDELINE APPLICATION INFORMATION¹
(October 1, 1992, through September 30, 1993)

All Cases

VICTIM-RELATED	Number	Percent
Vulnerable Victim (§3A1.1)		
Vulnerable victim involved	220	0.6
No vulnerable victim involved	34,391	99.4
Missing	1	--
TOTAL	34,612	100.0
Official Victim (§3A1.2)		
Official victim involved	132	0.4
No official victim involved	34,479	99.6
Missing	1	--
TOTAL	34,612	100.0
Restraint of Victim (§3A1.3)		
Offense involved restraint of victim	49	0.1
Offense did not involve restraint of victim	34,562	99.9
Missing	1	--
TOTAL	34,612	100.0
ROLE IN THE OFFENSE	Number	Percent
Aggravating Role (§3B1.1)		
Organizer or leader	821	2.4
Manager or supervisor	549	1.6
Lesser organizer, leader, manager or supervisor	1,200	3.5
No aggravating role	32,041	92.6
Missing	1	--
TOTAL	34,612	100.0
Mitigating Role (§3B1.2)		
Minimal participant	1,029	3.0
Less than minor role but not minimal	223	0.6
Minor participant	2,235	6.5

Abuse of Position of Trust or Use of Special Skill (§3B1.3)

Defendant abused position of trust or used special skill	1,028	3.0
Defendant did not abuse position of trust or use special skill	33,583	97.0
Missing	1	--
TOTAL	34,612	100.0

OBSTRUCTION

Number Percent

Obstruction of Justice (§3C1.1)

Defendant obstructed justice	1,570	4.5
Defendant did not obstruct justice	33,041	95.5
Missing	1	--
TOTAL	34,612	100.0

Reckless Endangerment During Flight (§3C1.2)

Offense involved reckless endangerment during flight	91	0.3
Offense did not involve reckless endangerment during flight	33,017	99.7
Offense committed before adjustment added to Guidelines	1,503	--
Missing	1	--
TOTAL	34,612	100.0

ACCEPTANCE OF RESPONSIBILITY

Number Percent

Acceptance of Responsibility (§3E1.1)

Defendant accepted responsibility (-3)	11,563	33.4
Defendant accepted responsibility (-2)	17,441	50.4
Defendant did not accept responsibility	5,608	16.2
Missing	0	--
TOTAL	34,612	100.0

Table 29

ACCEPTANCE OF RESPONSIBILITY REDUCTION BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1992, through September 30, 1993)

All Cases

PRIMARY OFFENSE	TOTAL	ACCEPTANCE RECEIVED (-3)		ACCEPTANCE RECEIVED (-2)		ACCEPTANCE NOT RECEIVED	
		Number	Percent	Number	Percent	Number	Percent
TOTAL	34,596	11,559	33.4	17,433	50.4	5,604	16.2
Murder	72	17	23.6	15	20.8	40	55.6
Manslaughter	43	10	23.3	27	62.8	6	14.0
Kidnapping/Hostage-Taking	36	13	36.1	12	33.3	11	30.6
Sexual Abuse	136	37	27.2	59	43.4	40	29.4
Assault	308	70	22.7	150	48.7	88	28.6
Robbery	1,396	926	66.3	265	19.0	205	14.7
Arson	79	34	43.0	24	30.4	21	26.6
Drugs - Trafficking	14,786	7,516	50.8	4,369	29.6	2,901	19.6
Drugs - Communication Facility	203	74	36.5	99	48.8	30	14.8
Drugs - Simple Possession	479	17	3.6	392	81.8	70	14.6
Firearms	2,481	910	36.7	1,114	44.9	457	18.4
Burglary/B&E	61	15	24.6	34	55.7	12	19.7
Auto Theft	255	35	13.7	190	74.5	30	11.8
Larceny	2,508	231	9.2	1,998	79.7	279	11.1
Fraud	4,651	534	11.5	3,543	76.2	574	12.3
Embezzlement	777	65	8.4	674	86.7	38	4.9
Forgery/Counterfeiting	777	63	8.1	635	81.7	79	10.2
Bribery	174	33	19.0	120	69.0	21	12.1
Tax	681	49	7.2	552	81.1	80	11.8
Money Laundering	794	272	34.3	348	43.8	174	21.9
Racketeering/Extortion	346	144	41.6	100	28.9	102	29.5
Gambling/Lottery	166	12	7.2	148	89.2	6	3.6
Civil Rights	98	10	10.2	64	65.3	24	24.5
Immigration	1,633	281	17.2	1,237	75.8	115	7.0
Pornography/Prostitution	72	13	18.1	50	69.4	9	12.5
Prison Offenses	228	7	3.1	196	86.0	25	11.0
Administration of Justice Offenses	636	102	16.0	436	68.6	98	15.4
Environmental/Wildlife	129	3	2.3	112	86.8	14	10.9
National Defense	51	18	35.3	28	54.9	5	9.8
Antitrust	38	0	0.0	34	89.5	4	10.5
Food & Drug	59	10	17.0	42	71.2	7	11.9
Other Miscellaneous Offenses	443	38	8.6	366	82.6	39	8.8

Chapter Four Assessment of Criminal History

The introduction to Chapter Four of the Guidelines Manual states that a defendant's prior record is relevant to such important sentencing goals as general deterrence, just punishment, and protection of the public. Under the guidelines, points assigned to sentences imposed for prior adult convictions account for the frequency and severity of past criminal conduct. Additional points are assigned if the defendant committed the offense within two years after release from imprisonment or while under any criminal justice sentence, including probation, work release, or escape status.

Table 30 reports Chapter Four guideline application. An examination of past criminal conduct taken into consideration under the guidelines (§4A1.1) shows that 19.8 percent of all defendants had one or more convictions resulting in a sentence of imprisonment greater than 13 months; 14.7 percent had one or more convictions with a sentence of 60 days or longer; and 38.6 percent had one or more prior convictions that received either an imprisonment sentence of less than 60 days or a non-imprisonment sanction. Note that the preceding groupings overlap, and a defendant can receive sentences — and therefore criminal history points — under one or more of these categories.

Courts imposed additional points in 22.4 percent of all cases because the defendant committed the instant offense while under another sentence. Further, 12.5 percent of the cases received points because the defendant committed the instant offense within two years of a prior conviction. Composite scores, reflecting the frequency,

gravity, and recency of a defendant's prior criminal conduct, show that just over half (50.6%) of the population sentenced in 1993 had no "countable" guideline criminal history. Another 10.5 percent of all defendants received a single criminal history point under Chapter Four guidelines.

Pursuant to statute, the guidelines account for patterns of prior criminal conduct that Congress has determined warrant especially serious treatment. A defendant at least 18 years of age, with at least two prior felony convictions involving crimes of violence or controlled substance offenses, who commits a crime of violence or a controlled substance offense, qualifies as a "career offender" (§4B1.1). For career offenders, the guidelines establish a special set of offense levels calibrated, in conjunction with the most serious criminal history category, to approach the maximum sentences authorized by statute for the instant offense. A similar statutory mandate is addressed in the Armed Career Criminal guideline (§4B1.4).⁷⁶

Courts found defendants to be career offenders in 2.4 percent of the cases and armed career criminals in 0.9 percent of the cases (see Table 30). Table 31 provides a closer look at the career offender adjustment by primary offense category and shows that defendants convicted of drug trafficking offenses comprised the single largest group of career offenders (521 of the 837 career offenders, or 62.3%), followed by defendants convicted of robbery (239 of the 837 cases, or 28.6%).

Table 30

CHAPTER FOUR GUIDELINE APPLICATION INFORMATION¹
(October 1, 1992, through September 30, 1993)

All Cases

Number of Prior Countable Sentences Greater Than 13 months (§4A1.1(a))	Number	Percent
0	27,746	80.2
1	3,323	9.6
2	1,707	4.9
3	901	2.6
4	479	1.4
5	211	0.6
6	124	0.4
7 or more	106	0.3
Missing	15	--
TOTAL	34,612	100.0

Number of Prior Countable Sentences of 60 Days or Greater (§4A1.1(b))	Number	Percent
0	29,518	85.3
1	3,219	9.3
2	1,051	3.0
3	453	1.3
4	179	0.5
5	79	0.2
6	47	0.1
7 or more	51	0.1
Missing	15	--
TOTAL	34,612	100.0

Number of Prior Countable Sentences of Less Than 60 Days (§4A1.1(c))	Number	Percent
0	21,244	61.4
1	7,177	20.7
2	3,130	9.1
3	1,502	4.3
4	1,540	4.5

**Commission of Offense While Under
Criminal Justice Sentence (§4A1.1(d))**

	Number	Percent
Additional points given for commission of instant offense while under criminal justice sentence	7,765	22.4
No additional criminal history points given	26,832	77.6
Missing	15	--
TOTAL	34,612	100.0

**Commission of Offense Within Two Years of
Prior Countable Conviction (§4A1.1(e))**

	Number	Percent
Additional points given for commission of instant offense within two years of certain prior countable convictions	4,322	12.5
No additional criminal history points given	30,275	87.5
Missing	15	--
TOTAL	34,612	100.0

Total Criminal History Points

	Number	Percent
0	17,506	50.6
1	3,617	10.5
2	1,434	4.1
3	2,255	6.5
4	1,475	4.3
5	1,153	3.3
6	1,394	4.0
7	702	2.0
8	767	2.2
9	782	2.3
10	496	1.4
11	448	1.3
12	490	1.4
13	302	0.9
14	285	0.8
15	292	0.8
16	239	0.7
17	171	0.5
18	162	0.5
19	89	0.3
20	96	0.3
21	79	0.2

Career Offender (§4B1.1)	Number	Percent
Defendant found to be career offender	838	2.4
Defendant found not to be career offender	33,734	97.6
Missing	13	--
TOTAL	34,612	100.0

Armed Career Criminal (§4B1.4)	Number	Percent
Defendant found to be armed career criminal	285	0.9
Defendant found not to be armed career criminal	32,814	99.1
Offense committed before adjustment added to guidelines	1,502	--
Missing	11	--
TOTAL	34,612	100.0

¹Of the 42,107 guideline cases, the Commission received complete guideline application information for 34,612. Additional descriptions of each guideline adjustment can be found in the USSC [Guidelines Manual](#).

Table 31

**CAREER OFFENDER/ARMED CAREER CRIMINAL ADJUSTMENTS
BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1992, through September 30, 1993)**

All Cases

PRIMARY OFFENSE	CAREER OFFENDER		ARMED CAREER CRIMINAL	
	Adjustment Given		Adjustment Given	
	Number	Percent	Number	Percent
TOTAL	837	100.0	285	100.0
Murder	5	0.6	1	0.4
Sexual Abuse	3	0.4	1	0.4
Assault	13	1.6	0	0.0
Robbery	239	28.6	12	4.2
Arson	4	0.5	0	0.0
Drugs - Trafficking	521	62.3	11	3.9
Firearms	33	3.9	259	90.9
Racketeering/Extortion	9	1.1	1	0.4
Other Miscellaneous Offenses	10	1.2	0	0.0

¹Of the 42,107 guideline cases, the Commission received complete guideline application information for 34,612. Of these 34,612

United States Sentencing Commission

Determining the Applicable Sentencing Range - Chapter Five

The sentencing table in Chapter Five sets out offense levels in the vertical axis and criminal history categories in the horizontal axis. The offense levels result from application of Chapters Two and Three of the Guidelines Manual and the criminal history categories from Chapter Four. The judge determines the guideline sentencing range by tracing the applicable offense level to the appropriate criminal history category. The court has discretion to impose a sentence at any point within the range, or to depart above or below it in unusual cases.⁷⁷

Table 32 presents the distribution of all cases by final offense level and criminal history category, as determined by the court. Nearly half (49.8%) of the cases resulted in an offense level of 16 or less, and more than 60 percent of the defendants qualified for Criminal History Category I. Some defendants in Category VI receive the highest criminal history score as part of an automatic enhancement based on their classification as career offenders, while other defendants receive it because of the frequency, seriousness, and recency of their prior criminal conduct. For either reason, the courts placed 7.4 percent of guideline defendants in Criminal History Category VI during 1993.

Table 33 presents final guideline ranges for all cases submitted to the Commission. More than half (51.5%) of the defendants placed at or below the 27-33 months range; 0-6 months was the range with the highest proportion of cases (15.7%).

Table 32

OFFENSE LEVEL BY CRIMINAL HISTORY CATEGORY¹
(October 1, 1992, through September 30, 1993)

All Cases

OFFENSE LEVEL	CRIMINAL HISTORY CATEGORY						TOTAL		
	I	II	III	IV	V	VI	Number	Percent	Cumulative Percent
1	12	3	2	0	0	1	18	0.1	0.1
2	478	63	43	20	9	11	624	1.6	1.7
3	186	23	27	10	5	13	264	0.7	2.4
4	1,404	161	165	66	40	56	1,892	4.9	7.3
5	341	46	47	22	17	24	497	1.3	8.6
6	1,046	175	160	89	56	78	1,604	4.2	12.8
7	1,027	132	136	73	43	50	1,461	3.8	16.6
8	1,160	129	106	64	41	56	1,556	4.1	20.7
9	1,025	125	103	54	33	54	1,394	3.6	24.3
10	1,544	252	314	206	153	229	2,698	7.0	31.3
11	686	110	95	86	39	87	1,103	2.9	34.2
12	1,003	177	178	93	57	93	1,601	4.2	38.4
13	1,065	152	156	73	46	60	1,552	4.0	42.4
14	552	83	105	50	31	39	860	2.2	44.6
15	764	133	126	53	37	33	1,146	3.0	47.6
16	533	104	100	42	23	25	827	2.2	49.8
17	591	117	131	60	52	58	1,009	2.6	52.4
18	416	81	90	41	17	30	675	1.8	54.2
19	643	117	151	72	46	60	1,089	2.8	57.0
20	404	80	86	53	32	38	693	1.8	58.8
21	640	124	179	147	102	189	1,381	3.6	62.4
22	373	84	116	78	39	70	760	2.0	64.4
23	1,080	242	254	108	70	55	1,809	4.7	69.1
24	658	121	116	81	48	61	1,085	2.8	71.9
25	754	133	148	74	31	38	1,178	3.1	75.0
26	576	126	123	77	42	40	984	2.6	77.6
27	407	85	99	38	29	28	686	1.8	79.4
28	376	101	87	51	16	26	657	1.7	81.1
29	580	126	158	63	22	210	1,159	3.0	84.1
30	448	80	103	42	28	119	820	2.1	86.2
31	453	103	113	48	21	225	963	2.5	88.7
32	502	106	117	38	20	128	911	2.4	91.1
33	253	63	73	38	25	66	518	1.4	92.5
34	360	86	80	35	14	220	795	2.1	94.6
35	192	33	45	18	8	76	372	1.0	95.6
36	259	67	46	16	13	25	426	1.1	96.7
37	89	26	26	5	2	85	233	0.6	97.3
38	183	44	40	14	7	20	308	0.8	98.1
39	68	23	18	10	9	10	138	0.4	98.5
40	101	36	35	10	8	20	210	0.6	99.0
41	39	5	16	6	3	8	77	0.2	99.2
42	60	22	23	14	7	8	134	0.4	99.6
43	97	21	43	17	8	21	207	0.5	100.0
TOTAL	23,428	4,120	4,379	2,255	1,349	2,843	38,374	-	-

Table 33

GUIDELINE SENTENCING RANGE¹
(October 1, 1992, through September 30, 1993)

All Cases

FINAL GUIDELINE RANGE	Number	Percent	Cumulative Percent
0-6	5,406	15.7	15.7
1-7	325	0.9	16.6
2-8	408	1.2	17.8
3-9	12	0.0	17.8
4-10	1,218	3.5	21.3
6-12	1,757	5.1	26.4
8-14	996	2.9	29.3
9-15	70	0.2	29.5
10-16	1,323	3.8	33.3
12-18	1,389	4.0	37.3
15-21	1,063	3.1	40.4
18-24	1,044	3.0	43.4
21-27	951	2.8	46.2
24-30	1,057	3.1	49.3
27-33	742	2.2	51.5
30-37	941	2.7	54.2
33-41	671	1.9	56.1
37-46	900	2.6	58.7
41-51	606	1.8	60.5
46-57	1,355	3.9	64.4
51-63	1,042	3.0	67.4
57-71	1,204	3.5	70.9
63-78	890	2.6	73.5
70-87	819	2.4	75.9
77-96	287	0.8	76.7
78-97	526	1.5	78.2
84-105	188	0.5	78.7
87-108	698	2.0	80.7
92-115	154	0.5	81.2
97-121	599	1.7	82.9
100-125	120	0.4	83.3
108-135	616	1.8	85.1
110-137	111	0.3	85.4
120-150	64	0.2	85.6
121-151	685	2.0	87.6
130-162	42	0.1	87.7
135-168	456	1.3	89.0
140-175	45	0.1	89.1
151-188	765	2.2	91.3
168-210	463	1.3	92.6
188-235	606	1.8	94.4
210-262	346	1.0	95.4
235-293	319	0.9	96.3
262-327	348	1.0	97.3
292-365	234	0.7	98.0
324-405	117	0.3	98.3
360-Life	359	1.0	99.3
Life	204	0.6	100.0
TOTAL	34,541	100.0	--

Guideline Application for Select Offenses

The following sections provide detailed application information on three of the most commonly used Chapter Two guidelines: §2B3.1 (Robbery), §2K2.1 (Firearms), and §2F1.1 (Fraud).⁷⁸

Guideline §2B3.1 - Robbery, Extortion, and Blackmail

Tables 34-38 describe the guideline factors applied to cases sentenced under §2B3.1 (Robbery). Note that the cases discussed, though all sentenced in 1993, possibly had pre-1993 versions of the robbery guideline applied (based on the date of commission of the offense) due to court rulings on the *ex post facto* question.

Robbery of a financial institution or post office enhances the base offense level of 20 by two levels; threat or use of a dangerous weapon increases the offense level by two-to-seven levels; the type and degree of injury to a victim results in an increase of two-to-six levels. Additional offense characteristics include increases for the theft of firearms or drugs during the robbery, dollar loss in excess of \$10,000, and victim restraint or abduction.

Almost 90 percent of the 1,695 defendants convicted of robbery in 1993 received the guideline enhancement for robbing a financial institution or post office (see Table 34). Guideline enhancements for weapon affected 51.9 percent of the cases. In 94.8 percent of the robbery cases no harm was caused to victims, and in 75.1 percent the amount of financial loss was \$10,000 or less. As reported in Table 35, few robbery offenders received enhancements or reductions for a Chap-

ter Three adjustment, with the exception of acceptance of responsibility. Eighty-five percent of the robbery offenders accepted responsibility for their offenses, slightly higher than the 83.8 percent rate for all offense types.

Table 36 indicates that almost 46 percent (45.9%) of robbery defendants had one or more prior sentences of more than 13 months compared to just less than 20 percent (19.8%) for all offenders. Forty-six percent committed the instant offense while under a criminal justice sentence (more than double the rate of 22.4% for all cases), 33 percent within two years of a prior countable conviction. Finally, 14.7 percent of defendants sentenced for robbery were found to be career offenders.

Almost 70 percent (69.9%) of the robbery defendants received final offense levels between 20 and 30, and 58.6 percent were placed in Criminal History Category III or above (see Table 37). The final guideline ranges for 55.1 percent of all robbery defendants clustered from 30-37 months to 70-87 months (see Table 38).

Table 34

CHAPTER TWO GUIDELINE APPLICATION INFORMATION¹
(October 1, 1992, through September 30, 1993)

Guideline 2B3.1 — Robbery

BASE OFFENSE LEVEL	Number	Percent
20	1,694	100.0
Missing	1	--
TOTAL	1,695	100.0

§2B3.1 — SPECIFIC OFFENSE CHARACTERISTICS	Number	Percent
Property of Financial Institution or Post Office Involved		
Financial institution or post office involved	1,514	89.3
Financial institution or post office not involved	181	10.7
TOTAL	1,695	100.0
Weapon Use		
Firearm discharged	62	3.7
Firearm otherwise used (1991-1992 Guidelines)	40	2.4
Firearm brandished, displayed, or possessed (1991-1992 Guidelines)	267	15.8
Dangerous weapon (including a firearm) otherwise used (1989-1990 Guidelines)	9	0.5
Dangerous weapon (including a firearm) brandished, displayed, or possessed (1989-1990 Guidelines)	37	2.2
Dangerous weapon otherwise used (1991-1992 Guidelines)	19	1.1
Dangerous weapon brandished, displayed, or possessed (1991-1992 Guidelines)	228	13.5
Express threat of death made (1989-1990 Guidelines)	218	12.9
No weapon use or threat made	815	48.1
TOTAL	1,695	100.0

Victim Injury

Permanent or life-threatening bodily injury	2	0.1
Very serious bodily injury, not permanent or life-threatening	6	0.4
Serious Bodily Injury	14	0.8
Graver bodily injury, but not serious	6	0.4
Bodily injury	60	3.5
Bodily injury not sustained by any victim	1,607	94.8
TOTAL	1,695	100.0

Abduction or Restraint Involved during Commission or Escape

Abduction involved	38	2.2
Physical restraint involved	76	4.5
No abduction or physical restraint involved	1,581	93.3
TOTAL	1,695	100.0

Firearm or Controlled Substance Taken or Object of Offense

Firearm or controlled substance either taken or object of offense	22	1.3
Firearm or controlled substance neither taken nor object of offense	1,673	98.7
TOTAL	1,695	100.0

Amount of Loss

\$10,000 or less	1,273	75.1
More than \$10,000	305	18.0
More than \$50,000	90	5.3
More than \$250,000	19	1.1
More than \$800,000	5	0.3
More than \$1,500,000	1	0.1
More than \$2,500,000	1	0.1
More than \$5,000,000	1	0.1
TOTAL	1,695	100.0

Table 35
CHAPTER THREE GUIDELINE APPLICATION INFORMATION¹
(October 1, 1992, through September 30, 1993)

Guideline 2B3.1 - Robbery

VICTIM-RELATED	Number	Percent
Vulnerable Victim (§3A1.1)		
Vulnerable victim involved	16	0.9
No vulnerable victim involved	1,679	99.1
TOTAL	1,695	100.0
Official Victim (§3A1.2)		
Official victim involved	16	0.9
No official victim involved	1,679	99.1
TOTAL	1,695	100.0
Restraint of Victim (§3A1.3)		
Offense involved restraint of victim	2	0.1
Offense did not involve restraint of victim	1,693	99.9
TOTAL	1,695	100.0
ROLE IN THE OFFENSE	Number	Percent
Aggravating Role (§3B1.1)		
Organizer or leader	10	0.6
Manager or supervisor	3	0.2
Lesser organizer, leader, manager, or supervisor	45	2.7
No aggravating role	1,637	96.6
TOTAL	1,695	100.0
Mitigating Role (§3B1.2)		
Minimal participant	5	0.3
Less than minor but not minimal	4	0.2

Abuse of Position of Trust or Use of Special Skill (§3B1.3)

Offender abused position of trust or used special skill	8	0.5
Offender did not abuse position of trust or use special skill	1,687	99.5
TOTAL	1,695	100.0

OBSTRUCTION

Number Percent

Obstruction of Justice (§3C1.1)

Offender obstructed justice	140	8.3
Offender did not obstruct justice	1,555	91.7
TOTAL	1,695	100.0

Reckless Endangerment During Flight (§3C1.2)

Offense involved reckless endangerment during flight	34	2.0
Offense did not involve reckless endangerment during flight	1,648	98.0
Offense committed before adjustment added to guidelines	13	--
TOTAL	1,695	100.0

ACCEPTANCE OF RESPONSIBILITY

Number Percent

Acceptance of Responsibility (§3E1.1)

Offender accepted responsibility (-3)	1,130	66.7
Offender accepted responsibility (-2)	312	18.4
Offender did not accept responsibility	253	14.9
TOTAL	1,695	100.0

Table 36

CHAPTER FOUR GUIDELINE APPLICATION INFORMATION¹
(October 1, 1992, through September 30, 1993)

Guideline 2B3.1 — Robbery

Number of Prior Countable Sentences Greater Than 13 Months (§4A1.1(a))	Number	Percent
0	917	54.1
1	268	15.8
2	211	12.5
3	150	8.9
4	84	5.0
5	29	1.7
6 or more	36	2.1
TOTAL	1,695	100.0

Number of Prior Countable Sentences of 60 Days or Greater (§4A1.1(b))	Number	Percent
0	1,204	71.0
1	274	16.2
2	117	6.9
3	56	3.3
4	21	1.2
5 or more	23	1.4
TOTAL	1,695	100.0

Number of Prior Countable Sentences of Less Than 60 Days (§4A1.1(c))	Number	Percent
0	759	44.8
1	477	28.1
2	233	13.8
3	109	6.4
4	117	6.9
TOTAL	1,695	100.0

Commission of Offense While Under Criminal Justice Sentence (§4A1.1(d))	Number	Percent
Additional points given for commission of instant offense while under criminal justice sentence	783	46.2
No additional criminal history points given	912	53.8
TOTAL	1,695	100.0

Commission of Offense Within Two Years of Prior Countable Conviction (§4A1.1(e))	Number	Percent
Additional points given for commission of instant offense within two years of certain prior countable convictions	559	33.0
No additional criminal history points given	1,136	67.0
TOTAL	1,695	100.0

Total Criminal History Points	Number	Percent
0	386	22.8
1	147	8.7
2	50	3.0
3	121	7.1
4	92	5.4
5	58	3.4
6	103	6.1
7	85	5.0
8	60	3.5
9	108	6.4
10	51	3.0
11	59	3.5
12	63	3.7
13	53	3.1
14	33	2.0
15	46	2.7
16	39	2.3
17	20	1.2
18	19	1.1
19	16	0.9
20	16	0.9
21	14	0.8
22 or more	56	3.3
TOTAL	1,695	100.0

Career Offender (§4B1.1)	Number	Percent
Defendant found to be career offender	249	14.7
Defendant found not to be career offender	1,446	85.3
TOTAL	1,695	100.0

Armed Career Criminal (§4B1.4)	Number	Percent
Defendant found to be armed career criminal	20	1.2
Defendant found not to be armed career criminal	1,662	98.8
Offense committed before adjustment added to guidelines	13	--
TOTAL	1,695	100.0

¹Of the 42,107 cases, the Commission received complete guideline application information for 34,612. Of these 34,612 cases, the highest combined adjusted offense level was derived from the robbery guideline (§2B3.1) in 1,710; 15 of these cases involving the application of §2B3.1 (1988) were excluded. Additional descriptions of each guideline adjustment can be found in the USSC Guidelines Manual.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 37

OFFENSE LEVEL BY CRIMINAL HISTORY CATEGORY¹
(October 1, 1992, through September 30, 1993)

Guideline 2B3.1 — Robbery

OFFENSE LEVEL	Number	TOTAL		CRIMINAL HISTORY CATEGORY					
		Percent	Cumulative Percent	I	II	III	IV	V	VI
8	1	0.1	0.1	0	1	0	0	0	0
9	1	0.1	0.2	0	1	0	0	0	0
12	1	0.1	0.3	1	0	0	0	0	0
13	7	0.4	0.7	2	0	1	0	1	3
14	5	0.3	1.0	2	1	1	1	0	0
15	4	0.2	1.2	3	0	1	0	0	0
16	11	0.7	1.9	8	0	2	0	0	1
17	17	1.0	2.9	7	1	3	1	1	4
18	14	0.8	3.7	10	1	2	0	0	1
19	241	14.2	17.9	77	40	43	31	20	30
20	100	5.9	23.8	36	12	17	17	9	9
21	151	8.9	32.7	50	15	27	24	11	24
22	184	10.9	43.6	70	20	32	23	15	24
23	114	6.7	50.3	37	12	25	23	13	4
24	137	8.1	58.4	56	15	17	22	11	16
25	73	4.3	62.7	25	8	11	14	5	10
26	86	5.1	67.8	28	13	17	16	5	7
27	81	4.8	72.6	29	8	15	11	8	10
28	51	3.0	75.6	22	4	13	4	3	5
29	161	9.5	85.1	23	9	9	8	3	109
30	46	2.7	87.8	9	1	3	4	1	28
31	75	4.4	92.2	10	2	2	1	0	60
32	47	2.8	95.0	6	5	1	1	1	33
33	13	0.8	95.8	4	2	2	2	1	2
34	57	3.4	99.2	5	1	3	0	1	47
35	3	0.2	99.4	1	0	1	0	0	1
36	5	0.3	99.7	2	0	1	0	1	1
37	6	0.4	100.0	3	0	1	1	0	1
40	2	0.1	100.0	2	0	0	0	0	0
43	1	0.1	100.0	1	0	0	0	0	0
TOTAL	1,695	--	--	529	172	250	204	110	430
Percent	--	100.0	100.0	31.2	10.2	14.7	12.0	6.5	25.4

¹Of the 42,107 cases, the Commission received complete guideline application information for 34,612. Of these 34,612 cases, the highest combined adjusted offense level was derived from the robbery guideline (§2B3.1) in 1,710; 15 of these cases involving the application of §2B3.1

Table 38

GUIDELINE SENTENCING RANGE¹
(October 1, 1992, through September 30, 1993)

Guideline 2B3.1 — Robbery

FINAL GUIDELINE RANGE	Number	Percent	Cumulative Percent
4-10	1	0.1	0.1
6-12	1	0.1	0.2
10-16	1	0.1	0.3
12-18	2	0.1	0.4
15-21	2	0.1	0.5
18-24	5	0.3	0.8
21-27	9	0.5	1.3
24-30	8	0.5	1.8
27-33	14	0.8	2.6
30-37	82	4.9	7.5
33-41	81	4.8	12.3
37-46	106	6.3	18.6
41-51	102	6.0	24.6
46-57	117	6.9	31.5
51-63	122	7.2	38.7
57-71	109	6.5	45.2
63-78	115	6.8	52.0
70-87	96	5.7	57.7
77-96	61	3.6	61.3
78-97	47	2.8	64.1
84-105	52	3.1	67.2
87-108	42	2.5	69.7
92-115	31	1.8	71.5
97-121	28	1.7	73.2
100-125	32	1.9	75.1
108-135	20	1.2	76.3
110-137	19	1.1	77.4
120-150	15	0.9	78.3
121-151	19	1.1	79.4
130-162	13	0.8	80.2
135-168	12	0.7	80.9
140-175	8	0.5	81.4
151-188	119	7.1	88.5
168-210	33	2.0	90.5
188-235	68	4.0	94.5
210-262	37	2.2	96.7
235-293	4	0.2	96.9
262-327	48	2.8	99.7
292-365	5	0.3	100.0
324-405	1	0.1	100.0
360-Life	1	0.1	100.0
Life	1	0.1	100.0
Total	1,689	100.0	100.0

¹Of the 42,107 cases, the Commission received complete guideline application information for 34,612. Of these

Guideline §2K2.1 - Firearms.

The primary guideline for firearms violations, §2K2.1, previously amended three times, was consolidated in 1991 with guidelines §§2K2.2 and 2K2.3 to encompass a wider range of offense behaviors. In 1993, §2K2.1 was the primary guideline used to sentence 2,145 defendants. However, due to *ex post facto* considerations, 36 of these cases (1.7%) were sentenced under the original 1987-88 guideline, 87 cases (4.1%) under the 1989 amendment, 341 cases (15.9%) under the 1990 version and, finally, 1,681 cases (78.4%) under the 1991 amendment (see Table 39).

Table 39 displays base offense levels assigned to cases sentenced under the four versions of the firearms guideline. These levels are further adjusted up or down based on a number of specific offense characteristics. More than 18 percent (18.5%) of all cases received a two-level enhancement for firearms that were stolen or had obliterated serial numbers; 2.0 percent of the defendants received a reduction to level 6 for possessing firearms solely for sport or recreation. While the majority (68.1%) of the 1,681 cases sentenced under the 1991 version of §2K2.1 involved less than three firearms, 31.9 percent were given one- to six-level enhancements based on the number of firearms (three or more) in the offense. Of the 1,681 cases, 2.6 percent involved a destructive device. The 1991 amendments added a provision that required a four-level enhancement if the defendant used or possessed a firearm or ammunition in connection with another felony offense. In 1993, 10.8 percent of offenders sentenced under §2K2.1 received this enhancement.

Table 40 reports the application of Chapter Three guidelines. Very few firearms cases involved victim adjustments, only 2.4 percent of the defendants sentenced under §2K2.1 re-

ceived a downward adjustment for mitigating role in the offense, and 1.0 percent had an aggravating role. More than four percent of the defendants (4.7%) were found to have obstructed justice, while 81.1 percent accepted responsibility and received either a two- or three-level reduction.

Table 41 presents the criminal history of firearms defendants. More than 51 percent (51.5%) of the defendants had one or more prior sentences of 13 months or greater, 32.7 percent had one or more sentences of 60 days or greater, and 56.9 percent had one or more other countable sentences. More than 42 percent (42.6%) of the defendants committed their instant offenses while under criminal justice sentences, 29.6 percent within two years of their prior convictions. Not surprisingly, the median criminal history score for firearms of six criminal history points exceeds the median of zero points for all defendants in 1993, because prior record is part of what brings a firearm offense into the federal system. Less than two percent (1.5%) of the firearms defendants were sentenced as career offenders, and 12.2 percent were found to be armed career criminals.

Table 42 describes the distribution of §2K2.1 cases by offense level and criminal history category. The median offense level for firearms defendants was 17. Of the entire §2K2.1 defendant population, almost as many were in Criminal History Category VI (22.4%) as were in Category I (26.6%). Table 43 presents final guideline ranges for firearms offenses. While the 15-to-21-month sentence range contains the largest number of firearms defendants, several other ranges also have large numbers. The 27-to-33-month range reflects the median.

Table 39

CHAPTER TWO GUIDELINE APPLICATION INFORMATION¹
(October 1, 1992, through September 30, 1993)

Guideline 2K2.1 — Firearms

BASE OFFENSE LEVEL	Number	Percent
1988 Guidelines		
9	36	100.0
TOTAL	36	100.0
1989 Guidelines		
6	7	8.1
12	64	73.6
16	16	18.4
TOTAL	87	100.0
1990 Guidelines		
6	19	5.6
12	275	81.4
18	44	13.0
Missing	3	--
TOTAL	341	100.0
1991-92 Guidelines		
6	49	2.9
12	203	12.2
14	322	19.3
18	256	15.4
20	393	23.6
22	59	3.5
24	336	20.1
26	50	3.0
Missing	13	--
TOTAL	1,681	100.0

§2K2.1 — SPECIFIC OFFENSE CHARACTERISTICS	Number	Percent
Firearm was Stolen (1988-1992 Guidelines)		
Firearm was stolen or had an obliterated serial number	393	18.5
Firearm was not stolen and did not have an obliterated serial number	1,736	81.5
Missing	16	--
TOTAL	2,145	100.0
Firearm Possessed for Sport (1988-1992 Guidelines)		
Offender obtained or possessed the firearm solely for sport or recreation	43	2.0
Offender did not obtain or possess the firearm solely for sport or recreation	2,099	98.0
Missing	3	--
TOTAL	2,145	100.0
Number of Firearms (1991-1992 Guidelines)		
Offense involved fewer than three firearms	1,136	68.1
3-4 firearms	162	9.7
5-7 firearms	137	8.2
8-12 firearms	69	4.1
13-24 firearms	75	4.5
25-49 firearms	44	2.6
50 or more firearms	45	2.7
Offense committed before adjustment added to guidelines	464	--
Missing	13	--
TOTAL	2,145	100.0
Destructive Device (1991-1992 Guidelines)		
Offense involved a destructive device	44	2.6
Offense did not involve a destructive device	1,624	97.4
Offense committed before adjustment was added to the guidelines	464	--
Missing	13	--
TOTAL	2,145	100.0

**Possession of a Firearm in Connection with another Felony
(1991-1992 Guidelines)**

Defendant possessed firearm in connection with another felony	180	10.8
Defendant did not possess firearm in connection with another felony	1,488	89.2
Offense committed before adjustment was added to the guidelines	464	--
Missing	13	--
TOTAL	2,145	100.0

Table 40

CHAPTER THREE GUIDELINE APPLICATION INFORMATION¹
(October 1, 1992, through September 30, 1993)

Guideline 2K2.1 — Firearms

VICTIM-RELATED	Number	Percent
Vulnerable Victim (§3A1.1)		
Vulnerable victim involved	2	0.1
No vulnerable victim involved	2,143	99.9
TOTAL	2,145	100.0
Official Victim (§3A1.2)		
Official victim involved	19	0.9
No official victim involved	2,126	99.1
TOTAL	2,145	100.0
Restraint of Victim (§3A1.3)		
Offense involved restraint of victim	4	0.2
Offense did not involve restraint of victim	2,141	99.8
TOTAL	2,145	100.0
ROLE IN THE OFFENSE	Number	Percent
Aggravating Role (§3B1.1)		
Organizer or leader	1	0.1
Manager or supervisor	3	0.1
Lesser organizer, leader, manager, or supervisor	17	0.8
No aggravating role	2,124	99.0
TOTAL	2,145	100.0
Mitigating Role (§3B1.2)		
Minimal participant	11	0.5
Less than minor but not minimal	5	0.2

Abuse of Position of Trust or Use of Special Skill (§3B1.3)

Offender abused position of trust or used special skill	5	0.2
Offender did not abuse position of trust or use special skill	2,140	99.8
TOTAL	2,145	100.0

OBSTRUCTION

Number Percent

Obstruction of Justice (§3C1.1)

Offender obstructed justice	101	4.7
Offender did not obstruct justice	2,044	95.3
TOTAL	2,145	100.0

Reckless Endangerment During Flight (§3C1.2)

Offense involved reckless endangerment during flight	8	0.4
Offense did not involve reckless endangerment during flight	2,014	99.6
Offense committed before adjustment added to guidelines	123	--
TOTAL	2,145	100.0

ACCEPTANCE OF RESPONSIBILITY

Number Percent

Acceptance of Responsibility (§3E1.1)

Offender accepted responsibility (-3)	824	38.4
Offender accepted responsibility (-2)	916	42.7
Offender did not accept responsibility	405	18.9
TOTAL	2,145	100.0

Table 41

CHAPTER FOUR GUIDELINE APPLICATION INFORMATION¹
(October 1, 1992, through September 30, 1993)

Guideline 2K2.1 — Firearms

Number of Prior Countable Sentences Greater Than 13 Months (§4A1.1(a))	Number	Percent
0	1,040	48.5
1	397	18.5
2	301	14.0
3	176	8.2
4	113	5.3
5	52	2.4
6 or more	65	3.0
Missing	1	--
TOTAL	2,145	100.0

Number of Prior Countable Sentences of 60 Days or Greater (§4A1.1(b))	Number	Percent
0	1,443	67.3
1	425	19.8
2	149	7.0
3	77	3.6
4	26	1.2
5 or more	24	1.1
Missing	1	--
TOTAL	2,145	100.0

Number of Prior Countable Sentences of Less Than 60 Days (§4A1.1(c))	Number	Percent
0	927	43.2
1	537	25.1
2	303	14.1
3	175	8.2
4	201	9.4
5 or more	1	0.1
Missing	1	--

Commission of Offense While Under Criminal Justice Sentence (§4A1.1(d))	Number	Percent
Additional points given for commission of instant offense while under criminal justice sentence	914	42.6
No additional criminal history points given	1,230	57.4
Missing	1	--
TOTAL	2,145	100.0

Commission of Offense Within Two Years of Prior Countable Conviction (§4A1.1(e))	Number	Percent
Additional points given for commission of instant offense within two years of certain prior countable convictions	634	29.6
No additional criminal history points given	1,510	70.4
Missing	1	--
TOTAL	2,145	100.0

Total Criminal History Points	Number	Percent
0	422	19.7
1	150	7.0
2	80	3.7
3	145	6.8
4	111	5.2
5	114	5.3
6	142	6.6
7	88	4.1
8	103	4.8
9	120	5.6
10	69	3.2
11	75	3.5
12	97	4.5
13	50	2.3
14	52	2.4
15	52	2.4
16	53	2.5
17	34	1.6
18	38	1.8
19	19	0.9
20	29	1.4
21	16	0.8
22 or more	85	4.0

Career Offender (§4B1.1)	Number	Percent
Defendant found to be career offender	33	1.5
Defendant found not to be career offender	2,111	98.5
Missing	1	--
TOTAL	2,145	100.0

Armed Career Criminal (§4B1.4)	Number	Percent
Defendant found to be armed career criminal	247	12.2
Defendant found not to be armed career criminal	1,776	87.8
Offense committed before adjustment added to guidelines	122	--
TOTAL	2,145	100.0

¹Of the 42,107 cases, the Commission received complete guideline application information on 34,612. Of these 34,612 cases, the highest combined adjusted offense level was derived from the firearms guideline (82K2.1) in 2,145. Additional

Table 42

OFFENSE LEVEL BY CRIMINAL HISTORY CATEGORY¹
(October 1, 1992, through September 30, 1993)

Guideline 2K2.1 — Firearms

OFFENSE LEVEL	Number	TOTAL		CRIMINAL HISTORY CATEGORY					
		Percent	Cumulative Percent	I	II	III	IV	V	VI
3	4	0.2	0.2	1	1	0	2	0	0
4	65	3.0	3.2	24	16	10	9	2	4
5	2	0.1	3.3	2	0	0	0	0	0
6	25	1.2	4.5	16	2	3	2	1	1
7	25	1.2	5.7	3	7	9	1	2	3
8	16	0.8	6.5	8	3	2	1	2	0
9	14	0.7	7.2	7	1	0	4	0	2
10	250	11.7	18.9	66	29	45	51	24	35
11	22	1.0	19.9	12	1	4	3	0	2
12	230	10.7	30.6	60	29	51	31	26	33
13	82	3.8	34.4	42	5	14	11	4	6
14	81	3.8	38.2	30	8	17	10	7	9
15	134	6.3	44.5	89	19	10	7	5	4
16	100	4.7	49.2	46	14	18	11	6	5
17	185	8.6	57.8	44	28	42	24	23	24
18	115	5.4	63.2	44	13	24	15	6	13
19	92	4.3	67.5	25	6	25	13	12	11
20	66	3.1	70.6	10	6	16	13	8	13
21	125	5.8	76.4	13	13	19	22	21	37
22	61	2.8	79.2	10	10	16	9	4	12
23	46	2.1	81.3	7	1	7	8	8	15
24	41	1.9	83.2	2	3	6	10	11	9
25	27	1.3	84.5	3	1	6	6	1	10
26	24	1.1	85.6	3	2	2	6	4	7
27	8	0.4	86.0	0	0	1	1	2	4
28	17	0.8	86.8	2	2	3	3	4	3
29	12	0.6	87.4	1	1	1	1	0	8
30	71	3.3	90.7	1	0	3	6	13	48
31	73	3.4	94.1	0	0	0	12	5	56
32	15	0.7	94.8	0	0	1	0	2	12
33	66	3.1	97.9	0	0	0	9	11	46
34	30	1.4	99.3	0	0	0	1	0	29
35	10	0.5	99.8	0	0	1	0	0	9
37	11	0.5	100.0	0	0	0	0	0	11
TOTAL	2,145	--	--	571	221	356	302	214	481
Percent	--	0.0	100.0	26.6	10.3	16.6	14.1	10.0	22.4

Table 43

GUIDELINE SENTENCING RANGE¹
(October 1, 1992, through September 30, 1993)

Guideline 2K2.1 — Firearms

FINAL GUIDELINE RANGE	Number	Percent	Cumulative Percent
0-6	82	3.8	3.8
1-7	2	0.1	3.9
2-8	20	0.9	4.8
4-10	21	1.0	5.8
6-12	75	3.5	9.3
8-14	42	2.0	11.3
9-15	1	0.1	11.4
10-16	107	5.0	16.4
12-18	82	3.8	20.2
15-21	142	6.6	26.8
18-24	114	5.3	32.1
21-27	139	6.5	38.6
24-30	115	5.4	44.0
27-33	128	6.0	50.0
30-37	123	5.7	55.7
33-41	64	3.0	58.7
37-46	82	3.8	62.5
41-51	64	3.0	65.5
46-57	77	3.6	69.1
51-63	62	2.9	72.0
57-71	60	2.8	74.8
63-78	38	1.8	76.6
70-87	50	2.3	78.9
77-96	50	2.3	81.2
78-97	4	0.2	81.4
84-105	26	1.2	82.6
87-108	4	0.2	82.8
92-115	32	1.5	84.3
97-121	5	0.2	84.5
100-125	11	0.5	85.0
108-135	1	0.1	85.1
110-137	17	0.8	85.9
120-150	9	0.4	86.3
121-151	4	0.2	86.5
130-162	8	0.4	86.9
135-168	6	0.3	87.2
140-175	3	0.1	87.3
151-188	34	1.6	88.9
168-210	53	2.5	91.4
188-235	67	3.1	94.5
210-262	25	1.2	95.7
235-293	46	2.2	97.9
262-327	29	1.4	99.3
292-365	9	0.4	99.7
360-Life	11	0.5	100.0
Total	2,144	100.0	100.0

United States Sentencing Commission

Guideline §2F1.1 - Fraud and Deceit

Approximately 14 percent of all defendants sentenced under the guidelines in 1993 were sentenced for fraud offenses. The base offense level of 6 in the fraud guideline is adjusted by a series of specific offense characteristics. Table 44 reports that the most common loss category was \$2,000 or less (17.1% of the cases) followed by \$20,001 - \$40,000 (13.6%). Fraud offenders received an increase for "more than minimal planning" or "multiple victims" in 76.0 percent of the cases; less than one percent (0.3%) received an enhancement for jeopardizing the safety and soundness of a financial institution, a specific offense characteristic added to the fraud guideline in 1990.

Table 45 shows that Chapter Three adjustments for victim-related factors applied in 1.9 percent of the cases. Almost six percent (5.6%) of the defendants received a mitigating role reduction; 9.4 percent received an aggravating role enhancement. More than eight percent (8.5%) of the cases involved defendants who abused their position of trust in committing the fraud, and obstruction of justice was found in 4.2 percent of the cases. Courts granted either a two- or three-level reduction for acceptance of responsibility in 88.7 percent of the cases, higher than the 81.1 percent in firearms offenses or the 85.1 percent in robbery offenses.

As shown in Table 46, 12.1 percent of the defendants had one or more prior sentences longer than 13 months, 10.2 percent had prior sentences of 60 days or longer, and 32.3 percent had other countable sentences. Overall, 61.5 percent of the fraud defendants received zero criminal history points. More than half (59.3%) received

ranges with minimums of six months or less (*i.e.*, guideline range 0-6 through guideline range 6-12 inclusive).

Table 44

CHAPTER TWO GUIDELINE APPLICATION INFORMATION¹
(October 1, 1992, through September 30, 1993)

Guideline 2F1.1 — Fraud

BASE OFFENSE LEVEL	Number	Percent
6	4,790	100.0
TOTAL	4,790	100.0

§2F1.1 — SPECIFIC OFFENSE CHARACTERISTICS	Number	Percent
Amount of Loss		
\$2,000 or less	818	17.1
More than \$2,000	401	8.4
More than \$5,000	503	10.5
More than \$10,000	627	13.1
More than \$20,000	653	13.6
More than \$40,000	424	8.8
More than \$70,000	386	8.1
More than \$120,000	254	5.3
More than \$200,000	228	4.8
More than \$350,000	106	2.2
More than \$500,000	123	2.6
More than \$800,000	115	2.4
More than \$1,500,000	44	0.9
More than \$2,500,000	52	1.1
More than \$5,000,000	26	0.5
More than \$10,000,000	12	0.2
More than \$20,000,000	4	0.1
More than \$40,000,000	3	0.1
More than \$80,000,000	11	0.2
TOTAL	4,790	100.0

§2F1.1 — SPECIFIC OFFENSE CHARACTERISTICS**More than Minimal Planning**

Offense involved:	3,639	76.0
- more than minimal planning		
- multiple victims		
Offense did not involve one of the above activities	1,151	24.0
TOTAL	1,151	24.0

Misrepresentation

Offense involved:	94	2.0
- misrepresentation by the offender		
- violation of judicial or administrative order, injunction, decree, or process		
Offense did not involve one of the above activities	4,696	98.0
TOTAL	4,790	100.0

Conscious or Reckless Risk of Serious Bodily Injury

Conduct involved conscious or reckless risk	53	1.1
Conduct did not involve conscious or reckless risk	4,737	98.9
TOTAL	4,790	100.0

Use of Foreign Bank Accounts

Foreign bank accounts used	2	0.0
No use of foreign bank accounts	4,788	100.0
TOTAL	4,790	100.0

Jeopardized the Soundness of a Financial Institution

Offense jeopardized a financial institution	13	0.3
Offense did not jeopardize a financial institution	4,563	99.7
Offense committed before adjustment added to guidelines	214	--
TOTAL	4,790	100.0

Table 45

CHAPTER THREE GUIDELINE APPLICATION INFORMATION¹
(October 1, 1992, through September 30, 1993)

Guideline 2F1.1 — Fraud

VICTIM-RELATED	Number	Percent
Vulnerable Victim (§3A1.1)		
Vulnerable victim involved	93	1.9
No vulnerable victim involved	4,697	98.1
TOTAL	4,790	100.0
Official Victim (§3A1.2)		
Official victim involved	1	0.0
No official victim involved	4,789	100.0
TOTAL	4,790	100.0
Restraint of Victim (§3A1.3)		
Offense did not involve restraint of victim	4,790	100.0
TOTAL	4,790	100.0
ROLE IN THE OFFENSE	Number	Percent
Aggravating Role (§3B1.1)		
Organizer or leader	151	3.2
Manager or supervisor	84	1.8
Lesser organizer, leader, manager, or supervisor	216	4.5
No aggravating role	4,339	90.6
TOTAL	4,790	100.0
Mitigating Role (§3B1.2)		
Minimal participant	33	0.7
Less than minor but not minimal	15	0.3
Minor participant	218	4.5

Abuse of Position of Trust or Use of Special Skill (§3B1.3)

Offender abused position of trust or used special skill	407	8.5
Offender did not abuse position of trust or use special skill	4,383	91.5
TOTAL	4,790	100.0

OBSTRUCTION

Number Percent

Obstruction of Justice (§3C1.1)

Offender obstructed justice	200	4.2
Offender did not obstruct justice	4,590	95.8
TOTAL	4,790	100.0

Reckless Endangerment During Flight (§3C1.2)

Offense involved reckless endangerment during flight	1	0.0
Offense did not involve reckless endangerment during flight	4,575	100.0
Offense committed before adjustment added to guidelines	214	--
TOTAL	4,790	100.0

ACCEPTANCE OF RESPONSIBILITY

Number Percent

Acceptance of Responsibility (§3E1.1)

Offender accepted responsibility (-3)	560	11.7
Offender accepted responsibility (-2)	3,687	77.0
Offender did not accept responsibility	543	11.3
TOTAL	4,790	100.0

Table 46

CHAPTER FOUR GUIDELINE APPLICATION INFORMATION¹
(October 1, 1992, through September 30, 1993)

Guideline 2F1.1 — Fraud

Number of Prior Countable Sentences Greater Than 13 Months (§4A1.1(a))	Number	Percent
0	4,210	87.9
1	274	5.7
2	140	2.9
3	60	1.3
4	48	1.0
5	32	0.7
6 or more	25	0.5
Missing	1	--
TOTAL	4,790	100.0

Number of Prior Countable Sentences of 60 Days or Greater (§4A1.1(b))	Number	Percent
0	4,301	89.8
1	310	6.5
2	109	2.3
3	32	0.7
4	19	0.4
5 or more	18	0.4
Missing	1	--
TOTAL	4,790	100.0

Number of Prior Countable Sentences of Less Than 60 Days (§4A1.1(c))	Number	Percent
0	3,244	67.7
1	882	18.4
2	319	6.7
3	158	3.3
4	186	3.9
Missing	1	--

Commission of Offense While Under Criminal Justice Sentence (§4A1.1(d))	Number	Percent
Additional points given for commission of instant offense while under criminal justice sentence	733	15.3
No additional criminal history points given	4,056	84.7
Missing	1	--
TOTAL	4,790	100.0

Commission of Offense Within Two Years of Prior Countable Conviction (§4A1.1(e))	Number	Percent
Additional points given for commission of instant offense within two years of certain prior countable convictions	317	6.6
No additional criminal history points given	4,472	93.4
Missing	1	--
TOTAL	4,790	100.0

Total Criminal History Points	Number	Percent
0	2,945	61.5
1	513	10.7
2	160	3.3
3	256	5.3
4	170	3.6
5	108	2.3
6	128	2.7
7	59	1.2
8	75	1.6
9	67	1.4
10	50	1.0
11	31	0.7
12	34	0.7
13	15	0.3
14	30	0.6
15	24	0.5
16	23	0.5
17	18	0.4
18	14	0.3
19	7	0.2

Career Offender (§4B1.1)	Number	Percent
Defendant found not to be career offender	4,790	100.0
TOTAL	4,790	100.0

Armed Career Criminal (§4B1.4)	Number	Percent
Defendant found not to be armed career criminal	4,576	100.0
Offense committed before adjustment added to guidelines	214	--
TOTAL	4,790	100.0

¹Of the 42,107 cases, the Commission received complete guideline application information on 34,612. Of these 34,612 cases, the highest combined adjusted offense level was derived from the fraud guideline (§2F1.1) in 5,098; 308 of these cases involving the application of §2F1.1 (1988) were excluded. Additional descriptions of each guideline adjustment can be found in the USSC Guidelines Manual.

Table 47

OFFENSE LEVEL BY CRIMINAL HISTORY CATEGORY¹
(October 1, 1992, through September 30, 1993)

Guideline 2F1.1 — Fraud

OFFENSE LEVEL	TOTAL			CRIMINAL HISTORY CATEGORY					
	Number	Percent	Cumulative Percent	I	II	III	IV	V	VI
1	8	0.2	0.2	6	1	0	0	0	1
2	18	0.4	0.6	13	1	0	2	1	1
3	15	0.3	0.9	10	1	2	1	1	0
4	370	7.7	8.6	235	37	51	16	16	15
5	153	3.2	11.8	97	17	21	8	4	6
6	466	9.7	21.5	339	47	39	15	9	17
7	341	7.1	28.6	240	34	30	16	10	11
8	494	10.3	38.9	343	39	46	25	16	25
9	465	9.7	48.6	322	44	45	18	12	24
10	510	10.7	59.3	382	42	28	28	13	17
11	364	7.6	66.9	249	33	27	19	9	27
12	337	7.0	73.9	253	31	28	9	5	11
13	392	8.2	82.1	306	25	26	12	6	17
14	165	3.5	85.6	111	15	20	6	5	8
15	153	3.2	88.8	122	7	10	7	4	3
16	123	2.6	91.4	94	16	8	2	3	0
17	99	2.1	93.5	80	6	6	4	1	2
18	77	1.6	95.1	63	3	5	3	0	3
19	56	1.2	96.3	43	0	7	3	0	3
20	50	1.0	97.3	36	7	4	2	0	1
21	37	0.8	98.1	28	5	2	2	0	0
22	28	0.6	98.7	22	3	1	1	0	1
23	15	0.3	99.0	9	3	2	1	0	0
24	11	0.2	99.2	9	1	0	1	0	0
25	17	0.4	99.6	15	1	1	0	0	0
26	5	0.1	99.7	4	0	0	0	0	1
27	4	0.1	99.8	4	0	0	0	0	0
28	5	0.1	99.9	5	0	0	0	0	0
29	1	0.0	99.9	1	0	0	0	0	0
30	5	0.1	100.0	5	0	0	0	0	0
31	4	0.1	100.0	2	2	0	0	0	0
32	1	0.0	100.0	1	0	0	0	0	0
TOTAL	4,789	--	--	3,449	421	409	201	115	194
Percent	--	100.0	100.0	72.0	8.8	8.5	4.2	2.4	4.1

¹Of the 42,107 cases, the Commission received complete guideline application information on 34,612. Of these

Table 48
GUIDELINE SENTENCING RANGE¹
(October 1, 1992, through September 30, 1993)

Guideline 2F1.1 — Fraud

FINAL GUIDELINE RANGE	Number	Percent	Cumulative Percent
0-6	1,345	28.1	28.1
1-7	100	2.1	30.2
2-8	113	2.4	32.6
4-10	415	8.7	41.3
6-12	507	10.6	51.9
8-14	351	7.3	59.2
9-15	15	0.3	59.5
10-16	339	7.1	66.6
12-18	410	8.6	75.2
15-21	218	4.6	79.8
18-24	219	4.6	84.4
21-27	167	3.5	87.9
24-30	144	3.0	90.9
27-33	115	2.4	93.3
30-37	76	1.6	94.9
33-41	65	1.4	96.3
37-46	58	1.2	97.5
41-51	40	0.8	98.3
46-57	18	0.4	98.7
51-63	17	0.4	99.1
57-71	23	0.5	99.6
63-78	9	0.2	99.8
70-87	7	0.2	100.0
77-96	1	0.0	100.0
78-97	5	0.1	100.0
84-105	1	0.0	100.0
87-108	1	0.0	100.0
97-121	5	0.1	100.0
108-135	2	0.0	100.0
120-150	1	0.0	100.0
121-151	3	0.1	100.0
Total	4,790	100.0	100.0

¹Of the 42,107 cases, the Commission received complete guideline application information for 34,612. Of these 34,612 cases, the highest combined adjusted offense level was derived from the fraud guideline (§2F1.1) in 5,098; 308 of these cases

United States Sentencing Commission

Guideline Drug Defendants

Statutes regulating illegal drug trafficking (specifically 21 U.S.C. § 841(b)) specify penalty levels based on drug amount and drug type. This statutory framework serves as the basis for drug trafficking sentencing guidelines that proportionately reflect seriousness levels set by Congress. Chapter Two, Part D of the Guidelines Manual reflects these provisions with a Drug Quantity Table and Drug Equivalency Tables that assign base offense levels as a function of both drug type and drug amount.

Six Chapter Two, Part D guidelines were applied as the primary guideline in the majority of 1993 guideline drug cases:

- §2D1.1: Unlawful Manufacturing, Importing, Exporting, or Trafficking, (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy (hereafter "Drug Trafficking");
- §2D1.2: Drug Offenses Occurring Near Protected Locations or Involving Underage or Pregnant Individuals; Attempt or Conspiracy (hereafter "Protected Locations");
- §2D1.5: Continuing Criminal Enterprise; Attempt or Conspiracy;
- §2D1.6: Use of Communication Facility in Committing Drug Offense; Attempt or Conspiracy;
- §2D1.8: Renting or Managing a Drug Establishment; Attempt or Conspiracy; and
- §2D2.1: Unlawful Possession; Attempt or Conspiracy (hereafter "Simple Posses-

During the past year, 18,287 drug cases were sentenced with one of these six guidelines as the primary guideline. Figure F shows the distribution of all 1993 guideline cases, with 44 percent sentenced under the drug guidelines. Of these, nearly 90 percent (89.9%) were sentenced under the Drug Trafficking guideline. The second most frequently applied primary guideline, Simple Possession, involved less than five percent (4.9%) of the drug cases.

The distribution of defendant gender by drug offense guideline appears in Table 49. Overall, drug defendants were overwhelmingly male (88.4%). Female defendants were sentenced in the greatest numbers under the guidelines for Renting or Managing a Drug Establishment (41.5%) and Use of Communication Facility (23.9%). The higher female incidence among these guidelines — compared to the drug trafficking guideline — suggests less gender differentiation in offenses involving facilitation of drug activity.

Table 50 displays racial categories by drug guideline. The racial distribution for the Drug Trafficking guideline was nearly equally divided among the three racial categories: 33.0 percent for White defendants, 31.9 percent for Black defendants, and 33.4 percent for Hispanic defendants. Compared to the other racial categories, White defendants were more often convicted under the Use of a Communication Facility guideline (41.7%) than were Hispanics (33.5%) or Blacks (22.9%). Compared to their representation in the overall population of drug defendants in Table 50 (31.9%), Black defendants were disproportionately represented among the guidelines for Protected Locations (52.6%) and Continuing Criminal Enterprise

(17.8%) to be convicted under the Simple Possession guideline.

Of those defendants sentenced under the drug guidelines, Table 51 indicates that almost three-quarters (72.0%) were citizens of the United States, leaving a sizable proportion of non-citizens (28.0%). The proportion of non-citizens to U.S. citizens sentenced under the drug guidelines was highest for Simple Possession (32.0%) and lowest for Protected Locations (10.9%).

Table 52 disaggregates the type of drug involved by the guideline applied.⁷⁹ More than 50 percent (54.4%) of all drug cases involved cocaine — either powder cocaine (35.5%) or the "crack" form of cocaine base (18.9%). Taken together, the two forms of cocaine accounted for the largest percent of cases among all drug guidelines, except for Simple Possession in which nearly two-thirds of the cases involved marijuana (65.8%).

The drug guidelines enhance a defendant's sentence if a weapon is present during the offense. Table 53 shows that the weapon enhancement was given in 16.3 percent of the drug cases. The distribution of the enhancement for firearms varied considerably among the drug offense guidelines. Defendants sentenced under the Continuing Criminal Enterprise guideline were most likely to receive the firearm adjustment (28.2%), while defendants sentenced under Simple Possession were least likely to receive the enhancement (1.7%).⁸⁰

As reported in Table 54, the majority of defendants sentenced under the drug offense guidelines were in Criminal History Category I

(62.5%), with the Renting or Managing a Drug Establishment guideline having the highest percent (78.8%). In contrast, defendants sentenced for Continuing Criminal Enterprise were classified relatively most frequently in Criminal History Category VI (12.5%); however, still more than half (52.5%) of the defendants sentenced under this guideline were in Criminal History Category I.

Regardless of the drug guideline applied, more than eight of ten defendants (85.3%) pled guilty rather than going to trial (see Table 55). The percentage of defendants who go to trial was highest for guidelines involving Continuing Criminal Enterprises (36.7%), Protected Locations (19.5%), and Drug Trafficking (15.2%), all of which carry very lengthy incarceration sentences.

Mitigating and aggravating factors are integral parts of the guideline application process. For each drug guideline, Table 56 presents information on adjustments for role in the offense. In the majority of cases, no adjustment was made for the defendant's role (74.7%). For the other 25.3 percent of cases (3,966 defendants) receiving either a mitigating or aggravating role adjustment, defendants under three guidelines were substantially more likely to receive a downward adjustment due to a minor or minimal role in the offense: Drug Trafficking (17.2%), Use of Communication Facility (18.9%), and Renting or Managing a Drug Establishment (18.7%). Defendants sentenced under the Protected Locations guideline were proportionately more likely to receive an upward adjustment due to aggravat-

United States Sentencing Commission

ing role (13.0%) than under any other drug guideline.

Nearly 81 percent (80.9%) of defendants sentenced under the drug guidelines received at least a two-level reduction in their offense level for acceptance of responsibility (*see* Table 57). Of the 12,651 defendants who received reductions, the majority (7,678, or 60.7%) received three-level reductions.

The majority (65.8%) of drug defendants received sentences within the guideline range. Table 58 presents the departure rate for drug cases. In total, sentences for 34.2 percent of the drug cases departed from the guideline ranges. Of those cases with departures, more than two-thirds (4,844 cases out of 6,097 departures, or 79.4%) were downward departures made pursuant to a government motion that the defendant had provided substantial assistance. This high frequency of substantial assistance departures held for every drug guideline except Simple Possession and, to a lesser extent, Use of a Communication Facility. However, this may be explained in part by the relatively low statutory maximum penalties for these offenses (one year for Simple Possession and four years for Communication Facility), and the potential for these two guidelines to be used as a plea bargaining incentive.

Crack cocaine defendants received the longest sentences among all drug types (*see* Figure G), with mean and median sentence length at 123.1 months and 96 months, respectively. Marijuana defendants received the shortest average sentences, with a mean of 45.4 months and a median of 30 months of prison.

Figure F

DISTRIBUTION OF DRUG GUIDELINE OFFENSES¹
(October 1, 1992, through September 30, 1993)

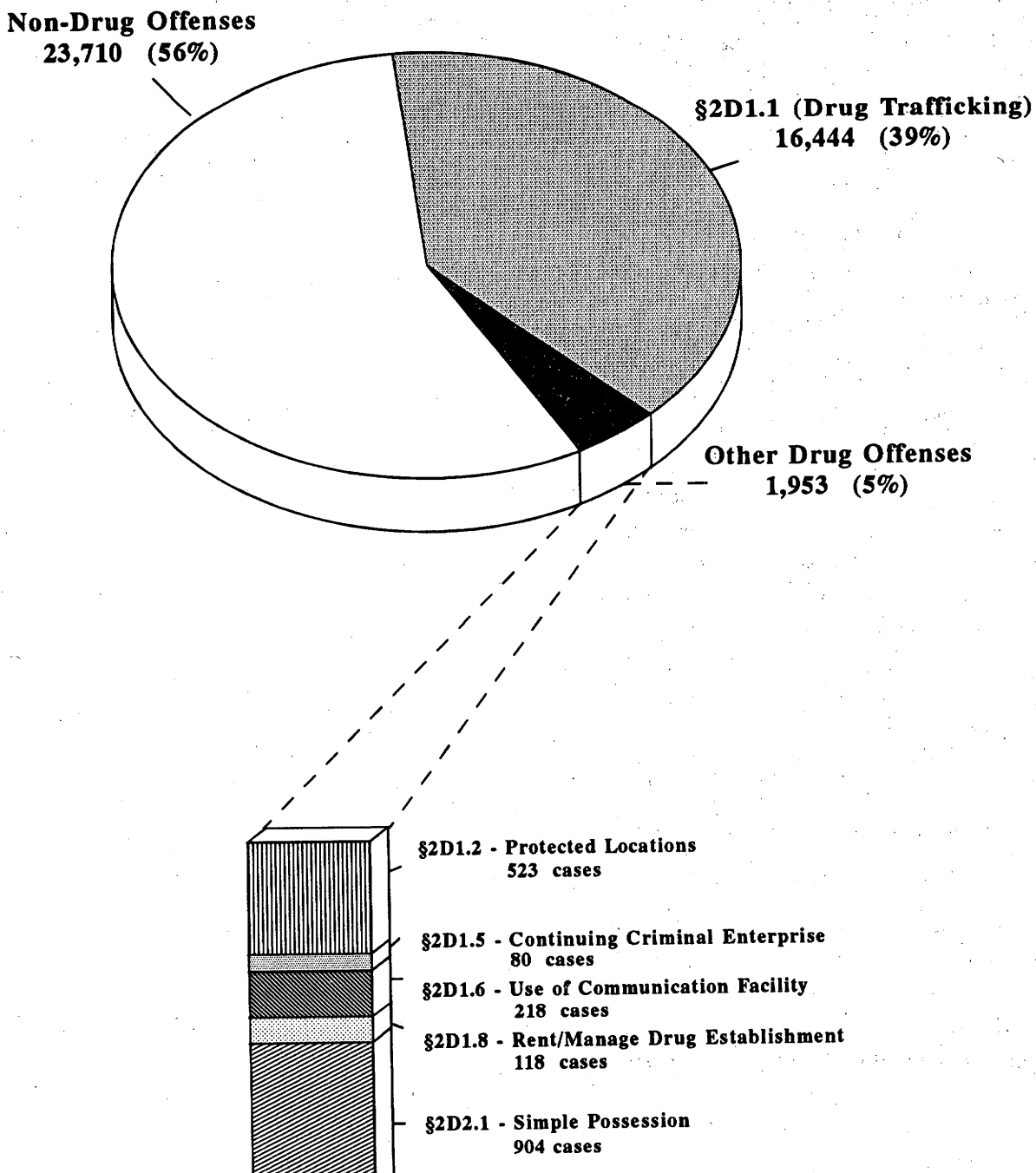


Table 49

GENDER OF DRUG DEFENDANTS BY GUIDELINE¹
(October 1, 1992, through September 30, 1993)

DRUG OFFENSE GUIDELINE	TOTAL	MALE		FEMALE	
		Number	Percent	Number	Percent
TOTAL	18,287	16,157	88.4	2,130	11.7
2D1.1 Drug Trafficking	16,444	14,640	89.0	1,804	11.0
2D1.2 Protected Locations	523	476	91.0	47	9.0
2D1.5 Continuing Criminal Enterprise	80	80	100.0	0	0.0
2D1.6 Use of Communication Facility	218	166	76.2	52	23.9
2D1.8 Rent/Manage Drug Establishment	118	69	58.5	49	41.5
2D2.1 Simple Possession	904	726	80.3	178	19.7

¹Of the 42,107 guideline cases, 18,397 were sentenced under Chapter Two, Part D (drugs) of the sentencing guidelines. Of these 18,397, 110 cases sentenced for technical or reporting violations have been excluded.

Table 50

RACE OF DRUG DEFENDANTS BY GUIDELINE¹
(October 1, 1992, through September 30, 1993)

OFFENSE GUIDELINE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
	18,281	6,033	33.0	5,824	31.9	6,104	33.4	320	1.8
Trafficking	16,439	5,407	32.9	5,265	32.0	5,479	33.3	288	1.8
Restricted Locations	523	96	18.4	275	52.6	143	27.3	9	1.7
Maintaining Criminal Enterprise	80	25	31.3	35	43.8	20	25.0	0	0.0
Use of Communication Facility	218	91	41.7	50	22.9	73	33.5	4	1.8
Manage Drug Establishment	118	47	39.8	38	32.2	29	24.6	4	3.4
Simple Possession	903	367	40.6	161	17.8	360	39.9	15	1.7

¹ Of 18,397 cases, 18,397 were sentenced under Chapter Two, Part D (drugs) of the sentencing guidelines. Of these 18,397, 110 cases sentenced for reporting violations have been excluded. Of the remaining 18,287 cases, six were excluded due to missing information on race of the defendant. The definitions of variables used in this table are provided in Appendix A.

Source: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 51**CITIZENSHIP OF DRUG DEFENDANTS BY GUIDELINE¹
(October 1, 1992, through September 30, 1993)**

DRUG OFFENSE GUIDELINE	TOTAL	U.S. Citizen		Non-U.S. Citizen	
		Number	Percent	Number	Percent
TOTAL	18,259	13,151	72.0	5,108	28.0
2D1.1 Drug Trafficking	16,421	11,746	71.5	4,675	28.5
2D1.2 Protected Locations	523	466	89.1	57	10.9
2D1.5 Continuing Criminal Enterprise	80	67	83.8	13	16.3
2D1.6 Use of Communication Facility	217	159	73.3	58	26.7
2D1.8 Rent/Manage Drug Establishment	118	101	85.6	17	14.4
2D2.1 Simple Possession	900	612	68.0	288	32.0

¹Of the 42,107 guideline cases, 18,397 were sentenced under Chapter Two, Part D (drugs) of the sentencing guidelines. Of these 18,397, 110 cases sentenced for technical or reporting violations have been excluded. Of the remaining 18,287 cases, 28 were excluded due to missing information on citizenship of the defendant. Descriptions

Table 52

DRUG TYPE OF DRUG DEFENDANTS BY GUIDELINE¹
(October 1, 1992, through September 30, 1993)

SENSE GUIDELINE	TOTAL	Cocaine		Crack		Heroin		Marijuana		Metham- phetamine		LSD		Other	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
	18,237	6,467	35.5	3,443	18.9	1,808	9.9	4,945	27.1	939	5.2	218	1.2	417	2.3
g Trafficking	16,403	6,037	36.8	3,064	18.7	1,674	10.2	4,221	25.7	850	5.2	196	1.2	361	2.2
ected Locations	521	133	25.5	243	46.6	67	12.9	58	11.1	7	1.3	9	1.7	4	0.8
tinuing Criminal Enterprise	78	42	53.9	11	14.1	10	12.8	6	7.7	6	7.7	1	1.3	2	2.6
of Communication Facility	217	99	45.6	22	10.1	18	8.3	37	17.1	32	14.8	4	1.8	5	2.3
t/Manage Drug Establishment	118	29	24.6	31	26.3	6	5.1	31	26.3	14	11.9	4	3.4	3	2.5
ple Possession	900	127	14.1	72	8.0	33	3.7	592	65.8	30	3.3	4	0.4	42	4.7

107 cases, 18,397 were sentenced under Chapter Two, Part D (drugs) of the sentencing guidelines. Of these 18,397, 110 cases sentenced for reporting violations have been excluded. Of the remaining 18,287 cases, 50 were excluded due to missing information on type of drug involved. The variables used in this table are provided in Appendix A.

U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 53

WEAPON INVOLVEMENT OF DRUG DEFENDANTS BY GUIDELINE¹
(October 1, 1992, through September 30, 1993)

DRUG OFFENSE GUIDELINE	TOTAL	No Weapon Involved		Weapon Involved ²	
		Number	Percent	Number	Percent
TOTAL	15,775	13,198	83.7	2,577	16.3
2D1.1 Drug Trafficking	14,483	12,043	83.2	2,440	16.9
2D1.2 Protected Locations	452	374	82.7	78	17.3
2D1.5 Continuing Criminal Enterprise	71	51	71.8	20	28.2
2D1.6 Use of Communication Facility	175	166	94.9	9	5.1
2D1.8 Rent/Manage Drug Establishment	109	87	79.8	22	20.2
2D2.1 Simple Possession	485	477	98.4	8	1.7

¹Of the 42,107 guideline cases, 18,397 were sentenced under Chapter Two, Part D (drugs) of the sentencing guidelines. Of these 18,397, 110 cases sentenced for technical or reporting violations have been excluded. Additionally, 2,512 cases were excluded due to incomplete guideline application information. Descriptions of variables used in this table are provided in Appendix A.

²Includes an adjustment for weapon possession under §2D1.1(b)(1) or a conviction under 18 U.S.C. § 924(e)

Table 54

CRIMINAL HISTORY CATEGORY OF DRUG DEFENDANTS BY GUIDELINE¹
(October 1, 1992, through September 30, 1993)

DRUG OFFENSE GUIDELINE	TOTAL	I		II		III		IV		V		VI	
		n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	18,287	11,426	62.5	2,339	12.8	2,247	12.3	898	4.9	422	2.3	955	5.2
2D1.1 Drug Trafficking	16,444	10,282	62.5	2,117	12.9	2,019	12.3	796	4.8	355	2.2	875	5.3
2D1.2 Protected Locations	523	256	49.0	70	13.4	86	16.4	38	7.3	32	6.1	41	7.8
2D1.5 Continuing Criminal Enterprise	80	42	52.5	7	8.8	16	20.0	3	3.8	2	2.5	10	12.5
2D1.6 Use of Communication Facility	218	153	70.2	27	12.4	18	8.3	10	4.6	5	2.3	5	2.3
2D1.8 Rent/Manage Drug Establishment	118	93	78.8	11	9.3	10	8.5	2	1.7	0	0.0	2	1.7
2D2.1 Simple Possession	904	600	66.4	107	11.8	98	10.8	49	5.4	28	3.1	22	2.4

¹Of the 42,107 cases, 18,397 were sentenced under Chapter Two, Part D (drugs) of the sentencing guidelines. Of these 18,397, 110 cases sentenced for technical or reporting violations have been excluded. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 55

MODE OF CONVICTION OF DRUG DEFENDANTS BY GUIDELINE¹
(October 1, 1992, through September 30, 1993)

DRUG OFFENSE GUIDELINE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	18,191	15,515	85.3	2,676	14.7
2D1.1 Drug Trafficking	16,360	13,879	84.8	2,481	15.2
2D1.2 Protected Locations	519	418	80.5	101	19.5
2D1.5 Continuing Criminal Enterprise	79	50	63.3	29	36.7
2D1.6 Use of Communication Facility	217	203	93.6	14	6.5
2D1.8 Rent/Manage Drug Establishment	116	110	94.8	6	5.2
2D2.1 Simple Possession	900	855	95.0	45	5.0

¹Of the 42,107 guideline cases, 18,397 were sentenced under Chapter Two, Part D (drugs) of the sentencing guidelines. Of these 18,397, 110 cases sentenced for technical or reporting violations have been excluded. Additionally, 96 cases were excluded due to missing mode of conviction information. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 56

ROLE ADJUSTMENT OF DRUG DEFENDANTS BY GUIDELINE¹
(October 1, 1992, through September 30, 1993)

DRUG OFFENSE GUIDELINE	TOTAL	No Role Adjustment		Mitigating Role Adjustment		Aggravating Role Adjustment	
		Number	Percent	Number	Percent	Number	Percent
TOTAL	15,643	11,677	74.7	2,548	16.3	1,418	9.1
2D1.1 Drug Trafficking	14,360	10,553	73.5	2,464	17.2	1,343	9.4
2D1.2 Protected Locations	446	362	81.2	26	5.8	58	13.0
2D1.5 Continuing Criminal Enterprise	70	68	97.1	0	0.0	2	2.9
2D1.6 Use of Communication Facility	175	133	76.0	33	18.9	9	5.1
2D1.8 Rent/Manage Drug Establishment	107	84	78.5	20	18.7	3	2.8
2D2.1 Simple Possession	485	477	98.4	5	1.0	3	0.6

¹Of the 42,107 guideline cases, 18,397 were sentenced under Chapter Two, Part D (drugs) of the sentencing guidelines. Of these 18,397, 110 cases sentenced for technical or reporting violations have been excluded. Additionally, 2,644 cases lacking complete guideline application information from the sentencing court were excluded. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 57

ACCEPTANCE OF RESPONSIBILITY OF DRUG DEFENDANTS BY GUIDELINE¹
(October 1, 1992, through September 30, 1993)

DRUG OFFENSE GUIDELINE	TOTAL	No Acceptance Adjustment		2-level Adjustment		3-level Adjustment	
		Number	Percent	Number	Percent	Number	Percent
TOTAL	15,643	2,992	19.1	4,973	31.8	7,678	49.1
2D1.1 Drug Trafficking	14,360	2,746	19.1	4,218	29.4	7,396	51.5
2D1.2 Protected Locations	446	100	22.4	173	38.8	173	38.8
2D1.5 Continuing Criminal Enterprise	70	30	42.9	18	25.7	22	31.4
2D1.6 Use of Communication Facility	175	34	19.4	85	48.6	56	32.0
2D1.8 Rent/Manage Drug Establishment	107	11	10.3	71	66.4	25	23.4
2D2.1 Simple Possession	485	71	14.6	408	84.1	6	1.2

¹Of the 42,107 guideline cases, 18,397 were sentenced under Chapter Two, Part D (drugs) of the sentencing guidelines. Of these 18,397, 110 cases sentenced for technical or reporting violations have been excluded. Additionally, 2,644 cases lacking complete guideline application information from the sentencing court were excluded. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 58

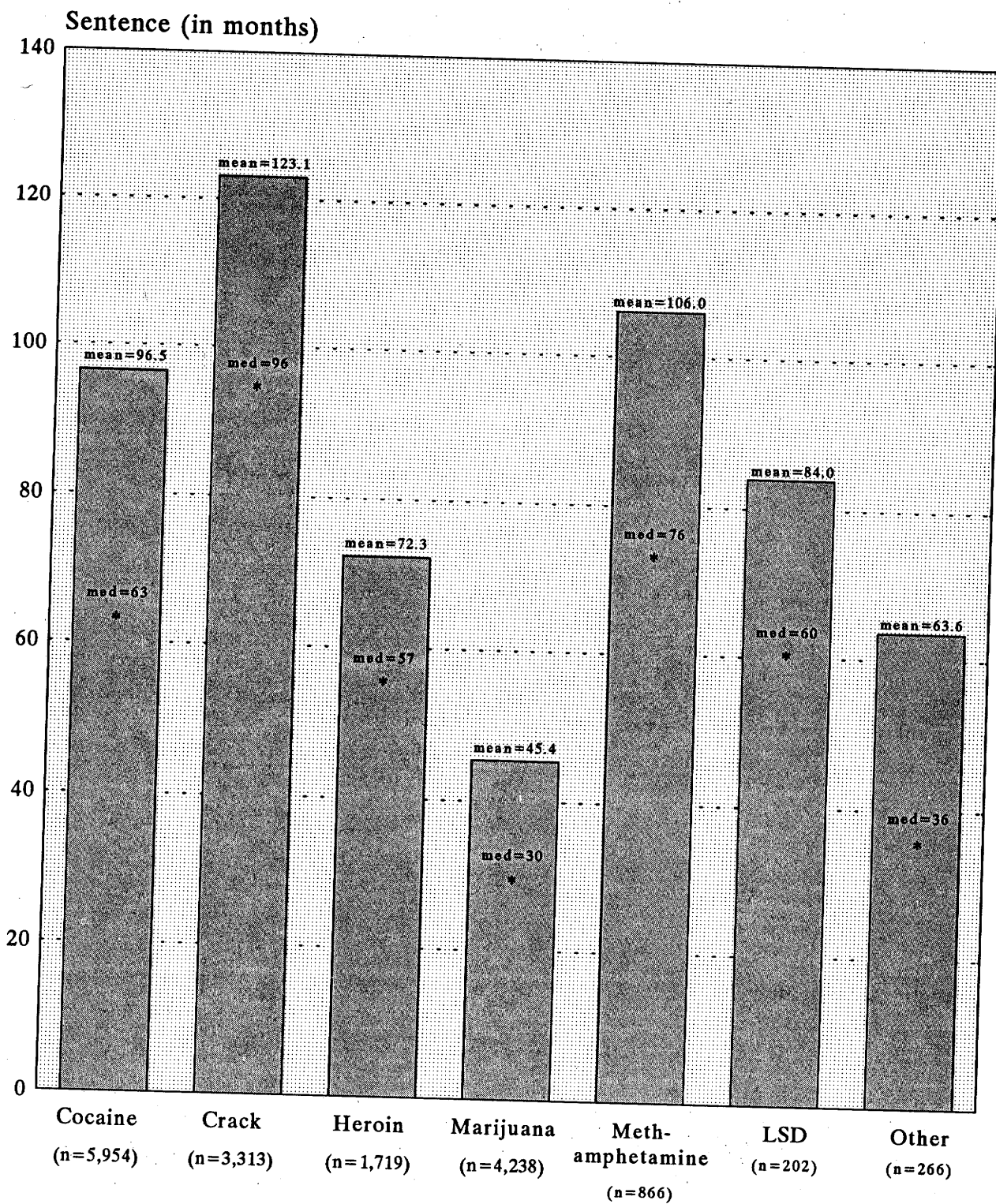
DEPARTURE RATE OF DRUG DEFENDANTS BY GUIDELINE¹
(October 1, 1992, through September 30, 1993)

DRUG OFFENSE GUIDELINE	TOTAL	Sentenced within Guideline Range		Substantial Assistance Departure		Other Downward Departure		Upward Departure	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	17,842	11,745	65.8	4,844	27.2	1,156	6.5	97	0.5
2D1.1 Drug Trafficking	16,055	10,324	64.3	4,605	28.7	1,083	6.8	43	0.3
2D1.2 Protected Locations	515	341	66.2	140	27.2	29	5.6	5	1.0
2D1.5 Continuing Criminal Enterprise	78	41	52.6	32	41.0	3	3.9	2	2.6
2D1.6 Use of Communication Facility	205	141	68.8	37	18.1	23	11.2	4	2.0
2D1.8 Rent/Manage Drug Establishment	116	80	69.0	24	20.7	7	6.0	5	4.3
2D2.1 Simple Possession	873	818	93.7	6	0.7	11	1.3	38	4.4

¹Of the 42,107 cases, 18,397 were sentenced under Chapter Two, Part D (drugs) of the sentencing guidelines. Of these 18,397, 110 cases sentenced for technical or reporting violations have been excluded. Of the remaining 18,287 cases, 445 were excluded due to missing departure information. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Figure G
AVERAGE SENTENCE IMPOSED BY DRUG TYPE
 (October 1, 1992, through September 30, 1993)



Drugs and Mandatory Minimum Penalties

To understand the characteristics of guideline drug cases, it is important to comprehend the workings of mandatory minimum penalties. Because the preponderance of drug mandatory minimums went into effect before the guidelines were implemented, they have impacted significantly the application of the sentencing guidelines.

The Commission assigned considerable resources to study mandatory minimums. Utilizing its extensive database, the Commission provided a series of analyses to lawmakers, courts, and other government agencies on the number and type of cases sentenced under mandatory minimum provisions, the profile of offenders, and the offense characteristics in these cases. In addition, the Commission modeled the projected number of cases that might be affected by proposed legislation and the estimated prison impact of these new initiatives.

More than 60 federal criminal statutes contain mandatory minimum penalties, but only four are used with any frequency⁸¹ — and all four relate to drug and weapons offenses:

- 21 U.S.C. § 841: manufacture and distribution of controlled substances;
- 21 U.S.C. § 844: possession of controlled substances;

- 21 U.S.C. § 960: importation/exportation of controlled substances; and
- 18 U.S.C. § 924(c): carrying a firearm during a drug or violent crime.

Mandatory minimum penalties require the imposition of at least a specified minimum sentence when criteria specified in the relevant statute are met. Such criteria vary. Some mandatory minimum sentences, for example, are triggered by offense characteristics (quantity of drugs distributed), offender characteristics (a prior conviction for the same offense), or victim characteristics (the age of the person to whom drugs are sold).

The operation of mandatory sentencing provisions also varies. Most mandatory minimum provisions provide a "floor" or minimum sentence for the statutory offense. Under 21 U.S.C. § 841(b)(1)(A), for example, distribution of certain quantities of drugs is punishable by a prison term of ten years to life. In this instance, the mandatory minimum penalty is ten years, but the sentence could be higher. Section 924(c), however, operates differently; this mandatory minimum firearms enhancement requires imposition of a flat five-year sentence to run consecutively to any other prison term ordered.

*Demographic Information*⁸²

Table 59 presents information about offender characteristics for drug defendants sentenced under statutes carrying drug or firearm mandatory minimum penalties. In 1993, 58.0 percent

81 See U.S. Sentencing Commission, *Special Report to Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System* (August 1991), Chapter 2.

82 The following data, based on cases convicted under mandatory minimum provisions, do not reflect additional cases that may possibly qualify, based on the facts of the offense, for such penalties. The tables presented provide information for all 1993 offenses sentenced under the drug guidelines, comparing cases with mandatory minimum provisions to cases with no such provisions. The applicable mandatory minimums can be for a drug offense, a mandatory consecutive penalty for possession of a firearm in a drug trafficking offense, or both.

of guideline drug defendants were subject to a mandatory minimum penalty. The proportion of cases subject to mandatory penalties varied little by defendant age, ranging from 57.0 percent for "under 21" to 60.7 percent for ages 41-50. Almost 60 percent (59.7%) of male drug defendants were subject to mandatory minimum penalties, compared to substantially fewer (45.8%) females. Black defendants were more likely (67.5%) to be subject to mandatory minimum sentences than were either White (51.1%) or Hispanic defendants (56.3%). The data revealed little relationship between U.S. citizenship and the application of mandatory minimum sentences (58.5% of U.S. citizens versus 57.0% of non-U.S. citizens). No clear relationship occurred between educational level and mandatory minimum convictions: defendants with the most education (college graduates) (51.9%) were least likely to be sentenced under a mandatory minimum, followed by defendants (57.0%) with the least education (less than a high school diploma).

Table 59

DEMOGRAPHIC INFORMATION FOR DRUG OFFENDERS BY MANDATORY MINIMUM¹
(October 1, 1992, through September 30, 1993)

	TOTAL		No Mandatory Minimum ²		Mandatory Minimum	
			Number	Percent	Number	Percent
TOTAL	18,273	100.0	7,666	42.0	10,607	58.0
AGE						
Under 21	971	5.3	418	43.1	553	57.0
21-25	3,646	20.0	1,548	42.5	2,098	57.5
26-30	3,696	20.3	1,538	41.6	2,158	58.4
31-35	3,500	19.2	1,505	43.0	1,995	57.0
36-40	2,674	14.7	1,132	42.3	1,542	57.7
41-50	2,736	15.0	1,076	39.3	1,660	60.7
Over 50	1,025	5.6	439	42.8	586	57.2
GENDER						
Male	16,146	88.4	6,512	40.3	9,634	59.7
Female	2,127	11.6	1,154	54.3	973	45.8
RACE						
White	6,026	33.0	2,949	48.9	3,077	51.1
Black	5,820	31.9	1,893	32.5	3,927	67.5
Hispanic	6,101	33.4	2,665	43.7	3,436	56.2
Other	320	1.8	156	48.8	164	51.3
CITIZENSHIP						
U.S. Citizen	13,141	88.4	5,456	41.5	7,685	58.5
Non-U.S. Citizen	5,105	11.6	2,194	43.0	2,911	57.0
EDUCATION						
Less than High School	8,596	33.0	3,695	43.0	4,901	57.0
High School	5,984	31.9	2,389	39.9	3,595	60.1
Some College	2,796	33.4	1,142	40.8	1,654	59.2
College Graduate	776	1.8	373	48.1	403	51.9

¹Includes 18,287 of 18,397 defendants sentenced under guidelines in Chapter Two, Part D of the sentencing guidelines. The 110 cases excluded from these tables were sentenced for technical or reporting violations. Additionally, 14 cases missing mandatory minimum information have been excluded. The total for each indicator may add to less than the total reported line one due to missing information.

²Includes 248 cases that had a 12-month or less mandatory minimum.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Offense and Offender Characteristics

Table 60 presents information regarding offense and offender characteristics by mandatory minimum status. Whether a defendant is subject to a mandatory minimum varies by drug type. Nearly two-thirds (65.5%) of defendants sentenced for marijuana offenses did not receive a mandatory minimum sentence. Crack cocaine defendants, on the other hand, were most likely to receive a mandatory minimum sentence (74.0%), followed by methamphetamine (69.9%) and powder cocaine (68.6%) defendants. The proportion of defendants with a mandatory minimum sentence increased by 29 percentage points when an adjustment for a weapon was present (54.3% compared to 83.2%), partly due to convictions under separate (mandatory) 18 U.S.C. § 924(c) charges. Three-fourths of defendants who did not receive a reduction for acceptance of responsibility were sentenced under mandatory minimum statutes. Interestingly, substantially more defendants who received a three-level acceptance reduction were mandatory minimum drug offenders (61.1% versus 38.9% non-mandatory minimum sentence). These may reflect the judge's attempts to mitigate somewhat the often lengthy sentences required by the mandatory minimum statutes and the guidelines. Nearly sixty percent (58.2%) of cases that did not receive an adjustment (aggravating or mitigating) for role in the offense were mandatory minimum cases, while more than 81 percent (81.6%) of drug cases receiving an aggravating role adjustment involved mandatory minimum defendants. In each criminal history category, more than half of the defendants were sentenced under a mandatory minimum provision, with their percentage steadily increasing from 55.9 in Category I to 66.1 in Category VI.

Table 61 presents information on the number of defendants subject to mandatory minimum penalties and the quantity of drugs for which they are

held accountable. The categories for amount of drugs are based on statutory and guideline equivalencies. Regardless of drug type, the proportion of defendants sentenced under mandatory minimum provisions increased with drug amounts. Drug amount increases, however, were not of equal magnitude within each drug type; the largest increases occurred at drug levels for which the five-year and ten-year mandatory prison terms apply.

Table 62 disaggregates drug type and race by the presence of a mandatory minimum provision. White defendants, whether involved with powder cocaine, crack cocaine, or methamphetamine, were less likely — by at least ten percentage points — to be sentenced under a mandatory minimum provision than either Black or Hispanic defendants involved with these drugs. For all drug types except LSD, Black defendants were less likely to be sentenced under mandatory minimum provisions than were Hispanic defendants. Whites were the most likely racial category to be sentenced under a mandatory minimum statute for offenses involving heroin and marijuana.

Most drug defendants pled guilty. However, as depicted in Figure H, defendants charged under mandatory minimum statutes were more than three times as likely to go to trial (21%) than defendants not subject to a mandatory minimum statute (6%). Fewer mandatory minimum cases were sentenced within the guidelines (60%) than were cases without a mandatory minimum sentence (74%). A defendant facing a mandatory minimum sentence was more likely (36%) to receive a downward departure upon a government motion for substantial assistance than a defendant who was not subject to a mandatory minimum provision (15%).

Table 63 provides the number, mean, and median sentence lengths for different drug types by

application of a mandatory minimum sentence and weapon involvement. Comparing data for cases with and without weapon involvement, the largest increases in median sentence length occurred for those defendants convicted of sufficient quantities of powder cocaine, crack cocaine, or heroin to invoke the ten-year mandatory minimum. For powder cocaine defendants, the median increased from 120 to 170 months, for crack cocaine from 121 to 180 months, and for heroin from 120 to 180 months.

Table 60

**OFFENSE AND OFFENDER INFORMATION
FOR DRUG OFFENDERS BY MANDATORY MINIMUM¹
(October 1, 1992, through September 30, 1993)**

	TOTAL		No Mandatory Minimum ²		Mandatory Minimum	
			Number	Percent	Number	Percent
TOTAL	18,273	100.0	7,666	42.0	10,607	58.1
DRUG TYPE						
Cocaine	6,462	35.5	2,029	31.4	4,433	68.6
Crack (Cocaine Base)	3,440	18.9	893	26.0	2,547	74.0
Heroin	1,807	9.9	740	41.0	1,067	59.1
Marijuana	4,941	27.1	3,234	65.5	1,707	34.6
Methamphetamine	939	5.2	283	30.1	656	69.9
LSD	218	1.2	75	34.4	143	65.6
Other ³	416	2.3	372	89.4	44	10.6
WEAPON						
No Weapon Adjustment	13,188	83.7	6,023	45.7	7,165	54.3
Weapon Adjustment ⁴	2,577	16.4	434	16.8	2,143	83.2
ACCEPTANCE OF RESPONSIBILITY						
No Adjustment	2,991	19.1	748	25.0	2,243	75.0
Two-level adjustment	4,966	31.8	2,721	54.8	2,245	45.2
Three-level adjustment	7,676	49.1	2,988	38.9	4,688	61.1
ROLE IN THE OFFENSE						
No Role Adjustment	11,669	74.6	4,875	41.8	6,794	58.2
Mitigating Role	2,548	16.3	1,322	51.9	1,226	48.1
Aggravating Role	1,416	9.1	260	18.4	1,156	81.6
CRIMINAL HISTORY CATEGORY						
I	11,418	62.5	5,038	44.1	6,380	55.9
II	2,338	12.8	964	41.2	1,374	58.8
III	2,243	12.3	831	37.1	1,412	63.0
IV	898	4.9	354	39.4	544	60.6
V	422	2.3	156	37.0	266	63.0
VI	954	5.2	323	33.9	631	66.1

¹Includes 18,287 of 18,397 defendants sentenced under guidelines in Chapter Two, Part D of the sentencing guidelines. The 110 cases excluded from these tables were sentenced for technical or reporting violations. Additionally, 14 cases missing mandatory minimum information have been excluded. The total for each indicator may add to less than the total reported in line one due to missing information.

²Includes 248 cases that had a 12-month or less mandatory minimum.

³Other includes PCP and all other controlled substances not listed separately.

⁴Includes an adjustment for weapon possession under §2D1.1(b)(1) or a conviction under 18 U.S.C. § 924(c).

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 61

**DRUG TYPE AND AMOUNT FOR DRUG OFFENDERS
BY MANDATORY MINIMUM¹
(October 1, 1992, through September 30, 1993)**

DRUG TYPE AND AMOUNT	TOTAL		No Mandatory Minimum ²		Mandatory Minimum	
			Number	Percent	Number	Percent
TOTAL	18,273	100.0	7,666	42.0	10,607	58.1
COCAINE						
<i>Up To</i> 50 grams	422	7.0	383	90.8	39	9.2
<i>At Least</i> 50 grams	939	15.6	867	92.3	72	7.7
<i>At Least</i> 500 grams ³	1,205	20.0	244	20.3	961	79.8
<i>At Least</i> 2 kilograms	823	13.6	78	9.5	745	90.5
<i>At Least</i> 5 kilograms ⁴	886	14.7	56	6.3	830	93.7
<i>At Least</i> 15 kilograms	1,759	29.2	86	4.9	1,673	95.1
CRACK (COCAINE BASE)						
<i>Up To</i> 500 milligrams	118	3.9	113	95.8	5	4.2
<i>At Least</i> 500 milligrams	336	11.0	295	87.8	41	12.2
<i>At Least</i> 5 grams ³	547	17.9	124	22.7	423	77.3
<i>At Least</i> 20 grams	423	13.8	59	14.0	364	86.1
<i>At Least</i> 50 grams ⁴	572	18.7	59	10.3	513	89.7
<i>At Least</i> 150 grams	1,065	34.8	55	5.2	1,010	94.8
HEROIN						
<i>Up To</i> 10 grams	54	3.2	50	92.6	4	7.4
<i>At Least</i> 10 grams	171	10.2	152	88.9	19	11.1
<i>At Least</i> 100 grams ³	388	23.2	143	36.9	245	63.1
<i>At Least</i> 400 grams	562	33.6	261	46.4	301	53.6
<i>At Least</i> 1 kilogram ⁴	237	14.2	29	12.2	208	87.8
<i>At Least</i> 3 kilograms	261	15.6	21	8.1	240	92.0
MARIJUANA						
<i>Up To</i> 10 kilograms	492	11.7	450	91.5	42	8.5
<i>At Least</i> 10 kilograms	1,805	42.8	1,740	96.4	65	3.6
<i>At Least</i> 100 kilograms ³	1,010	23.9	215	21.3	795	78.7
<i>At Least</i> 400 kilograms	416	9.9	76	18.3	340	81.7
<i>At Least</i> 1,000 kilograms ⁴	275	6.5	30	10.9	245	89.1
<i>At Least</i> 3,000 kilograms	221	5.2	17	7.7	204	92.3
METHAMPHETAMINE						
<i>Up To</i> 10 grams	32	3.8	27	84.4	5	15.6
<i>At Least</i> 10 grams	74	8.7	56	75.7	18	24.3
<i>At Least</i> 100 grams ³	108	12.7	34	31.5	74	68.5
<i>At Least</i> 400 grams	121	14.2	30	24.8	91	75.2
<i>At Least</i> 1 kilogram ⁴	151	17.8	18	11.9	133	88.1
<i>At Least</i> 3 kilograms	364	42.8	43	11.8	321	88.2
LSD						
<i>Up To</i> 100 milligrams	15	7.7	15	100.0	0	0.0
<i>At Least</i> 100 milligrams	19	9.7	19	100.0	0	0.0
<i>At Least</i> 1 gram ³	28	14.3	10	35.7	18	64.3
<i>At Least</i> 4 grams	25	12.8	3	12.0	22	88.0
<i>At Least</i> 10 grams ⁴	52	26.5	5	9.6	47	90.4
<i>At Least</i> 30 grams	57	29.1	6	10.5	51	89.5

¹Includes 18,287 of 18,397 defendants sentenced under guidelines in Chapter Two, Part D of the sentencing guidelines. The 110 cases excluded from these tables were sentenced for technical or reporting violations. Additionally, 14 cases missing mandatory minimum information have been excluded.

²Includes 248 cases that had a 12-month or less mandatory minimum.

³Drug amounts including and above which may carry a five-year mandatory minimum prison term.

⁴Drug amounts including and above which may carry a ten-year mandatory minimum prison term.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 62

DRUG TYPE AND RACE FOR DRUG OFFENDERS BY MANDATORY MINIMUM¹
(October 1, 1992, through September 30, 1993)

DRUG TYPE AND RACE	TOTAL		No Mandatory Minimum ²		Mandatory Minimum	
			Number	Percent	Number	Percent
TOTAL	18,273	100.0	7,666	42.0	10,607	58.1
COCAINE						
White	2,018	31.2	835	41.4	1,183	58.6
Black	1,841	28.5	567	30.8	1,274	69.2
Hispanic	2,514	38.9	574	22.8	1,940	77.2
Other	87	1.4	52	59.8	35	40.2
CRACK (COCAINE BASE)						
White	151	4.4	65	43.1	86	57.0
Black	3,022	87.9	777	25.7	2,245	74.3
Hispanic	249	7.2	46	18.5	203	81.5
Other	18	0.5	5	27.8	13	72.2
HEROIN						
White	236	13.1	84	35.6	152	64.4
Black	665	36.8	344	51.7	321	48.3
Hispanic	829	45.9	296	35.7	533	64.3
Other	75	4.2	16	21.3	59	78.7
MARIJUANA						
White	2,319	46.9	1,335	57.6	984	42.4
Black	205	4.2	151	73.7	54	26.3
Hispanic	2,347	47.5	1,696	72.3	651	27.7
Other	70	1.4	52	74.3	18	25.7
METHAMPHETAMINE						
White	763	81.3	248	32.5	515	67.5
Black	11	1.2	2	18.2	9	81.8
Hispanic	113	12.1	18	15.9	95	84.1
Other	51	5.4	14	27.5	37	72.6
LSD						
White	209	95.9	72	34.5	137	65.6
Black	1	0.5	0	0.0	1	100.0
Hispanic	7	3.2	2	28.6	5	71.4
Other	1	0.5	1	100.0	0	0.0

¹Includes 18,287 of 18,397 defendants sentenced under guidelines in Chapter Two, Part D of the sentencing guidelines. The 110 cases excluded from these tables were sentenced for technical or reporting violations. Additionally, 14 cases missing mandatory minimum information have been excluded. The total for each indicator may add to less than the total reported in line one due to missing information.

²Includes 248 cases that had a 12-month or less mandatory minimum.

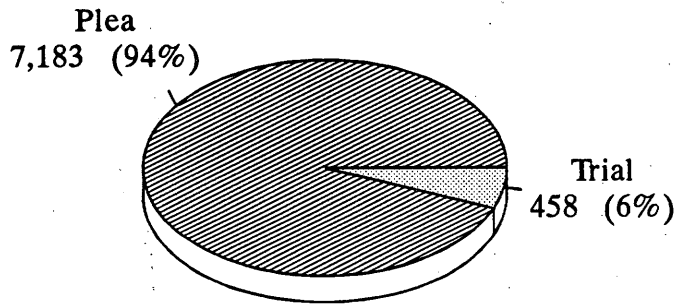
SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Figure H

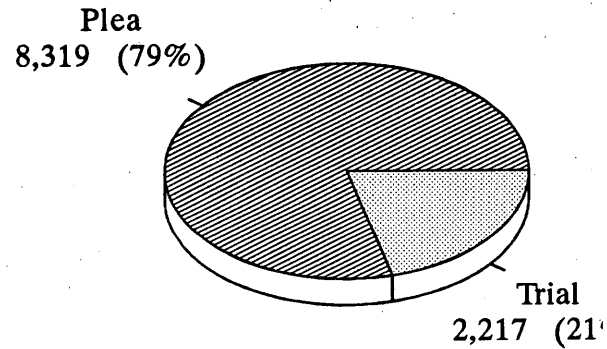
**MODE OF CONVICTION AND DEPARTURE INFORMATION
FOR DRUG OFFENDERS**

(October 1, 1992, through September 30, 1993)

Mode of Conviction

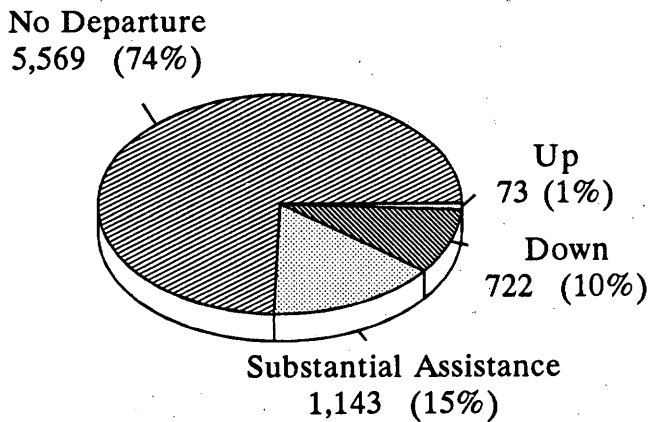


No Mandatory Minimum

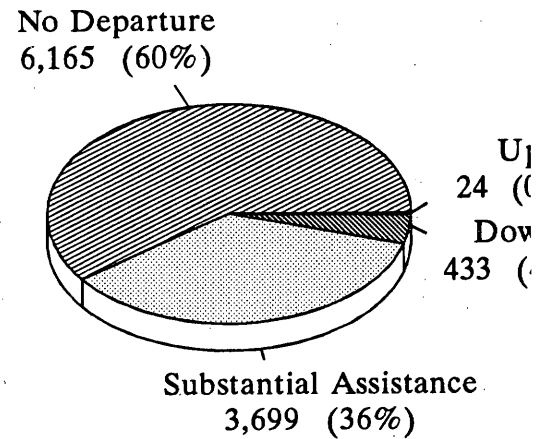


Mandatory Minimum

Departures



No Mandatory Minimum



Mandatory Minimum

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 63

AVERAGE SENTENCE LENGTH FOR DRUG OFFENDERS BY WEAPON INVOLVEMENT AND DRUG TYPE¹
(October 1, 1992, through September 30, 1993)

Drug Type	TOTAL	No Mandatory Minimum Applicable ² (based on quantity of drugs)						Drug Amount Triggers Five-Year Mandatory Minimum Penalty						Drug Amount Triggers Ten-Year Mandatory Minimum Penalty					
		No Weapon			Weapon involved ³			No Weapon			Weapon involved ³			No Weapon			Weapon involved ³		
		N	Mean	Med	N	Mean	Med	N	Mean	Med	N	Mean	Med	N	Mean	Med	N	Mean	Med
TOTAL	16,172	4,930	34.8	24.0	391	54.6	36.0	3,288	64.2	60.0	733	100.0	84.0	3,684	141.0	120.0	1,374	199.0	170.5
Cocaine	5,218	1,319	35.7	24.0	131	54.0	33.0	1,266	64.3	60.0	248	103.7	84.5	1,767	142.6	120.0	487	199.0	170.0
Crack (Cocaine Base)	3,045	669	46.8	33.0	78	70.8	52.5	556	78.4	63.5	200	116.1	101.0	934	157.1	121.0	608	211.9	180.0
Heroin	1,363	529	39.0	36.0	13	31.3	24.0	465	60.6	60.0	35	109.5	93.0	257	122.0	120.0	64	224.7	180.0
Marijuana	3,651	2,010	26.2	21.0	126	36.4	27.5	861	57.5	60.0	203	75.4	66.0	356	111.8	120.0	95	144.1	123.0
Methamphetamine	709	176	56.8	41.0	22	89.9	60.0	95	62.0	60.0	34	113.0	74.0	272	134.7	120.0	110	162.9	135.0
LSD	181	49	39.0	30.0	3	125.0	84.0	40	53.8	60.0	1	180.0	180.0	82	121.6	120.0	6	123.3	114.0
Other	233	178	45.1	27.0	18	78.6	58.5	5	43.8	51.0	12	103.3	79.0	16	181.6	120.0	4	224.8	160.5

¹Includes 18,287 of 18,397 defendants sentenced under guidelines in Chapter Two, Part D of the sentencing guidelines. The 110 cases excluded from these tables were sentenced for technical or reporting violations. Additionally, 14 cases missing mandatory minimum information have been excluded. Totals do not reflect cases in which complete guideline application information was unavailable from the sentencing court.

²Includes 248 cases that had a 12-month or less mandatory minimum.

³Includes an adjustment for weapon possession under §2D1.1(b)(1) or a conviction under 18 U.S.C. § 924(c).

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Departures and Sentences Within the Guideline Range

The Sentencing Reform Act of 1984 authorizes departures from the applicable guideline range subject to review by appellate courts. The Report on the Sentencing Hearing is used to assess guideline sentencing trends and to determine the rate at which defendants are sentenced within, above, or below the guideline range as established by the court. In this section, the Commission reports on the frequency of departures on the national, circuit, and district levels, the degree of departure, and the reasons provided by the courts for such departures.

The Commission reviewed all case files to determine departure status and reasons for departure as indicated in the Report on the Sentencing Hearing. The case was determined to involve no departure if the sentence imposed was within the guideline range established by the court and set out in the Report on the Sentencing Hearing. If the sentence fell outside the guideline range established by the court, the Commission determined that a departure had occurred and noted the applicable reasons.

If no Report on the Sentencing Hearing was provided or if it contained insufficient information to permit a departure determination, the

Commission compared the sentence from the Judgment of Conviction to the guideline range recommended by the probation officer in the presentence report. The Commission assumed no departure when the sentence imposed by the court fell within the range recommended by the probation officer.⁸³

The Commission could not assume a departure if the sentence from the Judgment of Conviction did not correspond to the guideline range recommended by the probation officer. A court, through the fact-finding process, may determine a different guideline range to be correct and sentence within that range. Thus, a discrepancy between the sentence and the range indicated in the presentence report does not necessarily indicate a departure. Departure determination for cases in which the Report on the Sentencing Hearing was absent or inadequate were coded as missing.⁸⁴

Departure Rates

Sentences were within the guideline range established by the court in 75.3 percent (n=30,470) of the 40,442 cases for which a departure determination could be made (see accompanying box).⁸⁵

83 This assumption was tested in a previous USSC departure study analyzing a sample of cases sentenced between November 1, 1987, and March 31, 1989. A random 25-percent sample of cases for which no Report on the Sentencing Hearing was available, but for which the sentence fell within the range recommended by the probation officer, was further investigated by placing telephone calls to probation offices across the country. Of the 196 cases for which calls were made, none involved a departure from the guideline range. As a result, all such cases were considered within-range sentences for the purposes of that study as well as for the present report.

84 In 1,240 of the 42,107 cases in the Commission's 1993 dataset, no departure determination could be made due to absent or inadequate information. In 425 cases, departure determinations were not applicable because the cases had no analogous guidelines. Consequently, departure status was assessed in 40,442 cases.

85 The departure analysis employed here considers the probation, imprisonment, and confinement alternatives in relation to the guideline range established in Part A of Chapter Five. This analysis does not involve an assessment of the fine range established in Part E of Chapter Five. In addition, no assessment is made regarding terms of supervised release as established by Part D of Chapter Five.

In 16.9 percent of the cases (n=6,840), courts departed downward based on a motion by the government for a reduced sentence due to the defendant's substantial assistance to authorities. In another 6.6 percent of the cases (n=2,676), the court departed downward for other reasons. In 1.1 percent of the cases (n=456), the court departed upward, sentencing above the applicable guideline range.

the departure rate has increased from 1989 to 1993; this increase is almost completely accounted for by a steady rise in substantial assistance motions by the government.

Even though upward departures constitute only 1.1 percent of all cases in 1993, it is instructive to note the reasons given by district courts for these departures (see Table 64). The most fre-

DEPARTURE RATE

75.3%	Sentences Within Guideline Rate
16.9%	Sentences Below Guideline Range for Substantial Assistance on Motion of Government
6.6%	Sentences Below Guideline Range
1.1%	Sentences Above Guideline Range

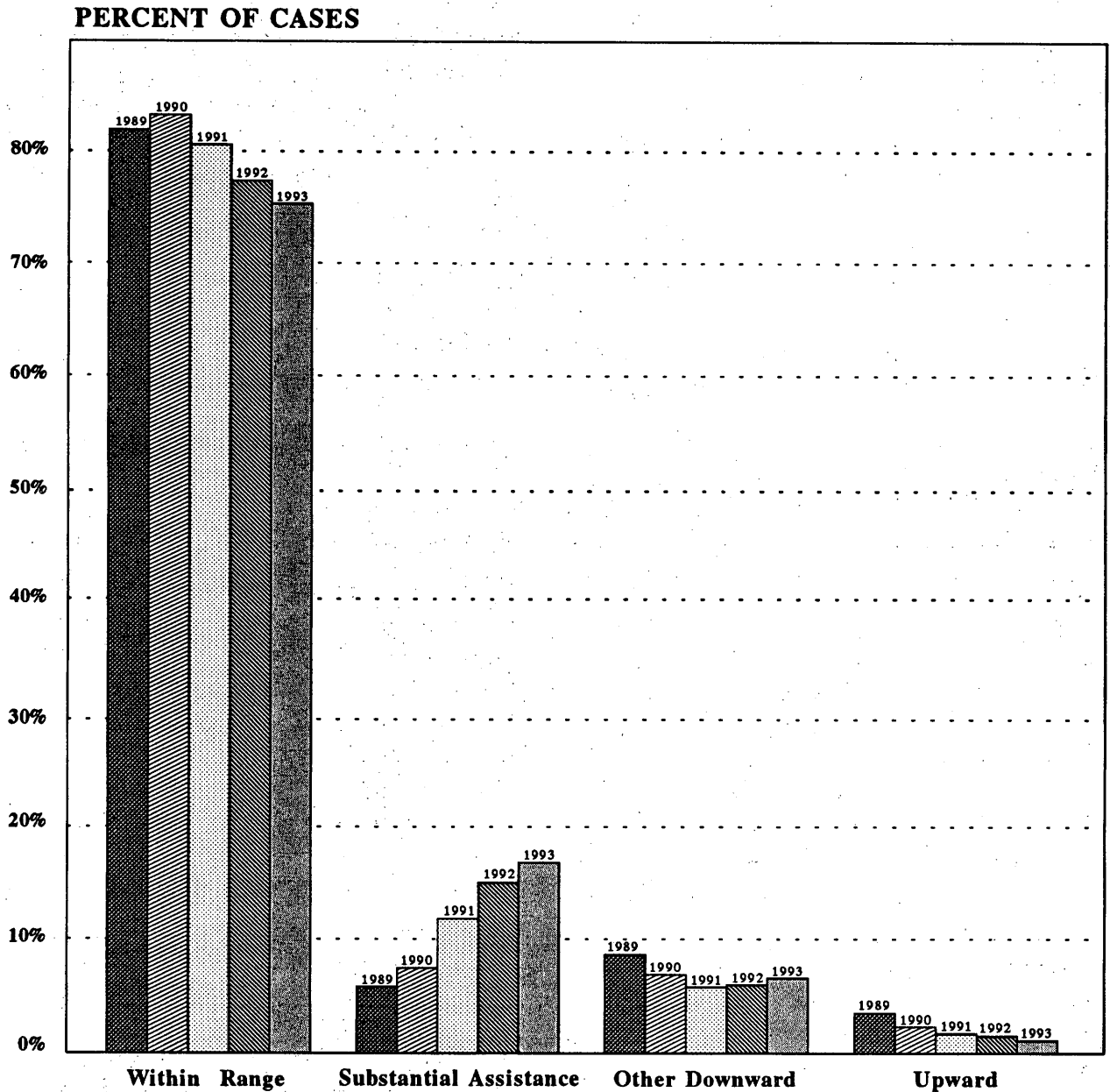
To understand the departure rate, note the effect of two particular statutes on guideline sentencing patterns. Congress, in 18 U.S.C. § 3553(e), authorized the court to impose a sentence below that required by a mandatory minimum statute "to reflect a defendant's substantial assistance in the investigation or prosecution of another person who has committed an offense." In addition, the Commission was instructed in 28 U.S.C. § 994(n) to "assure that the guidelines reflect the general appropriateness of imposing a lower sentence than would otherwise be imposed" for substantial assistance to authorities. Consequently, the Commission specifically addressed such sentence reductions in §5K1.1 of the guidelines.

The 1993 data show that the rate of departures for substantial assistance, varying markedly by judicial district, has increased nationally by 1.8 percentage points since 1992. This change accounts for 90 percent of the overall increase of the departure rate from 22.6 percent in 1992 to 24.6 percent in 1993. As displayed in Figure I,

quently cited reasons for departing upward include adequacy of criminal history in reflecting the offense seriousness (33.1%), risk of future conduct based on prior conduct or record (14.7%), and criminal purpose (7.2%).

Downward departures, on the other hand, constitute 23.5 percent of all cases sentenced in 1993 (16.9% for substantial assistance and 6.6% for other reasons). Table 65 provides district court reasons for downward departures. Substantial assistance upon motion of the government is a reason cited in 71.7 percent of the downward departures. Other reasons for downward departures include: pursuant to a plea agreement (6.5%), criminal history category overrepresenting defendant's involvement (3.9%), and family ties and responsibilities (2.3%).

Figure I
TYPE OF DEPARTURE BY SENTENCING YEAR¹
(January 19, 1989, through September 30, 1993)



¹Information for 1989 and 1990 is derived from a 25-percent random sample of cases. For 1991 - 1993, departure information represents all guideline cases for which complete court data is available. Additionally, 1989 information is for the calendar year (1/19/89 - 12/31/89); the Commission changed to a fiscal year format beginning in 1990. This change in reporting practice results in an overlap of case reporting from October 1989 through December 1989. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Monitoring Data Files.

Table 64

**REASONS GIVEN BY SENTENCING COURTS FOR
UPWARD DEPARTURES¹**
(October 1, 1992, through September 30, 1993)

<u>REASON</u>	<u>Number</u>	<u>Percent</u>
Criminal history category does not reflect seriousness	151	33.1
Risk of future conduct based on prior conduct or record	67	14.7
Criminal purpose	33	7.2
Weapons/dangerous instrumentalities	32	7.0
Pursuant to plea agreement	29	6.4
Large number of aliens	24	5.3
Extreme psychological injury	19	4.2
General aggravating circumstances	17	3.7
Nature or seriousness of the offense	17	3.7
Drug amount or drug purity	15	3.3
Extreme conduct	14	3.1
Guideline factors do not reflect offense seriousness	13	2.9
Public welfare	12	2.6
Several persons injured	12	2.6
Dangerous or inhumane treatment	12	2.6
Physical injury	12	2.6
Death	10	2.2
Monetary value does not reflect extent of harm	8	1.8
Ongoing nature of activity	7	1.5
Deterrence	6	1.3
Minors involved	5	1.1
Further obstruction of justice	5	1.1
Disruption of governmental function	5	1.1
Property damage or loss	4	0.9
Convictions on related counts	4	0.9
Untruthful testimony	4	0.9
Other	57	12.5

¹Based on 456 upward departure cases for which Reports on the Sentencing Hearing recorded an upward departure. Information on reasons was unavailable in 28 cases involving upward departures. Courts often provided more than one reason for departure; consequently, the percentage across all reasons for departure adds up to more than 100%. The "Other" category includes all reasons given less than four times among relevant cases.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Table 65

**REASONS GIVEN BY SENTENCING COURTS FOR
DOWNWARD DEPARTURES¹**
(October 1, 1992, through September 30, 1993)

<u>REASON</u>	<u>Number</u>	<u>Percent</u>
Substantial assistance	6,827	71.7
Pursuant to plea agreement	621	6.5
Criminal history category overrepresents the defendant's involvement	369	3.9
Family ties and responsibilities	215	2.3
Physical condition	188	2.0
Offense behavior was an isolated incident	178	1.9
Diminished capacity	133	1.4
General mitigating circumstances	123	1.3
Mule/Role in the offense	105	1.1
Mental and emotional conditions	93	1.0
Age	92	1.0
Acceptance of responsibility	87	0.9
Coercion and duress	79	0.8
No prior record/First offender	60	0.6
Rehabilitation	59	0.6
To put defendant's sentence in line with co-defendant	50	0.5
Adequate to meet the purposes of sentencing	43	0.5
Dollar amount	41	0.4
Cooperation motion unknown	39	0.4
Restitution	37	0.4
Lesser harm	35	0.4
Convictions on related counts	32	0.3
Previous employment record	30	0.3
Drug dependence or alcohol abuse	25	0.3
Cooperation without motion	24	0.3
Community ties	23	0.2
Currently receiving punishment under state/federal jurisdiction	23	0.2
Sufficient to meet the goals of punishment	21	0.2
Deterrence	21	0.2
Guidelines too high	21	0.2
Victim	21	0.2
Voluntary Disclosure (5K2.16)	20	0.2
Factors not taken into account by the Guidelines	17	0.2
Delay in prosecution/Evidentiary concerns	16	0.2
No reason given	15	0.2
Deportation	14	0.2
Defendants positive background/Good character	13	0.1
General Counseling/Treatment	12	0.1
First felony conviction — limited/minor prior record	12	0.1
Lack of youthful guidance	12	0.1
Military record	11	0.1
Not representative of the heartland	11	0.1
Risk of future conduct based on prior conduct or record	10	0.1
Other	212	2.2

¹Based on 9,516 downward departure cases for which Reports on the Sentencing Hearing recorded a downward departure. Information on reasons was unavailable in 185 cases involving downward departures. Courts often provided more than one reason for departure; consequently, the percentage across all reasons for departure adds up to more than 100%. The "Other" category includes all reasons given less than ten times among relevant cases.

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Within Guideline Range Sentences and Departures by Circuit and District

For 1993, as in past years, departure rates varied significantly among the 12 judicial circuits (see Table 66). The District of Columbia Circuit had the lowest aggregate departure rate at 15.9 percent, while the Third Circuit showed the highest departure rate at 39.2 percent. However, the Third Circuit's departure rate was influenced heavily by the Eastern District of Pennsylvania, which had the highest departure rate of any of the 94 judicial districts at 54.1 percent of all cases. It is noteworthy that 93.9 percent of Eastern Pennsylvania's departures came from downward departures based on a government motion that the defendant had substantially assisted in the investigation or prosecution of another criminally responsible individual. Arizona, Western North Carolina, and Northern Mariana Islands also had departure rates above 40 percent. Conversely, Eastern Virginia, Western Arkansas, Eastern Oklahoma, Western Michigan, the Virgin Islands, and Northern Indiana had departure rates below ten percent.

Table 66

GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT¹
(October 1, 1992, through September 30, 1993)

CIRCUIT District	SENTENCED WITHIN GUIDELINE RANGE			SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
	TOTAL	n	%	n	%	n	%	n	%
TOTAL	40,442	30,470	75.3	6,840	16.9	2,676	6.6	456	1.1
D.C. CIRCUIT	421	354	84.1	24	5.7	41	9.7	2	0.5
District of Columbia ²	421	354	84.1	24	5.7	41	9.7	2	0.5
FIRST CIRCUIT	1,077	831	77.2	165	15.3	60	5.6	21	2.0
Maine	139	119	85.6	8	5.8	9	6.5	3	2.2
Massachusetts	348	216	62.1	95	27.3	32	9.2	5	1.4
New Hampshire	106	78	73.6	22	20.8	5	4.7	1	0.9
Puerto Rico	353	301	85.3	35	9.9	10	2.8	7	2.0
Rhode Island	131	117	89.3	5	3.8	4	3.1	5	3.8
SECOND CIRCUIT	3,634	2,388	71.2	355	15.3	454	12.5	37	1.0
Connecticut	259	160	61.8	17	6.6	78	30.1	4	1.5
New York									
Eastern	1,444	988	68.4	246	17.0	196	13.6	14	1.0
Northern	356	252	70.8	85	23.9	15	4.2	4	1.1
Southern	1,100	831	75.6	148	13.5	114	10.4	7	0.6
Western	339	257	75.8	44	13.0	34	10.0	4	1.2
Vermont	136	100	73.5	15	11.0	17	12.5	4	2.9
THIRD CIRCUIT	2,478	1,506	60.8	857	34.6	104	4.2	11	0.4
Delaware	83	71	85.5	8	9.6	3	3.6	1	1.2
New Jersey	542	368	67.9	148	27.3	25	4.6	1	0.2
Pennsylvania									
Eastern	1,094	502	45.9	556	50.8	29	2.7	7	0.6
Middle	280	195	69.6	65	23.2	20	7.1	0	0.0
Western	322	225	69.9	69	21.4	26	8.1	2	0.6
Virgin Islands	157	145	92.4	11	7.0	1	0.6	0	0.0
FOURTH CIRCUIT	4,495	3,460	77.0	821	18.3	171	3.8	43	1.0
Maryland	324	237	73.2	54	16.7	31	9.6	2	0.6
North Carolina									
Eastern	438	319	72.8	97	22.2	13	3.0	9	2.1
Middle	349	253	72.5	83	23.8	10	2.9	3	0.9
Western	587	287	48.9	280	47.7	17	2.9	3	0.5
South Carolina	866	689	79.6	152	17.6	23	2.7	2	0.2
Virginia									
Eastern	1,024	940	91.8	43	4.2	29	2.8	12	1.2
Western	302	216	71.5	59	19.5	22	7.3	5	1.7
West Virginia									
Northern	210	178	84.8	24	11.4	4	1.9	4	1.9
Southern	395	341	86.3	29	7.3	22	5.6	3	0.8

CIRCUIT	District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
			n	%	n	%	n	%	n	%
FIFTH CIRCUIT		5,318	4,243	79.8	764	14.4	231	4.3	80	1.5
	Louisiana									
	Eastern	462	401	86.8	36	7.8	21	4.6	4	0.9
	Middle	74	56	75.7	11	14.9	6	8.1	1	1.4
	Western	269	210	78.1	45	16.7	11	4.1	3	1.1
	Mississippi									
	Northern	150	109	72.7	21	14.0	17	11.3	3	2.0
	Southern	277	220	79.4	39	14.1	17	6.1	1	0.4
	Texas									
	Eastern	410	344	83.9	21	5.1	39	9.5	6	1.5
	Northern	937	709	75.7	173	18.5	34	3.6	21	2.2
	Southern	1,358	1,072	78.9	232	17.1	43	3.2	11	0.8
	Western	1,381	1,122	81.3	186	13.5	43	3.1	30	2.2
SIXTH CIRCUIT		4,005	3,045	76.0	715	17.9	200	5.0	45	1.1
	Kentucky									
	Eastern	321	251	78.2	56	17.5	9	2.8	5	1.6
	Western	429	361	84.2	39	9.1	25	5.8	4	0.9
	Michigan									
	Eastern	915	692	75.6	156	17.1	43	4.7	24	2.6
	Western	209	191	91.4	10	4.8	7	3.4	1	0.5
	Ohio									
	Northern	625	480	76.8	91	14.6	49	7.8	5	0.8
	Southern	518	324	62.6	174	33.6	19	3.7	1	0.2
	Tennessee									
	Eastern	376	282	75.0	81	21.5	12	3.2	1	0.3
	Middle	177	138	78.0	26	14.7	11	6.2	2	1.1
	Western	435	326	74.9	82	18.9	25	5.8	2	0.5
SEVENTH CIRCUIT		2,238	1,858	83.0	287	12.8	72	3.2	21	0.9
	Illinois									
	Central	250	193	77.2	51	20.4	2	0.8	4	1.6
	Northern	764	663	86.8	79	10.3	22	2.9	0	0.0
	Southern	317	257	81.1	54	17.0	4	1.3	2	0.6
	Indiana									
	Northern	243	220	90.5	9	3.7	12	4.9	2	0.8
	Southern	200	144	72.0	40	20.0	13	6.5	3	1.5
	Wisconsin									
	Eastern	318	255	80.2	42	13.2	16	5.0	5	1.6
	Western	146	126	86.3	12	8.2	3	2.1	5	3.4
EIGHTH CIRCUIT		2,355	1,821	77.3	378	16.1	135	5.7	21	0.9
	Arkansas									
	Eastern	237	197	83.1	30	12.7	9	3.8	1	0.4
	Western	166	157	94.6	1	0.6	8	4.8	0	0.0
	Iowa									
	Northern	136	100	73.5	24	17.7	9	6.6	3	2.2
	Southern	115	101	87.8	8	7.0	6	5.2	0	0.0
	Minnesota	357	257	72.0	70	19.6	26	7.3	4	1.1
	Missouri									
	Eastern	333	267	80.2	48	14.4	17	5.1	1	0.3
	Western	448	300	67.0	126	28.1	19	4.2	3	0.7
	Nebraska	256	187	73.1	47	18.4	21	8.2	1	0.4
	North Dakota	129	99	76.7	16	12.4	12	9.3	2	1.6
	South Dakota	178	156	87.6	8	4.5	8	4.5	6	3.4

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
NINTH CIRCUIT	6,970	5,126	73.5	915	13.1	821	11.8	108	1.6
Alaska	122	103	84.4	11	9.0	8	6.6	0	0.0
Arizona	1210	643	53.1	158	13.1	392	32.4	17	1.4
California									
Central	930	833	89.6	47	5.1	43	4.6	7	0.8
Eastern	561	477	85.0	53	9.5	26	4.6	5	0.9
Northern	236	185	78.4	33	14.0	18	7.6	0	0.0
Southern	1,768	1,178	66.6	365	20.6	175	9.9	50	2.8
Guam	90	79	87.8	7	7.8	2	2.2	2	2.2
Hawaii	226	145	64.2	67	29.7	5	2.2	9	4.0
Idaho	60	48	80.0	4	6.7	6	10.0	2	3.3
Montana	172	142	82.6	12	7.0	15	8.7	3	1.7
Nevada	426	373	87.6	23	5.4	27	6.3	3	0.7
Northern Mariana Islands	7	4	57.1	3	42.9	0	0.0	0	0.0
Oregon	476	396	83.2	30	6.3	48	10.1	2	0.4
Washington									
Eastern	258	218	84.5	18	7.0	20	7.8	2	0.8
Western	428	302	70.6	84	19.6	36	8.4	6	1.4
TENTH CIRCUIT	2,203	1,738	78.9	244	11.1	199	9.0	22	1.0
Colorado	399	281	70.4	87	21.8	28	7.0	3	0.8
Kansas	298	249	83.6	22	7.4	20	6.7	7	2.4
New Mexico	578	455	78.7	36	6.2	82	14.2	5	0.9
Oklahoma									
Eastern	43	39	90.7	2	4.7	2	4.7	0	0.0
Northern	167	137	82.0	14	8.4	14	8.4	2	1.2
Western	300	263	87.7	21	7.0	14	4.7	2	0.7
Utah	276	212	76.8	32	11.6	30	10.9	2	0.7
Wyoming	142	102	71.8	30	21.1	9	6.3	1	0.7
ELEVENTH CIRCUIT	5,248	3,900	74.3	1,115	21.3	188	3.6	45	0.9
Alabama									
Middle	228	177	77.6	44	19.3	5	2.2	2	0.9
Northern	290	213	73.5	71	24.5	6	2.1	0	0.0
Southern	433	306	70.7	114	26.3	6	1.4	7	1.6
Florida									
Middle	1,209	826	68.3	333	27.5	43	3.6	7	0.6
Northern	402	247	61.4	140	34.8	13	3.2	2	0.5
Southern	1,483	1,228	82.8	204	13.8	43	2.9	8	0.5
Georgia									
Middle	312	246	78.9	44	14.1	16	5.1	6	1.9
Northern	656	500	76.2	103	15.7	43	6.6	10	1.5
Southern	235	157	66.8	62	26.4	13	5.5	3	1.3

¹ Of the 42,107 guideline cases, 425 were not applicable (*i.e.*, no analogous guidelines) and 1,240 were missing departure information. Districts for which the departure information is missing in five percent or more of the cases received included: Central California (22.0%), Alaska (13.6%), Northern Mariana Islands (12.5%), Eastern New York (10.4%), Southern California (8.6%), Northern Illinois (8.0%), Northern California (6.3%), Southern New York (6.1%), Eastern Virginia (5.9%), and Middle Tennessee (5.8%). Descriptions of variables used in this table are provided in Appendix A.

² Subsequent to closure of the MONFY93 dataset, the District of Columbia forwarded additional relevant cases to the Commission that would have resulted in the following departure statistics: Sentenced Within Guideline Range — 354 of 428 cases (82.7%); Substantial Assistance Departure — 31/428 (7.2%); Other Downward Departure — 41/428 (9.6%); and Upward Departure — 2/428 (0.5%).

SOURCE: U.S. Sentencing Commission, 1993 Data File, MONFY93.

Judicial Discretion Under the Guidelines

The guidelines provide for the exercise of judicial discretion at numerous points in the sentencing process, from deciding facts to accepting plea agreements to selecting the guideline sentence. Departing from the guideline range or selecting a particular point within the applicable range provides empirical examples of judicial discretion under the guidelines.

Table 67 presents departures and relative sentence location for cases sentenced within the guideline range by type of offense.⁸⁶ For most offense categories, the largest proportion of cases received a sentence at the lowest quarter of their available ranges, while the smallest proportion of cases was placed in the third quarter. The somewhat higher proportion of cases in the fourth quarter of the range could reflect serious violent offenses and career offender considerations.

Different discretionary patterns emerge from the review of sentence location for specific offense types. Drug trafficking offenses, for example, had the highest downward departure rate due to substantial assistance (33.6%), and a high concentration of cases sentenced within the first quarter of the range (42.4%). Firearms offenses had low downward departure and substantial assistance rates (10.1% and 10.8%, respectively), with 41.0 percent of the cases placed in the first quarter of the guideline range and 16.7 percent in the fourth quarter. Gambling/lottery defendants, in comparison, received downward departures in 7.2 percent and substantial assistance departures in another 12.7 percent of the cases, with 68.1 percent sentenced in the lowest quar-

ter of the guideline range, only 1.8 percent in the highest quarter.

⁸⁶ Statistics in this section are based on a smaller number of cases than in the previous departure tables because only cases with available information on guideline ranges, as determined by the court, are included in the analysis. Guideline ranges reflect adjustments to the range based on mandatory minimums and statutory maximums applicable to the case.

Table 67

POSITION OF SENTENCE RELATIVE TO GUIDELINE RANGE BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1992, through September 30, 1993)

PRIMARY OFFENSE	TOTAL	DOWNWARD DEPARTURE		SUBSTANTIAL ASSISTANCE DEPARTURE		FIRST QUARTER of RANGE		SECOND QUARTER of RANGE		THIRD QUARTER of RANGE		FOURTH QUARTER of RANGE		UPWARD DEPARTURE	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Murder	43	2	4.7	5	11.6	17	39.5	2	4.7	2	4.7	8	18.6	7	16.3
Manslaughter	42	5	11.9	2	4.8	9	21.4	6	14.3	1	2.4	12	28.6	7	16.7
Kidnapping/Hostage-Taking	32	8	25.0	4	12.5	3	9.4	2	6.3	2	6.3	10	31.3	3	9.4
Sexual Abuse	135	11	8.2	0	0.0	35	25.9	34	25.2	9	6.7	35	25.9	11	8.2
Assault	299	39	13.0	6	2.0	118	39.5	44	14.7	24	8.0	60	20.1	8	2.7
Robbery	1,375	133	9.7	166	12.1	565	41.1	174	12.7	89	6.5	202	14.7	46	3.4
Arson	79	11	13.9	12	15.2	26	32.9	11	13.9	5	6.3	10	12.7	4	5.1
Drugs - Trafficking	14,372	1,111	7.7	4,823	33.6	6,095	42.4	1,064	7.4	417	2.9	802	5.6	60	0.4
Drugs - Communication Facility	148	25	16.9	47	31.8	48	32.4	6	4.1	5	3.4	13	8.8	4	2.7
Drugs - Simple Possession	471	10	2.1	13	2.8	296	62.9	39	8.3	20	4.3	56	11.9	37	7.9
Firearms	2,425	246	10.1	262	10.8	994	41.0	322	13.3	137	5.7	406	16.7	58	2.4
Burglary/B&E	61	1	1.6	9	14.8	22	36.1	16	26.2	1	1.6	10	16.4	2	3.3
Auto Theft	257	7	2.7	23	9.0	124	48.3	46	17.9	9	3.5	43	16.7	5	2.0
Larceny	2,488	131	5.3	135	5.4	1,577	63.4	262	10.5	94	3.8	253	10.2	36	1.5
Fraud	4,631	378	8.2	607	13.1	2,331	50.3	564	12.2	187	4.0	507	11.0	57	1.2
Embezzlement	764	77	10.1	28	3.7	544	71.2	67	8.8	16	2.1	30	3.9	2	0.3
Forgery/Counterfeiting	772	25	3.2	73	9.5	440	57.0	99	12.8	36	4.7	93	12.1	6	0.8
Bribery	172	16	9.3	47	27.3	77	44.8	15	8.7	2	1.2	14	8.1	1	0.6
Tax	679	30	4.4	62	9.1	431	63.5	71	10.5	26	3.8	56	8.3	3	0.4
Money Laundering	803	79	9.8	203	25.3	349	43.5	65	8.1	36	4.5	68	8.5	3	0.4
Racketeering/Extortion	313	40	12.8	87	27.8	91	29.1	31	9.9	18	5.8	28	9.0	18	5.8
Gambling/Lottery	166	12	7.2	21	12.7	113	68.1	14	8.4	2	1.2	3	1.8	1	0.6
Civil Rights	92	2	2.2	12	13.0	57	62.0	9	9.8	4	4.4	6	6.5	2	2.2
Immigration	1,379	99	7.2	19	1.4	590	42.8	238	17.3	133	9.6	248	18.0	52	3.8
Pornography/Prostitution	69	15	21.7	2	2.9	25	36.2	15	21.7	4	5.8	5	7.3	3	4.4
Prison Offenses	223	23	10.3	18	8.1	90	40.4	40	17.9	10	4.5	38	17.0	4	1.8
Administration of Justice Offenses	628	64	10.2	67	10.7	321	51.1	67	10.7	29	4.6	71	11.3	9	1.4
Environmental/Wildlife	126	8	6.4	14	11.1	85	67.5	13	10.3	1	0.8	5	4.0	0	0.0
National Defense	51	17	33.3	14	27.5	17	33.3	1	2.0	2	3.9	0	0.0	0	0.0
Antitrust	38	5	13.2	4	10.5	13	34.2	12	31.6	1	2.6	3	7.9	0	0.0
Food & Drug	59	9	15.3	4	6.8	37	62.7	5	8.5	0	0.0	1	1.7	3	5.1
Other Miscellaneous Offenses	453	36	8.0	45	9.9	288	63.6	28	6.2	10	2.2	42	9.3	4	0.9

¹Of the 42,107 guideline cases, the Commission received complete guideline application data on information in this table for 35,635. Of these 35,635 cases, 156 were excluded due to one or more of the following conditions: missing primary offense category (21), missing guideline range information (43), missing sentencing information (47), missing departure information (39), or missing statutory information (11). Additionally, 1,834 cases were excluded for the purposes of statistical analysis due to several logical criteria other than missing information. These criteria and general descriptions of variables used in this table are provided in Appendix A.

Organization Defendants

Organizational Sentencing Practices

Sentencing guidelines for organizations convicted of federal offenses became effective November 1, 1991.⁸⁷ Unlike sentencing of individual defendants where judges can impose one or more of three primary sanctions — imprisonment, fine, and probation — organizational defendants, due to their nature, cannot be imprisoned. Consequently, the organizational guidelines provide to sentencing courts guidance in fashioning financial sanctions and probation sentences for convicted organizational offenders.

The Chapter Eight guidelines provide incentives for organizations that self-police and self-report criminal conduct, but they mandate high fines for organizations without any meaningful program to prevent and detect criminal violations or in which management was involved in the offense. The guidelines take into account the potential range of organizational culpability, from an offense committed by a low-level employee in contravention of clearly communicated and vigorously enforced corporate policy to an offense committed by an organization solely created for criminal purposes. Regardless of organizational culpability, the guidelines require full restitution to compensate victims for any harm and disgorgement of illegal gains from criminal activity to ensure that organizations will not profit from their illegal activity.

While the guidelines are applicable to all organizational defendants, their fine provisions (Chapter Eight, Part C) are primarily applicable to offenses for which pecuniary loss or harm can be more readily quantified (*e.g.*, fraud, theft, and tax violations). The fine provisions also apply to some offenses for which pecuniary loss or harm is not readily quantified, but for which the Commission was able to identify other reasonably calculable measures of offense seriousness. These latter offenses include antitrust violations, money laundering, and money transaction offenses. Based on a study of past sentencing practices, the Commission has estimated that approximately 80 percent of the federal offenses typically committed by organizations are covered by the fine guidelines.⁸⁸

When the Commission began developing the sentencing guidelines for organizations, no comprehensive database of past sentencing practices for organizations was available. Consequently, the Commission conducted extensive empirical research of the federal courts' organizational sentencing practices, collecting information on more than 80 relevant variables from 774 organizations and associated individual defendants sentenced from 1988 through 1990. Additionally, the Commission gathered data related to the sentencing of 1,226 organizations for non-antitrust offenses from 1984 through 1987 to study types of organizational offenses and offenders prosecuted in the federal courts, sentences imposed, and factors that may have influenced fine levels.⁸⁹

87 See *Guidelines Manual*, Chapter Eight, "Sentencing of Organizations."

88 Prior to November 1, 1991, §2R1.1 provided fines for organizations convicted of antitrust violations.

89 See United States Sentencing Commission, *Supplemental Report on Sentencing Guidelines for Organizations* (1991).

This study of organizational sentencing practices revealed that a very small proportion of the federal criminal caseload involved organizational defendants. Of more than 40,000 criminal cases sentenced in federal court each year, fewer than 400 involve organizational defendants. Many of these cases typically involve frauds or market allocation agreements that require lengthy investigation before a case is charged. In addition, even though the Chapter Eight guidelines took effect on November 1, 1991 (and according to statute should be applied to all sentencings that occur on or after that date), the Department of Justice has instructed its prosecutors, in light of relevant court decisions, to apply the guidelines only to offenses that occur on or after November 1, 1991. Therefore, consistent with the Commission's expectations, the majority of organizational defendants in 1993 were sentenced under pre-guideline rules. Since November 1, 1991, 50 organizational defendants have been sentenced pursuant to the organizational guidelines; Chapter Eight's fine provisions were applicable in 68 percent (n=34) of these cases.

In response to its statutory mandate to collect systematically and disseminate information concerning sentences actually imposed, the Commission developed a data collection module for organizational defendants sentenced pursuant to the guidelines. Like the data collection system for individuals, the module for organizational defendants captures information describing the defendant's identity; the charging, plea, and sentencing documents received by the Commission; the offense of conviction; the mode of adjudication; and the sanctions imposed. Additionally,

the organizational module records information describing organization structure, size, economic viability, and application of the Chapter Eight guidelines.⁹⁰

During 1994, the Commission intends to expand the scope of the data collection module for organizational defendants to parallel the data collection system for individuals. For example, the module will be augmented to capture guideline application factors like the base offense level and specific offense characteristics.

Offense Characteristics

As part of its previous studies on organizational defendants, the Commission found that from January 1, 1988, through June 30, 1990, fraud was the primary offense for which organizations were most often convicted (32% or 247 of the 774 cases). Other offenses include antitrust violations (23%, n=179), environmental offenses (10%, n=77), and tax violations (7%, n=57).

In the 50 cases sentenced under the Chapter Eight guidelines since November 1, 1991, fraud continued to be the most frequent organizational offense, accounting for 36 percent (n=18) of the cases sentenced. Environmental offenses (12%, n=6) and tax violations (12%, n=6) constituted the next largest proportions of cases sentenced.⁹¹ Table 68 lists the primary offense type for organizational defendants sentenced under Chapter Eight of the guidelines through fiscal year 1993.

90 The datafile describing organizational defendants, with individual identifiers deleted, is available through the Inter-University Consortium for Political and Social Research at the University of Michigan.

91 Antitrust offenders also constitute a significant proportion of sentencing events. However, the majority of these organizational defendants continue to be sentenced pursuant to both pre-guideline practice and the pre-November 1, 1991, fine provisions of §2R1.1.

Table 68

**ORGANIZATIONS SENTENCED PURSUANT TO
CHAPTER EIGHT BY PRIMARY OFFENSE CATEGORY
(November 1, 1991, through September 30, 1993)**

PRIMARY OFFENSE	Number	Percent
TOTAL	50	100
Antitrust	5	10
Civil Rights	1	2
Copyright Infringement	1	2
Drugs	3	6
Environmental/Waste Discharge	5	10
Environmental/Wildlife & Conservation	1	2
Export Violations	1	2
Food and Drug	2	4
Fraud	18	36
Larceny	1	2
Money Laundering	5	10
Tax	6	12
Other	1	2

SOURCE: United States Sentencing Commission, Organizational Defendants, 1993.

Offender Characteristics

The Commission's previous research indicates that from January 1, 1988, through June 30, 1990, 90 percent (n=649) of the 774 organizations sentenced in federal court involved closely held organizations.⁹² Consequently, an owner or a top executive was often convicted along with the organization in 57 percent (n=375) of the cases involving organizational defendants.⁹³

The data indicate that from November 1, 1991, through fiscal year 1993, 96 percent (n=47) of the cases sentenced pursuant to Chapter Eight involved closely held organizations.⁹⁴ An owner or a top executive was convicted in 72 percent (n=36) of the cases involving organizational defendants. Approximately 88 percent (n=29) of the organizations sentenced employed fewer than 50 persons.⁹⁵

Culpability Score

The culpability score is an essential element in determining the guideline fine range. It is an index of six factors that assess the organization's blameworthiness with respect to the commission of, and the organization's response to, the offense. Points are added to the culpability score based on:

- the extent to which higher-echelon personnel, as defined in the guidelines, were involved in or cognizant of the criminal activity;

- whether the organization had a history of similar violations and the recency of the violation;
- whether the organization violated a judicial or administrative order or a condition of probation; and
- whether the organization obstructed the official investigation, prosecution, or sentencing of the instant offense.

Points are subtracted from the culpability score based on:

- whether the organization had in place, prior to the offense, an effective program to prevent and detect violations of law; and
- whether the organization self-reported the violation to appropriate authorities, cooperated with the official investigation, or accepted responsibility for the offense.

The data indicate that from November 1, 1991, through fiscal year 1993, the only culpability score factors used with regularity were: (1) the enhancement for "Involvement in or Tolerance of Criminal Activity" and (2) the reduction for "Self-Reporting, Cooperation, or Acceptance of Responsibility." Of the cases in which the fine guidelines were applied, 52 percent (n=16) received an enhancement for "Involvement in or Tolerance of Criminal Activity" and 90 percent (n=28) received a reduction for "Self-Reporting, Cooperation, or Acceptance of Responsibility." With regard to this latter adjustment, one organi-

92 Fifty-four cases were excluded due to missing information.

93 Due to missing information, 111 cases were excluded from the 774.

94 One case of 50 was excluded due to missing information.

95 Due to missing information, 17 cases of 50 were excluded.

zation received the full five-point reduction for self-reporting, cooperating, and accepting responsibility; 23 received a two-point adjustment for cooperating and accepting responsibility; and four received a one-point reduction for accepting responsibility.

Other culpability factors used were "Prior History" (two cases received an enhancement) and "Effective Program to Prevent and Detect Violations of Law" (one case received the reduction). Table 69 details the application of these culpability factors.

Table 69

**ORGANIZATIONS SENTENCED PURSUANT TO
CHAPTER EIGHT: CULPABILITY FACTORS¹
(November 1, 1991, through September 30, 1993)**

Involvement in or Tolerance of Criminal Activity	Number	Percent
Involvement of high-level personnel or pervasive tolerance by substantial authority personnel in an organization of 200 or more employees	1	3
Involvement of substantial authority personnel in an organization of 50 or more employees	4	13
Involvement of substantial authority personnel in an organization of ten or more employees	11	35
No involvement of substantial authority personnel or involvement of substantial authority personnel in an organization of fewer than ten employees	15	48
TOTAL	31	100

Prior History	Number	Percent
Organization had a history of: <ul style="list-style-type: none"> • one similar criminal violation, or • two similar administrative violations within five years of the instant offense	1	3
Organization had a history of: <ul style="list-style-type: none"> • one similar criminal violation, or • two similar administrative violations within ten years of the instant offense	1	3
Organization had no prior record	29	94
TOTAL	31	100

Violation of an Order	Number	Percent
Organization did not violate an order	31	100
TOTAL	31	100

Obstruction of Justice	Number	Percent
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Effective Program to Prevent and Detect Violations of Law	Number	Percent
Organization had an effective program	1	3
Organization did not have an effective program	30	97
TOTAL	31	100

Self-Reporting, Cooperation, and Acceptance of Responsibility	Number	Percent
Self-reported offense	1	3
Cooperated with investigation	23	74
Accepted responsibility	4	13
Organization did not self-report the offense, cooperate with the investigation, or accept responsibility	3	10
TOTAL	31	100

Sanctions Imposed

From November 1, 1991, through fiscal year 1993, 68 percent (n=34) of the defendants sentenced pursuant to the Chapter Eight guidelines received a sentence that included a criminal fine. The average fine imposed on these defendants was \$113,775 (median \$17,000). The imposed fines were higher for the 25 organizations sentenced for offenses for which the fine guidelines were applicable than for the nine organizations sentenced for offenses for which the fine guidelines were not applicable. The average fine imposed on the organizations subject to fine guidelines was \$133,350 (median \$10,000) whereas the average fine imposed on the nine organizations not subject to the fine guidelines was \$59,400 (median \$50,000). Table 70 describes the fines imposed by primary offense type.

In addition, 64 percent (n=32) of the defendants sentenced pursuant to the Chapter Eight guidelines received a sentence that included probation. This is a generally expected increase over past practice which, for the period January 1, 1988, through June 30, 1990, showed only 21 percent of federal organizational defendants receiving probation, according to Commission research.

Organizations Sentenced Pursuant to the Antitrust Guideline

Prior to November 1, 1991, sentencing guidelines were inapplicable to all convicted organizations except antitrust violators (see U.S.S.C. §2R1.1 (1987)). This guideline provided for a fine range equal to 20-to-50 percent of the volume of commerce affected by the offense. From the inception of the guidelines on November 1, 1987, through fiscal year 1993, 50 organiza-

The data indicate that 96 percent (n=48) of the organizational defendants sentenced under the antitrust guideline's fine provisions received a sentence that included a criminal fine. In these cases, the average fine imposed was \$590,348 (median \$300,000). Table 71 displays the fines imposed by the volume of commerce attributable to the organizational defendant. Table 71 indicates that, consistent with guideline instruction, fines imposed generally increased as the volume of commerce attributable to the defendant increased.

In addition to the fines imposed, the sentences of 38 percent (n=19) of the organizational defendants sentenced pursuant to §2R1.1 included probation.

Table 70

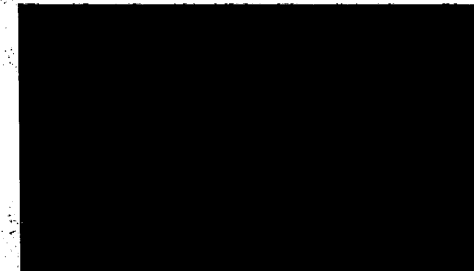
**ORGANIZATIONS SENTENCED PURSUANT TO
CHAPTER EIGHT: FINE IMPOSED BY PRIMARY OFFENSE TYPE
(November 1, 1991, through September 30, 1993)**

Primary Offense Type	Total Sentenced	Number Fined	Percent Fined	Mean	Median
TOTAL	50	34	68	\$113,775	\$17,000
Antitrust	5	5	100	\$242,288	\$135,000
Civil Rights	1	1	100	\$3,200	--
Copyright Infringement	1	1	100	\$5,000	--
Drugs	3	1	33	\$29,866	\$25,000
Environmental/Waste Discharge	5	4	80	\$56,250	\$57,500
Environmental/Wildlife & Conservation	1	1	100	\$5,000	--
Export Violations	1	1	100	\$50,000	--
Food and Drug	2	1	50	\$175,000	--
Fraud	18	9	50	\$106,967	\$7,829
Larceny	1	0	0	--	--
Money Laundering	5	2	40	\$10,850	--
Tax	6	5	83	\$8,300	\$7,500
Other	1	1	100	\$1,078,713	--

Table 71

**ORGANIZATIONS SENTENCED PURSUANT TO THE
ANTITRUST GUIDELINE: FINE IMPOSED BY VOLUME OF COMMERCE
(November 1, 1987, through September 30, 1993)**

Volume of Commerce Attributable to Offense	Total Sentenced	Number Fined	Percent Fined	Mean	Median
TOTAL	50	48	96	\$590,348	\$300,000
Less than \$400,000	8	7	88	\$62,857	\$50,000
More than \$400,000	6	5	83	\$170,000	\$150,000
More than \$1,000,000	5	5	100	\$221,245	\$200,000
More than \$2,500,000	5	5	100	\$990,000	\$1,000,000
More than \$6,250,000	12	12	100	\$403,333	\$337,500
More than \$15,000,000	9	9	100	\$1,562,778	\$400,000
Missing	5	5	100	\$417,100	\$450,000



Sentencing Appeals

Introduction

Prior to 1987, trial judges could exercise broad discretion in sentencing federal criminal defendants, and sentences imposed within the statutory limits could not be appealed except under extraordinary circumstances.⁹⁶ Generally, a sentence was subject to review only for constitutional or statutory violations⁹⁷ or under statutes that specifically permitted either the defendant or the government to seek review.⁹⁸ However, with the passage of the Sentencing Reform Act,⁹⁹ Congress authorized appellate review of guideline sentences imposed: (1) in violation of law; (2) as a result of an incorrect application of the sentencing guidelines; (3) as a departure from the applicable guideline range or from a plea agreement; or (4) for an offense for which there is no sentencing guideline and is plainly unreasonable.¹⁰⁰ The result of this authorization, not surprisingly, was a substantial increase in the number of federal criminal appeals.

In its 1991 evaluation report to Congress, the Commission included data from the Administrative Office of the U.S. Courts (AO) that represented the known population of criminal appeals from November 1987 to December 1990.¹⁰¹ The report also presented results from a Commission

study of a sample of appealed guideline cases designed to obtain more detailed information about the nature of these appeals. Because of continuing interest among policymakers to understand the nature and impact of sentence appellate review as authorized by the Sentencing Reform Act, the Commission subsequently sought to develop its own appeals database to complement the existing limited empirical data. In addition, the Commission's appeals database provides a means of tracking individual cases beyond the initial sentencing to include appellate disposition if the case was appealed.

During 1992 and 1993, the Commission developed and pretested a data collection system to track appellate review of sentencing decisions. This *Annual Report* summarizes information from this growing database.

Information Collection and Compilation

Pursuant to its general authority at 28 U.S.C. § 995(a)(8), the Commission requested from the Clerk of the Court in each court of appeals final opinions and orders, both published and unpublished, in all criminal appeals. The Commission also requested *habeas corpus* decisions (although technically civil matters) because such cases often involve sentencing issues. Since the inception of the appeals database, the Commission has received information on 6,078 cases.¹⁰²

96 William W. Wilkins, Jr., *The Fourth Circuit Review: Sentencing Reform and Appellate Review*, 46 Washington and Lee L. Rev. 429, 430-431 (1989).

97 *Id.* at 430, 431-432.

98 *Id.* at 430; *see, for example*, 18 U.S.C. § 3575, 3576 (1970) (repealed by the Sentencing Reform Act, Pub. L. No. 98-473, § 212(a)(2), 98 Stat. 1987 (1984), effective November 1, 1986).

99 Pub. L. No. 98-473, 98 Stat. 1987 (codified as amended at 18 U.S.C. §§ 3551-3586 (1985)).

100 18 U.S.C. § 3742.

101 U.S. Sentencing Commission, *The Federal Sentencing Guidelines: A Report on the Operation of the Guidelines*

The development and operation of the appeals database involved a collaborative effort of the Commission's Legal, Monitoring, and Policy Analysis staffs. The unique structure of the database involves both monitoring information¹⁰³ and legal analysis. In general, the data input process begins with the Monitoring staff entering identifying information about each appealed case, including defendant name, appellate and district court docket numbers, date of opinion, and judges who heard the appeal. Legal staff then analyze and code the particular legal issues before the appellate court, the party raising each issue, and the court dispositions.

The system uses both the "case" and the "defendant" units of analysis. Each "case" comprises individual records representing all co-defendants participating in a consolidated appeal. Each defendant's record comprises the sentencing-related issues corresponding to that particular defendant. These records, linked together by a unique Commission-assigned appeals identification number, constitute a single case. Structuring the database on two units of analysis provides the flexibility to assess the number and types of sentencing issues decided at the appellate level. At the same time, this method enables the Commission to track cases by individual defendant and is consistent with the Commission's other data collection modules and with modules of the AO.

The appeals database attempts to match each defendant named in an appeal with information in the Commission's monitoring database that tracks district court sentencing decisions. A positive match enables the Commission to continue tracking federal criminal defendants beyond the initial sentencing. The current appeals database defendant match-rate to monitoring data for cases involving only sentencing or sentencing and conviction issues is 92 percent.¹⁰⁴

Because the database is, in part, a defendant-based system, the issues represented in each record correspond to the defendant who raised the issue on appeal or, in the case of a government cross appeal, to the defendant against whom the issue was raised. Each record includes the chapter and section number of the guideline appealed or, in the case of a general challenge, the type of constitutional or statutory issue involved as well as the circuit court's disposition of the issue. After all issues are entered, the case disposition is coded, and the record is subject to quality control.

Potential Utility of Appeals Information

Data from the appeals database can be used in a number of ways. For example, suppose the Commission, for its own use or to respond to an inquiry from Congress, wished to evaluate the operation of the career offender guideline.¹⁰⁵

22, 1993, were analyzed in this first year of reporting on appeals cases. In future reports, the Commission plans to analyze appeals data on a fiscal-year basis.

103 In general, the Commission's monitoring datafile contains information about the identity of each criminal defendant, the type of offense(s) committed, and the determination of the guideline sentence imposed. The appeals database incorporates monitoring information on statutes of conviction, the original sentence imposed, the sentencing district, and the name of the sentencing judge.

United States Sentencing Commission

Specifically, the Commission might desire information about the frequency with which courts have departed below the career offender provisions of the guidelines and the courts' reasons for such departures, the frequency with which the government appealed those downward departures, and the dispositions of those appeals. The first important piece of this information — the frequency of district court downward departures — is currently available from the Commission's district court sentence monitoring database. However, the Commission could answer definitively the remaining questions only by matching file information in its monitoring database with information from the appeals database. This information is not available through other sources — the AO's appellate data are not issue-specific, and case law reporting merely summarizes the circuit courts' interpretation of the guidelines.

Integration of the appeals database and case law reporting system provides another example of how the database might be used. Currently, the Commission tracks circuit conflicts on guideline application issues using case law reports. Data retrieved from the appeals database can be used to complement this information. Once a circuit conflict has been identified, the Commission can use the appeals database to help ascertain the frequency with which that issue has been appealed and the frequency with which courts have affirmed or reversed district court decisions. The Commission might then use this information to determine whether the guideline causing the conflict should be amended.

The Commission plans to refine the appeals database in 1994. Initially, the Commission has been relatively inclusive in the representation of

empirical analysis, some consolidation may be appropriate. Conversely, new issues may be added as guidelines and case law continue to evolve.

Summary of Information Received

Although the Commission is interested primarily in information on appeals cases that involve sentencing issues, the circuit courts are requested to provide information on criminal appeals, including appeals of convictions. The following tables and statistics are from the defendant-based files of the appeals database. Table 72 displays the number of appeals cases submitted to the Commission by circuit and district. Figure J illustrates the distributions of appeal type and disposition. Slightly more than 43 percent (43.2%) of appeals cases were appeals of the defendant's conviction, 32.7 percent were appeals of the sentence imposed, and 24.2 percent involved appeals of both conviction and sentence. In 95 percent of the appeals, the defendant was the appellant; in 3.7 percent the United States was the appellant; and 1.3 percent of the cases involved a cross appeal by one of the parties.

In the ultimate disposition of these cases, courts of appeals affirmed district court decisions in 76.7 percent of the cases received, reversed the decision imposed by the district courts in 11.1 percent of the cases, affirmed some issues and reversed others in 10.1 percent of the cases, and dismissed the case 2.0 percent of the time (see Figure J). Of the cases that were reversed by the circuit courts, 71.8 percent were remanded to the district courts for further action. The circuit courts remanded 85.2 percent of the cases that were affirmed in part and reversed in part.

firmed cases (85.1%); the Ninth Circuit had the lowest (49.8%). The majority of cases reversed were remanded for sentencing.

Table 72

**APPEALS INFORMATION RECEIVED BY CIRCUIT AND DISTRICT
(March 7, 1990, through September 30, 1993)**

CIRCUIT District	Number	Percent	CIRCUIT District	Number	Percent
TOTAL	6,078	100.0			
D.C. CIRCUIT	233	3.8	FIFTH CIRCUIT	985	16.2
District of Columbia	233	3.8	Louisiana		
FIRST CIRCUIT	192	3.2	Eastern	85	1.4
Maine	22	0.4	Middle	8	0.1
Massachusetts	63	1.0	Western	43	0.7
New Hampshire	11	0.2	Mississippi		
Puerto Rico	49	0.8	Northern	28	0.5
Rhode Island	47	0.8	Southern	42	0.7
SECOND CIRCUIT	451	7.4	Texas		
Connecticut	20	0.3	Eastern	80	1.3
New York			Northern	196	3.3
Eastern	202	3.4	Southern	212	3.5
Northern	43	0.7	Western	291	4.8
Southern	142	2.4	SIXTH CIRCUIT	723	11.9
Western	18	0.3	Kentucky		
Vermont	25	0.4	Eastern	70	1.2
THIRD CIRCUIT	456	7.5	Western	28	0.5
Delaware	17	0.3	Michigan		
New Jersey	95	1.6	Eastern	196	3.3
Pennsylvania			Western	35	0.6
Eastern	168	2.8	Ohio		
Middle	40	0.7	Northern	65	1.1
Western	108	1.8	Southern	93	1.5
Virgin Islands	28	0.5	Tennessee		
FOURTH CIRCUIT	954	15.7	Eastern	65	1.1
Maryland	143	2.4	Middle	35	0.6
North Carolina			Western	92	1.5
Eastern	89	1.5	SEVENTH CIRCUIT	491	8.1
Middle	139	2.3	Illinois		
Western	80	1.3	Central	70	1.2
South Carolina	81	1.3	Northern	182	3.0
Virginia			Southern	36	0.6
Eastern	215	3.6	Indiana		
Western	69	1.1	Northern	23	0.4
West Virginia			Southern	43	0.7
Northern	46	0.8	Wisconsin		
			Eastern	95	1.6
			Western	43	0.7

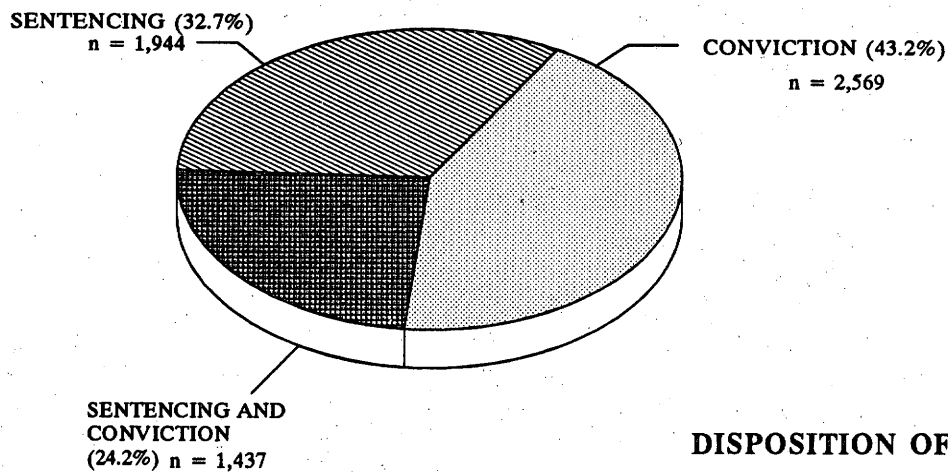
CIRCUIT District	Number	Percent
EIGHTH CIRCUIT	322	5.3
Arkansas		
Eastern	22	0.4
Western	18	0.3
Iowa		
Northern	32	0.5
Southern	24	0.4
Minnesota	76	1.3
Missouri		
Eastern	49	0.8
Western	48	0.8
Nebraska	20	0.3
North Dakota	9	0.1
South Dakota	24	0.4
NINTH CIRCUIT	440	7.2
Alaska	10	0.2
Arizona	39	0.6
California		
Central	112	1.9
Eastern	35	0.6
Northern	37	0.6
Southern	57	0.9
Guam	7	0.1
Hawaii	27	0.4
Idaho	2	0.0
Montana	10	0.2
Nevada	24	0.4
Northern Mariana Islands	0	0.0
Oregon	28	0.5
Washington		
Eastern	16	0.3
Western	27	0.4

CIRCUIT District	Number	Percent
TENTH CIRCUIT	545	9.0
Colorado	70	1.2
Kansas	79	1.3
New Mexico	149	2.5
Oklahoma		
Eastern	30	0.5
Northern	76	1.3
Western	80	1.3
Utah	44	0.7
Wyoming	17	0.3
ELEVENTH CIRCUIT	286	4.7
Alabama		
Middle	7	0.1
Northern	10	0.2
Southern	32	0.5
Florida		
Middle	53	0.9
Northern	21	0.3
Southern	81	1.3
Georgia		
Middle	11	0.2
Northern	59	1.0
Southern	12	0.2

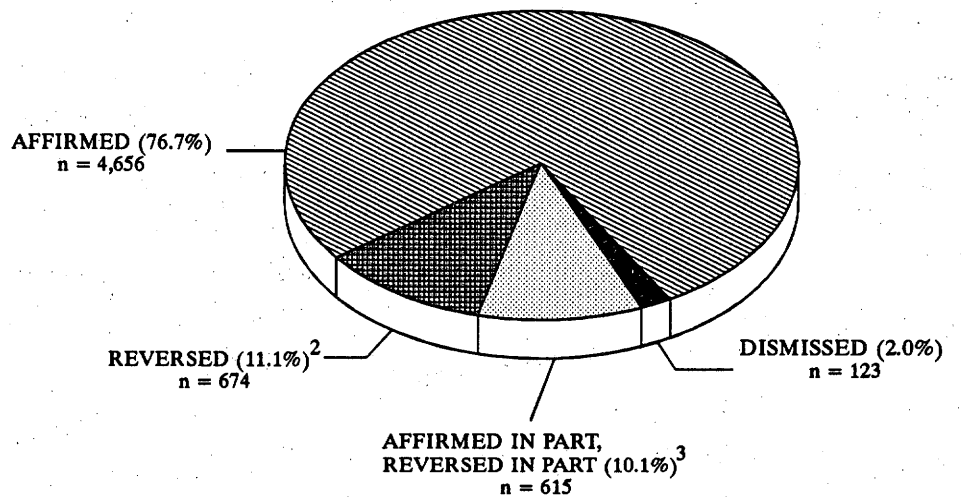
Figure J

TYPE AND DISPOSITION OF APPEALS CASES¹
(March 7, 1990, through September 30, 1993)

TYPE OF APPEAL



DISPOSITION OF APPEALS



¹ Of the 6,078 appeals defendants, 128 had missing information on type of appeal, and 10 had missing information on case disposition.

Table 73

APPEALS CASE DISPOSITION BY CIRCUIT AND DISTRICT¹
(March 7, 1990, through September 30, 1993)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED	
		n	%	n	%	n	%	n	%
TOTAL	6,068	4,656	76.7	674 (484)	11.1	615 (499)	10.1	123	2.0
D.C. CIRCUIT	232	168	72.4	28 (19)	12.1	20 (12)	8.6	16	6.9
District of Columbia	232	168	72.4	28 (19)	12.1	20 (12)	8.6	16	6.9
FIRST CIRCUIT	192	130	67.7	28 (20)	14.6	34 (30)	17.7	0	0.0
Maine	22	18	81.8	1 (1)	4.5	3 (3)	13.6	0	0.0
Massachusetts	63	37	58.7	9 (5)	14.3	17 (16)	27.0	0	0.0
New Hampshire	11	7	63.6	0 (0)	0.0	4 (1)	36.4	0	0.0
Puerto Rico	49	33	67.4	12 (8)	24.5	4 (4)	8.2	0	0.0
Rhode Island	47	35	74.5	6 (6)	12.8	6 (4)	12.8	0	0.0
SECOND CIRCUIT	451	373	82.7	32 (23)	7.1	38 (25)	8.4	8	1.8
Connecticut	20	18	90.0	2 (2)	10.0	0 (0)	0.0	0	0.0
New York									
Eastern	202	166	82.2	16 (13)	7.9	18 (10)	8.9	2	1.0
Northern	43	24	55.8	2 (1)	4.6	15 (10)	34.9	2	4.6
Southern	142	123	86.6	11 (6)	7.8	4 (4)	2.8	4	2.8
Western	18	18	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Vermont	25	23	92.0	1 (1)	4.0	1 (1)	4.0	0	0.0
THIRD CIRCUIT	456	364	79.8	64 (33)	14.0	19 (17)	4.2	9	2.0
Delaware	17	16	94.1	1 (1)	5.9	0 (0)	0.0	0	0.0
New Jersey	95	79	83.2	10 (10)	10.5	5 (5)	5.3	1	1.0
Pennsylvania									
Eastern	168	145	86.3	9 (8)	5.4	7 (7)	4.2	7	4.2
Middle	40	36	90.0	2 (1)	5.0	1 (1)	2.5	1	2.5
Western	108	66	61.1	38 (9)	35.2	4 (2)	3.7	0	0.0
Virgin Islands	28	22	78.6	4 (4)	14.3	2 (2)	7.1	0	0.0
FOURTH CIRCUIT	952	781	82.0	64 (51)	6.7	91 (74)	9.6	16	1.7
Maryland	142	107	75.4	15 (13)	10.6	15 (15)	10.6	5	3.5
North Carolina									
Eastern	89	72	80.9	7 (6)	7.9	9 (8)	10.1	1	1.1
Middle	139	127	91.4	1 (0)	0.7	9 (9)	6.5	2	1.4
Western	80	68	85.0	2 (1)	2.5	9 (5)	11.2	1	1.2
South Carolina	81	68	84.0	8 (7)	9.9	5 (4)	6.2	0	0.0
Virginia									
Eastern	214	177	82.7	11 (9)	5.1	20 (16)	9.4	6	2.8
Western	69	48	69.6	6 (4)	8.7	15 (10)	21.7	0	0.0
West Virginia									
Northern	46	39	84.8	6 (5)	13.0	1 (1)	2.2	0	0.0
Southern	89	74	83.2	7 (5)	7.9	8 (6)	9.0	0	0.0

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED	
		n	%	n	%	n	%	n	%
FIFTH CIRCUIT	984	806	81.9	73 (59)	7.4	91 (68)	9.2	14	1.4
Louisiana									
Eastern	85	68	80.0	4 (4)	4.7	13 (6)	15.3	0	0.0
Middle	8	8	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Western	42	29	69.0	12 (10)	28.6	1 (1)	2.4	0	0.0
Mississippi									
Northern	28	22	78.6	1 (0)	3.6	5 (0)	17.9	0	0.0
Southern	42	35	83.3	2 (2)	4.8	5 (4)	11.9	0	0.0
Texas									
Eastern	80	70	87.5	2 (1)	2.5	4 (2)	5.0	4	5.0
Northern	196	165	84.2	13 (12)	6.6	18 (16)	9.2	0	0.0
Southern	212	177	83.5	11 (10)	5.2	22 (20)	10.4	2	0.9
Western	291	232	79.7	28 (20)	9.6	23 (19)	7.9	8	2.8
SIXTH CIRCUIT	723	561	77.6	72 (52)	11.0	76 (70)	10.5	14	1.9
Kentucky									
Eastern	70	56	80.0	7 (5)	10.0	7 (6)	10.0	0	0.0
Western	28	20	71.4	3 (3)	10.7	4 (2)	14.3	1	3.6
Michigan									
Eastern	196	157	80.1	11 (11)	5.6	24 (23)	12.2	4	2.0
Western	35	30	85.7	5 (3)	14.3	0 (0)	0.0	0	0.0
Ohio									
Northern	65	44	67.7	2 (2)	3.1	19 (19)	29.2	0	0.0
Southern	93	64	68.8	14 (8)	15.0	14 (14)	15.0	1	1.1
Tennessee									
Eastern	65	55	84.6	9 (8)	13.8	0 (0)	0.0	1	1.5
Middle	35	26	74.3	8 (5)	22.9	0 (0)	0.0	1	2.9
Western	92	74	80.4	9 (4)	9.8	7 (5)	7.6	2	2.2
SEVENTH CIRCUIT	491	357	72.7	31 (25)	6.3	81 (81)	16.5	22	4.5
Illinois									
Central	70	53	75.7	8 (7)	11.4	5 (5)	7.1	4	5.7
Northern	182	125	68.7	10 (8)	5.5	41 (41)	22.5	6	3.3
Southern	36	28	77.8	2 (2)	5.6	4 (4)	11.1	2	5.6
Indiana									
Northern	23	21	91.3	1 (0)	4.4	0 (0)	0.0	1	4.4
Southern	43	35	81.4	2 (2)	4.6	5 (5)	11.6	1	2.3
Wisconsin									
Eastern	95	58	61.0	6 (5)	6.3	25 (25)	26.3	6	6.3
Western	42	37	88.1	2 (1)	4.8	1 (1)	2.4	2	4.8
EIGHTH CIRCUIT	322	274	85.1	24 (15)	7.5	21 (20)	6.5	3	0.9
Arkansas									
Eastern	22	22	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Western	18	12	66.7	4 (1)	22.2	2 (2)	11.1	0	0.0
Iowa									
Northern	32	30	93.8	0 (0)	0.0	2 (2)	6.2	0	0.0
Southern	24	21	87.5	3 (1)	12.5	0 (0)	0.0	0	0.0

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED	
		n	%	n	%	n	%	n	%
NINTH CIRCUIT	434	216	49.8	154 (102)	35.5	58 (47)	13.4	6	1.4
Alaska	10	5	50.0	1 (0)	10.0	0 (0)	0.0	4	40.0
Arizona	39	26	66.7	8 (3)	20.5	5 (5)	12.8	0	0.0
California								0	0.0
Central	112	46	41.1	51 (34)	45.5	15 (13)	13.4	0	0.0
Eastern	32	13	40.6	10 (8)	31.2	9 (9)	28.1	0	0.0
Northern	37	21	56.8	12 (10)	32.4	2 (0)	5.4	2	5.4
Southern	55	25	45.4	22 (12)	40.0	8 (6)	14.6	0	0.0
Guam	7	3	42.9	4 (0)	57.1	0 (0)	0.0	0	0.0
Hawaii	27	18	66.7	8 (7)	29.6	1 (0)	3.7	0	0.0
Idaho	2	2	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Montana	10	5	50.0	3 (1)	30.0	2 (2)	20.0	0	0.0
Nevada	24	9	37.5	8 (4)	33.3	7 (4)	29.2	0	0.0
Northern Mariana Islands	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Oregon	28	20	71.4	7 (5)	25.0	1 (1)	3.6	0	0.0
Washington								0	0.0
Eastern	16	7	43.8	7 (6)	43.8	7 (6)	25.0	0	0.0
Western	27	13	48.2	8 (7)	29.6	6 (6)	22.2	0	0.0
TENTH CIRCUIT	545	408	74.9	76 (57)	14.0	49 (43)	9.0	12	2.2
Colorado	70	59	84.3	8 (6)	11.4	1 (1)	1.4	2	2.9
Kansas	79	62	78.5	10 (10)	12.7	5 (4)	6.3	2	2.5
New Mexico	149	107	71.8	24 (13)	16.1	11 (10)	7.4	7	4.7
Oklahoma								0	0.0
Eastern	30	18	60.0	0 (0)	0.0	12 (9)	40.0	0	0.0
Northern	76	54	71.0	11 (11)	14.5	10 (9)	13.2	1	1.3
Western	80	62	77.5	10 (9)	12.5	8 (8)	10.0	0	0.0
Utah	44	34	77.3	8 (6)	18.2	2 (2)	4.6	0	0.0
Wyoming	17	12	70.6	5 (2)	29.4	0 (0)	0.0	0	0.0
ELEVENTH CIRCUIT	286	218	76.2	28 (28)	9.8	37 (37)	12.9	3	1.0
Alabama								0	0.0
Middle	7	7	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Northern	10	8	80.0	0 (0)	0.0	2 (2)	20.0	0	0.0
Southern	32	19	59.4	3 (3)	9.4	8 (8)	25.0	2	6.2
Florida								1	1.9
Middle	53	36	67.9	4 (4)	7.6	12 (12)	22.6	0	0.0
Northern	21	18	85.7	1 (1)	4.8	2 (2)	9.5	0	0.0
Southern	81	63	77.8	8 (8)	9.9	10 (10)	12.4	0	0.0
Georgia								0	0.0
Middle	11	10	90.9	0 (0)	0.0	1 (1)	9.1	0	0.0
Northern	59	45	76.3	12 (12)	20.3	2 (2)	3.4	0	0.0
Southern	12	12	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0

¹ Of the 6,078 appeals defendants, 10 had missing district information.

United States Sentencing Commission

Issues and Guidelines Appealed

The Commission collected data on the issues and guidelines that were the bases of appeal for cases that involved sentencing issues only or sentencing and conviction issues. This information was not collected on cases involving an appeal of the conviction only. Tables that list data relating to different "guidelines" refer to the number of times a particular guideline was appealed (*e.g.*, guideline 2D1.1 was appealed ten times). Tables describing data relating to "guideline issues" refer to the number of times a particular issue was appealed under a specific guideline or across several guidelines (*e.g.*, the issue "more than minimal planning" was appealed ten times under one or more guidelines).

Table 74 lists the guidelines that formed the basis for the greatest number of appeals by the defendant. The most common guidelines appealed were §1B1.3, Relevant Conduct (8.8%), §2D1.1, Drug Trafficking (6.7%), and §3E1.1, Acceptance of Responsibility (6.5%). Table 75 illustrates that for cases in which the government was the appellant, §5K2.0, Departures (13.9%), §2D1.1, Drug Trafficking (9.6%), and §1B1.3, Relevant Conduct (6.0%) were the most common guideline issues appealed.

The most common grounds for sentencing appeals by the defendant were "Application and Definition Issues" (12.2%), "Challenge to Plea Agreement or Rule 11 Issues" (3.5%), and "Other General Legal or Statutory Issues" (3.3%). *See* Table 76. When the issue on appeal was "Application and Definition of the Guideline," the guidelines most often challenged were §3E1.1, Acceptance of Responsibility (33.8%), §3C1.1, Obstruction of Justice (24.2%), and

For cases in which the government was the appellant, the most common sentencing issues appealed were "Application and Definition Issues" (12.0%), "Other Mitigating Circumstances for Downward Departure" (6.0%), and "Other General Legal or Statutory Issues" (4.2%). *See* Table 77.

Table 74

GUIDELINE INVOLVED IN ISSUES APPEALED BY DEFENDANT¹
(March 7, 1990, through September 30, 1993)

GUIDELINE	Number	Percent
1B1.3 (Relevant Conduct)	523	8.8
2D1.1 (Drug Trafficking)	400	6.7
3E1.1 (Acceptance of Responsibility)	389	6.5
5K2.0 (Departures)	304	5.1
3B1.1 (Aggravating Role in the Offense)	292	4.9
6A1.3 (Resolution of Disputed Factors)	284	4.8
3C1.1 (Obstruction of Justice)	276	4.6
3B1.2 (Mitigating Role in the Offense)	222	3.7
4A1.3 (Adequacy of Criminal History)	160	2.7
2F1.1 (Fraud)	151	2.6
4A1.2 (Criminal History: Definitions)	142	2.4
5K1.1 (Substantial Assistance to Authorities)	133	2.2
Constitutional Issues	115	1.9
2D1.4 (Drug Trafficking: Attempts and Conspiracies)	111	1.9
5E1.1 (Restitution)	94	1.6
4B1.4 (Armed Career Criminal)	93	1.5
General Application Principles	63	1.1
1B1.2 (Applicable Guidelines)	63	1.1
5E1.2 (Fines)	62	1.0
4B1.1 (Career Offender)	60	1.0
3B1.3 (Abuse of Position of Trust or Use of Special Skill)	50	0.8
4A1.1 (Criminal History Category)	46	0.8
2K2.1 (Firearms)	43	0.7
4B1.2 (Definitions for Career Offender)	41	0.7
2B3.1 (Robbery)	39	0.7
1B1.10 (Retroactivity of Amended Guideline Ranges)	36	0.6
2B1.1 (Larceny, Embezzlement, and Theft)	31	0.5
5G1.3 (Defendant Subject to Undischarged Term of Imprisonment)	31	0.5
3A1.1 (Vulnerable Victim)	29	0.5
3D1.2 (Groups of Closely Related Counts)	27	0.4
2A2.2 (Aggravated Assault)	25	0.4
7B1.3 (Revocation of Probation or Supervised Release)	25	0.4
7B1.4 (Term of Imprisonment)	25	0.4
5K2.13 (Diminished Capacity)	21	0.4
Other Guidelines	571	9.6
Non-guideline Issues	984	16.5

¹Based on 2,381 appeals defendants when sentencing was at least one year of imprisonment.

Table 75

GUIDELINE INVOLVED IN ISSUES APPEALED BY GOVERNMENT¹
(March 7, 1990, through September 30, 1993)

<u>GUIDELINE</u>	<u>Number</u>	<u>Percent</u>
5K2.0 (Departures)	23	13.9
2D1.1 (Drug Trafficking)	16	9.6
1B1.3 (Relevant Conduct)	10	6.0
3C1.1 (Obstruction of Justice)	9	5.4
2D1.4 (Drug Trafficking: Attempts and Conspiracies)	7	4.2
4B1.4 (Armed Career Criminal)	7	4.2
5H1.6 (Family Ties and Responsibilities)	7	4.2
5K2.13 (Diminished Capacity)	7	4.2
4A1.3 (Adequacy of Criminal History)	6	3.6
3E1.1 (Acceptance of Responsibility)	5	3.0
2F1.1 (Fraud)	4	2.4
5H1.1 (Age)	4	2.4
5K1.1 (Substantial Assistance to Authorities)	4	2.4
2K2.1 (Firearms)	3	1.8
5H1.10 (Race, Sex, National Origin, Creed, Religion and Socio-Economic Status)	3	1.8
Constitutional Issues	2	1.2
2A4.1 (Kidnapping, Abduction, Unlawful Restraint)	2	1.2
2B1.1 (Larceny, Embezzlement, and Theft)	2	1.2
2Q1.2 (Mishandling of Hazardous or Toxic Substances or Pesticides)	2	1.2
4A1.2 (Criminal History: Definitions)	2	1.2
4B1.1 (Career Offender)	2	1.2
5H1.3 (Mental and Emotional Conditions)	2	1.2
5H1.4 (Physical Condition)	2	1.2
5K2.12 (Coercion and Duress)	2	1.2
Other Guidelines	16	9.6
Non-guideline Issues	17	10.2

¹ Information on the reasons for appeal is available in the Appendix to the report.

Table 76

SENTENCING ISSUES APPEALED BY DEFENDANT¹
(March 7, 1990, through September 30, 1993)

<u>ISSUE</u>	<u>Number</u>	<u>Percent</u>
Application and definition issues	729	12.2
Challenge to plea agreement/Rule 11 issues	208	3.5
Other general legal or statutory issues	197	3.3
Rule 32 issues	175	3.0
Definition/scope of "otherwise accountable" or "reasonably foreseeable"	173	2.9
Reliability of information used to resolve disputed factors (6A1.3)	161	2.7
Fifth Amendment: Due Process	120	2.0
Challenge to weight/amount of drugs involved in the offense	113	1.9
Question regarding dangerous weapon possession	112	1.9
Whether defendant was a minor participant in the offense (3B1.2)	109	1.8
Challenge to dollar amounts involved (2B3.3, 2B4.1, 2B5.1, 2B5.3, 2B5.4)	91	1.5
Determination that defendant was an organizer or leader (3B1.1)	88	1.5
Mandatory minimum statute applicable	86	1.4
Relevant conduct determination when offense includes a conspiracy	77	1.3
Conduct necessary to receive acceptance adjustment (3E1.1)	74	1.2
Definition/scope of "common scheme or plan or same course of conduct"	72	1.2
Specifics unknown ²	67	1.1
Double Jeopardy	62	1.0
Statement of reasons requirement (18 U.S.C. 3553 (c))	58	1.0
Determination that defendant was a manager or supervisor (3B1.1)	58	1.0
Definition of willfulness and materiality (3C1.1)	55	0.9
Other mitigating circumstances for downward departure (5K2.0)	54	0.9
Revocation of supervised release (18 U.S.C. 3583)	53	0.9
Defendant claims to be entitled to adjustment (3B1.2)	53	0.9
Violation of <i>ex-post facto</i> clause	53	0.9
Standard of proof (6A1.3)	52	0.9
District court mistakenly believed it had no authority to depart (5K2.0)	48	0.8
Eighth Amendment: Cruel and Unusual Punishment	45	0.8
Uncharged conduct/dismissed counts (1B1.3)	45	0.7
Challenge to restitution	43	0.7
More than minimal planning (2B1.1, 2B1.2, 2B1.3, 2B2.1, 2B2.2)	43	0.7
Rule 35 issues - correction or reduction of sentence	42	0.7
Fifth Amendment: Equal Protection	40	0.7
Defendant claims to be entitled to 5K1.1 departure; no government motion	38	0.6
Definition of related cases (4A1.2)	37	0.6
Application of guidelines to continuing offenses	34	0.6
Defendant's conviction not subject to armed career criminal enhancement	34	0.6
Opportunity to present information on disputed issues (6A1.3)	34	0.6
Acts/conduct of others attributable to defendant (1B1.3)	33	0.6
Retroactive application of guidelines (1B1.10)	33	0.6
Failure to consider defendant's ability to pay fine (5E1.2)	33	0.6
Defendant claims to be entitled to sentencing credit for time served	32	0.5
Sixth Amendment: Right of Confrontation	32	0.5
Equal Protection/Due Process challenge to cocaine base penalty (2D1.1)	32	0.5

Table 76 (Con't)

<u>ISSUE</u>	<u>Number</u>	<u>Percent</u>
Application of cross references (multiple guidelines)	28	0.5
Failure to consider defendant's ability to pay restitution (5E1.1)	28	0.5
Defendant claims prior convictions unconstitutional (4A1.2)	27	0.5
Application of career offender definition of "crime of violence" (4B1.2)	27	0.5
Whether defendant was a minimal participant in the offense (3B1.2)	27	0.5
Inclusion of acquitted conduct in relevant conduct (1B1.3)	25	0.4
Challenge to amount of restitution (5E1.1)	25	0.4
Upward departure - guideline range does not reflect seriousness of offense (5K2.0)	25	0.4
Revocation of probation (18 U.S.C. § 3565)	24	0.4
Question regarding marijuana plants (2D1.1)	24	0.4
Downward departure - overrepresented criminal history (4A1.3)	23	0.4
Challenge to government's refusal to make motion; bad faith (5K1.1)	23	0.4
Order of restitution not in accordance with VWPA (5E1.1)	22	0.3
Part A - challenge to the authority of the Sentencing Commission	21	0.3
Other	1,694	28.4

¹Based on 3,381 appeals defendants when sentencing was at least one of the reasons for appeal. Information on issues was unavailable in 172 cases. Often more than one issue was appealed; consequently, the number of issues is larger than the number of defendants. The "Other" category includes all issues mentioned less than 20 times among relevant cases.

²"Specifics unknown" indicates: a) a challenge to a specific guideline without articulation by the court of the particular issue raised by the defendant; or b) a general challenge to the application of the guidelines without an indication by the court which guideline is being challenged.

Table 77

SENTENCING ISSUES APPEALED BY GOVERNMENT¹
(March 7, 1990, through September 30, 1993)

<u>ISSUE</u>	<u>Number</u>	<u>Percent</u>
Application and definition issues	20	12.0
Mitigating circumstances for downward departure (5K2.0)	10	6.0
General legal or statutory issues	7	4.2
Rule 35 Issues - correction or reduction of sentence	5	3.0
Mandatory minimum statute applicable	4	2.4
Upward departure - overrepresented criminal history (4A1.3)	4	2.4
Co-defendant disparity as basis for departure (5K2.0)	4	2.4
Diminished capacity as basis for departure (5K2.13)	4	2.4
Double Jeopardy	3	1.8
Application of cross references (multiple guidelines)	3	1.8
More than minimal planning (2B1.1, 2B1.2, 2B1.3, 2B2.1, 2B2.2)	3	1.8
Specifics unknown ²	2	1.2
Definition/scope of "common scheme or plan or same course of conduct"	2	1.2
Challenge to "object of the offense" (2B2.1)	2	1.2
Defendant claims to be entitled to sentencing credit for time served	2	1.2
Challenge to weight/amount of drugs involved in the offense (2D1.1)	2	1.2
Determination of willfulness and materiality (3C1.1)	2	1.2
Conduct necessary to receive acceptance adjustment (3E1.1)	2	1.2
District court mistakenly believed it had no authority to depart (5K2.0)	2	1.2
Other	83	50.0

¹Based on 3,381 appeals defendants when sentencing was at least one of the reasons for appeal. Information on issues was unavailable in 172 cases. Often more than one issue was appealed; consequently, the number of issues is larger than the number of defendants. The "Other" category includes all issues mentioned less than two times among relevant cases.

Just Punishment Research Project

Congress directed the Commission to develop means of measuring the degree to which sentencing, penal, and correctional practices are effective in meeting the statutory purposes of sentencing; namely, just punishment, deterrence, incapacitation, and rehabilitation. 28 U.S.C. § 991 (b)(2). Just punishment is the first of these statutory purposes to be examined in depth by the Commission.

To survey public opinion of punishment, the Commission in early 1993 designed a rigorous data collection project that would reflect the complex causes and influences affecting punishment decisions. The level of perceived punishment under this approach would be related to the specific crime itself, the relevant characteristics of the convicted criminal, and the consequences of the criminal act.

The study design incorporates crime "vignettes," randomly created from a set of relevant descriptive characteristics. The following is an example of such a crime vignette: an unmarried male, currently unemployed and never before imprisoned, is convicted of possessing a small amount of powder cocaine. A second vignette, addressing the same crime of cocaine possession, might describe a female defendant, married with two children, currently unemployed, and with two previous prison sentences. These vignettes would be employed in a comprehensive national survey to examine existing definitions for appropriate sentences. The survey would measure the ways in which variations in vignettes modify perceptions of suitable sentence type and length.

list the appropriate punishment for each crime scenario.

A local pretest by an outside contractor validated the method and supported its use in a national survey. The Commission awarded a contract to Response Analysis Corporation for production of the survey documents, fielding of the nationally representative survey, and creation of the resulting datafile, all to be completed by mid-1994.

The survey, currently in progress, will generate 1,500 completed interviews from around the country. Each respondent will provide punishment decisions for 40 vignettes randomly generated from a set of 96 crimes and 42 characteristics. In addition, each respondent answers a set of questions regarding personal demographic characteristics and experiences with the criminal justice system. Analysis of the data using multivariate statistical techniques will provide the Sentencing Commission with insight about the relative levels of punishment the American public finds appropriate for individual federal crimes.

Prison Impact Assessment

The Commission continued to assess the impact changes in the sentencing guidelines and the federal criminal code have on the federal prison population. Specifically, the Commission modeled the potential prison impact of seven amendments sent to Congress in April 1993:

- A commentary clarification in §2K2.1 (enhancement for stolen firearms applies whether or not the defendant knew the firearm was stolen) should have no impact on the federal prison population;

United States Sentencing Commission

the defendant's accountability should have no impact on the federal prison population;

- Authorizing a downward departure under §2D1.1 for certain drug trafficking offenders who qualify for a mitigating role adjustment should decrease the long-term (30-year) prison population by 0.2 percent;
- Establishing a uniform weight per dose for guideline purposes in determining the offense level in LSD drug cases (§2D1.1) should decrease the long-term federal prison population by 0.1 percent;
- Under §2K2.4, authorizing a limited upward departure in certain cases where the offense is combined with a firearm offense should decrease the long-term federal prison population by 0.1 percent;
- Consolidation of money laundering guidelines §§2S1.3 and 2S1.4 covering structuring and reporting violations should have no impact on the federal prison population; and
- The consolidation of four tax guidelines under §2T1.1 and the adoption of a uniform definition of tax loss should increase the long-term federal prison population by 0.1 percent.

The premise of the Commission's prison impact model is that a reasonable estimate of the future federal prison population is represented by the total amount of prison time all defendants re-

ceived during a given year. From fiscal year 1992 data, the Commission calculated that 36,845 defendants were sentenced to a total of 135,769 person years of imprisonment. Under the prison impact model, therefore, the projected estimate of the long-term federal prison population is 135,769 inmates (approximately 46,000 more than are housed currently by the Federal Bureau of Prisons). This estimate constitutes the baseline against which sentencing policy changes are measured.

This prison impact model, its estimates based on the most recent sentencing data, calculates how sentences for defendants would have differed had the 1993 guideline amendments been in effect at the time of sentencing. As these amendments impact sentences, they also affect the total person-years of imprisonment imposed. The difference between the actual number of person-years of imprisonment imposed and the number imposed with the amendments in effect represents the change in the long-term prison population. The ratio of this prison population change to the actual population represents the percentage difference in the prison population attributable to an amendment.

The basis of the prison impact model is the resentencing algorithm. A review of each defendant's presentence report determines whether or not the imposed sentence would have been different under a proposed guideline amendment. If the amendment affects the defendant's sentence (e.g., final offense level or criminal history category), a hypothetical new sentence for the defendant is computed using, as a starting point, the position of the defendant's sentence within the

original guideline range. The new sentence is imposed at exactly the same relative position as in the original guideline range.¹⁰⁶

Sometimes actual sentencing practices require a modification to the assumption that sentencing under proposed amendments would be at the same position as sentencing prior to the amendments. For example, assumptions are made that defendants are not resentenced above statutory maximum or below statutory minimum penalties (except in cases of downward departures for substantial assistance under §5K1.1) or that sentence enhancements such as those found in 18 U.S.C. § 924(c) are not reduced. Therefore, a defendant whose sentence represents a departure from the guidelines is re-sentenced to a new value at exactly the same relative position unless the sentence would be below the statutory minimum or above the statutory maximum penalty.

After computing the new sentence for each defendant, the prison impact model estimates the minimum time the defendant can expect to serve by discounting the sentence (1) for good conduct time earned pursuant to 18 U.S.C. § 3642 and (2) for the defendant's estimated remaining life expectancy. The new estimates of the size of the prison population are achieved by totaling all the estimated prison terms.

In addition to estimating the impact of guideline amendments, the Commission assessed the impact of proposed changes to the federal criminal code, namely congressional proposals that would harmonize title 21 mandatory minimum penalties and the sentencing guidelines. Specifically, the Commission provided to requesting members of Congress several impact analyses of alterna-

tive "safety valve" approaches that would allow for downward adjustments, below the mandatory minimum, to qualifying low-level, non-violent drug dealers with minimal criminal histories.

Study of Changing Composition of Offenses and Offenders

In its 1991 congressionally mandated evaluation, the Commission's study of the use of incarceration found significant increases in both the use and average length of prison sentences. Recognizing a need for additional research to examine the reasons behind this growth in prison population, the Commission in 1993 undertook a study of the changing composition of offenses and offenders over time.

The study will provide a comprehensive description of the empirical data and will investigate factors associated with changes in the populations of offenders and offenses. It attempts to answer an important research question: "Does the fact that more offenders are being sent to prison for longer sentences reflect real increases in the rates and numbers of serious crimes or does it reflect an increase in more punitive sentences imposed upon a stable composition of offenders and offenses?" Put differently, is the mix of crimes and criminals becoming more serious? Specific offense/offender characteristics to be examined include:

- type of drug offense;
- weapon use;
- extent of violent crime;

United States Sentencing Commission

- dollar amounts of fraud convictions;
- level of violence associated with bank robbery;
- drug involvement;
- crimes involving strangers; and
- criminal histories of offenders.

The study uses a multi-method approach incorporating several data sources. These include the Commission's monitoring database, the Federal Probation Sentencing and Supervision Information System of the Administrative Office of the U.S. Courts (FPSSIS), and data from the U.S. Parole Commission and the Federal Bureau of Prisons. In addition, a content analysis of newspaper coverage, a historical examination of the federalization of state crimes, and a review of government reports will provide contexts for interpretation of empirical data.

The Commission focused considerable effort on analyzing diverse databases to provide information for addressing the research questions. Several criminal justice databases describe offenses and offenders at different points in the criminal justice process. While no single database answers all questions about changing composition, the combination of these empirical data may provide a more comprehensive understanding of what changes have occurred. Some of the challenges encountered include: making disparate units of analysis compatible, converting calendar year systems to fiscal year systems, and controlling for changes in variables and value definitions over time.

seriousness of offenders and offenses handled by federal courts increased between 1984 and 1990, the trend is not uniform across all categories of federal offenders or offenses. In 1994, the study moves into the next phase: developing a more comprehensive description of the factors associated with the increasing seriousness of offenders and offenses over time. A final report is expected by late 1994.

Race and Ethnicity Study

In 1993, the Commission undertook a systematic review of Sentencing Commission data from FY 1991 to examine patterns in the federal criminal justice system that have resulted generally in higher sentences for Black and Hispanic offenders than for White offenders. The study was not designed to judge the appropriateness of such patterns or whether resulting sentencing differences are warranted or unwarranted.

The report focuses on prosecutorial discretion in the use of mandatory minimum charges and substantial assistance reductions, and judicial discretion in guidelines application and sentencing within and outside the guideline range. It found that the major reasons for differences in sentences involved (1) more severe charges (especially convictions for 18 U.S.C. § 924(c)) for Black defendants; (2) more frequent reductions for White defendants due to substantial assistance to authorities; and (3) greater offense severity (offense levels) and prior criminal activity (criminal history scores) among Blacks, resulting in higher applicable guideline ranges. Judicial discretion resulted in sentencing higher in the range for defendants with higher criminal history scores or was based on offense-related characteristics as well as individual judicial and re-

cally significant difference was left unexplained between Black and White defendants. The report of this study will be issued in 1994.

Drugs and Violence Task Force

In 1993, following its Symposium on Drugs and Violence in America (see Chapter 5), the Commission authorized the organization of a special task force to study the relationship between drugs and violence. The two-year study, in collaboration with the School of Criminology and Criminal Justice at Florida State University, seeks to increase knowledge of the connection between drugs and violent behavior and enhance society's efforts in the punishment and treatment of violent crime. At the conclusion of the study, the task force will provide recommendations to the Commission for amendments to the sentencing guidelines, possible legislative proposals, and additional long-range projects. The task force will include representatives of federal agencies concerned with drugs and violence, criminal justice practitioners, members of the academic community, and experts on drugs and violence.

Appendix A

Descriptions of Datafiles, Variables, and Footnotes

Introduction

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

Tables in this report use the Commission's datafile, MONFY93, which includes information on the 42,107 defendants sentenced under the SRA during fiscal year 1993 (October 1, 1992, through September 30, 1993), for whom data were received as of January 11, 1994. Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained; defendants convicted for whom no sentences were yet issued; and defendants sentenced but for whom no data were submitted to the Commission.

Because the Commission collects information only on cases sentenced under the guidelines, information on cases sentenced under prior law (pre-guidelines) during FY1993 is not available in this dataset.

Variables

The following section describes the variables used in this report.

Age

The *Age* of the defendant on the day of sentencing is calculated using the defendant's date of birth as reported in the Presentence Report and the date of sentencing as reported in the Judgment of Conviction Order.

Average Length of Imprisonment

Using sentencing information obtained from the Judgment of Conviction Order, *Average Months Prison* is reported as the mean and median terms of imprisonment ordered for cases committed to the Bureau of Prisons. Cases that received no term of imprisonment are not included in the average. Cases for which a term of imprisonment was ordered but the length was indeterminable also are excluded. In most cases for which the exact term is unknown, the Judgment of Conviction Order merely specified a sentence of *Time Served*. Previously, the Commission defined life sentences as 360 months. However, to reflect life expectancy of federal criminal defendants more precisely and to provide more accurate length of imprisonment information, life sentences are now defined as 470 months.

Cases Received by the Commission

Each *Case* as recorded by the Commission involves a single sentencing event for a single defendant. Multiple counts, and even multiple indictments, are considered a single sentencing event if sentenced at the same time by the same judge. A single defendant may appear in more than one case if involved in more than one sentencing event. Multiple codefendants in the same sentencing event each appear as a separate case.

Chapter Two Guideline Applied

Chapter Two Guideline Applied represents the Chapter Two (offense specific) guidelines applied. Totals can exceed 100 percent because a single case may reference several different guidelines. For cases in which a cross reference was used, the original guideline rather than the cross-referenced guideline is shown.

Circuit

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

Citizenship Status

Information on the *Citizenship Status* of defendants is obtained from the Presentence Report. Defendants are categorized as "U.S. citizen," "resident alien," "illegal alien," and "non-U.S. citizen, alien status unknown." The latter three categories are collapsed into the category of "non-U.S. citizen."

Country of Citizenship

Information on the *Country of Citizenship* for non-U.S. citizen defendants is obtained from the Presentence Report and includes the most frequently occurring countries of origin for non-U.S. citizens. Countries appearing less than 50 times are collapsed into the "other" category.

Criminal History Category

Criminal History Category is derived from the Report on the Sentencing Hearing provided by the sentencing court. Tables involving the Report on the Sentencing Hearing are based on the 94 percent of cases for which the Commission has received such documents.

When the criminal history category is not specified in the Report on the Sentencing Hearing, the computer calculates the criminal history category based on several logical criteria, if available. For instance, if the number of criminal history points is known or the guideline range and offense level are available from the Report on the Sentencing Hearing, criminal history category is calculated by reference to the guideline sentencing table. Additionally, if the three main guideline factors were

Criminal history category is taken from the Presentence Report when the Report on the Sentencing Hearing is not available. While the court may disagree with Presentence Report information, the criminal history category is the same in more than 95 percent of cases for which both documents were received.

District

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

Document Submission Rates

Three documents are represented in Table 11: Judgment of Conviction Order (J&C), Presentence Report (PSR), and Report on the Sentencing Hearing. The J&C and PSR are generally submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Sealed PSRs are included as *Not Received*. Standardized forms for the Report on the Sentencing Hearing are most frequently submitted; however, transcripts or partial transcripts from the sentencing hearing are also included as *Received*.

Drug Amount

In a drug case, the amount of the controlled substance is obtained from the Judgment of Conviction Order and the Presentence Report. This information is based on the drug quantity applicable to the base offense level from guideline 2D1.1. Table 13 collapses these amounts into six categories, each representing the guideline and the statutory equivalent amount of drugs irrespective of the type of drug involved. The drug amounts listed in both guideline 2D1.1 and the tables in this report are based on ranges rather than exact amounts.

Drug Offense Guideline

Drug offense guideline information is obtained from the Presentence Report and is based on the 19 guidelines in Chapter Two, Part D of the USSC Guidelines Manual. The six guidelines presented here represent the vast majority of drug cases. The remaining 13 guidelines not represented either were not used in 1993 or are part of 110 cases excluded because the substantive nature was a technical or reporting violation such as guideline 2D3.5 (violation of recordkeeping or reporting requirements for listed chemicals and certain machines).

Drug Type

Information on *Drug Type* is obtained from the Judgment of Conviction Order and the Presentence Report. It is recorded only if at least one of the up-to-12 statutes of conviction recorded by the Commission is a title 21 U.S. Code offense or a non-title 21 offense when the underlying conduct involves a controlled substance. Two different types of drugs are recorded, if applicable, with the highest base offense level coded as the primary drug type. Information about

Education

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

Fines and Restitution

Fines and Restitution information is obtained from the Judgment of Conviction Order. The *Total Receiving Fines and Restitution* includes the number of cases ordered to pay a fine, make restitution, or both. Cases involving fines and restitution overlap with other sentencing categories because fines and restitution may be ordered in conjunction with the imposition of other sanctions.

The *Average Dollar Amount* of payment ordered, presented both as the *Mean* and the *Median*, is the dollar amount of the fine and the restitution ordered for cases involving economic sanctions. Cases that received no fine or restitution are not included in the calculation of the average. The number of cases upon which the average is based may not equal the *Total Receiving Fines and Restitution*; this is due to the failure of some Judgment of Conviction Orders to specify the dollar amount ordered. The *Sum* of payment ordered reflects the total dollar amount of fines and restitution ordered, excluding cases in which the amount was indeterminable. The median of payments ordered reflects the amount located at the fiftieth percentile of all amounts ordered, excluding cases in which the amount was indeterminable.

Gender

Gender of the defendant is obtained from the Presentence Report or through contact with the probation office.

Guideline Defendants Sentenced

Each *Guideline Defendant Sentenced*, or *Case*, as recorded by the USSC, involves a single sentencing event for a single defendant. Multiple counts, and even multiple indictments, are considered a single sentencing event if sentenced at the same time by the same judge. A single defendant may appear in more than one case if involved in more than one sentencing event. Multiple codefendants in the same sentencing will each appear as separate cases.

Guideline Departure Rate

Information on *Departures* is obtained primarily from the Report on the Sentencing Hearing. A case is determined to involve no departure if the sentence imposed is within the guideline range established by the court. If the sentence falls outside this range, the case is coded as a departure, and the applicable reasons given by the court are noted.

if the sentence falls outside the guideline range recommended by the probation officer, due to possible changes in that range based on court findings. For these cases, departure status is coded as missing. Additionally, cases in which no guideline sentencing range was established (e.g., no analogous guideline offenses) are included in the missing category.

Guideline Sentencing Range

The *Guideline Sentencing Range* is taken from the Report on the Sentencing Hearing provided by the sentencing court. Tables involving the Report on the Sentencing Hearing are based on the 94 percent of cases for which the Commission has received such documents.

When the guideline sentencing range is not specified in the Report on the Sentencing Hearing, the computer calculates the guideline sentencing range based on several logical criteria, if available. For instance, if the criminal history category and offense level are available from the Report on the Sentencing Hearing, the guideline sentencing range is calculated by reference to the guideline sentencing table. Additionally, if the three main guideline factors were not provided on the Report on the Sentencing Hearing, but the court indicated that it accepted the values contained in the Presentence Report, the guideline factors are taken from the Presentence Report.

In cases for which a guideline sentencing range is trumped by a statutory maximum or mandatory minimum, the original (pre-trumped) guideline sentencing range is reported.

Income

The Commission codes *Income* to represent monthly income to the nearest dollar and includes sources other than traditional employment, such as welfare payments or unemployment compensation. Zero dollars are entered for persons with no income (whether unemployed, student, etc.). This variable is coded as missing or inapplicable when the Presentence Report indicates erratic or sporadic employment that might make an income value potentially misleading.

Length of Imprisonment

Using sentencing information obtained from the Judgment of Conviction Order, *Length of Imprisonment* is provided only for cases committed to the Bureau of Prisons. Life sentences are included in the category *Over 60* months. Sentences of a partial month have been rounded to the next month. Differences between the number of cases included and the total number of defendants sentenced to a term of imprisonment are due to missing information on the exact length of the term ordered. In most cases for which the exact term is unknown, the Judgment of Conviction Order merely specifies a sentence to *Time Served*.

Mandatory Minimum

Information on mandatory minimum penalties is obtained from the Presentence Report and

mandatory minimums by only reporting on cases in which complete information from the sentencing hearing is available).

The majority of cases reported in the *Mandatory Minimum* category is included because the amount of controlled substance involved was sufficient to trigger a mandatory minimum penalty. However, drug cases in which the amount of controlled substance is insufficient to trigger a mandatory minimum may still be reported in the *Mandatory Minimum* category due to convictions under 18 U.S.C. § 924(c) (use of a firearm in a crime of violence or controlled substance offense). Additionally, drug cases may involve mandatory minimum penalties for both drug amount and firearm use.

Because the tables involving mandatory minimums are collapsed, mandatory minimums of 12 months or less are included in the *No Mandatory Minimum* category. Cases involving a mandatory length of greater than 60 months are included in the *60 Month* category, except for Table 15 which provides a *120 Month* category.

Mode of Conviction

Information on *Mode of Conviction* is obtained from the Judgment of Conviction Order. Defendants sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Defendants sentenced subsequent to a trial by judge or jury are included in the *Trial* category. For the purposes of statistical analysis, cases sentenced pursuant to both a plea and a trial are excluded.

Offense Level

The final *Offense Level* used in these tables is taken from the Report on the Sentencing Hearing provided by the sentencing court. Tables involving the Report on the Sentencing Hearing are based on the 94 percent of cases for which the Commission has received such documents.

When the final offense level is not specified in the Report on the Sentencing Hearing, the computer calculates the offense level based on several logical criteria, if available. For instance, if the guideline sentencing range and criminal history category are available from the Report on the Sentencing Hearing, the final offense level is calculated by referring to the guideline sentencing table. Additionally, if the three main guideline factors were not provided on the Report on the Sentencing Hearing, but the court indicated that it accepted the values contained in the Presentence Report, the guideline factors are taken from the Presentence Report.

Position of Sentence

Departure information is given in more detail by describing the group of cases sentenced within the guideline sentencing range in terms of their relative position within the range. Only cases with

provided as reported by the sentencing court. Differences in the number and percentage of cases in each location may differ from tables that report the Commission's standardized departure information; this is due to the exclusion of any case missing both complete information from the Report on the Sentencing Hearing and information on statutory minima and maxima.

Primary Offense Category

Information on *Primary Offense Category* is obtained from the Judgment of Conviction Order. An offense code was derived for each of up to four counts of conviction in every case, based on the statute(s) and elements of the conviction. The "primary" offense code for the case was determined to be the offense code applicable for the count with the highest statutory maximum. If two or more counts were found to have the same statutory maximum, "primary" offense was selected according to the following (diminishing) order:

- a) violent offenses (including burglary of a residence)
- b) drug offenses
- c) firearm offenses
- d) property offenses
- e) moral offenses
- f) other offenses

In cases involving different offense codes that were similar under this second criterion as well (*e.g.*, two different property offenses with the same statutory maximum), statutory maximum fines were used as tie-breakers. Finally, in the small number of cases unresolved, the offense type that best represented the nature of the criminal behavior was chosen.

For convenience in analysis, a summary variable describing "primary offense category" was derived. This code was generated by grouping similar primary offense codes into a smaller set of categories. Listed below are the offense types that were grouped into each of the primary offense categories used in this report:

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

Manslaughter includes both involuntary and voluntary manslaughter.

Kidnapping/Hostage includes ransom taking and hostage/kidnapping.

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

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

Arson also includes damage by explosives.

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

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

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

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

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

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

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

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

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

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

Bribery includes payment to obtain office, bribes involving officials, bribery — bank loan/commercial

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

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

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

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

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

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

Pornography, Prostitution includes dealing in obscene matter, transportation of minor for prostitution/sex, transportation for prostitution/sex (adult), sexual exploitation of minors, materials involving sexual exploitation of minors, obscene telephone or broadcasting, and selling or buying children for pornography.

Offenses In Prisons include contraband in prison, riots in federal facilities, and escape.

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

Environmental/Fish And Wildlife includes specially protected fish, wildlife, plants.

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

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

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

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

Race

Information on *Race* of the defendant is obtained from the Presentence Report in separate categories of race and ethnicity (*White, Black, Native American or Alaskan Native, and Asian or Pacific Islander*). The ethnicity data are included because they indicate whether a defendant is of Hispanic origin. (For purposes of this report, defendants whose ethnic background is designated as Hispanic are shown as Hispanic regardless of racial background.) The *Other* category includes defendants of Native American, Alaskan Native, and Asian or Pacific Islander origin. Additionally, for cases in which information on defendant race could not be obtained, the Commission performed a search for this information using the Bureau of Prisons SENTRY system.

Reasons for Departure

Reasons for Departure as given by the sentencing judge are coded for cases involving departures. This information is obtained from the Report on the Sentencing Hearing when available. Because courts often provide more than one reason for departure, the percentages on the departure tables often add up to more than 100 percent.

Type of Guideline Sentence Imposed

Using sentencing information obtained from the Judgment of Conviction Order, the *Total Receiving Prison* category includes the number of defendants sentenced (and percent of *Total Cases*) who received a commitment to the Bureau of Prisons. This column includes those receiving *Prison*, and the *Prison/Community Split Sentence*.

The *Prison* category includes defendants sentenced to a term of imprisonment only, with no condition of post-release supervision, as well as defendants sentenced to a term of imprisonment followed by a term of supervised release with no conditions of community confinement or home detention. The *Prison/Community Split Sentence* is a term used for a new sentence under the Sentencing Reform Act and the guidelines. This involves a term of imprisonment followed by a term of supervised release that includes a condition of a term of community confinement or home detention. These conditions added together must comprise at least the minimum guideline sentence established by the sentencing court.

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

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

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

Cases Involving Fines and Restitution overlap with the other categories, because fines and restitution may be ordered in conjunction with the imposition of other sanctions.

Footnotes

The following footnotes pertain to the "Fiscal Year 1993 Guideline Sentences" tables provided in Appendix B. Actual figures provided in these footnotes apply only to the national data table. Additional information describing variables and data used are provided earlier in this appendix.

¹ Reflects the total number of cases received by the Commission by January 11, 1994, that were sentenced in FY1993.

² Cases with missing or indeterminable information on Gender or Race are excluded. Nationally, this involves the exclusion of 397 cases because of missing information on Gender (33) or Race (388).

³ Cases with missing or indeterminable information on the income or gender of the defendant are excluded from the calculation of average monthly income. Nationally, this involves the exclusion of 9,279 cases.

5 Cases with missing or indeterminable information on the age or gender of the defendant are excluded. Nationally, this involves the exclusion of 274 cases.

6 Cases with missing or indeterminable information on Mode of Conviction (81) are excluded. In addition, 153 cases coded with a value of *Both Plea and Trial* are excluded.

7 Of the 42,107 guideline cases, 517 are excluded due to one or more of the following conditions: missing information on type of sentence (233), cases in which no prison or probation was imposed (223), or cases in which primary offense type was missing (94).

8 Cases in the *Total Receiving Prison* and *Total Receiving Probation* categories total 100 percent of all cases; however, *Cases Involving Fines and Restitution* overlap with the other categories because fines and restitution may be ordered in conjunction with the imposition of other sanctions.

Cases involving no term of imprisonment and cases with indeterminable terms are excluded from the calculation of the *Average Months Prison* category. Any sentence of days is rounded up to the nearest month. Life sentences are included in these calculations as 470 months. Of the 41,590 cases included in the *Total Cases* column, 9,448 cases involving no term of imprisonment and 80 cases with an unspecified length are excluded from calculation of the average.

Cases involving no term of imprisonment and cases with indeterminable terms are excluded from the category *Length of Prison Term*. Any sentence of days is rounded up to the nearest month. Life sentences are included in the category *Over 60*.

9 Cases receiving no order of fine or restitution are excluded from the calculation of the *Total Receiving Fines and Restitution*. The number of cases upon which the average is based may not equal the *Total Receiving Fines and Restitution* due to the failure of some Judgment of Conviction Orders to specify the dollar amount ordered. Of the 42,107 guideline cases, 313 cases missing offense type or fine and restitution information are excluded from these calculations. Of the 41,794 cases with such information, 26,743 with no order of fine or restitution ordered are excluded from these calculations.

The following information corresponds to footnotes regarding selected federal criminal justice indicators, crimes reported to police, and selected demographic indicators in Appendix B tables:

1 Cities are listed, in descending order, according to the amount of sentencing guideline documentation submitted to the USSC.

3 Source: Executive Office for U.S. Attorneys, Evaluation and Review Staff. Represents designated attorneys as of December 30, 1993, as members of general criminal, organized crime drug enforcement task force, narcotics, financial institution fraud, and strike force units. The Executive Office estimates that 76 percent of attorneys' time is spent on criminal work. Therefore, the number of assistant U.S. attorneys listed for each district represents 76 percent of the total assistant U.S. attorneys allocated. Not all positions are filled at any one point in time due to attrition or budgetary constraints. Note: The assistant U.S. attorneys for Guam and the Northern Mariana Islands are combined.

4 Source: Administrative Office of the U.S. Courts, Defender Services Division. Represents number of assistant federal defender positions available in FY 1993 and includes members of community defender organizations. Districts with Community Defender Organizations include Southern California, Northern Georgia, Northern Illinois, Eastern Michigan, Montana, Eastern Pennsylvania, Eastern Tennessee, Eastern Washington, and Eastern and Southern New York. Eastern and Southern New York share 36 community defenders. Several adjoining districts share assistant federal defenders, and in these instances, the number of assistant federal defenders indicated is the total number shared. These districts include Colorado and Wyoming which share 14 defenders, Delaware and New Jersey which share 17, Southern and Central Illinois and Eastern Missouri which share 11, and Eastern and Northern Oklahoma which share four. Note: No federal defenders are located in Guam and the Northern Mariana Islands.

5 Source: Administrative Office of the U.S. Courts (1993). Probation and Pretrial Services Division Field Personnel. Includes probation officers and chiefs. Does not include pretrial services officers.

6 Source: Administrative Office of the U.S. Courts. Statistical Tables for the Twelve-Month Period Ended September 30, 1993 (Table C). Includes civil cases commenced, terminated, and pending in the district courts during the 12-month period ending September 30, 1992 and 1993. Filings for civil cases ended September 30, 1993.

7 Source: Administrative Office of the U.S. Courts. Statistical Tables for the Twelve-Month Period Ended September 30, 1993 (Table D). Includes criminal cases commenced, terminated, and pending in the district courts during the 12-month period ending September 30, 1992 and 1993. Filings for felony and misdemeanor cases for the period ended September 30, 1993.

8 Source: U.S. Department of Commerce, Bureau of the Census. Represents 1992 total population. Numbers presented for Guam and the Northern Mariana Islands were derived

9 Source: U.S. Department of Commerce, Bureau of the Census. Represents 1992 total population. Numbers presented for Guam and the Northern Mariana Islands were derived from 1990 data.

10 Source: U.S. Department of Commerce, Bureau of the Census, 1991 age distribution data.

11 Source: U.S. Department of Justice, FBI, Uniform Crime Reports. National data published in Crime in the United States-1992. Data on crime in federal judicial districts are derived from FBI unpublished data. The FBI combines seven offenses which include murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft to compute the crime index total. The totals for each index crime represent the aggregate number of crimes reported during 1992 to city, county, and state law enforcement officials. According to the FBI, sufficient data are not available to estimate arson totals for the nation or by judicial district. Data for judicial districts in New York were obtained directly from the New York State Statistical Analysis Center. Figures are not available for the Northern Mariana Islands. Population data for Puerto Rico in 1992 were not collected; therefore, numbers of crimes per 100,000 are not available. Forcible rape figures for Illinois were excluded from the crime index total and forcible rape categories due to lack of accordance between Illinois Department of State Police Uniform Crime Reporting (UCR) Program figures and national UCR guidelines.

12 Source: U.S. Department of Commerce, Bureau of the Census (1989 data). Numbers presented for Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands were derived from 1990 data. Note: The National Data total for income per capita does not include Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands.

13 Source: U.S. Department of Labor, Bureau of Labor Statistics (1992 data). Data derived from the U.S. Bureau of Labor Statistics, Local Area Unemployment Statistics. Based on total civilian labor force. Figures are not available for Guam, the Northern Mariana Islands, and the Virgin Islands.

14 Source: U.S. Department of Commerce, Bureau of the Census. Numbers for all federal judicial districts except Puerto Rico and the Virgin Islands were derived from U.S. Department of Commerce, Bureau of the Census, City County Data Book (1990). Nonfarm employment estimated as the sum of the number of persons employed in private nonfarm establishments (excluding self-employed persons, domestic service workers, railroad workers jointly covered by Social Security and railroad retirement programs, workers on oceanborn vessels, and workers in foreign countries). Source for Puerto Rico: U.S. Department of Commerce, Bureau of the Census (September, 1984). Characteristics of the Population.

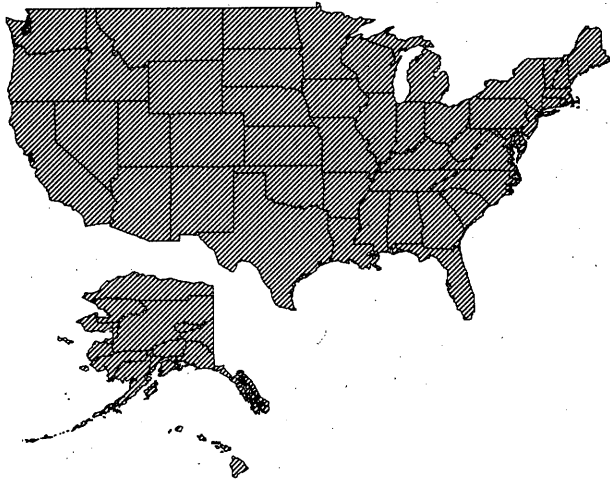
- 16 Includes the number of persons employed in local government and the number of civilians employed in federal government.
- 17 Source: U.S. Department of Commerce, Bureau of the Census (1987 data). The acreage designated as "land in farms" consists primarily of agricultural land used for crops, pasture, or grazing. Land in farms also includes woodland and wasteland not actually under cultivation or used for pasture or grazing, provided it was part of the farm operator's total operations. Large acreage of woodland or wasteland held for nonagricultural purposes was deleted from individual reports during the processing operations. Land in farms includes acres set aside under annual commodity acreage programs as well as acres in the Conservation Reserve Program for places meeting the farm definition. Note: Due to confidentiality rules, the Bureau of the Census does not disclose data that would readily identify a respondent. Specifically, farmland acreage for state counties with only one or two landowners is not disclosed. Therefore, both farmland acreage and total acreage of non-disclosed counties was excluded from the computation of certain districts (California Northern, Florida Northern, Michigan Western, New York Southern, New York Northern, North Carolina Western, North Carolina Eastern, Virginia Eastern, West Virginia Southern, and Wisconsin Eastern). Note: The National Data total for percent acreage in farms does not include Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands.
- 18 Source: U.S. Department of Commerce, Bureau of the Census. Data derived from U.S. Bureau of the Census, 1987 Census of Governments, Governmental Finances, Compendium of Government Finances, Series GC87(4)-5 (1986-87 data). Direct general expenditure comprises all local governments excluding utility, liquor stores, and insurance trust expenditures and any intergovernmental transfers. Data were unavailable for Guam and the Northern Mariana Islands.
- 19 Covers support of and assistance to needy persons contingent upon their needs. Includes cash assistance, vendor payments made directly to private purveyors for commodities and services provided under welfare programs, welfare institutions, payments to other governments for welfare purposes, and amounts for administration and support of private welfare agencies and other public welfare services.

Appendix B

Selected Criminal Justice and Sentencing Statistics (by district)

- **Fiscal Year 1993 Guideline Sentences**
- **Selected Federal Criminal Justice Indicators**
- **Crimes Reported To Police**
- **Selected Demographic Indicators**

NATIONAL DATA



Number of Court Professionals	District Court Judges ²	812
	Assistant U.S. Attorneys ³	3,220
	Assistant Federal Defenders ⁴	651
	Probation Officers ⁵	3,269
Cases Filed	Civil ⁶	229,850
	Criminal ⁷	46,785
Population	Total ⁸	252,688,000
	Per Square Mile ⁹	71.5
Age Distribution¹⁰	Percent Age 0-14	21.8
	Percent Age 15-24	14.5
	Percent Age 25-34	17.0
	Percent Age 35-44	15.5
	Percent Age 45-64	18.5
	Percent Age 65+	12.6

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	23,760	9
Forcible Rape	109,060	43
Robbery	672,480	264
Aggravated Assault	1,126,970	442
Burglary	2,979,900	1,168
Larceny/Theft	7,915,200	3,103
Motor Vehicle Theft	1,610,800	632
Crime Index Total	14,438,200	5,660

Economic Indicators	Income per Capita ¹²	\$ 14,420
	Percent Unemployed ¹³	6.7

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	21.3
	Percent Retail	21.1
	Percent Finance ¹⁵	7.4
	Percent Service	29.8
	Percent Other ¹⁶	20.4

Agriculture	Percent Farm Acreage ¹⁷	42.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 60.34
	Education	\$ 451.00
	Health and Hospitals	\$ 92.22
	Public Welfare ¹⁹	\$ 63.75
	Highways	\$ 62.62

Cases Received by USSC (by sentencing month) ¹

October 92	3,374	April 93	3,891
November 92	3,394	May 93	3,625
December 92	3,404	June 93	3,581
January 93	3,466	July 93	3,811
February 93	3,230	August 93	3,337
March 93	3,819	September 93	3,175

TOTAL = 42,107

Monthly Income ³

	mean	median
TOTAL	\$1,074	\$500
Male	\$1,076	\$403
Female	\$1,062	\$726

Average Age ⁵

	mean	median
TOTAL	34.7	33.0
Male	34.7	33.0
Female	34.8	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	41,710 (100%)	35,342 (84.7%)	6,368 (15.3%)
White	18,172 (43.6%)	15,304 (84.2%)	2,868 (15.8%)
Black	12,175 (29.2%)	9,986 (82.0%)	2,189 (18.0%)
Hispanic	9,933 (23.8%)	8,860 (89.2%)	1,073 (10.8%)
Other	1,430 (3.4%)	1,192 (83.4%)	238 (16.6%)

Departure Status ⁴

Sentenced within Guideline Range	30,470 (75.3%)
Substantial Assistance Departure	6,840 (16.9%)
Other Downward Departure	2,676 (6.6%)
Upward Departure	456 (1.1%)

Mode of Conviction ⁶

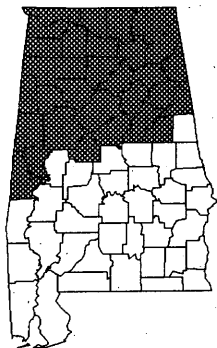
TOTAL	41,873 (100%)
Plea	37,048 (88.5%)
Trial	4,825 (11.5%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	Oth
	41,590 (100%)	1,647 (100%)	3,028 (100%)	918 (100%)	5,528 (100%)	17,159 (100%)	884 (100%)	3,116 (100%)	2,170 (100%)	7,140 (100%)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	32,140 (77.3)	1,633 (99.2)	1,247 (41.2)	484 (52.7)	3,196 (57.8)	16,125 (94.0)	457 (51.7)	2,759 (88.5)	1,824 (84.1)	4,415 (61.8)
Prison	30,609 (73.6)	1,629 (98.9)	1,131 (37.4)	314 (34.2)	2,709 (49.0)	15,824 (92.2)	427 (48.3)	2,676 (85.9)	1,777 (81.9)	4,122 (57.7)
Prison/Community Split	1,531 (3.7)	4 (0.2)	116 (3.8)	170 (18.5)	487 (8.8)	301 (1.8)	30 (3.4)	83 (2.7)	47 (2.2)	293 (4.1)
Prison Term Ordered										
1-12 months	7,482	21	669	382	1,701	1,384	257	362	934	1,701
13-24 months	5,287	27	253	71	869	1,928	129	542	599	869
25-36 months	3,177	121	111	16	326	1,634	37	358	81	411
37-60 months	5,749	385	129	7	231	3,585	23	624	128	624
Over 60 months	10,367	1,078	77	4	53	7,574	8	871	65	624
Mean Sentence	66.5	113.8	21.6	9.4	17.0	89.4	15.7	71.5	17.9	41.1
Median Sentence	37.0	84.0	12.0	7.0	12.0	60.0	12.0	42.0	12.0	11.1
CASES INVOLVING PROBATION										
Total Receiving Probation	9,450 (22.7)	14 (0.8)	1,781 (58.8)	434 (47.3)	2,332 (42.2)	1,034 (6.0)	427 (48.3)	357 (11.5)	346 (15.9)	2,725 (38.1)
Probation Only	6,174 (14.8)	6 (0.4)	1,316 (43.5)	291 (31.7)	1,402 (25.4)	546 (3.2)	266 (30.1)	200 (6.4)	259 (11.9)	1,888 (26.5)
Probation and Confinement	3,276 (7.9)	8 (0.5)	465 (15.4)	143 (15.6)	930 (16.8)	488 (2.8)	161 (18.2)	157 (5.0)	87 (4.0)	837 (11.6)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	15,051 (36.0)	860 (52.2)	2,153 (69.8)	675 (71.7)	3,869 (69.4)	2,988 (17.4)	467 (52.6)	605 (19.4)	288 (13.2)	3,146 (43.1)
Median Dollar Amount	\$3,000	\$3,134	\$1,796	\$7,789	\$9,173	\$2,000	\$1,417	\$2,000	\$1,000	\$2,000

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY

**ALABAMA, Northern
11th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|----------------|---------------|
| (1) Birmingham | (4) Talladega |
| (2) Huntsville | (5) Florence |
| (3) Gadsden | (6) Anniston |

Number of Court Professionals	District Court Judges ²	10
	Assistant U.S. Attorneys ³	30
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	31

Cases Filed	Civil ⁶	6,672
	Criminal ⁷	347

Population	Total ⁸	2,396,560
	Per Square Mile ⁹	107.5

Age Distribution¹⁰	Percent Age 0-14	21.0
	Percent Age 15-24	15.0
	Percent Age 25-34	16.1
	Percent Age 35-44	15.3
	Percent Age 45-64	19.8
	Percent Age 65+	12.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	261	11
Forcible Rape	912	38
Robbery	3,720	155
Aggravated Assault	11,713	489
Burglary	24,800	1,035
Larceny/Theft	64,792	2,704
Motor Vehicle Theft	8,470	353
Crime Index Total	114,668	4,785

Economic Indicators	Income per Capita ¹²	\$ 12,085
	Percent Unemployed ¹³	6.9

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	27.5
	Percent Retail	20.2
	Percent Finance ¹⁵	6.0
	Percent Service	24.5
	Percent Other ¹⁶	21.8

Agriculture	Percent Farm Acreage ¹⁷	27.5
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 55.18
	Education	\$ 419.53
	Health and Hospitals	\$ 210.21
	Public Welfare ¹⁹	\$ 5.91
	Highways	\$ 75.31

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	28	April 93	22
November 92	32	May 93	23
December 92	14	June 93	32
January 93	10	July 93	20
February 93	29	August 93	36
March 93	26	September 93	20

TOTAL = 292

Monthly Income ³

	mean	median
TOTAL	\$1,453	\$850
Male	\$1,489	\$955
Female	\$1,349	\$700

Average Age ⁵

	mean	median
TOTAL	34.4	34.0
Male	34.8	34.0
Female	33.4	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	290 (100.0%)	218 (75.2%)	72 (24.8%)
White	158 (54.5%)	124 (78.5%)	34 (21.5%)
Black	124 (42.8%)	87 (70.2%)	37 (29.8%)
Hispanic	4 (1.4%)	3 (75.0%)	1 (25.0%)
Other	4 (1.4%)	4 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	213 (73.4%)
Substantial Assistance Departure	71 (24.5%)
Other Downward Departure	6 (2.1%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

TOTAL	286 (100.0%)
Plea	258 (90.2%)
Trial	28 (9.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	285 (100.0)	9 (100.0)	45 (100.0)	8 (100.0)	54 (100.0)	88 (100.0)	16 (100.0)	20 (100.0)	0 (100.0)	45

CASES INVOLVING PRISON ⁸

Total Receiving Prison	179 (62.8)	9 (100.0)	13 (28.9)	4 (50.0)	23 (42.6)	79 (89.8)	6 (37.5)	17 (85.0)	0 (--)	28
Prison	157 (55.1)	9 (100.0)	10 (22.2)	1 (12.5)	20 (37.0)	71 (80.7)	5 (31.2)	16 (80.0)	0 (--)	25
Prison/Community Split	22 (7.7)	0 (0.0)	3 (6.7)	3 (37.5)	3 (5.6)	8 (9.1)	1 (6.2)	1 (5.0)	0 (--)	3

Prison Term Ordered

1-12 months	52	0	10	4	8	15	4	2	0
13-24 months	39	1	0	0	11	13	2	4	0
25-36 months	21	1	1	0	4	13	0	1	0
37-60 months	19	2	1	0	0	10	0	4	0
Over 60 months	48	5	1	0	0	28	0	6	0
Mean Sentence	54.7	108.0	20.6	8.5	17.7	64.4	13.2	61.5	--
Median Sentence	24.0	71.0	10.0	8.0	16.0	36.0	10.5	46.0	--

CASES INVOLVING PROBATION

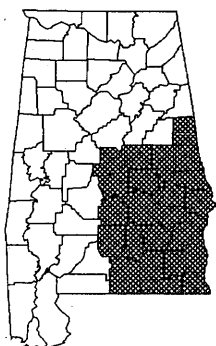
Total Receiving Probation	106 (37.2)	0 (0.0)	32 (71.1)	4 (50.0)	31 (57.4)	9 (10.2)	10 (62.5)	3 (15.0)	0 (--)	17
Probation Only	74 (26.0)	0 (0.0)	27 (60.0)	2 (25.0)	13 (24.1)	9 (10.2)	6 (37.5)	2 (10.0)	0 (--)	15
Probation and Confinement	32 (11.2)	0 (0.0)	5 (11.1)	2 (25.0)	18 (33.3)	0 (0.0)	4 (25.0)	1 (5.0)	0 (--)	2

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	162 (56.6)	7 (77.8)	30 (66.7)	7 (87.5)	45 (81.8)	27 (30.7)	9 (56.2)	8 (40.0)	0 (--)	29
Median Dollar Amount	\$2,718	\$6,876	\$250	\$10,000	\$4,864	\$2,528	\$960	\$2,500	\$--	

Footnotes and a complete description of all variables in this table are provided in Apper SOURCE: U.S. Sentencing Commission, FY1993 Data File, MOI

**ALABAMA, Middle
11th Circuit**



City Supplying Guideline Documentation¹

(1) Montgomery

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	12
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	18
Cases Filed	Civil ⁶	1,608
	Criminal ⁷	302
Population	Total ⁸	960,256
	Per Square Mile ⁹	62.4
Age Distribution¹⁰	Percent Age 0-14	22.1
	Percent Age 15-24	16.7
	Percent Age 25-34	15.4
	Percent Age 35-44	14.4
	Percent Age 45-64	18.5
	Percent Age 65+	12.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	88	9
Forcible Rape	353	37
Robbery	1,036	108
Aggravated Assault	4,674	487
Burglary	9,845	1,025
Larceny/Theft	21,645	2,254
Motor Vehicle Theft	2,178	227
Crime Index Total	39,819	4,147

Economic Indicators	Income per Capita ¹²	\$ 10,806
	Percent Unemployed ¹³	7.2

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	29.6
	Percent Retail	21.0
	Percent Finance ¹⁵	5.5
	Percent Service	22.2
	Percent Other ¹⁶	21.7

Agriculture	Percent Farm Acreage ¹⁷	34.2
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 52.53
	Education	\$ 409.73
	Health and Hospitals	\$ 167.35
	Public Welfare ¹⁹	\$ 2.68
	Highways	\$ 68.35

Cases Received by USSC (by sentencing month) ¹

October 92	22	April 93	14
November 92	24	May 93	21
December 92	14	June 93	14
January 93	11	July 93	13
February 93	23	August 93	23
March 93	28	September 93	22

TOTAL = 229

Monthly Income ³

	mean	median
TOTAL	\$1,179	\$716
Male	\$1,232	\$613
Female	\$1,052	\$830

Average Age ⁵

	mean	median
TOTAL	34.4	33.0
Male	33.4	32.0
Female	37.3	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	229 (100.0%)	169 (73.8%)	60 (26.2%)
White	112 (48.9%)	76 (67.9%)	36 (32.1%)
Black	97 (42.4%)	74 (76.3%)	23 (23.7%)
Hispanic	18 (7.9%)	18 (100.0%)	0 (0.0%)
Other	2 (0.9%)	1 (50.0%)	1 (50.0%)

Departure Status ⁴

Sentenced within Guideline Range	177 (77.6%)
Substantial Assistance Departure	44 (19.3%)
Other Downward Departure	5 (2.2%)
Upward Departure	2 (0.9%)

Mode of Conviction ⁶

TOTAL	228 (100.0%)
Plea	200 (87.7%)
Trial	28 (12.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Other
	227 (100.0)	9 (100.0)	59 (100.0)	4 (100.0)	29 (100.0)	64 (100.0)	8 (100.0)	17 (100.0)	0 (100.0)	37 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	139 (61.2)	9 (100.0)	7 (11.9)	3 (75.0)	18 (62.1)	61 (95.3)	2 (25.0)	12 (70.6)	0 (--)	27 (73.0)
Prison	133 (58.6)	9 (100.0)	7 (11.9)	3 (75.0)	14 (48.3)	61 (95.3)	1 (12.5)	11 (64.7)	0 (--)	27 (73.0)
Prison/Community Split	6 (2.6)	0 (0.0)	0 (0.0)	0 (0.0)	4 (13.8)	0 (0.0)	1 (12.5)	1 (5.9)	0 (--)	0 (0.0)

Prison Term Ordered

1-12 months	32	0	6	1	10	3	1	1	0	10
13-24 months	16	0	0	1	3	4	0	1	0	7
25-36 months	20	0	1	0	3	6	1	3	0	6
37-60 months	9	1	0	1	2	4	0	0	0	1
Over 60 months	62	8	0	0	0	44	0	7	0	3
Mean Sentence	75.6	91.6	12.4	21.7	18.2	118.7	17.5	84.5	--	33.9
Median Sentence	37.0	90.0	12.0	18.0	10.0	120.0	17.5	67.0	--	18.0

CASES INVOLVING PROBATION

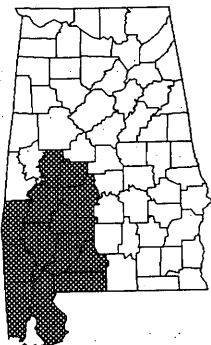
Total Receiving Probation	88 (38.8)	0 (0.0)	52 (88.1)	1 (25.0)	11 (37.9)	3 (4.7)	6 (75.0)	5 (29.4)	0 (--)	10 (27.0)
Probation Only	61 (26.9)	0 (0.0)	47 (79.7)	0 (0.0)	3 (10.3)	0 (0.0)	4 (50.0)	2 (11.8)	0 (--)	5 (13.5)
Probation and Confinement	27 (11.9)	0 (0.0)	5 (8.5)	1 (25.0)	8 (27.6)	3 (4.7)	2 (25.0)	3 (17.6)	0 (--)	5 (13.5)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	108 (47.4)	7 (77.8)	42 (70.0)	2 (50.0)	22 (75.9)	9 (14.1)	6 (75.0)	4 (23.5)	0 (--)	16 (43.2)
Median Dollar Amount	\$1,635	\$1,830	\$470	\$30,825	\$11,877	\$10,000	\$2,400	\$600	\$--	\$3,000

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**ALABAMA, Southern
11th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Mobile
- (2) Selma

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ³	15
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	20
Cases Filed	Civil ⁶	1,100
	Criminal ⁷	277
Population	Total ⁸	733,307
	Per Square Mile ⁹	56.0
Age Distribution¹⁰	Percent Age 0-14	23.8
	Percent Age 15-24	14.7
	Percent Age 25-34	15.1
	Percent Age 35-44	14.5
	Percent Age 45-64	18.8
	Percent Age 65+	13.1

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	66	9
Forcible Rape	278	38
Robbery	1,635	223
Aggravated Assault	8,122	1,108
Burglary	9,319	1,271
Larceny/Theft	19,696	2,686
Motor Vehicle Theft	3,221	439
Crime Index Total	42,337	5,773

Economic Indicators	Income per Capita ¹²	\$10,420
	Percent Unemployed ¹³	9.2

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	23.4
	Percent Retail	22.6
	Percent Finance ¹⁵	4.9
	Percent Service	25.2
	Percent Other ¹⁶	23.8

Agriculture	Percent Farm Acreage ¹⁷	22.1
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 55.49
	Education	\$ 411.78
	Health and Hospitals	\$ 79.88
	Public Welfare ¹⁹	\$ 1.89
	Highways	\$ 68.07

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

ALABAMA, Sou

Cases Received by USSC (by sentencing month) ¹

October 92	22	April 93	38
November 92	29	May 93	26
December 92	36	June 93	48
January 93	36	July 93	35
February 93	34	August 93	37
March 93	50	September 93	48

TOTAL = 439

Monthly Income ³

	mean	median
TOTAL	\$1,054	\$454
Male	\$1,105	\$406
Female	\$886	\$571

Average Age ⁵

	mean	median
TOTAL	33.7	32.0
Male	33.7	32.0
Female	33.6	30.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	439 (100.0%)	346 (78.8%)	93 (21.2%)
White	157 (35.8%)	118 (75.2%)	39 (24.8%)
Black	235 (53.5%)	186 (79.1%)	49 (20.9%)
Hispanic	41 (9.3%)	39 (95.1%)	2 (4.9%)
Other	6 (1.4%)	3 (50.0%)	3 (50.0%)

Departure Status ⁴

Sentenced within Guideline Range	306 (70.7%)
Substantial Assistance Departure	114 (26.3%)
Other Downward Departure	6 (1.4%)
Upward Departure	7 (1.6%)

Mode of Conviction ⁶

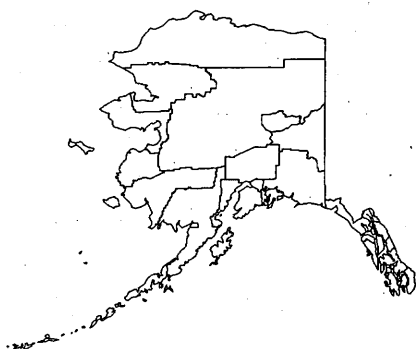
TOTAL	435 (100.0%)
Plea	367 (84.4%)
Trial	68 (15.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	439 (100.0)	13 (100.0)	31 (100.0)	3 (100.0)	71 (100.0)	219 (100.0)	19 (100.0)	42 (100.0)	1 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	345 (78.6)	13 (100.0)	20 (64.5)	2 (66.7)	32 (45.1)	199 (90.9)	9 (47.4)	42 (100.0)	1 (100.0)	
Prison	341 (77.7)	13 (100.0)	20 (64.5)	2 (66.7)	30 (42.2)	199 (90.9)	8 (42.1)	41 (97.6)	1 (100.0)	
Prison/Community Split	4 (0.9)	0 (0.0)	0 (0.0)	0 (0.0)	2 (2.8)	0 (0.0)	1 (5.3)	1 (2.4)	0 (0.0)	
Prison Term Ordered										
1-12 months	63	0	9	1	15	18	6	4	1	
13-24 months	47	0	8	1	4	18	2	5	0	
25-36 months	26	1	1	0	6	13	0	4	0	
37-60 months	47	4	2	0	7	18	1	13	0	
Over 60 months	161	8	0	0	0	132	0	15	0	
Mean Sentence	93.8	145.7	16.1	15.0	21.9	125.8	13.3	70.7	12.0	
Median Sentence	60.0	84.0	15.0	15.0	18.0	96.0	7.0	57.0	12.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	94 (21.4)	0 (0.0)	11 (35.5)	1 (33.3)	39 (54.9)	20 (9.1)	10 (52.6)	0 (0.0)	0 (0.0)	
Probation Only	57 (13.0)	0 (0.0)	7 (22.6)	0 (0.0)	24 (33.8)	11 (5.0)	7 (36.8)	0 (0.0)	0 (0.0)	
Probation and Confinement	37 (8.4)	0 (0.0)	4 (12.9)	1 (33.3)	15 (21.1)	9 (4.1)	3 (15.8)	0 (0.0)	0 (0.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	150 (34.2)	5 (38.5)	28 (90.3)	3 (100.0)	65 (91.5)	15 (6.8)	15 (79.0)	4 (9.5)	0 (0.0)	
Median Dollar Amount	\$3,035	\$13,691	\$1,973	\$7,780	\$2,858	\$10,000	\$1,112	\$3,431	\$--	

Footnotes and a complete description of all variables in this table are provided in Appen
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MC

**ALASKA
9th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Anchorage
- (2) Fairbanks

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	12
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	15
Cases Filed	Civil ⁶	665
	Criminal ⁷	237
Population	Total ⁸	570,297
	Per Square Mile ⁹	1.0
Age Distribution¹⁰	Percent Age 0-14	27.4
	Percent Age 15-24	13.9
	Percent Age 25-34	19.7
	Percent Age 35-44	19.4
	Percent Age 45-64	15.4
	Percent Age 65+	4.2

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	43	8
Forcible Rape	564	99
Robbery	628	110
Aggravated Assault	2,538	445
Burglary	5,186	909
Larceny/Theft	20,335	3,566
Motor Vehicle Theft	2,873	504
Crime Index Total	32,167	5,640

Economic Indicators	Income per Capita ¹²	\$ 17,610
	Percent Unemployed ¹³	9.2

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	7.9
	Percent Retail	24.6
	Percent Finance ¹⁵	6.4
	Percent Service	32.7
	Percent Other ¹⁶	28.4

Agriculture	Percent Farm Acreage ¹⁷	0.3
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 154.43
	Education	\$ 1,467.38
	Health and Hospitals	\$ 113.71
	Public Welfare ¹⁹	\$ 20.81
	Highways	\$ 269.38

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

ALASKA

Cases Received by USSC (by sentencing month) ¹

October 92	22	April 93	13
November 92	10	May 93	13
December 92	15	June 93	10
January 93	7	July 93	25
February 93	6	August 93	6
March 93	6	September 93	14

TOTAL = 147

Monthly Income ³

	mean	median
TOTAL	\$986	\$0
Male	\$1,056	\$0
Female	\$740	\$0

Average Age ⁵

TOTAL	33.9	32.0
Male	34.0	32.0
Female	33.4	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	145 (100.0%)	121 (83.4%)	24 (16.6%)
White	85 (58.6%)	72 (84.7%)	13 (15.3%)
Black	27 (18.6%)	23 (85.2%)	4 (14.8%)
Hispanic	15 (10.3%)	13 (86.7%)	2 (13.3%)
Other	18 (12.4%)	13 (72.2%)	5 (27.8%)

Departure Status ⁴

Sentenced within Guideline Range	103 (84.4%)
Substantial Assistance Departure	11 (9.0%)
Other Downward Departure	8 (6.6%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

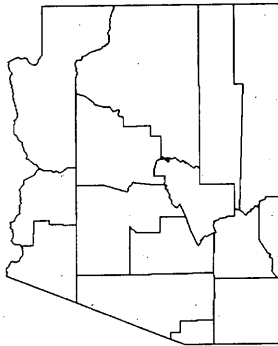
TOTAL	146 (100.0%)
Plea	125 (85.6%)
Trial	21 (14.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	Otl
	134 (100.0)	7 (100.0)	17 (100.0)	0 (100.0)	9 (100.0)	36 (100.0)	1 (100.0)	12 (100.0)	7 (100.0)	45 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	92 (68.7)	7 (100.0)	5 (29.4)	0 (--)	7 (77.8)	32 (88.9)	0 (0.0)	11 (91.7)	6 (85.7)	24 (53.3)
Prison	86 (64.2)	7 (100.0)	4 (23.5)	0 (--)	5 (55.6)	32 (88.9)	0 (0.0)	11 (91.7)	6 (85.7)	21 (46.7)
Prison/Community Split	6 (4.5)	0 (0.0)	1 (5.9)	0 (--)	2 (22.2)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	3 (6.7)
Prison Term Ordered										
1-12 months	31	0	4	0	6	2	0	1		3
13-24 months	20	0	1	0	0	10	0	1		3
25-36 months	9	1	0	0	1	2	0	3		0
37-60 months	8	0	0	0	0	4	0	2		0
Over 60 months	24	6	0	0	0	14	0	4		0
Mean Sentence	48.4	90.7	5.1	--	10.0	70.7	--	90.5	11.7	1
Median Sentence	23.0	72.0	1.0	--	6.0	46.0	--	57.0	12.5	1
CASES INVOLVING PROBATION										
Total Receiving Probation	42 (31.3)	0 (0.0)	12 (70.6)	0 (--)	2 (22.2)	4 (11.1)	1 (100.0)	1 (8.3)	1 (14.3)	21 (46.7)
Probation Only	30 (22.4)	0 (0.0)	10 (58.8)	0 (--)	2 (22.2)	2 (5.6)	0 (0.0)	1 (8.3)	1 (14.3)	14 (31.1)
Probation and Confinement	12 (9.0)	0 (0.0)	2 (11.8)	0 (--)	0 (0.0)	2 (5.6)	1 (100.0)	0 (0.0)	0 (0.0)	7 (15.6)
CASES INVOLVING FINES AND RESSTITUTION ⁹										
Total Receiving Fines and Restitution	73 (53.7)	7 (100.0)	15 (83.3)	0 (--)	8 (88.9)	17 (47.2)	1 (100.0)	3 (25.0)	1 (14.3)	21 (46.7)
Median Dollar Amount	\$3,144	\$8,926	\$2,400	\$--	\$16,783	\$3,300	\$3,428	\$1,500	\$1,000	\$2,000

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY

**ARIZONA
9th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|-------------|--------------|
| (1) Phoenix | (4) Yuma |
| (2) Tucson | (5) Globe |
| (3) Nogales | (6) Prescott |

Number of Court Professionals	District Court Judges ²	12
	Assistant U.S. Attorneys ³	68
	Assistant Federal Defenders ⁴	23
	Probation Officers ⁵	70
Cases Filed	Civil ⁶	3,292
	Criminal ⁷	1,248
Population	Total ⁸	3,747,905
	Per Square Mile ⁹	33.0
Age Distribution¹⁰	Percent Age 0-14	23.1
	Percent Age 15-24	14.3
	Percent Age 25-34	16.9
	Percent Age 35-44	14.8
	Percent Age 45-64	17.5
	Percent Age 65+	13.2

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	305	8
Forcible Rape	1,602	43
Robbery	5,764	154
Aggravated Assault	17,425	465
Burglary	52,352	1,397
Larceny/Theft	152,821	4,077
Motor Vehicle Theft	30,710	819
Crime Index Total	260,979	6,963

Economic Indicators	Income per Capita ¹²	\$ 13,461
	Percent Unemployed ¹³	7.4

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	15.4
	Percent Retail	23.8
	Percent Finance ¹⁵	7.3
	Percent Service	31.7
	Percent Other ¹⁶	21.8

Agriculture	Percent Farm Acreage ¹⁷	50.0
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 110.24
	Education	\$ 790.59
	Health and Hospitals	\$ 74.69
	Public Welfare ¹⁹	\$ 43.10
	Highways	\$ 157.63

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

ARIZON

Cases Received by USSC (by sentencing month) ¹

October 92	107	April 93	94
November 92	101	May 93	119
December 92	85	June 93	110
January 93	121	July 93	111
February 93	93	August 93	95
March 93	112	September 93	99

TOTAL = 1,247

Monthly Income ³

	mean	median
TOTAL	\$528	\$41
Male	\$539	\$28
Female	\$466	\$123

Average Age ⁵

	mean	median
TOTAL	32.5	30.0
Male	32.2	30.0
Female	34.9	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,235 (100.0%)	1,076 (87.1%)	159 (12.9%)
White	306 (24.8%)	250 (81.7%)	56 (18.3%)
Black	33 (2.7%)	27 (81.8%)	6 (18.2%)
Hispanic	788 (63.8%)	706 (89.6%)	82 (10.4%)
Other	108 (8.7%)	93 (86.1%)	15 (13.9%)

Departure Status ⁴

Sentenced within Guideline Range	643 (53.1%)
Substantial Assistance Departure	158 (13.1%)
Other Downward Departure	392 (32.4%)
Upward Departure	17 (1.4%)

Mode of Conviction ⁶

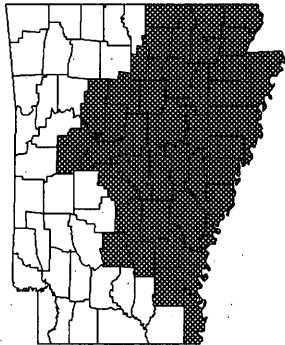
TOTAL	1,235 (100.0%)
Plea	1,131 (91.6%)
Trial	104 (8.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Other
	1,229 (100.0)	60 (100.0)	40 (100.0)	12 (100.0)	79 (100.0)	577 (100.0)	11 (100.0)	53 (100.0)	143 (100.0)	254 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	1,001 (81.5)	58 (96.7)	16 (40.0)	1 (8.3)	55 (69.6)	528 (91.5)	5 (45.5)	44 (83.0)	130 (90.9)	164 (64.6)
Prison	981 (79.8)	57 (95.0)	15 (37.5)	1 (8.3)	54 (68.3)	521 (90.3)	5 (45.5)	44 (83.0)	129 (90.2)	155 (60.6)
Prison/Community Split	20 (1.6)	1 (1.7)	1 (2.5)	0 (0.0)	1 (1.3)	7 (1.2)	0 (0.0)	0 (0.0)	1 (0.7)	9 (3.5)
Prison Term Ordered										
1-12 months	333	2	3	1	41	132	2	9	81	
13-24 months	215	1	3	0	3	138	1	10	31	
25-36 months	103	4	4	0	2	63	0	7	2	
37-60 months	145	17	3	0	2	81	2	12	11	
Over 60 months	187	33	2	0	0	111	0	5	0	
Mean Sentence	44.2	87.2	39.4	10.0	6.4	49.6	26.8	44.3	13.8	
Median Sentence	24.0	71.0	30.0	10.0	1.0	24.0	24.0	30.0	10.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	228 (18.6)	2 (3.3)	24 (60.0)	11 (91.7)	24 (30.4)	49 (8.5)	6 (54.5)	9 (17.0)	13 (9.1)	90 (35.3)
Probation Only	135 (11.0)	1 (1.7)	14 (35.0)	6 (50.0)	14 (17.7)	23 (4.0)	2 (18.2)	8 (15.1)	8 (5.6)	59 (23.1)
Probation and Confinement	93 (7.6)	1 (1.7)	10 (25.0)	5 (41.7)	10 (12.7)	26 (4.5)	4 (36.4)	1 (1.9)	5 (3.5)	31 (12.2)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	398 (32.2)	43 (71.7)	32 (80.0)	11 (91.7)	36 (43.4)	124 (21.5)	9 (81.8)	16 (30.2)	22 (15.1)	105 (41.1)
Median Dollar Amount	\$2,350	\$4,133	\$5,936	\$4,488	\$6,335	\$2,000	\$2,965	\$1,750	\$475	\$1,000

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONF

**ARKANSAS, Eastern
8th Circuit**



City Supplying Guideline Documentation¹

(1) Little Rock

Number of Court Professionals	District Court Judges ²	7
	Assistant U.S. Attorneys ³	16
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	22
Cases Filed	Civil ⁶	2,331
	Criminal ⁷	206
Population	Total ⁸	1,403,217
	Per Square Mile ⁹	49.6
Age Distribution¹⁰	Percent Age 0-14	22.5
	Percent Age 15-24	14.9
	Percent Age 25-34	15.4
	Percent Age 35-44	14.5
	Percent Age 45-64	19.0
	Percent Age 65+	13.7

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	199	14
Forcible Rape	729	52
Robbery	2,418	172
Aggravated Assault	7,510	535
Burglary	17,930	1,278
Larceny/Theft	43,073	3,070
Motor Vehicle Theft	6,043	431
Crime Index Total	77,902	5,552

Economic Indicators	Income per Capita ¹²	\$ 10,554
	Percent Unemployed ¹³	7.8

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	26.0
	Percent Retail	21.8
	Percent Finance ¹⁵	5.7
	Percent Service	28.0
	Percent Other ¹⁶	18.6

Agriculture	Percent Farm Acreage ¹⁷	54.2
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 42.75
	Education	\$ 540.66
	Health and Hospitals	\$ 69.16
	Public Welfare ¹⁹	\$ 1.64
	Highways	\$ 53.72

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	25	April 93	39
November 92	19	May 93	15
December 92	11	June 93	23
January 93	23	July 93	22
February 93	15	August 93	20
March 93	15	September 93	16

TOTAL = 243

Monthly Income ³

	mean	median
TOTAL	\$1,048	\$660
Male	\$1,009	\$628
Female	\$1,251	\$950

Average Age ⁵

	mean	median
TOTAL	35.0	33.0
Male	35.2	34.0
Female	33.8	31.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	237 (100.0%)	199 (84.0%)	38 (16.0%)
White	130 (54.9%)	105 (80.8%)	25 (19.2%)
Black	91 (38.4%)	78 (85.7%)	13 (14.3%)
Hispanic	16 (6.8%)	16 (100.0%)	0 (0.0%)
Other	0 (0.0%)	0 (0.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	197 (83.1%)
Substantial Assistance Departure	30 (12.7%)
Other Downward Departure	9 (3.8%)
Upward Departure	1 (0.4%)

Mode of Conviction ⁶

TOTAL	241 (100.0%)
Plea	207 (85.9%)
Trial	34 (14.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	Other
	243 (100.0)	17 (100.0)	11 (100.0)	8 (100.0)	46 (100.0)	80 (100.0)	4 (100.0)	24 (100.0)	7 (100.0)	46 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	188 (77.4)	17 (100.0)	5 (45.5)	6 (75.0)	33 (71.7)	70 (87.5)	3 (75.0)	22 (91.7)	5 (71.4)	27 (58.7)
Prison	179 (73.7)	17 (100.0)	5 (45.5)	4 (50.0)	30 (65.2)	70 (87.5)	3 (75.0)	21 (87.5)	5 (71.4)	24 (52.2)
Prison/Community Split	9 (3.7)	0 (0.0)	0 (0.0)	2 (25.0)	3 (6.5)	0 (0.0)	0 (0.0)	1 (4.2)	0 (0.0)	3 (6.5)
Prison Term Ordered										
1-12 months	53	1	3	5	18	5	2	5	4	1
13-24 months	36	0	1	1	13	14	1	2	1	
25-36 months	21	2	0	0	1	9	0	4	0	
37-60 months	27	3	1	0	1	14	0	3	0	
Over 60 months	51	11	0	0	0	28	0	8	0	
Mean Sentence	56.6	109.0	15.0	6.2	13.7	79.0	10.0	70.7	11.2	38
Median Sentence	28.5	124.0	11.0	6.5	12.0	48.0	5.0	34.0	11.0	27

CASES INVOLVING PROBATION

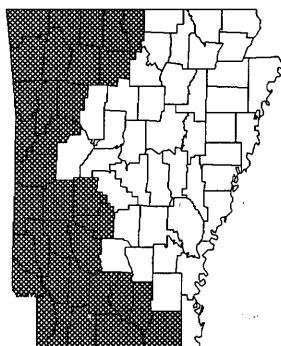
Total Receiving Probation	55 (22.6)	0 (0.0)	6 (54.5)	2 (25.0)	13 (28.3)	10 (12.5)	1 (25.0)	2 (8.3)	2 (28.6)	19 (41.1)
Probation Only	40 (16.5)	0 (0.0)	5 (45.5)	2 (25.0)	6 (13.0)	6 (7.5)	1 (25.0)	2 (8.3)	1 (14.3)	17 (37.0)
Probation and Confinement	15 (6.2)	0 (0.0)	1 (9.1)	0 (0.0)	7 (15.2)	4 (5.0)	0 (0.0)	0 (0.0)	1 (14.3)	2 (4.4)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	58 (23.9)	1 (5.9)	8 (72.7)	4 (50.0)	20 (43.5)	8 (10.0)	1 (25.0)	1 (4.2)	2 (28.6)	13 (28.3)
Median Dollar Amount	\$3,000	\$--	\$3,572	\$3,040	\$9,245	\$4,000	\$2,000	\$1,000	\$1,250	\$1,500

Footnotes and a complete description of all variables in this table are provided in Appendix .
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY

**ARKANSAS, Western
8th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Fort Smith
- (2) Fayetteville
- (3) El Dorado

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	9
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	13
Cases Filed	Civil ⁶	1,052
	Criminal ⁷	183
Population	Total ⁸	969,772
	Per Square Mile ⁹	40.8
Age Distribution¹⁰	Percent Age 0-14	21.2
	Percent Age 15-24	14.0
	Percent Age 25-34	14.3
	Percent Age 35-44	14.0
	Percent Age 45-64	19.9
	Percent Age 65+	16.6

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	59	6
Forcible Rape	259	27
Robbery	585	60
Aggravated Assault	2,038	210
Burglary	8,207	846
Larceny/Theft	22,977	2,369
Motor Vehicle Theft	1,839	190
Crime Index Total	35,964	3,709

Economic Indicators	Income per Capita ¹²	\$ 10,471
	Percent Unemployed ¹³	6.3

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	34.7
	Percent Retail	21.0
	Percent Finance ¹⁵	3.8
	Percent Service	20.7
	Percent Other ¹⁶	19.8

Agriculture	Percent Farm Acreage ¹⁷	29.8
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 38.19
	Education	\$ 533.03
	Health and Hospitals	\$ 115.60
	Public Welfare ¹⁹	\$ 2.66
	Highways	\$ 69.38

FISCAL YEAR 1993 GUIDELINE SENTENCES

ARKANSAS, Wester

Cases Received by USSC (by sentencing month) ¹

October 92	9	April 93	4
November 92	11	May 93	17
December 92	11	June 93	15
January 93	10	July 93	17
February 93	7	August 93	13
March 93	22	September 93	30

TOTAL = 166

Monthly Income ³

	mean	median
TOTAL	\$931	\$700
Male	\$943	\$745
Female	\$895	\$480

Average Age ⁵

	mean	median
TOTAL	38.1	37.0
Male	38.4	38.0
Female	37.0	36.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	165 (100.0%)	128 (77.6%)	37 (22.4%)
White	127 (77.0%)	96 (75.6%)	31 (24.4%)
Black	13 (7.9%)	9 (69.2%)	4 (30.8%)
Hispanic	18 (10.9%)	16 (88.9%)	2 (11.1%)
Other	7 (4.2%)	7 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	157 (94.6%)
Substantial Assistance Departure	1 (0.6%)
Other Downward Departure	8 (4.8%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

TOTAL	166 (100.0%)
Plea	143 (86.1%)
Trial	23 (13.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	Other
	165 (100.0)	3 (100.0)	10 (100.0)	9 (100.0)	49 (100.0)	25 (100.0)	2 (100.0)	7 (100.0)	13 (100.0)	47 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	96 (58.2)	3 (100.0)	3 (30.0)	8 (88.9)	22 (44.9)	24 (96.0)	0 (0.0)	7 (100.0)	10 (76.9)	19 (40.0)
Prison	87 (52.7)	3 (100.0)	2 (20.0)	6 (66.7)	18 (36.7)	22 (88.0)	0 (0.0)	7 (100.0)	10 (76.9)	19 (40.0)
Prison/Community Split	9 (5.5)	0 (0.0)	1 (10.0)	2 (22.2)	4 (8.2)	2 (8.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered										
1-12 months	35	0	2	6	12	3	0	1	9	
13-24 months	19	0	1	2	5	4	0	0	1	
25-36 months	6	0	0	0	2	1	0	0	0	
37-60 months	9	0	0	0	2	2	0	2	0	
Over 60 months	27	3	0	0	1	14	0	4	0	
Mean Sentence	47.0	147.7	11.0	9.8	18.5	76.0	--	117.7	3.7	45
Median Sentence	19.5	125.0	6.0	6.0	12.0	63.0	--	120.0	2.0	33
CASES INVOLVING PROBATION										
Total Receiving Probation	69 (41.8)	0 (0.0)	7 (70.0)	1 (11.1)	27 (55.1)	1 (4.0)	2 (100.0)	0 (0.0)	3 (23.1)	28 (59.0)
Probation Only	43 (26.1)	0 (0.0)	4 (40.0)	1 (11.1)	11 (22.4)	0 (0.0)	2 (100.0)	0 (0.0)	2 (15.4)	23 (48.0)
Probation and Confinement	26 (15.8)	0 (0.0)	3 (30.0)	0 (0.0)	16 (32.6)	1 (4.0)	0 (0.0)	0 (0.0)	1 (7.7)	5 (10.0)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	141 (85.5)	3 (100.0)	10 (100.0)	9 (100.0)	46 (92.0)	24 (96.0)	2 (100.0)	4 (57.1)	2 (15.4)	41 (89.0)
Median Dollar Amount	\$4,000	\$11,860	\$2,000	\$16,202	\$14,840	\$2,750	\$648	\$8,250	\$750	\$3,000

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY

**CALIFORNIA, Northern
9th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|----------------|-------------------|
| (1) Oakland | (5) Monterey |
| (2) San Jose | (6) Eureka |
| (3) Santa Rosa | (7) San Francisco |
| (4) Santa Cruz | |

Number of Court Professionals	District Court Judges ²	19
	Assistant U.S. Attorneys ³	65
	Assistant Federal Defenders ⁴	16
	Probation Officers ⁵	61
Cases Filed	Civil ⁶	5,659
	Criminal ⁷	671
Population	Total ⁸	6,657,891
	Per Square Mile ⁹	322.9
Age Distribution¹⁰	Percent Age 0-14	20.5
	Percent Age 15-24	13.4
	Percent Age 25-34	19.0
	Percent Age 35-44	17.5
	Percent Age 45-64	18.4
	Percent Age 65+	11.3

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	623	9
Forcible Rape	2,891	43
Robbery	22,966	345
Aggravated Assault	32,727	492
Burglary	77,865	1,170
Larceny/Theft	241,369	3,625
Motor Vehicle Theft	45,917	690
Crime Index Total	424,358	6,374

Economic Indicators	Income per Capita ¹²	\$ 19,266
	Percent Unemployed ¹³	7.2

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	19.4
	Percent Retail	19.3
	Percent Finance ¹⁵	8.1
	Percent Service	31.6
	Percent Other ¹⁶	21.5

Agriculture	Percent Farm Acreage ¹⁷	41.5
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 123.02
	Education	\$ 687.49
	Health and Hospitals	\$ 255.93
	Public Welfare ¹⁹	\$ 188.41
	Highways	\$ 81.79

Cases Received by USSC (by sentencing month) ¹

October 92	17	April 93	21
November 92	20	May 93	21
December 92	19	June 93	27
January 93	18	July 93	19
February 93	22	August 93	25
March 93	22	September 93	23

TOTAL = 254

Monthly Income ³

	mean	median
TOTAL	\$1,459	\$815
Male	\$1,453	\$698
Female	\$1,483	\$1,200

Average Age ⁵

	mean	median
TOTAL	34.8	34.0
Male	35.0	34.0
Female	33.9	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	252 (100.0%)	203 (80.6%)	49 (19.4%)
White	122 (48.4%)	98 (80.3%)	24 (19.7%)
Black	57 (22.6%)	46 (80.7%)	11 (19.3%)
Hispanic	45 (17.9%)	36 (80.0%)	9 (20.0%)
Other	28 (11.1%)	23 (82.1%)	5 (17.9%)

Departure Status ⁴

Sentenced within Guideline Range	185 (78.4%)
Substantial Assistance Departure	33 (14.0%)
Other Downward Departure	18 (7.6%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

TOTAL	248 (100.0%)
Plea	233 (94.0%)
Trial	15 (6.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Other
	250 (100.0)	23 (100.0)	29 (100.0)	22 (100.0)	46 (100.0)	60 (100.0)	4 (100.0)	6 (100.0)	8 (100.0)	52 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	152 (60.8)	23 (100.0)	10 (34.5)	3 (13.6)	22 (47.8)	58 (96.7)	1 (25.0)	6 (100.0)	5 (62.5)	24 (46.1)
Prison	137 (54.8)	23 (100.0)	7 (24.1)	0 (0.0)	17 (37.0)	57 (95.0)	1 (25.0)	6 (100.0)	5 (62.5)	21 (40.4)
Prison/Community Split	15 (6.0)	0 (0.0)	3 (10.3)	3 (13.6)	5 (10.9)	1 (1.7)	0 (0.0)	0 (0.0)	0 (0.0)	3 (5.8)

Prison Term Ordered

1-12 months	35	0	7	3	9	5	0	1	1	5
13-24 months	17	0	0	0	7	2	1	0	2	4
25-36 months	15	0	0	0	2	5	0	2	2	4
37-60 months	21	3	2	0	3	9	0	1	0	3
Over 60 months	64	20	1	0	1	37	0	2	0	3
Mean Sentence	68.1	115.8	24.0	8.0	21.8	92.3	17.0	53.8	22.6	47.2
Median Sentence	48.0	78.0	11.0	6.0	16.5	72.0	17.0	46.5	24.0	19.2

CASES INVOLVING PROBATION

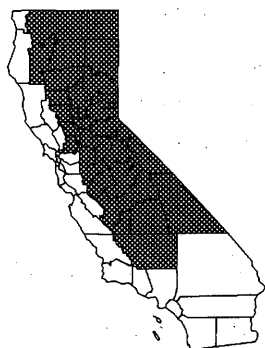
Total Receiving Probation	98 (39.2)	0 (0.0)	19 (65.5)	19 (86.4)	24 (52.2)	2 (3.3)	3 (75.0)	0 (0.0)	3 (37.5)	28 (53.9)
Probation Only	54 (21.6)	0 (0.0)	9 (31.0)	16 (72.7)	11 (23.9)	0 (0.0)	2 (50.0)	0 (0.0)	2 (25.0)	14 (26.9)
Probation and Confinement	44 (17.6)	0 (0.0)	10 (34.5)	3 (13.6)	13 (28.3)	2 (3.3)	1 (25.0)	0 (0.0)	1 (12.5)	14 (26.9)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	150 (60.0)	20 (87.0)	24 (82.8)	19 (86.4)	37 (80.4)	19 (31.7)	1 (25.0)	2 (33.3)	1 (12.5)	27 (51.9)
Median Dollar Amount	\$5,660	\$9,060	\$6,238	\$2,943	\$25,000	\$1,000	\$6,000	\$938	\$--	\$3,000

Footnotes and a complete description of all variables in this table are provided in Appendix A
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY9.

**CALIFORNIA, Eastern
9th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|-----------------|--------------|
| (1) Sacramento | (4) Redding |
| (2) Fresno | (5) Visalia |
| (3) Bakersfield | (6) Stockton |

Number of Court Professionals	District Court Judges ²	12
	Assistant U.S. Attorneys ³	43
	Assistant Federal Defenders ⁴	20
	Probation Officers ⁵	54

Cases Filed	Civil ⁶	2,974
	Criminal ⁷	737

Population	Total ⁸	5,644,915
	Per Square Mile ⁹	64.7

Age Distribution¹⁰	Percent Age 0-14	25.7
	Percent Age 15-24	13.6
	Percent Age 25-34	17.1
	Percent Age 35-44	15.5
	Percent Age 45-64	16.9
	Percent Age 65+	11.1

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	530	9
Forcible Rape	2,690	48
Robbery	13,838	245
Aggravated Assault	28,950	513
Burglary	87,758	1,555
Larceny/Theft	192,181	3,404
Motor Vehicle Theft	52,144	924
Crime Index Total	378,091	6,698

Economic Indicators	Income per Capita ¹²	\$ 13,097
	Percent Unemployed ¹³	12.2

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	13.6
	Percent Retail	26.3
	Percent Finance ¹⁵	6.7
	Percent Service	29.2
	Percent Other ¹⁶	24.3

Agriculture	Percent Farm Acreage ¹⁷	33.8
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 97.57
	Education	\$ 835.44
	Health and Hospitals	\$ 180.58
	Public Welfare ¹⁹	\$ 309.54
	Highways	\$ 89.28

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	40	April 93	53
November 92	67	May 93	36
December 92	42	June 93	55
January 93	52	July 93	50
February 93	35	August 93	41
March 93	55	September 93	47

TOTAL = 573

Monthly Income ³

	mean	median
TOTAL	\$1,030	\$580
Male	\$1,005	\$350
Female	\$1,132	\$970

Average Age ⁵

	mean	median
TOTAL	34.6	33.0
Male	34.7	33.0
Female	34.3	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	571 (100.0%)	477 (83.5%)	94 (16.5%)
White	286 (50.1%)	228 (79.7%)	58 (20.3%)
Black	102 (17.9%)	78 (76.5%)	24 (23.5%)
Hispanic	163 (28.6%)	153 (93.9%)	10 (6.1%)
Other	20 (3.5%)	18 (90.0%)	2 (10.0%)

Departure Status ⁴

Sentenced within Guideline Range	477 (85.0%)
Substantial Assistance Departure	53 (9.4%)
Other Downward Departure	26 (4.6%)
Upward Departure	5 (0.9%)

Mode of Conviction ⁶

TOTAL	573 (100.0%)
Plea	528 (92.1%)
Trial	45 (7.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Other
	566 (100.0)	67 (100.0)	38 (100.0)	31 (100.0)	77 (100.0)	148 (100.0)	8 (100.0)	26 (100.0)	101 (100.0)	70 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	445 (78.6)	67 (100.0)	15 (39.5)	10 (32.3)	44 (57.1)	144 (97.3)	3 (37.5)	24 (92.3)	91 (90.1)	47 (67.1)
Prison	434 (76.7)	67 (100.0)	14 (36.8)	6 (19.4)	40 (52.0)	144 (97.3)	3 (37.5)	23 (88.5)	91 (90.1)	46 (65.7)
Prison/Community Split	11 (1.9)	0 (0.0)	1 (2.6)	4 (12.9)	4 (5.2)	0 (0.0)	0 (0.0)	1 (3.9)	0 (0.0)	1 (1.4)
Prison Term Ordered										
1-12 months	66	0	6	8	20	1	1	1	13	10
13-24 months	114	0	4	2	15	10	0	2	75	6
25-36 months	30	3	2	0	5	9	1	5	0	4
37-60 months	62	18	0	0	4	23	0	3	1	15
Over 60 months	173	46	3	0	0	101	1	13	2	4
Mean Sentence	71.4	98.9	39.7	6.6	15.8	121.7	31.0	90.0	23.0	40.4
Median Sentence	42.0	78.0	18.0	5.0	14.0	111.5	27.0	66.5	24.0	27.0

CASES INVOLVING PROBATION

Total Receiving Probation	121 (21.4)	0 (0.0)	23 (60.5)	21 (67.7)	33 (42.9)	4 (2.7)	5 (62.5)	2 (7.7)	10 (9.9)	23 (32.9)
Probation Only	91 (16.1)	0 (0.0)	17 (44.7)	19 (61.3)	21 (27.3)	3 (2.0)	2 (25.0)	1 (3.9)	5 (5.0)	23 (32.9)
Probation and Confinement	30 (5.3)	0 (0.0)	6 (15.8)	2 (6.5)	12 (15.6)	1 (0.7)	3 (37.5)	1 (3.9)	5 (5.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	167 (29.4)	35 (51.5)	24 (63.2)	19 (61.3)	44 (55.7)	12 (8.1)	5 (62.5)	5 (19.2)	5 (5.0)	18 (26.1)
Median Dollar Amount	\$2,335	\$1,730	\$1,400	\$5,022	\$6,201	\$2,500	\$1,680	\$2,355	\$500	\$1,590

Footnotes and a complete description of all variables in this table are provided in Appendix A
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY9

**CALIFORNIA, Central
9th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Los Angeles
- (2) Santa Ana
- (3) Barstow
- (4) Lancaster
- (5) Long Beach

Number of Court Professionals	District Court Judges ²	31
	Assistant U.S. Attorneys ³	164
	Assistant Federal Defenders ⁴	39
	Probation Officers ⁵	115
Cases Filed	Civil ⁶	9,471
	Criminal ⁷	1,295
Population	Total ⁸	15,411,118
	Per Square Mile ⁹	384.7
Age Distribution¹⁰	Percent Age 0-14	23.5
	Percent Age 15-24	15.3
	Percent Age 25-34	19.2
	Percent Age 35-44	15.4
	Percent Age 45-64	16.7
	Percent Age 65+	9.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	2,508	16
Forcible Rape	6,165	40
Robbery	85,322	554
Aggravated Assault	120,305	781
Burglary	224,926	1,460
Larceny/Theft	452,100	2,934
Motor Vehicle Theft	187,134	1,214
Crime Index Total	1,078,460	6,998

Economic Indicators	Income per Capita ¹²	\$ 16,444
	Percent Unemployed ¹³	9.1

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	22.3
	Percent Retail	18.7
	Percent Finance ¹⁵	7.7
	Percent Service	30.6
	Percent Other ¹⁶	20.7

Agriculture	Percent Farm Acreage ¹⁷	20.3
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 146.31
	Education	\$ 732.42
	Health and Hospitals	\$ 152.08
	Public Welfare ¹⁹	\$ 212.88
	Highways	\$ 78.81

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

CALIFORNIA, Central

Cases Received by USSC (by sentencing month) ¹

October 92	85	April 93	131
November 92	153	May 93	104
December 92	92	June 93	115
January 93	121	July 93	67
February 93	105	August 93	48
March 93	143	September 93	31

TOTAL = 1,195

Monthly Income ³

	mean	median
TOTAL	\$1,021	\$158
Male	\$970	\$0
Female	\$1,342	\$800

Average Age ⁵

	mean	median
TOTAL	34.5	33.0
Male	34.3	32.0
Female	35.9	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,193 (100.0%)	1,040 (87.2%)	153 (12.8%)
White	389 (32.6%)	335 (86.1%)	54 (13.9%)
Black	281 (23.6%)	230 (81.9%)	51 (18.1%)
Hispanic	439 (36.8%)	397 (90.4%)	42 (9.6%)
Other	84 (7.0%)	78 (92.9%)	6 (7.1%)

Departure Status ⁴

Sentenced within Guideline Range	833 (89.6%)
Substantial Assistance Departure	47 (5.1%)
Other Downward Departure	43 (4.6%)
Upward Departure	7 (0.8%)

Mode of Conviction ⁶

TOTAL	1,183 (100.0%)
Plea	1,067 (90.2%)
Trial	116 (9.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Other
	1,176 (100.0)	166 (100.0)	92 (100.0)	40 (100.0)	206 (100.0)	241 (100.0)	43 (100.0)	47 (100.0)	191 (100.0)	150 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	963 (81.9)	164 (98.8)	53 (57.6)	31 (77.5)	141 (68.5)	232 (96.3)	23 (53.5)	40 (85.1)	172 (90.0)	107 (71.3)
Prison	904 (76.9)	164 (98.8)	46 (50.0)	14 (35.0)	116 (56.3)	232 (96.3)	21 (48.8)	39 (83.0)	169 (88.5)	103 (68.7)
Prison/Community Split	59 (5.0)	0 (0.0)	7 (7.6)	17 (42.5)	25 (12.1)	0 (0.0)	2 (4.7)	1 (2.1)	3 (1.6)	4 (2.7)
Prison Term Ordered										
1-12 months	292	0	27	29	78	7	8	3	101	39
13-24 months	134	3	10	2	33	7	11	14	33	21
25-36 months	63	14	2	0	16	4	3	3	13	8
37-60 months	132	30	10	0	11	47	1	7	9	17
Over 60 months	341	117	4	0	3	167	0	13	16	21
Mean Sentence	62.8	111.1	22.6	5.6	17.3	117.5	16.6	65.5	19.3	45.4
Median Sentence	33.0	89.0	14.0	4.0	12.0	120.0	18.0	35.0	10.0	21.0

CASES INVOLVING PROBATION

Total Receiving Probation	213 (18.1)	2 (1.2)	39 (42.4)	9 (22.5)	65 (31.6)	9 (3.7)	20 (46.5)	7 (14.9)	19 (9.9)	43 (28.7)
Probation Only	126 (10.7)	1 (0.6)	20 (21.7)	2 (5.0)	39 (18.9)	7 (2.9)	13 (30.2)	3 (6.4)	12 (6.3)	29 (19.3)
Probation and Confinement	87 (7.4)	1 (0.6)	19 (20.6)	7 (17.5)	26 (12.6)	2 (0.8)	7 (16.3)	4 (8.5)	7 (3.7)	14 (9.3)

CASES INVOLVING FINES AND RESTITUTION ⁹

CALIFORNIA, Southern 9th Circuit



Cities Supplying Guideline Documentation¹

- (1) San Diego
- (2) El Centro
- (3) Mineral

Number of Court Professionals	District Court Judges ²	11
	Assistant U.S. Attorneys ³	70
	Assistant Federal Defenders ⁴	24
	Probation Officers ⁵	71
Cases Filed	Civil ⁶	2,055
	Criminal ⁷	1,971
Population	Total ⁸	2,665,329
	Per Square Mile ⁹	317.9
Age Distribution¹⁰	Percent Age 0-14	22.2
	Percent Age 15-24	16.2
	Percent Age 25-34	19.4
	Percent Age 35-44	15.5

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	259	10
Forcible Rape	1,005	38
Robbery	8,741	328
Aggravated Assault	15,988	600
Burglary	36,756	1,379
Larceny/Theft	82,386	3,091
Motor Vehicle Theft	34,824	1,307
Crime Index Total	179,959	6,752

Economic Indicators	Income per Capita ¹²	\$ 15,926
	Percent Unemployed ¹³	8.2

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	15.7
	Percent Retail	23.3
	Percent Finance ¹⁵	8.4
	Percent Service	32.6
	Percent Other ¹⁶	20.0

Agriculture	Percent Farm Acreage ¹⁷	20.0
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 100.73
	Education	\$ 705.70
	Health and Hospitals	\$ 260.90
	Public Welfare ¹⁹	\$ 172.49
	Highways	\$ 64.73

Cases Received by USSC (by sentencing month) ¹

October 92	116	April 93	159
November 92	175	May 93	160
December 92	154	June 93	162
January 93	165	July 93	154
February 93	186	August 93	194
March 93	164	September 93	157

TOTAL = 1,946

Monthly Income ³

	mean	median
TOTAL	\$484	\$0
Male	\$455	\$0
Female	\$688	\$500

Average Age ⁵

	mean	median
TOTAL	32.2	30.0
Male	32.1	30.0
Female	32.4	31.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,945 (100.0%)	1,725 (88.7%)	220 (11.3%)
White	577 (29.7%)	479 (83.0%)	98 (17.0%)
Black	96 (4.9%)	80 (83.3%)	16 (16.7%)
Hispanic	1,260 (64.8%)	1,155 (91.7%)	105 (8.3%)
Other	12 (0.6%)	11 (91.7%)	1 (8.3%)

Departure Status ⁴

Sentenced within Guideline Range	1,178 (66.6%)
Substantial Assistance Departure	365 (20.6%)
Other Downward Departure	175 (9.9%)
Upward Departure	50 (2.8%)

Mode of Conviction ⁶

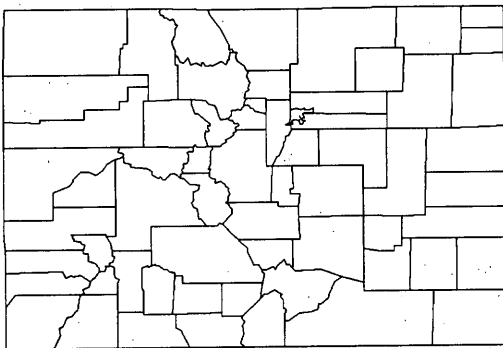
TOTAL	1,944 (100.0%)
Plea	1,850 (95.2%)
Trial	94 (4.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Oth
	1,942 (100.0)	44 (100.0)	57 (100.0)	19 (100.0)	94 (100.0)	851 (100.0)	11 (100.0)	43 (100.0)	301 (100.0)	522 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	1,651 (85.0)	44 (100.0)	34 (59.6)	1 (5.3)	56 (59.6)	818 (96.1)	3 (27.3)	40 (93.0)	287 (95.3)	368 (70.0)
Prison	1,621 (83.5)	44 (100.0)	34 (59.6)	1 (5.3)	54 (57.5)	802 (94.2)	3 (27.3)	40 (93.0)	287 (95.3)	356 (68.0)
Prison/Community Split	30 (1.5)	0 (0.0)	0 (0.0)	0 (0.0)	2 (2.1)	16 (1.9)	0 (0.0)	0 (0.0)	0 (0.0)	12 (2.3)
Prison Term Ordered										
1-12 months	573	3	16	1	33	157	2	5	47	3
13-24 months	449	2	4	0	10	176	1	9	225	
25-36 months	129	7	2	0	4	88	0	5	10	
37-60 months	215	17	6	0	4	157	0	10	2	
Over 60 months	282	15	5	0	5	238	0	11	3	
Mean Sentence	38.7	66.4	28.6	10.0	20.4	54.7	11.7	94.5	21.5	11.0
Median Sentence	24.0	41.5	18.0	10.0	12.0	36.0	8.0	47.0	24.0	11.0
CASES INVOLVING PROBATION										
Total Receiving Probation	291 (15.0)	0 (0.0)	23 (40.4)	18 (94.7)	38 (40.4)	33 (3.9)	8 (72.7)	3 (7.0)	14 (4.7)	154 (29.0)
Probation Only	234 (12.1)	0 (0.0)	22 (38.6)	15 (79.0)	36 (38.3)	23 (2.7)	5 (45.5)	2 (4.7)	13 (4.3)	118 (22.0)
Probation and Confinement	57 (2.9)	0 (0.0)	1 (1.8)	3 (15.8)	2 (2.1)	10 (1.2)	3 (27.3)	1 (2.3)	1 (0.3)	36 (6.0)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	344 (17.7)	27 (61.4)	28 (49.1)	8 (42.1)	41 (43.6)	95 (11.2)	2 (18.2)	4 (9.3)	30 (10.0)	109 (20.0)
Median Dollar Amount	\$1,000	\$3,214	\$4,245	\$2,830	\$10,000	\$500	\$4,331	\$5,286	\$1,000	\$1,000

Footnotes and a complete description of all variables in this table are provided in Appendix .
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY:

COLORADO
10th Circuit



Cities Supplying Guideline Documentation¹

- (1) Denver
- (2) Colorado Springs
- (3) Boulder
- (4) Grand Junction
- (5) Aurora

Number of Court Professionals	District Court Judges ²	8
	Assistant U.S. Attorneys ³	40
	Assistant Federal Defenders ⁴	14
	Probation Officers ⁵	35
Cases Filed	Civil ⁶	2,787
	Criminal ⁷	405
Population	Total ⁸	3,377,216
	Per Square Mile ⁹	32.6
Age Distribution¹⁰	Percent Age 0-14	22.3
	Percent Age 15-24	13.8
	Percent Age 25-34	18.0
	Percent Age 35-44	17.8
	Percent Age 45-64	17.9
	Percent Age 65+	10.1

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	215	6
Forcible Rape	1,595	47
Robbery	4,063	120
Aggravated Assault	13,499	400
Burglary	36,513	1,081
Larceny/Theft	125,218	3,708
Motor Vehicle Theft	17,159	508
Crime Index Total	198,262	5,871

Economic Indicators	Income per Capita ¹²	\$ 14,821
	Percent Unemployed ¹³	5.9

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	15.8
	Percent Retail	22.6
	Percent Finance ¹⁵	8.2
	Percent Service	31.6
	Percent Other ¹⁶	21.7

Agriculture	Percent Farm Acreage ¹⁷	51.4
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 103.80
	Education	\$ 745.41
	Health and Hospitals	\$ 105.44
	Public Welfare ¹⁹	\$ 106.55
	Highways	\$ 133.09

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

COLORADO

Cases Received by USSC (by sentencing month) ¹

October 92	30	April 93	36
November 92	33	May 93	42
December 92	32	June 93	46
January 93	33	July 93	58
February 93	18	August 93	21
March 93	31	September 93	33

TOTAL = 413

Monthly Income ³

	mean	median
TOTAL	\$1,283	\$840
Male	\$1,301	\$800
Female	\$1,202	\$969

Average Age ⁵

	mean	median
TOTAL	35.4	34.0
Male	35.7	34.0
Female	33.5	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	411 (100.0%)	346 (84.2%)	65 (15.8%)
White	220 (53.5%)	181 (82.3%)	39 (17.7%)
Black	77 (18.7%)	62 (80.5%)	15 (19.5%)
Hispanic	101 (24.6%)	92 (91.1%)	9 (8.9%)
Other	13 (3.2%)	11 (84.6%)	2 (15.4%)

Departure Status ⁴

Sentenced within Guideline Range	281 (70.4%)
Substantial Assistance Departure	87 (21.8%)
Other Downward Departure	28 (7.0%)
Upward Departure	3 (0.8%)

Mode of Conviction ⁶

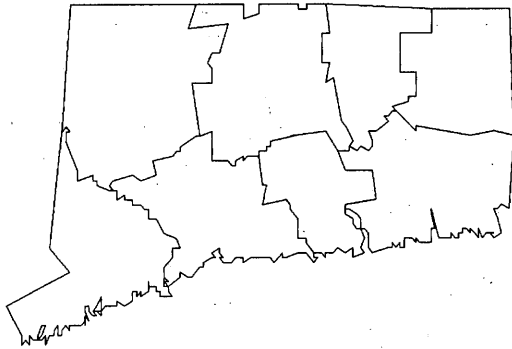
TOTAL	411 (100.0%)
Plea	379 (92.2%)
Trial	32 (7.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	80
	407 (100.0)	16 (100.0)	31 (100.0)	4 (100.0)	59 (100.0)	167 (100.0)	3 (100.0)	27 (100.0)	20 (100.0)	80
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	290 (71.2)	16 (100.0)	8 (25.8)	2 (50.0)	34 (57.6)	141 (84.4)	1 (33.3)	25 (92.6)	18 (90.0)	45
Prison	271 (66.6)	16 (100.0)	7 (22.6)	1 (25.0)	29 (49.1)	136 (81.4)	1 (33.3)	21 (77.8)	18 (90.0)	42
Prison/Community Split	19 (4.7)	0 (0.0)	1 (3.2)	1 (25.0)	5 (8.5)	5 (3.0)	0 (0.0)	4 (14.8)	0 (0.0)	3
Prison Term Ordered										
1-12 months	78	1	5	2	14	14	1	9	12	
13-24 months	49	0	0	0	15	15	0	5	3	
25-36 months	24	1	2	0	3	13	0	3	0	
37-60 months	61	3	0	0	2	42	0	6	2	
Over 60 months	78	11	1	0	0	57	0	2	1	
Mean Sentence	55.1	88.8	20.9	10.0	17.3	76.7	8.0	36.8	19.7	
Median Sentence	33.0	69.0	12.5	10.0	17.5	60.0	8.0	18.0	11.5	
CASES INVOLVING PROBATION										
Total Receiving Probation	117 (28.8)	0 (0.0)	23 (74.2)	2 (50.0)	25 (42.4)	26 (15.6)	2 (66.7)	2 (7.4)	2 (10.0)	35
Probation Only	71 (17.4)	0 (0.0)	12 (38.7)	1 (25.0)	15 (25.4)	14 (8.4)	2 (66.7)	1 (3.7)	2 (10.0)	24
Probation and Confinement	46 (11.3)	0 (0.0)	11 (35.5)	1 (25.0)	10 (16.9)	12 (7.2)	0 (0.0)	1 (3.7)	0 (0.0)	11
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	128 (31.1)	11 (68.8)	26 (76.5)	2 (50.0)	48 (80.0)	9 (5.4)	1 (33.3)	3 (11.1)	0 (0.0)	28
Median Dollar Amount	\$3,461	\$3,600	\$3,000	\$27,794	\$9,000	\$2,000	\$1,759	\$778	\$-	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MO.

**CONNECTICUT
2nd Circuit**



Cities Supplying Guideline Documentation¹

- (1) New Haven
- (2) Bridgeport
- (3) Hartford

Number of Court Professionals	District Court Judges ²	9
	Assistant U.S. Attorneys ³	35
	Assistant Federal Defenders ⁴	6
	Probation Officers ⁵	25
Cases Filed	Civil ⁶	2,739
	Criminal ⁷	290
Population	Total ⁸	3,288,835
	Per Square Mile ⁹	675.1
Age Distribution¹⁰	Percent Age 0-14	19.7
	Percent Age 15-24	13.4
	Percent Age 25-34	17.4
	Percent Age 35-44	16.0
	Percent Age 45-64	19.8
	Percent Age 65+	13.7

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	167	5
Forcible Rape	884	27
Robbery	6,919	210
Aggravated Assault	8,286	252
Burglary	36,379	1,106
Larceny/Theft	89,474	2,721
Motor Vehicle Theft	23,701	721
Crime Index Total	165,810	5,042

Economic Indicators	Income per Capita ¹²	\$20,189
	Percent Unemployed ¹³	7.5

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	24.9
	Percent Retail	18.8
	Percent Finance ¹⁵	9.4
	Percent Service	28.8
	Percent Other ¹⁶	18.0

Agriculture	Percent Farm Acreage ¹⁷	12.8
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 84.46
	Education	\$ 687.53
	Health and Hospitals	\$ 18.85
	Public Welfare ¹⁹	\$ 44.13
	Highways	\$ 71.79

FISCAL YEAR 1993 GUIDELINE SENTENCES

CONNECTICUT

Cases Received by USSC (by sentencing month) ¹

October 92	12	April 93	28
November 92	34	May 93	18
December 92	16	June 93	22
January 93	17	July 93	22
February 93	22	August 93	23
March 93	28	September 93	20
TOTAL = 262			

Monthly Income ³

	mean	median
TOTAL	\$1,696	\$800
Male	\$1,715	\$663
Female	\$1,586	\$1,290

Average Age ⁵

	mean	median
TOTAL	37.9	37.0
Male	38.0	37.0
Female	37.7	37.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	261 (100.0%)	218 (83.5%)	43 (16.5%)
White	147 (56.3%)	127 (86.4%)	20 (13.6%)
Black	74 (28.4%)	58 (78.4%)	16 (21.6%)
Hispanic	36 (13.8%)	30 (83.3%)	6 (16.7%)
Other	4 (1.5%)	3 (75.0%)	1 (25.0%)

Departure Status ⁴

Sentenced within Guideline Range	160 (61.8%)
Substantial Assistance Departure	17 (6.6%)
Other Downward Departure	78 (30.1%)
Upward Departure	4 (1.5%)

Mode of Conviction ⁶

TOTAL	261 (100.0%)
Plea	246 (94.3%)
Trial	15 (5.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Oth
	259 (100.0)	10 (100.0)	20 (100.0)	6 (100.0)	72 (100.0)	59 (100.0)	0 (100.0)	30 (100.0)	3 (100.0)	59 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	161 (62.2)	9 (90.0)	9 (45.0)	3 (50.0)	35 (48.6)	58 (98.3)	0 (-)	19 (63.3)	2 (66.7)	26 (44.1)
Prison	144 (55.6)	9 (90.0)	8 (40.0)	3 (50.0)	26 (36.1)	56 (94.9)	0 (-)	18 (60.0)	2 (66.7)	22 (37.1)
Prison/Community Split	17 (6.6)	0 (0.0)	1 (5.0)	0 (0.0)	9 (12.5)	2 (3.4)	0 (-)	1 (3.3)	0 (0.0)	4 (6.7)
Prison Term Ordered										
1-12 months	51	0	5	2	19	4	0	5	2	
13-24 months	31	0	3	0	10	9	0	7	0	
25-36 months	11	0	0	0	4	2	0	3	0	
37-60 months	23	1	1	1	1	14	0	2	0	
Over 60 months	44	8	0	0	0	29	0	2	0	
Mean Sentence	63.1	153.8	17.3	24.0	15.0	108.6	--	39.7	11.0	3
Median Sentence	24.0	151.0	12.0	12.0	13.5	78.0	--	21.0	11.0	1
CASES INVOLVING PROBATION										
Total Receiving Probation	98 (37.8)	1 (10.0)	11 (55.0)	3 (50.0)	37 (51.4)	1 (1.7)	0 (-)	11 (36.7)	1 (33.3)	33 (55.9)
Probation Only	68 (26.2)	0 (0.0)	9 (45.0)	2 (33.3)	26 (36.1)	1 (1.7)	0 (-)	8 (26.7)	1 (33.3)	21 (34.7)
Probation and Confinement	30 (11.6)	1 (10.0)	2 (10.0)	1 (16.7)	11 (15.3)	0 (0.0)	0 (-)	3 (10.0)	0 (0.0)	12 (20.0)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	122 (47.1)	7 (70.0)	17 (85.0)	4 (66.7)	56 (78.9)	5 (8.5)	0 (-)	7 (23.3)	0 (0.0)	26 (44.1)
Median Dollar Amount	\$7,656	\$4,133	\$1,531	\$54,152	\$20,666	\$3,000	\$--	\$2,500	\$--	\$3,000

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONF

**DELAWARE
3rd Circuit**



Cities Supplying Guideline Documentation¹

- (1) Wilmington
- (2) Dover

Number of Court Professionals	District Court Judges ²	7
	Assistant U.S. Attorneys ³	10
	Assistant Federal Defenders ⁴	17
	Probation Officers ⁵	10
Cases Filed	Civil ⁶	728
	Criminal ⁷	103
Population	Total ⁸	679,927
	Per Square Mile ⁹	351.9
Age Distribution¹⁰	Percent Age 0-14	21.1
	Percent Age 15-24	14.6
	Percent Age 25-34	17.7
	Percent Age 35-44	15.3
	Percent Age 45-64	19.1
	Percent Age 65+	12.2

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	20	3
Forcible Rape	428	63
Robbery	792	116
Aggravated Assault	1,938	285
Burglary	4,879	718
Larceny/Theft	16,557	2,435
Motor Vehicle Theft	1,801	265
Crime Index Total	26,415	3,885

Economic Indicators	Income per Capita ¹²	\$ 15,854
	Percent Unemployed ¹³	5.4

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	23.1
	Percent Retail	19.7
	Percent Finance ¹⁵	9.8
	Percent Service	28.0
	Percent Other ¹⁶	19.3

Agriculture	Percent Farm Acreage ¹⁷	49.2
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 64.14
	Education	\$ 672.89
	Health and Hospitals	\$ 0.53
	Public Welfare ¹⁹	\$ 0.48
	Highways	\$ 52.40

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

DELAWARE

Cases Received by USSC (by sentencing month) ¹

October 92	8	April 93	7
November 92	12	May 93	10
December 92	8	June 93	6
January 93	4	July 93	8
February 93	3	August 93	5
March 93	9	September 93	3

TOTAL = 83

Monthly Income ³

	mean	median
TOTAL	\$1,323	\$0
Male	\$1,472	\$0
Female	\$560	\$549

Average Age ⁵

	mean	median
TOTAL	31.2	28.0
Male	31.1	28.0
Female	31.8	31.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	80 (100.0%)	68 (85.0%)	12 (15.0%)
White	30 (37.5%)	26 (86.7%)	4 (13.3%)
Black	48 (60.0%)	41 (85.4%)	7 (14.6%)
Hispanic	2 (2.5%)	1 (50.0%)	1 (50.0%)
Other	0 (0.0%)	0 (--%)	0 (--%)

Departure Status ⁴

Sentenced within Guideline Range	71 (85.5%)
Substantial Assistance Departure	8 (9.6%)
Other Downward Departure	3 (3.6%)
Upward Departure	1 (1.2%)

Mode of Conviction ⁶

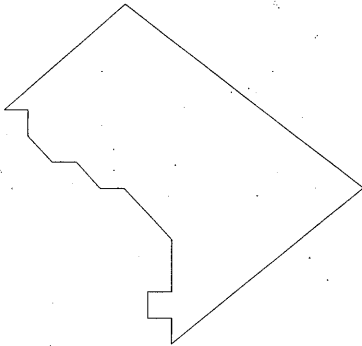
TOTAL	83 (100.0%)
Plea	73 (88.0%)
Trial	10 (12.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	O
	83 (100.0)	6 (100.0)	3 (100.0)	3 (100.0)	19 (100.0)	36 (100.0)	1 (100.0)	7 (100.0)	0 (100.0)	8 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	71 (85.5)	6 (100.0)	1 (33.3)	2 (66.7)	14 (73.7)	36 (100.0)	1 (100.0)	6 (85.7)	0 (--)	5 (62.5)
Prison	67 (80.7)	6 (100.0)	1 (33.3)	0 (0.0)	12 (63.2)	36 (100.0)	1 (100.0)	6 (85.7)	0 (--)	5 (62.5)
Prison/Community Split	4 (4.8)	0 (0.0)	0 (0.0)	2 (66.7)	2 (10.5)	0 (0.0)	0 (0.0)	0 (0.0)	0 (--)	0 (0.0)
Prison Term Ordered										
1-12 months	20	0	1	2	10	3	1	1	0	0
13-24 months	17	0	0	0	2	12	0	1	0	0
25-36 months	11	0	0	0	1	9	0	0	0	0
37-60 months	7	0	0	0	1	5	0	1	0	0
Over 60 months	16	6	0	0	0	7	0	3	0	0
Mean Sentence	46.0	126.3	10.0	7.0	14.9	44.8	6.0	95.3	--	--
Median Sentence	24.0	86.0	10.0	7.0	12.0	29.0	6.0	75.5	--	--
CASES INVOLVING PROBATION										
Total Receiving Probation	12 (14.5)	0 (0.0)	2 (66.7)	1 (33.3)	5 (26.3)	0 (0.0)	0 (0.0)	1 (14.3)	0 (--)	3 (37.5)
Probation Only	9 (10.8)	0 (0.0)	2 (66.7)	1 (33.3)	4 (21.1)	0 (0.0)	0 (0.0)	0 (0.0)	0 (--)	2 (22.2)
Probation and Confinement	3 (3.6)	0 (0.0)	0 (0.0)	0 (0.0)	1 (5.3)	0 (0.0)	0 (0.0)	1 (14.3)	0 (--)	1 (11.1)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	39 (47.0)	4 (66.7)	2 (66.7)	2 (66.7)	13 (68.4)	8 (22.2)	1 (100.0)	3 (42.9)	0 (--)	6 (75.0)
Median Dollar Amount	\$2,000	\$2,000	\$1,658	\$8,508	\$5,526	\$750	\$500	\$500	\$--	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONF

DISTRICT OF COLUMBIA
District of Columbia Circuit



Number of Court Professionals	District Court Judges ²	18
	Assistant U.S. Attorneys ³	75
	Assistant Federal Defenders ⁴	18
	Probation Officers ⁵	60
Cases Filed	Civil ⁶	2,829
	Criminal ⁷	502
Population	Total ⁸	595,216
	Per Square Mile ⁹	9,447.9
Age Distribution¹⁰	Percent Age 0-14	17.0
	Percent Age 15-24	15.5
	Percent Age 25-34	20.1
	Percent Age 35-44	15.9
	Percent Age 45-64	18.5
	Percent Age 65+	12.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	443	74
Forcible Rape	215	36
Robbery	7,459	1,253
Aggravated Assault	8,568	1,439
Burglary	10,721	1,801
Larceny/Theft	30,663	5,152
Motor Vehicle Theft	9,118	1,532
Crime Index Total	67,187	11,288

Economic Indicators	Income per Capita ¹²	\$ 18,881
	Percent Unemployed ¹³	8.3

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	3.7
	Percent Retail	13.4
	Percent Finance ¹⁵	9.6
	Percent Service	62.6
	Percent Other ¹⁶	10.7

Agriculture	Percent Farm Acreage ¹⁷	0
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 370.18
	Education	\$ 905.63
	Health and Hospitals	\$ 482.36
	Public Welfare ¹⁹	\$ 891.58
	Highways	\$ 185.88

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	30	April 93	50
November 92	48	May 93	35
December 92	30	June 93	26
January 93	27	July 93	44
February 93	35	August 93	23
March 93	42	September 93	46

TOTAL = 436

Monthly Income ³

	mean	median
TOTAL	\$810	\$0
Male	\$763	\$0
Female	\$1,013	\$826

Average Age ⁵

	mean	median
TOTAL	31.3	29.0
Male	30.8	28.0
Female	33.5	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	435 (100.0%)	360 (82.8%)	75 (17.2%)
White	36 (8.3%)	33 (91.7%)	3 (8.3%)
Black	375 (86.2%)	308 (82.1%)	67 (17.9%)
Hispanic	15 (3.5%)	13 (86.7%)	2 (13.3%)
Other	9 (2.1%)	6 (66.7%)	3 (33.3%)

Departure Status ^{4a}

Sentenced within Guideline Range	354 (84.1%)
Substantial Assistance Departure	24 (5.7%)
Other Downward Departure	41 (9.7%)
Upward Departure	2 (0.5%)

Mode of Conviction ⁶

TOTAL	431 (100.0%)
Plea	341 (79.1%)
Trial	90 (20.9%)

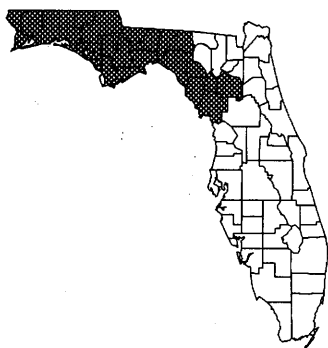
SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlment	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Ot
	431 (100.0)	11 (100.0)	36 (100.0)	12 (100.0)	34 (100.0)	210 (100.0)	39 (100.0)	24 (100.0)	5 (100.0)	60 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	306 (71.0)	11 (100.0)	12 (33.3)	6 (50.0)	18 (52.9)	191 (91.0)	11 (28.2)	23 (95.8)	3 (60.0)	31 (51.7)
Prison	294 (68.2)	11 (100.0)	11 (30.6)	2 (16.7)	16 (47.1)	189 (90.0)	11 (28.2)	23 (95.8)	3 (60.0)	28 (46.7)
Prison/Community Split	12 (2.8)	0 (0.0)	1 (2.8)	4 (33.3)	2 (5.9)	2 (0.9)	0 (0.0)	0 (0.0)	0 (0.0)	3 (5.0)
Prison Term Ordered										
1-12 months	56	0	8	5	7	8	9	1	2	
13-24 months	28	0	2	0	4	11	2	4	0	
25-36 months	14	0	1	0	4	2	0	6	0	
37-60 months	63	1	1	0	2	48	0	6	1	
Over 60 months	144	10	0	0	1	122	0	6	0	
Mean Sentence	84.6	214.0	15.6	5.0	23.9	107.3	9.5	50.0	19.7	
Median Sentence	60.0	151.0	12.0	6.0	15.0	77.0	9.0	37.0	12.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	125 (29.0)	0 (0.0)	24 (66.7)	6 (50.0)	16 (47.1)	19 (9.1)	28 (71.8)	1 (4.2)	2 (40.0)	29 (48.3)
Probation Only	88 (20.4)	0 (0.0)	14 (38.9)	5 (41.7)	12 (35.3)	14 (6.7)	19 (48.7)	0 (0.0)	2 (40.0)	22 (36.1)
Probation and Confinement	37 (8.6)	0 (0.0)	10 (27.8)	1 (8.3)	4 (11.8)	5 (2.4)	9 (23.1)	1 (4.2)	0 (0.0)	7 (11.6)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	91 (21.1)	0 (0.0)	29 (80.6)	6 (50.0)	24 (70.6)	9 (4.3)	7 (17.9)	1 (4.2)	1 (20.0)	14 (23.3)
Median Dollar Amount	\$5,317	\$--	\$6,400	\$3,000	\$25,000	\$5,000	\$500	\$1,000	\$500	\$2,000

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

¹Subsequent to closure of the MONFY93 dataset, the District of Columbia forwarded additional relevant cases to the Commission that would have resulted in the following departure statistics: Sentenced Within Guideline Range -- 354 of 428 cases (82.7%); Substantial Assistance Departure -- 31/428 (7.2%); Other Downward Departure -- 41/428 (9.6%); and Upward Departure -- 2/428 (.5%).

**FLORIDA, Northern
11th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Pensacola
- (2) Tallahassee
- (3) Gainesville
- (4) Panama City

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	22
	Assistant Federal Defenders ⁴	6
	Probation Officers ⁵	29
Cases Filed	Civil ⁶	1,688
	Criminal ⁷	343
Population	Total ⁸	1,313,128
	Per Square Mile ⁹	78.4
Age Distribution¹⁰	Percent Age 0-14	21.5
	Percent Age 15-24	17.0
	Percent Age 25-34	16.9
	Percent Age 35-44	15.0
	Percent Age 45-64	18.5
	Percent Age 65+	11.2

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	92	7
Forcible Rape	793	60
Robbery	2,576	196
Aggravated Assault	10,254	781
Burglary	22,628	1,723
Larceny/Theft	50,123	3,817
Motor Vehicle Theft	5,778	440
Crime Index Total	92,244	7,025

Economic Indicators	Income per Capita ¹²	\$ 12,033
	Percent Unemployed ¹³	6.1

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	11.0
	Percent Retail	29.2
	Percent Finance ¹⁵	6.3
	Percent Service	33.9
	Percent Other ¹⁶	19.6

Agriculture	Percent Farm Acreage ¹⁷	19.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 77.02
	Education	\$ 706.29
	Health and Hospitals	\$ 102.89
	Public Welfare ¹⁹	\$ 7.36
	Highways	\$ 70.39

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	33	April 93	49
November 92	27	May 93	35
December 92	17	June 93	43
January 93	32	July 93	25
February 93	30	August 93	32
March 93	49	September 93	32

TOTAL = 404

Monthly Income ³

	mean	median
TOTAL	\$878	\$373
Male	\$848	\$88
Female	\$1,051	\$900

Average Age ⁵

	mean	median
TOTAL	35.2	33.0
Male	35.1	33.0
Female	35.5	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	403 (100.0%)	349 (86.6%)	54 (13.4%)
White	231 (57.3%)	197 (85.3%)	34 (14.7%)
Black	155 (38.5%)	138 (89.0%)	17 (11.0%)
Hispanic	13 (3.2%)	12 (92.3%)	1 (7.7%)
Other	4 (1.0%)	2 (50.0%)	2 (50.0%)

Departure Status ⁴

Sentenced within Guideline Range	247 (61.4%)
Substantial Assistance Departure	140 (34.8%)
Other Downward Departure	13 (3.2%)
Upward Departure	2 (0.5%)

Mode of Conviction ⁶

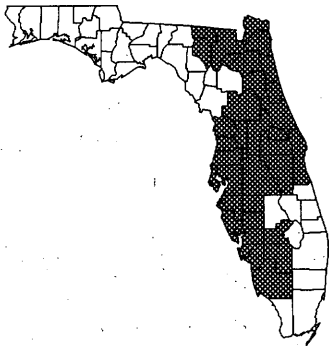
TOTAL	403 (100.0%)
Plea	326 (80.9%)
Trial	77 (19.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Othe
	404 (100.0)	14 (100.0)	19 (100.0)	5 (100.0)	42 (100.0)	224 (100.0)	5 (100.0)	36 (100.0)	3 (100.0)	56 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	349 (86.4)	14 (100.0)	9 (47.4)	3 (60.0)	28 (66.7)	213 (95.1)	3 (60.0)	36 (100.0)	3 (100.0)	40 (71.0)
Prison	342 (84.7)	14 (100.0)	9 (47.4)	3 (60.0)	25 (59.5)	210 (93.8)	3 (60.0)	36 (100.0)	3 (100.0)	39 (69.0)
Prison/Community Split	7 (1.7)	0 (0.0)	0 (0.0)	0 (0.0)	3 (7.1)	3 (1.3)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.0)
Prison Term Ordered										
1-12 months	43	0	4	1	15	6	3	2	1	
13-24 months	39	1	4	2	7	12	0	5	1	
25-36 months	29	1	0	0	4	17	0	2	0	
37-60 months	47	0	1	0	1	31	0	9	1	
Over 60 months	191	12	0	0	1	147	0	18	0	
Mean Sentence	109.3	125.3	15.1	9.3	16.7	128.0	5.3	126.3	27.0	96
Median Sentence	72.0	117.0	15.0	14.0	12.0	101.0	5.0	69.0	18.0	33
CASES INVOLVING PROBATION										
Total Receiving Probation	55 (13.6)	0 (0.0)	10 (52.6)	2 (40.0)	14 (33.3)	11 (4.9)	2 (40.0)	0 (0.0)	0 (0.0)	16 (28.0)
Probation Only	46 (11.4)	0 (0.0)	8 (42.1)	1 (20.0)	12 (28.6)	11 (4.9)	0 (0.0)	0 (0.0)	0 (0.0)	14 (25.0)
Probation and Confinement	9 (2.2)	0 (0.0)	2 (10.5)	1 (20.0)	2 (4.8)	0 (0.0)	2 (40.0)	0 (0.0)	0 (0.0)	2 (3.0)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	116 (28.7)	11 (78.6)	16 (84.2)	5 (100.0)	35 (83.3)	12 (5.4)	3 (60.0)	6 (16.7)	1 (33.3)	27 (48.0)
Median Dollar Amount	\$9,342	\$1,128	\$3,843	\$2,446	\$21,704	\$6,000	\$10,000	\$250	\$750	\$22,0

Footnotes and a complete description of all variables in this table are provided in Appendix .
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY

**FLORIDA, Middle
11th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|------------------|--------------|
| (1) Tampa | (5) Cocoa |
| (2) Jacksonville | (6) Ocala |
| (3) Orlando | (7) Sarasota |
| (4) Fort Myers | (8) Naples |

Number of Court Professionals	District Court Judges ²	14
	Assistant U.S. Attorneys ³	72
	Assistant Federal Defenders ⁴	18
	Probation Officers ⁵	84

Cases Filed	Civil ⁶	6,111
	Criminal ⁷	977

Population	Total ⁸	7,080,049
	Per Square Mile ⁹	307.0

Age Distribution¹⁰	Percent Age 0-14	19.0
	Percent Age 15-24	12.1
	Percent Age 25-34	15.6
	Percent Age 35-44	14.2
	Percent Age 45-64	19.8
	Percent Age 65+	19.2

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	585	8
Forcible Rape	4,248	60
Robbery	19,713	278
Aggravated Assault	55,320	781
Burglary	131,727	1,861
Larceny/Theft	291,890	4,123
Motor Vehicle Theft	48,857	690
Crime Index Total	552,340	7,801

Economic Indicators	Income per Capita ¹²	\$ 14,202
	Percent Unemployed ¹³	7.6

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	12.2
	Percent Retail	25.3
	Percent Finance ¹⁵	7.8
	Percent Service	32.9
	Percent Other ¹⁶	21.7

Agriculture	Percent Farm Acreage ¹⁷	38.2
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 88.09
	Education	\$ 629.97
	Health and Hospitals	\$ 138.66
	Public Welfare ¹⁹	\$ 12.30
	Highways	\$ 77.26

Cases Received by USSC (by sentencing month) ¹

October 92	89	April 93	139
November 92	106	May 93	78
December 92	90	June 93	87
January 93	83	July 93	107
February 93	94	August 93	136
March 93	119	September 93	89

TOTAL = 1,217

Monthly Income ³

	mean	median
TOTAL	\$1,196	\$680
Male	\$1,213	\$620
Female	\$1,097	\$800

Average Age ⁵

TOTAL	35.3	34.0
Male	35.1	33.0
Female	36.2	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,214 (100.0%)	1,047 (86.2%)	167 (13.8%)
White	669 (55.1%)	581 (86.8%)	88 (13.2%)
Black	380 (31.3%)	319 (83.9%)	61 (16.1%)
Hispanic	150 (12.4%)	133 (88.7%)	17 (11.3%)
Other	15 (1.2%)	14 (93.3%)	1 (6.7%)

Departure Status ⁴

Sentenced within Guideline Range	826 (68.3%)
Substantial Assistance Departure	333 (27.5%)
Other Downward Departure	43 (3.6%)
Upward Departure	7 (0.6%)

Mode of Conviction ⁶

TOTAL	1,216 (100.0%)
Plea	1,068 (87.8%)
Trial	148 (12.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Other
	1,208 (100.0)	63 (100.0)	53 (100.0)	26 (100.0)	163 (100.0)	621 (100.0)	40 (100.0)	66 (100.0)	18 (100.0)	158 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	1,018 (84.3)	62 (98.4)	27 (50.9)	16 (61.5)	100 (61.4)	612 (98.5)	17 (42.5)	59 (89.4)	18 (100.0)	107 (67.7)
Prison	981 (81.2)	62 (98.4)	26 (49.1)	11 (42.3)	87 (53.4)	605 (97.4)	14 (35.0)	58 (87.9)	18 (100.0)	100 (63.3)
Prison/Community Split	37 (3.1)	0 (0.0)	1 (1.9)	5 (19.2)	13 (8.0)	7 (1.1)	3 (7.5)	1 (1.5)	0 (0.0)	7 (4.4)

Prison Term Ordered

1-12 months	152	2	7	12	55	23	11	5	9	28
13-24 months	125	0	13	2	30	31	5	11	5	28
25-36 months	77	2	4	1	8	39	0	4	1	18
37-60 months	181	12	2	1	6	123	1	16	2	18
Over 60 months	483	46	1	0	1	396	0	23	1	15
Mean Sentence	91.4	130.2	22.6	13.3	15.7	117.2	13.1	85.4	20.6	48.8
Median Sentence	60.0	106.5	18.0	10.0	12.0	80.0	12.0	60.0	15.0	24.0

CASES INVOLVING PROBATION

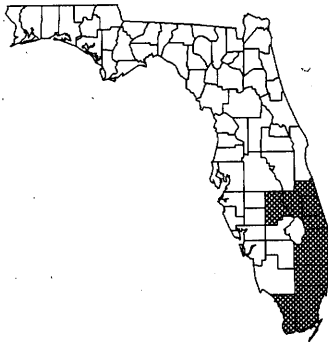
Total Receiving Probation	190 (15.7)	1 (1.6)	26 (49.1)	10 (38.5)	63 (38.6)	9 (1.4)	23 (57.5)	7 (10.6)	0 (0.0)	51 (32.3)
Probation Only	133 (11.0)	1 (1.6)	20 (37.7)	6 (23.1)	44 (27.0)	4 (0.6)	16 (40.0)	6 (9.1)	0 (0.0)	36 (22.8)
Probation and Confinement	57 (4.7)	0 (0.0)	6 (11.3)	4 (15.4)	19 (11.7)	5 (0.8)	7 (17.5)	1 (1.5)	0 (0.0)	15 (9.5)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	368 (30.3)	51 (81.0)	39 (70.9)	22 (81.5)	127 (77.9)	29 (4.7)	25 (62.5)	8 (11.9)	0 (0.0)	67 (41.4)
Median Dollar Amount	\$5,461	\$3,172	\$5,837	\$37,020	\$14,356	\$3,500	\$900	\$3,000	\$--	\$6,708

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**FLORIDA, Southern
11th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|---------------------|-----------------------|
| (1) Miami | (5) Key West |
| (2) Fort Lauderdale | (6) Coral Gables |
| (3) West Palm Beach | (7) North Miami Beach |
| (4) Fort Pierce | |

Number of Court Professionals	District Court Judges ²	21
	Assistant U.S. Attorneys ³	166
	Assistant Federal Defenders ⁴	41
	Probation Officers ⁵	141
Cases Filed	Civil ⁶	4,763
	Criminal ⁷	1,051
Population	Total ⁸	4,872,759
	Per Square Mile ⁹	359.7
Age Distribution¹⁰	Percent Age 0-14	18.9
	Percent Age 15-24	11.7
	Percent Age 25-34	16.1
	Percent Age 35-44	14.5
	Percent Age 45-64	19.8
	Percent Age 65+	19.0

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	514	11
Forcible Rape	2,237	46
Robbery	26,590	546
Aggravated Assault	38,063	781
Burglary	97,565	2,002
Larceny/Theft	247,803	5,085
Motor Vehicle Theft	54,986	1,128
Crime Index Total	467,758	9,599

Economic Indicators	Income per Capita ¹²	\$ 16,133
	Percent Unemployed ¹³	9.6

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	10.8
	Percent Retail	24.2
	Percent Finance ¹⁵	9.6
	Percent Service	32.2
	Percent Other ¹⁶	23.2

Agriculture	Percent Farm Acreage ¹⁷	39.2
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 152.14
	Education	\$ 646.94
	Health and Hospitals	\$ 191.51
	Public Welfare ¹⁹	\$ 16.06
	Highways	\$ 67.18

Cases Received by USSC (by sentencing month) ¹

October 92	136	April 93	146
November 92	95	May 93	163
December 92	148	June 93	123
January 93	144	July 93	106
February 93	125	August 93	99
March 93	122	September 93	86

TOTAL = 1,493

Monthly Income ³

	mean	median
TOTAL	\$1,076	\$418
Male	\$1,077	\$390
Female	\$1,067	\$632

Average Age ⁵

	mean	median
TOTAL	36.7	35.0
Male	36.9	35.0
Female	35.4	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,491 (100.0%)	1,285 (86.2%)	206 (13.8%)
White	466 (31.2%)	413 (88.6%)	53 (11.4%)
Black	317 (21.3%)	252 (79.5%)	65 (20.5%)
Hispanic	700 (47.0%)	612 (87.4%)	88 (12.6%)
Other	8 (0.5%)	8 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	1,228 (82.8%)
Substantial Assistance Departure	204 (13.8%)
Other Downward Departure	43 (2.9%)
Upward Departure	8 (0.5%)

Mode of Conviction ⁶

TOTAL	1,486 (100.0%)
Plea	1,139 (76.6%)
Trial	347 (23.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Other
	1,484 (100.0)	49 (100.0)	35 (100.0)	23 (100.0)	134 (100.0)	870 (100.0)	55 (100.0)	104 (100.0)	46 (100.0)	168 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	1,341 (90.4)	49 (100.0)	21 (60.0)	18 (78.3)	94 (70.2)	859 (98.7)	36 (65.5)	95 (91.3)	31 (67.4)	138 (82.1)
Prison	1,302 (87.7)	49 (100.0)	18 (51.4)	12 (52.2)	87 (64.9)	853 (98.0)	35 (63.6)	94 (90.4)	31 (67.4)	123 (73.2)
Prison/Community Split	39 (2.6)	0 (0.0)	3 (8.6)	6 (26.1)	7 (5.2)	6 (0.7)	1 (1.8)	1 (1.0)	0 (0.0)	15 (8.9)

Prison Term Ordered

1-12 months	173	0	9	16	36	11	24	14	16	47
13-24 months	113	0	5	2	32	24	4	16	5	25
25-36 months	90	3	2	0	16	23	4	11	1	30
37-60 months	303	14	1	0	5	241	3	14	5	20
Over 60 months	660	32	4	0	4	560	1	40	4	15
Mean Sentence	98.6	143.3	29.9	6.5	22.0	125.5	16.2	84.9	25.9	35.6
Median Sentence	60.0	87.0	18.0	6.0	16.0	92.0	10.0	42.0	12.0	24.0

CASES INVOLVING PROBATION

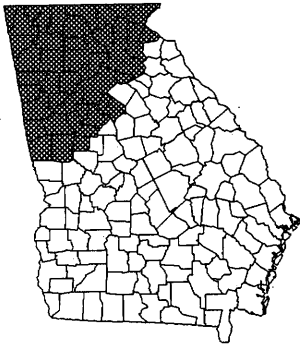
Total Receiving Probation	143 (9.6)	0 (0.0)	14 (40.0)	5 (21.7)	40 (29.9)	11 (1.3)	19 (34.5)	9 (8.7)	15 (32.6)	30 (17.9)
Probation Only	96 (6.5)	0 (0.0)	11 (31.4)	3 (13.0)	26 (19.4)	5 (0.6)	10 (18.2)	5 (4.8)	13 (28.3)	23 (13.7)
Probation and Confinement	47 (3.2)	0 (0.0)	3 (8.6)	2 (8.7)	14 (10.4)	6 (0.7)	9 (16.4)	4 (3.9)	2 (4.3)	7 (4.2)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	301 (20.2)	28 (57.1)	17 (48.6)	19 (82.6)	95 (70.9)	44 (5.0)	18 (32.7)	15 (14.4)	10 (21.7)	55 (32.0)
Median Dollar Amount	\$7,980	\$2,373	\$8,374	\$20,000	\$17,847	\$5,010	\$3,000	\$3,000	\$500	\$6,150

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**GEORGIA, Northern
11th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Atlanta
- (2) Gainesville
- (3) Rome

Number of Court Professionals	District Court Judges ²	13
	Assistant U.S. Attorneys ³	43
	Assistant Federal Defenders ⁴	14
	Probation Officers ⁵	50
Cases Filed	Civil ⁶	3,706
	Criminal ⁷	771
Population	Total ⁸	3,812,351
	Per Square Mile ⁹	267.2
Age Distribution¹⁰	Percent Age 0-14	21.9
	Percent Age 15-24	14.7
	Percent Age 25-34	19.0
	Percent Age 35-44	17.2
	Percent Age 45-64	18.2
	Percent Age 65+	9.0

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	418	11
Forcible Rape	1,929	51
Robbery	11,630	305
Aggravated Assault	16,687	438
Burglary	55,447	1,454
Larceny/Theft	149,901	3,932
Motor Vehicle Theft	27,947	733
Crime Index Total	263,959	6,924

Economic Indicators	Income per Capita ¹²	\$ 15,592
	Percent Unemployed ¹³	6.7

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	20.4
	Percent Retail	20.8
	Percent Finance ¹⁵	7.4
	Percent Service	26.1
	Percent Other ¹⁶	25.4

Agriculture	Percent Farm Acreage ¹⁷	19.9
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 65.98
	Education	\$ 654.38
	Health and Hospitals	\$ 326.54
	Public Welfare ¹⁹	\$ 3.25
	Highways	\$ 59.00

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	67	April 93	56
November 92	45	May 93	46
December 92	70	June 93	53
January 93	46	July 93	62
February 93	64	August 93	70
March 93	51	September 93	54

TOTAL = 684

Monthly Income ³

	mean	median
TOTAL	\$1,384	\$800
Male	\$1,390	\$750
Female	\$1,352	\$889

Average Age ⁵

	mean	median
TOTAL	35.6	33.0
Male	35.7	33.0
Female	35.1	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	682 (100.0%)	584 (85.6%)	98 (14.4%)
White	305 (44.7%)	259 (84.9%)	46 (15.1%)
Black	335 (49.1%)	289 (86.3%)	46 (13.7%)
Hispanic	29 (4.2%)	28 (96.6%)	1 (3.4%)
Other	13 (1.9%)	8 (61.5%)	5 (38.5%)

Departure Status ⁴

Sentenced within Guideline Range	500 (76.2%)
Substantial Assistance Departure	103 (15.7%)
Other Downward Departure	43 (6.6%)
Upward Departure	10 (1.5%)

Mode of Conviction ⁶

TOTAL	682 (100.0%)
Plea	562 (82.4%)
Trial	120 (17.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	Other
	663 (100.0)	18 (100.0)	62 (100.0)	8 (100.0)	115 (100.0)	272 (100.0)	30 (100.0)	44 (100.0)	13 (100.0)	101 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	518 (78.1)	18 (100.0)	35 (56.5)	2 (25.0)	70 (60.9)	265 (97.4)	21 (70.0)	38 (86.4)	7 (53.9)	62 (61.4)
Prison	494 (74.5)	18 (100.0)	30 (48.4)	1 (12.5)	63 (54.8)	264 (97.1)	19 (63.3)	37 (84.1)	7 (53.9)	55 (54.5)
Prison/Community Split	24 (3.6)	0 (0.0)	5 (8.1)	1 (12.5)	7 (6.1)	1 (0.4)	2 (6.7)	1 (2.3)	0 (0.0)	7 (6.9)

Prison Term Ordered

1-12 months	86	0	13	2	18	8	9	3	5	28
13-24 months	88	0	10	0	32	13	8	7	2	16
25-36 months	59	0	1	0	16	24	4	5	0	9
37-60 months	54	5	3	0	4	38	0	1	0	3
Over 60 months	230	13	7	0	0	182	0	22	0	6
Mean Sentence	92.0	222.4	32.7	10.0	20.1	127.9	17.0	131.0	10.7	27.8
Median Sentence	51.0	103.0	18.0	10.0	21.0	120.0	15.0	76.0	9.0	15.0

CASES INVOLVING PROBATION

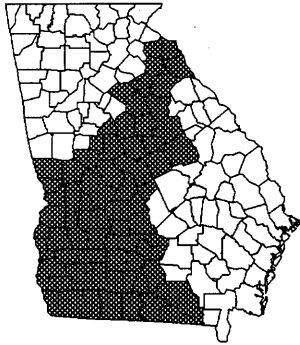
Total Receiving Probation	145 (21.9)	0 (0.0)	27 (43.5)	6 (75.0)	45 (39.1)	7 (2.6)	9 (30.0)	6 (13.6)	6 (46.1)	39 (38.6)
Probation Only	94 (14.2)	0 (0.0)	18 (29.0)	4 (50.0)	30 (26.1)	4 (1.5)	6 (20.0)	3 (6.8)	6 (46.1)	23 (22.8)
Probation and Confinement	51 (7.7)	0 (0.0)	9 (14.5)	2 (25.0)	15 (13.0)	3 (1.1)	3 (10.0)	3 (6.8)	0 (0.0)	16 (15.8)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	290 (44.2)	10 (55.6)	47 (77.0)	6 (85.7)	89 (78.1)	36 (13.3)	23 (76.7)	14 (31.8)	1 (7.7)	64 (64.7)
Median Dollar Amount	\$5,000	\$9,224	\$4,900	\$1,497	\$25,000	\$5,000	\$2,122	\$2,086	\$500	\$4,361

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**GEORGIA, Middle
11th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|--------------|-----------------|
| (1) Macon | (4) Albany |
| (2) Columbus | (5) Athens |
| (3) Valdosta | (6) Thomasville |

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	16
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	29
Cases Filed	Civil ⁶	3,050
	Criminal ⁷	1,391
Population	Total ⁸	1,624,969
	Per Square Mile ⁹	65.5
Age Distribution¹⁰	Percent Age 0-14	23.1
	Percent Age 15-24	16.3
	Percent Age 25-34	16.1
	Percent Age 35-44	14.5
	Percent Age 45-64	18.2
	Percent Age 65+	11.8

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	168	10
Forcible Rape	637	39
Robbery	2,630	162
Aggravated Assault	6,520	401
Burglary	22,323	1,374
Larceny/Theft	50,996	3,138
Motor Vehicle Theft	4,759	293
Crime Index Total	88,033	5,418

Economic Indicators	Income per Capita ¹²	\$ 10,901
	Percent Unemployed ¹³	7.3

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	30.1
	Percent Retail	23.2
	Percent Finance ¹⁵	5.6
	Percent Service	21.7
	Percent Other ¹⁶	19.4

Agriculture	Percent Farm Acreage ¹⁷	36.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 58.67
	Education	\$ 620.19
	Health and Hospitals	\$ 331.06
	Public Welfare ¹⁹	\$ 3.07
	Highways	\$ 55.69

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	24	April 93	21
November 92	30	May 93	13
December 92	42	June 93	34
January 93	31	July 93	48
February 93	22	August 93	14
March 93	26	September 93	14

TOTAL = 319

Monthly Income ³

	mean	median
TOTAL	\$1,108	\$700
Male	\$940	\$490
Female	\$1,472	\$1,242

Average Age ⁵

	mean	median
TOTAL	35.7	34.0
Male	34.5	31.0
Female	38.7	38.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	319 (100.0%)	224 (70.2%)	95 (29.8%)
White	124 (38.9%)	79 (63.7%)	45 (36.3%)
Black	187 (58.6%)	140 (74.9%)	47 (25.1%)
Hispanic	5 (1.6%)	3 (60.0%)	2 (40.0%)
Other	3 (0.9%)	2 (66.7%)	1 (33.3%)

Departure Status ⁴

Sentenced within Guideline Range	246 (78.8%)
Substantial Assistance Departure	44 (14.1%)
Other Downward Departure	16 (5.1%)
Upward Departure	6 (1.9%)

Mode of Conviction ⁶

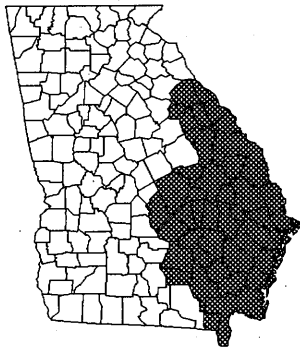
TOTAL	319 (100.0%)
Plea	287 (90.0%)
Trial	32 (10.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	Other
	317 (100.0)	7 (100.0)	95 (100.0)	6 (100.0)	28 (100.0)	75 (100.0)	3 (100.0)	53 (100.0)	1 (100.0)	49 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	201 (63.4)	7 (100.0)	19 (20.0)	1 (16.7)	17 (60.7)	72 (96.0)	2 (66.7)	48 (90.6)	1 (100.0)	34 (69.4)
Prison	196 (61.8)	7 (100.0)	18 (18.9)	0 (0.0)	17 (60.7)	72 (96.0)	2 (66.7)	48 (90.6)	1 (100.0)	31 (63.3)
Prison/Community Split	5 (1.6)	0 (0.0)	1 (1.1)	1 (16.7)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	3 (6.1)
Prison Term Ordered										
1-12 months	34	0	13	1	6	1	2	3	1	7
13-24 months	24	0	0	0	7	3	0	8	0	6
25-36 months	16	0	2	0	2	5	0	3	0	4
37-60 months	34	1	2	0	2	7	0	12	0	10
Over 60 months	93	6	2	0	0	56	0	22	0	7
Mean Sentence	96.9	95.1	29.3	6.0	20.4	145.2	12.0	115.0	6.0	55.6
Median Sentence	60.0	84.0	6.0	6.0	15.0	120.5	12.0	60.0	6.0	35.0
CASES INVOLVING PROBATION										
Total Receiving Probation	116 (36.6)	0 (0.0)	76 (80.0)	5 (83.3)	11 (39.3)	3 (4.0)	1 (33.3)	5 (9.4)	0 (0.0)	15 (30.6)
Probation Only	99 (31.2)	0 (0.0)	74 (77.9)	4 (66.7)	6 (21.4)	2 (2.7)	0 (0.0)	3 (5.7)	0 (0.0)	10 (20.4)
Probation and Confinement	17 (5.4)	0 (0.0)	2 (2.1)	1 (16.7)	5 (17.9)	1 (1.3)	1 (33.3)	2 (3.8)	0 (0.0)	5 (10.2)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	125 (39.4)	1 (14.3)	85 (90.4)	5 (83.3)	13 (46.4)	4 (5.3)	0 (0.0)	3 (5.7)	0 (0.0)	14 (28.0)
Median Dollar Amount	\$250	\$125	\$250	\$4,000	\$5,664	\$2,500	\$--	\$5,000	\$--	\$1,500

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**GEORGIA, Southern
11th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Augusta
- (2) Savannah
- (3) Brunswick

Number of Court Professionals	District Court Judges ²	3
	Assistant U.S. Attorneys ³	17
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	25
Cases Filed	Civil ⁶	1,076
	Criminal ⁷	373
Population	Total ⁸	1,184,857
	Per Square Mile ⁹	62.4
Age Distribution¹⁰	Percent Age 0-14	23.7
	Percent Age 15-24	15.8
	Percent Age 25-34	16.8
	Percent Age 35-44	14.8
	Percent Age 45-64	17.6
	Percent Age 65+	11.3

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	128	11
Forcible Rape	390	33
Robbery	2,196	185
Aggravated Assault	4,148	350
Burglary	14,878	1,256
Larceny/Theft	34,735	2,932
Motor Vehicle Theft	4,999	422
Crime Index Total	61,474	5,188

Economic Indicators	Income per Capita ¹²	\$ 11,147
	Percent Unemployed ¹³	7.3

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	26.4
	Percent Retail	24.4
	Percent Finance ¹⁵	4.8
	Percent Service	25.8
	Percent Other ¹⁶	18.5

Agriculture	Percent Farm Acreage ¹⁷	25.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 59.78
	Education	\$ 605.57
	Health and Hospitals	\$ 319.17
	Public Welfare ¹⁹	\$ 3.40
	Highways	\$ 56.81

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	25	April 93	12
November 92	28	May 93	16
December 92	19	June 93	32
January 93	7	July 93	18
February 93	31	August 93	17
March 93	19	September 93	16

TOTAL = 240

Monthly Income ³

	mean	median
TOTAL	\$1,479	\$800
Male	\$1,540	\$800
Female	\$1,149	\$947

Average Age ⁵

	mean	median
TOTAL	38.3	37.0
Male	38.8	37.0
Female	36.1	36.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	240 (100.0%)	197 (82.1%)	43 (17.9%)
White	130 (54.2%)	113 (86.9%)	17 (13.1%)
Black	99 (41.2%)	75 (75.8%)	24 (24.2%)
Hispanic	10 (4.2%)	8 (80.0%)	2 (20.0%)
Other	1 (0.4%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	157 (66.8%)
Substantial Assistance Departure	62 (26.4%)
Other Downward Departure	13 (5.5%)
Upward Departure	3 (1.3%)

Mode of Conviction ⁶

TOTAL	240 (100.0%)
Plea	202 (84.2%)
Trial	38 (15.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Oth
	239 (100.0)	6 (100.0)	18 (100.0)	4 (100.0)	28 (100.0)	97 (100.0)	6 (100.0)	21 (100.0)	2 (100.0)	57 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	189 (79.1)	6 (100.0)	9 (50.0)	1 (25.0)	20 (71.4)	93 (95.9)	3 (50.0)	17 (81.0)	2 (100.0)	38 (66.7)
Prison	183 (76.6)	6 (100.0)	9 (50.0)	1 (25.0)	16 (57.1)	93 (95.9)	3 (50.0)	17 (81.0)	2 (100.0)	36 (62.9)
Prison/Community Split	6 (2.5)	0 (0.0)	0 (0.0)	0 (0.0)	4 (14.3)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	2 (3.5)
Prison Term Ordered										
1-12 months	42	0	3	0	15	6	2	1	2	0
13-24 months	20	0	2	1	2	3	1	2	0	0
25-36 months	22	0	2	0	3	8	0	3	0	0
37-60 months	31	2	2	0	0	18	0	4	0	0
Over 60 months	74	4	0	0	0	58	0	7	0	0
Mean Sentence	93.4	95.3	25.1	15.0	12.8	144.5	14.0	92.9	3.0	0
Median Sentence	48.0	71.0	24.0	15.0	11.0	108.0	12.0	48.0	3.0	0
CASES INVOLVING PROBATION										
Total Receiving Probation	50 (20.9)	0 (0.0)	9 (50.0)	3 (75.0)	8 (28.6)	4 (4.1)	3 (50.0)	4 (19.1)	0 (0.0)	19 (33.3)
Probation Only	32 (13.4)	0 (0.0)	8 (44.4)	2 (50.0)	6 (21.4)	1 (1.0)	3 (50.0)	0 (0.0)	0 (0.0)	12 (21.1)
Probation and Confinement	18 (7.5)	0 (0.0)	1 (5.6)	1 (25.0)	2 (7.1)	3 (3.1)	0 (0.0)	4 (19.1)	0 (0.0)	7 (12.2)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	95 (39.8)	4 (66.7)	15 (83.3)	2 (50.0)	20 (71.4)	19 (19.6)	0 (0.0)	4 (19.1)	2 (100.0)	29 (50.9)
Median Dollar Amount	\$5,000	\$3,068	\$450	\$80,226	\$11,712	\$6,000	\$--	\$4,200	\$5,000	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONI

**GUAM
9th Circuit**



City Supplying Guideline Documentation¹

(1) Agana

Number of Court Professionals	District Court Judges ²	1
	Assistant U.S. Attorneys ³	5
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	7
Cases Filed	Civil ⁶	76
	Criminal ⁷	121
Population	Total ⁸	133,152
	Per Square Mile ⁹	637.1
Age Distribution¹⁰	Percent Age 0-14	30.0
	Percent Age 15-24	19.9
	Percent Age 25-34	19.0
	Percent Age 35-44	13.8
	Percent Age 45-64	13.4
	Percent Age 65+	3.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	11	8
Forcible Rape	115	86
Robbery	87	65
Aggravated Assault	273	205
Burglary	946	710
Larceny/Theft	3,629	2,725
Motor Vehicle Theft	480	360
Crime Index Total	5,541	4,161

Economic Indicators	Income per Capita ¹²	\$ 9,928
	Percent Unemployed ¹³	--

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	--
	Percent Retail	--
	Percent Finance ¹⁵	--
	Percent Service	--
	Percent Other ¹⁶	--

Agriculture	Percent Farm Acreage ¹⁷	9.8
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Per Capita Local Expenditures¹⁸	Police Protection	\$ --
	Education	\$ --
	Health and Hospitals	\$ --
	Public Welfare ¹⁹	\$ --
	Highways	\$ --

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

Cases Received by USSC (by sentencing month) ¹

October 92	8	April 93	16
November 92	1	May 93	3
December 92	8	June 93	13
January 93	7	July 93	12
February 93	6	August 93	3
March 93	7	September 93	10
TOTAL = 94			

Monthly Income ³

	mean	median
TOTAL	\$2,148	\$867
Male	\$2,336	\$650
Female	\$1,454	\$1,318

Average Age ⁵

	mean	median
TOTAL	33.7	32.0
Male	33.9	32.0
Female	32.7	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	84 (100.0%)	68 (81.0%)	16 (19.0%)
White	10 (11.9%)	9 (90.0%)	1 (10.0%)
Black	1 (1.2%)	1 (100.0%)	0 (0.0%)
Hispanic	3 (3.6%)	3 (100.0%)	0 (0.0%)
Other	70 (83.3%)	55 (78.6%)	15 (21.4%)

Departure Status ⁴

Sentenced within Guideline Range	79 (87.8%)
Substantial Assistance Departure	7 (7.8%)
Other Downward Departure	2 (2.2%)
Upward Departure	2 (2.2%)

Mode of Conviction ⁶

TOTAL	94 (100.0%)
Plea	85 (90.4%)
Trial	9 (9.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Ot
	92 (100.0)	2 (100.0)	1 (100.0)	2 (100.0)	3 (100.0)	23 (100.0)	1 (100.0)	17 (100.0)	33 (100.0)	10 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	40 (43.5)	2 (100.0)	0 (0.0)	1 (50.0)	0 (0.0)	14 (60.9)	0 (0.0)	16 (94.1)	4 (12.1)	3 (30.0)
Prison	35 (38.0)	2 (100.0)	0 (0.0)	1 (50.0)	0 (0.0)	14 (60.9)	0 (0.0)	11 (64.7)	4 (12.1)	3 (30.0)
Prison/Community Split	5 (5.4)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	5 (29.4)	0 (0.0)	0 (0.0)
Prison Term Ordered										
1-12 months	9	0	0	0	0	0	0	6	2	0
13-24 months	4	0	0	1	0	0	0	1	0	0
25-36 months	7	0	0	0	0	1	0	6	0	0
37-60 months	3	0	0	0	0	2	0	1	0	0
Over 60 months	15	2	0	0	0	11	0	2	0	0
Mean Sentence	68.0	144.0	--	18.0	--	112.5	--	41.2	0.5	0.5
Median Sentence	33.0	144.0	--	18.0	--	120.0	--	27.0	0.5	0.5
CASES INVOLVING PROBATION										
Total Receiving Probation	52 (56.5)	0 (0.0)	1 (100.0)	1 (50.0)	3 (100.0)	9 (39.1)	1 (100.0)	1 (5.9)	29 (87.9)	7 (70.0)
Probation Only	38 (41.3)	0 (0.0)	0 (0.0)	0 (0.0)	2 (66.7)	4 (17.4)	1 (100.0)	0 (0.0)	29 (87.9)	2 (20.0)
Probation and Confinement	14 (15.2)	0 (0.0)	1 (100.0)	1 (50.0)	1 (33.3)	5 (21.7)	0 (0.0)	1 (5.9)	0 (0.0)	5 (50.0)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	40 (42.5)	1 (50.0)	1 (100.0)	2 (100.0)	3 (100.0)	8 (33.3)	1 (100.0)	3 (17.6)	15 (45.5)	6 (60.0)
Median Dollar Amount	\$3,000	\$36,520	\$200	\$72,717	\$6,779	\$3,500	\$523	\$2,000	\$1,000	\$1,000

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MON

**HAWAII
9th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Honolulu
- (2) Hilo
- (3) Johnston Island

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	20
	Assistant Federal Defenders ⁴	7
	Probation Officers ⁵	13
Cases Filed	Civil ⁶	952
	Criminal ⁷	1,978
Population	Total ⁸	1,136,581
	Per Square Mile ⁹	176.9
Age Distribution¹⁰	Percent Age 0-14	21.6
	Percent Age 15-24	14.3
	Percent Age 25-34	17.8
	Percent Age 35-44	16.6
	Percent Age 45-64	18.5
	Percent Age 65+	11.3

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	42	4
Forcible Rape	440	39
Robbery	1,151	101
Aggravated Assault	1,365	120
Burglary	13,006	1,144
Larceny/Theft	50,544	4,447
Motor Vehicle Theft	4,351	383
Crime Index Total	70,899	6,238

Economic Indicators	Income per Capita ¹²	\$ 15,770
	Percent Unemployed ¹³	4.5

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	5.6
	Percent Retail	26.8
	Percent Finance ¹⁵	8.3
	Percent Service	36.0
	Percent Other ¹⁶	23.2

Agriculture	Percent Farm Acreage ¹⁷	42.0
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 101.81
	Education	\$ 0.11
	Health and Hospitals	\$ 4.90
	Public Welfare ¹⁹	\$ 4.70
	Highways	\$ 51.03

FISCAL YEAR 1993 GUIDELINE SENTENCES

Cases Received by USSC (by sentencing month) ¹

October 92	19	April 93	17
November 92	20	May 93	14
December 92	27	June 93	21
January 93	14	July 93	22
February 93	20	August 93	22
March 93	14	September 93	19

TOTAL = 229

Monthly Income ³

	mean	median
TOTAL	\$863	\$203
Male	\$831	\$50
Female	\$1,064	\$650

Average Age ⁵

TOTAL	34.7	33.0
Male	35.1	34.0
Female	32.3	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	218 (100.0%)	182 (83.5%)	36 (16.5%)
White	67 (30.7%)	58 (86.6%)	9 (13.4%)
Black	12 (5.5%)	10 (83.3%)	2 (16.7%)
Hispanic	10 (4.6%)	8 (80.0%)	2 (20.0%)
Other	129 (59.2%)	106 (82.2%)	23 (17.8%)

Departure Status ⁴

Sentenced within Guideline Range	145 (64.2%)
Substantial Assistance Departure	67 (29.6%)
Other Downward Departure	5 (2.2%)
Upward Departure	9 (4.0%)

Mode of Conviction ⁶

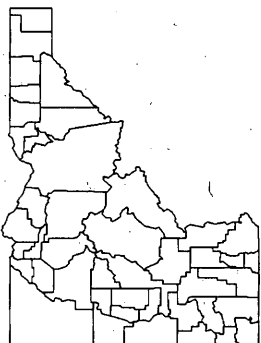
TOTAL	229 (100.0%)
Plea	207 (90.4%)
Trial	22 (9.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	
	213 (100.0)	13 (100.0)	33 (100.0)	3 (100.0)	12 (100.0)	89 (100.0)	1 (100.0)	10 (100.0)	27 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	174 (81.7)	13 (100.0)	11 (33.3)	3 (100.0)	8 (66.7)	88 (98.9)	1 (100.0)	8 (80.0)	24 (88.9)	
Prison	167 (78.4)	13 (100.0)	9 (27.3)	1 (33.3)	7 (58.3)	87 (97.8)	1 (100.0)	8 (80.0)	24 (88.9)	
Prison/Community Split	7 (3.3)	0 (0.0)	2 (6.1)	2 (66.7)	1 (8.3)	1 (1.1)	0 (0.0)	0 (0.0)	0 (0.0)	
Prison Term Ordered										
1-12 months	39	0	5	3	4	3	0	0	21	
13-24 months	22	1	3	0	4	8	1	1	2	
25-36 months	30	2	0	0	0	20	0	0	1	
37-60 months	26	2	2	0	0	16	0	1	0	
Over 60 months	57	8	1	0	0	41	0	6	0	
Mean Sentence	62.7	92.9	25.3	5.0	13.1	78.2	18.0	181.5	8.3	
Median Sentence	36.0	97.0	18.0	6.0	14.0	60.0	18.0	195.0	6.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	39 (18.3)	0 (0.0)	22 (66.7)	0 (0.0)	4 (33.3)	1 (1.1)	0 (0.0)	2 (20.0)	3 (11.1)	
Probation Only	33 (15.5)	0 (0.0)	20 (60.6)	0 (0.0)	3 (25.0)	0 (0.0)	0 (0.0)	2 (20.0)	2 (7.4)	
Probation and Confinement	6 (2.8)	0 (0.0)	2 (6.1)	0 (0.0)	1 (8.3)	1 (1.1)	0 (0.0)	0 (0.0)	1 (3.7)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	87 (38.0)	7 (53.9)	32 (80.0)	3 (100.0)	9 (75.0)	9 (10.1)	1 (100.0)	1 (10.0)	4 (14.8)	
Median Dollar Amount	\$1,474	\$4,120	\$150	\$15,000	\$8,200	\$10,000	\$2,000	\$2,500	\$2,000	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, 1

**IDAHO
9th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Boise
- (2) Pocatello
- (3) Twin Falls
- (4) Moscow

Number of Court Professionals	District Court Judges ²	3
	Assistant U.S. Attorneys ³	12
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	11
Cases Filed	Civil ⁶	524
	Criminal ⁷	99
Population	Total ⁸	1,039,328
	Per Square Mile ⁹	12.6
Age Distribution¹⁰	Percent Age 0-14	25.7
	Percent Age 15-24	14.9
	Percent Age 25-34	14.6
	Percent Age 35-44	15.4
	Percent Age 45-64	17.4
	Percent Age 65+	12.0

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	39	4
Forcible Rape	358	34
Robbery	258	25
Aggravated Assault	2,293	221
Burglary	7,985	768
Larceny/Theft	31,221	3,004
Motor Vehicle Theft	1,916	184
Crime Index Total	44,070	4,240

Economic Indicators	Income per Capita ¹²	\$ 11,457
	Percent Unemployed ¹³	6.4

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	21.4
	Percent Retail	23.8
	Percent Finance ¹⁵	5.4
	Percent Service	27.1
	Percent Other ¹⁶	22.3

Agriculture	Percent Farm Acreage ¹⁷	26.4
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 56.90
	Education	\$ 522.70
	Health and Hospitals	\$ 129.62
	Public Welfare ¹⁹	\$ 15.97
	Highways	\$ 86.04

FISCAL YEAR 1993 GUIDELINE SENTENCES

IDA

Cases Received by USSC (by sentencing month) ¹

October 92	1	April 93	2
November 92	13	May 93	1
December 92	4	June 93	8
January 93	7	July 93	2
February 93	5	August 93	2
March 93	9	September 93	7

TOTAL = 61

Monthly Income ³

	mean	median
TOTAL	\$814	\$47
Male	\$859	\$0
Female	\$653	\$352

Average Age ⁵

	mean	median
TOTAL	36.5	35.0
Male	38.0	36.0
Female	31.4	29.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	59 (100.0%)	45 (76.3%)	14 (23.7%)
White	39 (66.1%)	26 (66.7%)	13 (33.3%)
Black	2 (3.4%)	2 (100.0%)	0 (0.0%)
Hispanic	10 (16.9%)	10 (100.0%)	0 (0.0%)
Other	8 (13.6%)	7 (87.5%)	1 (12.5%)

Departure Status ⁴

Sentenced within Guideline Range	48 (80.0%)
Substantial Assistance Departure	4 (6.7%)
Other Downward Departure	6 (10.0%)
Upward Departure	2 (3.3%)

Mode of Conviction ⁶

TOTAL	60 (100.0%)
Plea	41 (68.3%)
Trial	19 (31.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	C
	60 (100.0)	1 (100.0)	5 (100.0)	4 (100.0)	2 (100.0)	22 (100.0)	0 (100.0)	2 (100.0)	5 (100.0)	19 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	48 (80.0)	1 (100.0)	2 (40.0)	3 (75.0)	2 (100.0)	21 (95.5)	0 (--)	2 (100.0)	4 (80.0)	13 (100.0)
Prison	45 (75.0)	1 (100.0)	2 (40.0)	2 (50.0)	2 (100.0)	21 (95.5)	0 (--)	2 (100.0)	4 (80.0)	11 (100.0)
Prison/Community Split	3 (5.0)	0 (0.0)	0 (0.0)	1 (25.0)	0 (0.0)	0 (0.0)	0 (--)	0 (0.0)	0 (0.0)	2 (100.0)
Prison Term Ordered										
1-12 months	7	0	1	2	0	1	0	0	0	0
13-24 months	8	0	0	1	1	1	0	1	2	
25-36 months	3	0	0	0	0	1	0	0	0	
37-60 months	8	0	0	0	1	3	0	0	2	
Over 60 months	22	1	1	0	0	15	0	1	0	
Mean Sentence	97.0	93.0	95.5	9.3	34.5	141.5	--	81.0	34.5	
Median Sentence	55.0	93.0	95.5	4.0	34.5	120.0	--	81.0	35.0	

CASES INVOLVING PROBATION

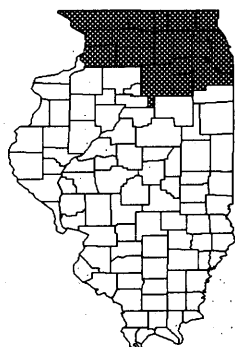
Total Receiving Probation	12 (20.0)	0 (0.0)	3 (60.0)	1 (25.0)	0 (0.0)	1 (4.5)	0 (--)	0 (0.0)	1 (20.0)	6 (100.0)
Probation Only	6 (10.0)	0 (0.0)	3 (60.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (--)	0 (0.0)	1 (20.0)	2 (100.0)
Probation and Confinement	6 (10.0)	0 (0.0)	0 (0.0)	1 (25.0)	0 (0.0)	1 (4.5)	0 (--)	0 (0.0)	0 (0.0)	4 (100.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	51 (85.0)	1 (100.0)	5 (100.0)	4 (100.0)	2 (100.0)	19 (86.4)	0 (--)	2 (100.0)	2 (40.0)	16 (100.0)
Median Dollar Amount	\$4,000	\$6,000	\$1,300	\$8,000	\$9,250	\$4,000	\$--	\$6,275	\$650	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MON

**ILLINOIS, Northern
7th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Chicago
- (2) Freeport
- (3) Waukegan

Number of Court Professionals	District Court Judges ²	24
	Assistant U.S. Attorneys ³	109
	Assistant Federal Defenders ⁴	13
	Probation Officers ⁵	96
Cases Filed	Civil ⁶	7,966
	Criminal ⁷	632
Population	Total ⁸	8,122,774
	Per Square Mile ⁹	751.0
Age Distribution¹⁰	Percent Age 0-14	22.2
	Percent Age 15-24	14.2
	Percent Age 25-34	18.0
	Percent Age 35-44	15.7
	Percent Age 45-64	18.5
	Percent Age 65+	11.5

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	1,108	14
Forcible Rape	--	--
Robbery	43,984	541
Aggravated Assault	49,968	615
Burglary	88,836	1,094
Larceny/Theft	260,521	3,207
Motor Vehicle Theft	63,831	786
Crime Index Total	--	--

Economic Indicators	Income per Capita ¹²	\$ 16,432
	Percent Unemployed ¹³	7.3

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	23.0
	Percent Retail	19.0
	Percent Finance ¹⁵	9.0
	Percent Service	29.2
	Percent Other ¹⁶	19.9

Agriculture	Percent Farm Acreage ¹⁷	71.2
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 117.67
	Education	\$ 676.64
	Health and Hospitals	\$ 60.86
	Public Welfare ¹⁹	\$ 18.14
	Highways	\$ 92.11

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	42	April 93	84
November 92	72	May 93	68
December 92	78	June 93	56
January 93	71	July 93	82
February 93	70	August 93	67
March 93	80	September 93	62

TOTAL = 832

Monthly Income ³

	mean	median
TOTAL	\$1,811	\$800
Male	\$1,908	\$800
Female	\$1,242	\$851

Average Age ⁵

	mean	median
TOTAL	36.9	35.0
Male	37.2	35.0
Female	34.8	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	831 (100.0%)	713 (85.8%)	118 (14.2%)
White	356 (42.8%)	308 (86.5%)	48 (13.5%)
Black	316 (38.0%)	266 (84.2%)	50 (15.8%)
Hispanic	143 (17.2%)	127 (88.8%)	16 (11.2%)
Other	16 (1.9%)	12 (75.0%)	4 (25.0%)

Departure Status ⁴

Sentenced within Guideline Range	663 (86.8%)
Substantial Assistance Departure	79 (10.3%)
Other Downward Departure	22 (2.9%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

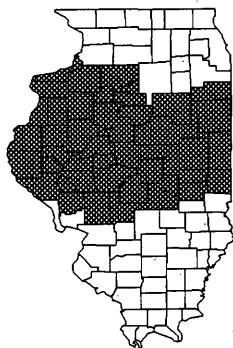
TOTAL	831 (100.0%)
Plea	705 (84.8%)
Trial	126 (15.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	Other
	826 (100.0)	35 (100.0)	78 (100.0)	36 (100.0)	209 (100.0)	232 (100.0)	18 (100.0)	46 (100.0)	20 (100.0)	152 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	554 (67.1)	35 (100.0)	22 (28.2)	11 (30.6)	106 (50.7)	222 (95.7)	9 (50.0)	41 (89.1)	16 (80.0)	92 (60.5)
Prison	516 (62.5)	35 (100.0)	21 (26.9)	8 (22.2)	81 (38.8)	222 (95.7)	9 (50.0)	41 (89.1)	16 (80.0)	83 (54.6)
Prison/Community Split	38 (4.6)	0 (0.0)	1 (1.3)	3 (8.3)	25 (12.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	9 (5.9)
Prison Term Ordered										
1-12 months	146	0	14	8	62	7	3	4	10	38
13-24 months	66	0	5	1	24	5	4	11	2	14
25-36 months	51	6	1	2	11	19	2	6	1	3
37-60 months	97	11	1	0	8	49	0	5	3	20
Over 60 months	194	18	1	0	1	142	0	15	0	17
Mean Sentence	68.6	70.9	20.3	13.5	16.4	112.1	16.2	78.2	18.7	50.7
Median Sentence	41.0	63.0	9.5	12.0	12.0	80.0	14.0	33.0	12.0	18.0
CASES INVOLVING PROBATION										
Total Receiving Probation	272 (32.9)	0 (0.0)	56 (71.8)	25 (69.4)	103 (49.3)	10 (4.3)	9 (50.0)	5 (10.9)	4 (20.0)	60 (39.5)
Probation Only	187 (22.6)	0 (0.0)	43 (55.1)	18 (50.0)	70 (33.5)	3 (1.3)	7 (38.9)	1 (2.2)	2 (10.0)	43 (28.3)
Probation and Confinement	85 (10.3)	0 (0.0)	13 (16.7)	7 (19.4)	33 (15.8)	7 (3.0)	2 (11.1)	4 (8.7)	2 (10.0)	17 (11.2)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	397 (48.0)	19 (54.3)	40 (50.6)	23 (63.9)	160 (76.2)	52 (22.3)	11 (61.1)	18 (39.1)	6 (30.0)	68 (45.0)
Median Dollar Amount	\$3,651	\$2,900	\$2,000	\$2,864	\$5,500	\$3,000	\$713	\$2,000	\$2,750	\$3,977

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**ILLINOIS, Central
7th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Springfield (4) Rock Island
- (2) Peoria
- (3) Danville

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	19
	Assistant Federal Defenders ⁴	11
	Probation Officers ⁵	24
Cases Filed	Civil ⁶	1,309
	Criminal ⁷	336
Population	Total ⁸	2,171,848
	Per Square Mile ⁹	76.4
Age Distribution¹⁰	Percent Age 0-14	21.3
	Percent Age 15-24	15.0
	Percent Age 25-34	15.1
	Percent Age 35-44	14.8
	Percent Age 45-64	19.0
	Percent Age 65+	14.8

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	76	3
Forcible Rape	--	--
Robbery	2,295	106
Aggravated Assault	5,565	256
Burglary	20,106	926
Larceny/Theft	52,070	2,397
Motor Vehicle Theft	3,265	150
Crime Index Total	--	--

Economic Indicators	Income per Capita ¹²	\$ 12,724
	Percent Unemployed ¹³	7.3

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	22.8
	Percent Retail	23.4
	Percent Finance ¹⁵	7.8
	Percent Service	27.1
	Percent Other ¹⁶	18.9

Agriculture	Percent Farm Acreage ¹⁷	89.4
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 56.56
	Education	\$ 571.15
	Health and Hospitals	\$ 79.19
	Public Welfare ¹⁹	\$ 25.93
	Highways	\$ 101.48

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	14	April 93	18
November 92	18	May 93	32
December 92	21	June 93	20
January 93	14	July 93	37
February 93	20	August 93	21
March 93	21	September 93	23

TOTAL = 259

Monthly Income ³

	mean	median
TOTAL	\$892	\$500
Male	\$877	\$363
Female	\$972	\$800

Average Age ⁵

	mean	median
TOTAL	34.0	32.0
Male	34.3	32.0
Female	32.6	31.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	255 (100.0%)	217 (85.1%)	38 (14.9%)
White	144 (56.5%)	122 (84.7%)	22 (15.3%)
Black	101 (39.6%)	86 (85.1%)	15 (14.9%)
Hispanic	9 (3.5%)	8 (88.9%)	1 (11.1%)
Other	1 (0.4%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	193 (77.2%)
Substantial Assistance Departure	51 (20.4%)
Other Downward Departure	2 (0.8%)
Upward Departure	4 (1.6%)

Mode of Conviction ⁶

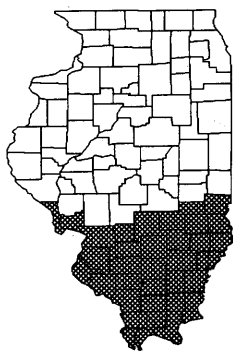
TOTAL	257 (100.0%)
Plea	226 (87.9%)
Trial	31 (12.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	Other
	256 (100.0)	7 (100.0)	25 (100.0)	8 (100.0)	25 (100.0)	122 (100.0)	4 (100.0)	27 (100.0)	4 (100.0)	34 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	228 (89.1)	7 (100.0)	16 (64.0)	6 (75.0)	23 (92.0)	117 (95.9)	3 (75.0)	25 (92.6)	2 (50.0)	29 (85.3)
Prison	209 (81.6)	7 (100.0)	13 (52.0)	5 (62.5)	17 (68.0)	112 (91.8)	3 (75.0)	24 (88.9)	2 (50.0)	26 (76.5)
Prison/Community Split	19 (7.4)	0 (0.0)	3 (12.0)	1 (12.5)	6 (24.0)	5 (4.1)	0 (0.0)	1 (3.7)	0 (0.0)	3 (8.8)
Prison Term Ordered										
1-12 months	49	0	7	4	10	12	2	1	1	12
13-24 months	39	0	6	0	8	16	1	4	1	3
25-36 months	28	0	0	0	3	15	0	4	0	6
37-60 months	38	2	3	1	2	19	0	5	0	6
Over 60 months	73	5	0	0	0	55	0	11	0	2
Mean Sentence	68.0	125.1	18.9	14.6	17.4	87.3	12.7	101.7	14.5	33.2
Median Sentence	36.0	111.0	15.0	6.0	13.0	60.0	12.0	57.0	14.5	24.0
CASES INVOLVING PROBATION										
Total Receiving Probation	28 (10.9)	0 (0.0)	9 (36.0)	2 (25.0)	2 (8.0)	5 (4.1)	1 (25.0)	2 (7.4)	2 (50.0)	5 (14.7)
Probation Only	14 (5.5)	0 (0.0)	4 (16.0)	1 (12.5)	1 (4.0)	2 (1.6)	1 (25.0)	1 (3.7)	0 (0.0)	4 (11.8)
Probation and Confinement	14 (5.5)	0 (0.0)	5 (20.0)	1 (12.5)	1 (4.0)	3 (2.5)	0 (0.0)	1 (3.7)	2 (50.0)	1 (2.9)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	137 (53.1)	7 (100.0)	24 (96.0)	9 (90.0)	20 (80.0)	44 (36.1)	3 (75.0)	4 (14.8)	2 (50.0)	24 (70.6)
Median Dollar Amount	\$2,000	\$4,600	\$3,608	\$2,700	\$3,242	\$672	\$568	\$1,380	\$3,250	\$2,121

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**ILLINOIS, Southern
7th Circuit**



Cities Supplying Guideline Documentation¹

- (1) East St. Louis (4) Cairo
- (2) Benton
- (3) Alton

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	18
	Assistant Federal Defenders ⁴	11
	Probation Officers ⁵	14
Cases Filed	Civil ⁶	1,236
	Criminal ⁷	259
Population	Total ⁸	1,245,170
	Per Square Mile ⁹	75.9
Age Distribution¹⁰	Percent Age 0-14	21.8
	Percent Age 15-24	13.8
	Percent Age 25-34	15.5
	Percent Age 35-44	14.3
	Percent Age 45-64	19.1
	Percent Age 65+	15.5

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	115	9
Forcible Rape	--	--
Robbery	1,069	86
Aggravated Assault	2,983	240
Burglary	9,184	738
Larceny/Theft	22,802	1,831
Motor Vehicle Theft	2,553	205
Crime Index Total	--	--

Economic Indicators	Income per Capita ¹²	\$ 11,555
	Percent Unemployed ¹³	9.5

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	20.6
	Percent Retail	24.7
	Percent Finance ¹⁵	5.2
	Percent Service	27.2
	Percent Other ¹⁶	22.2

Agriculture	Percent Farm Acreage ¹⁷	69.8
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 49.41
	Education	\$ 594.20
	Health and Hospitals	\$ 114.86
	Public Welfare ¹⁹	\$ 35.38
	Highways	\$ 88.16

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	27	April 93	26
November 92	23	May 93	30
December 92	35	June 93	15
January 93	36	July 93	39
February 93	15	August 93	17
March 93	28	September 93	26

TOTAL = 317

Monthly Income ³

	mean	median
TOTAL	\$651	\$422
Male	\$603	\$0
Female	\$854	\$762

Average Age ⁵

	mean	median
TOTAL	31.9	30.0
Male	31.9	30.0
Female	31.7	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	315 (100.0%)	257 (81.6%)	58 (18.4%)
White	133 (42.2%)	112 (84.2%)	21 (15.8%)
Black	168 (53.3%)	134 (79.8%)	34 (20.2%)
Hispanic	13 (4.1%)	10 (76.9%)	3 (23.1%)
Other	1 (0.3%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	257 (81.1%)
Substantial Assistance Departure	54 (17.0%)
Other Downward Departure	4 (1.3%)
Upward Departure	2 (0.6%)

Mode of Conviction ⁶

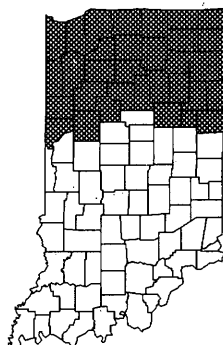
TOTAL	308 (100.0%)
Plea	279 (90.6%)
Trial	29 (9.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	Other
	315 (100.0)	3 (100.0)	51 (100.0)	0 (100.0)	22 (100.0)	182 (100.0)	4 (100.0)	28 (100.0)	0 (100.0)	25 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	245 (77.8)	3 (100.0)	2 (3.9)	0 (--)	12 (54.5)	178 (97.8)	1 (25.0)	28 (100.0)	0 (--)	21 (84.0)
Prison	242 (76.8)	3 (100.0)	2 (3.9)	0 (--)	12 (54.5)	175 (96.2)	1 (25.0)	28 (100.0)	0 (--)	21 (84.0)
Prison/Community Split	3 (0.9)	0 (0.0)	0 (0.0)	0 (--)	0 (0.0)	3 (1.6)	0 (0.0)	0 (0.0)	0 (--)	0 (0.0)
Prison Term Ordered										
1-12 months	19	0	2	0	3	8	0	4	0	0
13-24 months	31	0	0	0	5	11	1	8	0	0
25-36 months	20	0	0	0	1	9	0	5	0	0
37-60 months	62	1	0	0	0	55	0	6	0	0
Over 60 months	113	2	0	0	3	95	0	5	0	0
Mean Sentence	85.3	77.7	6.0	--	34.4	95.7	18.0	46.8	--	--
Median Sentence	60.0	87.0	6.0	--	18.0	70.0	18.0	27.0	--	--
CASES INVOLVING PROBATION										
Total Receiving Probation	70 (22.2)	0 (0.0)	49 (96.1)	0 (--)	10 (45.5)	4 (2.2)	3 (75.0)	0 (0.0)	0 (--)	4 (16.0)
Probation Only	56 (17.8)	0 (0.0)	44 (86.3)	0 (--)	5 (22.7)	3 (1.6)	1 (25.0)	0 (0.0)	0 (--)	3 (12.0)
Probation and Confinement	14 (4.4)	0 (0.0)	5 (9.8)	0 (--)	5 (22.7)	1 (0.6)	2 (50.0)	0 (0.0)	0 (--)	1 (4.0)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	52 (16.4)	0 (0.0)	17 (33.3)	0 (--)	15 (68.2)	6 (3.3)	2 (40.0)	1 (3.6)	0 (--)	11 (42.3)
Median Dollar Amount	\$4,406	\$--	\$2,940	\$--	\$11,567	\$3,000	\$4,358	\$--	\$--	\$8,000

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONF'

**INDIANA, Northern
7th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Hammond (4) Gary
- (2) South Bend
- (3) Fort Wayne

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ³	22
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	24
Cases Filed	Civil ⁶	1,745
	Criminal ⁷	253
Population	Total ⁸	2,297,116
	Per Square Mile ⁹	172.2
Age Distribution¹⁰	Percent Age 0-14	22.6
	Percent Age 15-24	15.2
	Percent Age 25-34	15.7
	Percent Age 35-44	15.3
	Percent Age 45-64	18.7
	Percent Age 65+	12.5

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	195	8
Forcible Rape	847	37
Robbery	2,873	125
Aggravated Assault	7,115	310
Burglary	18,604	810
Larceny/Theft	58,082	2,528
Motor Vehicle Theft	11,907	518
Crime Index Total	99,623	4,337

Economic Indicators	Income per Capita ¹²	\$ 12,971
	Percent Unemployed ¹³	6.8

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	35.3
	Percent Retail	20.1
	Percent Finance ¹⁵	4.8
	Percent Service	24.0
	Percent Other ¹⁶	5.

Agriculture	Percent Farm Acreage ¹⁷	78.0
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 45.53
	Education	\$ 591.03
	Health and Hospitals	\$ 81.32
	Public Welfare ¹⁹	\$ 82.30
	Highways	\$ 66.94

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	20	April 93	13
November 92	15	May 93	25
December 92	24	June 93	18
January 93	23	July 93	22
February 93	25	August 93	18
March 93	19	September 93	23

TOTAL = 245

Monthly Income ³

	mean	median
TOTAL	\$1,393	\$1,007
Male	\$1,430	\$1,130
Female	\$1,192	\$940

Average Age ⁵

	mean	median
TOTAL	36.9	37.0
Male	37.2	37.0
Female	35.3	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	245 (100.0%)	210 (85.7%)	35 (14.3%)
White	141 (57.5%)	118 (83.7%)	23 (16.3%)
Black	82 (33.5%)	73 (89.0%)	9 (11.0%)
Hispanic	21 (8.6%)	19 (90.5%)	2 (9.5%)
Other	1 (0.4%)	0 (0.0%)	1 (100.0%)

Departure Status ⁴

Sentenced within Guideline Range	220 (90.5%)
Substantial Assistance Departure	9 (3.7%)
Other Downward Departure	12 (4.9%)
Upward Departure	2 (0.8%)

Mode of Conviction ⁶

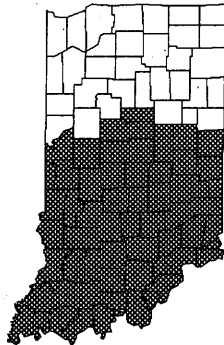
TOTAL	243 (100.0%)
Plea	211 (86.8%)
Trial	32 (13.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Other
	244 (100.0)	3 (100.0)	32 (100.0)	3 (100.0)	42 (100.0)	60 (100.0)	7 (100.0)	33 (100.0)	0 (100.0)	64 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	138 (56.6)	3 (100.0)	3 (9.4)	3 (100.0)	17 (40.5)	55 (91.7)	5 (71.4)	27 (81.8)	0 (--)	25 (39.1)
Prison	127 (52.0)	3 (100.0)	3 (9.4)	2 (66.7)	14 (33.3)	54 (90.0)	4 (57.1)	25 (75.8)	0 (--)	22 (34.4)
Prison/Community Split	11 (4.5)	0 (0.0)	0 (0.0)	1 (33.3)	3 (7.1)	1 (1.7)	1 (14.3)	2 (6.1)	0 (--)	3 (4.7)
Prison Term Ordered										
1-12 months	34	0	2	1	9	8	3	3	0	8
13-24 months	31	0	1	2	5	8	1	8	0	6
25-36 months	10	0	0	0	1	4	0	4	0	1
37-60 months	19	1	0	0	1	7	1	6	0	3
Over 60 months	44	2	0	0	1	28	0	6	0	7
Mean Sentence	57.8	73.7	10.0	13.3	20.0	77.5	20.2	75.1	--	38.0
Median Sentence	28.5	78.0	9.0	15.0	12.0	63.0	12.0	30.0	--	24.0
CASES INVOLVING PROBATION										
Total Receiving Probation	106 (43.4)	0 (0.0)	29 (90.6)	0 (0.0)	25 (59.5)	5 (8.3)	2 (28.6)	6 (18.2)	0 (--)	39 (60.9)
Probation Only	72 (29.5)	0 (0.0)	22 (68.8)	0 (0.0)	19 (45.2)	3 (5.0)	1 (14.3)	5 (15.2)	0 (--)	22 (34.4)
Probation and Confinement	34 (13.9)	0 (0.0)	7 (21.9)	0 (0.0)	6 (14.3)	2 (3.3)	1 (14.3)	1 (3.0)	0 (--)	17 (26.6)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	123 (50.4)	2 (66.7)	25 (78.1)	1 (33.3)	27 (64.3)	27 (45.0)	4 (57.1)	10 (30.3)	0 (--)	27 (42.2)
Median Dollar Amount	\$3,661	\$2,318	\$3,800	\$4,325	\$2,684	\$3,000	\$20,300	\$4,000	\$--	\$3,884

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**INDIANA, Southern
7th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Indianapolis
- (2) New Albany
- (3) Muncie
- (4) Terre Haute
- (5) Evansville

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ³	20
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	22
Cases Filed	Civil ⁶	2,425
	Criminal ⁷	305
Population	Total ⁸	3,312,093
	Per Square Mile ⁹	146.6
Age Distribution¹⁰	Percent Age 0-14	21.3
	Percent Age 15-24	15.0
	Percent Age 25-34	16.4
	Percent Age 35-44	15.4
	Percent Age 45-64	19.2
	Percent Age 65+	13.1

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	173	5
Forcible Rape	1,131	34
Robbery	3,324	100
Aggravated Assault	8,521	257
Burglary	23,584	712
Larceny/Theft	66,694	2,014
Motor Vehicle Theft	9,834	297
Crime Index Total	113,261	3,420

Economic Indicators	Income per Capita ¹²	\$ 13,272
	Percent Unemployed ¹³	6.3

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	26.6
	Percent Retail	22.4
	Percent Finance ¹⁵	6.3
	Percent Service	25.7
	Percent Other ¹⁶	18.9

Agriculture	Percent Farm Acreage ¹⁷	65.8
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 46.58
	Education	\$ 574.76
	Health and Hospitals	\$ 147.34
	Public Welfare ¹⁹	\$ 53.79
	Highways	\$ 66.91

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

INDIANA, Sou

Cases Received by USSC (by sentencing month) ¹

October 92	20	April 93	16
November 92	24	May 93	15
December 92	25	June 93	12
January 93	13	July 93	27
February 93	13	August 93	11
March 93	8	September 93	19

TOTAL = 203

Monthly Income ³

	mean	median
TOTAL	\$1,238	\$500
Male	\$1,221	\$0
Female	\$1,316	\$1,000

Average Age ⁵

	mean	median
TOTAL	36.2	34.0
Male	36.0	33.0
Female	37.4	39.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	203 (100.0%)	166 (81.8%)	37 (18.2%)
White	124 (61.1%)	101 (81.5%)	23 (18.5%)
Black	74 (36.5%)	61 (82.4%)	13 (17.6%)
Hispanic	5 (2.5%)	4 (80.0%)	1 (20.0%)
Other	0 (0.0%)	0 (--%)	0 (--%)

Departure Status ⁴

Sentenced within Guideline Range	144 (72.0%)
Substantial Assistance Departure	40 (20.0%)
Other Downward Departure	13 (6.5%)
Upward Departure	3 (1.5%)

Mode of Conviction ⁶

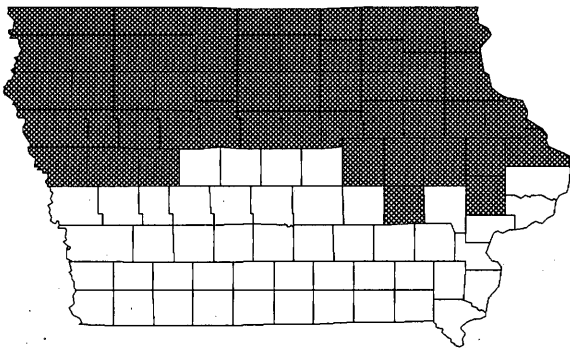
TOTAL	202 (100.0%)
Plea	173 (85.6%)
Trial	29 (14.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	203 (100.0)	22 (100.0)	8 (100.0)	12 (100.0)	21 (100.0)	62 (100.0)	2 (100.0)	22 (100.0)	0 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	177 (87.2)	22 (100.0)	6 (75.0)	12 (100.0)	21 (100.0)	60 (96.8)	2 (100.0)	22 (100.0)	0 (--)	
Prison	171 (84.2)	22 (100.0)	6 (75.0)	7 (58.3)	21 (100.0)	60 (96.8)	2 (100.0)	22 (100.0)	0 (--)	
Prison/Community Split	6 (3.0)	0 (0.0)	0 (0.0)	5 (41.7)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (--)	
Prison Term Ordered										
1-12 months	31	0	1	9	5	2	2	2	0	
13-24 months	35	0	5	1	8	4	0	5	0	
25-36 months	11	0	0	2	3	5	0	0	0	
37-60 months	31	2	0	0	5	16	0	5	0	
Over 60 months	69	20	0	0	0	33	0	10	0	
Mean Sentence	74.7	172.0	18.2	12.9	23.6	90.3	9.0	69.1	--	
Median Sentence	41.0	126.5	18.0	10.0	21.0	63.5	9.0	57.0	--	
CASES INVOLVING PROBATION										
Total Receiving Probation	26 (12.8)	0 (0.0)	2 (25.0)	0 (0.0)	0 (0.0)	2 (3.2)	0 (0.0)	0 (0.0)	0 (--)	
Probation Only	16 (7.9)	0 (0.0)	1 (12.5)	0 (0.0)	0 (0.0)	1 (1.6)	0 (0.0)	0 (0.0)	0 (--)	
Probation and Confinement	10 (4.9)	0 (0.0)	1 (12.5)	0 (0.0)	0 (0.0)	1 (1.6)	0 (0.0)	0 (0.0)	0 (--)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	91 (45.0)	17 (77.3)	6 (75.0)	10 (83.3)	11 (52.4)	6 (9.7)	2 (100.0)	10 (45.5)	0 (--)	
Median Dollar Amount	\$3,957	\$3,175	\$5,000	\$20,000	\$12,332	\$4,000	\$5,250	\$1,262	\$--	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, M...

**IOWA, Northern
8th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Cedar Rapids
- (2) Sioux City

Number of Court Professionals	District Court Judges ²	3
	Assistant U.S. Attorneys ³	14
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	11
Cases Filed	Civil ⁶	638
	Criminal ⁷	143
Population	Total ⁸	1,286,253
	Per Square Mile ⁹	41.7
Age Distribution¹⁰	Percent Age 0-14	22.3
	Percent Age 15-24	14.0
	Percent Age 25-34	14.2
	Percent Age 35-44	14.4
	Percent Age 45-64	19.1
	Percent Age 65+	16.6

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	8	1
Forcible Rape	117	9
Robbery	149	12
Aggravated Assault	1,472	114
Burglary	4,184	325
Larceny/Theft	13,786	1,072
Motor Vehicle Theft	768	60
Crime Index Total	20,484	1,593

Economic Indicators	Income per Capita ¹²	\$ 11,963
	Percent Unemployed ¹³	4.7

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	25.4
	Percent Retail	22.7
	Percent Finance ¹⁵	5.3
	Percent Service	26.5
	Percent Other ¹⁶	20.1

Agriculture	Percent Farm Acreage ¹⁷	90.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 56.54
	Education	\$ 641.08
	Health and Hospitals	\$ 117.80
	Public Welfare ¹⁹	\$ 32.72
	Highways	\$ 165.59

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	6	April 93	13
November 92	3	May 93	13
December 92	23	June 93	5
January 93	11	July 93	19
February 93	9	August 93	14
March 93	6	September 93	15

TOTAL = 137

Monthly Income ³

	mean	median
TOTAL	\$1,063	\$800
Male	\$1,026	\$800
Female	\$1,311	\$876

Average Age ⁵

TOTAL	34.4	33.0
Male	33.9	32.0
Female	37.7	38.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	137 (100.0%)	118 (86.1%)	19 (13.9%)
White	105 (76.6%)	91 (86.7%)	14 (13.3%)
Black	24 (17.5%)	21 (87.5%)	3 (12.5%)
Hispanic	3 (2.2%)	3 (100.0%)	0 (0.0%)
Other	5 (3.6%)	3 (60.0%)	2 (40.0%)

Departure Status ⁴

Sentenced within Guideline Range	100 (73.5%)
Substantial Assistance Departure	24 (17.6%)
Other Downward Departure	9 (6.6%)
Upward Departure	3 (2.2%)

Mode of Conviction ⁶

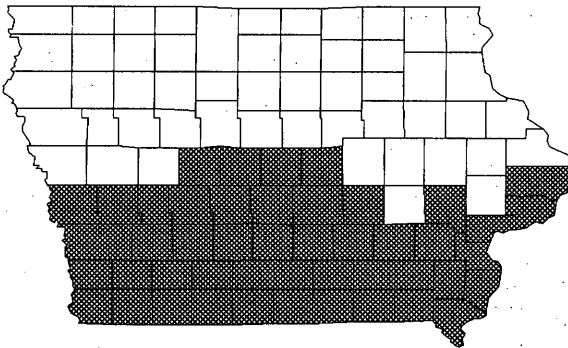
TOTAL	137 (100.0%)
Plea	118 (86.1%)
Trial	19 (13.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Oth
	137 (100.0)	1 (100.0)	16 (100.0)	6 (100.0)	21 (100.0)	66 (100.0)	0 (100.0)	9 (100.0)	1 (100.0)	17 (100)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	105 (76.6)	1 (100.0)	7 (43.8)	3 (50.0)	11 (52.4)	65 (98.5)	0 (--)	8 (88.9)	1 (100.0)	9 (52)
Prison	97 (70.8)	1 (100.0)	5 (31.2)	2 (33.3)	7 (33.3)	64 (97.0)	0 (--)	8 (88.9)	1 (100.0)	9 (52)
Prison/Community Split	8 (5.8)	0 (0.0)	2 (12.5)	1 (16.7)	4 (19.1)	1 (1.5)	0 (--)	0 (0.0)	0 (0.0)	0 (0)
Prison Term Ordered										
1-12 months	16	0	3	1	6	4	0	0	1	
13-24 months	18	0	2	2	3	6	0	3	0	
25-36 months	15	0	0	0	2	7	0	3	0	
37-60 months	16	0	1	0	0	14	0	0	0	
Over 60 months	40	1	1	0	0	34	0	2	0	
Mean Sentence	63.3	106.0	32.2	14.3	15.4	83.3	--	42.4	6.0	3
Median Sentence	46.0	106.0	14.0	15.0	14.0	63.0	--	27.5	6.0	2
CASES INVOLVING PROBATION										
Total Receiving Probation	32 (23.4)	0 (0.0)	9 (56.2)	3 (50.0)	10 (47.6)	1 (1.5)	0 (--)	1 (11.1)	0 (0.0)	8 (47)
Probation Only	17 (12.4)	0 (0.0)	4 (25.0)	3 (50.0)	5 (23.8)	0 (0.0)	0 (--)	0 (0.0)	0 (0.0)	5 (25)
Probation and Confinement	15 (10.9)	0 (0.0)	5 (31.2)	0 (0.0)	5 (23.8)	1 (1.5)	0 (--)	1 (11.1)	0 (0.0)	3 (17)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	88 (64.2)	0 (0.0)	14 (87.5)	5 (83.3)	18 (85.7)	39 (59.1)	0 (--)	1 (11.1)	0 (0.0)	11 (64)
Median Dollar Amount	\$2,297	\$--	\$2,774	\$3,250	\$9,041	\$2,000	\$--	\$1,141	\$--	\$2,

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY

**IOWA, Southern
8th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Des Moines
- (2) Council Bluffs
- (3) Iowa City

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	12
	Assistant Federal Defenders ⁴	3
	Probation Officers ⁵	10
Cases Filed	Civil ⁶	1,138
	Criminal ⁷	93
Population	Total ⁸	1,508,728
	Per Square Mile ⁹	60.0
Age Distribution¹⁰	Percent Age 0-14	21.4
	Percent Age 15-24	15.0
	Percent Age 25-34	15.7
	Percent Age 35-44	15.2
	Percent Age 45-64	18.4
	Percent Age 65+	14.4

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	22	1
Forcible Rape	238	16
Robbery	576	38
Aggravated Assault	2,523	167
Burglary	7,711	511
Larceny/Theft	33,608	2,228
Motor Vehicle Theft	1,785	118
Crime Index Total	46,425	3,077

Economic Indicators	Income per Capita ¹²	\$ 12,815
	Percent Unemployed ¹³	4.6

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	20.7
	Percent Retail	23.1
	Percent Finance ¹⁵	9.2
	Percent Service	29.1
	Percent Other ¹⁶	17.9

Agriculture	Percent Farm Acreage ¹⁷	85.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 60.63
	Education	\$ 656.40
	Health and Hospitals	\$ 129.99
	Public Welfare ¹⁹	\$ 40.21
	Highways	\$ 133.30

FISCAL YEAR 1993 GUIDELINE SENTENCES

IOWA, Southern

Cases Received by USSC (by sentencing month) ¹

October 92	12	April 93	7
November 92	6	May 93	7
December 92	15	June 93	4
January 93	9	July 93	11
February 93	10	August 93	13
March 93	12	September 93	9

TOTAL = 115

Monthly Income ³

	mean	median
TOTAL	\$1,243	\$720
Male	\$1,146	\$622
Female	\$1,649	\$954

Average Age ⁵

TOTAL	35.2	32.0
Male	35.3	32.0
Female	34.8	32.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	115 (100.0%)	95 (82.6%)	20 (17.4%)
White	79 (68.7%)	63 (79.7%)	16 (20.3%)
Black	19 (16.5%)	18 (94.7%)	1 (5.3%)
Hispanic	15 (13.0%)	13 (86.7%)	2 (13.3%)
Other	2 (1.7%)	1 (50.0%)	1 (50.0%)

Departure Status ⁴

Sentenced within Guideline Range	101 (87.8%)
Substantial Assistance Departure	8 (7.0%)
Other Downward Departure	6 (5.2%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

TOTAL	113 (100.0%)
Plea	86 (76.1%)
Trial	27 (23.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Other
	115 (100.0)	2 (100.0)	9 (100.0)	3 (100.0)	12 (100.0)	74 (100.0)	1 (100.0)	3 (100.0)	3 (100.0)	8 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	100 (87.0)	2 (100.0)	1 (11.1)	3 (100.0)	11 (91.7)	72 (97.3)	1 (100.0)	3 (100.0)	2 (66.7)	5 (62.5)
Prison	85 (73.9)	2 (100.0)	0 (0.0)	0 (0.0)	5 (41.7)	70 (94.6)	1 (100.0)	3 (100.0)	2 (66.7)	2 (25.0)
Prison/Community Split	15 (13.0)	0 (0.0)	1 (11.1)	3 (100.0)	6 (50.0)	2 (2.7)	0 (0.0)	0 (0.0)	0 (0.0)	3 (37.5)

Prison Term Ordered

1-12 months	23	0	1	3	9	5	0	0	1	4
13-24 months	8	0	0	0	2	3	0	1	1	1
25-36 months	4	0	0	0	0	4	0	0	0	0
37-60 months	6	0	0	0	0	5	1	0	0	0
Over 60 months	59	2	0	0	0	55	0	2	0	0
Mean Sentence	105.9	94.5	10.0	6.7	11.3	133.9	41.0	167.0	9.0	9.4
Median Sentence	78.0	94.5	10.0	8.0	10.0	120.5	41.0	238.0	9.0	10.0

CASES INVOLVING PROBATION

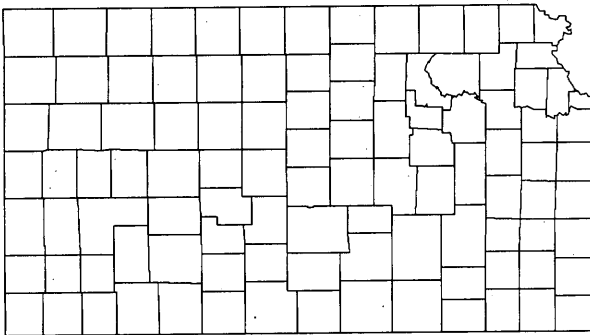
Total Receiving Probation	15 (13.0)	0 (0.0)	8 (88.9)	0 (0.0)	1 (8.3)	2 (2.7)	0 (0.0)	0 (0.0)	1 (33.3)	3 (37.5)
Probation Only	6 (5.2)	0 (0.0)	3 (33.3)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (33.3)	2 (25.0)
Probation and Confinement	9 (7.8)	0 (0.0)	5 (55.6)	0 (0.0)	1 (8.3)	2 (2.7)	0 (0.0)	0 (0.0)	0 (0.0)	1 (12.5)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	30 (26.1)	0 (0.0)	9 (100.0)	3 (100.0)	12 (100.0)	0 (0.0)	1 (100.0)	0 (0.0)	1 (33.3)	4 (50.0)
Median Dollar Amount	\$14,320	\$--	\$8,808	\$57,575	\$26,807	\$--	\$3,850	\$--	\$1,000	\$15,060

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**KANSAS
10th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Kansas City
- (2) Wichita
- (3) Topeka

Number of Court Professionals	District Court Judges ²	12
	Assistant U.S. Attorneys ³	24
	Assistant Federal Defenders ⁴	7
	Probation Officers ⁵	28
Cases Filed	Civil ⁶	1,988
	Criminal ⁷	303
Population	Total ⁸	2,494,649
	Per Square Mile ⁹	30.5
Age Distribution¹⁰	Percent Age 0-14	22.9
	Percent Age 15-24	14.1
	Percent Age 25-34	16.2
	Percent Age 35-44	15.2
	Percent Age 45-64	17.8
	Percent Age 65+	13.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	149	6
Forcible Rape	1,030	41
Robbery	3,261	131
Aggravated Assault	8,310	333
Burglary	31,450	1,261
Larceny/Theft	79,934	3,204
Motor Vehicle Theft	8,104	325
Crime Index Total	132,238	5,301

Economic Indicators	Income per Capita ¹²	\$ 13,300
	Percent Unemployed ¹³	4.2

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	22.3
	Percent Retail	22.3
	Percent Finance ¹⁵	6.7
	Percent Service	27.3
	Percent Other ¹⁶	21.3

Agriculture	Percent Farm Acreage ¹⁷	89.1
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Per Capita Local Expenditures¹⁸	Police Protection ¹	\$ 67.01
	Education	\$ 699.73
	Health and Hospitals	\$ 98.98
	Public Welfare ¹⁹	\$ 6.17
	Highways	\$ 152.74

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

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Cases Received by USSC (by sentencing month) ¹

October 92	24	April 93	30
November 92	14	May 93	23
December 92	22	June 93	22
January 93	22	July 93	27
February 93	34	August 93	33
March 93	23	September 93	30

TOTAL = 304

Monthly Income ³

	mean	median
TOTAL	\$1,230	\$778
Male	\$1,080	\$600
Female	\$1,870	\$1,169

Average Age ⁵

	mean	median
TOTAL	36.1	35.0
Male	35.6	35.0
Female	38.1	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	304 (100.0%)	247 (81.3%)	57 (18.8%)
White	177 (58.2%)	133 (75.1%)	44 (24.9%)
Black	78 (25.7%)	69 (88.5%)	9 (11.5%)
Hispanic	42 (13.8%)	40 (95.2%)	2 (4.8%)
Other	7 (2.3%)	5 (71.4%)	2 (28.6%)

Departure Status ⁴

Sentenced within Guideline Range	249 (83.6%)
Substantial Assistance Departure	22 (7.4%)
Other Downward Departure	20 (6.7%)
Upward Departure	7 (2.3%)

Mode of Conviction ⁶

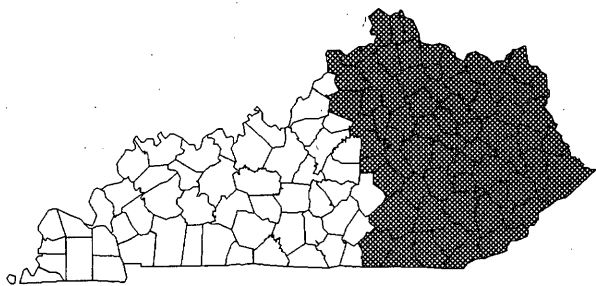
TOTAL	304 (100.0%)
Plea	263 (86.5%)
Trial	41 (13.5%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	304 (100.0)	13 (100.0)	46 (100.0)	11 (100.0)	53 (100.0)	98 (100.0)	2 (100.0)	32 (100.0)	18 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	228 (75.0)	13 (100.0)	13 (28.3)	7 (63.6)	34 (64.2)	93 (94.9)	2 (100.0)	29 (90.6)	12 (66.7)
Prison	213 (70.1)	13 (100.0)	12 (26.1)	3 (27.3)	26 (49.1)	92 (93.9)	2 (100.0)	29 (90.6)	12 (66.7)
Prison/Community Split	15 (4.9)	0 (0.0)	1 (2.2)	4 (36.4)	8 (15.1)	1 (1.0)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered									
1-12 months	53	0	8	7	22	4	1	3	6
13-24 months	36	0	2	0	9	13	0	5	2
25-36 months	28	0	2	0	1	9	1	8	2
37-60 months	44	5	0	0	2	18	0	7	2
Over 60 months	67	8	1	0	0	49	0	6	0
Mean Sentence	64.4	142.0	16.6	5.9	13.1	101.8	18.0	43.2	19.9
Median Sentence	34.5	101.0	9.0	6.0	11.5	63.0	18.0	33.0	13.5
CASES INVOLVING PROBATION									
Total Receiving Probation	76 (25.0)	0 (0.0)	33 (71.7)	4 (36.4)	19 (35.9)	5 (5.1)	0 (0.0)	3 (9.4)	6 (33.3)
Probation Only	55 (18.1)	0 (0.0)	26 (56.5)	3 (27.3)	14 (26.4)	1 (1.0)	0 (0.0)	2 (6.2)	3 (16.7)
Probation and Confinement	21 (6.9)	0 (0.0)	7 (15.2)	1 (9.1)	5 (9.4)	4 (4.1)	0 (0.0)	1 (3.1)	3 (16.7)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	151 (50.2)	10 (76.9)	36 (80.0)	8 (72.7)	42 (80.8)	25 (25.8)	1 (50.0)	8 (25.0)	8 (44.4)
Median Dollar Amount	\$1,840	\$2,250	\$577	\$40,200	\$13,959	\$1,000	\$--	\$1,000	\$1,500

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, M

**KENTUCKY, Eastern
6th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Lexington
- (2) Covington
- (3) London
- (4) Harlan
- (5) Ashland
- (6) Frankfort
- (7) Pikeville
- (8) Pineville
- (9) Catlettsburg

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ³	23
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	23
Cases Filed	Civil ⁶	2,044
	Criminal ⁷	286
Population	Total ⁸	1,833,895
	Per Square Mile ⁹	89.9
Age Distribution¹⁰	Percent Age 0-14	21.8
	Percent Age 15-24	15.6
	Percent Age 25-34	16.3
	Percent Age 35-44	15.5
	Percent Age 45-64	18.8
	Percent Age 65+	12.0

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	105	6
Forcible Rape	587	32
Robbery	1,083	59
Aggravated Assault	7,616	415
Burglary	12,252	668
Larceny/Theft	32,363	1,765
Motor Vehicle Theft	3,008	164
Crime Index Total	57,014	3,109

Economic Indicators	Income per Capita ¹²	\$ 10,571
	Percent Unemployed ¹³	7.1

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	20.5
	Percent Retail	24.7
	Percent Finance ¹⁵	4.9
	Percent Service	24.9
	Percent Other ¹⁶	25.0

Agriculture	Percent Farm Acreage ¹⁷	47.2
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 35.40
	Education	\$ 445.26
	Health and Hospitals	\$ 59.87
	Public Welfare ¹⁹	\$ 4.67
	Highways	\$ 46.82

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	28	April 93	33
November 92	17	May 93	30
December 92	24	June 93	15
January 93	32	July 93	30
February 93	20	August 93	47
March 93	41	September 93	14

TOTAL = 331

Monthly Income ³

	mean	median
TOTAL	\$1,204	\$693
Male	\$1,289	\$751
Female	\$880	\$596

Average Age ⁵

	mean	median
TOTAL	37.6	37.0
Male	38.5	38.0
Female	33.8	31.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	329 (100.0%)	265 (80.5%)	64 (19.5%)
White	255 (77.5%)	215 (84.3%)	40 (15.7%)
Black	44 (13.4%)	28 (63.6%)	16 (36.4%)
Hispanic	30 (9.1%)	22 (73.3%)	8 (26.7%)
Other	0 (0.0%)	0 (--)	0 (--)

Departure Status ⁴

Sentenced within Guideline Range	251 (78.2%)
Substantial Assistance Departure	56 (17.4%)
Other Downward Departure	9 (2.8%)
Upward Departure	5 (1.6%)

Mode of Conviction ⁶

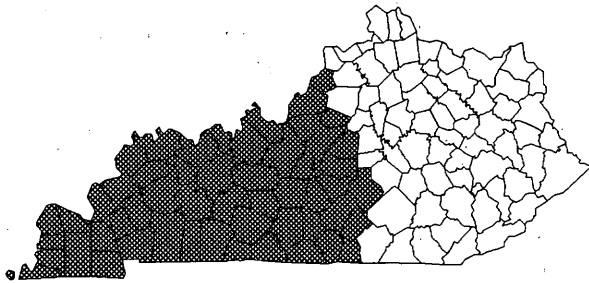
TOTAL	329 (100.0%)
Plea	289 (87.8%)
Trial	40 (12.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterfing	Firearms	Immigratn	Other
	328 (100.0)	15 (100.0)	16 (100.0)	7 (100.0)	52 (100.0)	124 (100.0)	4 (100.0)	30 (100.0)	5 (100.0)	75 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	240 (73.2)	15 (100.0)	11 (68.8)	4 (57.1)	28 (53.9)	117 (94.3)	2 (50.0)	23 (76.7)	5 (100.0)	35 (46.7)
Prison	227 (69.2)	15 (100.0)	11 (68.8)	4 (57.1)	26 (50.0)	108 (87.1)	2 (50.0)	22 (73.3)	5 (100.0)	34 (45.3)
Prison/Community Split	13 (4.0)	0 (0.0)	0 (0.0)	0 (0.0)	2 (3.9)	9 (7.3)	0 (0.0)	1 (3.3)	0 (0.0)	1 (1.3)
Prison Term Ordered										
1-12 months	64	0	6	3	16	19	1	3	2	14
13-24 months	58	1	2	1	10	29	1	5	1	8
25-36 months	22	2	0	0	1	8	0	3	0	8
37-60 months	36	3	1	0	1	20	0	8	0	3
Over 60 months	59	9	2	0	0	41	0	4	1	2
Mean Sentence	47.7	133.9	25.9	9.5	14.4	57.7	15.0	43.2	24.5	22.5
Median Sentence	24.0	101.0	12.0	8.0	12.0	47.0	15.0	37.0	12.0	15.0
CASES INVOLVING PROBATION										
Total Receiving Probation	88 (26.8)	0 (0.0)	5 (31.2)	3 (42.9)	24 (46.1)	7 (5.7)	2 (50.0)	7 (23.3)	0 (0.0)	40 (53.3)
Probation Only	41 (12.5)	0 (0.0)	4 (25.0)	3 (42.9)	10 (19.2)	1 (0.8)	2 (50.0)	3 (10.0)	0 (0.0)	18 (24.0)
Probation and Confinement	47 (14.3)	0 (0.0)	1 (6.2)	0 (0.0)	14 (26.9)	6 (4.8)	0 (0.0)	4 (13.3)	0 (0.0)	22 (29.3)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	105 (31.9)	1 (6.7)	12 (75.0)	6 (85.7)	29 (54.7)	11 (8.9)	3 (75.0)	4 (13.3)	0 (0.0)	39 (52.0)
Median Dollar Amount	\$2,600	\$2,673	\$3,000	\$525	\$6,019	\$10,000	\$2,711	\$1,500	\$--	\$2,000

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**KENTUCKY, Western
6th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|------------------|-------------------|
| (1) Louisville | (4) Owensboro |
| (2) Hopkinsville | (5) Bowling Green |
| (3) Paducah | (6) Glasgow |

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	23
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	28
Cases Filed	Civil ⁶	1,432
	Criminal ⁷	420
Population	Total ⁸	1,878,088
	Per Square Mile ⁹	97.4
Age Distribution¹⁰	Percent Age 0-14	21.1
	Percent Age 15-24	14.6
	Percent Age 25-34	16.2
	Percent Age 35-44	15.2
	Percent Age 45-64	19.4
	Percent Age 65+	13.4

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	111	6
Forcible Rape	621	33
Robbery	2,184	116
Aggravated Assault	7,758	413
Burglary	15,077	803
Larceny/Theft	36,665	1,952
Motor Vehicle Theft	5,108	272
Crime Index Total	67,514	3,595

Economic Indicators	Income per Capita ¹²	\$ 11,716
	Percent Unemployed ¹³	6.7

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	24.6
	Percent Retail	22.3
	Percent Finance ¹⁵	6.0
	Percent Service	26.5
	Percent Other ¹⁶	20.5

Agriculture	Percent Farm Acreage ¹⁷	63.7
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 48.11
	Education	\$ 440.18
	Health and Hospitals	\$ 97.51
	Public Welfare ¹⁹	\$ 6.33
	Highways	\$ 34.65

Cases Received by USSC (by sentencing month) ¹

October 92	32	April 93	53
November 92	42	May 93	43
December 92	24	June 93	46
January 93	50	July 93	35
February 93	23	August 93	37
March 93	31	September 93	28

TOTAL = 444

Monthly Income ³

	mean	median
TOTAL	\$1,392	\$884
Male	\$1,344	\$837
Female	\$1,512	\$1,244

Average Age ⁵

	mean	median
TOTAL	34.3	32.0
Male	33.6	32.0
Female	36.0	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	431 (100.0%)	312 (72.4%)	119 (27.6%)
White	289 (67.0%)	217 (75.1%)	72 (24.9%)
Black	121 (28.1%)	81 (66.9%)	40 (33.1%)
Hispanic	16 (3.7%)	11 (68.8%)	5 (31.3%)
Other	5 (1.2%)	3 (60.0%)	2 (40.0%)

Departure Status ⁴

Sentenced within Guideline Range	361 (84.1%)
Substantial Assistance Departure	39 (9.1%)
Other Downward Departure	25 (5.8%)
Upward Departure	4 (0.9%)

Mode of Conviction ⁶

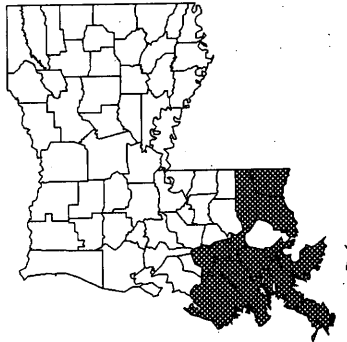
TOTAL	441 (100.0%)
Plea	395 (89.6%)
Trial	46 (10.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	439 (100.0)	5 (100.0)	149 (100.0)	13 (100.0)	63 (100.0)	87 (100.0)	4 (100.0)	20 (100.0)	1 (100.0)	97
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	218 (49.7)	5 (100.0)	27 (18.1)	11 (84.6)	37 (58.7)	80 (92.0)	1 (25.0)	18 (90.0)	1 (100.0)	38
Prison	200 (45.6)	5 (100.0)	25 (16.8)	9 (69.2)	33 (52.4)	77 (88.5)	1 (25.0)	18 (90.0)	1 (100.0)	31
Prison/Community Split	18 (4.1)	0 (0.0)	2 (1.3)	2 (15.4)	4 (6.3)	3 (3.5)	0 (0.0)	0 (0.0)	0 (0.0)	7
Prison Term Ordered										
1-12 months	94	0	25	10	23	10	0	2	1	
13-24 months	31	0	0	1	7	9	1	6	0	
25-36 months	19	0	1	0	5	8	0	3	0	
37-60 months	24	0	0	0	1	20	0	0	0	
Over 60 months	50	5	1	0	1	33	0	7	0	
Mean Sentence	41.4	101.6	7.1	3.4	16.6	70.3	18.0	61.0	4.0	
Median Sentence	18.0	90.0	1.0	0.0	10.0	60.0	18.0	28.5	4.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	221 (50.3)	0 (0.0)	122 (81.9)	2 (15.4)	26 (41.3)	7 (8.1)	3 (75.0)	2 (10.0)	0 (0.0)	59
Probation Only	184 (41.9)	0 (0.0)	118 (79.2)	2 (15.4)	16 (25.4)	2 (2.3)	3 (75.0)	0 (0.0)	0 (0.0)	43
Probation and Confinement	37 (8.4)	0 (0.0)	4 (2.7)	0 (0.0)	10 (15.9)	5 (5.8)	0 (0.0)	2 (10.0)	0 (0.0)	16
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	267 (60.5)	1 (20.0)	137 (90.1)	7 (53.9)	49 (77.8)	18 (20.7)	3 (75.0)	1 (5.0)	0 (0.0)	51
Median Dollar Amount	\$539	\$7,161	\$250	\$15,000	\$6,281	\$2,950	\$814	\$539	\$--	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MON

**LOUISIANA, Eastern
5th Circuit**



City Supplying Guideline Documentation¹

(1) New Orleans

Number of Court Professionals	District Court Judges ²	14
	Assistant U.S. Attorneys ³	38
	Assistant Federal Defenders ⁴	8
	Probation Officers ⁵	38
Cases Filed	Civil ⁶	4,056
	Criminal ⁷	350
Population	Total ⁸	1,632,649
	Per Square Mile ⁹	204.2
Age Distribution¹⁰	Percent Age 0-14	24.0
	Percent Age 15-24	14.9
	Percent Age 25-34	16.9
	Percent Age 35-44	15.6
	Percent Age 45-64	17.8
	Percent Age 65+	10.8

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	149	9
Forcible Rape	647	40
Robbery	7,196	441
Aggravated Assault	8,886	544
Burglary	22,802	1,397
Larceny/Theft	54,479	3,337
Motor Vehicle Theft	14,817	908
Crime Index Total	109,200	6,689

Economic Indicators	Income per Capita ¹²	\$ 11,351
	Percent Unemployed ¹³	7.6

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	11.1
	Percent Retail	25.0
	Percent Finance ¹⁵	6.9
	Percent Service	32.2
	Percent Other ¹⁶	24.7

Agriculture	Percent Farm Acreage ¹⁷	13.7
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 83.93
	Education	\$ 479.64
	Health and Hospitals	\$ 170.64
	Public Welfare ¹⁹	\$ 15.59
	Highways	\$ 71.44

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	38	April 93	58
November 92	35	May 93	43
December 92	38	June 93	52
January 93	33	July 93	28
February 93	31	August 93	41
March 93	53	September 93	31

TOTAL = 481

Monthly Income ³

	mean	median
TOTAL	\$1,196	\$500
Male	\$1,196	\$493
Female	\$1,197	\$641

Average Age ⁵

	mean	median
TOTAL	34.4	32.0
Male	34.3	32.0
Female	35.2	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	477 (100.0%)	401 (84.1%)	76 (15.9%)
White	206 (43.2%)	177 (85.9%)	29 (14.1%)
Black	221 (46.3%)	188 (85.1%)	33 (14.9%)
Hispanic	37 (7.8%)	28 (75.7%)	9 (24.3%)
Other	13 (2.7%)	8 (61.5%)	5 (38.5%)

Departure Status ⁴

Sentenced within Guideline Range	401 (86.8%)
Substantial Assistance Departure	36 (7.8%)
Other Downward Departure	21 (4.5%)
Upward Departure	4 (0.9%)

Mode of Conviction ⁶

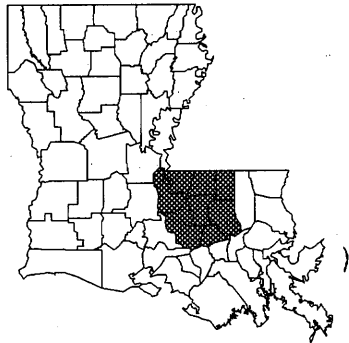
TOTAL	481 (100.0%)
Plea	448 (93.1%)
Trial	33 (6.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	Other
	477 (100.0)	6 (100.0)	36 (100.0)	7 (100.0)	71 (100.0)	203 (100.0)	12 (100.0)	33 (100.0)	24 (100.0)	85 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	362 (75.9)	6 (100.0)	20 (55.6)	4 (57.1)	36 (50.7)	195 (96.1)	9 (75.0)	29 (87.9)	13 (54.2)	50 (58.8)
Prison	349 (73.2)	6 (100.0)	14 (38.9)	4 (57.1)	35 (49.3)	189 (93.1)	9 (75.0)	29 (87.9)	13 (54.2)	50 (58.8)
Prison/Community Split	13 (2.7)	0 (0.0)	6 (16.7)	0 (0.0)	1 (1.4)	6 (3.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered										
1-12 months	92	0	14	4	16	22	4	11	10	11
13-24 months	63	0	4	0	8	34	2	5	1	9
25-36 months	46	0	1	0	3	29	1	6	0	6
37-60 months	72	3	1	0	5	42	1	3	2	15
Over 60 months	87	3	0	0	3	67	1	4	0	9
Mean Sentence	50.5	78.5	12.6	4.8	24.4	63.7	29.0	46.9	12.6	48.8
Median Sentence	30.0	65.0	10.0	5.0	16.0	46.0	16.0	18.0	6.0	33.5
CASES INVOLVING PROBATION										
Total Receiving Probation	115 (24.1)	0 (0.0)	16 (44.4)	3 (42.9)	35 (49.3)	8 (3.9)	3 (25.0)	4 (12.1)	11 (45.8)	35 (41.2)
Probation Only	86 (18.0)	0 (0.0)	13 (36.1)	3 (42.9)	24 (33.8)	3 (1.5)	0 (0.0)	4 (12.1)	11 (45.8)	28 (32.9)
Probation and Confinement	29 (6.1)	0 (0.0)	3 (8.3)	0 (0.0)	11 (15.5)	5 (2.5)	3 (25.0)	0 (0.0)	0 (0.0)	7 (8.2)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	158 (33.1)	2 (33.3)	22 (61.1)	4 (57.1)	50 (70.4)	23 (11.3)	4 (33.3)	4 (12.1)	3 (12.5)	46 (54.1)
Median Dollar Amount	\$2,000	\$12,838	\$659	\$500	\$2,300	\$3,000	\$20	\$2,750	\$690	\$2,500

Footnotes and a complete description of all variables in this table are provided in Appendix A
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**LOUISIANA, Middle
5th Circuit**



City Supplying Guideline Documentation¹

(1) Baton Rouge

Number of Court Professionals	District Court Judges ²	2
	Assistant U.S. Attorneys ³	12
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	12
Cases Filed	Civil ⁶	1,149
	Criminal ⁷	89
Population	Total ⁸	634,046
	Per Square Mile ⁹	155.3
Age Distribution¹⁰	Percent Age 0-14	24.1
	Percent Age 15-24	16.8
	Percent Age 25-34	17.3
	Percent Age 35-44	15.9
	Percent Age 45-64	16.7
	Percent Age 65+	9.3

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	86	14
Forcible Rape	257	41
Robbery	1,927	304
Aggravated Assault	5,219	823
Burglary	10,207	1,610
Larceny/Theft	26,120	4,120
Motor Vehicle Theft	5,066	799
Crime Index Total	48,882	7,709

Economic Indicators	Income per Capita ¹²	\$ 11,697
	Percent Unemployed ¹³	6.8

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	12.9
	Percent Retail	23.2
	Percent Finance ¹⁵	6.9
	Percent Service	28.6
	Percent Other ¹⁶	28.3

Agriculture	Percent Farm Acreage ¹⁷	29.5
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 77.64
	Education	\$ 485.74
	Health and Hospitals	\$ 67.85
	Public Welfare ¹⁹	\$ 7.21
	Highways	\$ 52.75

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	3	April 93	6
November 92	5	May 93	12
December 92	2	June 93	5
January 93	2	July 93	9
February 93	7	August 93	7
March 93	13	September 93	3

TOTAL = 74

Monthly Income ³

	mean	median
TOTAL	\$1,359	\$482
Male	\$1,478	\$394
Female	\$986	\$596

Average Age ⁵

	mean	median
TOTAL	34.5	35.0
Male	33.6	33.0
Female	37.4	38.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	74 (100.0%)	57 (77.0%)	17 (23.0%)
White	23 (31.1%)	18 (78.3%)	5 (21.7%)
Black	47 (63.5%)	35 (74.5%)	12 (25.5%)
Hispanic	2 (2.7%)	2 (100.0%)	0 (0.0%)
Other	2 (2.7%)	2 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	56 (75.7%)
Substantial Assistance Departure	11 (14.9%)
Other Downward Departure	6 (8.1%)
Upward Departure	1 (1.4%)

Mode of Conviction ⁶

TOTAL	74 (100.0%)
Plea	70 (94.6%)
Trial	4 (5.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffc	Counterftng	Firearms	Immigratn	Other
	74 (100.0)	0 (100.0)	9 (100.0)	2 (100.0)	15 (100.0)	30 (100.0)	1 (100.0)	6 (100.0)	0 (100.0)	11 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	63 (85.1)	0 (-)	7 (77.8)	1 (50.0)	14 (93.3)	30 (100.0)	1 (100.0)	4 (66.7)	0 (-)	6 (54.5)
Prison	60 (81.1)	0 (-)	7 (77.8)	1 (50.0)	11 (73.3)	30 (100.0)	1 (100.0)	4 (66.7)	0 (-)	6 (54.5)
Prison/Community Split	3 (4.0)	0 (-)	0 (0.0)	0 (0.0)	3 (20.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (-)	0 (0.0)

Prison Term Ordered

1-12 months	25	0	3	0	7	12	1	1	0	1
13-24 months	19	0	4	1	4	7	0	1	0	2
25-36 months	6	0	0	0	1	3	0	0	0	2
37-60 months	9	0	0	0	2	5	0	1	0	1
Over 60 months	4	0	0	0	0	3	0	1	0	0
Mean Sentence	28.4	--	12.7	21.0	18.3	29.9	12.0	91.5	--	24.3
Median Sentence	15.0	--	14.0	21.0	13.5	15.5	12.0	30.5	--	24.0

CASES INVOLVING PROBATION

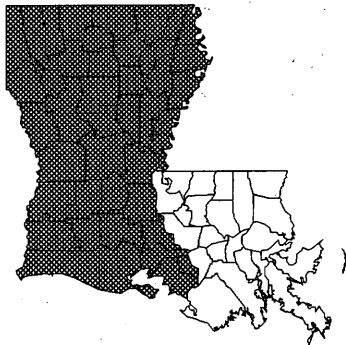
Total Receiving Probation	11 (14.9)	0 (-)	2 (22.2)	1 (50.0)	1 (6.7)	0 (0.0)	0 (0.0)	2 (33.3)	0 (-)	5 (45.5)
Probation Only	6 (8.1)	0 (-)	1 (11.1)	1 (50.0)	0 (0.0)	0 (0.0)	0 (0.0)	2 (33.3)	0 (-)	2 (18.2)
Probation and Confinement	5 (6.8)	0 (-)	1 (11.1)	0 (0.0)	1 (6.7)	0 (0.0)	0 (0.0)	0 (0.0)	0 (-)	3 (27.3)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	33 (44.6)	0 (-)	7 (77.8)	2 (100.0)	13 (86.7)	1 (3.3)	0 (0.0)	4 (66.7)	0 (-)	6 (54.5)
Median Dollar Amount	\$13,465	\$--	\$3,000	\$214,650	\$32,234	\$17,500	\$--	\$600	\$--	\$5,000

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**LOUISIANA, Western
5th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|------------------|----------------|
| (1) Shreveport | (4) Monroe |
| (2) Lake Charles | (5) Alexandria |
| (3) Lafayette | |

Number of Court Professionals	District Court Judges ²	10
	Assistant U.S. Attorneys ³	23
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	23
Cases Filed	Civil ⁶	2,342
	Criminal ⁷	263
Population	Total ⁸	1,986,608
	Per Square Mile ⁹	61.2
Age Distribution¹⁰	Percent Age 0-14	24.9
	Percent Age 15-24	15.4
	Percent Age 25-34	15.8
	Percent Age 35-44	14.1
	Percent Age 45-64	17.8
	Percent Age 65+	12.0

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	200	10
Forcible Rape	627	32
Robbery	1,814	91
Aggravated Assault	9,301	468
Burglary	16,817	847
Larceny/Theft	48,144	2,423
Motor Vehicle Theft	4,723	238
Crime Index Total	81,626	4,109

Economic Indicators	Income per Capita ¹²	\$ 9,713
	Percent Unemployed ¹³	8.9

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	16.9
	Percent Retail	23.3
	Percent Finance ¹⁵	6.2
	Percent Service	27.8
	Percent Other ¹⁶	25.7

Agriculture	Percent Farm Acreage ¹⁷	31.5
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 69.85
	Education	\$ 532.28
	Health and Hospitals	\$ 110.26
	Public Welfare ¹⁹	\$ 4.76
	Highways	\$ 77.80

FISCAL YEAR 1993 GUIDELINE SENTENCES

LOUISIANA, West

Cases Received by USSC (by sentencing month) ¹

October 92	11	April 93	26
November 92	22	May 93	15
December 92	16	June 93	21
January 93	22	July 93	21
February 93	27	August 93	31
March 93	48	September 93	17
TOTAL = 277			

Monthly Income ³

	mean	median
TOTAL	\$1,565	\$963
Male	\$1,719	\$1,000
Female	\$1,204	\$959

Average Age ⁵

TOTAL	34.9	31.0
Male	34.9	31.0
Female	34.8	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	276 (100.0%)	200 (72.5%)	76 (27.5%)
White	148 (53.6%)	114 (77.0%)	34 (23.0%)
Black	103 (37.3%)	69 (67.0%)	34 (33.0%)
Hispanic	23 (8.3%)	16 (69.6%)	7 (30.4%)
Other	2 (0.7%)	1 (50.0%)	1 (50.0%)

Departure Status ⁴

Sentenced within Guideline Range	210 (78.1%)
Substantial Assistance Departure	45 (16.7%)
Other Downward Departure	11 (4.1%)
Upward Departure	3 (1.1%)

Mode of Conviction ⁶

TOTAL	276 (100.0%)
Plea	251 (90.9%)
Trial	25 (9.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	Other
	271 (100.0)	4 (100.0)	39 (100.0)	12 (100.0)	67 (100.0)	66 (100.0)	5 (100.0)	14 (100.0)	5 (100.0)	59 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	181 (66.8)	4 (100.0)	16 (41.0)	10 (83.3)	31 (46.3)	62 (93.9)	5 (100.0)	12 (85.7)	3 (60.0)	38 (64.3)
Prison	173 (63.8)	4 (100.0)	16 (41.0)	8 (66.7)	27 (40.3)	62 (93.9)	5 (100.0)	12 (85.7)	3 (60.0)	36 (60.0)
Prison/Community Split	8 (3.0)	0 (0.0)	0 (0.0)	2 (16.7)	4 (6.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	2 (3.3)
Prison Term Ordered										
1-12 months	63	0	11	10	17	5	2	0	3	
13-24 months	36	0	4	0	9	9	3	2	0	
25-36 months	18	0	1	0	1	10	0	0	0	
37-60 months	23	0	0	0	4	4	0	8	0	
Over 60 months	41	4	0	0	0	34	0	2	0	
Mean Sentence	58.8	329.2	11.8	6.6	17.2	110.0	15.2	55.7	4.0	
Median Sentence	21.0	185.5	12.0	6.0	12.0	85.5	18.0	55.5	3.0	

CASES INVOLVING PROBATION

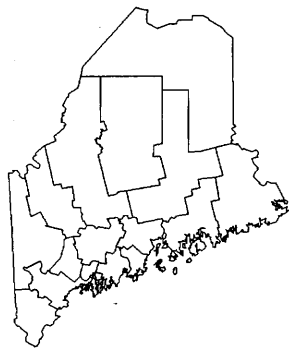
Total Receiving Probation	90 (33.2)	0 (0.0)	23 (59.0)	2 (16.7)	36 (53.7)	4 (6.1)	0 (0.0)	2 (14.3)	2 (40.0)	21 (35.7)
Probation Only	78 (28.8)	0 (0.0)	22 (56.4)	2 (16.7)	31 (46.3)	4 (6.1)	0 (0.0)	2 (14.3)	1 (20.0)	16 (26.7)
Probation and Confinement	12 (4.4)	0 (0.0)	1 (2.6)	0 (0.0)	5 (7.5)	0 (0.0)	0 (0.0)	0 (0.0)	1 (20.0)	5 (8.3)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	147 (53.6)	2 (50.0)	27 (65.8)	9 (75.0)	59 (88.1)	13 (19.7)	1 (20.0)	3 (21.4)	1 (20.0)	32 (53.3)
Median Dollar Amount	\$4,625	\$300	\$400	\$10,159	\$12,309	\$5,000	\$2,000	\$3,000	\$1,500	\$1,500

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONF

**MAINE
1st Circuit**



Cities Supplying Guideline Documentation¹

- (1) Portland
- (2) Bangor

Number of Court Professionals	District Court Judges ²	3
	Assistant U.S. Attorneys ³	14
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	12
Cases Filed	Civil ⁶	655
	Criminal ⁷	133
Population	Total ⁸	1,234,275
	Per Square Mile ⁹	39.8
Age Distribution¹⁰	Percent Age 0-14	21.0
	Percent Age 15-24	14.0
	Percent Age 25-34	16.3
	Percent Age 35-44	16.4
	Percent Age 45-64	19.0
	Percent Age 65+	13.4

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	21	2
Forcible Rape	284	23
Robbery	284	23
Aggravated Assault	990	80
Burglary	9,881	801
Larceny/Theft	29,195	2,365
Motor Vehicle Theft	1,733	140
Crime Index Total	42,388	3,434

Economic Indicators	Income per Capita ¹²	\$ 12,957
	Percent Unemployed ¹³	7.1

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	22.3
	Percent Retail	24.0
	Percent Finance ¹⁵	5.8
	Percent Service	26.8
	Percent Other ¹⁶	21.1

Agriculture	Percent Farm Acreage ¹⁷	6.8
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 44.05
	Education	\$ 620.79
	Health and Hospitals	\$ 27.14
	Public Welfare ¹⁹	\$ 9.94
	Highways	\$ 94.70

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

Cases Received by USSC (by sentencing month) ¹

October 92	27	April 93	3
November 92	10	May 93	13
December 92	11	June 93	12
January 93	12	July 93	17
February 93	7	August 93	13
March 93	7	September 93	9

TOTAL = 141

Monthly Income ³

	mean	median
TOTAL	\$991	\$800
Male	\$1,008	\$797
Female	\$900	\$900

Average Age ⁵

	mean	median
TOTAL	37.2	35.0
Male	37.4	35.0
Female	36.1	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	140 (100.0%)	121 (86.4%)	19 (13.6%)
White	117 (83.6%)	100 (85.5%)	17 (14.5%)
Black	4 (2.9%)	3 (75.0%)	1 (25.0%)
Hispanic	18 (12.9%)	18 (100.0%)	0 (0.0%)
Other	1 (0.7%)	0 (0.0%)	1 (100.0%)

Departure Status ⁴

Sentenced within Guideline Range	119 (85.6%)
Substantial Assistance Departure	8 (5.8%)
Other Downward Departure	9 (6.5%)
Upward Departure	3 (2.2%)

Mode of Conviction ⁶

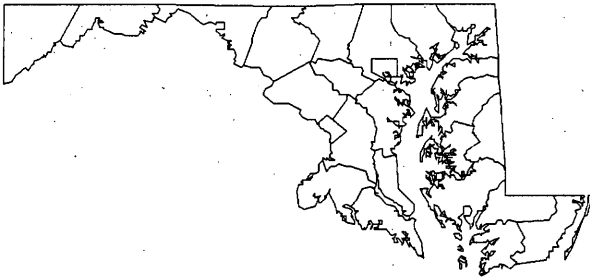
TOTAL	141 (100.0%)
Plea	117 (83.0%)
Trial	24 (17.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	
	136 (100.0)	2 (100.0)	8 (100.0)	7 (100.0)	19 (100.0)	51 (100.0)	2 (100.0)	19 (100.0)	5 (100.0)	23
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	118 (86.8)	2 (100.0)	4 (50.0)	6 (85.7)	15 (79.0)	49 (96.1)	2 (100.0)	17 (89.5)	5 (100.0)	18
Prison	108 (79.4)	2 (100.0)	4 (50.0)	4 (57.1)	11 (57.9)	47 (92.2)	2 (100.0)	16 (84.2)	5 (100.0)	17
Prison/Community Split	10 (7.3)	0 (0.0)	0 (0.0)	2 (28.6)	4 (21.1)	2 (3.9)	0 (0.0)	1 (5.3)	0 (0.0)	1
Prison Term Ordered										
1-12 months	37	0	3	5	10	5	1	4	2	
13-24 months	17	0	0	1	1	6	1	2	1	
25-36 months	21	0	1	0	4	8	0	2	2	
37-60 months	17	0	0	0	0	12	0	4	0	
Over 60 months	26	2	0	0	0	18	0	5	0	
Mean Sentence	47.9	82.0	11.8	5.9	13.4	71.5	12.5	69.5	20.0	
Median Sentence	27.0	82.0	8.0	2.5	9.0	57.0	12.5	46.0	24.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	18 (13.2)	0 (0.0)	4 (50.0)	1 (14.3)	4 (21.1)	2 (3.9)	0 (0.0)	2 (10.5)	0 (0.0)	
Probation Only	10 (7.3)	0 (0.0)	3 (37.5)	0 (0.0)	1 (5.3)	1 (2.0)	0 (0.0)	2 (10.5)	0 (0.0)	
Probation and Confinement	8 (5.9)	0 (0.0)	1 (12.5)	1 (14.3)	3 (15.8)	1 (2.0)	0 (0.0)	0 (0.0)	0 (0.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	58 (41.1)	1 (50.0)	8 (100.0)	6 (75.0)	18 (85.7)	5 (9.8)	4 (100.0)	5 (26.3)	0 (0.0)	1
Median Dollar Amount	\$3,585	\$4,850	\$3,687	\$7,750	\$8,050	\$5,000	\$380	\$1,000	\$--	

Footnotes and a complete description of all variables in this table are provided in Appen-
 SOURCE: U.S. Sentencing Commission, FY1993 Data File, MC

MARYLAND
4th Circuit



Cities Supplying Guideline Documentation¹

- (1) Baltimore
- (2) Hyattsville

Number of Court Professionals	District Court Judges ²	13
	Assistant U.S. Attorneys ³	46
	Assistant Federal Defenders ⁴	13
	Probation Officers ⁵	75
Cases Filed	Civil ⁶	3,817
	Criminal ⁷	644
Population	Total ⁸	4,858,301
	Per Square Mile ⁹	493.9
Age Distribution¹⁰	Percent Age 0-14	21.2
	Percent Age 15-24	13.5
	Percent Age 25-34	18.5
	Percent Age 35-44	16.7
	Percent Age 45-64	19.2
	Percent Age 65+	10.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	596	12
Forcible Rape	2,279	47
Robbery	21,044	433
Aggravated Assault	25,153	518
Burglary	55,507	1,143
Larceny/Theft	165,224	3,401
Motor Vehicle Theft	35,643	734
Crime Index Total	305,466	6,288

Economic Indicators	Income per Capita ¹²	\$ 17,730
	Percent Unemployed ¹³	6.6

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	12.7
	Percent Retail	23.0
	Percent Finance ¹⁵	7.7
	Percent Service	34.4
	Percent Other ¹⁶	22.2

Agriculture	Percent Farm Acreage ¹⁷	26.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 92.61
	Education	\$ 680.81
	Health and Hospitals	\$ 28.70
	Public Welfare ¹⁹	\$ 4.41
	Highways	\$ 90.86

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	27	April 93	25
November 92	21	May 93	29
December 92	8	June 93	38
January 93	41	July 93	44
February 93	23	August 93	15
March 93	39	September 93	24

TOTAL = 334

Monthly Income ³

	mean	median
TOTAL	\$998	\$288
Male	\$915	\$0
Female	\$1,514	\$971

Average Age ⁵

	mean	median
TOTAL	34.6	33.0
Male	34.4	33.0
Female	35.8	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	330 (100.0%)	288 (87.3%)	42 (12.7%)
White	104 (31.5%)	89 (85.6%)	15 (14.4%)
Black	202 (61.2%)	179 (88.6%)	23 (11.4%)
Hispanic	15 (4.5%)	14 (93.3%)	1 (6.7%)
Other	9 (2.7%)	6 (66.7%)	3 (33.3%)

Departure Status ⁴

Sentenced within Guideline Range	237 (73.1%)
Substantial Assistance Departure	54 (16.7%)
Other Downward Departure	31 (9.6%)
Upward Departure	2 (0.6%)

Mode of Conviction ⁶

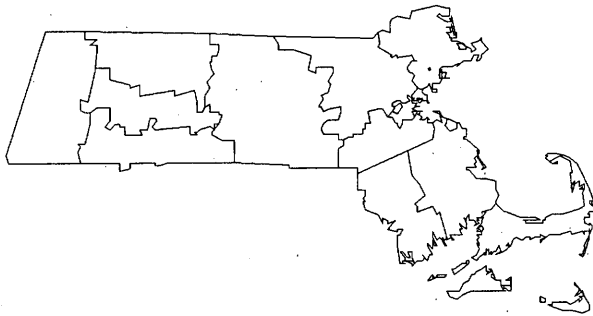
TOTAL	333 (100.0%)
Plea	266 (79.9%)
Trial	67 (20.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	Other
	332 (100.0)	31 (100.0)	38 (100.0)	8 (100.0)	38 (100.0)	111 (100.0)	1 (100.0)	24 (100.0)	5 (100.0)	76 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	246 (74.1)	31 (100.0)	21 (55.3)	3 (37.5)	18 (47.4)	106 (95.5)	0 (0.0)	22 (91.7)	4 (80.0)	41 (54.0)
Prison	230 (69.3)	31 (100.0)	17 (44.7)	1 (12.5)	16 (42.1)	106 (95.5)	0 (0.0)	21 (87.5)	4 (80.0)	34 (44.7)
Prison/Community Split	16 (4.8)	0 (0.0)	4 (10.5)	2 (25.0)	2 (5.3)	0 (0.0)	0 (0.0)	1 (4.2)	0 (0.0)	7 (9.1)
Prison Term Ordered										
1-12 months	48	0	12	2	9	2	0	2	1	2
13-24 months	23	0	2	0	6	3	0	7	0	
25-36 months	23	1	3	1	3	5	0	2	0	
37-60 months	45	11	3	0	0	18	0	4	3	
Over 60 months	107	19	1	0	0	78	0	7	0	
Mean Sentence	92.0	93.0	19.9	15.0	15.0	156.9	--	58.6	35.8	23
Median Sentence	51.0	70.0	12.0	10.0	13.5	120.0	--	35.0	43.5	15
CASES INVOLVING PROBATION										
Total Receiving Probation	86 (25.9)	0 (0.0)	17 (44.7)	5 (62.5)	20 (52.6)	5 (4.5)	1 (100.0)	2 (8.3)	1 (20.0)	35 (46.0)
Probation Only	38 (11.4)	0 (0.0)	10 (26.3)	1 (12.5)	4 (10.5)	3 (2.7)	0 (0.0)	1 (4.2)	1 (20.0)	18 (23.2)
Probation and Confinement	48 (14.5)	0 (0.0)	7 (18.4)	4 (50.0)	16 (42.1)	2 (1.8)	1 (100.0)	1 (4.2)	0 (0.0)	17 (22.2)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	65 (19.5)	1 (3.2)	17 (44.7)	6 (66.7)	10 (25.6)	3 (2.7)	0 (0.0)	0 (0.0)	0 (0.0)	28 (36.6)
Median Dollar Amount	\$3,800	\$100	\$1,976	\$5,651	\$6,915	\$10,000	\$--	\$--	\$--	\$3,000

Footnotes and a complete description of all variables in this table are provided in Appendix A
 SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

MASSACHUSETTS
1st Circuit



Cities Supplying Guideline Documentation¹

- (1) Boston
- (2) Springfield
- (3) Worcester

Number of Court Professionals	District Court Judges ²	14
	Assistant U.S. Attorneys ³	70
	Assistant Federal Defenders ⁴	6
	Probation Officers ⁵	32
Cases Filed	Civil ⁶	3,499
	Criminal ⁷	366
Population	Total ⁸	5,995,574
	Per Square Mile ⁹	766.3
Age Distribution¹⁰	Percent Age 0-14	19.4
	Percent Age 15-24	14.6
	Percent Age 25-34	18.1
	Percent Age 35-44	15.7
	Percent Age 45-64	18.5
	Percent Age 65+	13.8

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	178	3
Forcible Rape	1,810	30
Robbery	9,823	164
Aggravated Assault	27,937	466
Burglary	52,488	875
Larceny/Theft	111,238	1,855
Motor Vehicle Theft	40,739	679
Crime Index Total	244,213	4,073

Economic Indicators	Income per Capita ¹²	\$ 17,224
	Percent Unemployed ¹³	8.5

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	20.6
	Percent Retail	19.7
	Percent Finance ¹⁵	8.2
	Percent Service	34.7
	Percent Other ¹⁶	16.7

Agriculture	Percent Farm Acreage ¹⁷	12.3
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 89.67
	Education	\$ 638.62
	Health and Hospitals	\$ 76.05
	Public Welfare ¹⁹	\$ 8.20
	Highways	\$ 71.58

Cases Received by USSC (by sentencing month) ¹

October 92	23	April 93	34
November 92	20	May 93	30
December 92	33	June 93	38
January 93	41	July 93	17
February 93	31	August 93	20
March 93	38	September 93	30

TOTAL = 355

Monthly Income ³

	mean	median
TOTAL	\$1,478	\$771
Male	\$1,499	\$600
Female	\$1,263	\$940

Average Age ⁵

	mean	median
TOTAL	39.2	38.0
Male	39.1	38.0
Female	39.9	39.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	349 (100.0%)	320 (91.7%)	29 (8.3%)
White	252 (72.2%)	227 (90.1%)	25 (9.9%)
Black	57 (16.3%)	55 (96.5%)	2 (3.5%)
Hispanic	39 (11.2%)	37 (94.9%)	2 (5.1%)
Other	1 (0.3%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	216 (62.1%)
Substantial Assistance Departure	95 (27.3%)
Other Downward Departure	32 (9.2%)
Upward Departure	5 (1.4%)

Mode of Conviction ⁶

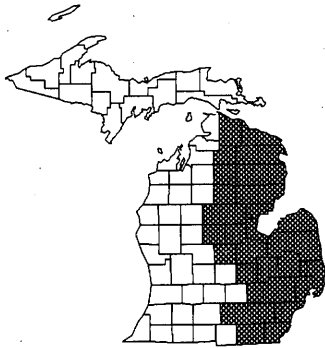
TOTAL	354 (100.0%)
Plea	307 (86.7%)
Trial	47 (13.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	64
	353 (100.0)	21 (100.0)	21 (100.0)	7 (100.0)	96 (100.0)	101 (100.0)	6 (100.0)	25 (100.0)	12 (100.0)	64
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	257 (72.8)	21 (100.0)	13 (61.9)	6 (85.7)	54 (56.2)	86 (85.2)	6 (100.0)	20 (80.0)	11 (91.7)	40
Prison	238 (67.4)	21 (100.0)	11 (52.4)	6 (85.7)	45 (46.9)	84 (83.2)	6 (100.0)	19 (76.0)	11 (91.7)	35
Prison/Community Split	19 (5.4)	0 (0.0)	2 (9.5)	0 (0.0)	9 (9.4)	2 (2.0)	0 (0.0)	1 (4.0)	0 (0.0)	5
Prison Term Ordered										
1-12 months	60	0	6	3	23	7	1	4	1	
13-24 months	48	0	0	3	22	13	1	3	1	
25-36 months	29	0	2	0	5	8	1	5	1	
37-60 months	51	4	3	0	4	19	3	5	7	
Over 60 months	67	17	1	0	0	38	0	3	1	
Mean Sentence	54.5	143.2	28.8	11.2	16.4	78.2	31.0	40.2	41.6	
Median Sentence	33.0	120.0	21.0	10.5	15.0	60.0	37.0	33.0	46.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	96 (27.2)	0 (0.0)	8 (38.1)	1 (14.3)	42 (43.8)	15 (14.8)	0 (0.0)	5 (20.0)	1 (8.3)	24
Probation Only	53 (15.0)	0 (0.0)	5 (23.8)	0 (0.0)	22 (22.9)	10 (9.9)	0 (0.0)	4 (16.0)	1 (8.3)	11
Probation and Confinement	43 (12.2)	0 (0.0)	3 (14.3)	1 (14.3)	20 (20.8)	5 (5.0)	0 (0.0)	1 (4.0)	0 (0.0)	13
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	119 (33.6)	4 (19.1)	12 (57.1)	6 (85.7)	69 (71.1)	4 (4.0)	1 (16.7)	1 (4.0)	1 (8.3)	21
Median Dollar Amount	\$15,000	\$558	\$2,500	\$91,750	\$29,990	\$15,000	\$254,058	\$15,000	\$3,000	

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MON

**MICHIGAN, Eastern
6th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Detroit
- (2) Flint
- (3) Bay City
- (4) Ann Arbor

Number of Court Professionals	District Court Judges ²	19
	Assistant U.S. Attorneys ³	66
	Assistant Federal Defenders ⁴	12
	Probation Officers ⁵	59
Cases Filed	Civil ⁶	5,028
	Criminal ⁷	793
Population	Total ⁸	6,329,672
	Per Square Mile ⁹	297.4
Age Distribution¹⁰	Percent Age 0-14	22.0
	Percent Age 15-24	14.5
	Percent Age 25-34	16.7
	Percent Age 35-44	15.8
	Percent Age 45-64	19.0
	Percent Age 65+	11.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	834	13
Forcible Rape	4,543	72
Robbery	18,176	287
Aggravated Assault	31,827	503
Burglary	66,466	1,050
Larceny/Theft	201,940	3,190
Motor Vehicle Theft	51,091	807
Crime Index Total	374,877	5,923

Economic Indicators	Income per Capita ¹²	\$ 14,865
	Percent Unemployed ¹³	9.1

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	25.2
	Percent Retail	21.5
	Percent Finance ¹⁵	5.9
	Percent Service	28.8
	Percent Other ¹⁶	18.6

Agriculture	Percent Farm Acreage ¹⁷	36.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 106.66
	Education	\$ 804.45
	Health and Hospitals	\$ 143.90
	Public Welfare ¹⁹	\$ 23.29
	Highways	\$ 106.36

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

MICHIGAN, East

Cases Received by USSC (by sentencing month) ¹

October 92	56	April 93	87
November 92	57	May 93	113
December 92	57	June 93	79
January 93	72	July 93	96
February 93	65	August 93	92
March 93	77	September 93	76

TOTAL = 927

Monthly Income ³

	mean	median
TOTAL	\$1,272	\$500
Male	\$1,196	\$433
Female	\$1,660	\$782

Average Age ⁵

TOTAL	34.1	33.0
Male	33.9	32.0
Female	35.4	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	927 (100.0%)	777 (83.8%)	150 (16.2%)
White	411 (44.3%)	355 (86.4%)	56 (13.6%)
Black	398 (42.9%)	315 (79.1%)	83 (20.9%)
Hispanic	110 (11.9%)	99 (90.0%)	11 (10.0%)
Other	8 (0.9%)	8 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	692 (75.6%)
Substantial Assistance Departure	156 (17.0%)
Other Downward Departure	43 (4.7%)
Upward Departure	24 (2.6%)

Mode of Conviction ⁶

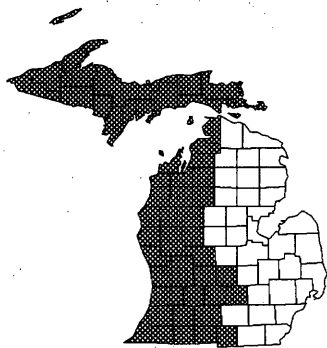
TOTAL	924 (100.0%)
Plea	802 (86.8%)
Trial	122 (13.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	
	922 (100.0)	36 (100.0)	53 (100.0)	21 (100.0)	138 (100.0)	403 (100.0)	15 (100.0)	112 (100.0)	7 (100.0)	137 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	761 (82.5)	36 (100.0)	35 (66.0)	13 (61.9)	105 (76.1)	376 (93.3)	11 (73.3)	97 (86.6)	5 (71.4)	83 (60.7)
Prison	720 (78.1)	36 (100.0)	35 (66.0)	9 (42.9)	91 (65.9)	364 (90.3)	11 (73.3)	94 (83.9)	5 (71.4)	75 (54.7)
Prison/Community Split	41 (4.5)	0 (0.0)	0 (0.0)	4 (19.1)	14 (10.1)	12 (3.0)	0 (0.0)	3 (2.7)	0 (0.0)	8 (5.9)
Prison Term Ordered										
1-12 months	177	0	15	9	57	34	4	11		3
13-24 months	144	0	6	4	31	55	4	29		1
25-36 months	92	2	8	0	10	43	2	20		0
37-60 months	137	13	3	0	7	83	0	19		1
Over 60 months	211	21	3	0	0	161	1	18		0
Mean Sentence	59.6	91.6	30.3	8.6	15.8	83.5	20.5	47.6		15.2
Median Sentence	33.0	76.0	18.0	10.0	12.0	60.0	15.0	30.0		6.0
CASES INVOLVING PROBATION										
Total Receiving Probation	161 (17.5)	0 (0.0)	18 (34.0)	8 (38.1)	33 (23.9)	27 (6.7)	4 (26.7)	15 (13.4)	2 (28.6)	54 (39.7)
Probation Only	98 (10.6)	0 (0.0)	12 (22.6)	4 (19.1)	14 (10.1)	18 (4.5)	2 (13.3)	6 (5.4)	2 (28.6)	40 (29.6)
Probation and Confinement	63 (6.8)	0 (0.0)	6 (11.3)	4 (19.1)	19 (13.8)	9 (2.2)	2 (13.3)	9 (8.0)	0 (0.0)	14 (10.1)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	377 (40.8)	22 (61.1)	38 (71.7)	18 (85.7)	119 (86.2)	89 (22.1)	4 (26.7)	14 (12.4)	1 (14.3)	72 (52.5)
Median Dollar Amount	\$5,585	\$3,835	\$6,810	\$11,263	\$20,546	\$3,000	\$12,334	\$1,000	\$100,000	\$3,000

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONF

**MICHIGAN, Western
6th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Grand Rapids (4) Marquette
- (2) Kalamazoo
- (3) Lansing

Number of Court Professionals	District Court Judges ²	7
	Assistant U.S. Attorneys ³	23
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	18
Cases Filed	Civil ⁶	1,666
	Criminal ⁷	238
Population	Total ⁸	3,049,810
	Per Square Mile ⁹	85.5
Age Distribution¹⁰	Percent Age 0-14	23.0
	Percent Age 15-24	15.3
	Percent Age 25-34	16.1
	Percent Age 35-44	15.4
	Percent Age 45-64	17.9
	Percent Age 65+	12.3

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	103	3
Forcible Rape	2,906	95
Robbery	2,555	84
Aggravated Assault	10,958	359
Burglary	30,393	997
Larceny/Theft	91,225	2,991
Motor Vehicle Theft	7,000	230
Crime Index Total	145,140	4,759

Economic Indicators	Income per Capita ¹²	\$ 12,671
	Percent Unemployed ¹³	8.2

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	31.0
	Percent Retail	22.5
	Percent Finance ¹⁵	5.2
	Percent Service	25.5
	Percent Other ¹⁶	15.9

Agriculture	Percent Farm Acreage ¹⁷	24.4
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 57.73
	Education	\$ 765.50
	Health and Hospitals	\$ 169.24
	Public Welfare ¹⁹	\$ 43.75
	Highways	\$ 113.51

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	14	April 93	22
November 92	16	May 93	26
December 92	19	June 93	17
January 93	17	July 93	17
February 93	21	August 93	15
March 93	13	September 93	16

TOTAL = 213

Monthly Income ³

	mean	median
TOTAL	\$1,060	\$750
Male	\$1,036	\$625
Female	\$1,163	\$935

Average Age ⁵

TOTAL	36.2	37.0
Male	36.4	38.0
Female	35.1	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	213 (100.0%)	173 (81.2%)	40 (18.8%)
White	123 (57.8%)	100 (81.3%)	23 (18.7%)
Black	37 (17.4%)	27 (73.0%)	10 (27.0%)
Hispanic	45 (21.1%)	41 (91.1%)	4 (8.9%)
Other	8 (3.8%)	5 (62.5%)	3 (37.5%)

Departure Status ⁴

Sentenced within Guideline Range	191 (91.4%)
Substantial Assistance Departure	10 (4.8%)
Other Downward Departure	7 (3.3%)
Upward Departure	1 (0.5%)

Mode of Conviction ⁶

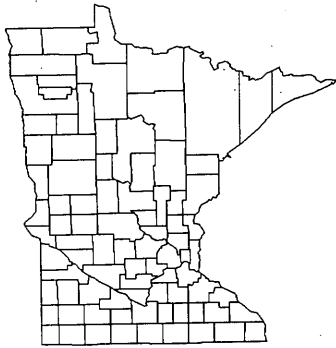
TOTAL	213 (100.0%)
Plea	177 (83.1%)
Trial	36 (16.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	209 (100.0)	7 (100.0)	18 (100.0)	15 (100.0)	30 (100.0)	58 (100.0)	1 (100.0)	19 (100.0)	8 (100.0)	53 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	171 (81.8)	7 (100.0)	7 (38.9)	12 (80.0)	26 (86.7)	58 (100.0)	1 (100.0)	19 (100.0)	7 (87.5)	34 (64.2)
Prison	165 (79.0)	7 (100.0)	7 (38.9)	9 (60.0)	25 (83.3)	58 (100.0)	1 (100.0)	18 (94.7)	7 (87.5)	33 (62.3)
Prison/Community Split	6 (2.9)	0 (0.0)	0 (0.0)	3 (20.0)	1 (3.3)	0 (0.0)	0 (0.0)	1 (5.3)	0 (0.0)	1 (1.9)
Prison Term Ordered										
1-12 months	48	0	5	11	15	2	1	1	3	
13-24 months	22	1	2	1	7	3	0	2	0	
25-36 months	8	1	0	0	2	1	0	1	1	
37-60 months	29	1	0	0	1	14	0	5	1	
Over 60 months	64	4	0	0	1	38	0	10	2	
Mean Sentence	67.9	78.6	8.7	6.2	18.7	107.2	12.0	91.7	40.7	
Median Sentence	48.0	70.0	3.0	5.0	12.0	78.0	12.0	70.0	30.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	38 (18.2)	0 (0.0)	11 (61.1)	3 (20.0)	4 (13.3)	0 (0.0)	0 (0.0)	0 (0.0)	1 (12.5)	19 (35.9)
Probation Only	32 (15.3)	0 (0.0)	10 (55.6)	2 (13.3)	3 (10.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (12.5)	16 (30.8)
Probation and Confinement	6 (2.9)	0 (0.0)	1 (5.6)	1 (6.7)	1 (3.3)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	3 (5.7)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	94 (44.3)	4 (57.1)	11 (61.1)	15 (93.8)	23 (74.2)	8 (13.8)	1 (100.0)	4 (21.1)	1 (12.5)	27 (50.9)
Median Dollar Amount	\$3,323	\$8,734	\$714	\$7,854	\$7,500	\$7,500	\$1,110	\$1,500	\$500	

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MON

MINNESOTA
8th Circuit



Cities Supplying Guideline Documentation¹

- (1) Minneapolis
- (2) St. Paul
- (3) Mankato

Number of Court Professionals	District Court Judges ²	9
	Assistant U.S. Attorneys ³	31
	Assistant Federal Defenders ⁴	6
	Probation Officers ⁵	27
Cases Filed	Civil ⁶	2,254
	Criminal ⁷	343
Population	Total ⁸	4,431,761
	Per Square Mile ⁹	55.7
Age Distribution¹⁰	Percent Age 0-14	22.9
	Percent Age 15-24	13.7
	Percent Age 25-34	17.4
	Percent Age 35-44	15.8
	Percent Age 45-64	17.7
	Percent Age 65+	12.5

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	150	3
Forcible Rape	1,692	38
Robbery	4,898	111
Aggravated Assault	8,224	186
Burglary	39,726	896
Larceny/Theft	134,116	3,026
Motor Vehicle Theft	15,860	358
Crime Index Total	204,666	4,618

Economic Indicators	Income per Capita ¹²	\$ 14,389
	Percent Unemployed ¹³	5.1

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	21.9
	Percent Retail	21.6
	Percent Finance ¹⁵	7.0
	Percent Service	30.4
	Percent Other ¹⁶	19.0

Agriculture	Percent Farm Acreage ¹⁷	52.2
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 74.41
	Education	\$ 812.20
	Health and Hospitals	\$ 114.26
	Public Welfare ¹⁹	\$ 216.93
	Highways	\$ 173.00

Cases Received by USSC (by sentencing month) ¹

October 92	16	April 93	58
November 92	25	May 93	18
December 92	38	June 93	39
January 93	21	July 93	29
February 93	41	August 93	29
March 93	29	September 93	22

TOTAL = 365

Monthly Income ³

	mean	median
TOTAL	\$1,014	\$652
Male	\$1,022	\$536
Female	\$973	\$764

Average Age ⁵

	mean	median
TOTAL	36.1	35.0
Male	36.0	35.0
Female	36.4	36.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	362 (100.0%)	303 (83.7%)	59 (16.3%)
White	209 (57.7%)	171 (81.8%)	38 (18.2%)
Black	98 (27.1%)	88 (89.8%)	10 (10.2%)
Hispanic	33 (9.1%)	30 (90.9%)	3 (9.1%)
Other	22 (6.1%)	14 (63.6%)	8 (36.4%)

Departure Status ⁴

Sentenced within Guideline Range	257 (72.0%)
Substantial Assistance Departure	70 (19.6%)
Other Downward Departure	26 (7.3%)
Upward Departure	4 (1.1%)

Mode of Conviction ⁶

TOTAL	363 (100.0%)
Plea	327 (90.1%)
Trial	36 (9.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	Ot
	365 (100.0)	24 (100.0)	24 (100.0)	12 (100.0)	55 (100.0)	158 (100.0)	6 (100.0)	33 (100.0)	10 (100.0)	43 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	303 (83.0)	24 (100.0)	12 (50.0)	8 (66.7)	34 (61.8)	153 (96.8)	4 (66.7)	33 (100.0)	7 (70.0)	28 (66.7)
Prison	282 (77.3)	24 (100.0)	10 (41.7)	5 (41.7)	26 (47.3)	148 (93.7)	4 (66.7)	33 (100.0)	6 (60.0)	26 (60.0)
Prison/Community Split	21 (5.8)	0 (0.0)	2 (8.3)	3 (25.0)	8 (14.6)	5 (3.2)	0 (0.0)	0 (0.0)	1 (10.0)	2 (4.7)
Prison Term Ordered										
1-12 months	54	0	5	6	21	12	0	1	3	
13-24 months	48	0	3	1	10	20	3	3	1	
25-36 months	38	2	3	0	1	23	1	2	2	
37-60 months	65	10	0	0	0	34	0	14	0	
Over 60 months	96	12	1	0	1	64	0	13	1	
Mean Sentence	65.9	106.7	20.3	7.3	13.1	77.8	23.2	94.7	27.1	
Median Sentence	41.0	67.0	16.5	6.0	8.0	60.0	21.0	60.0	24.0	

CASES INVOLVING PROBATION

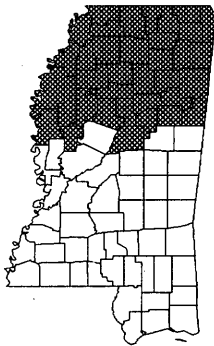
Total Receiving Probation	62 (17.0)	0 (0.0)	12 (50.0)	4 (33.3)	21 (38.2)	5 (3.2)	2 (33.3)	0 (0.0)	3 (30.0)	15 (35.3)
Probation Only	45 (12.3)	0 (0.0)	10 (41.7)	3 (25.0)	14 (25.4)	3 (1.9)	1 (16.7)	0 (0.0)	3 (30.0)	11 (24.4)
Probation and Confinement	17 (4.7)	0 (0.0)	2 (8.3)	1 (8.3)	7 (12.7)	2 (1.3)	1 (16.7)	0 (0.0)	0 (0.0)	4 (9.1)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	92 (25.2)	12 (50.0)	13 (54.2)	10 (83.3)	39 (70.9)	4 (2.5)	1 (16.7)	1 (3.0)	2 (20.0)	10 (23.3)
Median Dollar Amount	\$5,000	\$1,440	\$7,500	\$7,659	\$5,200	\$42,500	\$1,250	\$708	\$1,375	\$2,000

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONF'

**MISSISSIPPI, Northern
5th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Oxford
- (2) Aberdeen
- (3) Tupelo
- (4) Greenville
- (5) Corinth

Number of Court Professionals	District Court Judges ²	42
	Assistant U.S. Attorneys ³	13
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	18
Cases Filed	Civil ⁶	1,164
	Criminal ⁷	186
Population	Total ⁸	979,004
	Per Square Mile ⁹	49.5
Age Distribution¹⁰	Percent Age 0-14	24.1
	Percent Age 15-24	17.1
	Percent Age 25-34	14.6
	Percent Age 35-44	13.6
	Percent Age 45-64	17.6
	Percent Age 65+	13.0

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	56	6
Forcible Rape	161	16
Robbery	389	40
Aggravated Assault	951	97
Burglary	5,392	551
Larceny/Theft	10,629	1,086
Motor Vehicle Theft	910	93
Crime Index Total	18,488	1,888

Economic Indicators	Income per Capita ¹²	\$ 9,066
	Percent Unemployed ¹³	8.8

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	44.8
	Percent Retail	19.1
	Percent Finance ¹⁵	3.8
	Percent Service	16.2
	Percent Other ¹⁶	15.9

Agriculture	Percent Farm Acreage ¹⁷	46.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 36.81
	Education	\$ 513.43
	Health and Hospitals	\$ 249.04
	Public Welfare ¹⁹	\$ 3.19
	Highways	\$ 89.17

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	12	April 93	20
November 92	12	May 93	10
December 92	9	June 93	19
January 93	18	July 93	8
February 93	4	August 93	17
March 93	15	September 93	9

TOTAL = 153

Monthly Income ³

	mean	median
TOTAL	\$918	\$756
Male	\$916	\$642
Female	\$929	\$871

Average Age ⁵

TOTAL	34.2	33.0
Male	33.7	31.0
Female	36.3	35.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	153 (100.0%)	127 (83.0%)	26 (17.0%)
White	60 (39.2%)	51 (85.0%)	9 (15.0%)
Black	89 (58.2%)	74 (83.1%)	15 (16.9%)
Hispanic	4 (2.6%)	2 (50.0%)	2 (50.0%)
Other	0 (0.0%)	0 (--%)	0 (--%)

Departure Status ⁴

Sentenced within Guideline Range	109 (72.7%)
Substantial Assistance Departure	21 (14.0%)
Other Downward Departure	17 (11.3%)
Upward Departure	3 (2.0%)

Mode of Conviction ⁶

TOTAL	153 (100.0%)
Plea	127 (83.0%)
Trial	26 (17.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	Other
	153 (100.0)	2 (100.0)	13 (100.0)	1 (100.0)	32 (100.0)	65 (100.0)	9 (100.0)	12 (100.0)	3 (100.0)	16 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	120 (78.4)	2 (100.0)	7 (53.9)	0 (0.0)	18 (56.2)	63 (96.9)	6 (66.7)	11 (91.7)	1 (33.3)	12 (75.0)
Prison	115 (75.2)	2 (100.0)	6 (46.1)	0 (0.0)	15 (46.9)	62 (95.4)	6 (66.7)	11 (91.7)	1 (33.3)	12 (75.0)
Prison/Community Split	5 (3.3)	0 (0.0)	1 (7.7)	0 (0.0)	3 (9.4)	1 (1.5)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)

Prison Term Ordered

1-12 months	31	0	6	0	10	6	5	1	0	3
13-24 months	22	0	0	0	5	9	1	2	1	4
25-36 months	17	0	1	0	3	11	0	0	0	2
37-60 months	17	0	0	0	0	11	0	4	0	2
Over 60 months	33	2	0	0	0	26	0	4	0	1
Mean Sentence	54.2	101.0	12.0	--	16.4	70.9	10.8	82.7	17.0	38.5
Median Sentence	34.5	101.0	10.0	--	12.0	42.0	10.0	60.0	17.0	24.0

CASES INVOLVING PROBATION

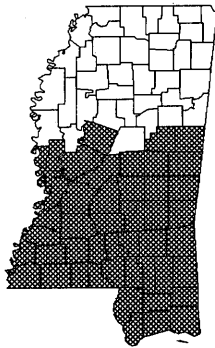
Total Receiving Probation	33 (21.6)	0 (0.0)	6 (46.1)	1 (100.0)	14 (43.8)	2 (3.1)	3 (33.3)	1 (8.3)	2 (66.7)	4 (25.0)
Probation Only	10 (6.5)	0 (0.0)	4 (30.8)	0 (0.0)	2 (6.2)	1 (1.5)	3 (33.3)	0 (0.0)	0 (0.0)	0 (0.0)
Probation and Confinement	23 (15.0)	0 (0.0)	2 (15.4)	1 (100.0)	12 (37.5)	1 (1.5)	0 (0.0)	1 (8.3)	2 (66.7)	4 (25.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	107 (69.9)	2 (100.0)	12 (92.3)	1 (100.0)	28 (87.5)	37 (56.9)	9 (100.0)	5 (41.7)	2 (66.7)	11 (68.8)
Median Dollar Amount	\$2,188	\$150	\$2,044	\$16,903	\$3,098	\$2,000	\$2,220	\$1,000	\$2,500	\$3,458

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**MISSISSIPPI, Southern
5th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Jackson
- (2) Biloxi
- (3) Hattiesburg

Number of Court Professionals	District Court Judges ²	7
	Assistant U.S. Attorneys ³	20
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	24
Cases Filed	Civil ⁶	2,117
	Criminal ⁷	266
Population	Total ⁸	1,613,812
	Per Square Mile ⁹	58.8
Age Distribution¹⁰	Percent Age 0-14	24.0
	Percent Age 15-24	15.9
	Percent Age 25-34	15.3
	Percent Age 35-44	14.4
	Percent Age 45-64	18.1
	Percent Age 65+	12.2

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	146	9
Forcible Rape	597	37
Robbery	2,062	128
Aggravated Assault	2,959	183
Burglary	17,113	1,060
Larceny/Theft	30,679	1,901
Motor Vehicle Theft	5,966	370
Crime Index Total	59,522	3,688

Economic Indicators	Income per Capita ¹²	\$ 10,001
	Percent Unemployed ¹³	7.7

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	24.4
	Percent Retail	22.9
	Percent Finance ¹⁵	6.7
	Percent Service	25.2
	Percent Other ¹⁶	20.7

Agriculture	Percent Farm Acreage ¹⁷	27.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 46.31
	Education	\$ 540.18
	Health and Hospitals	\$ 216.26
	Public Welfare ¹⁹	\$ 7.31
	Highways	\$ 94.13

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	26	April 93	32
November 92	28	May 93	7
December 92	16	June 93	21
January 93	18	July 93	30
February 93	30	August 93	38
March 93	21	September 93	14

TOTAL = 281

Monthly Income ³

	mean	median
TOTAL	\$1,012	\$550
Male	\$1,015	\$500
Female	\$999	\$784

Average Age ⁵

TOTAL	34.8	32.0
Male	35.2	33.0
Female	32.3	30.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	281 (100.0%)	243 (86.5%)	38 (13.5%)
White	117 (41.6%)	102 (87.2%)	15 (12.8%)
Black	146 (52.0%)	123 (84.2%)	23 (15.8%)
Hispanic	13 (4.6%)	13 (100.0%)	0 (0.0%)
Other	5 (1.8%)	5 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	220 (79.4%)
Substantial Assistance Departure	39 (14.1%)
Other Downward Departure	17 (6.1%)
Upward Departure	1 (0.4%)

Mode of Conviction ⁶

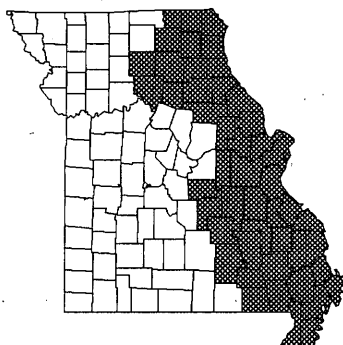
TOTAL	279 (100.0%)
Plea	250 (89.6%)
Trial	29 (10.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	
	281 (100.0)	8 (100.0)	16 (100.0)	7 (100.0)	30 (100.0)	128 (100.0)	6 (100.0)	30 (100.0)	6 (100.0)	50
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	232 (82.6)	8 (100.0)	9 (56.2)	6 (85.7)	20 (66.7)	122 (95.3)	3 (50.0)	30 (100.0)	6 (100.0)	28
Prison	217 (77.2)	8 (100.0)	5 (31.2)	4 (57.1)	18 (60.0)	120 (93.8)	3 (50.0)	29 (96.7)	5 (83.3)	25
Prison/Community Split	15 (5.3)	0 (0.0)	4 (25.0)	2 (28.6)	2 (6.7)	2 (1.6)	0 (0.0)	1 (3.3)	1 (16.7)	
Prison Term Ordered										
1-12 months	54	0	7	3	15	4	1	4	5	
13-24 months	26	0	2	2	3	8	1	4	1	
25-36 months	20	1	0	1	1	10	1	5	0	
37-60 months	35	2	0	0	1	21	0	7	0	
Over 60 months	97	5	0	0	0	79	0	10	0	
Mean Sentence	71.2	80.8	13.0	13.2	11.9	103.7	20.3	61.3	8.0	
Median Sentence	52.5	68.5	10.0	12.0	10.5	76.5	15.0	51.5	7.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	49 (17.4)	0 (0.0)	7 (43.8)	1 (14.3)	10 (33.3)	6 (4.7)	3 (50.0)	0 (0.0)	0 (0.0)	22
Probation Only	20 (7.1)	0 (0.0)	3 (18.8)	0 (0.0)	3 (10.0)	3 (2.3)	1 (16.7)	0 (0.0)	0 (0.0)	10
Probation and Confinement	29 (10.3)	0 (0.0)	4 (25.0)	1 (14.3)	7 (23.3)	3 (2.3)	2 (33.3)	0 (0.0)	0 (0.0)	12
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	163 (58.0)	1 (12.5)	10 (62.5)	5 (71.4)	21 (70.0)	69 (53.9)	6 (100.0)	11 (36.7)	2 (33.3)	31
Median Dollar Amount	\$4,000	\$5,641	\$3,242	\$30,000	\$5,075	\$4,000	\$2,177	\$3,385	\$2,360	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MO

**MISSOURI, Eastern
8th Circuit**



Cities Supplying Guideline Documentation¹

- (1) St. Louis
- (2) Cape Girardeau

Number of Court Professionals	District Court Judges ²	8
	Assistant U.S. Attorneys ³	32
	Assistant Federal Defenders ⁴	11
	Probation Officers ⁵	31
Cases Filed	Civil ⁶	3,018
	Criminal ⁷	333
Population	Total ⁸	2,666,156
	Per Square Mile ⁹	92.9
Age Distribution¹⁰	Percent Age 0-14	22.3
	Percent Age 15-24	13.3
	Percent Age 25-34	16.4
	Percent Age 35-44	15.1
	Percent Age 45-64	19.0
	Percent Age 65+	13.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	328	12
Forcible Rape	788	30
Robbery	6,229	234
Aggravated Assault	11,985	450
Burglary	27,122	1,017
Larceny/Theft	71,498	2,682
Motor Vehicle Theft	13,520	507
Crime Index Total	131,470	4,931

Economic Indicators	Income per Capita ¹²	\$ 13,903
	Percent Unemployed ¹³	5.9

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	22.8
	Percent Retail	20.1
	Percent Finance ¹⁵	6.7
	Percent Service	30.0
	Percent Other ¹⁶	20.4

Agriculture	Percent Farm Acreage ¹⁷	60.1
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 77.77
	Education	\$ 597.65
	Health and Hospitals	\$ 82.21
	Public Welfare ¹⁹	\$ 2.54
	Highways	\$ 73.03

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	17	April 93	24
November 92	21	May 93	35
December 92	30	June 93	31
January 93	19	July 93	39
February 93	20	August 93	35
March 93	40	September 93	26

TOTAL = 337

Monthly Income ³

	mean	median
TOTAL	\$1,412	\$640
Male	\$1,416	\$585
Female	\$1,394	\$922

Average Age ⁵

TOTAL	36.7	35.0
Male	36.4	34.0
Female	38.7	36.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	334 (100.0%)	281 (84.1%)	53 (15.9%)
White	168 (50.3%)	142 (84.5%)	26 (15.5%)
Black	158 (47.3%)	131 (82.9%)	27 (17.1%)
Hispanic	7 (2.1%)	7 (100.0%)	0 (0.0%)
Other	1 (0.3%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	267 (80.2%)
Substantial Assistance Departure	48 (14.4%)
Other Downward Departure	17 (5.1%)
Upward Departure	1 (0.3%)

Mode of Conviction ⁶

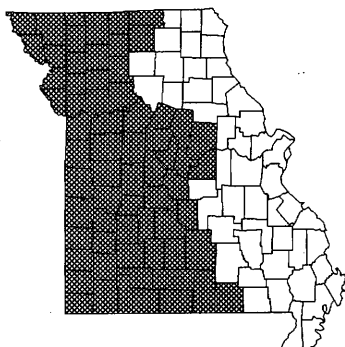
TOTAL	336 (100.0%)
Plea	271 (80.7%)
Trial	65 (19.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	333 (100.0)	19 (100.0)	28 (100.0)	9 (100.0)	73 (100.0)	116 (100.0)	2 (100.0)	26 (100.0)	0 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	263 (79.0)	19 (100.0)	14 (50.0)	6 (66.7)	44 (60.3)	110 (94.8)	1 (50.0)	24 (92.3)	0 (--)
Prison	245 (73.6)	19 (100.0)	11 (39.3)	3 (33.3)	38 (52.0)	108 (93.1)	0 (0.0)	24 (92.3)	0 (--)
Prison/Community Split	18 (5.4)	0 (0.0)	3 (10.7)	3 (33.3)	6 (8.2)	2 (1.7)	1 (50.0)	0 (0.0)	0 (--)
Prison Term Ordered									
1-12 months	66	0	10	5	24	10	1	0	0
13-24 months	30	0	1	0	10	7	0	6	0
25-36 months	25	2	2	1	6	5	0	3	0
37-60 months	32	1	1	0	2	19	0	3	0
Over 60 months	110	16	0	0	2	69	0	12	0
Mean Sentence	82.6	119.3	14.4	10.2	18.8	103.2	8.0	100.2	--
Median Sentence	46.0	87.0	10.0	9.0	12.0	87.5	8.0	65.0	--
CASES INVOLVING PROBATION									
Total Receiving Probation	70 (21.0)	0 (0.0)	14 (50.0)	3 (33.3)	29 (39.7)	6 (5.2)	1 (50.0)	2 (7.7)	0 (--)
Probation Only	57 (17.1)	0 (0.0)	10 (35.7)	2 (22.2)	25 (34.2)	6 (5.2)	0 (0.0)	1 (3.9)	0 (--)
Probation and Confinement	13 (3.9)	0 (0.0)	4 (14.3)	1 (11.1)	4 (5.5)	0 (0.0)	1 (50.0)	1 (3.9)	0 (--)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	79 (23.4)	4 (21.1)	10 (35.7)	5 (55.6)	26 (35.1)	7 (6.0)	0 (0.0)	2 (7.7)	0 (--)
Median Dollar Amount	\$2,000	\$162	\$1,943	\$2,360	\$2,000	\$1,000	\$--	\$1,500	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, Missouri

**MISSOURI, Western
8th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Kansas City
- (2) Springfield
- (3) Jefferson City
- (4) St. Joseph

Number of Court Professionals	District Court Judges ²	9
	Assistant U.S. Attorneys ³	35
	Assistant Federal Defenders ⁴	11
	Probation Officers ⁵	34
Cases Filed	Civil ⁶	2,678
	Criminal ⁷	677
Population	Total ⁸	2,490,507
	Per Square Mile ⁹	61.9
Age Distribution¹⁰	Percent Age 0-14	21.6
	Percent Age 15-24	14.5
	Percent Age 25-34	16.0
	Percent Age 35-44	14.6
	Percent Age 45-64	19.0
	Percent Age 65+	14.3

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	195	8
Forcible Rape	976	39
Robbery	5,387	216
Aggravated Assault	10,989	441
Burglary	26,019	1,045
Larceny/Theft	63,216	2,538
Motor Vehicle Theft	11,483	461
Crime Index Total	118,265	4,749

Economic Indicators	Income per Capita ¹²	\$ 12,006
	Percent Unemployed ¹³	5.4

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	20.7
	Percent Retail	21.6
	Percent Finance ¹⁵	6.9
	Percent Service	29.8
	Percent Other ¹⁶	20.9

Agriculture	Percent Farm Acreage ¹⁷	70.5
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 63.96
	Education	\$ 559.87
	Health and Hospitals	\$ 138.65
	Public Welfare ¹⁹	\$ 13.65
	Highways	\$ 78.49

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	18	April 93	68
November 92	24	May 93	59
December 92	42	June 93	40
January 93	44	July 93	35
February 93	30	August 93	28
March 93	44	September 93	21

TOTAL = 453

Monthly Income ³

	mean	median
TOTAL	\$1,117	\$800
Male	\$1,083	\$700
Female	\$1,309	\$1,138

Average Age ⁵

	mean	median
TOTAL	35.7	34.0
Male	35.8	34.0
Female	35.6	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	453 (100.0%)	385 (85.0%)	68 (15.0%)
White	308 (68.0%)	252 (81.8%)	56 (18.2%)
Black	96 (21.2%)	90 (93.8%)	6 (6.3%)
Hispanic	44 (9.7%)	38 (86.4%)	6 (13.6%)
Other	5 (1.1%)	5 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	300 (67.0%)
Substantial Assistance Departure	126 (28.1%)
Other Downward Departure	19 (4.2%)
Upward Departure	3 (0.7%)

Mode of Conviction ⁶

TOTAL	453 (100.0%)
Plea	415 (91.6%)
Trial	38 (8.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	451 (100.0)	12 (100.0)	34 (100.0)	12 (100.0)	61 (100.0)	233 (100.0)	5 (100.0)	36 (100.0)	3 (100.0)	55

CASES INVOLVING PRISON ⁸

Total Receiving Prison	349 (77.4)	11 (91.7)	12 (35.3)	6 (50.0)	39 (63.9)	213 (91.4)	5 (100.0)	32 (88.9)	3 (100.0)	28
Prison	323 (71.6)	11 (91.7)	9 (26.5)	4 (33.3)	26 (42.6)	210 (90.1)	4 (80.0)	32 (88.9)	2 (66.7)	25
Prison/Community Split	26 (5.8)	0 (0.0)	3 (8.8)	2 (16.7)	13 (21.3)	3 (1.3)	1 (20.0)	0 (0.0)	1 (33.3)	3
Prison Term Ordered										
1-12 months	56	0	4	4	24	9	3	2	1	
13-24 months	50	0	0	2	9	25	1	6	2	
25-36 months	44	1	4	0	4	28	1	4	0	
37-60 months	72	1	3	0	1	48	0	11	0	
Over 60 months	127	9	1	0	1	103	0	9	0	
Mean Sentence	78.9	168.9	29.7	13.8	15.2	96.0	13.2	80.2	16.3	
Median Sentence	48.0	106.0	28.5	12.0	10.0	60.0	12.0	57.0	13.0	

CASES INVOLVING PROBATION

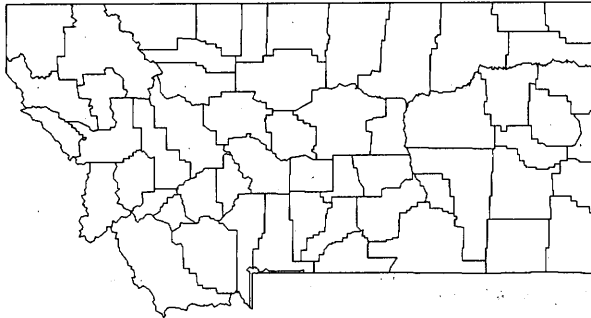
Total Receiving Probation	102 (22.6)	1 (8.3)	22 (64.7)	6 (50.0)	22 (36.1)	20 (8.6)	0 (0.0)	4 (11.1)	0 (0.0)	21
Probation Only	61 (13.5)	0 (0.0)	14 (41.2)	3 (25.0)	12 (19.7)	14 (6.0)	0 (0.0)	3 (8.3)	0 (0.0)	11
Probation and Confinement	41 (9.1)	1 (8.3)	8 (23.5)	3 (25.0)	10 (16.4)	6 (2.6)	0 (0.0)	1 (2.8)	0 (0.0)	10

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	213 (47.1)	7 (58.3)	28 (80.0)	6 (50.0)	45 (73.8)	86 (36.9)	4 (80.0)	8 (22.2)	1 (33.3)	21
Median Dollar Amount	\$2,000	\$1,000	\$4,641	\$20,500	\$7,394	\$1,800	\$625	\$1,000	\$7,000	

Footnotes and a complete description of all variables in this table are provided in Appen. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MO

MONTANA
9th Circuit



Cities Supplying Guideline Documentation¹

- | | |
|-----------------|--------------|
| (1) Billings | (4) Missoula |
| (2) Great Falls | (5) Glasgow |
| (3) Helena | (6) Butte |

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	9
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	18
Cases Filed	Civil ⁶	749
	Criminal ⁷	241
Population	Total ⁸	808,864
	Per Square Mile ⁹	5.6
Age Distribution¹⁰	Percent Age 0-14	23.2
	Percent Age 15-24	13.3
	Percent Age 25-34	14.7
	Percent Age 35-44	16.5
	Percent Age 45-64	18.9
	Percent Age 65+	13.4

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	18	2
Forcible Rape	174	22
Robbery	203	25
Aggravated Assault	784	97
Burglary	4,631	573
Larceny/Theft	25,152	3,110
Motor Vehicle Theft	1,630	202
Crime Index Total	32,592	4,029

Economic Indicators	Income per Capita ¹²	\$ 10,480
	Percent Unemployed ¹³	6.8

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	10.5
	Percent Retail	27.2
	Percent Finance ¹⁵	6.1
	Percent Service	32.9
	Percent Other ¹⁶	23.3

Agriculture	Percent Farm Acreage ¹⁷	64.8
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 54.25
	Education	\$ 788.44
	Health and Hospitals	\$ 54.80
	Public Welfare ¹⁹	\$ 25.54
	Highways	\$ 91.41

Cases Received by USSC (by sentencing month) ¹

October 92	18	April 93	12
November 92	15	May 93	5
December 92	12	June 93	13
January 93	23	July 93	22
February 93	17	August 93	7
March 93	16	September 93	16

TOTAL = 176

Monthly Income ³

	mean	median
TOTAL	\$698	\$488
Male	\$593	\$273
Female	\$1,097	\$725

Average Age ⁵

	mean	median
TOTAL	34.7	33.0
Male	34.9	33.0
Female	33.8	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	171 (100.0%)	134 (78.4%)	37 (21.6%)
White	92 (53.8%)	68 (73.9%)	24 (26.1%)
Black	3 (1.8%)	3 (100.0%)	0 (0.0%)
Hispanic	18 (10.5%)	17 (94.4%)	1 (5.6%)
Other	58 (33.9%)	46 (79.3%)	12 (20.7%)

Departure Status ⁴

Sentenced within Guideline Range	142 (82.6%)
Substantial Assistance Departure	12 (7.0%)
Other Downward Departure	15 (8.7%)
Upward Departure	3 (1.7%)

Mode of Conviction ⁶

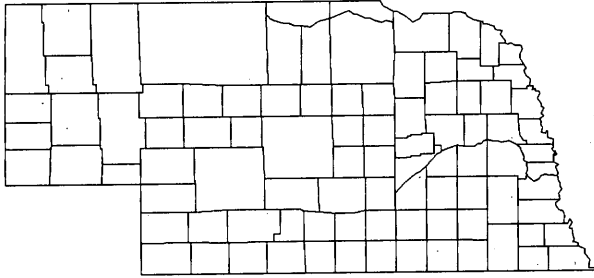
TOTAL	176 (100.0%)
Plea	163 (92.6%)
Trial	13 (7.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Oth
	175 (100.0)	0 (100.0)	6 (100.0)	5 (100.0)	23 (100.0)	59 (100.0)	3 (100.0)	15 (100.0)	16 (100.0)	48 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	113 (64.6)	0 (-)	1 (16.7)	4 (80.0)	8 (34.8)	42 (71.2)	3 (100.0)	13 (86.7)	12 (75.0)	30 (62.5)
Prison	107 (61.1)	0 (-)	1 (16.7)	2 (40.0)	8 (34.8)	40 (67.8)	2 (66.7)	13 (86.7)	12 (75.0)	29 (60.4)
Prison/Community Split	6 (3.4)	0 (-)	0 (0.0)	2 (40.0)	0 (0.0)	2 (3.4)	1 (33.3)	0 (0.0)	0 (0.0)	1 (2.1)
Prison Term Ordered										
1-12 months	38	0	1	4	5	11	2	2	7	
13-24 months	21	0	0	0	3	4	1	3	3	
25-36 months	14	0	0	0	0	4	0	4	1	
37-60 months	17	0	0	0	0	10	0	2	1	
Over 60 months	23	0	0	0	0	13	0	2	0	
Mean Sentence	42.5	--	0.0	4.2	9.0	54.8	7.3	43.3	14.0	55
Median Sentence	24.0	--	0.0	3.0	6.0	38.5	7.0	33.0	10.0	27
CASES INVOLVING PROBATION										
Total Receiving Probation	62 (35.4)	0 (-)	5 (83.3)	1 (20.0)	15 (65.2)	17 (28.8)	0 (0.0)	2 (13.3)	4 (25.0)	18 (37.5)
Probation Only	39 (22.3)	0 (-)	1 (16.7)	1 (20.0)	9 (39.1)	10 (16.9)	0 (0.0)	1 (6.7)	3 (18.8)	14 (29.2)
Probation and Confinement	23 (13.1)	0 (-)	4 (66.7)	0 (0.0)	6 (26.1)	7 (11.9)	0 (0.0)	1 (6.7)	1 (6.2)	4 (8.3)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	75 (42.9)	0 (-)	5 (83.3)	3 (60.0)	19 (82.6)	16 (27.1)	0 (0.0)	1 (6.7)	3 (18.8)	28 (58.3)
Median Dollar Amount	\$2,000	\$--	\$3,615	\$15,094	\$4,736	\$1,020	\$--	\$50	\$50	\$2,500

Footnotes and a complete description of all variables in this table are provided in Appendix A
 SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

NEBRASKA
8th Circuit



Cities Supplying Guideline Documentation¹

- (1) Omaha
- (2) Lincoln
- (3) Chadron
- (4) Valentine

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	16
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	16
Cases Filed	Civil ⁶	1,077
	Criminal ⁷	203
Population	Total ⁸	1,592,971
	Per Square Mile ⁹	20.8
Age Distribution¹⁰	Percent Age 0-14	23.1
	Percent Age 15-24	14.0
	Percent Age 25-34	15.8
	Percent Age 35-44	15.1
	Percent Age 45-64	17.9
	Percent Age 65+	14.1

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	45	3
Forcible Rape	461	29
Robbery	677	42
Aggravated Assault	3,373	212
Burglary	10,088	633
Larceny/Theft	43,865	2,754
Motor Vehicle Theft	3,264	205
Crime Index Total	61,773	3,878

Economic Indicators	Income per Capita ¹²	\$ 12,452
	Percent Unemployed ¹³	2.9

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	16.2
	Percent Retail	23.4
	Percent Finance ¹⁵	7.9
	Percent Service	32.3
	Percent Other ¹⁶	20.1

Agriculture	Percent Farm Acreage ¹⁷	92.4
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 52.93
	Education	\$ 590.47
	Health and Hospitals	\$ 166.56
	Public Welfare ¹⁹	\$ 14.29
	Highways	\$ 122.52

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

NEBRASKA

Cases Received by USSC (by sentencing month) ¹

October 92	15	April 93	28
November 92	21	May 93	24
December 92	24	June 93	24
January 93	20	July 93	31
February 93	18	August 93	22
March 93	16	September 93	17

TOTAL = 260

Monthly Income ³

	mean	median
TOTAL	\$867	\$600
Male	\$818	\$279
Female	\$1,043	\$992

Average Age ⁵

	mean	median
TOTAL	33.6	31.0
Male	33.4	31.0
Female	34.2	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	259 (100.0%)	206 (79.5%)	53 (20.5%)
White	149 (57.5%)	111 (74.5%)	38 (25.5%)
Black	62 (23.9%)	56 (90.3%)	6 (9.7%)
Hispanic	38 (14.7%)	31 (81.6%)	7 (18.4%)
Other	10 (3.9%)	8 (80.0%)	2 (20.0%)

Departure Status ⁴

Sentenced within Guideline Range	187 (73.0%)
Substantial Assistance Departure	47 (18.4%)
Other Downward Departure	21 (8.2%)
Upward Departure	1 (0.4%)

Mode of Conviction ⁶

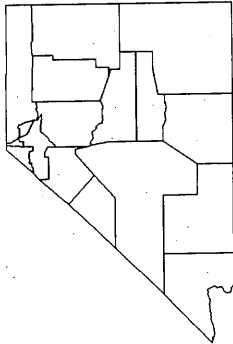
TOTAL	259 (100.0%)
Plea	242 (93.4%)
Trial	17 (6.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Other
	255 (100.0)	5 (100.0)	15 (100.0)	6 (100.0)	47 (100.0)	126 (100.0)	5 (100.0)	10 (100.0)	9 (100.0)	32 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	185 (72.5)	5 (100.0)	5 (33.3)	5 (83.3)	27 (57.5)	110 (87.3)	1 (20.0)	9 (90.0)	7 (77.8)	16 (50.0)
Prison	168 (65.9)	5 (100.0)	4 (26.7)	2 (33.3)	22 (46.8)	103 (81.8)	1 (20.0)	9 (90.0)	7 (77.8)	15 (46.9)
Prison/Community Split	17 (6.7)	0 (0.0)	1 (6.7)	3 (50.0)	5 (10.6)	7 (5.6)	0 (0.0)	0 (0.0)	0 (0.0)	1 (3.1)
Prison Term Ordered										
1-12 months	45	0	4	4	15	14	1	1	3	3
13-24 months	32	0	0	0	9	19	0	0	2	2
25-36 months	26	0	1	0	1	18	0	3	0	3
37-60 months	26	2	0	0	1	19	0	1	0	3
Over 60 months	56	3	0	1	1	40	0	4	2	5
Mean Sentence	56.9	107.8	13.0	30.2	17.0	69.0	6.0	56.3	38.4	58.4
Median Sentence	33.0	63.0	8.0	8.0	12.0	37.0	6.0	51.0	13.0	35.0
CASES INVOLVING PROBATION										
Total Receiving Probation	70 (27.4)	0 (0.0)	10 (66.7)	1 (16.7)	20 (42.5)	16 (12.7)	4 (80.0)	1 (10.0)	2 (22.2)	16 (50.0)
Probation Only	38 (14.9)	0 (0.0)	5 (33.3)	0 (0.0)	13 (27.7)	3 (2.4)	4 (80.0)	0 (0.0)	1 (11.1)	12 (37.5)
Probation and Confinement	32 (12.6)	0 (0.0)	5 (33.3)	1 (16.7)	7 (14.9)	13 (10.3)	0 (0.0)	1 (10.0)	1 (11.1)	4 (12.5)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	85 (33.0)	3 (60.0)	11 (73.3)	5 (83.3)	27 (56.2)	20 (15.6)	3 (60.0)	2 (20.0)	1 (11.1)	13 (40.6)
Median Dollar Amount	\$4,441	\$7,044	\$4,922	\$8,196	\$4,781	\$3,420	\$1,264	\$582	\$1,000	\$7,281

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**NEVADA
9th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Las Vegas
- (2) Reno
- (3) Carson City

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	26
	Assistant Federal Defenders ⁴	11
	Probation Officers ⁵	32
Cases Filed	Civil ⁶	2,233
	Criminal ⁷	444
Population	Total ⁸	1,282,899
	Per Square Mile ⁹	11.7
Age Distribution¹⁰	Percent Age 0-14	21.8
	Percent Age 15-24	12.9
	Percent Age 25-34	18.6
	Percent Age 35-44	16.2
	Percent Age 45-64	19.8
	Percent Age 65+	10.7

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	133	10
Forcible Rape	746	58
Robbery	4,293	335
Aggravated Assault	3,450	269
Burglary	15,612	1,217
Larceny/Theft	43,032	3,354
Motor Vehicle Theft	8,881	692
Crime Index Total	76,147	5,936

Economic Indicators	Income per Capita ¹²	\$ 15,215
	Percent Unemployed ¹³	6.7

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	5.2
	Percent Retail	18.9
	Percent Finance ¹⁵	5.0
	Percent Service	49.3
	Percent Other ¹⁶	21.6

Agriculture	Percent Farm Acreage ¹⁷	14.2
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 128.22
	Education	\$ 604.61
	Health and Hospitals	\$ 158.15
	Public Welfare ¹⁹	\$ 25.87
	Highways	\$ 98.92

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

NEVADA

Cases Received by USSC (by sentencing month) ¹

October 92	29	April 93	43
November 92	25	May 93	26
December 92	32	June 93	38
January 93	45	July 93	50
February 93	43	August 93	39
March 93	31	September 93	31

TOTAL = 432

Monthly Income ³

	mean	median
TOTAL	\$1,361	\$800
Male	\$1,366	\$800
Female	\$1,338	\$937

Average Age ⁵

	mean	median
TOTAL	36.6	34.0
Male	36.5	34.0
Female	37.1	36.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	430 (100.0%)	370 (86.0%)	60 (14.0%)
White	231 (53.7%)	199 (86.1%)	32 (13.9%)
Black	80 (18.6%)	67 (83.8%)	13 (16.3%)
Hispanic	79 (18.4%)	70 (88.6%)	9 (11.4%)
Other	40 (9.3%)	34 (85.0%)	6 (15.0%)

Departure Status ⁴

Sentenced within Guideline Range	373 (87.6%)
Substantial Assistance Departure	23 (5.4%)
Other Downward Departure	27 (6.3%)
Upward Departure	3 (0.7%)

Mode of Conviction ⁶

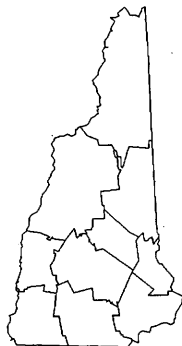
TOTAL	430 (100.0%)
Plea	379 (88.1%)
Trial	51 (11.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Other
	422 (100.0)	34 (100.0)	24 (100.0)	10 (100.0)	79 (100.0)	99 (100.0)	40 (100.0)	54 (100.0)	9 (100.0)	73 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	317 (75.1)	34 (100.0)	17 (70.8)	4 (40.0)	39 (49.4)	93 (93.9)	20 (50.0)	51 (94.4)	8 (88.9)	51 (69.9)
Prison	301 (71.3)	33 (97.1)	17 (70.8)	3 (30.0)	36 (45.6)	91 (91.9)	19 (47.5)	49 (90.7)	8 (88.9)	45 (61.6)
Prison/Community Split	16 (3.8)	1 (2.9)	0 (0.0)	1 (10.0)	3 (3.8)	2 (2.0)	1 (2.5)	2 (3.7)	0 (0.0)	6 (8.2)
Prison Term Ordered										
1-12 months	80	1	4	4	24	5	7	8	5	2
13-24 months	68	1	4	0	12	15	10	12	3	1
25-36 months	33	4	4	0	2	7	1	12	0	
37-60 months	56	13	5	0	1	21	1	9	0	
Over 60 months	80	15	0	0	0	45	1	10	0	
Mean Sentence	49.5	89.6	25.3	4.0	12.9	72.3	19.9	49.2	11.3	38.1
Median Sentence	30.0	60.0	30.0	3.0	11.0	60.0	16.5	30.0	8.5	18.0
CASES INVOLVING PROBATION										
Total Receiving Probation	105 (24.9)	0 (0.0)	7 (29.2)	6 (60.0)	40 (50.6)	6 (6.1)	20 (50.0)	3 (5.6)	1 (11.1)	22 (30.1)
Probation Only	64 (15.2)	0 (0.0)	4 (16.7)	4 (40.0)	21 (26.6)	5 (5.0)	11 (27.5)	3 (5.6)	0 (0.0)	16 (21.9)
Probation and Confinement	41 (9.7)	0 (0.0)	3 (12.5)	2 (20.0)	19 (24.1)	1 (1.0)	9 (22.5)	0 (0.0)	1 (11.1)	6 (8.2)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	206 (48.9)	22 (64.7)	14 (58.3)	10 (90.9)	65 (82.3)	15 (15.5)	28 (70.0)	10 (18.5)	3 (33.3)	39 (53.4)
Median Dollar Amount	\$4,000	\$970	\$5,000	\$4,392	\$9,698	\$3,000	\$2,500	\$4,384	\$903	\$2,500

Footnotes and a complete description of all variables in this table are provided in Appendix A
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

NEW HAMPSHIRE
1st Circuit



City Supplying Guideline Documentation¹

(1) Concord

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	14
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	9
Cases Filed	Civil ⁶	735
	Criminal ⁷	78
Population	Total ⁸	1,104,382
	Per Square Mile ⁹	122.8
Age Distribution¹⁰	Percent Age 0-14	21.5
	Percent Age 15-24	13.8
	Percent Age 25-34	17.9
	Percent Age 35-44	17.0
	Percent Age 45-64	18.1
	Percent Age 65+	11.6

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	17	2
Forcible Rape	389	35
Robbery	352	32
Aggravated Assault	538	49
Burglary	6,401	580
Larceny/Theft	21,907	1,984
Motor Vehicle Theft	2,010	182
Crime Index Total	31,603	2,862

Economic Indicators	Income per Capita ¹²	\$ 15,959
	Percent Unemployed ¹³	7.4

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	23.7
	Percent Retail	23.3
	Percent Finance ¹⁵	7.4
	Percent Service	26.8
	Percent Other ¹⁶	18.8

Agriculture	Percent Farm Acreage ¹⁷	7.4
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 82.77
	Education	\$ 603.17
	Health and Hospitals	\$ 1.51
	Public Welfare ¹⁹	\$ 24.52
	Highways	\$ 41.18

Cases Received by USSC (by sentencing month) ¹

October 92	2	April 93	4
November 92	7	May 93	9
December 92	8	June 93	4
January 93	24	July 93	22
February 93	7	August 93	6
March 93	6	September 93	9

TOTAL = 108

Monthly Income ³

	mean	median
TOTAL	\$1,201	\$930
Male	\$1,103	\$950
Female	\$2,330	\$875

Average Age ⁵

TOTAL	37.9	37.0
Male	37.6	37.0
Female	41.7	38.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	108 (100.0%)	99 (91.7%)	9 (8.3%)
White	96 (88.9%)	88 (91.7%)	8 (8.3%)
Black	2 (1.9%)	2 (100.0%)	0 (0.0%)
Hispanic	8 (7.4%)	7 (87.5%)	1 (12.5%)
Other	2 (1.9%)	2 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	78 (73.6%)
Substantial Assistance Departure	22 (20.8%)
Other Downward Departure	5 (4.7%)
Upward Departure	1 (0.9%)

Mode of Conviction ⁶

TOTAL	107 (100.0%)
Plea	88 (82.2%)
Trial	19 (17.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	106 (100.0)	3 (100.0)	2 (100.0)	1 (100.0)	27 (100.0)	41 (100.0)	6 (100.0)	7 (100.0)	1 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	86 (81.1)	3 (100.0)	2 (100.0)	0 (0.0)	19 (70.4)	37 (90.2)	4 (66.7)	6 (85.7)	1 (100.0)	
Prison	80 (75.5)	3 (100.0)	1 (50.0)	0 (0.0)	15 (55.6)	37 (90.2)	4 (66.7)	6 (85.7)	1 (100.0)	
Prison/Community Split	6 (5.7)	0 (0.0)	1 (50.0)	0 (0.0)	4 (14.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	
Prison Term Ordered										
1-12 months	25	0	1	0	7	6	2	1	0	
13-24 months	20	0	1	0	7	6	2	2	0	
25-36 months	9	0	0	0	2	5	0	0	0	
37-60 months	15	0	0	0	2	9	0	1	1	
Over 60 months	17	3	0	0	1	11	0	2	0	
Mean Sentence	57.2	394.7	18.0	--	20.7	68.5	12.5	66.5	60.0	
Median Sentence	24.0	502.0	18.0	--	15.0	42.0	13.5	33.0	60.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	20 (18.9)	0 (0.0)	0 (0.0)	1 (100.0)	8 (29.6)	4 (9.8)	2 (33.3)	1 (14.3)	0 (0.0)	
Probation Only	10 (9.4)	0 (0.0)	0 (0.0)	1 (100.0)	5 (18.5)	1 (2.4)	1 (16.7)	0 (0.0)	0 (0.0)	
Probation and Confinement	10 (9.4)	0 (0.0)	0 (0.0)	0 (0.0)	3 (11.1)	3 (7.3)	1 (16.7)	1 (14.3)	0 (0.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	40 (37.7)	3 (100.0)	2 (100.0)	1 (100.0)	20 (74.1)	4 (9.8)	2 (33.3)	0 (0.0)	0 (0.0)	
Median Dollar Amount	\$10,226	\$17,500	\$--	\$--	\$12,750	\$3,000	\$2,900	\$--	\$--	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MC

**NEW JERSEY
3rd Circuit**



Cities Supplying Guideline Documentation¹

- (1) Newark
- (2) Camden
- (3) Trenton
- (4) Paterson

Number of Court Professionals	District Court Judges ²	19
	Assistant U.S. Attorneys ³	87
	Assistant Federal Defenders ⁴	17
	Probation Officers ⁵	68
Cases Filed	Civil ⁶	5,959
	Criminal ⁷	818
Population	Total ⁸	7,753,040
	Per Square Mile ⁹	1038.2
Age Distribution¹⁰	Percent Age 0-14	20.0
	Percent Age 15-24	13.3
	Percent Age 25-34	17.2
	Percent Age 35-44	15.9
	Percent Age 45-64	20.1
	Percent Age 65+	13.5

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	397	5
Forcible Rape	2,392	31
Robbery	22,216	287
Aggravated Assault	23,738	306
Burglary	75,509	974
Larceny/Theft	206,696	2,666
Motor Vehicle Theft	63,524	819
Crime Index Total	394,472	5,088

Economic Indicators	Income per Capita ¹²	\$ 18,714
	Percent Unemployed ¹³	8.4

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	20.6
	Percent Retail	18.8
	Percent Finance ¹⁵	7.6
	Percent Service	29.3
	Percent Other ¹⁶	23.6

Agriculture	Percent Farm Acreage ¹⁷	18.8
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 103.29
	Education	\$ 807.13
	Health and Hospitals	\$ 53.34
	Public Welfare ¹⁹	\$ 109.47
	Highways	\$ 76.56

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	51	April 93	70
November 92	20	May 93	69
December 92	28	June 93	67
January 93	48	July 93	65
February 93	32	August 93	19
March 93	55	September 93	23

TOTAL = 547

Monthly Income ³

	mean	median
TOTAL	\$1,526	\$800
Male	\$1,535	\$800
Female	\$1,477	\$748

Average Age ⁵

	mean	median
TOTAL	36.9	35.0
Male	37.3	35.0
Female	35.1	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	546 (100.0%)	457 (83.7%)	89 (16.3%)
White	270 (49.5%)	232 (85.9%)	38 (14.1%)
Black	156 (28.6%)	126 (80.8%)	30 (19.2%)
Hispanic	106 (19.4%)	87 (82.1%)	19 (17.9%)
Other	14 (2.6%)	12 (85.7%)	2 (14.3%)

Departure Status ⁴

Sentenced within Guideline Range	368 (67.9%)
Substantial Assistance Departure	148 (27.3%)
Other Downward Departure	25 (4.6%)
Upward Departure	1 (0.2%)

Mode of Conviction ⁶

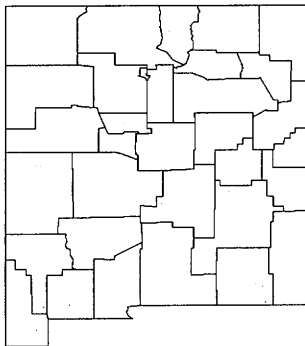
TOTAL	546 (100.0%)
Plea	491 (89.9%)
Trial	55 (10.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Other
	543 (100.0)	18 (100.0)	68 (100.0)	16 (100.0)	120 (100.0)	132 (100.0)	42 (100.0)	32 (100.0)	10 (100.0)	105 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	321 (59.1)	18 (100.0)	25 (36.8)	4 (25.0)	52 (43.3)	122 (92.4)	11 (26.2)	28 (87.5)	6 (60.0)	55 (52.4)
Prison	307 (56.5)	18 (100.0)	22 (32.4)	2 (12.5)	46 (38.3)	122 (92.4)	11 (26.2)	28 (87.5)	6 (60.0)	52 (49.5)
Prison/Community Split	14 (2.6)	0 (0.0)	3 (4.4)	2 (12.5)	6 (5.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	3 (2.9)
Prison Term Ordered										
1-12 months	99	0	16	3	32	8	10	1	6	2
13-24 months	53	1	4	1	12	15	0	7	0	1
25-36 months	29	2	4	0	5	9	1	3	0	0
37-60 months	48	4	1	0	2	25	0	8	0	0
Over 60 months	92	11	0	0	1	65	0	9	0	0
Mean Sentence	66.8	113.7	15.1	13.2	15.7	106.6	8.2	98.9	5.7	40.7
Median Sentence	27.0	77.0	10.0	11.0	10.0	67.5	6.0	44.0	5.0	18.0
CASES INVOLVING PROBATION										
Total Receiving Probation	222 (40.9)	0 (0.0)	43 (63.2)	12 (75.0)	68 (56.7)	10 (7.6)	31 (73.8)	4 (12.5)	4 (40.0)	50 (47.6)
Probation Only	123 (22.6)	0 (0.0)	20 (29.4)	4 (25.0)	38 (31.7)	5 (3.8)	21 (50.0)	1 (3.1)	3 (30.0)	31 (29.5)
Probation and Confinement	99 (18.2)	0 (0.0)	23 (33.8)	8 (50.0)	30 (25.0)	5 (3.8)	10 (23.8)	3 (9.4)	1 (10.0)	19 (18.1)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	289 (53.2)	9 (50.0)	45 (66.2)	12 (75.0)	86 (71.1)	29 (22.0)	33 (78.6)	9 (28.1)	9 (90.0)	57 (54.8)
Median Dollar Amount	\$4,318	\$3,964	\$5,168	\$14,000	\$8,500	\$3,000	\$1,120	\$3,000	\$1,000	\$3,000

Footnotes and a complete description of all variables in this table are provided in Appendix A
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY9

NEW MEXICO
10th Circuit



Cities Supplying Guideline Documentation¹

- (1) Albuquerque
- (2) Las Cruces
- (3) Santa Fe
- (4) Las Vegas
- (5) Farmington

Number of Court Professionals	District Court Judges ²	8
	Assistant U.S. Attorneys ³	26
	Assistant Federal Defenders ⁴	12
	Probation Officers ⁵	31
Cases Filed	Civil ⁶	1,611
	Criminal ⁷	839
Population	Total ⁸	1,548,640
	Per Square Mile ⁹	12.8
Age Distribution¹⁰	Percent Age 0-14	25.2
	Percent Age 15-24	14.4
	Percent Age 25-34	16.4
	Percent Age 35-44	15.5
	Percent Age 45-64	17.7
	Percent Age 65+	10.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	93	6
Forcible Rape	669	43
Robbery	1,886	122
Aggravated Assault	8,385	541
Burglary	17,180	1,109
Larceny/Theft	42,128	2,720
Motor Vehicle Theft	4,653	300
Crime Index Total	74,994	4,843

Economic Indicators	Income per Capita ¹²	\$ 11,246
	Percent Unemployed ¹³	6.8

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	9.3
	Percent Retail	26.7
	Percent Finance ¹⁵	6.2
	Percent Service	33.6
	Percent Other ¹⁶	24.2

Agriculture	Percent Farm Acreage ¹⁷	59.3
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 81.01
	Education	\$ 699.00
	Health and Hospitals	\$ 48.34
	Public Welfare ¹⁹	\$ 7.74
	Highways	\$ 74.76

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

NEW MEXICO

Cases Received by USSC (by sentencing month) ¹

October 92	78	April 93	65
November 92	38	May 93	76
December 92	30	June 93	32
January 93	29	July 93	37
February 93	31	August 93	48
March 93	59	September 93	67

TOTAL = 590

Monthly Income ³

	mean	median
TOTAL	\$796	\$600
Male	\$799	\$600
Female	\$779	\$688

Average Age ⁵

	mean	median
TOTAL	33.2	32.0
Male	33.4	32.0
Female	32.1	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	584 (100.0%)	521 (89.2%)	63 (10.8%)
White	173 (29.6%)	149 (86.1%)	24 (13.9%)
Black	22 (3.8%)	16 (72.7%)	6 (27.3%)
Hispanic	359 (61.5%)	330 (91.9%)	29 (8.1%)
Other	30 (5.1%)	26 (86.7%)	4 (13.3%)

Departure Status ⁴

Sentenced within Guideline Range	455 (78.7%)
Substantial Assistance Departure	36 (6.2%)
Other Downward Departure	82 (14.2%)
Upward Departure	5 (0.9%)

Mode of Conviction ⁶

TOTAL	576 (100.0%)
Plea	545 (94.6%)
Trial	31 (5.4%)

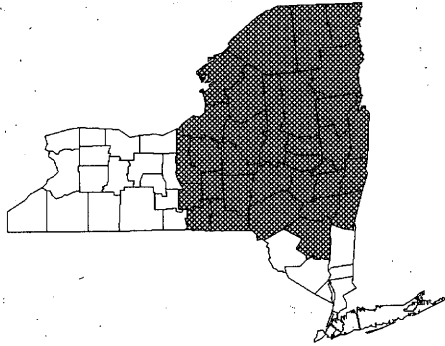
SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Other
	588 (100.0)	14 (100.0)	20 (100.0)	7 (100.0)	21 (100.0)	339 (100.0)	11 (100.0)	33 (100.0)	62 (100.0)	81 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	476 (81.0)	14 (100.0)	3 (15.0)	2 (28.6)	11 (52.4)	317 (93.5)	4 (36.4)	31 (93.9)	47 (75.8)	47 (58.0)
Prison	438 (74.5)	14 (100.0)	2 (10.0)	1 (14.3)	10 (47.6)	286 (84.4)	4 (36.4)	31 (93.9)	47 (75.8)	43 (53.1)
Prison/Community Split	38 (6.5)	0 (0.0)	1 (5.0)	1 (14.3)	1 (4.8)	31 (9.1)	0 (0.0)	0 (0.0)	0 (0.0)	4 (4.9)
Prison Term Ordered										
1-12 months	175	1	2	2	9	112	2	2	27	18
13-24 months	123	0	0	0	2	84	2	7	12	16
25-36 months	44	3	1	0	0	30	0	3	4	3
37-60 months	79	3	0	0	0	59	0	9	3	5
Over 60 months	55	7	0	0	0	32	0	10	1	5
Mean Sentence	34.5	88.1	16.0	6.0	9.5	32.4	15.0	83.8	16.7	28.4
Median Sentence	20.5	63.5	10.0	6.0	10.0	21.0	15.0	46.0	11.0	16.0
CASES INVOLVING PROBATION										
Total Receiving Probation	112 (19.1)	0 (0.0)	17 (85.0)	5 (71.4)	10 (47.6)	22 (6.5)	7 (63.6)	2 (6.1)	15 (24.2)	34 (42.0)
Probation Only	74 (12.6)	0 (0.0)	15 (75.0)	5 (71.4)	8 (38.1)	7 (2.1)	2 (18.2)	2 (6.1)	9 (14.5)	26 (32.1)
Probation and Confinement	38 (6.5)	0 (0.0)	2 (10.0)	0 (0.0)	2 (9.5)	15 (4.4)	5 (45.5)	0 (0.0)	6 (9.7)	8 (9.9)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	58 (9.9)	1 (7.1)	11 (55.0)	6 (85.7)	5 (23.8)	10 (3.0)	4 (36.4)	1 (3.0)	4 (6.5)	16 (19.8)
Median Dollar Amount	\$2,000	\$2,920	\$1,174	\$3,100	\$500	\$4,000	\$3,632	\$5,000	\$625	\$1,000

Footnotes and a complete description of all variables in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, FY1993 Data File: MONEY93

**NEW YORK, Northern
2nd Circuit**



Cities Supplying Guideline Documentation¹

- (1) Albany
- (2) Syracuse

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	25
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	18
Cases Filed	Civil ⁶	1,725
	Criminal ⁷	493
Population	Total ⁸	3,384,642
	Per Square Mile ⁹	110.5
Age Distribution¹⁰	Percent Age 0-14	21.0
	Percent Age 15-24	15.5
	Percent Age 25-34	16.3
	Percent Age 35-44	15.1
	Percent Age 45-64	18.5
	Percent Age 65+	13.6

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	74	2
Forcible Rape	841	25
Robbery	2,257	67
Aggravated Assault	7,301	216
Burglary	26,010	768
Larceny/Theft	79,454	2,347
Motor Vehicle Theft	4,165	123
Crime Index Total	120,102	3,548

Economic Indicators	Income per Capita ¹²	\$ 13,365
	Percent Unemployed ¹³	7.2

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	20.9
	Percent Retail	22.9
	Percent Finance ¹⁵	7.0
	Percent Service	32.0
	Percent Other ¹⁶	17.2

Agriculture	Percent Farm Acreage ¹⁷	26.7
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 55.42
	Education	\$ 930.13
	Health and Hospitals	\$ 79.08
	Public Welfare ¹⁹	\$ 188.00
	Highways	\$ 158.12

FISCAL YEAR 1993 GUIDELINE SENTENCES

NEW YORK, Northern

Cases Received by USSC (by sentencing month) ¹

October 92	29	April 93	21
November 92	38	May 93	33
December 92	28	June 93	22
January 93	41	July 93	38
February 93	27	August 93	14
March 93	27	September 93	40

TOTAL = 358

Monthly Income ³

	mean	median
TOTAL	\$985	\$369
Male	\$967	\$0
Female	\$1,075	\$694

Average Age ⁵

	mean	median
TOTAL	36.3	35.0
Male	36.8	35.0
Female	34.3	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	302 (100.0%)	251 (83.1%)	51 (16.9%)
White	208 (68.9%)	175 (84.1%)	33 (15.9%)
Black	57 (18.9%)	43 (75.4%)	14 (24.6%)
Hispanic	28 (9.3%)	27 (96.4%)	1 (3.6%)
Other	9 (3.0%)	6 (66.7%)	3 (33.3%)

Departure Status ⁴

Sentenced within Guideline Range	252 (70.8%)
Substantial Assistance Departure	85 (23.9%)
Other Downward Departure	15 (4.2%)
Upward Departure	4 (1.1%)

Mode of Conviction ⁶

TOTAL	315 (100.0%)
Plea	281 (89.2%)
Trial	34 (10.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Other
	301 (100.0)	4 (100.0)	27 (100.0)	8 (100.0)	29 (100.0)	129 (100.0)	10 (100.0)	9 (100.0)	22 (100.0)	63 (100.0)

CASES INVOLVING PRISON ⁸

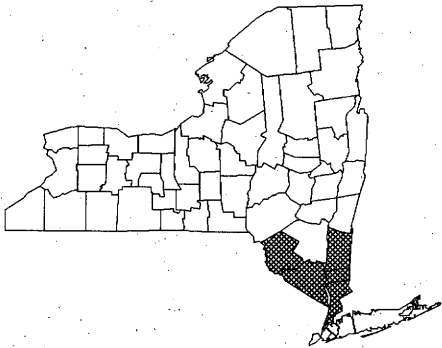
Total Receiving Prison	206 (68.4)	4 (100.0)	15 (55.6)	3 (37.5)	17 (58.6)	105 (81.4)	7 (70.0)	7 (77.8)	20 (90.9)	28 (44.4)
Prison	200 (66.5)	4 (100.0)	14 (51.9)	3 (37.5)	15 (51.7)	103 (79.8)	7 (70.0)	7 (77.8)	20 (90.9)	27 (42.9)
Prison/Community Split	6 (2.0)	0 (0.0)	1 (3.7)	0 (0.0)	2 (6.9)	2 (1.6)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.6)
Prison Term Ordered										
1-12 months	53	0	5	0	9	11	4	1	12	11
13-24 months	50	0	6	3	5	27	2	1	2	4
25-36 months	25	0	1	0	0	14	1	2	3	4
37-60 months	34	2	2	0	1	22	0	0	3	4
Over 60 months	43	2	1	0	1	31	0	3	0	5
Mean Sentence	54.5	77.8	25.2	15.3	15.6	64.3	13.0	82.6	15.3	88.3
Median Sentence	24.0	81.5	15.0	15.0	9.0	37.0	10.0	31.0	7.5	19.5

CASES INVOLVING PROBATION

Total Receiving Probation	95 (31.6)	0 (0.0)	12 (44.4)	5 (62.5)	12 (41.4)	24 (18.6)	3 (30.0)	2 (22.2)	2 (9.1)	35 (55.6)
Probation Only	64 (21.3)	0 (0.0)	6 (22.2)	3 (37.5)	9 (31.0)	13 (10.1)	1 (10.0)	2 (22.2)	2 (9.1)	28 (44.4)
Probation and Confinement	31 (10.3)	0 (0.0)	6 (22.2)	2 (25.0)	3 (10.3)	11 (8.5)	2 (20.0)	0 (0.0)	0 (0.0)	7 (11.1)

CASES INVOLVING FINES AND RESTITUTION ⁹

NEW YORK, Southern 2nd Circuit



Cities Supplying Guideline Documentation¹

- | | |
|-------------------|-------------|
| (1) New York City | (4) Newberg |
| (2) Middletown | (5) Yonkers |
| (3) White Plains | |

Number of Court Professionals	District Court Judges ²	41
	Assistant U.S. Attorneys ³	147
	Assistant Federal Defenders ⁴	36
	Probation Officers ⁵	95

Cases Filed	Civil ⁶	9,609
	Criminal ⁷	1,217

Population	Total ⁸	4,565,624
	Per Square Mile ⁹	1,299.3

Age Distribution¹⁰	Percent Age 0-14	19.5
	Percent Age 15-24	13.6
	Percent Age 25-34	18.4
	Percent Age 35-44	16.2
	Percent Age 45-64	19.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	1,031	23
Forcible Rape	1,483	32
Robbery	41,021	898
Aggravated Assault	32,467	711
Burglary	55,231	1,210
Larceny/Theft	173,747	3,806
Motor Vehicle Theft	41,617	912
Crime Index Total	346,597	7,591

Economic Indicators	Income per Capita ¹²	\$ 23,403
	Percent Unemployed ¹³	8.8

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	12.3
	Percent Retail	12.6
	Percent Finance ¹⁵	18.2
	Percent Service	39.0
	Percent Other ¹⁶	17.9

Agriculture	Percent Farm Acreage ¹⁷	14.3
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 177.15
	Education	\$ 793.00
	Health and Hospitals	\$ 307.52
	Public Welfare ¹⁹	\$ 417.02
	Highways	\$ 106.18

Cases Received by USSC (by sentencing month) ¹

October 92	90	April 93	92
November 92	80	May 93	115
December 92	84	June 93	119
January 93	98	July 93	105
February 93	107	August 93	58
March 93	126	September 93	100

TOTAL = 1,174

Monthly Income ³

	mean	median
TOTAL	\$1,250	\$476
Male	\$1,293	\$400
Female	\$1,008	\$730

Average Age ⁵

	mean	median
TOTAL	35.5	34.0
Male	35.8	34.0
Female	34.1	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,160 (100.0%)	991 (85.4%)	169 (14.6%)
White	360 (31.0%)	332 (92.2%)	28 (7.8%)
Black	297 (25.6%)	224 (75.4%)	73 (24.6%)
Hispanic	454 (39.1%)	389 (85.7%)	65 (14.3%)
Other	49 (4.2%)	46 (93.9%)	3 (6.1%)

Departure Status ⁴

Sentenced within Guideline Range	831 (75.5%)
Substantial Assistance Departure	148 (13.5%)
Other Downward Departure	114 (10.4%)
Upward Departure	7 (0.6%)

Mode of Conviction ⁶

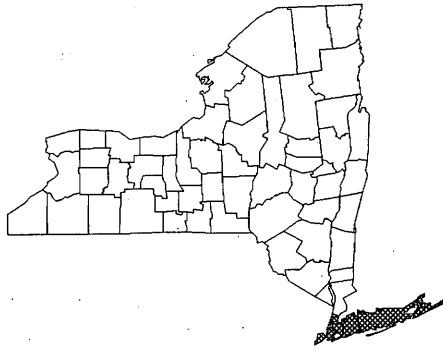
TOTAL	1,172 (100.0%)
Plea	1,074 (91.6%)
Trial	98 (8.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	1,162 (100.0)	31 (100.0)	104 (100.0)	40 (100.0)	242 (100.0)	381 (100.0)	40 (100.0)	53 (100.0)	40 (100.0)	231
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	743 (63.9)	31 (100.0)	35 (33.6)	7 (17.5)	119 (49.2)	335 (87.9)	19 (47.5)	44 (83.0)	24 (60.0)	129
Prison	667 (57.4)	31 (100.0)	31 (29.8)	5 (12.5)	80 (33.1)	327 (85.8)	16 (40.0)	41 (77.4)	24 (60.0)	112
Prison/Community Split	76 (6.5)	0 (0.0)	4 (3.9)	2 (5.0)	39 (16.1)	8 (2.1)	3 (7.5)	3 (5.7)	0 (0.0)	17
Prison Term Ordered										
1-12 months	223	2	21	4	75	34	8	12	11	
13-24 months	111	2	7	1	26	34	5	9	6	
25-36 months	58	1	2	1	10	25	3	2	1	
37-60 months	132	2	4	0	7	78	2	8	6	
Over 60 months	213	24	1	1	1	159	1	13	0	
Mean Sentence	58.3	85.4	16.7	20.7	15.1	92.0	20.8	50.7	21.5	
Median Sentence	33.0	92.0	10.0	7.0	12.0	60.0	15.0	30.0	14.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	419 (36.1)	0 (0.0)	69 (66.3)	33 (82.5)	123 (50.8)	46 (12.1)	21 (52.5)	9 (17.0)	16 (40.0)	102
Probation Only	269 (23.1)	0 (0.0)	45 (43.3)	27 (67.5)	71 (29.3)	26 (6.8)	13 (32.5)	4 (7.5)	11 (27.5)	72
Probation and Confinement	150 (12.9)	0 (0.0)	24 (23.1)	6 (15.0)	52 (21.5)	20 (5.2)	8 (20.0)	5 (9.4)	5 (12.5)	30
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	414 (35.5)	14 (46.7)	60 (57.7)	29 (74.4)	160 (65.6)	36 (9.4)	14 (35.0)	7 (13.2)	11 (26.8)	83
Median Dollar Amount	\$6,000	\$22,800	\$9,375	\$5,562	\$10,000	\$3,000	\$4,000	\$2,500	\$3,600	

Footnotes and a complete description of all variables in this table are provided in Appen
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MOI

**NEW YORK, Eastern
2nd Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|---------------|---------------|
| (1) Brooklyn | (4) Westbury |
| (2) Uniondale | (5) Hauppauge |
| (3) Mineola | |

Number of Court Professionals	District Court Judges ²	17
	Assistant U.S. Attorneys ³	117
	Assistant Federal Defenders ⁴	36
	Probation Officers ⁵	97
Cases Filed	Civil ⁶	6,105
	Criminal ⁷	1,287
Population	Total ⁸	7,246,190
	Per Square Mile ⁹	5,046.1
Age Distribution¹⁰	Percent Age 0-14	20.3
	Percent Age 15-24	13.9
	Percent Age 25-34	17.3
	Percent Age 35-44	15.5
	Percent Age 45-64	20.1
	Percent Age 65+	12.8

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	1,107	15
Forcible Rape	1,883	26
Robbery	56,775	784
Aggravated Assault	38,988	538
Burglary	81,370	1,123
Larceny/Theft	161,376	2,227
Motor Vehicle Theft	109,485	1,511
Crime Index Total	450,984	6,224

Economic Indicators	Income per Capita ¹²	\$ 16,516
	Percent Unemployed ¹³	9.5

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	16.2
	Percent Retail	18.9
	Percent Finance ¹⁵	6.9
	Percent Service	34.8
	Percent Other ¹⁶	23.2

Agriculture	Percent Farm Acreage ¹⁷	4.7
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 214.29
	Education	\$ 1,279.48
	Health and Hospitals	\$ 105.70
	Public Welfare ¹⁹	\$ 107.57
	Highways	\$ 104.56

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

NEW YORK, Eastern

Cases Received by USSC (by sentencing month) ¹

October 92	196	April 93	150
November 92	144	May 93	136
December 92	130	June 93	137
January 93	119	July 93	108
February 93	147	August 93	72
March 93	155	September 93	120

TOTAL = 1,614

Monthly Income ³

	mean	median
TOTAL	\$872	\$0
Male	\$985	\$0
Female	\$471	\$0

Average Age ⁵

TOTAL	36.0	35.0
Male	36.1	35.0
Female	35.5	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,608 (100.0%)	1,294 (80.5%)	314 (19.5%)
White	455 (28.3%)	400 (87.9%)	55 (12.1%)
Black	501 (31.2%)	392 (78.2%)	109 (21.8%)
Hispanic	560 (34.8%)	414 (73.9%)	146 (26.1%)
Other	92 (5.7%)	88 (95.7%)	4 (4.3%)

Departure Status ⁴

Sentenced within Guideline Range	988 (68.4%)
Substantial Assistance Departure	246 (17.0%)
Other Downward Departure	196 (13.6%)
Upward Departure	14 (1.0%)

Mode of Conviction ⁶

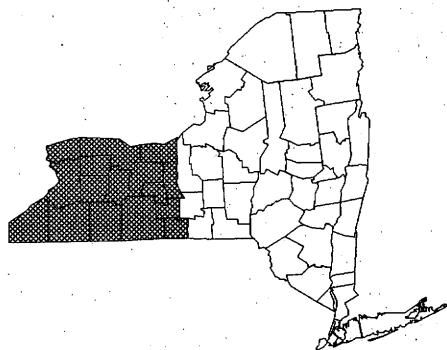
TOTAL	1,604 (100.0%)
Plea	1,469 (91.6%)
Trial	135 (8.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Other
	1,590 (100.0)	21 (100.0)	80 (100.0)	13 (100.0)	157 (100.0)	880 (100.0)	44 (100.0)	53 (100.0)	18 (100.0)	324 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	1,221 (76.8)	20 (95.2)	32 (40.0)	4 (30.8)	63 (40.1)	855 (97.2)	20 (45.5)	43 (81.1)	13 (72.2)	171 (52.8)
Prison	1,197 (75.3)	20 (95.2)	29 (36.2)	2 (15.4)	57 (36.3)	854 (97.0)	15 (34.1)	42 (79.2)	12 (66.7)	166 (51.2)
Prison/Community Split	24 (1.5)	0 (0.0)	3 (3.8)	2 (15.4)	6 (3.8)	1 (0.1)	5 (11.4)	1 (1.9)	1 (5.6)	5 (1.5)
Prison Term Ordered										
1-12 months	178	2	19	2	27	51	14	11	8	44
13-24 months	165	1	8	2	20	93	3	10	2	26
25-36 months	219	2	1	0	6	182	1	9	1	17
37-60 months	410	6	4	0	5	353	1	7	1	33
Over 60 months	241	9	0	0	3	172	0	6	0	51
Mean Sentence	57.0	139.6	17.7	11.8	19.3	55.3	13.1	38.5	13.2	89.8
Median Sentence	37.0	60.0	12.0	11.5	15.0	37.0	12.0	27.0	7.0	36.0
CASES INVOLVING PROBATION										
Total Receiving Probation	369 (23.2)	1 (4.8)	48 (60.0)	9 (69.2)	94 (59.9)	25 (2.8)	24 (54.5)	10 (18.9)	5 (27.8)	153 (47.2)
Probation Only	255 (16.0)	0 (0.0)	19 (23.8)	9 (69.2)	68 (43.3)	20 (2.3)	14 (31.8)	8 (15.1)	4 (22.2)	113 (34.9)
Probation and Confinement	114 (7.2)	1 (4.8)	29 (36.2)	0 (0.0)	26 (16.6)	5 (0.6)	10 (22.7)	2 (3.8)	1 (5.6)	40 (12.3)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	276 (17.3)	3 (14.3)	46 (56.1)	6 (42.9)	53 (33.5)	29 (3.3)	13 (29.6)	3 (5.7)	4 (22.2)	119 (36.1)
Median Dollar Amount	\$10,000	\$25,000	\$33,173	\$11,920	\$8,525	\$50,000	\$5,000	\$10,000	\$1,000	\$5,000

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**NEW YORK, Western
2nd Circuit**



Cities Supplying Guideline Documentation¹

- (1) Buffalo
- (2) Rochester

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ³	32
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	27
Cases Filed	Civil ⁶	1,601
	Criminal ⁷	400
Population	Total ⁸	2,857,590
	Per Square Mile ⁹	242.1
Age Distribution¹⁰	Percent Age 0-14	21.3
	Percent Age 15-24	14.0
	Percent Age 25-34	16.2
	Percent Age 35-44	15.1
	Percent Age 45-64	19.3
	Percent Age 65+	14.1

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	107	4
Forcible Rape	919	32
Robbery	5,580	195
Aggravated Assault	8,268	289
Burglary	29,841	1,044
Larceny/Theft	83,122	2,909
Motor Vehicle Theft	13,003	455
Crime Index Total	140,903	4,931

Economic Indicators	Income per Capita ¹²	\$ 13,640
	Percent Unemployed ¹³	7.0

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	28.0
	Percent Retail	20.7
	Percent Finance ¹⁵	6.0
	Percent Service	30.1
	Percent Other ¹⁶	15.2

Agriculture	Percent Farm Acreage ¹⁷	41.3
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 71.34
	Education	\$ 922.40
	Health and Hospitals	\$ 95.12
	Public Welfare ¹⁹	\$ 249.59
	Highways	\$ 133.69

Cases Received by USSC (by sentencing month) ¹

October 92	14	April 93	34
November 92	23	May 93	28
December 92	24	June 93	44
January 93	30	July 93	29
February 93	40	August 93	23
March 93	30	September 93	28

TOTAL = 347

Monthly Income ³

	mean	median
TOTAL	\$907	\$457
Male	\$912	\$400
Female	\$874	\$660

Average Age ⁵

	mean	median
TOTAL	34.0	32.0
Male	34.0	32.0
Female	34.3	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	345 (100.0%)	298 (86.4%)	47 (13.6%)
White	143 (41.5%)	125 (87.4%)	18 (12.6%)
Black	145 (42.0%)	122 (84.1%)	23 (15.9%)
Hispanic	48 (13.9%)	42 (87.5%)	6 (12.5%)
Other	9 (2.6%)	9 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	257 (75.8%)
Substantial Assistance Departure	44 (13.0%)
Other Downward Departure	34 (10.0%)
Upward Departure	4 (1.2%)

Mode of Conviction ⁶

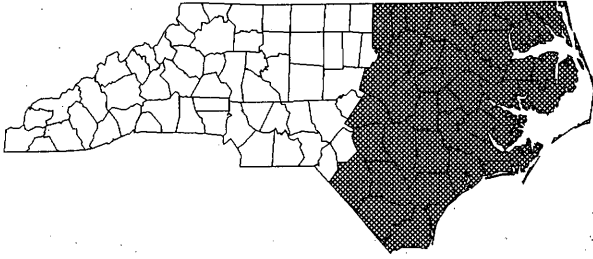
TOTAL	347 (100.0%)
Plea	326 (93.9%)
Trial	21 (6.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	
	344 (100.0)	22 (100.0)	21 (100.0)	14 (100.0)	39 (100.0)	114 (100.0)	13 (100.0)	30 (100.0)	31 (100.0)	-60
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	205 (59.6)	21 (95.5)	7 (33.3)	5 (35.7)	20 (51.3)	90 (79.0)	4 (30.8)	21 (70.0)	19 (61.3)	18
Prison	198 (57.6)	21 (95.5)	7 (33.3)	2 (14.3)	19 (48.7)	89 (78.1)	4 (30.8)	20 (66.7)	19 (61.3)	17
Prison/Community Split	7 (2.0)	0 (0.0)	0 (0.0)	3 (21.4)	1 (2.6)	1 (0.9)	0 (0.0)	1 (3.3)	0 (0.0)	1
Prison Term Ordered										
1-12 months	55	0	4	5	10	11	3	4	9	
13-24 months	48	1	2	0	6	23	1	7	4	
25-36 months	31	4	1	0	2	19	0	2	3	
37-60 months	42	4	0	0	2	21	0	8	3	
Over 60 months	29	12	0	0	0	16	0	0	0	
Mean Sentence	37.7	93.0	14.3	6.4	17.8	41.4	8.8	31.9	20.2	
Median Sentence	24.0	87.0	10.0	6.0	14.0	30.0	4.0	21.0	16.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	139 (40.4)	1 (4.5)	14 (66.7)	9 (64.3)	19 (48.7)	24 (21.1)	9 (69.2)	9 (30.0)	12 (38.7)	42
Probation Only	94 (27.3)	0 (0.0)	11 (52.4)	6 (42.9)	13 (33.3)	10 (8.8)	6 (46.1)	4 (13.3)	12 (38.7)	32
Probation and Confinement	45 (13.1)	1 (4.5)	3 (14.3)	3 (21.4)	6 (15.4)	14 (12.3)	3 (23.1)	5 (16.7)	0 (0.0)	10
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	147 (42.4)	9 (40.9)	14 (66.7)	11 (78.6)	30 (75.0)	23 (20.2)	11 (84.6)	7 (23.3)	8 (25.8)	34
Median Dollar Amount	\$2,000	\$904	\$4,500	\$5,000	\$14,438	\$1,000	\$1,131	\$1,000	\$500	

Footnotes and a complete description of all variables in this table are provided in Appen
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MOI

**NORTH CAROLINA, Eastern
4th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|------------------|--------------------|
| (1) Raleigh | (5) Jacksonville |
| (2) New Bern | (6) Wilson |
| (3) Wilmington | (7) Clinton |
| (4) Fayetteville | (8) Elizabeth City |

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	21
	Assistant Federal Defenders ⁴	9
	Probation Officers ⁵	37
Cases Filed	Civil ⁶	1,326
	Criminal ⁷	828
Population	Total ⁸	2,592,592
	Per Square Mile ⁹	108.0
Age Distribution¹⁰	Percent Age 0-14	21.7
	Percent Age 15-24	16.5
	Percent Age 25-34	17.5
	Percent Age 35-44	15.3
	Percent Age 45-64	18.1
	Percent Age 65+	10.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	273	11
Forcible Rape	934	36
Robbery	4,382	169
Aggravated Assault	11,181	431
Burglary	44,094	1,701
Larceny/Theft	83,059	3,204
Motor Vehicle Theft	8,009	309
Crime Index Total	151,932	5,860

Economic Indicators	Income per Capita ¹²	\$ 11,948
	Percent Unemployed ¹³	6.5

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	26.8
	Percent Retail	24.2
	Percent Finance ¹⁵	5.2
	Percent Service	23.5
	Percent Other ¹⁶	20.3

Agriculture	Percent Farm Acreage ¹⁷	35.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 51.80
	Education	\$ 652.53
	Health and Hospitals	\$ 73.09
	Public Welfare ¹⁹	\$ 40.31
	Highways	\$ 23.89

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

NORTH CAROLINA, Eastern

Cases Received by USSC (by sentencing month) ¹

October 92	33	April 93	33
November 92	38	May 93	37
December 92	31	June 93	28
January 93	39	July 93	44
February 93	42	August 93	55
March 93	35	September 93	35

TOTAL = 450

Monthly Income ³

	mean	median
TOTAL	\$826	\$280
Male	\$827	\$24
Female	\$824	\$640

Average Age ⁵

	mean	median
TOTAL	31.7	29.0
Male	31.7	28.0
Female	32.0	30.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	437 (100.0%)	364 (83.3%)	73 (16.7%)
White	158 (36.2%)	133 (84.2%)	25 (15.8%)
Black	240 (54.9%)	196 (81.7%)	44 (18.3%)
Hispanic	16 (3.7%)	14 (87.5%)	2 (12.5%)
Other	23 (5.3%)	21 (91.3%)	2 (8.7%)

Departure Status ⁴

Sentenced within Guideline Range	319 (72.8%)
Substantial Assistance Departure	97 (22.1%)
Other Downward Departure	13 (3.0%)
Upward Departure	9 (2.1%)

Mode of Conviction ⁶

TOTAL	445 (100.0%)
Plea	392 (88.1%)
Trial	53 (11.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	Other
442 (100.0)	52 (100.0)	43 (100.0)	8 (100.0)	35 (100.0)	208 (100.0)	8 (100.0)	35 (100.0)	3 (100.0)	50 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	335 (75.8)	49 (94.2)	11 (25.6)	4 (50.0)	23 (65.7)	191 (91.8)	5 (62.5)	29 (82.9)	3 (100.0)	20 (40.0)
Prison	329 (74.4)	49 (94.2)	11 (25.6)	3 (37.5)	19 (54.3)	190 (91.3)	5 (62.5)	29 (82.9)	3 (100.0)	20 (40.0)
Prison/Community Split	6 (1.4)	0 (0.0)	0 (0.0)	1 (12.5)	4 (11.4)	1 (0.5)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)

Prison Term Ordered

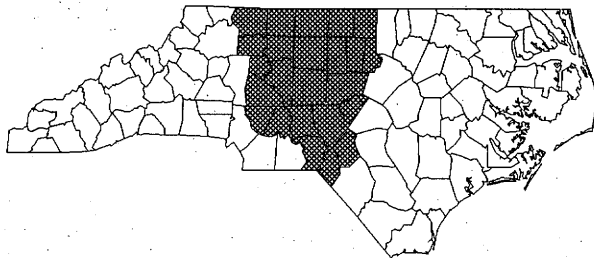
1-12 months	29	0	6	2	7	7	3	0	1	3
13-24 months	34	1	1	0	4	19	1	1	0	7
25-36 months	25	5	1	2	5	8	0	2	0	2
37-60 months	62	9	0	0	7	30	1	8	1	6
Over 60 months	185	34	3	0	0	127	0	18	1	2
Mean Sentence	105.4	135.4	30.0	17.8	26.1	121.4	16.2	124.4	43.7	33.9
Median Sentence	72.0	97.0	9.0	20.5	27.0	100.0	12.0	72.0	41.0	25.5

CASES INVOLVING PROBATION

Total Receiving Probation	107 (24.2)	3 (5.8)	32 (74.4)	4 (50.0)	12 (34.3)	17 (8.2)	3 (37.5)	6 (17.1)	0 (0.0)	30 (60.0)
Probation Only	66 (14.9)	2 (3.9)	30 (69.8)	1 (12.5)	5 (14.3)	6 (2.9)	2 (25.0)	2 (5.7)	0 (0.0)	18 (36.0)
Probation and Confinement	41 (9.3)	1 (1.9)	2 (4.7)	3 (37.5)	7 (20.0)	11 (5.3)	1 (12.5)	4 (11.4)	0 (0.0)	12 (24.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

NORTH CAROLINA, Middle 4th Circuit



Cities Supplying Guideline Documentation¹

- | | |
|-------------------|---------------|
| (1) Greensboro | (4) Salisbury |
| (2) Durham | |
| (3) Winston-Salem | |

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ³	11
	Assistant Federal Defenders ⁴	6
	Probation Officers ⁵	26
Cases Filed	Civil ⁶	765
	Criminal ⁷	275
Population	Total ⁸	2,081,637
	Per Square Mile ⁹	186.8
Age Distribution¹⁰	Percent Age 0-14	19.6
	Percent Age 15-24	15.1
	Percent Age 25-34	16.7
	Percent Age 35-44	15.8
	Percent Age 45-64	19.8

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	226	11
Forcible Rape	789	38
Robbery	3,926	189
Aggravated Assault	8,355	401
Burglary	35,530	1,707
Larceny/Theft	67,909	3,262
Motor Vehicle Theft	5,771	277
Crime Index Total	122,506	5,885

Economic Indicators	Income per Capita ¹²	\$ 13,658
	Percent Unemployed ¹³	5.4

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	37.2
	Percent Retail	18.8
	Percent Finance ¹⁵	4.6
	Percent Service	23.1
	Percent Other ¹⁶	16.2

Agriculture	Percent Farm Acreage ¹⁷	30.7
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 63.45
	Education	\$ 622.55
	Health and Hospitals	\$ 80.66
	Public Welfare ¹⁹	\$ 42.21
	Highways	\$ 28.94

FISCAL YEAR 1993 GUIDELINE SENTENCES

NORTH CAROLINA, Middle

Cases Received by USSC (by sentencing month) ¹

October 92	35	April 93	23
November 92	30	May 93	34
December 92	15	June 93	29
January 93	37	July 93	37
February 93	13	August 93	40
March 93	37	September 93	20

TOTAL = 350

Monthly Income ³

	mean	median
TOTAL	\$572	\$0
Male	\$545	\$0
Female	\$748	\$437

Average Age ⁵

	mean	median
TOTAL	32.1	29.0
Male	32.2	29.0
Female	31.9	29.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	350 (100.0%)	297 (84.9%)	53 (15.1%)
White	109 (31.1%)	93 (85.3%)	16 (14.7%)
Black	225 (64.3%)	191 (84.9%)	34 (15.1%)
Hispanic	12 (3.4%)	9 (75.0%)	3 (25.0%)
Other	4 (1.1%)	4 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	253 (72.5%)
Substantial Assistance Departure	83 (23.8%)
Other Downward Departure	10 (2.9%)
Upward Departure	3 (0.9%)

Mode of Conviction ⁶

TOTAL	348 (100.0%)
Plea	296 (85.1%)
Trial	52 (14.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Other
	348 (100.0)	44 (100.0)	18 (100.0)	7 (100.0)	30 (100.0)	194 (100.0)	8 (100.0)	20 (100.0)	0 (100.0)	27 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	310 (89.1)	44 (100.0)	12 (66.7)	6 (85.7)	16 (53.3)	188 (96.9)	4 (50.0)	20 (100.0)	0 (-)	20 (74.1)
Prison	308 (88.5)	44 (100.0)	11 (61.1)	6 (85.7)	15 (50.0)	188 (96.9)	4 (50.0)	20 (100.0)	0 (-)	20 (74.1)
Prison/Community Split	2 (0.6)	0 (0.0)	1 (5.6)	0 (0.0)	1 (3.3)	0 (0.0)	0 (0.0)	0 (0.0)	0 (-)	0 (0.0)
Prison Term Ordered										
1-12 months	34	0	7	3	8	6	4	3	0	
13-24 months	30	0	2	0	5	12	0	1	0	10
25-36 months	22	3	0	0	1	12	0	3	0	
37-60 months	51	13	1	2	1	26	0	4	0	
Over 60 months	173	28	2	1	1	132	0	9	0	
Mean Sentence	105.1	105.4	22.8	28.7	19.8	134.4	5.5	70.7	--	24.2
Median Sentence	77.5	94.0	11.5	23.2	13.5	120.0	5.0	48.0	--	18.0

CASES INVOLVING PROBATION

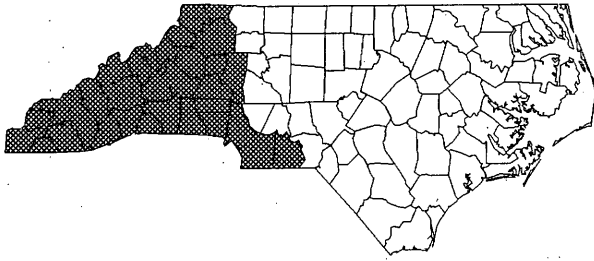
Total Receiving Probation	38 (10.9)	0 (0.0)	6 (33.3)	1 (14.3)	14 (46.7)	6 (3.1)	4 (50.0)	0 (0.0)	0 (-)	7 (25.9)
Probation Only	16 (4.6)	0 (0.0)	2 (11.1)	1 (14.3)	5 (16.7)	4 (2.1)	1 (12.5)	0 (0.0)	0 (-)	3 (11.1)
Probation and Confinement	22 (6.3)	0 (0.0)	4 (22.2)	0 (0.0)	9 (30.0)	2 (1.0)	3 (37.5)	0 (0.0)	0 (-)	4 (14.8)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	158 (45.3)	34 (77.3)	14 (77.8)	6 (85.7)	26 (83.9)	45 (23.2)	7 (87.5)	9 (45.0)	0 (-)	17 (63.0)
Median Dollar Amount	\$4,259	\$3,065	\$1,500	\$305,200	\$7,751	\$3,000	\$3,138	\$2,500	\$--	\$4,259

Footnotes and a complete description of all variables in this table are provided in Appendix A
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**NORTH CAROLINA, Western
4th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Charlotte
- (2) Asheville
- (3) Hickory
- (4) Bryson City
- (5) Statesville

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	13
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	34
Cases Filed	Civil ⁶	876
	Criminal ⁷	455
Population	Total ⁸	2,060,743
	Per Square Mile ⁹	150.6
Age Distribution¹⁰	Percent Age 0-14	19.8
	Percent Age 15-24	14.5
	Percent Age 25-34	16.4
	Percent Age 35-44	15.8
	Percent Age 45-64	20.3
	Percent Age 65+	13.2

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	211	10
Forcible Rape	695	34
Robbery	4,301	209
Aggravated Assault	10,482	509
Burglary	31,411	1,524
Larceny/Theft	62,325	3,024
Motor Vehicle Theft	5,481	266
Crime Index Total	114,906	5,576

Economic Indicators	Income per Capita ¹²	\$ 13,284
	Percent Unemployed ¹³	5.8

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	34.9
	Percent Retail	18.5
	Percent Finance ¹⁵	5.7
	Percent Service	19.9
	Percent Other ¹⁶	21.0

Agriculture	Percent Farm Acreage ¹⁷	21.5
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 55.99
	Education	\$ 639.79
	Health and Hospitals	\$ 175.11
	Public Welfare ¹⁹	\$ 40.23
	Highways	\$ 33.25

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	25	April 93	70
November 92	98	May 93	58
December 92	44	June 93	28
January 93	68	July 93	135
February 93	17	August 93	31
March 93	40	September 93	30

TOTAL = 644

Monthly Income ³

	mean	median
TOTAL	\$983	\$660
Male	\$990	\$500
Female	\$953	\$800

Average Age ⁵

TOTAL	34.4	33.0
Male	34.9	33.0
Female	32.3	31.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	623 (100.0%)	507 (81.4%)	116 (18.6%)
White	260 (41.7%)	224 (86.2%)	36 (13.8%)
Black	317 (50.9%)	242 (76.3%)	75 (23.7%)
Hispanic	36 (5.8%)	32 (88.9%)	4 (11.1%)
Other	10 (1.6%)	9 (90.0%)	1 (10.0%)

Departure Status ⁴

Sentenced within Guideline Range	287 (48.9%)
Substantial Assistance Departure	280 (47.7%)
Other Downward Departure	17 (2.9%)
Upward Departure	3 (0.5%)

Mode of Conviction ⁶

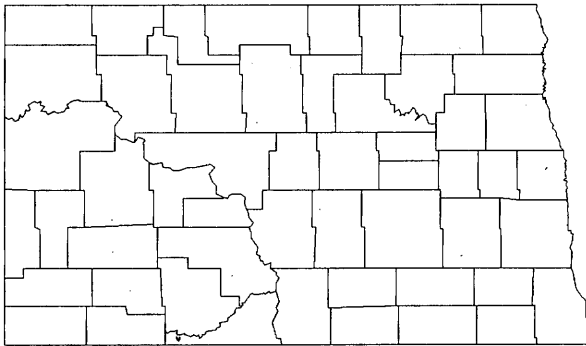
TOTAL	641 (100.0%)
Plea	592 (92.4%)
Trial	49 (7.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	
	636 (100.0)	15 (100.0)	28 (100.0)	8 (100.0)	85 (100.0)	356 (100.0)	11 (100.0)	49 (100.0)	1 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	468 (73.6)	15 (100.0)	19 (67.9)	5 (62.5)	31 (36.5)	303 (85.1)	6 (54.5)	47 (95.9)	1 (100.0)	
Prison	443 (69.7)	15 (100.0)	19 (67.9)	3 (37.5)	23 (27.1)	293 (82.3)	6 (54.5)	47 (95.9)	1 (100.0)	
Prison/Community Split	25 (3.9)	0 (0.0)	0 (0.0)	2 (25.0)	8 (9.4)	10 (2.8)	0 (0.0)	0 (0.0)	0 (0.0)	
Prison Term Ordered										
1-12 months	68	0	4	5	18	20	4	2	0	
13-24 months	57	1	4	0	10	31	1	1	1	
25-36 months	53	0	1	0	2	39	1	5	0	
37-60 months	97	5	7	0	1	59	0	17	0	
Over 60 months	193	9	3	0	0	154	0	22	0	
Mean Sentence	80.3	83.6	37.8	4.6	14.5	93.4	11.5	105.6	15.0	
Median Sentence	60.0	72.0	37.0	1.0	12.0	63.0	4.0	60.0	15.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	168 (26.4)	0 (0.0)	9 (32.1)	3 (37.5)	54 (63.5)	53 (14.9)	5 (45.5)	2 (4.1)	0 (0.0)	
Probation Only	106 (16.7)	0 (0.0)	9 (32.1)	1 (12.5)	26 (30.6)	32 (9.0)	4 (36.4)	1 (2.0)	0 (0.0)	
Probation and Confinement	62 (9.8)	0 (0.0)	0 (0.0)	2 (25.0)	28 (32.9)	21 (5.9)	1 (9.1)	1 (2.0)	0 (0.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	303 (47.5)	12 (80.0)	23 (82.1)	6 (75.0)	75 (89.3)	112 (31.4)	10 (90.9)	10 (20.4)	0 (0.0)	
Median Dollar Amount	\$2,000	\$2,720	\$2,058	\$4,704	\$8,205	\$1,500	\$250	\$1,500	\$--	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MO

NORTH DAKOTA
8th Circuit



Cities Supplying Guideline Documentation¹

- (1) Fargo
- (2) Bismarck
- (3) Grand Forks
- (4) Devils Lake
- (5) Minot

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	8
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	13
Cases Filed	Civil ⁶	399
	Criminal ⁷	148
Population	Total ⁸	634,872
	Per Square Mile ⁹	9.2
Age Distribution¹⁰	Percent Age 0-14	22.9
	Percent Age 15-24	14.8
	Percent Age 25-34	15.8
	Percent Age 35-44	14.8
	Percent Age 45-64	17.2
	Percent Age 65+	14.5

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	12	2
Forcible Rape	156	25
Robbery	51	8
Aggravated Assault	317	50
Burglary	2,441	384
Larceny/Theft	14,135	2,226
Motor Vehicle Theft	939	148
Crime Index Total	18,051	2,843

Economic Indicators	Income per Capita ¹²	\$ 11,051
	Percent Unemployed ¹³	4.8

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	8.0
	Percent Retail	26.1
	Percent Finance ¹⁵	6.8
	Percent Service	34.3
	Percent Other ¹⁶	24.9

Agriculture	Percent Farm Acreage ¹⁷	90.9
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 45.17
	Education	\$ 646.46
	Health and Hospitals	\$ 9.57
	Public Welfare ¹⁹	\$ 33.86
	Highways	\$ 143.11

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	10	April 93	12
November 92	21	May 93	15
December 92	10	June 93	9
January 93	9	July 93	7
February 93	10	August 93	8
March 93	10	September 93	9

TOTAL = 130

Monthly Income ³

	mean	median
TOTAL	\$936	\$550
Male	\$944	\$437
Female	\$882	\$722

Average Age ⁵

	mean	median
TOTAL	32.8	31.0
Male	32.0	31.0
Female	38.9	38.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	123 (100.0%)	108 (87.8%)	15 (12.2%)
White	63 (51.2%)	53 (84.1%)	10 (15.9%)
Black	4 (3.2%)	4 (100.0%)	0 (0.0%)
Hispanic	24 (19.5%)	23 (95.8%)	1 (4.2%)
Other	32 (26.0%)	28 (87.5%)	4 (12.5%)

Departure Status ⁴

Sentenced within Guideline Range	99 (76.7%)
Substantial Assistance Departure	16 (12.4%)
Other Downward Departure	12 (9.3%)
Upward Departure	2 (1.6%)

Mode of Conviction ⁶

TOTAL	130 (100.0%)
Plea	123 (94.6%)
Trial	7 (5.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	
	128 (100.0)	1 (100.0)	7 (100.0)	7 (100.0)	16 (100.0)	27 (100.0)	0 (100.0)	14 (100.0)	23 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	91 (71.1)	1 (100.0)	3 (42.9)	3 (42.9)	6 (37.5)	22 (81.5)	0 (--)	12 (85.7)	23 (100.0)	
Prison	84 (65.6)	1 (100.0)	3 (42.9)	1 (14.3)	4 (25.0)	19 (70.4)	0 (--)	12 (85.7)	23 (100.0)	
Prison/Community Split	7 (5.5)	0 (0.0)	0 (0.0)	2 (28.6)	2 (12.5)	3 (11.1)	0 (--)	0 (0.0)	0 (0.0)	
Prison Term Ordered										
1-12 months	43	0	3	3	6	7	0	0	19	
13-24 months	12	0	0	0	0	3	0	3	2	
25-36 months	11	0	0	0	0	5	0	2	0	
37-60 months	10	0	0	0	0	3	0	2	0	
Over 60 months	14	1	0	0	0	4	0	5	1	
Mean Sentence	32.8	77.0	5.0	3.1	3.5	43.0	--	70.4	6.0	
Median Sentence	15.0	77.0	6.0	3.0	2.5	27.0	--	45.5	0.5	
CASES INVOLVING PROBATION										
Total Receiving Probation	37 (28.9)	0 (0.0)	4 (57.1)	4 (57.1)	10 (62.5)	5 (18.5)	0 (--)	2 (14.3)	0 (0.0)	
Probation Only	24 (18.8)	0 (0.0)	3 (42.9)	2 (28.6)	5 (31.2)	4 (14.8)	0 (--)	1 (7.1)	0 (0.0)	
Probation and Confinement	13 (10.2)	0 (0.0)	1 (14.3)	2 (28.6)	5 (31.2)	1 (3.7)	0 (--)	1 (7.1)	0 (0.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	51 (39.2)	1 (100.0)	8 (88.9)	7 (100.0)	13 (81.2)	5 (18.5)	0 (--)	1 (7.1)	2 (8.7)	
Median Dollar Amount	\$1,673	\$3,361	\$871	\$13,708	\$3,438	\$1,000	\$--	\$80	\$2,500	

Footnotes and a complete description of all variables in this table are provided in Appen
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MC

**NORTHERN MARIANA ISLANDS
9th Circuit**

City Supplying Guideline Documentation¹

(1) Saipan

Number of Court Professionals	District Court Judges ²	1
	Assistant U.S. Attorneys ³	5
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	0
Cases Filed	Civil ⁶	26
	Criminal ⁷	19
Population	Total ⁸	43,345
	Per Square Mile ⁹	235.6
Age Distribution¹⁰	Percent Age 0-14	23.8
	Percent Age 15-24	19.4
	Percent Age 25-34	27.7
	Percent Age 35-44	17.2
	Percent Age 45-64	10.1
	Percent Age 65+	1.8

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	--	--
Forcible Rape	--	--
Robbery	--	--
Aggravated Assault	--	--
Burglary	--	--
Larceny/Theft	--	--
Motor Vehicle Theft	--	--
Crime Index Total	--	--

Economic Indicators	Income per Capita ¹²	\$ 7,199
	Percent Unemployed ¹³	--

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	--
	Percent Retail	--
	Percent Finance ¹⁵	--
	Percent Service	--
	Percent Other ¹⁶	--

Agriculture	Percent Farm Acreage ¹⁷	12.2
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Per Capita Local Expenditures¹⁸	Police Protection	\$ --
	Education	\$ --
	Health and Hospitals	\$ --
	Public Welfare ¹⁹	\$ --
	Highways	\$ --

FISCAL YEAR 1993 GUIDELINE SENTENCES

NORTHERN MARIANA ISLANDS

Cases Received by USSC (by sentencing month) ¹

October 92	0	April 93	1
November 92	1	May 93	1
December 92	0	June 93	0
January 93	1	July 93	3
February 93	0	August 93	0
March 93	1	September 93	0

TOTAL = 8

Monthly Income ³

	mean	median
TOTAL	\$633	\$700
Male	\$633	\$700
Female	\$--	\$--

Average Age ⁵

TOTAL	34.6	32.5
Male	33.7	32.0
Female	41.0	41.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	6 (100.0%)	6 (100.0%)	0 (0.0%)
White	0 (0.0%)	0 (--)	0 (--)
Black	0 (0.0%)	0 (--)	0 (--)
Hispanic	0 (0.0%)	0 (--)	0 (--)
Other	6 (100.0%)	6 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	4 (57.1%)
Substantial Assistance Departure	3 (42.9%)
Other Downward Departure	0 (0.0%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

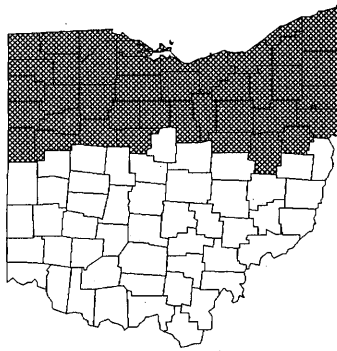
TOTAL	8 (100.0%)
Plea	5 (62.5%)
Trial	3 (37.5%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	Other
	8 (100.0)	1 (100.0)	0 (100.0)	2 (100.0)	0 (100.0)	2 (100.0)	0 (100.0)	1 (100.0)	2 (100.0)	0 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	7 (87.5)	1 (100.0)	0 (--)	1 (50.0)	0 (--)	2 (100.0)	0 (--)	1 (100.0)	2 (100.0)	0 (--)
Prison	7 (87.5)	1 (100.0)	0 (--)	1 (50.0)	0 (--)	2 (100.0)	0 (--)	1 (100.0)	2 (100.0)	0 (--)
Prison/Community Split	0 (0.0)	0 (0.0)	0 (--)	0 (0.0)	0 (--)	0 (0.0)	0 (--)	0 (0.0)	0 (0.0)	0 (--)
Prison Term Ordered										
1-12 months	3	1	0	1	0	0	0	0	1	0
13-24 months	2	0	0	0	0	0	0	1	1	0
25-36 months	1	0	0	0	0	1	0	0	0	0
37-60 months	1	0	0	0	0	1	0	0	0	0
Over 60 months	0	0	0	0	0	0	0	0	0	0
Mean Sentence	19.7	6.0	--	10.0	--	38.5	--	21.0	12.0	--
Median Sentence	18.0	6.0	--	10.0	--	38.5	--	21.0	12.0	--
CASES INVOLVING PROBATION										
Total Receiving Probation	1 (12.5)	0 (0.0)	0 (--)	1 (50.0)	0 (--)	0 (0.0)	0 (--)	0 (0.0)	0 (0.0)	0 (--)
Probation Only	1 (12.5)	0 (0.0)	0 (--)	1 (50.0)	0 (--)	0 (0.0)	0 (--)	0 (0.0)	0 (0.0)	0 (--)
Probation and Confinement	0 (0.0)	0 (0.0)	0 (--)	0 (0.0)	0 (--)	0 (0.0)	0 (--)	0 (0.0)	0 (0.0)	0 (--)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	7 (87.5)	1 (100.0)	0 (--)	2 (100.0)	0 (--)	1 (50.0)	0 (--)	1 (100.0)	2 (100.0)	0 (--)
Median Dollar Amount	\$5,000	\$10,000	\$--	\$16,315	\$--	\$5,000	\$--	\$3,000	\$4,000	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**OHIO, Northern
6th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Cleveland
- (2) Akron
- (3) Toledo

Number of Court Professionals	District Court Judges ²	11
	Assistant U.S. Attorneys ³	51
	Assistant Federal Defenders ⁴	7
	Probation Officers ⁵	49
Cases Filed	Civil ⁶	7,659
	Criminal ⁷	550
Population	Total ⁸	5,802,100
	Per Square Mile ⁹	322.3
Age Distribution¹⁰	Percent Age 0-14	21.5
	Percent Age 15-24	13.9
	Percent Age 25-34	15.7
	Percent Age 35-44	15.4
	Percent Age 45-64	19.5
	Percent Age 65+	14.0

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	375	6
Forcible Rape	2,484	43
Robbery	10,737	185
Aggravated Assault	13,306	229
Burglary	43,722	754
Larceny/Theft	117,926	2,032
Motor Vehicle Theft	28,780	496
Crime Index Total	217,330	3,746

Economic Indicators	Income per Capita ¹²	\$ 13,475
	Percent Unemployed ¹³	7.7

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	29.6
	Percent Retail	20.7
	Percent Finance ¹⁵	5.5
	Percent Service	27.3
	Percent Other ¹⁶	16.8

Agriculture	Percent Farm Acreage ¹⁷	62.0
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 80.47
	Education	\$ 656.21
	Health and Hospitals	\$ 140.76
	Public Welfare ¹⁹	\$ 106.38
	Highways	\$ 79.67

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	41	April 93	51
November 92	45	May 93	63
December 92	47	June 93	42
January 93	65	July 93	68
February 93	56	August 93	62
March 93	50	September 93	49

TOTAL = 639

Monthly Income ³

	mean	median
TOTAL	\$1,331	\$777
Male	\$1,351	\$767
Female	\$1,213	\$788

Average Age ⁵

	mean	median
TOTAL	36.7	35.0
Male	36.6	35.0
Female	37.2	35.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	635 (100.0%)	542 (85.4%)	93 (14.6%)
White	329 (51.8%)	281 (85.4%)	48 (14.6%)
Black	268 (42.2%)	227 (84.7%)	41 (15.3%)
Hispanic	36 (5.7%)	33 (91.7%)	3 (8.3%)
Other	2 (0.3%)	1 (50.0%)	1 (50.0%)

Departure Status ⁴

Sentenced within Guideline Range	480 (76.8%)
Substantial Assistance Departure	91 (14.6%)
Other Downward Departure	49 (7.8%)
Upward Departure	5 (0.8%)

Mode of Conviction ⁶

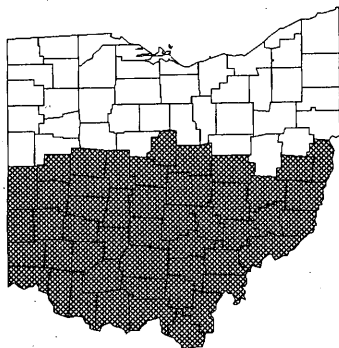
TOTAL	639 (100.0%)
Plea	601 (94.1%)
Trial	38 (5.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Oth
	638 (100.0)	31 (100.0)	60 (100.0)	21 (100.0)	133 (100.0)	183 (100.0)	12 (100.0)	78 (100.0)	1 (100.0)	119 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	445 (69.8)	31 (100.0)	24 (40.0)	20 (95.2)	66 (49.6)	171 (93.4)	10 (83.3)	64 (82.0)	1 (100.0)	58 (48.7)
Prison	395 (61.9)	31 (100.0)	22 (36.7)	11 (52.4)	47 (35.3)	168 (91.8)	10 (83.3)	57 (73.1)	1 (100.0)	48 (40.3)
Prison/Community Split	50 (7.8)	0 (0.0)	2 (3.3)	9 (42.9)	19 (14.3)	3 (1.6)	0 (0.0)	7 (9.0)	0 (0.0)	10 (8.4)
Prison Term Ordered										
1-12 months	112	0	6	17	47	4	5	9	0	0
13-24 months	75	1	8	2	9	12	3	21	1	1
25-36 months	53	3	6	0	7	20	1	9	0	0
37-60 months	63	11	2	0	1	32	1	10	0	0
Over 60 months	140	16	2	0	1	103	0	15	0	0
Mean Sentence	67.6	108.5	27.8	6.2	13.1	113.3	16.3	63.9	21.0	21.0
Median Sentence	33.0	63.0	18.0	6.0	10.0	90.0	13.5	27.0	21.0	10.0
CASES INVOLVING PROBATION										
Total Receiving Probation	193 (30.2)	0 (0.0)	36 (60.0)	1 (4.8)	67 (50.4)	12 (6.6)	2 (16.7)	14 (17.9)	0 (0.0)	61 (51.3)
Probation Only	102 (16.0)	0 (0.0)	23 (38.3)	1 (4.8)	36 (27.1)	4 (2.2)	1 (8.3)	5 (6.4)	0 (0.0)	32 (26.4)
Probation and Confinement	91 (14.3)	0 (0.0)	13 (21.7)	0 (0.0)	31 (23.3)	8 (4.4)	1 (8.3)	9 (11.5)	0 (0.0)	29 (24.9)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	239 (37.7)	17 (54.8)	32 (53.3)	12 (57.1)	95 (72.0)	23 (12.6)	6 (50.0)	11 (14.1)	0 (0.0)	43 (37.0)
Median Dollar Amount	\$4,585	\$974	\$5,025	\$14,000	\$9,400	\$4,000	\$1,284	\$2,000	\$--	\$2,000

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY

**OHIO, Southern
6th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Columbus
- (2) Cincinnati
- (3) Dayton

Number of Court Professionals	District Court Judges ²	9
	Assistant U.S. Attorneys ³	30
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	44
Cases Filed	Civil ⁶	2,694
	Criminal ⁷	405
Population	Total ⁸	5,137,968
	Per Square Mile ⁹	233.4
Age Distribution¹⁰	Percent Age 0-14	21.7
	Percent Age 15-24	15.0
	Percent Age 25-34	16.7
	Percent Age 35-44	15.5
	Percent Age 45-64	18.9
	Percent Age 65+	12.1

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	293	6
Forcible Rape	2,636	51
Robbery	9,926	193
Aggravated Assault	12,945	252
Burglary	47,280	920
Larceny/Theft	136,724	2,661
Motor Vehicle Theft	18,495	360
Crime Index Total	228,299	4,443

Economic Indicators	Income per Capita ¹²	\$ 13,445
	Percent Unemployed ¹³	6.7

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	23.6
	Percent Retail	22.0
	Percent Finance ¹⁵	6.9
	Percent Service	28.8
	Percent Other ¹⁶	18.7

Agriculture	Percent Farm Acreage ¹⁷	53.3
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 73.85
	Education	\$ 636.75
	Health and Hospitals	\$ 86.48
	Public Welfare ¹⁹	\$ 87.26
	Highways	\$ 76.42

FISCAL YEAR 1993 GUIDELINE SENTENCES

OHIO, Sou

Cases Received by USSC (by sentencing month) ¹

October 92	56	April 93	21
November 92	41	May 93	57
December 92	47	June 93	62
January 93	45	July 93	50
February 93	41	August 93	27
March 93	45	September 93	34

TOTAL = 526

Monthly Income ³

	mean	median
TOTAL	\$848	\$433
Male	\$901	\$307
Female	\$633	\$570

Average Age ⁵

TOTAL	34.3	33.0
Male	34.7	33.0
Female	32.8	29.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	526 (100.0%)	422 (80.2%)	104 (19.8%)
White	252 (47.9%)	204 (81.0%)	48 (19.0%)
Black	228 (43.4%)	176 (77.2%)	52 (22.8%)
Hispanic	39 (7.4%)	35 (89.7%)	4 (10.3%)
Other	7 (1.3%)	7 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	324 (62.5%)
Substantial Assistance Departure	174 (33.6%)
Other Downward Departure	19 (3.7%)
Upward Departure	1 (0.2%)

Mode of Conviction ⁶

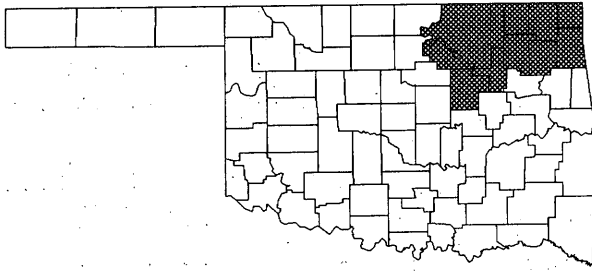
TOTAL	526 (100.0%)
Plea	505 (96.0%)
Trial	21 (4.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	
	521 (100.0)	22 (100.0)	59 (100.0)	18 (100.0)	90 (100.0)	215 (100.0)	13 (100.0)	33 (100.0)	1 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	393 (75.4)	21 (95.5)	25 (42.4)	10 (55.6)	55 (61.1)	205 (95.3)	8 (61.5)	26 (78.8)	0 (0.0)	
Prison	371 (71.2)	21 (95.5)	25 (42.4)	4 (22.2)	52 (57.8)	198 (92.1)	8 (61.5)	23 (69.7)	0 (0.0)	
Prison/Community Split	22 (4.2)	0 (0.0)	0 (0.0)	6 (33.3)	3 (3.3)	7 (3.3)	0 (0.0)	3 (9.1)	0 (0.0)	
Prison Term Ordered										
1-12 months	113	1	13	10	34	23	5	10	0	
13-24 months	61	0	3	0	10	29	3	6	0	
25-36 months	41	3	2	0	4	27	0	1	0	
37-60 months	76	5	6	0	6	50	0	3	0	
Over 60 months	101	12	1	0	0	76	0	6	0	
Mean Sentence	54.1	98.3	22.3	3.3	15.1	73.2	10.4	37.5	--	
Median Sentence	33.0	70.0	12.0	3.0	11.5	48.0	10.0	24.0	--	
CASES INVOLVING PROBATION										
Total Receiving Probation	128 (24.6)	1 (4.5)	34 (57.6)	8 (44.4)	35 (38.9)	10 (4.7)	5 (38.5)	7 (21.2)	1 (100.0)	
Probation Only	72 (13.8)	0 (0.0)	19 (32.2)	4 (22.2)	19 (21.1)	4 (1.9)	1 (7.7)	2 (6.1)	0 (0.0)	
Probation and Confinement	56 (10.8)	1 (4.5)	15 (25.4)	4 (22.2)	16 (17.8)	6 (2.8)	4 (30.8)	5 (15.2)	1 (100.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	174 (33.3)	14 (63.6)	39 (66.1)	13 (68.4)	36 (40.0)	38 (17.6)	3 (23.1)	7 (21.2)	1 (100.0)	
Median Dollar Amount	\$2,000	\$2,500	\$1,750	\$4,500	\$5,842	\$1,000	\$1,100	\$500	\$500	

Footnotes and a complete description of all variables in this table are provided in Appen
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MO

**OKLAHOMA, Northern
10th Circuit**



Cities Supplying Guideline Documentation¹

(1) Tulsa

Number of Court Professionals	District Court Judges ²	3
	Assistant U.S. Attorneys ³	13
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	18
Cases Filed	Civil ⁶	1,248
	Criminal ⁷	180
Population	Total ⁸	855,253
	Per Square Mile ⁹	100.0
Age Distribution¹⁰	Percent Age 0-14	22.2
	Percent Age 15-24	13.5
	Percent Age 25-34	16.1
	Percent Age 35-44	15.7
	Percent Age 45-64	19.5
	Percent Age 65+	13.0

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	55	6
Forcible Rape	481	56
Robbery	1,503	176
Aggravated Assault	4,274	500
Burglary	12,571	1,470
Larceny/Theft	22,020	2,575
Motor Vehicle Theft	6,021	704
Crime Index Total	46,925	5,487

Economic Indicators	Income per Capita ¹²	\$ 13,327
	Percent Unemployed ¹³	5.9

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	19.1
	Percent Retail	20.1
	Percent Finance ¹⁵	6.4
	Percent Service	28.5
	Percent Other ¹⁶	25.8

Agriculture	Percent Farm Acreage ¹⁷	64.8
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 65.36
	Education	\$ 580.53
	Health and Hospitals	\$ 26.38
	Public Welfare ¹⁹	\$ 1.69
	Highways	\$ 79.17

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

OKLAHOMA, No

Cases Received by USSC (by sentencing month) ¹

October 92	13	April 93	16
November 92	12	May 93	10
December 92	17	June 93	18
January 93	13	July 93	17
February 93	9	August 93	16
March 93	13	September 93	15

TOTAL = 169

Monthly Income ³

	mean	median
TOTAL	\$1,200	\$866
Male	\$1,217	\$800
Female	\$1,127	\$950

Average Age ⁵

TOTAL	34.7	35.0
Male	34.5	34.0
Female	35.6	35.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	169 (100.0%)	139 (82.2%)	30 (17.8%)
White	103 (61.0%)	83 (80.6%)	20 (19.4%)
Black	55 (32.5%)	46 (83.6%)	9 (16.4%)
Hispanic	6 (3.5%)	5 (83.3%)	1 (16.7%)
Other	5 (3.0%)	5 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	137 (82.0%)
Substantial Assistance Departure	14 (8.4%)
Other Downward Departure	14 (8.4%)
Upward Departure	2 (1.2%)

Mode of Conviction ⁶

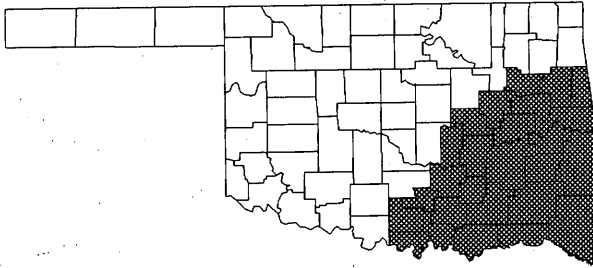
TOTAL	166 (100.0%)
Plea	146 (88.0%)
Trial	20 (12.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	
	166 (100.0)	5 (100.0)	11 (100.0)	4 (100.0)	46 (100.0)	36 (100.0)	4 (100.0)	32 (100.0)	4 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	110 (66.3)	5 (100.0)	2 (18.2)	2 (50.0)	19 (41.3)	35 (97.2)	2 (50.0)	29 (90.6)	1 (25.0)	
Prison	106 (63.9)	5 (100.0)	1 (9.1)	1 (25.0)	18 (39.1)	35 (97.2)	2 (50.0)	28 (87.5)	1 (25.0)	
Prison/Community Split	4 (2.4)	0 (0.0)	1 (9.1)	1 (25.0)	1 (2.2)	0 (0.0)	0 (0.0)	1 (3.1)	0 (0.0)	
Prison Term Ordered										
1-12 months	17	0	1	2	6	1	1	4	0	
13-24 months	26	0	1	0	8	3	1	7	1	
25-36 months	13	2	0	0	3	5	0	2	0	
37-60 months	19	1	0	0	2	4	0	9	0	
Over 60 months	35	2	0	0	0	22	0	7	0	
Mean Sentence	63.3	98.8	11.0	3.0	20.1	96.6	12.5	63.2	21.0	
Median Sentence	34.0	49.0	11.0	3.0	20.0	72.0	12.5	51.0	21.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	56 (33.7)	0 (0.0)	9 (81.8)	2 (50.0)	27 (58.7)	1 (2.8)	2 (50.0)	3 (9.4)	3 (75.0)	
Probation Only	30 (18.1)	0 (0.0)	6 (54.5)	1 (25.0)	14 (30.4)	1 (2.8)	1 (25.0)	0 (0.0)	1 (25.0)	
Probation and Confinement	26 (15.7)	0 (0.0)	3 (27.3)	1 (25.0)	13 (28.3)	0 (0.0)	1 (25.0)	3 (9.4)	2 (50.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	132 (78.1)	5 (100.0)	11 (100.0)	4 (100.0)	48 (98.0)	18 (50.0)	4 (100.0)	21 (65.6)	0 (0.0)	
Median Dollar Amount	\$3,022	\$3,751	\$3,101	\$7,411	\$8,485	\$2,750	\$1,288	\$1,000	\$--	

Footnotes and a complete description of all variables in this table are provided in Appen
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MC

**OKLAHOMA, Eastern
10th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Muskogee
- (2) Durant

Number of Court Professionals	District Court Judges ²	1
	Assistant U.S. Attorneys ³	8
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	8
Cases Filed	Civil ⁶	995
	Criminal ⁷	49
Population	Total ⁸	642,573
	Per Square Mile ⁹	30.9
Age Distribution¹⁰	Percent Age 0-14	22.2
	Percent Age 15-24	13.8
	Percent Age 25-34	13.6
	Percent Age 35-44	14.0
	Percent Age 45-64	20.1
	Percent Age 65+	16.3

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	49	8
Forcible Rape	169	26
Robbery	300	47
Aggravated Assault	1,890	294
Burglary	6,805	1,059
Larceny/Theft	12,380	1,927
Motor Vehicle Theft	1,391	216
Crime Index Total	22,984	3,577

Economic Indicators	Income per Capita ¹²	\$ 9,396
	Percent Unemployed ¹³	7.0

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	22.9
	Percent Retail	24.9
	Percent Finance ¹⁵	5.3
	Percent Service	26.0
	Percent Other ¹⁶	20.9

Agriculture	Percent Farm Acreage ¹⁷	56.5
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 32.69
	Education	\$ 568.38
	Health and Hospitals	\$ 171.27
	Public Welfare ¹⁹	\$ 0.90
	Highways	\$ 86.62

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

OKLAHOMA, Eastern District

Cases Received by USSC (by sentencing month) ¹

October 92	2	April 93	7
November 92	3	May 93	3
December 92	9	June 93	4
January 93	4	July 93	6
February 93	0	August 93	7
March 93	1	September 93	0

TOTAL = 46

Monthly Income ³

	mean	median
TOTAL	\$506	\$0
Male	\$519	\$0
Female	\$0	\$0

Average Age ⁵

	mean	median
TOTAL	36.9	37.0
Male	36.6	37.0
Female	42.0	42.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	46 (100.0%)	44 (95.7%)	2 (4.3%)
White	35 (76.1%)	33 (94.3%)	2 (5.7%)
Black	8 (17.4%)	8 (100.0%)	0 (0.0%)
Hispanic	2 (4.3%)	2 (100.0%)	0 (0.0%)
Other	1 (2.2%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	39 (90.7%)
Substantial Assistance Departure	2 (4.7%)
Other Downward Departure	2 (4.7%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

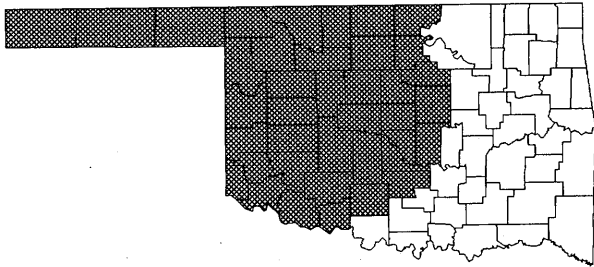
TOTAL	46 (100.0%)
Plea	35 (76.1%)
Trial	11 (23.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	Other
	46 (100.0)	3 (100.0)	3 (100.0)	0 (100.0)	4 (100.0)	6 (100.0)	0 (100.0)	16 (100.0)	0 (100.0)	14 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	39 (84.8)	3 (100.0)	3 (100.0)	0 (--)	3 (75.0)	6 (100.0)	0 (--)	15 (93.8)	0 (--)	9 (64.3)
Prison	39 (84.8)	3 (100.0)	3 (100.0)	0 (--)	3 (75.0)	6 (100.0)	0 (--)	15 (93.8)	0 (--)	9 (64.3)
Prison/Community Split	0 (0.0)	0 (0.0)	0 (0.0)	0 (--)	0 (0.0)	0 (0.0)	0 (--)	0 (0.0)	0 (--)	0 (0.0)
Prison Term Ordered										
1-12 months	11	0	3	0	2	0	0	2	0	
13-24 months	6	0	0	0	0	1	0	2	0	
25-36 months	3	0	0	0	1	0	0	0	0	
37-60 months	8	2	0	0	0	0	0	6	0	
Over 60 months	11	1	0	0	0	5	0	5	0	
Mean Sentence	88.1	91.3	7.0	--	19.0	263.3	--	90.5	--	16.0
Median Sentence	33.0	60.0	6.0	--	12.0	278.5	--	60.0	--	15.0
CASES INVOLVING PROBATION										
Total Receiving Probation	7 (15.2)	0 (0.0)	0 (0.0)	0 (--)	1 (25.0)	0 (0.0)	0 (--)	1 (6.2)	0 (--)	5 (35.7)
Probation Only	4 (8.7)	0 (0.0)	0 (0.0)	0 (--)	1 (25.0)	0 (0.0)	0 (--)	1 (6.2)	0 (--)	2 (14.3)
Probation and Confinement	3 (6.5)	0 (0.0)	0 (0.0)	0 (--)	0 (0.0)	0 (0.0)	0 (--)	0 (0.0)	0 (--)	3 (21.4)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	5 (10.9)	0 (0.0)	0 (0.0)	0 (--)	1 (25.0)	0 (0.0)	0 (--)	0 (0.0)	0 (--)	4 (28.6)
Median Dollar Amount	\$1,608	\$--	\$--	\$--	\$2,400	\$--	\$--	\$--	\$--	\$1,304

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

**OKLAHOMA, Western
10th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Oklahoma City.
- (2) Lawton
- (3) Enid

Number of Court Professionals	District Court Judges ²	8
	Assistant U.S. Attorneys ³	26
	Assistant Federal Defenders ⁴	5
	Probation Officers ⁵	26
Cases Filed	Civil ⁶	2,375
	Criminal ⁷	486
Population	Total ⁸	1,676,698
	Per Square Mile ⁹	42.6
Age Distribution¹⁰	Percent Age 0-14	22.4
	Percent Age 15-24	15.3
	Percent Age 25-34	16.5
	Percent Age 35-44	14.9
	Percent Age 45-64	18.2
	Percent Age 65+	12.8

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	105	6
Forcible Rape	905	54
Robbery	2,572	153
Aggravated Assault	7,656	457
Burglary	24,180	1,442
Larceny/Theft	59,577	3,553
Motor Vehicle Theft	9,177	547
Crime Index Total	104,172	6,213

Economic Indicators	Income per Capita ¹²	\$ 12,126
	Percent Unemployed ¹³	5.0

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	14.9
	Percent Retail	24.9
	Percent Finance ¹⁵	7.2
	Percent Service	29.9
	Percent Other ¹⁶	23.1

Agriculture	Percent Farm Acreage ¹⁷	81.4
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 57.57
	Education	\$ 561.80
	Health and Hospitals	\$ 149.63
	Public Welfare ¹⁹	\$ 2.40
	Highways	\$ 83.91

Cases Received by USSC (by sentencing month) ¹

October 92	39	April 93	29
November 92	33	May 93	24
December 92	23	June 93	22
January 93	24	July 93	23
February 93	20	August 93	33
March 93	15	September 93	21

TOTAL = 306

Monthly Income ³

	mean	median
TOTAL	\$1,032	\$476
Male	\$1,060	\$580
Female	\$913	\$400

Average Age ⁵

	mean	median
TOTAL	35.3	34.0
Male	35.1	33.0
Female	36.1	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	300 (100.0%)	244 (81.3%)	56 (18.7%)
White	170 (56.7%)	140 (82.4%)	30 (17.6%)
Black	77 (25.7%)	59 (76.6%)	18 (23.4%)
Hispanic	37 (12.3%)	34 (91.9%)	3 (8.1%)
Other	16 (5.3%)	11 (68.8%)	5 (31.3%)

Departure Status ⁴

Sentenced within Guideline Range	263 (87.7%)
Substantial Assistance Departure	21 (7.0%)
Other Downward Departure	14 (4.7%)
Upward Departure	2 (0.7%)

Mode of Conviction ⁶

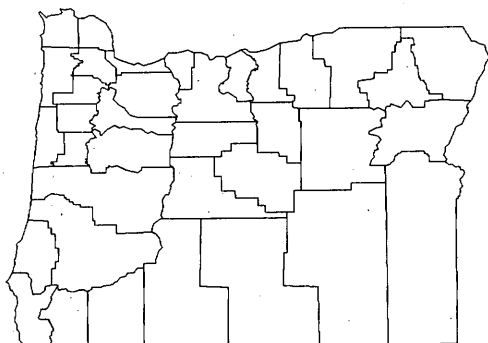
TOTAL	306 (100.0%)
Plea	275 (89.9%)
Trial	31 (10.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	Other
	303 (100.0)	5 (100.0)	34 (100.0)	8 (100.0)	41 (100.0)	55 (100.0)	7 (100.0)	31 (100.0)	4 (100.0)	118 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	257 (84.8)	5 (100.0)	25 (73.5)	6 (75.0)	32 (78.0)	54 (98.2)	7 (100.0)	30 (96.8)	3 (75.0)	95 (80.5)
Prison	247 (81.5)	5 (100.0)	24 (70.6)	5 (62.5)	28 (68.3)	52 (94.5)	7 (100.0)	30 (96.8)	3 (75.0)	93 (78.8)
Prison/Community Split	10 (3.3)	0 (0.0)	1 (2.9)	1 (12.5)	4 (9.8)	2 (3.6)	0 (0.0)	0 (0.0)	0 (0.0)	2 (1.7)
Prison Term Ordered										
1-12 months	85	0	19	5	19	4	4	5	3	2
13-24 months	41	0	3	1	11	4	3	5	0	1
25-36 months	28	1	0	0	2	5	0	2	0	1
37-60 months	44	1	3	0	0	3	0	9	0	2
Over 60 months	59	3	0	0	0	38	0	9	0	
Mean Sentence	57.3	93.8	11.7	11.2	13.0	153.9	10.0	55.6	1.7	36.1
Median Sentence	27.0	97.0	6.0	8.5	12.0	118.0	12.0	44.5	2.0	30.0
CASES INVOLVING PROBATION										
Total Receiving Probation	46 (15.2)	0 (0.0)	9 (26.5)	2 (25.0)	9 (21.9)	1 (1.8)	0 (0.0)	1 (3.2)	1 (25.0)	23 (19.5)
Probation Only	34 (11.2)	0 (0.0)	8 (23.5)	1 (12.5)	4 (9.8)	1 (1.8)	0 (0.0)	0 (0.0)	1 (25.0)	19 (16.1)
Probation and Confinement	12 (4.0)	0 (0.0)	1 (2.9)	1 (12.5)	5 (12.2)	0 (0.0)	0 (0.0)	1 (3.2)	0 (0.0)	4 (3.4)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	90 (29.4)	4 (80.0)	20 (57.1)	6 (66.7)	25 (61.0)	4 (7.1)	5 (71.4)	2 (6.5)	0 (0.0)	24 (20.3)
Median Dollar Amount	\$4,921	\$5,500	\$2,250	\$8,867	\$15,530	\$14,500	\$1,000	\$9,082	\$--	\$2,500

Footnotes and a complete description of all variables in this table are provided in Appendix A
 SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY9

**OREGON
9th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|--------------|----------------|
| (1) Portland | (5) Bend |
| (2) Eugene | (6) North Bend |
| (3) Salem | (7) Pendleton |
| (4) Medford | |

Number of Court Professionals	District Court Judges ²	8
	Assistant U.S. Attorneys ³	30
	Assistant Federal Defenders ⁴	14
	Probation Officers ⁵	35

Cases Filed	Civil ⁶	2,115
	Criminal ⁷	504

Population	Total ⁸	2,921,206
	Per Square Mile ⁹	30.4

Age Distribution¹⁰	Percent Age 0-14	21.7
	Percent Age 15-24	13.3
	Percent Age 25-34	15.1
	Percent Age 35-44	17.1
	Percent Age 45-64	18.6
	Percent Age 65+	13.7

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	135	5
Forcible Rape	1,564	54
Robbery	4,483	153
Aggravated Assault	8,895	304
Burglary	32,496	1,112
Larceny/Theft	107,676	3,686
Motor Vehicle Theft	15,760	540
Crime Index Total	171,009	5,854

Economic Indicators	Income per Capita ¹²	\$ 13,418
	Percent Unemployed ¹³	7.5

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	21.7
	Percent Retail	23.2
	Percent Finance ¹⁵	6.5
	Percent Service	28.5
	Percent Other ¹⁶	20.0

Agriculture	Percent Farm Acreage ¹⁷	28.9
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 75.55
	Education	\$ 825.12
	Health and Hospitals	\$ 74.60
	Public Welfare ¹⁹	\$ 7.15
	Highways	\$ 90.47

FISCAL YEAR 1993 GUIDELINE SENTENCES

OREG

Cases Received by USSC (by sentencing month) ¹

October 92	25	April 93	36
November 92	44	May 93	40
December 92	43	June 93	51
January 93	56	July 93	47
February 93	34	August 93	19
March 93	42	September 93	42

TOTAL = 479

Monthly Income ³

	mean	median
TOTAL	\$682	\$0
Male	\$623	\$0
Female	\$1,036	\$0

Average Age ⁵

	mean	median
TOTAL	33.6	32.0
Male	33.4	31.5
Female	35.1	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	476 (100.0%)	425 (89.3%)	51 (10.7%)
White	288 (60.5%)	252 (87.5%)	36 (12.5%)
Black	85 (17.9%)	78 (91.8%)	7 (8.2%)
Hispanic	83 (17.4%)	78 (94.0%)	5 (6.0%)
Other	20 (4.2%)	17 (85.0%)	3 (15.0%)

Departure Status ⁴

Sentenced within Guideline Range	396 (83.2%)
Substantial Assistance Departure	30 (6.3%)
Other Downward Departure	48 (10.1%)
Upward Departure	2 (0.4%)

Mode of Conviction ⁶

TOTAL	479 (100.0%)
Plea	430 (89.8%)
Trial	49 (10.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	0
	477 (100.0)	75 (100.0)	21 (100.0)	7 (100.0)	48 (100.0)	202 (100.0)	8 (100.0)	40 (100.0)	20 (100.0)	56 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	416 (87.2)	74 (98.7)	18 (85.7)	2 (28.6)	29 (60.4)	195 (96.5)	4 (50.0)	40 (100.0)	17 (85.0)	37 (100.0)
Prison	395 (82.8)	73 (97.3)	14 (66.7)	2 (28.6)	23 (47.9)	193 (95.5)	4 (50.0)	39 (97.5)	17 (85.0)	30 (100.0)
Prison/Community Split	21 (4.4)	1 (1.3)	4 (19.1)	0 (0.0)	6 (12.5)	2 (1.0)	0 (0.0)	1 (2.5)	0 (0.0)	7 (100.0)
Prison Term Ordered										
1-12 months	48	2	6	2	14	4	1	0	4	
13-24 months	49	1	3	0	7	22	0	4	5	
25-36 months	36	8	4	0	1	12	1	3	3	
37-60 months	115	22	3	0	6	69	0	6	4	
Over 60 months	168	41	2	0	1	88	2	27	1	
Mean Sentence	70.7	81.7	32.2	6.0	22.0	80.2	55.5	115.9	30.6	
Median Sentence	51.0	63.0	25.5	6.0	18.0	60.0	58.5	94.5	24.0	

CASES INVOLVING PROBATION

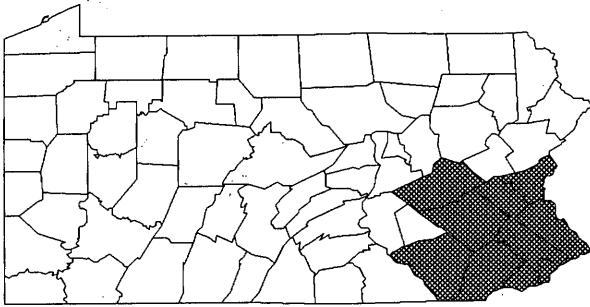
Total Receiving Probation	61 (12.8)	1 (1.3)	3 (14.3)	5 (71.4)	19 (39.6)	7 (3.5)	4 (50.0)	0 (0.0)	3 (15.0)	19 (100.0)
Probation Only	30 (6.3)	1 (1.3)	1 (4.8)	5 (71.4)	7 (14.6)	6 (3.0)	1 (12.5)	0 (0.0)	1 (5.0)	8 (100.0)
Probation and Confinement	31 (6.5)	0 (0.0)	2 (9.5)	0 (0.0)	12 (25.0)	1 (0.5)	3 (37.5)	0 (0.0)	2 (10.0)	11 (100.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	156 (32.7)	47 (62.7)	19 (90.5)	4 (57.1)	32 (66.7)	24 (11.9)	4 (50.0)	5 (12.5)	1 (5.0)	20 (100.0)
Median Dollar Amount	\$1,546	\$1,825	\$1,069	\$15,116	\$4,000	\$1,000	\$500	\$895	\$2,000	\$1,000

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONF

**PENNSYLVANIA, Eastern
3rd Circuit**



Cities Supplying Guideline Documentation¹

- (1) Philadelphia
- (2) Reading
- (3) Easton

Number of Court Professionals	District Court Judges ²	36
	Assistant U.S. Attorneys ³	88
	Assistant Federal Defenders ⁴	16
	Probation Officers ⁵	76
Cases Filed	Civil ⁶	7,650
	Criminal ⁷	567
Population	Total ⁸	5,206,600
	Per Square Mile ⁹	947.9
Age Distribution¹⁰	Percent Age 0-14	20.4
	Percent Age 15-24	13.9
	Percent Age 25-34	16.6
	Percent Age 35-44	15.3
	Percent Age 45-64	19.3
	Percent Age 65+	14.5

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	514	10
Forcible Rape	1,530	29
Robbery	14,914	286
Aggravated Assault	13,149	253
Burglary	34,783	668
Larceny/Theft	109,636	2,106
Motor Vehicle Theft	33,357	641
Crime Index Total	207,883	3,993

Economic Indicators	Income per Capita ¹²	\$ 15,814
	Percent Unemployed ¹³	7.1

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	22.1
	Percent Retail	18.9
	Percent Finance ¹⁵	7.7
	Percent Service	33.1
	Percent Other ¹⁶	18.2

Agriculture	Percent Farm Acreage ¹⁷	36.1
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 86.79
	Education	\$ 683.79
	Health and Hospitals	\$ 62.03
	Public Welfare ¹⁹	\$ 66.40
	Highways	\$ 45.19

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	79	April 93	154
November 92	95	May 93	71
December 92	132	June 93	81
January 93	95	July 93	88
February 93	86	August 93	61
March 93	94	September 93	92

TOTAL = 1,128

Monthly Income ³

	mean	median
TOTAL	\$1,401	\$567
Male	\$1,441	\$512
Female	\$1,134	\$650

Average Age ⁵

	mean	median
TOTAL	36.5	35.0
Male	36.4	34.0
Female	36.8	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,110 (100.0%)	965 (86.9%)	145 (13.1%)
White	462 (41.6%)	419 (90.7%)	43 (9.3%)
Black	367 (33.1%)	305 (83.1%)	62 (16.9%)
Hispanic	268 (24.1%)	228 (85.1%)	40 (14.9%)
Other	13 (1.2%)	13 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	502 (45.9%)
Substantial Assistance Departure	556 (50.8%)
Other Downward Departure	29 (2.7%)
Upward Departure	7 (0.6%)

Mode of Conviction ⁶

TOTAL	1,122 (100.0%)
Plea	1,005 (89.6%)
Trial	117 (10.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	
	1,115 (100.0)	36 (100.0)	44 (100.0)	18 (100.0)	219 (100.0)	574 (100.0)	5 (100.0)	45 (100.0)	8 (100.0)	166 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	805 (72.2)	36 (100.0)	12 (27.3)	5 (27.8)	75 (34.2)	539 (93.9)	4 (80.0)	39 (86.7)	5 (62.5)	90 (54.3)
Prison	775 (69.5)	36 (100.0)	12 (27.3)	4 (22.2)	62 (28.3)	533 (92.9)	4 (80.0)	39 (86.7)	5 (62.5)	80 (47.5)
Prison/Community Split	30 (2.7)	0 (0.0)	0 (0.0)	1 (5.6)	13 (5.9)	6 (1.1)	0 (0.0)	0 (0.0)	0 (0.0)	10 (5.8)
Prison Term Ordered										
1-12 months	119	0	5	3	43	29	1	5	3	3
13-24 months	121	1	3	2	15	66	2	10	1	1
25-36 months	80	3	2	0	11	49	0	4	0	0
37-60 months	164	8	1	0	5	128	0	8	0	0
Over 60 months	319	24	1	0	1	267	0	12	1	1
Mean Sentence	78.8	112.3	24.7	6.4	17.0	96.3	17.0	61.0	31.0	31.0
Median Sentence	53.0	88.5	16.5	4.0	12.0	60.0	18.0	37.0	8.0	8.0

CASES INVOLVING PROBATION

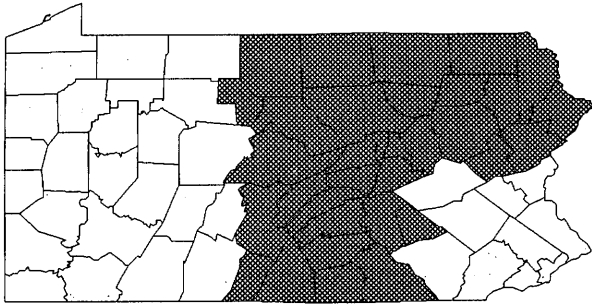
Total Receiving Probation	310 (27.8)	0 (0.0)	32 (72.7)	13 (72.2)	144 (65.8)	35 (6.1)	1 (20.0)	6 (13.3)	3 (37.5)	76 (45.5)
Probation Only	195 (17.5)	0 (0.0)	19 (43.2)	8 (44.4)	91 (41.5)	18 (3.1)	1 (20.0)	3 (6.7)	3 (37.5)	52 (30.0)
Probation and Confinement	115 (10.3)	0 (0.0)	13 (29.6)	5 (27.8)	53 (24.2)	17 (3.0)	0 (0.0)	3 (6.7)	0 (0.0)	24 (14.5)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	594 (52.9)	15 (41.7)	36 (81.8)	15 (83.3)	198 (88.4)	188 (32.6)	2 (40.0)	20 (44.4)	4 (50.0)	116 (67.0)
Median Dollar Amount	\$5,000	\$6,136	\$8,788	\$16,028	\$6,994	\$2,500	\$315	\$2,500	\$3,000	\$3,000

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MON

**PENNSYLVANIA, Middle
3rd Circuit**



Cities Supplying Guideline Documentation¹

- (1) Harrisburg
- (2) Scranton
- (3) Wilkes-Barre
- (4) Williamsport

Number of Court Professionals	District Court Judges ²	7
	Assistant U.S. Attorneys ³	20
	Assistant Federal Defenders ⁴	6
	Probation Officers ⁵	20
Cases Filed	Civil ⁶	2,085
	Criminal ⁷	305
Population	Total ⁸	2,782,406
	Per Square Mile ⁹	136.8
Age Distribution¹⁰	Percent Age 0-14	19.7
	Percent Age 15-24	14.5
	Percent Age 25-34	15.2
	Percent Age 35-44	15.3
	Percent Age 45-64	19.8
	Percent Age 65+	15.4

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	89	3
Forcible Rape	614	22
Robbery	1,508	54
Aggravated Assault	3,967	143
Burglary	15,189	546
Larceny/Theft	45,289	1,628
Motor Vehicle Theft	3,955	142
Crime Index Total	70,611	2,538

Economic Indicators	Income per Capita ¹²	\$ 12,771
	Percent Unemployed ¹³	7.7

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	28.6
	Percent Retail	21.4
	Percent Finance ¹⁵	5.4
	Percent Service	25.5
	Percent Other ¹⁶	19.1

Agriculture	Percent Farm Acreage ¹⁷	27.9
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 27.78
	Education	\$ 622.25
	Health and Hospitals	\$ 15.13
	Public Welfare ¹⁹	\$ 50.79
	Highways	\$ 50.80

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	23	April 93	28
November 92	24	May 93	18
December 92	32	June 93	20
January 93	38	July 93	18
February 93	7	August 93	32
March 93	25	September 93	30
TOTAL = 295			

Monthly Income ³

	mean	median
TOTAL	\$1,327	\$316
Male	\$1,387	\$306
Female	\$693	\$550

Average Age ⁵

	mean	median
TOTAL	35.1	35.0
Male	35.2	35.0
Female	33.8	31.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	292 (100.0%)	267 (91.4%)	25 (8.6%)
White	203 (69.5%)	181 (89.2%)	22 (10.8%)
Black	56 (19.2%)	53 (94.6%)	3 (5.4%)
Hispanic	31 (10.6%)	31 (100.0%)	0 (0.0%)
Other	2 (0.7%)	2 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	195 (69.6%)
Substantial Assistance Departure	65 (23.2%)
Other Downward Departure	20 (7.1%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

TOTAL	294 (100.0%)
Plea	249 (84.7%)
Trial	45 (15.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	O
	293 (100.0)	7 (100.0)	16 (100.0)	3 (100.0)	45 (100.0)	125 (100.0)	6 (100.0)	39 (100.0)	4 (100.0)	48 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	236 (80.5)	7 (100.0)	8 (50.0)	1 (33.3)	31 (68.9)	118 (94.4)	1 (16.7)	36 (92.3)	3 (75.0)	31 (64.6)
Prison	223 (76.1)	7 (100.0)	7 (43.8)	1 (33.3)	25 (55.6)	116 (92.8)	1 (16.7)	35 (89.7)	3 (75.0)	28 (58.3)
Prison/Community Split	13 (4.4)	0 (0.0)	1 (6.2)	0 (0.0)	6 (13.3)	2 (1.6)	0 (0.0)	1 (2.6)	0 (0.0)	3 (6.2)
Prison Term Ordered										
1-12 months	46	0	4	0	19	8	0	1	3	
13-24 months	39	0	3	1	8	11	1	8	0	
25-36 months	25	1	0	0	3	13	0	4	0	
37-60 months	49	4	1	0	0	27	0	14	0	
Over 60 months	77	2	0	0	1	59	0	9	0	
Mean Sentence	69.8	75.4	16.6	21.0	16.0	89.5	15.0	74.7	4.7	
Median Sentence	41.5	50.0	13.5	21.0	12.0	61.5	15.0	60.0	6.0	

CASES INVOLVING PROBATION

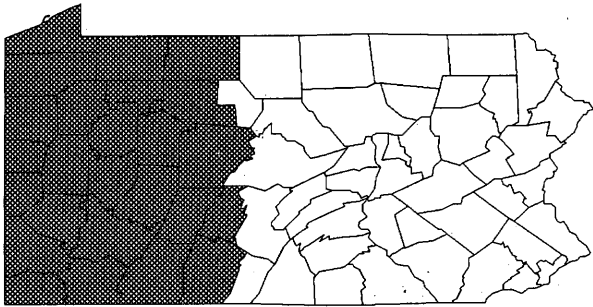
Total Receiving Probation	57 (19.4)	0 (0.0)	8 (50.0)	2 (66.7)	14 (31.1)	7 (5.6)	5 (83.3)	3 (7.7)	1 (25.0)	17 (35.4)
Probation Only	38 (13.0)	0 (0.0)	5 (31.2)	2 (66.7)	10 (22.2)	4 (3.2)	5 (83.3)	2 (5.1)	0 (0.0)	10 (20.8)
Probation and Confinement	19 (6.5)	0 (0.0)	3 (18.8)	0 (0.0)	4 (8.9)	3 (2.4)	0 (0.0)	1 (2.6)	1 (25.0)	7 (14.6)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	105 (35.8)	1 (14.3)	13 (81.2)	2 (66.7)	31 (68.9)	25 (20.0)	5 (83.3)	10 (25.6)	2 (50.0)	16 (33.3)
Median Dollar Amount	\$1,000	\$2,805	\$2,211	\$50,150	\$5,000	\$1,000	\$643	\$500	\$150	\$1,000

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONI

**PENNSYLVANIA, Western
3rd Circuit**



Cities Supplying Guideline Documentation¹

- (1) Pittsburgh
- (2) Erie
- (3) Johnston

Number of Court Professionals	District Court Judges ²	14
	Assistant U.S. Attorneys ³	34
	Assistant Federal Defenders ⁴	6
	Probation Officers ⁵	24
Cases Filed	Civil ⁶	2,821
	Criminal ⁷	323
Population	Total ⁸	3,968,330
	Per Square Mile ⁹	208.2
Age Distribution¹⁰	Percent Age 0-14	19.4
	Percent Age 15-24	13.3
	Percent Age 25-34	14.9
	Percent Age 35-44	15.1
	Percent Age 45-64	20.4
	Percent Age 65+	16.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	135	3
Forcible Rape	1,110	28
Robbery	4,906	124
Aggravated Assault	6,367	160
Burglary	22,881	577
Larceny/Theft	56,981	1,436
Motor Vehicle Theft	17,101	431
Crime Index Total	109,481	2,759

Economic Indicators	Income per Capita ¹²	\$ 12,683
	Percent Unemployed ¹³	7.9

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	20.5
	Percent Retail	22.1
	Percent Finance ¹⁵	6.0
	Percent Service	31.5
	Percent Other ¹⁶	19.8

Agriculture	Percent Farm Acreage ¹⁷	24.3
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 42.78
	Education	\$ 671.87
	Health and Hospitals	\$ 51.95
	Public Welfare ¹⁹	\$ 47.40
	Highways	\$ 60.76

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	27	April 93	27
November 92	32	May 93	27
December 92	18	June 93	23
January 93	15	July 93	25
February 93	31	August 93	31
March 93	40	September 93	29

TOTAL = 325

Monthly Income ³

	mean	median
TOTAL	\$1,112	\$575
Male	\$1,119	\$500
Female	\$1,063	\$996

Average Age ⁵

	mean	median
TOTAL	35.9	33.0
Male	36.1	34.0
Female	34.3	30.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	320 (100.0%)	281 (87.8%)	39 (12.2%)
White	193 (60.3%)	167 (86.5%)	26 (13.5%)
Black	114 (35.6%)	102 (89.5%)	12 (10.5%)
Hispanic	10 (3.1%)	9 (90.0%)	1 (10.0%)
Other	3 (0.9%)	3 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	225 (69.9%)
Substantial Assistance Departure	69 (21.4%)
Other Downward Departure	26 (8.1%)
Upward Departure	2 (0.6%)

Mode of Conviction ⁶

TOTAL	325 (100.0%)
Plea	299 (92.0%)
Trial	26 (8.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Other
	321 (100.0)	13 (100.0)	23 (100.0)	11 (100.0)	52 (100.0)	154 (100.0)	6 (100.0)	11 (100.0)	0 (100.0)	51 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	234 (72.9)	13 (100.0)	12 (52.2)	7 (63.6)	25 (48.1)	134 (87.0)	0 (0.0)	8 (72.7)	0 (-)	35 (68.6)
Prison	217 (67.6)	13 (100.0)	10 (43.5)	4 (36.4)	19 (36.5)	131 (85.1)	0 (0.0)	8 (72.7)	0 (-)	32 (62.8)
Prison/Community Split	17 (5.3)	0 (0.0)	2 (8.7)	3 (27.3)	6 (11.5)	3 (1.9)	0 (0.0)	0 (0.0)	0 (-)	3 (5.9)
Prison Term Ordered										
1-12 months	68	0	9	6	14	21	0	1	0	1
13-24 months	39	0	1	0	7	23	0	1	0	
25-36 months	29	1	0	0	3	17	0	4	0	
37-60 months	39	1	1	1	1	31	0	1	0	
Over 60 months	59	11	1	0	0	42	0	1	0	
Mean Sentence	57.1	131.5	24.7	9.7	16.4	68.7	--	59.6	--	34.1
Median Sentence	27.0	120.0	8.0	6.0	12.0	40.0	--	31.5	--	13.0
CASES INVOLVING PROBATION										
Total Receiving Probation	87 (27.1)	0 (0.0)	11 (47.8)	4 (36.4)	27 (51.9)	20 (13.0)	6 (100.0)	3 (27.3)	0 (-)	16 (31.4)
Probation Only	43 (13.4)	0 (0.0)	3 (13.0)	2 (18.2)	14 (26.9)	11 (7.1)	4 (66.7)	1 (9.1)	0 (-)	8 (15.7)
Probation and Confinement	44 (13.7)	0 (0.0)	8 (34.8)	2 (18.2)	13 (25.0)	9 (5.8)	2 (33.3)	2 (18.2)	0 (-)	8 (15.7)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	119 (36.8)	6 (46.1)	14 (60.9)	7 (63.6)	40 (74.1)	21 (13.6)	5 (83.3)	2 (18.2)	0 (-)	24 (47.1)
Median Dollar Amount	\$5,000	\$14,000	\$3,731	\$25,000	\$17,030	\$4,000	\$513	\$1,650	\$--	\$5,000

Footnotes and a complete description of all variables in this table are provided in Appendix A
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

PUERTO RICO
1st Circuit



Cities Supplying Guideline Documentation¹

- (1) Hato Rey
- (2) Ponce
- (3) San Juan

Number of Court Professionals	District Court Judges ²	7
	Assistant U.S. Attorneys ³	26
	Assistant Federal Defenders ⁴	7
	Probation Officers ⁵	20
Cases Filed	Civil ⁶	2,038
	Criminal ⁷	396
Population	Total ⁸	3,522,037
	Per Square Mile ⁹	1,027.9
Age Distribution¹⁰	Percent Age 0-14	27.2
	Percent Age 15-24	16.9
	Percent Age 25-34	14.5
	Percent Age 35-44	12.8
	Percent Age 45-64	17.2
	Percent Age 65+	9.4

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	864	--
Forcible Rape	433	--
Robbery	24,242	--
Aggravated Assault	6,747	--
Burglary	35,415	--
Larceny/Theft	42,315	--
Motor Vehicle Theft	18,858	--
Crime Index Total	128,874	--

Economic Indicators	Income per Capita ¹²	\$ 4,177
	Percent Unemployed ¹³	14.2

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	27.0
	Percent Retail	20.6
	Percent Finance ¹⁵	6.9
	Percent Service	29.7
	Percent Other ¹⁶	15.8

Agriculture	Percent Farm Acreage ¹⁷	39.3
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 82.77
	Education	\$ 603.17
	Health and Hospitals	\$ 1.51
	Public Welfare ¹⁹	\$ 24.52
	Highways	\$ 41.18

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	36	April 93	6
November 92	33	May 93	30
December 92	54	June 93	22
January 93	21	July 93	28
February 93	34	August 93	47
March 93	22	September 93	26

TOTAL = 359

Monthly Income ³

	mean	median
TOTAL	\$901	\$490
Male	\$927	\$500
Female	\$622	\$249

Average Age ⁵

TOTAL	33.1	32.0
Male	33.0	32.0
Female	34.0	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	356 (100.0%)	325 (91.3%)	31 (8.7%)
White	15 (4.2%)	13 (86.7%)	2 (13.3%)
Black	13 (3.6%)	9 (69.2%)	4 (30.8%)
Hispanic	327 (91.8%)	302 (92.4%)	25 (7.6%)
Other	1 (0.3%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	301 (85.3%)
Substantial Assistance Departure	35 (9.9%)
Other Downward Departure	10 (2.8%)
Upward Departure	7 (2.0%)

Mode of Conviction ⁶

TOTAL	358 (100.0%)
Plea	315 (88.0%)
Trial	43 (12.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immlgratn
	356 (100.0)	12 (100.0)	18 (100.0)	0 (100.0)	22 (100.0)	190 (100.0)	9 (100.0)	9 (100.0)	61 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	296 (83.2)	12 (100.0)	6 (33.3)	0 (-)	11 (50.0)	186 (97.9)	3 (33.3)	9 (100.0)	45 (73.8)
Prison	289 (81.2)	12 (100.0)	6 (33.3)	0 (-)	9 (40.9)	185 (97.4)	3 (33.3)	9 (100.0)	44 (72.1)
Prison/Community Split	7 (2.0)	0 (0.0)	0 (0.0)	0 (-)	2 (9.1)	1 (0.5)	0 (0.0)	0 (0.0)	1 (1.6)
Prison Term Ordered									
1-12 months	46	0	1	0	7	4	2	1	23
13-24 months	31	0	1	0	2	11	1	2	10
25-36 months	13	0	0	0	0	9	0	1	1
37-60 months	73	0	0	0	2	58	0	3	5
Over 60 months	127	12	3	0	0	103	0	2	3
Mean Sentence	84.3	182.3	59.0	--	16.1	103.0	10.0	62.7	20.3
Median Sentence	60.0	110.5	78.0	--	10.0	68.0	12.0	60.0	12.0

CASES INVOLVING PROBATION

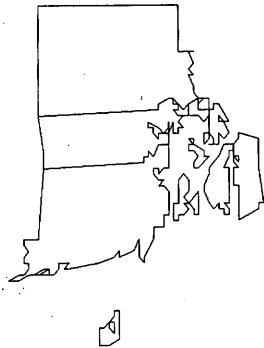
Total Receiving Probation	60 (16.9)	0 (0.0)	12 (66.7)	0 (-)	11 (50.0)	4 (2.1)	6 (66.7)	0 (0.0)	16 (26.2)
Probation Only	52 (14.6)	0 (0.0)	12 (66.7)	0 (-)	11 (50.0)	3 (1.6)	4 (44.4)	0 (0.0)	15 (24.6)
Probation and Confinement	8 (2.2)	0 (0.0)	0 (0.0)	0 (-)	0 (0.0)	1 (0.5)	2 (22.2)	0 (0.0)	1 (1.6)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	39 (10.9)	2 (16.7)	1 (5.6)	0 (-)	9 (37.5)	11 (5.8)	1 (11.1)	1 (11.1)	4 (6.6)
Median Dollar Amount	\$5,000	\$2,752	\$500	\$--	\$10,000	\$17,500	\$6,800	\$800	\$400

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, M

**RHODE ISLAND
1st Circuit**



Cities Supplying Guideline Documentation¹

- (1) Providence
- (2) Newport

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	13
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	10
Cases Filed	Civil ⁶	748
	Criminal ⁷	91
Population	Total ⁸	1,005,026
	Per Square Mile ⁹	952.6
Age Distribution¹⁰	Percent Age 0-14	19.4
	Percent Age 15-24	15.0
	Percent Age 25-34	16.9
	Percent Age 35-44	15.2
	Percent Age 45-64	18.3
	Percent Age 65+	15.1

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	36	4
Forcible Rape	311	31
Robbery	950	95
Aggravated Assault	2,668	265
Burglary	10,529	1,048
Larceny/Theft	24,052	2,393
Motor Vehicle Theft	7,463	743
Crime Index Total	46,009	4,578

Economic Indicators	Income per Capita ¹²	\$ 14,981
	Percent Unemployed ¹³	8.9

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	27.0
	Percent Retail	20.6
	Percent Finance ¹⁵	6.9
	Percent Service	29.7
	Percent Other ¹⁶	15.8

Agriculture	Percent Farm Acreage ¹⁷	8.7
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 82.77
	Education	\$ 603.17
	Health and Hospitals	\$ 1.51
	Public Welfare ¹⁹	\$ 24.52
	Highways	\$ 41.18

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	9	April 93	9
November 92	11	May 93	21
December 92	14	June 93	8
January 93	7	July 93	7
February 93	13	August 93	16
March 93	7	September 93	9

TOTAL = 131

Monthly Income ³

	mean	median
TOTAL	\$848	\$557
Male	\$853	\$560
Female	\$799	\$554

Average Age ⁵

	mean	median
TOTAL	36.0	33.0
Male	35.7	33.0
Female	39.5	36.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	131 (100.0%)	120 (91.6%)	11 (8.4%)
White	51 (38.9%)	45 (88.2%)	6 (11.8%)
Black	28 (21.4%)	27 (96.4%)	1 (3.6%)
Hispanic	52 (39.7%)	48 (92.3%)	4 (7.7%)
Other	0 (0.0%)	0 (-%)	0 (-%)

Departure Status ⁴

Sentenced within Guideline Range	117 (89.3%)
Substantial Assistance Departure	5 (3.8%)
Other Downward Departure	4 (3.1%)
Upward Departure	5 (3.8%)

Mode of Conviction ⁶

TOTAL	131 (100.0%)
Plea	104 (79.4%)
Trial	27 (20.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	2
	130 (100.0)	0 (100.0)	4 (100.0)	2 (100.0)	15 (100.0)	74 (100.0)	1 (100.0)	11 (100.0)	3 (100.0)	2
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	126 (96.9)	0 (-)	3 (75.0)	1 (50.0)	13 (86.7)	74 (100.0)	1 (100.0)	11 (100.0)	3 (100.0)	2
Prison	121 (93.1)	0 (-)	3 (75.0)	0 (0.0)	11 (73.3)	74 (100.0)	1 (100.0)	10 (90.9)	3 (100.0)	1
Prison/Community Split	5 (3.9)	0 (-)	0 (0.0)	1 (50.0)	2 (13.3)	0 (0.0)	0 (0.0)	1 (9.1)	0 (0.0)	
Prison Term Ordered										
1-12 months	19	0	1	1	5	5	0	1	0	
13-24 months	28	0	2	0	6	12	1	3	3	
25-36 months	14	0	0	0	2	10	0	0	0	
37-60 months	31	0	0	0	0	25	0	4	0	
Over 60 months	33	0	0	0	0	21	0	3	0	
Mean Sentence	55.9	--	18.0	1.0	17.0	53.6	24.0	47.7	20.3	
Median Sentence	37.0	--	18.0	1.0	14.0	46.0	24.0	37.0	21.0	

CASES INVOLVING PROBATION

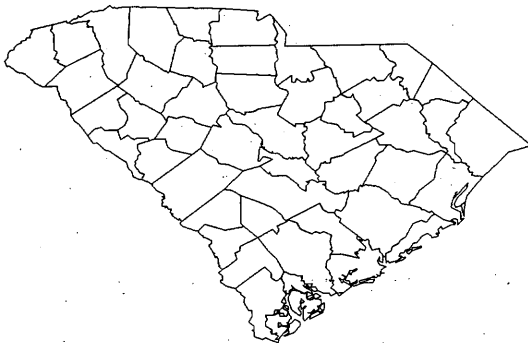
Total Receiving Probation	4 (3.1)	0 (-)	1 (25.0)	1 (50.0)	2 (13.3)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Probation Only	3 (2.3)	0 (-)	1 (25.0)	1 (50.0)	1 (6.7)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Probation and Confinement	1 (0.8)	0 (-)	0 (0.0)	0 (0.0)	1 (6.7)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	50 (38.8)	0 (-)	4 (100.0)	2 (100.0)	14 (93.3)	13 (17.8)	1 (100.0)	2 (18.2)	0 (0.0)	14
Median Dollar Amount	\$12,784	\$--	\$25,000	\$3,886	\$28,326	\$8,986	\$110,950	\$5,832	\$--	

Footnotes and a complete description of all variables in this table are provided in Apper SOURCE: U.S. Sentencing Commission, FY1993 Data File, MO.

SOUTH CAROLINA
4th Circuit



Cities Supplying Guideline Documentation¹

- | | |
|----------------|----------------|
| (1) Greenville | (4) Charleston |
| (2) Columbia | (5) Aiken |
| (3) Florence | (6) Anderson |

Number of Court Professionals	District Court Judges ²	11
	Assistant U.S. Attorneys ³	34
	Assistant Federal Defenders ⁴	9
	Probation Officers ⁵	46
Cases Filed	Civil ⁶	3,631
	Criminal ⁷	565
Population	Total ⁸	3,559,978
	Per Square Mile ⁹	117.9
Age Distribution¹⁰	Percent Age 0-14	22.1
	Percent Age 15-24	15.8
	Percent Age 25-34	16.7
	Percent Age 35-44	15.5
	Percent Age 45-64	18.6
	Percent Age 65+	11.4

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	374	11
Forcible Rape	2,120	60
Robbery	6,222	175
Aggravated Assault	25,912	728
Burglary	49,861	1,401
Larceny/Theft	115,728	3,251
Motor Vehicle Theft	12,587	354
Crime Index Total	212,804	5,978

Economic Indicators	Income per Capita ¹²	\$ 11,897
	Percent Unemployed ¹³	6.3

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	31.4
	Percent Retail	21.3
	Percent Finance ¹⁵	5.4
	Percent Service	22.4
	Percent Other ¹⁶	19.5

Agriculture	Percent Farm Acreage ¹⁷	24.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 47.95
	Education	\$ 565.06
	Health and Hospitals	\$ 130.89
	Public Welfare ¹⁹	\$ 4.39
	Highways	\$ 24.09

Cases Received by USSC (by sentencing month) ¹

October 92	58	April 93	112
November 92	70	May 93	84
December 92	72	June 93	70
January 93	38	July 93	79
February 93	59	August 93	74
March 93	122	September 93	58
TOTAL = 896			

Monthly Income ³

	mean	median
TOTAL	\$934	\$602
Male	\$971	\$540
Female	\$788	\$697

Average Age ⁵

	mean	median
TOTAL	34.7	33.0
Male	34.8	33.0
Female	34.0	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	896 (100.0%)	725 (80.9%)	171 (19.1%)
White	471 (52.6%)	388 (82.4%)	83 (17.6%)
Black	399 (44.5%)	314 (78.7%)	85 (21.3%)
Hispanic	20 (2.2%)	20 (100.0%)	0 (0.0%)
Other	6 (0.7%)	3 (50.0%)	3 (50.0%)

Departure Status ⁴

Sentenced within Guideline Range	689 (79.6%)
Substantial Assistance Departure	152 (17.6%)
Other Downward Departure	23 (2.7%)
Upward Departure	2 (0.2%)

Mode of Conviction ⁶

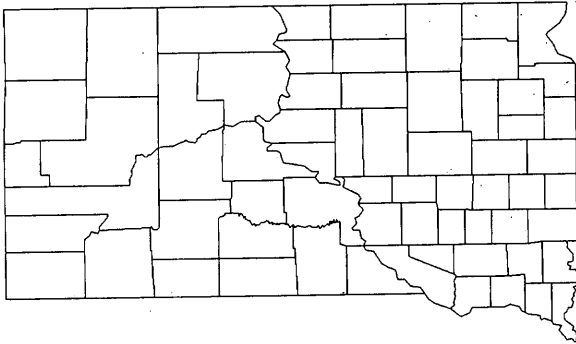
TOTAL	895 (100.0%)
Plea	821 (91.7%)
Trial	74 (8.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	Other
	891 (100.0)	30 (100.0)	68 (100.0)	19 (100.0)	126 (100.0)	354 (100.0)	38 (100.0)	92 (100.0)	7 (100.0)	157 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	576 (64.7)	30 (100.0)	27 (39.7)	10 (52.6)	52 (41.3)	285 (80.5)	16 (42.1)	76 (82.6)	7 (100.0)	73 (46.5)
Prison	526 (59.0)	30 (100.0)	22 (32.4)	8 (42.1)	37 (29.4)	269 (76.0)	14 (36.8)	73 (79.3)	7 (100.0)	66 (42.0)
Prison/Community Split	50 (5.6)	0 (0.0)	5 (7.3)	2 (10.5)	15 (11.9)	16 (4.5)	2 (5.3)	3 (3.3)	0 (0.0)	7 (4.5)
Prison Term Ordered										
1-12 months	155	0	16	8	33	39	11	12	7	29
13-24 months	96	2	4	2	14	39	5	15	0	10
25-36 months	53	0	2	0	4	32	0	7	0	1
37-60 months	119	15	2	0	1	65	0	25	0	11
Over 60 months	151	13	2	0	0	109	0	17	0	10
Mean Sentence	56.8	77.5	18.5	5.9	12.1	77.7	12.8	59.1	5.6	31.2
Median Sentence	33.0	58.5	10.0	3.5	10.5	54.0	12.0	60.0	5.0	18.0
CASES INVOLVING PROBATION										
Total Receiving Probation	315 (35.4)	0 (0.0)	41 (60.3)	9 (47.4)	74 (58.7)	69 (19.5)	22 (57.9)	16 (17.4)	0 (0.0)	84 (53.5)
Probation Only	195 (21.9)	0 (0.0)	34 (50.0)	6 (31.6)	49 (38.9)	26 (7.3)	16 (42.1)	10 (10.9)	0 (0.0)	54 (34.4)
Probation and Confinement	120 (13.5)	0 (0.0)	7 (10.3)	3 (15.8)	25 (19.8)	43 (12.2)	6 (15.8)	6 (6.5)	0 (0.0)	30 (19.1)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	228 (25.6)	8 (26.7)	36 (51.4)	7 (36.8)	76 (60.3)	11 (3.1)	17 (44.7)	12 (13.2)	2 (28.6)	59 (38.1)
Median Dollar Amount	\$2,000	\$4,430	\$919	\$4,320	\$3,000	\$1,000	\$466	\$500	\$4,651	\$2,246

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

SOUTH DAKOTA
8th Circuit



Cities Supplying Guideline Documentation¹

- (1) Sioux Falls (4) Aberdeen
- (2) Rapid City
- (3) Pierre

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	12
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	18
Cases Filed	Civil ⁶	462
	Criminal ⁷	218
Population	Total ⁸	703,431
	Per Square Mile ⁹	9.3
Age Distribution¹⁰	Percent Age 0-14	24.1
	Percent Age 15-24	14.1
	Percent Age 25-34	15.1
	Percent Age 35-44	14.4
	Percent Age 45-64	17.5
	Percent Age 65+	14.7

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	3	0
Forcible Rape	349	50
Robbery	117	17
Aggravated Assault	863	123
Burglary	3,508	499
Larceny/Theft	14,350	2,040
Motor Vehicle Theft	690	98
Crime Index Total	19,880	2,826

Economic Indicators	Income per Capita ¹²	\$ 10,661
	Percent Unemployed ¹³	3.0

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	15.4
	Percent Retail	25.4
	Percent Finance ¹⁵	7.3
	Percent Service	31.2
	Percent Other ¹⁶	20.8

Agriculture	Percent Farm Acreage ¹⁷	90.8
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 47.02
	Education	\$ 566.82
	Health and Hospitals	\$ 30.58
	Public Welfare ¹⁹	\$ 16.50
	Highways	\$ 137.46

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	15	April 93	8
November 92	17	May 93	18
December 92	19	June 93	13
January 93	22	July 93	10
February 93	10	August 93	21
March 93	11	September 93	17

TOTAL = 181

Monthly Income ³

	mean	median
TOTAL	\$1,103	\$0
Male	\$1,223	\$0
Female	\$567	\$330

Average Age ⁵

	mean	median
TOTAL	35.9	34.0
Male	36.3	34.0
Female	34.2	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	174 (100.0%)	142 (81.6%)	32 (18.4%)
White	70 (40.2%)	58 (82.9%)	12 (17.1%)
Black	3 (1.7%)	3 (100.0%)	0 (0.0%)
Hispanic	9 (5.2%)	8 (88.9%)	1 (11.1%)
Other	92 (52.9%)	73 (79.3%)	19 (20.7%)

Departure Status ⁴

Sentenced within Guideline Range	156 (87.6%)
Substantial Assistance Departure	8 (4.5%)
Other Downward Departure	8 (4.5%)
Upward Departure	6 (3.4%)

Mode of Conviction ⁶

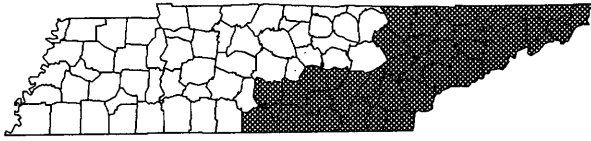
TOTAL	180 (100.0%)
Plea	154 (85.6%)
Trial	26 (14.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	0
	179 (100.0)	2 (100.0)	14 (100.0)	7 (100.0)	20 (100.0)	35 (100.0)	6 (100.0)	17 (100.0)	10 (100.0)	68 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	145 (81.0)	2 (100.0)	5 (35.7)	4 (57.1)	14 (70.0)	31 (88.6)	4 (66.7)	13 (76.5)	10 (100.0)	62 (91.2)
Prison	133 (74.3)	2 (100.0)	3 (21.4)	3 (42.9)	13 (65.0)	29 (82.9)	4 (66.7)	10 (58.8)	10 (100.0)	59 (86.8)
Prison/Community Split	12 (6.7)	0 (0.0)	2 (14.3)	1 (14.3)	1 (5.0)	2 (5.7)	0 (0.0)	3 (17.6)	0 (0.0)	3 (4.4)
Prison Term Ordered										
1-12 months	52	0	5	3	8	9	3	3	10	
13-24 months	28	0	0	1	4	1	1	4	0	
25-36 months	16	0	0	0	2	5	0	1	0	
37-60 months	17	0	0	0	0	8	0	4	0	
Over 60 months	32	2	0	0	0	8	0	1	0	
Mean Sentence	49.1	205.5	7.0	7.8	11.8	46.0	9.2	38.0	1.2	
Median Sentence	21.0	205.5	7.0	6.0	9.0	37.0	6.0	24.0	0.3	
CASES INVOLVING PROBATION										
Total Receiving Probation	34 (19.0)	0 (0.0)	9 (64.3)	3 (42.9)	6 (30.0)	4 (11.4)	2 (33.3)	4 (23.5)	0 (0.0)	6 (8.8)
Probation Only	27 (15.1)	0 (0.0)	8 (57.1)	2 (28.6)	3 (15.0)	3 (8.6)	2 (33.3)	3 (17.6)	0 (0.0)	6 (8.8)
Probation and Confinement	7 (3.9)	0 (0.0)	1 (7.1)	1 (14.3)	3 (15.0)	1 (2.9)	0 (0.0)	1 (5.9)	0 (0.0)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	44 (24.4)	2 (100.0)	10 (71.4)	5 (71.4)	17 (81.0)	2 (5.7)	5 (83.3)	1 (5.9)	0 (0.0)	2 (2.9)
Median Dollar Amount	\$2,540	\$15,638	\$2,030	\$2,553	\$11,498	\$1,225	\$700	\$356	\$--	\$17

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONF

**TENNESSEE, Eastern
6th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Chattanooga
- (2) Knoxville
- (3) Greeneville

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	18
	Assistant Federal Defenders ⁴	6
	Probation Officers ⁵	30
Cases Filed	Civil ⁶	2,034
	Criminal ⁷	422
Population	Total ⁸	2,026,639
	Per Square Mile ⁹	126.2
Age Distribution¹⁰	Percent Age 0-14	19.4
	Percent Age 15-24	14.6
	Percent Age 25-34	15.5
	Percent Age 35-44	15.6
	Percent Age 45-64	21.2
	Percent Age 65+	13.7

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	109	5
Forcible Rape	515	25
Robbery	1,897	94
Aggravated Assault	6,869	339
Burglary	17,069	842
Larceny/Theft	36,650	1,808
Motor Vehicle Theft	6,473	319
Crime Index Total	69,582	3,433

Economic Indicators	Income per Capita ¹²	\$ 11,765
	Percent Unemployed ¹³	6.7

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	32.3
	Percent Retail	21.0
	Percent Finance ¹⁵	4.7
	Percent Service	25.1
	Percent Other ¹⁶	16.9

Agriculture	Percent Farm Acreage ¹⁷	36.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 47.74
	Education	\$ 428.86
	Health and Hospitals	\$ 140.73
	Public Welfare ¹⁹	\$ 19.99
	Highways	\$ 71.28

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	43	April 93	28
November 92	25	May 93	38
December 92	29	June 93	36
January 93	31	July 93	22
February 93	17	August 93	43
March 93	41	September 93	39

TOTAL = 392

Monthly Income ³

	mean	median
TOTAL	\$1,010	\$702
Male	\$989	\$650
Female	\$1,130	\$900

Average Age ⁵

	mean	median
TOTAL	36.8	36.0
Male	36.8	36.0
Female	36.9	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	392 (100.0%)	341 (87.0%)	51 (13.0%)
White	282 (71.9%)	249 (88.3%)	33 (11.7%)
Black	96 (24.5%)	80 (83.3%)	16 (16.7%)
Hispanic	11 (2.8%)	11 (100.0%)	0 (0.0%)
Other	3 (0.8%)	1 (33.3%)	2 (66.7%)

Departure Status ⁴

Sentenced within Guideline Range	282 (75.0%)
Substantial Assistance Departure	81 (21.5%)
Other Downward Departure	12 (3.2%)
Upward Departure	1 (0.3%)

Mode of Conviction ⁶

TOTAL	389 (100.0%)
Plea	353 (90.7%)
Trial	36 (9.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Oth
	386 (100.0)	30 (100.0)	19 (100.0)	14 (100.0)	39 (100.0)	143 (100.0)	9 (100.0)	63 (100.0)	0 (100.0)	69 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	312 (80.8)	30 (100.0)	9 (47.4)	6 (42.9)	28 (71.8)	135 (94.4)	5 (55.6)	60 (95.2)	0 (--)	39 (56.4)
Prison	296 (76.7)	30 (100.0)	9 (47.4)	2 (14.3)	25 (64.1)	130 (90.9)	5 (55.6)	59 (93.7)	0 (--)	36 (52.1)
Prison/Community Split	16 (4.2)	0 (0.0)	0 (0.0)	4 (28.6)	3 (7.7)	5 (3.5)	0 (0.0)	1 (1.6)	0 (--)	3 (4.3)
Prison Term Ordered										
1-12 months	83	0	4	5	16	31	4	6	0	
13-24 months	51	1	2	1	8	18	1	10	0	
25-36 months	27	3	1	0	2	8	0	8	0	
37-60 months	49	4	2	0	2	25	0	13	0	
Over 60 months	102	22	0	0	0	53	0	23	0	
Mean Sentence	58.6	115.2	19.9	9.0	15.4	62.1	10.2	79.8	--	24
Median Sentence	33.0	84.5	20.0	8.5	12.0	60.0	8.0	60.0	--	15
CASES INVOLVING PROBATION										
Total Receiving Probation	74 (19.2)	0 (0.0)	10 (52.6)	8 (57.1)	11 (28.2)	8 (5.6)	4 (44.4)	3 (4.8)	0 (--)	30 (43.1)
Probation Only	52 (13.5)	0 (0.0)	9 (47.4)	3 (21.4)	5 (12.8)	1 (0.7)	3 (33.3)	2 (3.2)	0 (--)	29 (42.0)
Probation and Confinement	22 (5.7)	0 (0.0)	1 (5.3)	5 (35.7)	6 (15.4)	7 (4.9)	1 (11.1)	1 (1.6)	0 (--)	1 (1.4)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	139 (36.0)	21 (70.0)	16 (84.2)	11 (78.6)	30 (76.9)	15 (10.5)	7 (77.8)	8 (12.7)	0 (--)	31 (44.4)
Median Dollar Amount	\$4,100	\$5,331	\$4,309	\$6,950	\$10,267	\$2,000	\$1,100	\$2,000	\$--	\$2,400

Footnotes and a complete description of all variables in this table are provided in Appendix / SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY!

**TENNESSEE, Middle
6th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Nashville
- (2) Cookeville
- (3) Clarksville
- (4) Columbia

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	14
	Assistant Federal Defenders ⁴	7
	Probation Officers ⁵	25
Cases Filed	Civil ⁶	1,463
	Criminal ⁷	231
Population	Total ⁸	1,546,672
	Per Square Mile ⁹	110.5
Age Distribution¹⁰	Percent Age 0-14	21.0
	Percent Age 15-24	14.9
	Percent Age 25-34	17.4
	Percent Age 35-44	15.9
	Percent Age 45-64	19.0
	Percent Age 65+	11.7

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	124	8
Forcible Rape	773	50
Robbery	3,027	196
Aggravated Assault	8,537	552
Burglary	16,211	1,048
Larceny/Theft	42,119	2,723
Motor Vehicle Theft	6,395	413
Crime Index Total	77,186	4,990

Economic Indicators	Income per Capita ¹²	\$ 13,082
	Percent Unemployed ¹³	6.0

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	25.5
	Percent Retail	20.2
	Percent Finance ¹⁵	7.5
	Percent Service	27.5
	Percent Other ¹⁶	19.2

Agriculture	Percent Farm Acreage ¹⁷	47.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 58.01
	Education	\$ 426.19
	Health and Hospitals	\$ 129.33
	Public Welfare ¹⁹	\$ 7.40
	Highways	\$ 78.38

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	14	April 93	24
November 92	17	May 93	14
December 92	11	June 93	16
January 93	21	July 93	21
February 93	22	August 93	16
March 93	22	September 93	10

TOTAL = 208

Monthly Income ³

	mean	median
TOTAL	\$1,797	\$800
Male	\$1,869	\$800
Female	\$1,122	\$749

Average Age ⁵

	mean	median
TOTAL	35.2	34.0
Male	35.3	34.0
Female	34.7	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	208 (100.0%)	184 (88.5%)	24 (11.5%)
White	141 (67.8%)	122 (86.5%)	19 (13.5%)
Black	56 (26.9%)	52 (92.9%)	4 (7.1%)
Hispanic	7 (3.4%)	6 (85.7%)	1 (14.3%)
Other	4 (1.9%)	4 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	138 (78.0%)
Substantial Assistance Departure	26 (14.7%)
Other Downward Departure	11 (6.2%)
Upward Departure	2 (1.1%)

Mode of Conviction ⁶

TOTAL	205 (100.0%)
Plea	169 (82.4%)
Trial	36 (17.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr
	205 (100.0)	16 (100.0)	13 (100.0)	6 (100.0)	38 (100.0)	49 (100.0)	3 (100.0)	7 (100.0)	7 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	175 (85.4)	16 (100.0)	6 (46.1)	5 (83.3)	32 (84.2)	47 (95.9)	3 (100.0)	7 (100.0)	6 (85.7)
Prison	160 (78.0)	16 (100.0)	6 (46.1)	3 (50.0)	27 (71.0)	46 (93.9)	3 (100.0)	6 (85.7)	5 (71.4)
Prison/Community Split	15 (7.3)	0 (0.0)	0 (0.0)	2 (33.3)	5 (13.2)	1 (2.0)	0 (0.0)	1 (14.3)	1 (14.3)
Prison Term Ordered									
1-12 months	63	0	3	3	12	2	2	2	4
13-24 months	31	0	0	2	14	5	1	2	1
25-36 months	17	2	1	0	3	4	0	0	0
37-60 months	21	6	2	0	3	8	0	0	0
Over 60 months	42	8	0	0	0	28	0	3	0
Mean Sentence	44.3	82.1	24.2	11.6	19.2	89.6	7.3	72.1	9.4
Median Sentence	21.0	70.5	22.5	10.0	15.0	75.0	4.0	18.0	7.0

CASES INVOLVING PROBATION

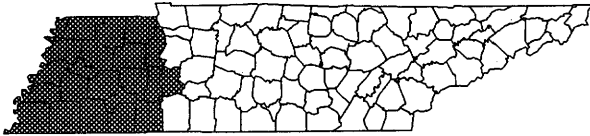
Total Receiving Probation	30 (14.6)	0 (0.0)	7 (53.9)	1 (16.7)	6 (15.8)	2 (4.1)	0 (0.0)	0 (0.0)	1 (14.3)
Probation Only	20 (9.8)	0 (0.0)	6 (46.1)	0 (0.0)	1 (2.6)	1 (2.0)	0 (0.0)	0 (0.0)	1 (14.3)
Probation and Confinement	10 (4.9)	0 (0.0)	1 (7.7)	1 (16.7)	5 (13.2)	1 (2.0)	0 (0.0)	0 (0.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	121 (58.5)	10 (62.5)	9 (69.2)	5 (83.3)	32 (84.2)	10 (20.4)	2 (66.7)	3 (37.5)	3 (42.9)
Median Dollar Amount	\$2,000	\$2,815	\$7,008	\$15,444	\$22,400	\$1,750	\$519	\$1,500	\$500

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, FY1993 Data File, M

**TENNESSEE, Western
6th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Memphis
- (2) Jackson

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ³	21
	Assistant Federal Defenders ⁴	7
	Probation Officers ⁵	21
Cases Filed	Civil ⁶	1,345
	Criminal ⁷	349
Population	Total ⁸	1,379,273
	Per Square Mile ⁹	124.3
Age Distribution¹⁰	Percent Age 0-14	22.3
	Percent Age 15-24	14.9
	Percent Age 25-34	16.6
	Percent Age 35-44	15.4
	Percent Age 45-64	18.2
	Percent Age 65+	12.5

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	224	16
Forcible Rape	804	58
Robbery	5,726	415
Aggravated Assault	5,491	398
Burglary	20,256	1,469
Larceny/Theft	33,343	2,417
Motor Vehicle Theft	13,983	1,014
Crime Index Total	79,827	5,788

Economic Indicators	Income per Capita ¹²	\$ 12,053
	Percent Unemployed ¹³	6.4

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	23.5
	Percent Retail	20.4
	Percent Finance ¹⁵	5.6
	Percent Service	26.8
	Percent Other ¹⁶	23.7

Agriculture	Percent Farm Acreage ¹⁷	52.1
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 69.68
	Education	\$ 460.81
	Health and Hospitals	\$ 173.34
	Public Welfare ¹⁹	\$ 6.27
	Highways	\$ 63.50

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

TENNESSEE, V

Cases Received by USSC (by sentencing month) ¹

October 92	64	April 93	28
November 92	24	May 93	48
December 92	55	June 93	27
January 93	20	July 93	56
February 93	30	August 93	26
March 93	41	September 93	27

TOTAL = 446

Monthly Income ³

	mean	median
TOTAL	\$790	\$220
Male	\$826	\$0
Female	\$615	\$413

Average Age ⁵

	mean	median
TOTAL	32.9	31.5
Male	32.8	31.0
Female	33.2	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	446 (100.0%)	361 (80.9%)	85 (19.1%)
White	162 (36.3%)	130 (80.2%)	32 (19.8%)
Black	266 (59.6%)	215 (80.8%)	51 (19.2%)
Hispanic	16 (3.6%)	14 (87.5%)	2 (12.5%)
Other	2 (0.5%)	2 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	326 (74.9%)
Substantial Assistance Departure	82 (18.9%)
Other Downward Departure	25 (5.7%)
Upward Departure	2 (0.5%)

Mode of Conviction ⁶

TOTAL	441 (100.0%)
Plea	375 (85.0%)
Trial	66 (15.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	440 (100.0)	11 (100.0)	40 (100.0)	9 (100.0)	70 (100.0)	190 (100.0)	5 (100.0)	54 (100.0)	1 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	327 (74.3)	11 (100.0)	16 (40.0)	6 (66.7)	42 (60.0)	170 (89.5)	2 (40.0)	52 (96.3)	1 (100.0)
Prison	310 (70.5)	11 (100.0)	16 (40.0)	3 (33.3)	33 (47.1)	167 (87.9)	2 (40.0)	51 (94.4)	1 (100.0)
Prison/Community Split	17 (3.9)	0 (0.0)	0 (0.0)	3 (33.3)	9 (12.9)	3 (1.6)	0 (0.0)	1 (1.9)	0 (0.0)

Prison Term Ordered

1-12 months	59	0	9	6	21	12	2	3	0
13-24 months	59	0	5	0	14	25	0	7	1
25-36 months	23	1	1	0	4	11	0	2	0
37-60 months	54	2	1	0	2	30	0	14	0
Over 60 months	132	8	0	0	1	92	0	26	0
Mean Sentence	74.8	140.2	14.1	5.2	16.1	91.2	10.0	91.7	16.0
Median Sentence	51.0	104.0	12.0	4.5	12.5	70.0	10.0	61.5	16.0

CASES INVOLVING PROBATION

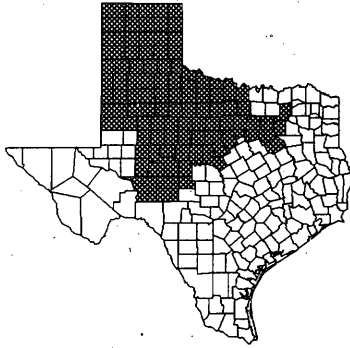
Total Receiving Probation	113 (25.7)	0 (0.0)	24 (60.0)	3 (33.3)	28 (40.0)	20 (10.5)	3 (60.0)	2 (3.7)	0 (0.0)
Probation Only	65 (14.8)	0 (0.0)	15 (37.5)	1 (11.1)	16 (22.9)	10 (5.3)	1 (20.0)	2 (3.7)	0 (0.0)
Probation and Confinement	48 (10.9)	0 (0.0)	9 (22.5)	2 (22.2)	12 (17.1)	10 (5.3)	2 (40.0)	0 (0.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	164 (37.0)	6 (54.5)	32 (80.0)	6 (66.7)	62 (86.1)	21 (11.1)	3 (60.0)	5 (9.3)	0 (0.0)
Median Dollar Amount	\$1,963	\$1,106	\$612	\$1,000	\$6,996	\$2,000	\$1,097	\$2,000	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, 1

**TEXAS, Northern
5th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|----------------|-------------------|
| (1) Dallas | (5) Abilene |
| (2) Fort Worth | (6) San Angelo |
| (3) Lubbock | (7) Wichita Falls |
| (4) Amarillo | (8) Arlington |
| | (9) Garland |

Number of Court Professionals	District Court Judges ²	14
	Assistant U.S. Attorneys ³	61
	Assistant Federal Defenders ⁴	14
	Probation Officers ⁵	71

Cases Filed	Civil ⁶	4,690
	Criminal ⁷	828

Population	Total ⁸	5,089,740
	Per Square Mile ⁹	53.1

Age Distribution¹⁰	Percent Age 0-14	23.5
	Percent Age 15-24	14.7
	Percent Age 25-34	18.7
	Percent Age 35-44	15.4
	Percent Age 45-64	17.3
	Percent Age 65+	10.4

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	759	15
Forcible Rape	3,343	66
Robbery	17,294	340
Aggravated Assault	30,233	594
Burglary	84,129	1,653
Larceny/Theft	227,802	4,476
Motor Vehicle Theft	46,766	919
Crime Index Total	410,326	8,062

Economic Indicators	Income per Capita ¹²	\$ 14,098
	Percent Unemployed ¹³	7.0

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	20.3
	Percent Retail	20.7
	Percent Finance ¹⁵	8.9
	Percent Service	28.6
	Percent Other ¹⁶	21.6

Agriculture	Percent Farm Acreage ¹⁷	86.3
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 81.13
	Education	\$ 669.84
	Health and Hospitals	\$ 112.74
	Public Welfare ¹⁹	\$ 3.90
	Highways	\$ 89.29

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

TEXAS, North

Cases Received by USSC (by sentencing month) ¹

October 92	72	April 93	86
November 92	58	May 93	109
December 92	80	June 93	95
January 93	90	July 93	66
February 93	49	August 93	91
March 93	78	September 93	73
TOTAL = 947			

Monthly Income ³

	mean	median
TOTAL	\$1,271	\$755
Male	\$1,298	\$644
Female	\$1,144	\$900

Average Age ⁵

TOTAL	35.2	34.0
Male	35.0	33.0
Female	36.0	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	946 (100.0%)	785 (83.0%)	161 (17.0%)
White	424 (44.8%)	341 (80.4%)	83 (19.6%)
Black	290 (30.7%)	247 (85.2%)	43 (14.8%)
Hispanic	212 (22.4%)	178 (84.0%)	34 (16.0%)
Other	20 (2.1%)	19 (95.0%)	1 (5.0%)

Departure Status ⁴

Sentenced within Guideline Range	709 (75.7%)
Substantial Assistance Departure	173 (18.5%)
Other Downward Departure	34 (3.6%)
Upward Departure	21 (2.2%)

Mode of Conviction ⁵

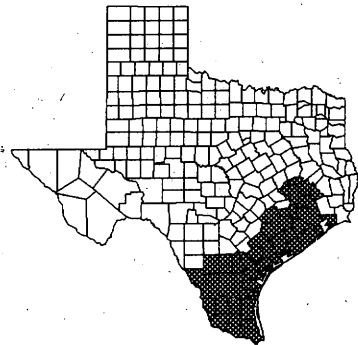
TOTAL	943 (100.0%)
Plea	833 (88.3%)
Trial	110 (11.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	
	939 (100.0)	49 (100.0)	73 (100.0)	12 (100.0)	178 (100.0)	256 (100.0)	9 (100.0)	86 (100.0)	50 (100.0)	226 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	777 (82.8)	49 (100.0)	45 (61.6)	9 (75.0)	138 (77.5)	250 (97.7)	6 (66.7)	84 (97.7)	40 (80.0)	156 (68.9)
Prison	761 (81.0)	49 (100.0)	43 (58.9)	7 (58.3)	131 (73.6)	248 (96.9)	6 (66.7)	84 (97.7)	40 (80.0)	153 (67.7)
Prison/Community Split	16 (1.7)	0 (0.0)	2 (2.7)	2 (16.7)	7 (3.9)	2 (0.8)	0 (0.0)	0 (0.0)	0 (0.0)	3 (1.3)
Prison Term Ordered										
1-12 months	145	0	22	5	43	8	4	6		22
13-24 months	149	0	15	3	52	25	1	8		7
25-36 months	98	3	4	1	23	26	0	12		4
37-60 months	137	8	3	0	17	46	1	23		5
Over 60 months	248	38	1	0	3	145	0	35		2
Mean Sentence	76.8	198.2	18.9	12.1	22.7	117.0	14.5	101.2		20.7
Median Sentence	36.0	111.0	13.0	8.0	18.0	78.0	7.0	60.0		11.0
CASES INVOLVING PROBATION										
Total Receiving Probation	162 (17.2)	0 (0.0)	28 (38.4)	3 (25.0)	40 (22.5)	6 (2.3)	3 (33.3)	2 (2.3)	10 (20.0)	70 (30.9)
Probation Only	106 (11.3)	0 (0.0)	18 (24.7)	2 (16.7)	19 (10.7)	3 (1.2)	2 (22.2)	0 (0.0)	8 (16.0)	54 (23.7)
Probation and Confinement	56 (6.0)	0 (0.0)	10 (13.7)	1 (8.3)	21 (11.8)	3 (1.2)	1 (11.1)	2 (2.3)	2 (4.0)	16 (7.1)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	334 (35.4)	16 (32.6)	42 (56.8)	11 (84.6)	116 (64.8)	36 (14.0)	6 (66.7)	7 (8.1)	12 (24.0)	88 (38.8)
Median Dollar Amount	\$3,456	\$1,528	\$2,000	\$27,770	\$7,809	\$3,000	\$1,675	\$2,500		\$484

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MON

**TEXAS, Southern
5th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|-----------------|--------------------|
| (1) Houston | (4) Laredo |
| (2) McAllen | (5) Corpus Christi |
| (3) Brownsville | (6) Galveston |

Number of Court Professionals	District Court Judges ²	17
	Assistant U.S. Attorneys ³	99
	Assistant Federal Defenders ⁴	32
	Probation Officers ⁵	126
Cases Filed	Civil ⁶	6,353
	Criminal ⁷	1,300
Population	Total ⁸	5,711,136
	Per Square Mile ⁹	134.5
Age Distribution¹⁰	Percent Age 0-14	25.4
	Percent Age 15-24	15.5
	Percent Age 25-34	18.1
	Percent Age 35-44	16.1
	Percent Age 45-64	16.5
	Percent Age 65+	8.5

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	809	14
Forcible Rape	2,764	48
Robbery	16,285	285
Aggravated Assault	29,205	511
Burglary	86,725	1,519
Larceny/Theft	196,463	3,440
Motor Vehicle Theft	58,201	1,019
Crime Index Total	390,452	6,837

Economic Indicators	Income per Capita ¹²	\$ 12,922
	Percent Unemployed ¹³	8.3

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	14.3
	Percent Retail	21.6
	Percent Finance ¹⁵	7.6
	Percent Service	29.3
	Percent Other ¹⁶	27.2

Agriculture	Percent Farm Acreage ¹⁷	78.0
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 84.20
	Education	\$ 726.33
	Health and Hospitals	\$ 107.75
	Public Welfare ¹⁹	\$ 5.58
	Highways	\$ 107.56

Cases Received by USSC (by sentencing month) ¹

October 92	129	April 93	139
November 92	105	May 93	113
December 92	89	June 93	123
January 93	87	July 93	120
February 93	113	August 93	112
March 93	96	September 93	137

TOTAL = 1,363

Monthly Income ³

	mean	median
TOTAL	\$886	\$500
Male	\$877	\$481
Female	\$958	\$673

Average Age ⁵

TOTAL	34.0	32.0
Male	34.0	32.0
Female	34.6	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,360 (100.0%)	1,218 (89.6%)	142 (10.4%)
White	197 (14.5%)	162 (82.2%)	35 (17.8%)
Black	131 (9.6%)	104 (79.4%)	27 (20.6%)
Hispanic	1,026 (75.4%)	947 (92.3%)	79 (7.7%)
Other	6 (0.4%)	5 (83.3%)	1 (16.7%)

Departure Status ⁴

Sentenced within Guideline Range	1,072 (78.9%)
Substantial Assistance Departure	232 (17.1%)
Other Downward Departure	43 (3.2%)
Upward Departure	11 (0.8%)

Mode of Conviction ⁶

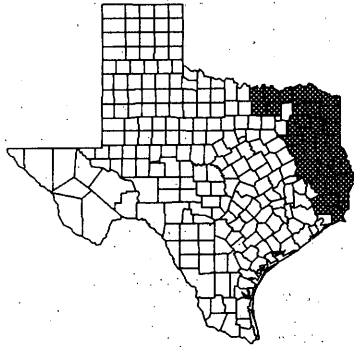
TOTAL	1,355 (100.0%)
Plea	1,154 (85.2%)
Trial	201 (14.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	Other
	1,359 (100.0)	4 (100.0)	17 (100.0)	6 (100.0)	112 (100.0)	750 (100.0)	0 (100.0)	88 (100.0)	201 (100.0)	181 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	1,169 (86.0)	4 (100.0)	10 (58.8)	2 (33.3)	61 (54.5)	727 (96.9)	0 (-)	78 (88.6)	151 (75.1)	136 (74.6)
Prison	1,146 (84.3)	4 (100.0)	10 (58.8)	0 (0.0)	58 (51.8)	726 (96.8)	0 (-)	76 (86.4)	146 (72.6)	126 (68.5)
Prison/Community Split	23 (1.7)	0 (0.0)	0 (0.0)	2 (33.3)	3 (2.7)	1 (0.1)	0 (-)	2 (2.3)	5 (2.5)	10 (5.5)
Prison Term Ordered										
1-12 months	259	0	3	2	24	24	0	21	121	
13-24 months	171	0	4	0	20	86	0	10	22	
25-36 months	137	0	1	0	7	102	0	13	3	
37-60 months	251	2	2	0	8	210	0	9	3	
Over 60 months	351	2	0	0	2	305	0	25	2	
Mean Sentence	60.5	66.8	22.3	8.0	21.1	78.7	--	66.7	9.7	
Median Sentence	37.0	61.5	15.5	8.0	18.0	60.0	--	33.5	6.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	190 (14.0)	0 (0.0)	7 (41.2)	4 (66.7)	51 (45.5)	23 (3.1)	0 (-)	10 (11.4)	50 (24.9)	45 (24.8)
Probation Only	109 (8.0)	0 (0.0)	4 (23.5)	1 (16.7)	25 (22.3)	19 (2.5)	0 (-)	5 (5.7)	31 (15.4)	24 (13.2)
Probation and Confinement	81 (6.0)	0 (0.0)	3 (17.6)	3 (50.0)	26 (23.2)	4 (0.5)	0 (-)	5 (5.7)	19 (9.4)	21 (11.6)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	428 (31.5)	4 (100.0)	14 (77.8)	6 (100.0)	71 (64.0)	236 (31.5)	0 (-)	16 (18.2)	12 (6.0)	69 (38.1)
Median Dollar Amount	\$1,000	\$83	\$11,816	\$14,884	\$10,000	\$750	\$--	\$1,000	\$500	\$2,000

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONF

**TEXAS, Eastern
5th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Beaumont
- (2) Tyler
- (3) Sherman
- (4) Plano
- (5) Texarkana

Number of Court Professionals	District Court Judges ²	8
	Assistant U.S. Attorneys ³	29
	Assistant Federal Defenders ⁴	3
	Probation Officers ⁵	27
Cases Filed	Civil ⁶	2,362
	Criminal ⁷	416
Population	Total ⁸	2,333,260
	Per Square Mile ⁹	71.1
Age Distribution¹⁰	Percent Age 0-14	22.9
	Percent Age 15-24	14.0
	Percent Age 25-34	16.3
	Percent Age 35-44	15.3
	Percent Age 45-64	18.6
	Percent Age 65+	12.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	198	8
Forcible Rape	1,079	46
Robbery	2,838	122
Aggravated Assault	9,871	423
Burglary	29,851	1,279
Larceny/Theft	68,012	2,915
Motor Vehicle Theft	8,505	365
Crime Index Total	120,354	5,158

Economic Indicators	Income per Capita ¹²	\$ 12,780
	Percent Unemployed ¹³	7.5

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	24.4
	Percent Retail	24.3
	Percent Finance ¹⁵	4.9
	Percent Service	26.8
	Percent Other ¹⁶	19.6

Agriculture	Percent Farm Acreage ¹⁷	45.2
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 55.04
	Education	\$ 724.20
	Health and Hospitals	\$ 70.31
	Public Welfare ¹⁹	\$ 2.91
	Highways	\$ 84.80

FISCAL YEAR 1993 GUIDELINE SENTENCES

TEXAS, E

Cases Received by USSC (by sentencing month) ¹

October 92	28	April 93	48
November 92	25	May 93	23
December 92	58	June 93	50
January 93	22	July 93	38
February 93	23	August 93	41
March 93	45	September 93	29

TOTAL = 430

Monthly Income ³

	mean	median
TOTAL	\$1,243	\$388
Male	\$1,237	\$300
Female	\$1,273	\$474

Average Age ⁵

	mean	median
TOTAL	34.7	32.0
Male	34.6	32.5
Female	35.2	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	429 (100.0%)	366 (85.3%)	63 (14.7%)
White	227 (52.9%)	195 (85.9%)	32 (14.1%)
Black	168 (39.2%)	137 (81.5%)	31 (18.5%)
Hispanic	30 (7.0%)	30 (100.0%)	0 (0.0%)
Other	4 (0.9%)	4 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	344 (83.9%)
Substantial Assistance Departure	21 (5.1%)
Other Downward Departure	39 (9.5%)
Upward Departure	6 (1.5%)

Mode of Conviction ⁶

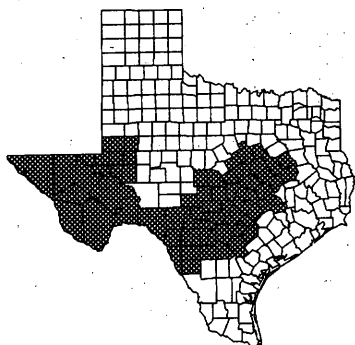
TOTAL	430 (100.0%)
Plea	388 (90.2%)
Trial	42 (9.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	428 (100.0)	5 (100.0)	48 (100.0)	10 (100.0)	44 (100.0)	145 (100.0)	12 (100.0)	81 (100.0)	8 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	320 (74.8)	5 (100.0)	25 (52.1)	3 (30.0)	18 (40.9)	140 (96.5)	7 (58.3)	64 (79.0)	8 (100.0)	
Prison	303 (70.8)	5 (100.0)	19 (39.6)	1 (10.0)	13 (29.6)	139 (95.9)	6 (50.0)	64 (79.0)	8 (100.0)	
Prison/Community Split	17 (4.0)	0 (0.0)	6 (12.5)	2 (20.0)	5 (11.4)	1 (0.7)	1 (8.3)	0 (0.0)	0 (0.0)	
Prison Term Ordered										
1-12 months	61	0	12	3	9	8	4	4	4	
13-24 months	41	1	5	0	4	14	0	8	2	
25-36 months	34	0	4	0	0	15	2	6	0	
37-60 months	73	1	4	0	5	27	1	23	1	
Over 60 months	111	3	0	0	0	76	0	23	1	
Mean Sentence	77.9	121.0	18.8	8.7	21.4	109.9	17.9	88.2	23.4	
Median Sentence	46.0	111.0	14.0	8.0	15.0	76.5	8.0	60.0	14.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	108 (25.2)	0 (0.0)	23 (47.9)	7 (70.0)	26 (59.1)	5 (3.5)	5 (41.7)	17 (21.0)	0 (0.0)	
Probation Only	82 (19.2)	0 (0.0)	18 (37.5)	4 (40.0)	22 (50.0)	5 (3.5)	3 (25.0)	14 (17.3)	0 (0.0)	
Probation and Confinement	26 (6.1)	0 (0.0)	5 (10.4)	3 (30.0)	4 (9.1)	0 (0.0)	2 (16.7)	3 (3.7)	0 (0.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	180 (41.9)	1 (20.0)	29 (60.4)	5 (45.5)	40 (90.9)	39 (26.9)	4 (33.3)	20 (24.7)	0 (0.0)	
Median Dollar Amount	\$3,000	\$--	\$3,800	\$17,910	\$7,380	\$7,500	\$2,780	\$1,000	\$--	

Footnotes and a complete description of all variables in this table are provided in Apper SOURCE: U.S. Sentencing Commission, FY1993 Data File, MOI

**TEXAS, Western
5th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|-----------------|--------------------|
| (1) El Paso | (5) Del Rio |
| (2) San Antonio | (6) Midland-Odessa |
| (3) Waco | (7) Pecos |
| (4) Austin | |

Number of Court Professionals	District Court Judges ²	8
	Assistant U.S. Attorneys ³	64
	Assistant Federal Defenders ⁴	31
	Probation Officers ⁵	90
Cases Filed	Civil ⁶	2,961
	Criminal ⁷	1,406
Population	Total ⁸	4,213,040
	Per Square Mile ⁹	46.4
Age Distribution¹⁰	Percent Age 0-14	24.4
	Percent Age 15-24	16.3
	Percent Age 25-34	17.3
	Percent Age 35-44	14.9
	Percent Age 45-64	16.5
	Percent Age 65+	10.5

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	473	11
Forcible Rape	2,246	53
Robbery	8,164	194
Aggravated Assault	16,750	398
Burglary	68,101	1,616
Larceny/Theft	197,187	4,680
Motor Vehicle Theft	31,567	749
Crime Index Total	324,488	7,702

Economic Indicators	Income per Capita ¹²	\$ 11,498
	Percent Unemployed ¹³	7.2

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	15.2
	Percent Retail	25.2
	Percent Finance ¹⁵	8.1
	Percent Service	32.2
	Percent Other ¹⁶	19.2

Agriculture	Percent Farm Acreage ¹⁷	80.5
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 67.34
	Education	\$ 745.43
	Health and Hospitals	\$ 116.61
	Public Welfare ¹⁹	\$ 6.40
	Highways	\$ 77.35

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	151	April 93	134
November 92	118	May 93	123
December 92	108	June 93	146
January 93	100	July 93	141
February 93	113	August 93	106
March 93	148	September 93	95
TOTAL = 1,483			

Monthly Income ³

	mean	median
TOTAL	\$855	\$456
Male	\$829	\$400
Female	\$1,038	\$700

Average Age ⁵

TOTAL	33.1	31.0
Male	33.2	31.0
Female	32.6	31.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,414 (100.0%)	1,268 (89.7%)	146 (10.3%)
White	395 (27.9%)	341 (86.3%)	54 (13.7%)
Black	158 (11.2%)	135 (85.4%)	23 (14.6%)
Hispanic	851 (60.2%)	783 (92.0%)	68 (8.0%)
Other	10 (0.7%)	9 (90.0%)	1 (10.0%)

Departure Status ⁴

Sentenced within Guideline Range	1,122 (81.2%)
Substantial Assistance Departure	186 (13.5%)
Other Downward Departure	43 (3.1%)
Upward Departure	30 (2.2%)

Mode of Conviction ⁶

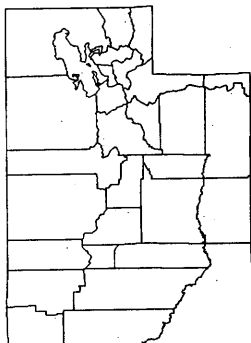
TOTAL	1,482 (100.0%)
Plea	1,316 (88.8%)
Trial	166 (11.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	Other
	1,469 (100.0)	6 (100.0)	84 (100.0)	11 (100.0)	73 (100.0)	759 (100.0)	18 (100.0)	74 (100.0)	211 (100.0)	233 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	1,259 (85.7)	6 (100.0)	34 (40.5)	9 (81.8)	54 (74.0)	750 (98.8)	9 (50.0)	69 (93.2)	187 (88.6)	141 (60.0)
Prison	1,250 (85.1)	6 (100.0)	34 (40.5)	7 (63.6)	52 (71.2)	749 (98.7)	9 (50.0)	68 (91.9)	187 (88.6)	138 (59.2)
Prison/Community Split	9 (0.6)	0 (0.0)	0 (0.0)	2 (18.2)	2 (2.7)	1 (0.1)	0 (0.0)	1 (1.4)	0 (0.0)	3 (1.2)
Prison Term Ordered										
1-12 months	248	0	28	6	31	28	4	11	82	5
13-24 months	273	0	3	3	12	134	4	15	68	3
25-36 months	153	0	2	0	5	103	1	9	13	2
37-60 months	251	3	1	0	5	192	0	16	17	1
Over 60 months	333	3	0	0	1	293	0	18	7	1
Mean Sentence	59.8	150.7	10.8	10.0	17.9	78.1	15.8	74.4	20.9	36.0
Median Sentence	33.0	140.0	8.0	10.0	12.0	60.0	15.0	36.0	16.0	21.0
CASES INVOLVING PROBATION										
Total Receiving Probation	210 (14.3)	0 (0.0)	50 (59.5)	2 (18.2)	19 (26.0)	9 (1.2)	9 (50.0)	5 (6.8)	24 (11.4)	92 (39.5)
Probation Only	183 (12.5)	0 (0.0)	45 (53.6)	1 (9.1)	16 (21.9)	7 (0.9)	9 (50.0)	5 (6.8)	16 (7.6)	84 (36.0)
Probation and Confinement	27 (1.8)	0 (0.0)	5 (6.0)	1 (9.1)	3 (4.1)	2 (0.3)	0 (0.0)	0 (0.0)	8 (3.8)	8 (3.4)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	578 (39.2)	3 (50.0)	73 (85.9)	11 (100.0)	54 (74.0)	205 (27.0)	15 (83.3)	26 (34.7)	23 (10.9)	168 (71.2)
Median Dollar Amount	\$2,275	\$10,000	\$1,000	\$54,285	\$34,658	\$3,000	\$2,500	\$3,000	\$2,000	\$1,000

Footnotes and a complete description of all variables in this table are provided in Appendix A
 SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY93

UTAH
10th Circuit



Cities Supplying Guideline Documentation¹

- (1) Salt Lake City
- (2) Ogden

Number of Court Professionals	District Court Judges ²	7
	Assistant U.S. Attorneys ³	17
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	24
Cases Filed	Civil ⁶	1,270
	Criminal ⁷	366
Population	Total ⁸	1,769,955
	Per Square Mile ⁹	21.6
Age Distribution¹⁰	Percent Age 0-14	30.7
	Percent Age 15-24	17.2
	Percent Age 25-34	15.7
	Percent Age 35-44	13.4
	Percent Age 45-64	14.1
	Percent Age 65+	8.8

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	54	3
Forcible Rape	816	46
Robbery	1,010	57
Aggravated Assault	3,327	188
Burglary	15,756	890
Larceny/Theft	75,756	4,280
Motor Vehicle Theft	4,266	241
Crime Index Total	100,985	5,705

Economic Indicators	Income per Capita ¹²	\$ 11,029
	Percent Unemployed ¹³	4.9

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	17.0
	Percent Retail	21.9
	Percent Finance ¹⁵	6.4
	Percent Service	32.4
	Percent Other ¹⁶	22.2

Agriculture	Percent Farm Acreage ¹⁷	19.0
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 68.04
	Education	\$ 650.39
	Health and Hospitals	\$ 38.78
	Public Welfare ¹⁹	\$ 3.34
	Highways	\$ 68.75

FISCAL YEAR 1993 GUIDELINE SENTENCES

UT

Cases Received by USSC (by sentencing month)¹

October 92	22	April 93	24
November 92	21	May 93	24
December 92	20	June 93	21
January 93	30	July 93	21
February 93	18	August 93	17
March 93	21	September 93	37

TOTAL = 276

Monthly Income³

	mean	median
TOTAL	\$1,269	\$802
Male	\$1,237	\$800
Female	\$1,456	\$1,138

Average Age⁵

	mean	median
TOTAL	34.1	32.0
Male	33.9	32.0
Female	34.9	33.5

Gender, Race, and Ethnicity²

	TOTAL	Male	Female
TOTAL	275 (100.0%)	236 (85.8%)	39 (14.2%)
White	159 (57.8%)	134 (84.3%)	25 (15.7%)
Black	18 (6.5%)	16 (88.9%)	2 (11.1%)
Hispanic	69 (25.1%)	61 (88.4%)	8 (11.6%)
Other	29 (10.6%)	25 (86.2%)	4 (13.8%)

Departure Status⁴

Sentenced within Guideline Range	212 (76.8%)
Substantial Assistance Departure	32 (11.6%)
Other Downward Departure	30 (10.9%)
Upward Departure	2 (0.7%)

Mode of Conviction⁶

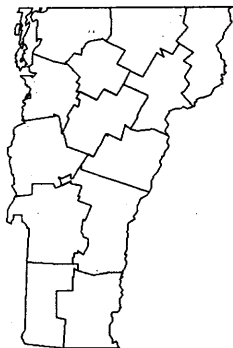
TOTAL	274 (100.0%)
Plea	252 (92.0%)
Trial	22 (8.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	Other
	272 (100.0)	9 (100.0)	24 (100.0)	5 (100.0)	39 (100.0)	91 (100.0)	5 (100.0)	31 (100.0)	13 (100.0)	55 (100.0)
CASES INVOLVING PRISON⁸										
Total Receiving Prison	195 (71.7)	9 (100.0)	5 (20.8)	1 (20.0)	28 (71.8)	81 (89.0)	3 (60.0)	27 (87.1)	12 (92.3)	29 (52.7)
Prison	178 (65.4)	9 (100.0)	5 (20.8)	1 (20.0)	18 (46.1)	78 (85.7)	2 (40.0)	25 (80.7)	12 (92.3)	28 (50.9)
Prison/Community Split	17 (6.2)	0 (0.0)	0 (0.0)	0 (0.0)	10 (25.6)	3 (3.3)	1 (20.0)	2 (6.5)	0 (0.0)	1 (1.8)
Prison Term Ordered										
1-12 months	50	0	4	0	21	9	2	6	0	0
13-24 months	38	0	0	1	5	13	0	7	2	0
25-36 months	24	1	0	0	1	12	1	5	1	0
37-60 months	32	3	0	0	1	15	0	5	6	0
Over 60 months	51	5	1	0	0	32	0	4	3	0
Mean Sentence	50.2	81.6	23.6	15.0	12.6	68.8	15.7	39.4	50.4	0
Median Sentence	30.0	65.0	12.0	15.0	10.0	48.0	8.0	27.0	58.5	0
CASES INVOLVING PROBATION										
Total Receiving Probation	77 (28.3)	0 (0.0)	19 (79.2)	4 (80.0)	11 (28.2)	10 (11.0)	2 (40.0)	4 (12.9)	1 (7.7)	26 (47.3)
Probation Only	56 (20.6)	0 (0.0)	13 (54.2)	4 (80.0)	7 (17.9)	4 (4.4)	1 (20.0)	3 (9.7)	1 (7.7)	23 (41.8)
Probation and Confinement	21 (7.7)	0 (0.0)	6 (25.0)	0 (0.0)	4 (10.3)	6 (6.6)	1 (20.0)	1 (3.2)	0 (0.0)	3 (5.5)
CASES INVOLVING FINES AND RESTITUTION⁹										
Total Receiving Fines and Restitution	148 (53.6)	6 (66.7)	18 (75.0)	5 (83.3)	29 (72.5)	37 (40.7)	4 (80.0)	14 (43.8)	4 (30.8)	31 (56.4)
Median Dollar Amount	\$2,487	\$5,113	\$800	\$1,838	\$17,416	\$2,500	\$5,500	\$1,000	\$1,250	\$1,000

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONF

**VERMONT
2nd Circuit**



Cities Supplying Guideline Documentation¹

- (1) Burlington
- (2) Rutland
- (3) Montpelier

Number of Court Professionals	District Court Judges ²	3
	Assistant U.S. Attorneys ³	12
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	9
Cases Filed	Civil ⁶	10,033
	Criminal ⁷	87
Population	Total ⁸	566,460
	Per Square Mile ⁹	61.1
Age Distribution¹⁰	Percent Age 0-14	21.8
	Percent Age 15-24	15.0
	Percent Age 25-34	16.3
	Percent Age 35-44	16.9
	Percent Age 45-64	18.2
	Percent Age 65+	11.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	10	2
Forcible Rape	110	19
Robbery	37	7
Aggravated Assault	346	61
Burglary	3,855	681
Larceny/Theft	10,124	1,787
Motor Vehicle Theft	457	81
Crime Index Total	14,939	2,637

Economic Indicators	Income per Capita ¹²	\$ 13,528
	Percent Unemployed ¹³	6.5

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	21.8
	Percent Retail	22.8
	Percent Finance ¹⁵	6.1
	Percent Service	30.2
	Percent Other ¹⁶	19.1

Agriculture	Percent Farm Acreage ¹⁷	23.7
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 35.05
	Education	\$ 717.31
	Health and Hospitals	\$ 3.92
	Public Welfare ¹⁹	\$ 0.77
	Highways	\$ 115.03

FISCAL YEAR 1993 GUIDELINE SENTENCES

VERMONT

Cases Received by USSC (by sentencing month) ¹

October 92	5	April 93	8
November 92	12	May 93	16
December 92	10	June 93	14
January 93	4	July 93	5
February 93	7	August 93	31
March 93	16	September 93	10

TOTAL = 138

Monthly Income ³

	mean	median
TOTAL	\$879	\$788
Male	\$895	\$800
Female	\$747	\$762

Average Age ⁵

	mean	median
TOTAL	36.4	36.0
Male	35.9	36.0
Female	39.9	38.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	138 (100.0%)	123 (89.1%)	15 (10.9%)
White	119 (86.2%)	106 (89.1%)	13 (10.9%)
Black	15 (10.9%)	13 (86.7%)	2 (13.3%)
Hispanic	3 (2.2%)	3 (100.0%)	0 (0.0%)
Other	1 (0.7%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	100 (73.5%)
Substantial Assistance Departure	15 (11.0%)
Other Downward Departure	17 (12.5%)
Upward Departure	4 (2.9%)

Mode of Conviction ⁶

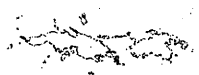
TOTAL	137 (100.0%)
Plea	127 (92.7%)
Trial	10 (7.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	Other
	137 (100.0)	2 (100.0)	6 (100.0)	3 (100.0)	16 (100.0)	65 (100.0)	2 (100.0)	22 (100.0)	2 (100.0)	19 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	115 (83.9)	2 (100.0)	5 (83.3)	2 (66.7)	12 (75.0)	56 (86.2)	0 (0.0)	21 (95.5)	2 (100.0)	15 (78.9)
Prison	102 (74.5)	2 (100.0)	3 (50.0)	0 (0.0)	12 (75.0)	50 (76.9)	0 (0.0)	19 (86.4)	2 (100.0)	14 (73.7)
Prison/Community Split	13 (9.5)	0 (0.0)	2 (33.3)	2 (66.7)	0 (0.0)	6 (9.2)	0 (0.0)	2 (9.1)	0 (0.0)	1 (5.2)
Prison Term Ordered										
1-12 months	25	0	2	2	3	9	0	2	2	2
13-24 months	21	0	1	0	5	6	0	5	0	0
25-36 months	16	0	0	0	2	10	0	2	0	0
37-60 months	22	0	2	0	2	13	0	4	0	0
Over 60 months	31	2	0	0	0	18	0	8	0	0
Mean Sentence	57.9	155.5	30.6	4.5	23.4	62.2	--	90.7	6.0	6.0
Median Sentence	30.0	155.5	21.0	4.5	22.0	42.0	--	46.0	6.0	6.0
CASES INVOLVING PROBATION										
Total Receiving Probation	22 (16.1)	0 (0.0)	1 (16.7)	1 (33.3)	4 (25.0)	9 (13.8)	2 (100.0)	1 (4.5)	0 (0.0)	4 (21.1)
Probation Only	13 (9.5)	0 (0.0)	0 (0.0)	0 (0.0)	3 (18.8)	4 (6.2)	2 (100.0)	1 (4.5)	0 (0.0)	3 (15.7)
Probation and Confinement	9 (6.6)	0 (0.0)	1 (16.7)	1 (33.3)	1 (6.2)	5 (7.7)	0 (0.0)	0 (0.0)	0 (0.0)	1 (5.4)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	42 (30.4)	2 (100.0)	4 (66.7)	3 (100.0)	12 (75.0)	6 (9.2)	2 (100.0)	1 (4.5)	1 (50.0)	11 (57.9)
Median Dollar Amount	\$9,212	\$51,181	\$38,365	\$9,314	\$16,000	\$7,000	\$560	\$500	\$500	\$500

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONI

**VIRGIN ISLANDS
3rd Circuit**



Cities Supplying Guideline Documentation¹

- (1) St. Croix
- (2) St. Thomas
- (3) Christiansted

Number of Court Professionals	District Court Judges ²	1
	Assistant U.S. Attorneys ³	14
	Assistant Federal Defenders ⁴	5
	Probation Officers ⁵	11
Cases Filed	Civil ⁶	499
	Criminal ⁷	453
Population	Total ⁸	101,809
	Per Square Mile ⁹	760.9
Age Distribution¹⁰	Percent Age 0-14	28.9
	Percent Age 15-24	16.4
	Percent Age 25-34	14.4
	Percent Age 35-44	14.8
	Percent Age 45-64	19.1
	Percent Age 65+	6.4

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	23	23
Forcible Rape	101	99
Robbery	650	638
Aggravated Assault	2,002	1,966
Burglary	3,280	3,222
Larceny/Theft	3,718	3,652
Motor Vehicle Theft	983	966
Crime Index Total	10,757	10,566

Economic Indicators	Income per Capita ¹²	\$ 9,440
	Percent Unemployed ¹³	--

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	--
	Percent Retail	--
	Percent Finance ¹⁵	--
	Percent Service	--
	Percent Other ¹⁶	--

Agriculture	Percent Farm Acreage ¹⁷	20.9
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Per Capita Local Expenditures¹⁸	Police Protection	--
	Education	--
	Health and Hospitals	--
	Public Welfare ¹⁹	--
	Highways	--

FISCAL YEAR 1993 GUIDELINE SENTENCES

VIRGIN ISLANDS

Cases Received by USSC (by sentencing month) ¹

October 92	20	April 93	11
November 92	16	May 93	8
December 92	23	June 93	12
January 93	11	July 93	12
February 93	8	August 93	22
March 93	18	September 93	3

TOTAL = 164

Monthly Income ³

	mean	median
TOTAL	\$433	\$0
Male	\$470	\$0
Female	\$291	\$0

Average Age ⁵

	mean	median
TOTAL	31.8	30.0
Male	31.9	30.0
Female	31.7	30.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	164 (100.0%)	131 (79.9%)	33 (20.1%)
White	16 (9.8%)	13 (81.3%)	3 (18.8%)
Black	84 (51.2%)	65 (77.4%)	19 (22.6%)
Hispanic	60 (36.6%)	50 (83.3%)	10 (16.7%)
Other	4 (2.4%)	3 (75.0%)	1 (25.0%)

Departure Status ⁴

Sentenced within Guideline Range	145 (92.4%)
Substantial Assistance Departure	11 (7.0%)
Other Downward Departure	1 (0.6%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

TOTAL	164 (100.0%)
Plea	135 (82.3%)
Trial	29 (17.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	C
	155 (100.0)	2 (100.0)	3 (100.0)	1 (100.0)	21 (100.0)	44 (100.0)	1 (100.0)	12 (100.0)	56 (100.0)	15 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	139 (89.7)	2 (100.0)	1 (33.3)	1 (100.0)	12 (57.1)	42 (95.5)	1 (100.0)	12 (100.0)	55 (98.2)	13 (86.7)
Prison	139 (89.7)	2 (100.0)	1 (33.3)	1 (100.0)	12 (57.1)	42 (95.5)	1 (100.0)	12 (100.0)	55 (98.2)	13 (86.7)
Prison/Community Split	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered										
1-12 months	72	0	0	1	10	1	1	1	49	1
13-24 months	7	0	0	0	0	4	0	1	1	0
25-36 months	11	0	0	0	2	3	0	5	1	0
37-60 months	10	0	1	0	0	7	0	1	1	0
Over 60 months	37	2	0	0	0	27	0	4	1	0
Mean Sentence	47.1	87.0	46.0	2.0	8.6	112.2	6.0	62.7	5.7	1.0
Median Sentence	12.0	87.0	46.0	2.0	4.0	120.0	6.0	31.5	2.0	0.0

CASES INVOLVING PROBATION

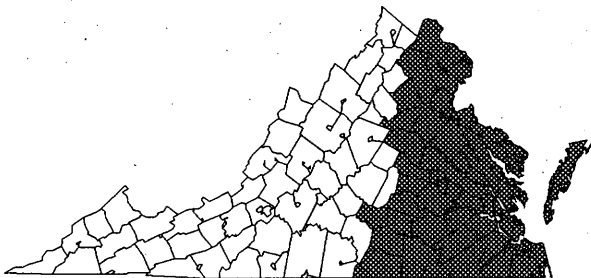
Total Receiving Probation	16 (10.3)	0 (0.0)	2 (66.7)	0 (0.0)	9 (42.9)	2 (4.5)	0 (0.0)	0 (0.0)	1 (1.8)	2 (13.3)
Probation Only	16 (10.3)	0 (0.0)	2 (66.7)	0 (0.0)	9 (42.9)	2 (4.5)	0 (0.0)	0 (0.0)	1 (1.8)	2 (13.3)
Probation and Confinement	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	44 (27.2)	2 (100.0)	1 (33.3)	0 (0.0)	10 (35.7)	9 (20.4)	1 (100.0)	2 (16.7)	10 (17.9)	9 (56.2)
Median Dollar Amount	\$1,000	\$2,362	\$928	\$--	\$1,998	\$2,000	\$100	\$500	\$250	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONI

**VIRGINIA, Eastern
4th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Alexandria
- (2) Norfolk
- (3) Richmond
- (4) Newport News
- (5) Petersburg
- (6) Fairfax
- (7) Williamsburg

Number of Court Professionals	District Court Judges ²	15
	Assistant U.S. Attorneys ³	50
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	66
Cases Filed	Civil ⁶	4,018
	Criminal ⁷	2,136
Population	Total ⁸	4,403,245
	Per Square Mile ⁹	268.4
Age Distribution¹⁰	Percent Age 0-14	21.5
	Percent Age 15-24	14.7
	Percent Age 25-34	19.3
	Percent Age 35-44	17.0
	Percent Age 45-64	18.2
	Percent Age 65+	9.5

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	448	10
Forcible Rape	1,617	37
Robbery	7,953	181
Aggravated Assault	9,454	215
Burglary	35,066	796
Larceny/Theft	147,900	3,359
Motor Vehicle Theft	17,144	389
Crime Index Total	219,582	4,987

Economic Indicators	Income per Capita ¹²	\$ 17,318
	Percent Unemployed ¹³	5.8

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	13.2
	Percent Retail	23.2
	Percent Finance ¹⁵	7.5
	Percent Service	33.0
	Percent Other ¹⁶	23.0

Agriculture	Percent Farm Acreage ¹⁷	31.2
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 82.29
	Education	\$ 683.29
	Health and Hospitals	\$ 80.88
	Public Welfare ¹⁹	\$ 61.55
	Highways	\$ 64.58

FISCAL YEAR 1993 GUIDELINE SENTENCES

VIRGINIA, East

Cases Received by USSC (by sentencing month) ¹

October 92	90	April 93	80
November 92	83	May 93	72
December 92	108	June 93	74
January 93	96	July 93	132
February 93	85	August 93	85
March 93	96	September 93	93

TOTAL = 1,094

Monthly Income ³

	mean	median
TOTAL	\$1,038	\$400
Male	\$1,021	\$210
Female	\$1,127	\$762

Average Age ⁵

	mean	median
TOTAL	32.1	30.0
Male	31.7	29.0
Female	34.6	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,076 (100.0%)	901 (83.7%)	175 (16.3%)
White	357 (33.2%)	300 (84.0%)	57 (16.0%)
Black	619 (57.5%)	511 (82.6%)	108 (17.4%)
Hispanic	70 (6.5%)	66 (94.3%)	4 (5.7%)
Other	30 (2.8%)	24 (80.0%)	6 (20.0%)

Departure Status ⁴

Sentenced within Guideline Range	940 (91.8%)
Substantial Assistance Departure	43 (4.2%)
Other Downward Departure	29 (2.8%)
Upward Departure	12 (1.2%)

Mode of Conviction ⁶

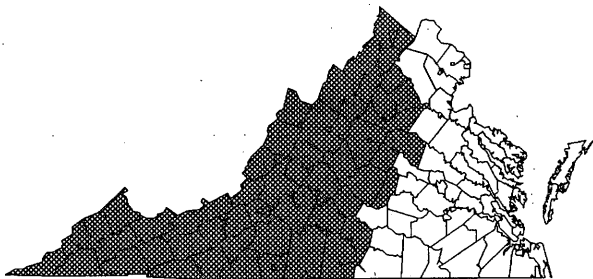
TOTAL	1,091 (100.0%)
Plea	918 (84.1%)
Trial	173 (15.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Oth
	1,057 (100.0)	19 (100.0)	131 (100.0)	15 (100.0)	154 (100.0)	374 (100.0)	9 (100.0)	117 (100.0)	29 (100.0)	209 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	820 (77.6)	19 (100.0)	57 (43.5)	11 (73.3)	99 (64.3)	362 (96.8)	6 (66.7)	99 (84.6)	22 (75.9)	145 (69.4)
Prison	780 (73.8)	19 (100.0)	56 (42.8)	10 (66.7)	83 (53.9)	354 (94.7)	6 (66.7)	91 (77.8)	22 (75.9)	139 (66.5)
Prison/Community Split	40 (3.8)	0 (0.0)	1 (0.8)	1 (6.7)	16 (10.4)	8 (2.1)	0 (0.0)	8 (6.8)	0 (0.0)	6 (2.9)
Prison Term Ordered										
1-12 months	225	0	42	8	67	11	4	28	13	
13-24 months	118	1	8	1	15	20	1	27	5	
25-36 months	39	2	1	1	8	10	0	9	0	
37-60 months	102	4	2	0	8	52	0	17	2	
Over 60 months	331	12	2	1	1	269	0	18	1	
Mean Sentence	83.8	109.6	18.8	14.7	13.9	146.9	9.2	40.9	16.1	44.1
Median Sentence	46.0	101.0	8.0	10.0	10.0	120.0	12.0	21.0	9.0	11.0
CASES INVOLVING PROBATION										
Total Receiving Probation	237 (22.4)	0 (0.0)	74 (56.5)	4 (26.7)	55 (35.7)	12 (3.2)	3 (33.3)	18 (15.4)	7 (24.1)	64 (30.6)
Probation Only	153 (14.5)	0 (0.0)	58 (44.3)	1 (6.7)	26 (16.9)	8 (2.1)	3 (33.3)	4 (3.4)	6 (20.7)	47 (22.5)
Probation and Confinement	84 (8.0)	0 (0.0)	16 (12.2)	3 (20.0)	29 (18.8)	4 (1.1)	0 (0.0)	14 (12.0)	1 (3.5)	17 (8.1)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	378 (34.8)	12 (63.2)	125 (81.7)	11 (73.3)	105 (67.7)	30 (8.0)	2 (22.2)	8 (6.8)	6 (20.0)	79 (37.8)
Median Dollar Amount	\$1,817	\$1,150	\$250	\$7,000	\$5,030	\$3,483	\$4,900	\$3,000	\$750	\$1,700

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY!

**VIRGINIA, Western
4th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|---------------------|-------------------|
| (1) Roanoke | (5) Harrisonburg |
| (2) Charlottesville | (6) Lynchburg |
| (3) Danville | (7) Big Stone Gap |
| (4) Abingdon | (8) Rocky Mount |

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	14
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	24
Cases Filed	Civil ⁶	1,878
	Criminal ⁷	271
Population	Total ⁸	1,875,935
	Per Square Mile ⁹	80.5
Age Distribution¹⁰	Percent Age 0-14	19.1
	Percent Age 15-24	15.4
	Percent Age 25-34	15.5
	Percent Age 35-44	15.3
	Percent Age 45-64	20.7
	Percent Age 65+	14.1

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	116	6
Forcible Rape	391	21
Robbery	834	44
Aggravated Assault	3,094	165
Burglary	10,151	541
Larceny/Theft	37,606	2,005
Motor Vehicle Theft	2,344	125
Crime Index Total	54,536	2,907

Economic Indicators	Income per Capita ¹²	\$ 11,980
	Percent Unemployed ¹³	7.6

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	32.3
	Percent Retail	20.3
	Percent Finance ¹⁵	4.7
	Percent Service	22.8
	Percent Other ¹⁶	19.7

Agriculture	Percent Farm Acreage ¹⁷	36.4
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 49.28
	Education	\$ 571.41
	Health and Hospitals	\$ 3.30
	Public Welfare ¹⁹	\$ 45.06
	Highways	\$ 30.56

FISCAL YEAR 1993 GUIDELINE SENTENCES

VIRGINIA, We

Cases Received by USSC (by sentencing month) ¹

October 92	33	April 93	32
November 92	15	May 93	22
December 92	27	June 93	34
January 93	38	July 93	19
February 93	26	August 93	30
March 93	19	September 93	18

TOTAL = 313

Monthly Income ³

	mean	median
TOTAL	\$812	\$554
Male	\$807	\$500
Female	\$845	\$750

Average Age ⁵

TOTAL	34.7	33.0
Male	34.9	33.5
Female	33.8	31.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	312 (100.0%)	271 (86.9%)	41 (13.1%)
White	202 (64.7%)	168 (83.2%)	34 (16.8%)
Black	100 (32.0%)	93 (93.0%)	7 (7.0%)
Hispanic	9 (2.9%)	9 (100.0%)	0 (0.0%)
Other	1 (0.3%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	216 (71.5%)
Substantial Assistance Departure	59 (19.5%)
Other Downward Departure	22 (7.3%)
Upward Departure	5 (1.7%)

Mode of Conviction ⁶

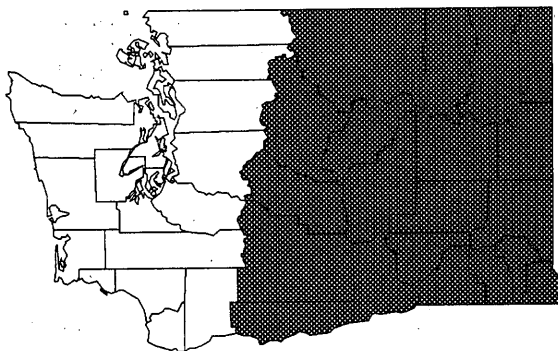
TOTAL	312 (100.0%)
Plea	254 (81.4%)
Trial	58 (18.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	
	309 (100.0)	1 (100.0)	14 (100.0)	9 (100.0)	22 (100.0)	152 (100.0)	4 (100.0)	69 (100.0)	1 (100.0)	37
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	239 (77.3)	1 (100.0)	6 (42.9)	7 (77.8)	15 (68.2)	133 (87.5)	2 (50.0)	49 (71.0)	1 (100.0)	25
Prison	222 (71.8)	1 (100.0)	6 (42.9)	6 (66.7)	9 (40.9)	129 (84.9)	2 (50.0)	47 (68.1)	0 (0.0)	22
Prison/Community Split	17 (5.5)	0 (0.0)	0 (0.0)	1 (11.1)	6 (27.3)	4 (2.6)	0 (0.0)	2 (2.9)	1 (100.0)	3
Prison Term Ordered										
1-12 months	60	0	3	6	12	23	1	5	1	
13-24 months	47	0	2	1	2	21	1	11	0	
25-36 months	21	0	0	0	1	8	0	9	0	
37-60 months	36	0	0	0	0	24	0	9	0	
Over 60 months	74	1	1	0	0	56	0	15	0	
Mean Sentence	66.0	62.0	27.4	4.4	10.9	84.8	11.0	66.0	6.0	
Median Sentence	30.0	62.0	11.5	1.0	8.0	60.0	11.0	36.0	6.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	70 (22.6)	0 (0.0)	8 (57.1)	2 (22.2)	7 (31.8)	19 (12.5)	2 (50.0)	20 (29.0)	0 (0.0)	12
Probation Only	44 (14.2)	0 (0.0)	8 (57.1)	2 (22.2)	3 (13.6)	7 (4.6)	2 (50.0)	15 (21.7)	0 (0.0)	7
Probation and Confinement	26 (8.4)	0 (0.0)	0 (0.0)	0 (0.0)	4 (18.2)	12 (7.9)	0 (0.0)	5 (7.2)	0 (0.0)	5
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	143 (46.1)	1 (100.0)	10 (71.4)	5 (55.6)	16 (72.7)	63 (41.2)	4 (100.0)	24 (34.8)	0 (0.0)	20
Median Dollar Amount	\$2,000	\$1,059	\$1,000	\$8,945	\$11,578	\$2,000	\$1,440	\$1,000	\$--	

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MON.

**WASHINGTON, Eastern
9th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Spokane
- (2) Yakima
- (3) Richland

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	14
	Assistant Federal Defenders ⁴	7
	Probation Officers ⁵	14
Cases Filed	Civil ⁶	663
	Criminal ⁷	459
Population	Total ⁸	1,122,069
	Per Square Mile ⁹	26.9
Age Distribution¹⁰	Percent Age 0-14	24.1
	Percent Age 15-24	14.6
	Percent Age 25-34	15.1
	Percent Age 35-44	15.5
	Percent Age 45-64	17.9
	Percent Age 65+	12.8

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	56	5
Forcible Rape	742	66
Robbery	878	78
Aggravated Assault	3,693	329
Burglary	14,389	1,282
Larceny/Theft	45,650	4,068
Motor Vehicle Theft	3,122	278
Crime Index Total	68,530	6,107

Economic Indicators	Income per Capita ¹²	\$ 11,869
	Percent Unemployed ¹³	9.3

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	18.9
	Percent Retail	23.9
	Percent Finance ¹⁵	5.3
	Percent Service	30.4
	Percent Other ¹⁶	21.5

Agriculture	Percent Farm Acreage ¹⁷	56.8
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 66.13
	Education	\$ 724.30
	Health and Hospitals	\$ 91.17
	Public Welfare ¹⁹	\$ 0.12
	Highways	\$ 126.81

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	24	April 93	25
November 92	5	May 93	19
December 92	20	June 93	12
January 93	27	July 93	32
February 93	20	August 93	30
March 93	38	September 93	18

TOTAL = 270

Monthly Income ³

	mean	median
TOTAL	\$827	\$300
Male	\$773	\$67
Female	\$1,212	\$800

Average Age ⁵

	mean	median
TOTAL	32.3	30.0
Male	32.2	30.0
Female	32.6	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	270 (100.0%)	251 (93.0%)	19 (7.0%)
White	94 (34.8%)	82 (87.2%)	12 (12.8%)
Black	16 (5.9%)	16 (100.0%)	0 (0.0%)
Hispanic	149 (55.2%)	144 (96.6%)	5 (3.4%)
Other	11 (4.1%)	9 (81.8%)	2 (18.2%)

Departure Status ⁴

Sentenced within Guideline Range	218 (84.5%)
Substantial Assistance Departure	18 (7.0%)
Other Downward Departure	20 (7.8%)
Upward Departure	2 (0.8%)

Mode of Conviction ⁶

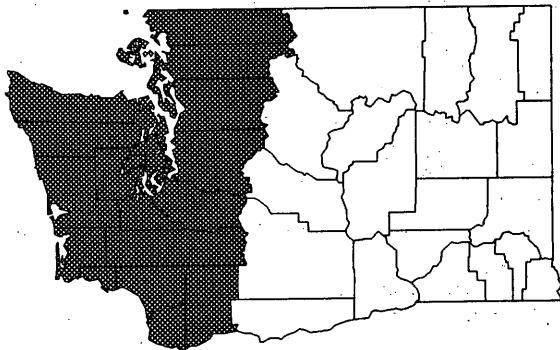
TOTAL	269 (100.0%)
Plea	248 (92.2%)
Trial	21 (7.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	Othe
	269 (100.0)	4 (100.0)	4 (100.0)	1 (100.0)	12 (100.0)	96 (100.0)	1 (100.0)	29 (100.0)	101 (100.0)	21 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	242 (90.0)	4 (100.0)	2 (50.0)	0 (0.0)	6 (50.0)	92 (95.8)	0 (0.0)	28 (96.5)	98 (97.0)	12 (57.1)
Prison	204 (75.8)	3 (75.0)	2 (50.0)	0 (0.0)	5 (41.7)	87 (90.6)	0 (0.0)	27 (93.1)	68 (67.3)	12 (57.1)
Prison/Community Split	38 (14.1)	1 (25.0)	0 (0.0)	0 (0.0)	1 (8.3)	5 (5.2)	0 (0.0)	1 (3.5)	30 (29.7)	0 (0.0)
Prison Term Ordered										
1-12 months	102	1	1	0	3	14	0	2	77	
13-24 months	35	0	0	0	2	7	0	6	16	
25-36 months	19	1	1	0	1	10	0	3	3	
37-60 months	49	1	0	0	0	36	0	9	1	
Over 60 months	37	1	0	0	0	25	0	8	1	
Mean Sentence	39.4	41.0	18.0	--	12.7	64.2	--	66.7	9.7	45.0
Median Sentence	18.0	43.5	18.0	--	11.5	56.0	--	49.0	8.0	18.0
CASES INVOLVING PROBATION										
Total Receiving Probation	27 (10.0)	0 (0.0)	2 (50.0)	1 (100.0)	6 (50.0)	4 (4.2)	1 (100.0)	1 (3.5)	3 (3.0)	9 (42.9)
Probation Only	16 (6.0)	0 (0.0)	0 (0.0)	0 (0.0)	5 (41.7)	0 (0.0)	0 (0.0)	0 (0.0)	3 (3.0)	8 (38.1)
Probation and Confinement	11 (4.1)	0 (0.0)	2 (50.0)	1 (100.0)	1 (8.3)	4 (4.2)	1 (100.0)	1 (3.5)	0 (0.0)	1 (4.3)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	47 (17.5)	1 (25.0)	4 (100.0)	1 (100.0)	7 (58.3)	20 (20.8)	1 (100.0)	5 (17.2)	2 (2.0)	6 (28.6)
Median Dollar Amount	\$2,000	\$--	\$8,618	\$2,550	\$1,800	\$1,000	\$750	\$2,000	\$2,625	\$13,700

Footnotes and a complete description of all variables in this table are provided in Appendix A
 SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONFY9

**WASHINGTON, Western
9th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Seattle
- (2) Tacoma
- (3) Olympic National Park

Number of Court Professionals	District Court Judges ²	8
	Assistant U.S. Attorneys ³	35
	Assistant Federal Defenders ⁴	11
	Probation Officers ⁵	38
Cases Filed	Civil ⁶	2,665
	Criminal ⁷	1,121
Population	Total ⁸	3,889,690
	Per Square Mile ⁹	157.3
Age Distribution¹⁰	Percent Age 0-14	22.0
	Percent Age 15-24	13.3
	Percent Age 25-34	17.7
	Percent Age 35-44	17.5
	Percent Age 45-64	18.1
	Percent Age 65+	11.4

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	201	5
Forcible Rape	2,918	75
Robbery	6,261	161
Aggravated Assault	12,518	322
Burglary	42,742	1,099
Larceny/Theft	159,958	4,112
Motor Vehicle Theft	20,904	537
Crime Index Total	245,502	6,312

Economic Indicators	Income per Capita ¹²	\$ 15,805
	Percent Unemployed ¹³	7.0

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	22.6
	Percent Retail	21.5
	Percent Finance ¹⁵	7.2
	Percent Service	27.6
	Percent Other ¹⁶	21.2

Agriculture	Percent Farm Acreage ¹⁷	5.82
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 77.49
	Education	\$ 675.18
	Health and Hospitals	\$ 116.06
	Public Welfare ¹⁹	\$ 2.44
	Highways	\$ 89.96

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

WASHINGTON, West

Cases Received by USSC (by sentencing month) ¹

October 92	36	April 93	35
November 92	35	May 93	34
December 92	25	June 93	32
January 93	46	July 93	46
February 93	43	August 93	39
March 93	26	September 93	37

TOTAL = 434

Monthly Income ³

	mean	median
TOTAL	\$1,061	\$512
Male	\$1,008	\$172
Female	\$1,279	\$828

Average Age ⁵

	mean	median
TOTAL	33.8	31.0
Male	34.1	31.0
Female	32.5	31.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	434 (100.0%)	354 (81.6%)	80 (18.4%)
White	262 (60.4%)	217 (82.8%)	45 (17.2%)
Black	73 (16.8%)	58 (79.5%)	15 (20.5%)
Hispanic	58 (13.4%)	54 (93.1%)	4 (6.9%)
Other	41 (9.4%)	25 (61.0%)	16 (39.0%)

Departure Status ⁴

Sentenced within Guideline Range	302 (70.6%)
Substantial Assistance Departure	84 (19.6%)
Other Downward Departure	36 (8.4%)
Upward Departure	6 (1.4%)

Mode of Conviction ⁶

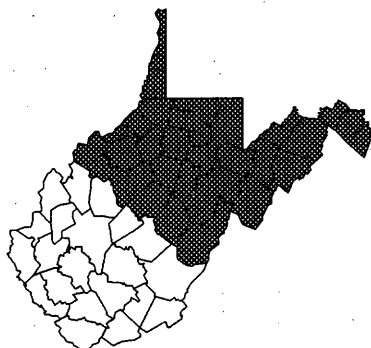
TOTAL	430 (100.0%)
Plea	387 (90.0%)
Trial	43 (10.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	
	429 (100.0)	38 (100.0)	35 (100.0)	32 (100.0)	73 (100.0)	131 (100.0)	8 (100.0)	20 (100.0)	22 (100.0)	70 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	288 (67.1)	38 (100.0)	8 (22.9)	5 (15.6)	53 (72.6)	115 (87.8)	5 (62.5)	17 (85.0)	22 (100.0)	25 (71.4)
Prison	270 (62.9)	38 (100.0)	7 (20.0)	3 (9.4)	43 (58.9)	113 (86.3)	4 (50.0)	17 (85.0)	21 (95.5)	24 (68.6)
Prison/Community Split	18 (4.2)	0 (0.0)	1 (2.9)	2 (6.2)	10 (13.7)	2 (1.5)	1 (12.5)	0 (0.0)	1 (4.5)	1 (2.8)
Prison Term Ordered										
1-12 months	68	0	3	5	26	13	3	3	6	6
13-24 months	44	0	1	0	16	11	2	3	7	7
25-36 months	22	1	1	0	3	13	0	3	0	0
37-60 months	58	7	2	0	7	27	0	4	6	6
Over 60 months	96	30	1	0	1	51	0	4	3	3
Mean Sentence	63.0	107.6	28.2	2.8	17.7	81.3	14.0	46.6	31.1	31.1
Median Sentence	41.0	85.5	25.5	0.1	15.0	60.0	12.0	33.0	21.0	21.0
CASES INVOLVING PROBATION										
Total Receiving Probation	141 (32.9)	0 (0.0)	27 (77.1)	27 (84.4)	20 (27.4)	16 (12.2)	3 (37.5)	3 (15.0)	0 (0.0)	45 (128.6)
Probation Only	93 (21.7)	0 (0.0)	22 (62.9)	25 (78.1)	11 (15.1)	5 (3.8)	1 (12.5)	0 (0.0)	0 (0.0)	29 (82.9)
Probation and Confinement	48 (11.2)	0 (0.0)	5 (14.3)	2 (6.2)	9 (12.3)	11 (8.4)	2 (25.0)	3 (15.0)	0 (0.0)	16 (45.7)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	203 (47.5)	33 (86.8)	27 (75.0)	25 (78.1)	62 (83.8)	8 (6.1)	4 (50.0)	4 (21.1)	1 (4.5)	39 (110.6)
Median Dollar Amount	\$4,173	\$10,858	\$672	\$2,130	\$25,000	\$7,500	\$2,430	\$1,500	\$2,000	\$2,000

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MON

**WEST VIRGINIA, Northern
4th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Wheeling
- (2) Clarksburg
- (3) Martinsburg
- (4) Elkins
- (5) Charleston

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	11
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	11
Cases Filed	Civil ⁶	642
	Criminal ⁷	109
Population	Total ⁸	776,143
	Per Square Mile ⁹	61.1
Age Distribution¹⁰	Percent Age 0-14	19.3
	Percent Age 15-24	15.7
	Percent Age 25-34	14.2
	Percent Age 35-44	15.4
	Percent Age 45-64	20.1
	Percent Age 65+	15.4

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	45	6
Forcible Rape	114	15
Robbery	199	26
Aggravated Assault	693	89
Burglary	4,236	546
Larceny/Theft	10,485	1,351
Motor Vehicle Theft	900	116
Crime Index Total	16,672	2,148

Economic Indicators	Income per Capita ¹²	\$ 10,555
	Percent Unemployed ¹³	11.0

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	15.4
	Percent Retail	22.2
	Percent Finance ¹⁵	4.4
	Percent Service	28.1
	Percent Other ¹⁶	30.0

Agriculture	Percent Farm Acreage ¹⁷	27.3
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 28.45
	Education	\$ 593.44
	Health and Hospitals	\$ 71.96
	Public Welfare ¹⁹	\$ 0.25
	Highways	\$ 18.80

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1993 GUIDELINE SENTENCES

WEST VIRGINIA, North

Cases Received by USSC (by sentencing month) ¹

October 92	27	April 93	21
November 92	17	May 93	9
December 92	23	June 93	17
January 93	20	July 93	14
February 93	28	August 93	8
March 93	18	September 93	8

TOTAL = 210

Monthly Income ³

	mean	median
TOTAL	\$756	\$230
Male	\$759	\$184
Female	\$728	\$792

Average Age ⁵

TOTAL	33.6	33.0
Male	33.5	33.0
Female	34.4	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	210 (100.0%)	186 (88.6%)	24 (11.4%)
White	119 (56.7%)	103 (86.6%)	16 (13.4%)
Black	87 (41.4%)	79 (90.8%)	8 (9.2%)
Hispanic	3 (1.4%)	3 (100.0%)	0 (0.0%)
Other	1 (0.5%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	178 (84.8%)
Substantial Assistance Departure	24 (11.4%)
Other Downward Departure	4 (1.9%)
Upward Departure	4 (1.9%)

Mode of Conviction ⁶

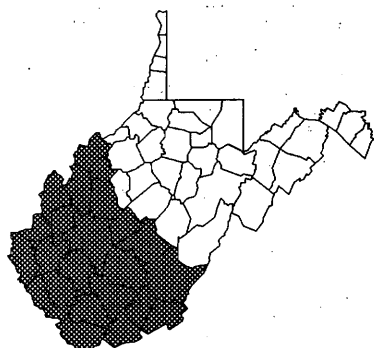
TOTAL	210 (100.0%)
Plea	180 (85.7%)
Trial	30 (14.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	
	209 (100.0)	0 (100.0)	5 (100.0)	5 (100.0)	7 (100.0)	138 (100.0)	3 (100.0)	16 (100.0)	1 (100.0)	34
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	186 (89.0)	0 (--)	3 (60.0)	3 (60.0)	5 (71.4)	131 (94.9)	2 (66.7)	15 (93.8)	1 (100.0)	26
Prison	172 (82.3)	0 (--)	3 (60.0)	1 (20.0)	4 (57.1)	122 (88.4)	2 (66.7)	14 (87.5)	1 (100.0)	25
Prison/Community Split	14 (6.7)	0 (--)	0 (0.0)	2 (40.0)	1 (14.3)	9 (6.5)	0 (0.0)	1 (6.2)	0 (0.0)	1
Prison Term Ordered										
1-12 months	48	0	0	3	2	31	0	2	0	0
13-24 months	44	0	1	0	1	32	1	5	0	0
25-36 months	25	0	0	0	1	20	0	2	0	0
37-60 months	37	0	1	0	1	25	1	4	0	0
Over 60 months	32	0	1	0	0	23	0	2	1	1
Mean Sentence	46.1	--	59.0	4.3	25.8	44.8	26.0	34.6	70.0	
Median Sentence	27.0	--	57.0	4.0	18.0	27.0	26.0	30.0	70.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	23 (11.0)	0 (--)	2 (40.0)	2 (40.0)	2 (28.6)	7 (5.1)	1 (33.3)	1 (6.2)	0 (0.0)	8
Probation Only	10 (4.8)	0 (--)	1 (20.0)	0 (0.0)	2 (28.6)	3 (2.2)	0 (0.0)	0 (0.0)	0 (0.0)	4
Probation and Confinement	13 (6.2)	0 (--)	1 (20.0)	2 (40.0)	0 (0.0)	4 (2.9)	1 (33.3)	1 (6.2)	0 (0.0)	4
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	130 (62.2)	0 (--)	4 (80.0)	5 (83.3)	7 (100.0)	82 (59.4)	2 (66.7)	7 (43.8)	0 (0.0)	23
Median Dollar Amount	\$809	\$--	\$29,446	\$13,280	\$25,000	\$405	\$1,500	\$1,000	\$--	

Footnotes and a complete description of all variables in this table are provided in Appen SOURCE: U.S. Sentencing Commission, FY1993 Data File, MOI

**WEST VIRGINIA, Southern
4th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|----------------|-----------------|
| (1) Charleston | (4) Beckley |
| (2) Huntington | (5) Parkersburg |
| (3) Bluefield | |

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ³	20
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	28
Cases Filed	Civil ⁶	1,243
	Criminal ⁷	357
Population	Total ⁸	1,026,450
	Per Square Mile ⁹	89.9
Age Distribution¹⁰	Percent Age 0-14	20.1
	Percent Age 15-24	14.2
	Percent Age 25-34	14.2
	Percent Age 35-44	15.9
	Percent Age 45-64	20.7
	Percent Age 65+	14.9

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	70	7
Forcible Rape	279	27
Robbery	588	57
Aggravated Assault	1,842	179
Burglary	7,041	686
Larceny/Theft	18,673	1,819
Motor Vehicle Theft	2,066	201
Crime Index Total	30,559	2,977

Economic Indicators	Income per Capita ¹²	\$ 10,494
	Percent Unemployed ¹³	11.4

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	13.3
	Percent Retail	25.7
	Percent Finance ¹⁵	5.4
	Percent Service	27.2
	Percent Other ¹⁶	28.3

Agriculture	Percent Farm Acreage ¹⁷	17.3
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 29.95
	Education	\$ 624.53
	Health and Hospitals	\$ 81.27
	Public Welfare ¹⁹	\$ 0.10
	Highways	\$ 15.45

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	21	April 93	44
November 92	40	May 93	28
December 92	26	June 93	33
January 93	37	July 93	41
February 93	34	August 93	29
March 93	40	September 93	32

TOTAL = 405

Monthly Income ³

	mean	median
TOTAL	\$896	\$541
Male	\$907	\$520
Female	\$843	\$657

Average Age ⁵

	mean	median
TOTAL	33.1	32.0
Male	33.3	32.0
Female	31.8	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	405 (100.0%)	345 (85.2%)	60 (14.8%)
White	254 (62.7%)	217 (85.4%)	37 (14.6%)
Black	143 (35.3%)	122 (85.3%)	21 (14.7%)
Hispanic	6 (1.5%)	5 (83.3%)	1 (16.7%)
Other	2 (0.5%)	1 (50.0%)	1 (50.0%)

Departure Status ⁴

Sentenced within Guideline Range	341 (86.3%)
Substantial Assistance Departure	29 (7.3%)
Other Downward Departure	22 (5.6%)
Upward Departure	3 (0.8%)

Mode of Conviction ⁶

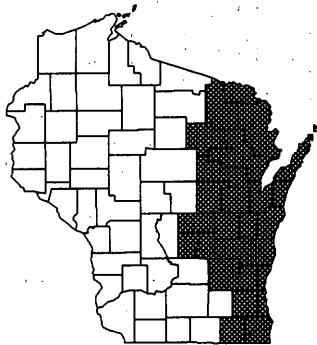
TOTAL	404 (100.0%)
Plea	377 (93.3%)
Trial	27 (6.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	397 (100.0)	6 (100.0)	9 (100.0)	7 (100.0)	31 (100.0)	246 (100.0)	7 (100.0)	42 (100.0)	1 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	325 (81.9)	6 (100.0)	7 (77.8)	4 (57.1)	22 (71.0)	215 (87.4)	4 (57.1)	38 (90.5)	1 (100.0)	
Prison	306 (77.1)	6 (100.0)	7 (77.8)	4 (57.1)	15 (48.4)	204 (82.9)	4 (57.1)	38 (90.5)	1 (100.0)	
Prison/Community Split	19 (4.8)	0 (0.0)	0 (0.0)	0 (0.0)	7 (22.6)	11 (4.5)	0 (0.0)	0 (0.0)	0 (0.0)	
Prison Term Ordered										
1-12 months	75	1	2	3	12	36	3	5	1	
13-24 months	61	0	2	0	10	35	1	11	0	
25-36 months	38	0	1	1	0	29	0	6	0	
37-60 months	78	1	2	0	0	60	0	12	0	
Over 60 months	73	4	0	0	0	55	0	4	0	
Mean Sentence	47.7	146.8	23.4	10.6	12.4	53.0	9.2	36.5	6.0	
Median Sentence	33.0	91.0	24.0	6.0	12.0	37.0	9.0	30.0	6.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	72 (18.1)	0 (0.0)	2 (22.2)	3 (42.9)	9 (29.0)	31 (12.6)	3 (42.9)	4 (9.5)	0 (0.0)	
Probation Only	23 (5.8)	0 (0.0)	2 (22.2)	0 (0.0)	3 (9.7)	11 (4.5)	0 (0.0)	2 (4.8)	0 (0.0)	
Probation and Confinement	49 (12.3)	0 (0.0)	0 (0.0)	3 (42.9)	6 (19.4)	20 (8.1)	3 (42.9)	2 (4.8)	0 (0.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	188 (47.0)	5 (83.3)	9 (100.0)	7 (77.8)	24 (75.0)	96 (39.0)	6 (85.7)	14 (33.3)	1 (100.0)	
Median Dollar Amount	\$2,152	\$10,709	\$1,982	\$20,068	\$25,918	\$2,000	\$2,417	\$1,750	\$1,000	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1993 Data File, MC

**WISCONSIN, Eastern
7th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Milwaukee
- (2) Green Bay

Number of Court Professionals	District Court Judges ²	7
	Assistant U.S. Attorneys ³	23
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	23
Cases Filed	Civil ⁶	1,464
	Criminal ⁷	229
Population	Total ⁸	2,992,034
	Per Square Mile ⁹	183.1
Age Distribution¹⁰	Percent Age 0-14	22.6
	Percent Age 15-24	13.7
	Percent Age 25-34	16.7
	Percent Age 35-44	15.4
	Percent Age 45-64	18.4
	Percent Age 65+	13.1

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	187	6
Forcible Rape	946	32
Robbery	5,407	181
Aggravated Assault	4,005	134
Burglary	22,331	746
Larceny/Theft	91,995	3,075
Motor Vehicle Theft	18,685	624
Crime Index Total	143,556	4,798

Economic Indicators	Income per Capita ¹²	\$ 13,828
	Percent Unemployed ¹³	5.0

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	30.7
	Percent Retail	19.5
	Percent Finance ¹⁵	6.9
	Percent Service	27.1
	Percent Other ¹⁶	15.8

Agriculture	Percent Farm Acreage ¹⁷	49.5
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 110.79
	Education	\$ 772.25
	Health and Hospitals	\$ 121.64
	Public Welfare ¹⁹	\$ 113.40
	Highways	\$ 142.64

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	34	April 93	17
November 92	32	May 93	36
December 92	24	June 93	35
January 93	27	July 93	16
February 93	17	August 93	27
March 93	32	September 93	32

TOTAL = 329

Monthly Income ³

	mean	median
TOTAL	\$1,548	\$600
Male	\$1,645	\$550
Female	\$927	\$828

Average Age ⁵

TOTAL	34.3	32.0
Male	34.5	33.0
Female	33.2	29.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	323 (100.0%)	281 (87.0%)	42 (13.0%)
White	150 (46.4%)	127 (84.7%)	23 (15.3%)
Black	109 (33.8%)	95 (87.2%)	14 (12.8%)
Hispanic	52 (16.1%)	48 (92.3%)	4 (7.7%)
Other	12 (3.7%)	11 (91.7%)	1 (8.3%)

Departure Status ⁴

Sentenced within Guideline Range	255 (80.2%)
Substantial Assistance Departure	42 (13.2%)
Other Downward Departure	16 (5.0%)
Upward Departure	5 (1.6%)

Mode of Conviction ⁶

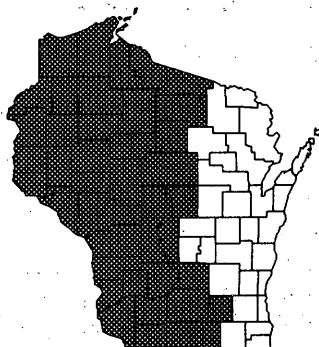
TOTAL	329 (100.0%)
Plea	274 (83.3%)
Trial	55 (16.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	
	328 (100.0)	20 (100.0)	40 (100.0)	4 (100.0)	32 (100.0)	148 (100.0)	2 (100.0)	30 (100.0)	3 (100.0)	49 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	250 (76.2)	20 (100.0)	13 (32.5)	1 (25.0)	19 (59.4)	139 (93.9)	1 (50.0)	25 (83.3)	3 (100.0)	29 (59.2)
Prison	237 (72.3)	20 (100.0)	10 (25.0)	1 (25.0)	15 (46.9)	139 (93.9)	1 (50.0)	23 (76.7)	3 (100.0)	25 (51.0)
Prison/Community Split	13 (4.0)	0 (0.0)	3 (7.5)	0 (0.0)	4 (12.5)	0 (0.0)	0 (0.0)	2 (6.7)	0 (0.0)	4 (8.2)
Prison Term Ordered										
1-12 months	32	0	4	0	10	3	0	3	1	
13-24 months	31	0	7	0	4	7	1	4	0	
25-36 months	16	0	1	1	2	9	0	1	0	
37-60 months	49	2	1	0	3	30	0	8	2	
Over 60 months	122	18	0	0	0	90	0	9	0	
Mean Sentence	89.9	161.2	17.5	27.0	19.3	110.3	24.0	67.2	40.7	
Median Sentence	60.0	133.0	15.0	27.0	12.0	78.0	24.0	51.0	55.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	78 (23.8)	0 (0.0)	27 (67.5)	3 (75.0)	13 (40.6)	9 (6.1)	1 (50.0)	5 (16.7)	0 (0.0)	20 (40.8)
Probation Only	32 (9.8)	0 (0.0)	14 (35.0)	1 (25.0)	6 (18.8)	2 (1.4)	0 (0.0)	2 (6.7)	0 (0.0)	7 (14.1)
Probation and Confinement	46 (14.0)	0 (0.0)	13 (32.5)	2 (50.0)	7 (21.9)	7 (4.7)	1 (50.0)	3 (10.0)	0 (0.0)	13 (26.7)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	218 (66.9)	18 (90.0)	32 (80.0)	3 (75.0)	29 (90.6)	86 (58.1)	2 (100.0)	16 (53.3)	2 (66.7)	30 (61.2)
Median Dollar Amount	\$2,500	\$4,973	\$8,000	\$11,839	\$19,322	\$1,500	\$5,538	\$2,000	\$1,000	

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MON

**WISCONSIN, Western
7th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Madison
- (2) Eau Claire
- (3) LaCrosse

Number of Court Professionals	District Court Judges ²	2
	Assistant U.S. Attorneys ³	12
	Assistant Federal Defenders ⁴	35
	Probation Officers ⁵	13
Cases Filed	Civil ⁶	855
	Criminal ⁷	142
Population	Total ⁸	1,962,998
	Per Square Mile ⁹	51.5
Age Distribution¹⁰	Percent Age 0-14	22.1
	Percent Age 15-24	15.1
	Percent Age 25-34	15.9
	Percent Age 35-44	15.3
	Percent Age 45-64	18.0
	Percent Age 65+	13.7

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	31	2
Forcible Rape	378	19
Robbery	561	29
Aggravated Assault	2,245	114
Burglary	12,052	614
Larceny/Theft	53,058	2,703
Motor Vehicle Theft	2,815	143
Crime Index Total	71,140	3,624

Economic Indicators	Income per Capita ¹²	\$ 12,434
	Percent Unemployed ¹³	5.2

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	25.9
	Percent Retail	24.0
	Percent Finance ¹⁵	6.6
	Percent Service	26.4
	Percent Other ¹⁶	17.1

Agriculture	Percent Farm Acreage ¹⁷	47.6
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 75.24
	Education	\$ 777.22
	Health and Hospitals	\$ 93.94
	Public Welfare ¹⁹	\$ 112.79
	Highways	\$ 196.40

A complete description of the footnotes is provided in Appendix A.

Cases Received by USSC (by sentencing month) ¹

October 92	11	April 93	16
November 92	14	May 93	12
December 92	9	June 93	13
January 93	6	July 93	13
February 93	11	August 93	13
March 93	10	September 93	20

TOTAL = 148

Monthly Income ³

	mean	median
TOTAL	\$1,162	\$912
Male	\$1,081	\$841
Female	\$1,467	\$1,667

Average Age ⁵

	mean	median
TOTAL	35.2	34.0
Male	35.2	34.5
Female	35.0	33.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	148 (100.0%)	120 (81.1%)	28 (18.9%)
White	108 (73.0%)	82 (75.9%)	26 (24.1%)
Black	25 (16.9%)	24 (96.0%)	1 (4.0%)
Hispanic	10 (6.8%)	10 (100.0%)	0 (0.0%)
Other	5 (3.4%)	4 (80.0%)	1 (20.0%)

Departure Status ⁴

Sentenced within Guideline Range	126 (86.3%)
Substantial Assistance Departure	12 (8.2%)
Other Downward Departure	3 (2.1%)
Upward Departure	5 (3.4%)

Mode of Conviction ⁶

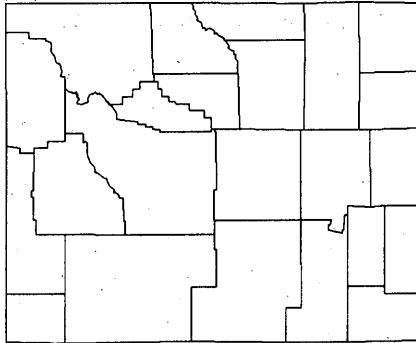
TOTAL	147 (100.0%)
Plea	132 (89.8%)
Trial	15 (10.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	144 (100.0)	7 (100.0)	11 (100.0)	15 (100.0)	20 (100.0)	64 (100.0)	2 (100.0)	9 (100.0)	4 (100.0)	12 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	130 (90.3)	7 (100.0)	7 (63.6)	11 (73.3)	19 (95.0)	63 (98.4)	2 (100.0)	8 (88.9)	4 (100.0)	9 (75.0)
Prison	122 (84.7)	7 (100.0)	6 (54.5)	10 (66.7)	18 (90.0)	59 (92.2)	1 (50.0)	8 (88.9)	4 (100.0)	9 (75.0)
Prison/Community Split	8 (5.6)	0 (0.0)	1 (9.1)	1 (6.7)	1 (5.0)	4 (6.2)	1 (50.0)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered										
1-12 months	43	0	4	8	8	14	2	0	1	1
13-24 months	13	0	0	2	4	2	0	2	1	1
25-36 months	12	1	1	1	2	5	0	1	0	0
37-60 months	16	1	0	0	5	8	0	1	1	1
Over 60 months	46	5	2	0	0	34	0	4	1	1
Mean Sentence	60.0	113.9	39.3	10.0	21.4	82.3	12.5	95.1	38.2	38.2
Median Sentence	31.5	70.0	11.0	8.0	21.0	63.0	12.5	64.0	33.5	33.5
CASES INVOLVING PROBATION										
Total Receiving Probation	14 (9.7)	0 (0.0)	4 (36.4)	4 (26.7)	1 (5.0)	1 (1.6)	0 (0.0)	1 (11.1)	0 (0.0)	3 (25.0)
Probation Only	10 (6.9)	0 (0.0)	3 (27.3)	4 (26.7)	0 (0.0)	1 (1.6)	0 (0.0)	1 (11.1)	0 (0.0)	1 (8.3)
Probation and Confinement	4 (2.8)	0 (0.0)	1 (9.1)	0 (0.0)	1 (5.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	2 (16.7)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	68 (46.0)	4 (57.1)	6 (54.5)	8 (50.0)	15 (75.0)	25 (37.9)	0 (0.0)	3 (33.3)	0 (0.0)	7 (58.3)
Median Dollar Amount	\$2,000	\$22,312	\$12,232	\$9,370	\$39,472	\$275	\$--	\$2,000	\$--	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1993 Data File, MONF

WYOMING
10th Circuit



Cities Supplying Guideline Documentation¹

- (1) Cheyenne
- (2) Casper

Number of Court Professionals	District Court Judges ²	2
	Assistant U.S. Attorneys ³	11
	Assistant Federal Defenders ⁴	14
	Probation Officers ⁵	9
Cases Filed	Civil ⁶	450
	Criminal ⁷	130
Population	Total ⁸	459,243
	Per Square Mile ⁹	4.7
Age Distribution¹⁰	Percent Age 0-14	24.8
	Percent Age 15-24	14.3
	Percent Age 25-34	15.8
	Percent Age 35-44	17.1
	Percent Age 45-64	17.4
	Percent Age 65+	10.6

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	17	4
Forcible Rape	162	35
Robbery	89	19
Aggravated Assault	1,219	265
Burglary	3,107	677
Larceny/Theft	15,906	3,464
Motor Vehicle Theft	698	152
Crime Index Total	21,198	4,616

Economic Indicators	Income per Capita ¹²	\$ 12,310
	Percent Unemployed ¹³	5.8

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	6.8
	Percent Retail	27.7
	Percent Finance ¹⁵	5.7
	Percent Service	27.2
	Percent Other ¹⁶	32.7

Agriculture	Percent Farm Acreage ¹⁷	54.1
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 94.12
	Education	\$ 1,247.99
	Health and Hospitals	\$ 320.81
	Public Welfare ¹⁹	\$ 5.32
	Highways	\$ 118.97

FISCAL YEAR 1993 GUIDELINE SENTENCES

WYOM

Cases Received by USSC (by sentencing month) ¹

October 92	14	April 93	6
November 92	10	May 93	20
December 92	18	June 93	11
January 93	12	July 93	11
February 93	9	August 93	19
March 93	8	September 93	7

TOTAL = 145

Monthly Income ³

	mean	median
TOTAL	\$1,777	\$1,000
Male	\$1,862	\$1,000
Female	\$1,266	\$1,000

Average Age ⁵

	mean	median
TOTAL	38.5	37.0
Male	38.8	37.0
Female	36.4	36.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	145 (100.0%)	125 (86.2%)	20 (13.8%)
White	123 (84.8%)	108 (87.8%)	15 (12.2%)
Black	8 (5.5%)	6 (75.0%)	2 (25.0%)
Hispanic	7 (4.8%)	6 (85.7%)	1 (14.3%)
Other	7 (4.8%)	5 (71.4%)	2 (28.6%)

Departure Status ⁴

Sentenced within Guideline Range	102 (71.8%)
Substantial Assistance Departure	30 (21.1%)
Other Downward Departure	9 (6.3%)
Upward Departure	1 (0.7%)

Mode of Conviction ⁶

TOTAL	145 (100.0%)
Plea	133 (91.7%)
Trial	12 (8.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	
	134 (100.0)	0 (100.0)	7 (100.0)	2 (100.0)	20 (100.0)	44 (100.0)	0 (100.0)	20 (100.0)	1 (100.0)	40
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	94 (70.2)	0 (--)	2 (28.6)	2 (100.0)	10 (50.0)	42 (95.5)	0 (--)	17 (85.0)	1 (100.0)	20
Prison	87 (64.9)	0 (--)	2 (28.6)	1 (50.0)	9 (45.0)	40 (90.9)	0 (--)	16 (80.0)	1 (100.0)	18
Prison/Community Split	7 (5.2)	0 (--)	0 (0.0)	1 (50.0)	1 (5.0)	2 (4.5)	0 (--)	1 (5.0)	0 (0.0)	2
Prison Term Ordered										
1-12 months	30	0	0	2	6	8	0	3		1
13-24 months	12	0	1	0	3	3	0	2		0
25-36 months	10	0	1	0	1	5	0	3		0
37-60 months	15	0	0	0	0	4	0	6		0
Over 60 months	27	0	0	0	0	22	0	3		0
Mean Sentence	60.4	--	27.0	4.0	12.7	92.8	--	57.8		3.0
Median Sentence	30.0	--	27.0	4.0	10.0	63.0	--	37.0		3.0
CASES INVOLVING PROBATION										
Total Receiving Probation	40 (29.9)	0 (--)	5 (71.4)	0 (0.0)	10 (50.0)	2 (4.5)	0 (--)	3 (15.0)	0 (0.0)	20
Probation Only	23 (17.2)	0 (--)	2 (28.6)	0 (0.0)	6 (30.0)	0 (0.0)	0 (--)	2 (10.0)	0 (0.0)	13
Probation and Confinement	17 (12.7)	0 (--)	3 (42.9)	0 (0.0)	4 (20.0)	2 (4.5)	0 (--)	1 (5.0)	0 (0.0)	7
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	62 (43.1)	0 (--)	4 (57.1)	1 (50.0)	13 (65.0)	7 (15.9)	0 (--)	2 (10.0)	0 (0.0)	35
Median Dollar Amount	\$3,000	\$--	\$3,236	\$5,095	\$5,000	\$3,000	\$--	\$2,175	\$--	

Footnotes and a complete description of all variables in this table are provided in Appen
SOURCE: U.S. Sentencing Commission, FY1993 Data File, MON