

2000

1999

**United States
Sentencing
Commission**

1998

1997



1996

1995

Annual Report

1994

1993

1992

United States Sentencing Commission



1994 Annual Report

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LETTER FROM THE CHAIRMAN

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

Dear Mr. President, Mr. Speaker of the House, Mr. President of the Senate,
and Mr. Chief Justice:

I am pleased to transmit this report of the activities and accomplishments of the United States Sentencing Commission in 1994 pursuant to 28 U.S.C. § 997. This annual report provides extensive information on federal criminal cases sentenced under the guidelines in fiscal year 1994, and describes the agency's varied research, training, and clearinghouse activities.

The Commission is operating at full strength for the first time in four years with my appointment as Chairman and the confirmations of Commissioners Wayne A. Budd, Michael Goldsmith, and Deanell R. Tacha. The four new members join sitting Commissioner Julie E. Carnes and Vice Chairs Michael S. Gelacak and A. David Mazzone.

The Sentencing Commission is committed to fulfilling its mandate to improve federal sentencing practices and serve as a resource on important criminal justice issues.

Respectfully,

A handwritten signature in black ink that reads "Richard P. Conaboy".

Richard P. Conaboy
Chairman

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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 Commission's authority and duties 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 January 18, 1989, in Mistretta v. United States, 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 continues to address its significant responsibilities in research, sentence monitoring, evaluation, and training and to serve as a clearinghouse of sentencing information for Congress, criminal justice practitioners, and the public. Since nationwide implementation in January 1989, federal judges have sentenced nearly 215,000 defendants under the guidelines.

The Commission's comprehensive data collection system tracks guideline application and provides support for other Commission activities. Staff members routinely extract, code, and enter data from judgment and commitment orders, presentence reports, statements of reasons, and written plea agreements for cases sentenced under the guidelines. These monitoring data inform the Commission's

working group and guideline amendment processes and provide support for other Commission activities.

Current Commission research includes studies on substantial assistance, selective incapacitation, the changing composition of offenses and offenders, prison impact, recidivism, and just punishment. In addition, the Commission routinely responds to requests from the Congress and the courts for sentencing data and analyses.

During deliberations on the 1994 crime bill, the Commission provided Congress with extensive empirical information about the possible impact of proposed legislation. Along with legal and drafting assistance, the Commission provided comprehensive analyses of crime bill sentencing provisions, with particular attention devoted to the "safety valve" for low-level, non-violent drug offenders, the "three strikes" proposal, and other mandatory minimum provisions. The Commission also provided hearing testimony on the "three strikes" proposal.

Following passage in September of the Violent Crime Control and Law Enforcement Act of 1994, the Commission began examination of the Act's 85 sentencing-related provisions. In addition, the Commission began work on the Act's required reports on sentencing practices related to crack and powder cocaine, victim-related adjustments for fraud offenses against elderly victims, sentencing in federal rape cases, and willful exposure to HIV.

Under a grant from the Commission, a special task force convened in 1994 to study the relationship between drugs and violence. The 30-month study, conducted in collaboration with the School of Criminology and Criminal Justice at Florida State University, aims to increase the understanding of the role of drugs in violent behavior and enhance society's efforts in the punishment and treatment of violent crime. The task force includes representatives of federal agencies concerned with drugs and violence, members of Congress, criminal justice practitioners, members of the academic community, and outside experts on drugs and violence.

Finally, the Commission made plans in 1994 to host a Symposium on Organizational Sentencing, its second in a series of symposia on Crime and Punishment in the United States. Organizational sentencing guidelines, promulgated by the Commission in 1991, provide incentives to organizations, in the form of lower penalties, to establish rigorous internal compliance and voluntary disclosure programs. The symposium, scheduled for September 7-8, 1995, in Washington, D.C., will explore both the practical and policy implications of the guidelines' emphasis on internal organizational efforts to fight crime.

This annual report covers fiscal year 1994 (October 1, 1993, through September 30, 1994). Unless otherwise noted, "1994" refers to fiscal year 1994.

Chapter One

Commission Overview

The Sentencing Commission's seven voting members are appointed to staggered six-year terms by the President with the advice and consent of the Senate. At least three of the commissioners must be federal judges, and no more than four can be members of the same political party. In September 1994, the President nominated four new commissioners, including a chairman, all of whom were confirmed by the Senate. U.S. District Judge Richard P. Conaboy, of Scranton, PA, the new Commission chairman, and Wayne A. Budd, Esquire, of Boston, MA, Professor Michael Goldsmith of Salt Lake City, UT, and U.S. Circuit Judge Deanell R. Tacha of Lawrence, KS, joined continuing members U.S. District Judge Julie E. Carnes of Atlanta, GA, Michael S. Gelacak of Centreville, VA, and U.S. District Judge A. David Mazzone of Boston, MA. The President subsequently named Commissioner Gelacak and Judge Mazzone as vice chairmen, as authorized by the Violent Crime Control and Law Enforcement Act of 1994.

Organization

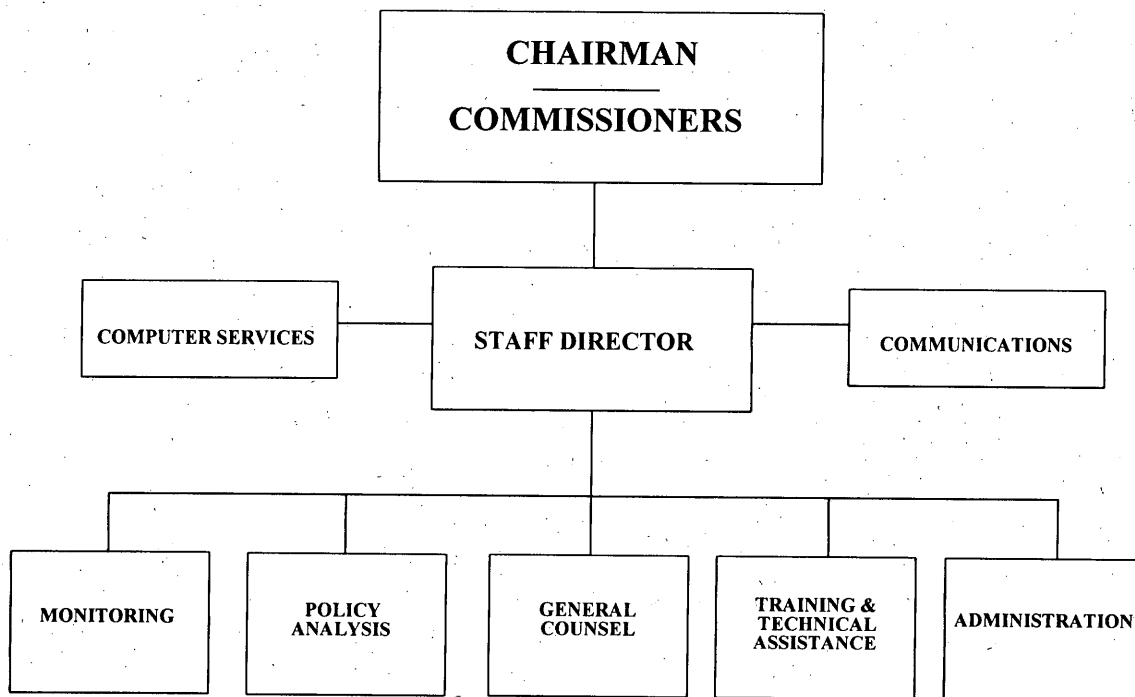
The Commission staff of approximately 100 employees, headed by a staff director, comprises five offices: General Counsel, Monitoring, Policy Analysis, Training and Technical Assistance, and Administration (see organization chart, Figure A). The **Office of the Staff Director** supervises, supports, and coordinates all agency functions. The five office directors report to the staff director. In addition, the communications, computer support, and special projects groups are part of the staff director's office. The communications group coordinates all public information matters and inquiries as well as principal editing, graphic design, and printing for all published Commission materials. The computer support group maintains and services the Commission's computer hardware and software, while the special projects group designs and coordinates interdisciplinary research projects.

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 operates a "hotline" on guideline application issues for prosecutors and defense attorneys and provides training support in conjunction with 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 receives and enters case data and produces periodic reports about guideline application, providing significant information for Commission review as it monitors the national implementation process or considers amending individual guidelines. Data collection continued during 1994 for probation revocation and violation of supervised release as well as for organizational sanctions and for defendant, sentencing, and guidelines information. The Commission expanded the appeals module to include case law and tested the indictment module, which will go into production in 1995, as well as the real offense module, which will enter production in 1996. 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.

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 studies a variety of research topics including recidivism, just punishment, selective incapacitation, the effect of proposed guideline amendments on projections of the federal prison

Figure A
ORGANIZATION OF THE
UNITED STATES SENTENCING COMMISSION



population, sentencing practices related to organizational defendants, and appeals. 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 develops training materials, participates in the sentencing guideline segments of training programs sponsored by other agencies, and provides 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 1994, the Commission used staff resources totaling 98 workyears. Approximately 36 percent of staff resources was spent in various aspects of sentence monitoring efforts, 14 percent in research and analysis, ten percent in technical assistance and training, and 17 percent in legal activities. The commissioners' offices, the Office of the Staff Director, and the Office of Administration accounted for the remaining 23 percent of staff resources.

Budget and Expenditures

For fiscal year 1994, Public Law 103-121 provided an appropriation of \$8,468,000 for the Commission's salaries and expenses, and the Commission expended \$8,468,000. For fiscal year 1995, Public

Law 103-317 granted the Commission an appropriation of \$8,800,000 (*see* Table 1).

Table 1

BUDGET AUTHORITY AND OBLIGATIONS
(dollar amounts in thousands)

	<u>FY 1994</u>	<u>FY 1995</u>
New Budget Authority	\$8,468	\$8,800
Personnel Compensation	\$4,623	\$5,748
Personnel Benefits	\$1,242	\$1,352
Travel and Transportation	\$ 400	\$ 400
Communications, Utilities and Other Rent	\$ 375	\$ 164
Printing and Reproduction	\$ 125	\$ 130
Other Services	\$1,167	\$1,392
Supplies and Equipment	<u>\$ 536</u>	<u>\$ 561</u>
Total Obligations	\$8,468	\$9,747*

*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).

Given this congressional direction, the Commission 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 annually may transmit guideline amendments to the Congress on or after the first day of a regular session of Congress but not later than May 1. Such amendments become effective automatically upon expiration of a 180-day congressional review period unless the Congress, by law, provides otherwise.

Amendments Promulgated

The Commission continued its efforts to clarify and improve the Guidelines Manual, publishing proposed amendments for public comment in the Federal Register December 21, 1993. The Commission received extensive comment on the proposed amendments and conducted a public hearing (*see* Table 2) in Washington, D.C., March 24, 1994.

After review of the written comment and hearing testimony, the Commission adopted six amendments to the sentencing guidelines, policy statements, and official commentary which, along with explanatory reasons, were reported to Congress on April 28, 1994. During its 180-day review period,

Congress took no action to reject, delay, or revise the amendments, and they became effective November 1, 1994. In addition, the Commission amended policy statement §1B1.10 (Retroactivity of Amended Guideline Range) to indicate that two additional guideline amendments may be applied retroactively to defendants previously sentenced. This policy statement amendment, which did not require submission to Congress, also became effective November 1, 1994. Finally, pursuant to a directive from Congress in the Violent Crime Control and Law Enforcement Act of 1994, the Commission promulgated a temporary amendment creating guideline 5C1.2 (Limitation of Applicability of Statutory Minimum Sentences in Certain Cases), which took effect September 23, 1994.

A summary of the new amendments follows:

- §1B1.3 (Relevant Conduct) – This amendment clarifies the guideline by stating that a defendant's relevant conduct does not include conspiratorial conduct occurring prior to the time the defendant joined the conspiracy. In addition, the amendment adds language addressing the circumstances under which multiple acts constitute the "same course of conduct."
- §1B1.10 (Retroactivity of Amended Guideline Range) – This amendment provides that the court may use only the amendments specifically listed as retroactive under this guideline to recalculate the guideline range. Furthermore, it removes a restriction on the amount of the reduction the court may make when resentencing under this guideline.
- §2D1.1 (Drug Trafficking) – This amendment sets the upper limit of the Drug Quantity Table at level 38. A new application

Table 2

**WITNESS LIST: PROPOSED AMENDMENTS
TO THE SENTENCING GUIDELINES**

Public Hearing – Washington D.C. March 24, 1994	
K.M. Hearst	<i>U.S. Postal Service</i>
Mary Lou Soller	<i>American Bar Association</i>
Alan Chaset	<i>National Association of Criminal Defense Lawyers</i>
Andrew Gunn	<i>Clergy for Enlightened Drug Policy</i>
Tom Hillier	<i>Federal Public and Community Defenders</i>
Nkechi Taifa	<i>American Civil Liberties Union</i>
Jonathan Turley	<i>The Project for Older Prisoners</i>
John Beresford	<i>Committee on Unjust Sentencing</i>
Jesse L. Jackson	<i>National Rainbow Coalition</i>
Marvin Miller	<i>National Organization for the Reform of Marijuana Laws</i>
Barbara Piggee	<i>Families Against Discriminative Crack Laws</i>
Nicole Washington	<i>Neighborhood Families Against Unjust Crack Laws</i>
Julie Stewart	<i>Families Against Mandatory Minimums</i>
Arthur Curry	
Peggy Edmundson	
Alice O'Leary	
Robert Lantz	
Rob Stewart	<i>Drug Policy Foundation</i>
Marjorie Peerce	<i>New York Council of Defense Lawyers</i>
Ruth Dodd	
Jose Clark	
John Morgan	
Maureen Winters	
Joseph Timilty	
Ed Rosenthal	

note states that, in an extraordinary case, an upward departure may be warranted if the quantity of drugs involved is at least ten times the amount required for level 38.

- §4B1.1 (Career Offender) – This amendment defines “offense statutory maximum” as used in the guideline as the statutory maximum prior to any enhancement based on prior record. The Commission designated this amendment for retroactive application.
- §5C1.2 (“Safety Valve”) and §2D1.1 (Drug Trafficking) – This amendment adds a new guideline, §5C1.2, and revises the commentary to §§2D1.1 and 2D1.2 to reflect passage of the “Safety Valve” provision that allows a court to sentence certain low level, non-violent drug traffickers below mandatory minimum penalty levels.
- §5G1.2 (Sentencing on Multiple Counts of Conviction) – The amendment clarifies the Commission position that terms of supervised release must run concurrently in all cases.
- Chapter Five, Part H (Specific Offender Characteristics) – This amendment provides that offender characteristics not ordinarily relevant to determining whether a sentence should be outside the applicable guideline range may be relevant in exceptional cases, if such a characteristic is present to an unusual degree. In addition, §5K2.0 (Grounds for Departure) was amended to permit departure in extraordinary cases in which a combination of factors makes the case significantly different from the “heartland” cases covered by the guidelines.

Finally, the Commission made retroactive an amendment effective November 1, 1991, that covers possession of listed chemicals, flasks, and machines used in the manufacture of controlled substances (*see* USSG App. C, amendment 371).

Working Groups

As part of its continuing analysis of the sentencing guidelines and related sentencing issues, the Commission annually identifies certain priorities as the principal points of focus for the coming year and, in some cases, beyond. Each priority area is examined and analyzed by an interdisciplinary staff working group comprising a cross-section of the Commission staff (*e.g.*, legal staff may address case law issues; policy analysis staff may analyze current sentencing practice; and training staff may examine implementation issues).

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: monitoring data regarding sentencing practices and departures; case files of sentenced defendants; training and legal staff reports of frequent questions about guideline application (hotline calls) from probation officers, judges, and attorneys; previously considered draft amendment proposals; relevant court decisions; public comment; and legislative history and recent legislative enactments. The groups also solicit input from the Practitioners Advisory Group and the Probation Officers Advisory Group.

In 1994, the Commission convened a staff working group to study possible revisions to the drug trafficking guideline. In addition, several existing working groups continued work on substantial assistance, food and drug offenses, departures, and cocaine and federal sentencing policy.

Late in the fiscal year, enactment of the Violent Crime Control and Law Enforcement Act of 1994 prompted the Commission to review its 85 sentencing-related provisions. In addition, the Act directed the Commission to prepare reports to Congress on cocaine and federal sentencing policy, victim-related adjustments for fraud offenses against elderly victims, sentencing in federal rape cases, and willful exposure to HIV.

Substantial Assistance Working Group

The Commission continued its study of substantial assistance motions to learn more about policies and practices related to sentence reductions for defendants assisting the government in the investigation and prosecution of others. The study, which began in 1992, was prompted by a series of empirical findings, including: (1) a significant increase in the national rate of departure for substantial assistance since 1989 (from 5.8% of all cases in 1989 to 16.9% in 1993); (2) a wide variation in the rate of substantial assistance departures among circuits and districts; and (3) considerable differences in the extent of departures granted by the courts at sentencing for these cases.

The working group's 1994 multi-method research efforts included: (1) commencing a detailed analysis of substantial assistance departures based on Commission and Bureau of Prisons aggregate data sources; (2) developing a coding instrument, completing data collection, and beginning a review of cases for a comparative study of select groups of codefendants; (3) completing a survey about general office policies and practices in U.S. attorney offices in each of the 94 districts; (4) completing a planning and instrument design for telephone interviews with assistant U.S. attorneys to obtain additional information about a random sample of substantial assistance cases; (5) concluding the first two site visits of a planned eight-site tour of selected districts to interview judges, probation officers, prosecutors, and defense attorneys about substantial assistance practices; and (6) completing an initial analysis of case law and a review of relevant literature. The working group plans to complete its analyses during the summer of 1995.

Departures Working Group

The Commission formed a working group in 1993 to study guideline departures. To determine whether current departure practice is consistent with statutory authority and congressional intent, the working group is analyzing (1) available legal and

policy bases for departure and (2) when and why sentencing judges exercise their departure authority.

During 1994, the working group completed an empirical analysis of district court departure practices, reviewing in detail 1,400 departure case files (fiscal years 1991 and 1992) in 30 districts chosen from within the First, Second, Seventh, Eighth, Ninth, and Eleventh Circuits. The group reviewed the appellate jurisprudence of those six circuits, focusing on the treatment of offender characteristics, offense circumstances, and criminal history as bases for departure. Additionally, the group examined the language and legislative history of the Sentencing Reform Act's departure provisions. The group will submit in 1995 a preliminary report covering this first phase of the study.

During 1995, the working group expects to complete its report by conducting a comparable analysis for a sample of cases from the remaining six federal circuits. This effort is expected to promote better understanding of the role of departures in guidelines sentencing and to aid a Commission assessment of the need to amend guideline departure provisions.

Cocaine Working Group

The 1994 crime bill expanded the scope of the Commission's study on crack and powder cocaine to include "issues relating to sentences applicable to offenses involving the possession or distribution of all forms of cocaine. The report shall address the different penalty levels which apply to different forms of cocaine and include any recommendations the Commission may have for retention or modification of these differences in penalties." Section 280006 of Public Law 103-322, the Violent Crime Control and Law Enforcement Act of 1994.

At the heart of Congress's concern was the 100-to-1 quantity ratio embodied in the statute that requires 100 times more powder cocaine than crack cocaine to trigger five- and ten-year penalties.

The working group's comprehensive study of cocaine includes:

- a review of the forms and methods of cocaine use and its pharmacological effects;
- an examination of trends in cocaine use, the prevalence of crack and powder cocaine use, the effects of cocaine on public health issues, and available treatment strategies;
- an investigation of the business side of cocaine, including trafficking and distribution patterns, marketing techniques, and profitability;
- a review of research literature about the relationship of cocaine to violence and other crime;
- an exploration of the national law enforcement response to cocaine, including the history of enforcement efforts, current federal enforcement policies, and current state sentencing laws for cocaine offenses; and
- a comprehensive statistical analysis, using the Commission's monitoring database, of drug cases and defendants sentenced in the federal courts.

Drug Guidelines Working Group

Building upon previous Commission efforts, the Drug Guidelines Working Group is examining possible revisions to the drug trafficking guidelines. As a first step, the group examined the structure and premises of the current drug guidelines. Implicit in the task was the issue of whether the present guidelines rely excessively on drug quantity as a means of determining sentence length and whether other offense factors (*e.g.*, use of a weapon, offender's degree of involvement) should be given more consideration.

The working group reviewed, critiqued, and refined various recommendations from the Probation Officers Advisory Group and from within the Commission to develop two draft proposals for

revising the drug guidelines. In the fall of 1994, the working group presented the two proposals to the Commission with the recommendation that they be published for comment.

Food and Drug Working Group

The Commission formed the Food and Drug Working Group in 1993 to assess the feasibility of developing guidelines for organizations convicted of food and drug offenses. In February 1994, the group submitted a preliminary report that included: (1) an overview of guideline 2N2.1 (which deals with food, drug, and agricultural product offenses for individual defendants) and the most commonly prosecuted crimes sentenced under it; (2) a description and analysis of food and drug cases sentenced under §2N2.1 during fiscal years 1991 and 1992; (3) a description of food and drug cases involving organizational defendants sentenced under preguidelines law; (4) an analysis of significant application issues under §2N2.1; and (5) a description of additional research that the group was to undertake during 1994.

Chapter Three

Legal Issues

Introduction

The Supreme Court's 1989 decision in Mistretta v. United States¹ ensured nationwide application of the sentencing guidelines. Since that time, federal district courts and courts of appeals have issued thousands of decisions interpreting the guidelines. Responding to its congressional mandate to monitor guideline application, the Commission closely follows these decisions to identify appropriate guideline amendments that promote the goal of sentencing uniformity.² This chapter discusses significant sentencing-related legal issues addressed by the courts in 1994, focusing on Supreme Court decisions and departure cases.

Supreme Court

During 1994, the Supreme Court resolved circuit conflicts in three decisions involving issues of constitutional and statutory interpretation relevant to guideline sentencing. In United States v. Granderson,³ the Court construed the provision in 18 U.S.C. § 3565(a) that a person serving a sentence of probation who is found to possess illegal drugs shall have the probation revoked and be sentenced to "not less than one-third of the original sentence (emphasis added)." The defendant in Granderson, subject to a guideline range of 0-6 months imprisonment, had received a sentence of five years probation. Upon revocation of his probation, the district court adopted the government's view that the defendant must be sentenced to at least 20 months of imprisonment, or one-third of his original

probation sentence. The Eleventh Circuit reversed, holding that the statute called instead for a minimum imprisonment sentence of one-third the maximum original guideline range.

In interpreting the phrase "original sentence," the Supreme Court examined the text, structure, and history of the provision and stated that where these did not "unambiguously" support the government's position, the rule of lenity resolved the ambiguity in the defendant's favor. Consequently, Granderson's minimum revocation sentence is two months imprisonment (one-third the maximum of the originally applicable guideline imprisonment range), and the maximum revocation sentence is six months imprisonment (the maximum of the original guideline range). Subsequently, in the Violent Crime Control and Law Enforcement Act of 1994, Congress addressed the issue by adopting a Commission-sponsored proposal to delete the minimum sentence requirement and permit the court to impose a sentence up to the statutory maximum for the offense of conviction.

In Custis v. United States,⁴ the Court examined whether a defendant at sentencing has a constitutional right to collaterally attack a prior conviction used to enhance the sentence. During sentencing for his federal offense, the defendant attempted to collaterally attack the validity of prior state convictions that the government intended to use to enhance his sentence under the Armed Career Criminal Act of 1984 (ACCA), 18 U.S.C. § 924(e). The Court held that, absent a denial of counsel, the defendant had neither a statutory right under the ACCA nor a constitutional right to challenge a prior conviction used to enhance a subsequent sentence. The defendant argued that his previous convictions were invalid because: (1) assistance of counsel was ineffective, (2) the guilty plea was not knowing and

¹ 488 U.S. 361 (1989).

² See generally 28 U.S.C. § 991(b); S. Rep. No. 225, 98th Cong., 2d Sess. 39-56, 159-81 (1993), reprinted in 1984 U.S.C.C.A.N. 3182, 3222-339, 3342-64).

³ 114 S. Ct. 1259 (1994).

⁴ 114 S. Ct. 1732 (1994).

intelligent, and (3) the defendant had not been advised adequately of his rights in opting for a "stipulated facts" trial.

The Supreme Court held that "[n]one of these alleged constitutional violations rises to the level of a jurisdictional defect resulting from the failure to appoint counsel at all."⁵ The Court refused to extend the constitutional right to collaterally attack a prior conviction used for sentencing enhancement beyond the right to counsel established in Gideon v. Wainwright.⁶ As noted by Chief Justice Rehnquist for the Court majority, this rule promotes ease of administration. Often, he wrote, failure to appoint counsel is apparent from an order or from the judgment of conviction. Other claims, such as ineffective assistance of counsel or whether the plea was voluntary, "would require sentencing courts to rummage through frequently nonexistent or difficult to obtain state court transcripts or records that may date from another era, and may come from any one of the 50 states."⁷

In the context of the Armed Career Criminal Act, the Custis decision has resolved intercourt differences about the right to collaterally attack a prior conviction used for sentencing enhancement. Its implications, however, are much broader and likely will impact the way district courts handle collateral attacks on prior convictions at sentencing hearings whenever there is no express authority for such a challenge. For example, the Second Circuit in United States v. Jones,⁸ in its review of a challenge to the inclusion of a prior conviction obtained in violation of the due process clause, noted that the Supreme Court's "independent constitutional ruling [in Custis] applies whether sentence enhancement is imposed pursuant to the Armed Career Criminal Act, the Sentencing Guidelines, or any other statu-

tory scheme providing for sentence enhancement on the basis of prior felony convictions."⁹

Appellate courts have extended the Custis holding generally to bar collateral attack on the use of prior convictions for sentence enhancement purposes under the guidelines for two reasons. First, the constitutional considerations are the same; consequently, unless the prior conviction was obtained in violation of the right to counsel, there is no basis under the Constitution for collaterally attacking the later use of that conviction for guideline enhancement purposes. Second, neither the Sentencing Reform Act nor the guidelines themselves grant a right of collateral attack at sentencing. To the contrary, the Sentencing Commission in guideline 4A1.2, application note 6, states that the guidelines do not confer a statutory right to challenge prior convictions.

In the third sentencing-related Supreme Court case decided in 1994, Nichols v. United States¹⁰, the Court resolved a conflict among the federal courts of appeals and state courts and overruled the Court's prior plurality opinion in Baldasar v. Illinois.¹¹ The court held that a sentencing court may consider a defendant's uncounseled misdemeanor conviction to enhance punishment for a subsequent criminal conviction if such conviction did not result in a sentence of imprisonment. In Nichols, the district court assessed one criminal history point against the defendant for a state misdemeanor conviction (driving under the influence) for which the defendant was fined but not imprisoned. The Supreme Court reaffirmed that the Sixth Amendment right to counsel does not attach to criminal proceedings in which imprisonment is not imposed.

⁵ *Id.* at p. 1738.

⁶ 372 U.S. 335 (1963).

⁷ 114 S. Ct. at pp. 1738-1739.

⁸ F.3d 50 2d Cir.1994).

⁹ *Id.* at p. 52. See also United States v. Munoz, 36 F.3d 1229 (1st Cir. 1994); United States v. Jones, 28 F.3d 69 (8th Cir. 1994).

¹⁰ 114 S. Ct. 1921 (1994).

¹¹ 446 U.S. 222 (1980).

Departures Based on Offense Characteristics

The general departure guideline and its 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."¹²

In 1994, appellate courts continued to affirm upward departures for cases in which district courts found that the defendant's conduct was not adequately covered by the applicable guideline range. Examples include the defendant's heinous treatment of a victim's corpse,¹³ the defendant's inhumane treatment of illegal aliens and the likelihood that the illegal aliens smuggled into the country would spend time in involuntary servitude,¹⁴ and the defendant's profit motive in hiring someone to murder his wife.¹⁵

During the same period, appellate courts reversed upward departures because the conduct or circumstance was included in the base offense level or guideline adjustment, or was otherwise considered by the Commission in formulating the guidelines. An example of an upward departure that was reversed is one based on the monetary loss caused by the defendant's fraud scheme and the number of victims involved (the appellate court found the situation was not "extraordinary").¹⁶ Another upward departure, based on the victim's psychological injuries (lack of trust, frustration, shock, and depression) as a result of the defendant's fraudulent

conduct, was rejected by the appellate court because the factors were not "so far beyond the heartland of fraud offenses as to constitute psychological harm" under guidelines 5K2.3 or 2F1.1.¹⁷ In a third case, the appellate court held that a departure based on the defendant's use of a shotgun during a robbery amounted to double counting because the robbery guideline already took into account the defendant's use of a firearm.¹⁸

Appellate courts continued to address government appeals of downward departures based on mitigating circumstances. Examples of downward departures affirmed by appellate courts include one based on the collateral consequences of the defendant's conviction (*i.e.*, being a deportable alien)¹⁹ and a departure based on the overstatement of the defendant's culpability as measured by monetary loss.²⁰

Examples of downward departures reversed by appellate courts include one based on the defendant's post-arrest drug rehabilitation and religious activities,²¹ another based on the defendant's cooperation in a related civil proceeding,²² and a third departure based on the defendant's loss of his home through civil forfeiture.²³

Departures Based on Offender Characteristics

Policy statements in the Guidelines Manual provide that offender characteristics and personal circum-

¹² USSG §5K2.0; 18 U.S.C. § 3553(b).

¹³ United States v. Quintero, 21 F.3d 885 (9th Cir. 1994).

¹⁴ United States v. Chen, No. 93-1537 (2d Cir. 1994).

¹⁵ United States v. Fontenot, 14 F.3d 1364 (9th Cir. 1994).

¹⁶ United States v. Copple, 24 F.3d 535 (3d Cir. 1994).

¹⁷ United States v. Pelkey, 29 F.3d 11 (1st Cir. 1994).

¹⁸ United States v. Bond, 22 F.3d 662 (6th Cir. 1994).

¹⁹ United States v. Smith, 27 F.3d 349 (D.C. Cir. 1994).

²⁰ United States v. Stuart, 22 F.3d 76 (3d Cir. 1994).

²¹ United States v. Chubbuck, 32 F.3d 1458 (10th Cir. 1994).

²² United States v. Haversat, 22 F.3d 790 (8th Cir. 1994).

²³ United States v. Crook, 9 F.3d 1422 (9th Cir. 1993), *cert. denied*, 114 S. Ct. 1841 (1994).

stances such as age, education and vocational skills, mental and emotional conditions, physical condition, family ties and responsibilities, and military, civic, charitable, or public service are not ordinarily relevant in determining whether a sentence should be outside the applicable guideline range.²⁴ In 1994, 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 post-traumatic stress disorder²⁵ and for a defendant under coercion and duress during the offense.²⁶

Examples of downward departures reversed by appellate courts include departures based on the defendant's age²⁷ and the defendant's family ties and responsibilities.²⁸

A brief description of selected departure cases (departure factors approved and disapproved by appellate courts) is provided in Tables 3-6. Table 7 provides court decisions regarding the computation of the extent of departures.

²⁴ USSG §5H.

²⁵ United States v. Cantu, 12 F.3d 1506 (9th Cir. 1993).

²⁶ United States v. Amor, 24 F.3d 432 (2d Cir. 1994).

²⁷ United States v. Jackson, 30 F.3d 199 (1st Cir. 1994);
United States v. Goff, 20 F.3d 918 (8th Cir. 1994);
United States v. Rimell, 21 F.3d 281 (8th Cir. 1994).

²⁸ United States v. Bieri, 21 F.3d 811 (8th Cir. 1994);
United States v. Ardoin, 19 F.3d 177 (5th Cir. 1994).

Table 3

**DOWNWARD DEPARTURE FACTORS APPROVED BY APPELLATE COURTS
(October 1, 1993, through September 30, 1994)**

DEPARTURE FACTORS	CASES
Coercion and duress	<u>United States v. Amor</u> , 24 F.3d 432 (2d Cir. 1994)
Monetary loss overstates defendant's level of culpability	<u>United States v. Stuart</u> , 22 F.3d 76 (3d Cir. 1994)
Collateral consequences of being a deportable alien	<u>United States v. Smith</u> , 27 F.3d 349 (D.C. Cir. 1994)
Possession of sawed-off shotgun was not the sort of offense sought to be prevented by gun statute	<u>United States v. White Buffalo</u> , 10 F.3d 575 (8th Cir. 1993)
Living conditions on Indian reservation	<u>United States v. White Buffalo</u> , 10 F.3d 575 (8th Cir. 1993) <u>United States v. One Star</u> , 9 F.3d 60 (8th Cir. 1993)
Post-traumatic stress disorder as diminished capacity	<u>United States v. Cantu</u> , 12 F.3d 1506 (9th Cir. 1993)
Career offender status overrepresents defendant's criminal history and likelihood of recidivism	<u>United States v. Shoupe</u> , 35 F.3d 835 (3d Cir. 1994)
Career offender provision does not adequately consider the disproportionate treatment of drug offenders subject to the same guideline range for exceptionally different drug quantities	<u>United States v. Reyes</u> , 8 F.3d 1379 (9th Cir. 1993)

Table 4

**DOWNWARD DEPARTURE FACTORS DISAPPROVED BY APPELLATE COURTS
(October 1, 1993, through September 30, 1994)**

DEPARTURE FACTORS	CASES
Diminished capacity when underlying offense is a crime of violence	<u>United States v. Premachandra</u> , 32 F.3d 346 (8th Cir. 1994) <u>United States v. Salemi</u> , 26 F.3d 1084 (11th Cir.), <i>cert. denied</i> , 115 S. Ct. 612 (1994)
Defendant's post-arrest drug rehabilitation and religious activities	<u>United States v. Chubbuck</u> , 32 F.3d 1458 (10th Cir. 1994)
Defendant's age	<u>United States v. Jackson</u> , 30 F.3d 199 (1st Cir. 1994) <u>United States v. Goff</u> , 20 F.3d 918 (8th Cir. 1994) <u>United States v. Rimell</u> , 21 F.3d 281 (8th Cir. 1994)
Additional criminal activity (money laundering) merely was to further underlying criminal offense	<u>United States v. Pierro</u> , 32 F.3d 611 (1st Cir. 1994)
Credit for time served under in-house detention before sentencing	<u>United States v. Daggao</u> , 28 F.3d 985 (9th Cir. 1994)
Combination of factors when each factor independently would not justify a departure	<u>United States v. Minicone</u> , 26 F.3d 297 (2d Cir.), <i>cert. denied</i> , 115 S. Ct. 344 (1994) <u>United States v. Koon</u> , 34 F.3d 1416 (9th Cir. 1994)
INS's failure to reflect on deportation form the increase in possible term of imprisonment for aliens convicted of aggravated felonies	<u>United States v. Ulysses-Salazar</u> , 28 F.3d 932 (9th Cir. 1994) <u>United States v. Smith</u> , 14 F.3d 662 (1st Cir. 1994)
Self-inflicted punishment	<u>United States v. Walker</u> , 27 F.3d 417 (9th Cir.), <i>cert. denied</i> , 115 S. Ct. 377 (1994)
Determination that defendants' conduct amounted to mere gambling and not money laundering	<u>United States v. Telex-LeBlanc</u> , 24 F.3d 340 (1st Cir.), <i>cert. denied</i> , 115 S. Ct. 250 (1994)
Disparate impact of 100:1 ratio of powder cocaine to crack cocaine penalties	<u>United States v. Maxwell</u> , 25 F.3d 1389 (8th Cir. 1994)
Fourth Amendment violation	<u>United States v. Pacheco-Osuna</u> , 23 F.3d 269 (9th Cir. 1994)
Defendant obtained and possessed sawed-off shotgun for collection purposes	<u>United States v. Godfrey</u> , 22 F.3d 1048 (11th Cir. 1994)
Defendant's perjury stemmed from civil proceedings	<u>United States v. Holland</u> , 22 F.3d 1040 (11th Cir. 1994)
Early plea of <i>nolo contendere</i>	<u>United States v. Haversat</u> , 22 F.3d 790 (8th Cir. 1994)
Defendant's cooperation in related civil proceeding	<u>United States v. Haversat</u> , 22 F.3d 790 (8th Cir. 1994)

Table 4 (continued)

**DOWNWARD DEPARTURE FACTORS DISAPPROVED BY APPELLATE COURTS
(October 1, 1993, through September 30, 1994)**

DEPARTURE FACTORS	CASES
Voluntary payment of forfeiture amounts	<u>United States v. Hendrickson</u> , 22 F.3d 170 (7th Cir.) <i>cert. denied</i> , 115 S. Ct. 209 (1994)
Disparity in severity of fraud and money laundering guidelines	<u>United States v. Rose</u> , 20 F.3d 367 (9th Cir. 1994)
Defendant's status as a first-time offender	<u>United States v. Ardoin</u> , 19 F.3d 177 (5th Cir. 1994)
Defendant's family ties and responsibilities	<u>United States v. Bieri</u> , 21 F.3d 811 (8th Cir. 1994) <u>United States v. Ardoin</u> , 19 F.3d 177 (5th Cir. 1994)
Post-conviction community service	<u>United States v. O'Brien</u> , 18 F.3d 301 (5th Cir. 1994)
Extraordinary acceptance of responsibility based on defendant's repayment of unauthorized bank loan	<u>United States v. Bean</u> , 18 F.3d 1367 (7th Cir. 1994)
Codefendant sentencing disparity	<u>United States v. Betts</u> , 16 F.3d 748 (7th Cir. 1994)
Defendant's lack of profit motive	<u>United States v. Seacott</u> , 15 F.3d 1380 (7th Cir. 1994)
Defendant's domination by boyfriend and codefendant	<u>United States v. Kerr</u> , 13 F.3d 203 (7th Cir. 1993), <i>cert. denied</i> , 114 S. Ct. 1629 (1994)
Loss of home through civil forfeiture	<u>United States v. Crook</u> , 9 F.3d 1422 (9th Cir. 1993), <i>cert. denied</i> , 114 S. Ct. 1841 (1994)
Collateral consequences of being a deportable alien	<u>United States v. Nnanna</u> , 7 F.3d 420 (5th Cir. 1993)
Loss of good-time credits as administrative sanction for same conduct underlying offense	<u>United States v. Newby</u> , 11 F.3d 1143 (3d Cir. 1993), <i>cert. denied</i> , 114 S. Ct. 1841 (1994)
Consecutive sentences under 18 U.S.C. § 924(c)(1) added 45 years to career offender's sentence	<u>United States v. Thornburgh</u> , 7 F.3d 1471 (10th Cir. 1993)

Table 5

**UPWARD DEPARTURE FACTORS APPROVED BY APPELLATE COURTS
(October 1, 1993, through September 30, 1994)**

DEPARTURE FACTORS	CASES
Inhumane treatment of aliens; likelihood that the alien defendant smuggled into the country would spend time in involuntary servitude	<u>United States v. Fan</u> , 36 F.3d 240 (2d Cir. 1994)
Threats against the family of the defendant's extortion victims; defendants' participation in organized crime outside the heartland of cases contemplated by the RICO guideline	<u>United States v. Rainone</u> , 32 F.3d 1203 (7th Cir. 1994)
Defendants' post-arrest criminal conduct occurring after the instant offense; extensive involvement in criminal conduct similar to the instant offense	<u>United States v. Fadavini</u> , 28 F.3d 1236 (D.C. Cir. 1994)
Dangerousness and heinousness of defendant's offense conduct	<u>United States v. Menzer</u> , 29 F.3d 1223 (7th Cir. 1994)
Intentional and indifferent nature of the defendant's acts	<u>United States v. Jones</u> , 30 F.3d 276 (2d Cir.), <i>cert. denied</i> , 115 S. Ct. 602 (1994)
Defendant's extraordinarily dangerous mental state	<u>United States v. Hines</u> , 26 F.3d 1469 (9th Cir. 1994)
Extent of victim's financial loss	<u>United States v. Kaye</u> , 23 F.3d 50 (2d Cir. 1994)
Heinous treatment of victim's body after death	<u>United States v. Quintero</u> , 21 F.3d 885 (9th Cir. 1994)
Frequent and continuous nature of similar uncharged offense conduct	<u>United States v. Rosales</u> , 19 F.3d 763 (1st Cir. 1994)
Seriousness of fraudulent offense conduct	<u>United States v. Puello</u> , 21 F.3d 7 (2d Cir. 1994)
Extreme psychological injury	<u>United States v. Yellow</u> , 18 F.3d 1438 (8th Cir. 1994) <u>United States v. Nomeland</u> , 7 F.3d 744 (8th Cir. 1994)
Defendant's financial gain from criminal activity that caused pecuniary loss to other persons	<u>United States v. Wilder</u> , 15 F.3d 1292 (5th Cir. 1994)
Endangered public welfare	<u>United States v. Flinn</u> , 18 F.3d 8256 (10th Cir. 1994)
Defendant's profit motive in contracting for the murder of his wife	<u>United States v. Fontenot</u> , 14 F.3d 1364 (9th Cir. 1994)
Prior similar adult criminal conduct	<u>United States v. Ramirez</u> , 11 F.3d 10 (1st Cir. 1993)

Table 6

**UPWARD DEPARTURE FACTORS DISAPPROVED BY APPELLATE COURTS
(October 1, 1993, through September 30, 1994)**

DEPARTURE FACTORS	CASES
Property damage attributable to defendant's conduct was not sufficient to warrant upward departure; stress suffered by co-workers because of victim's death did not demonstrate any actual disruption of governmental function	<u>United States v. Dayea</u> , 32 F.3d 1377 (9th Cir. 1994)
Victims' limited ability to recover from extent of their losses	<u>United States v. Pelkey</u> , 29 F.3d 11 (1st Cir. 1994)
Victims' psychological injuries not outside the heartland of cases	<u>United States v. Pelkey</u> , 29 F.3d 11 (1st Cir. 1994) <u>United States v. Bond</u> , 22 F.3d 662 (6th Cir. 1994)
Amount of monetary loss caused by and number of victims involved in defendant's scheme not extraordinary	<u>United States v. Cople</u> , 24 F.3d 535 (3d Cir.), <i>cert. denied</i> , 115 S. Ct. 488 (1994)
Defendants' use of shotgun during bank robbery	<u>United States v. Bond</u> , 22 F.3d 662 (6th Cir. 1994)
Criminal purpose departure not available when defendant's unlawful flight committed not to conceal murder but to avoid prosecution	<u>United States v. Cherry</u> , 10 F.3d 1003 (3d Cir. 1993)

Table 7

**COMPUTATION OF EXTENT OF DEPARTURES
(October 1, 1993, through September 30, 1994)**

METHOD	CASES
District court is not required to provide mechanistic recitation of its rejection of the intervening offense level guideline ranges when departing beyond Criminal History Category VI	<u>United States v. Thomas</u> , 24 F.3d 829 (6th Cir.), <i>cert. denied</i> , 115 S. Ct. 453 (1994)
District court must move horizontally across the sentencing table until it finds the criminal history category that provides appropriate punishment	<u>United States v. Mendez-Colon</u> , 15 F.3d 188 (1st Cir. 1994)
District court should move incrementally down sentencing table to next higher offense level when departing above Criminal History Category VI	<u>United States v. Harris</u> , 13 F.3d 555 (2d Cir. 1994) <u>United States v. Samuels</u> , 14 F.3d 598 (4th Cir. 1994) <u>United States v. Pennington</u> , 9 F.3d 1116 (5th Cir. 1993)
Permissible to consider the guideline range that would have applied absent career offender status	<u>United States v. Reyes</u> , 8 F.3d 1379 (10th Cir. 1993) <u>United States v. Clark</u> , 8 F.3d 839 (D.C. Cir. 1993)
Departures above Category VI reviewed for reasonableness only	<u>United States v. Brown</u> , 9 F.3d 907 (11th Cir. 1993)
No analytical differences for determining reasonableness of departures from guideline imprisonment ranges and departures from guideline fine ranges	<u>United States v. Seale</u> , 20 F.3d 1279 (3d Cir. 1994)
Reasonableness of significant departure from maximum guideline fine range subject to clear and convincing scrutiny and must be based on more than speculation or hypothetical valuation	<u>United States v. Seale</u> , 20 F.3d 1279 (3d Cir. 1994)

Chapter Four

Guideline Training and Education

In 1994, 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, together with the steady influx of new practitioners, creates a continuing need for effective training programs and materials. In 1994, the Commission provided training to more than 5,000 individuals at 73 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 district court and appellate judges, providing two days of training on guideline application and sentencing-related issues to 79 "new" judges. The Commission and the FJC also collaborated in training 135 federal judges at four circuit workshops.

In 1994, the Commission presented three to four days of guideline application training to 295 new probation officers during four orientation programs at the National Probation and Pretrial Services Academy near Baltimore, Maryland. These programs included a half-day workshop on Chapter Seven of the Guidelines Manual (Violations of Probation and Supervised Release), specifically designed for new officers.

In conjunction with the DOJ's Office of Legal Education, the Commission provided guideline training to 215 newly appointed assistant U.S. attorneys at the Federal Practice Skills Seminars held in various cities across the country.

Initiatives by the informal, inter-governmental agency task force organized by the Commission in 1992 led to a significant increase in defense attorney training programs nationwide and to the development of an updated training packet of guideline

application materials specifically designed for defense attorneys. In addition, the Commission worked together with the Sentencing Guidelines Group (Washington, DC-based federal defenders) to produce ten training programs for assistant federal public defenders and private defense attorneys.

Local Training

In 1994, the Commission responded to requests for training by conducting programs in 44 localities with an estimated combined attendance of more than 3,600, accounting for 72 percent of the total number trained during the year. A majority of the requests for training came from probation officers, but many came from judges, defense attorneys, and prosecutors. To maximize resources, the Commission conducted several district-wide training programs which included probation officers, judges, prosecutors, and defense attorneys. Throughout the year, commissioners and staff lectured widely on sentencing issues at training sessions, academic seminars, judges' meetings, and professional conferences. In addition, the Commission staff discussed the organizational sentencing guidelines at eight conferences that attracted more than 600 prosecuting and defense attorneys and business officials.

Hotlines

The Commission's two hotlines – one servicing judges and probation officers, the other prosecuting and defense attorneys – continued to assist callers with guideline application questions. 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 staffs assist callers in applying the sentencing guidelines. 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, the staff answers questions not involving subjective judgments. Those questions involving a subjective determination by the judge, such as whether a defendant should receive an adjustment

for acceptance of responsibility, are addressed by reference to pertinent guidelines, commentary, or policy statements. For debatable questions or interpretations of correct application, the staff assists the caller in understanding alternative approaches, emphasizing that such decisions are left to the courts.

Calls Received in 1994

The judge and probation officer hotline staff responded to 1,614 questions in 1994, an average of 135 questions per month. Since its inception, the hotline staff has responded to more than 14,000 questions from probation officers, judges, and law clerks. During 1994, the attorney hotline staff responded to 903 calls from assistant U.S. attorneys and defense attorneys.

Table 8 organizes by guideline section the questions received through the hotlines in 1994. The greatest number of questions (244) related to the drug guidelines. Inquiries regarding criminal history ranked second (212), followed by implementing the total sentence of imprisonment (167), violations of probation and supervised release (137), offenses involving firearms (125), and offenses involving fraud or deceit (124).

Table 9 shows the number of calls made from each district to the judge and probation officer hotline in 1994. The table provides a national breakdown of hotline use by probation offices; 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, the staff maintains a log of calls received and responses provided. The Commission began its 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

Table 8

**HOTLINE CALLS BY GUIDELINE SECTION
(October 1, 1993, through September 30, 1994)**

Chapter 1: Introduction and Application Principles	
Application	59
Relevant Conduct	89
Other Information to be Used	1
Interpretation of Cross References	0
Use of Certain Information	4
Retroactivity of Amended Guideline Range	22
Use of Guidelines Manual in Effect on Date of Sentencing	50
Chapter 2: Offense Conduct	
Offenses Against the Person	23
Offenses Involving Property	91
Offenses Involving Public Officials	29
Offenses Involving Drugs	244
Offenses Involving Criminal Enterprise and Racketeering	23
Offenses Involving Fraud or Deceit	124
Offenses Involving Prostitution, Sexual Exploitation of Minors, and Obscenity	16
Offenses Involving Individual Rights	6
Offenses Involving Administration of Justice	52
Offenses Involving Public Safety	125
Offenses Involving Immigration, Naturalization, and Passports	40
Offenses Involving National Defense	5
Offenses Involving Food, Drugs, Agricultural Products	1
Offenses Involving Prisons and Correctional Facilities	11
Offenses Involving the Environment	11
Antitrust Offenses	6
Money Laundering and Monetary Transaction Reporting	28
Offenses Involving Taxation	45
Other Offenses	60
Chapter 3: Adjustments	
Victim-Related Adjustments	10
Role in the Offense	55
Obstruction	43
Multiple Counts	114
Acceptance of Responsibility	29
Chapter 4: Criminal History and Criminal Livelihood	
Criminal History	212
Career Offender and Armed Career Criminal	106
Criminal Livelihood	3

Chapter 5: Determining the Sentence	
Sentencing Table	4
Probation	13
Imprisonment/Sentencing Options	64
Supervised Release	21
Restitution, Fines, Assessments, Forfeitures	17
Implementing the Total Sentence of Imprisonment	167
Specific Offender Characteristics	10
Departures	64
Chapter 6: Sentencing Procedures and Plea Agreements	
Sentencing Procedures	4
Plea Agreements	6
Chapter 7: Violations of Probation and Supervised Release	137
Chapter 8: Sentencing of Organizations	23
Other Questions	
Amendments	14
Miscellaneous	96
Old Law/New Law	8
PSR	12
Statutory/Legal	94
Juvenile	2
Monitoring	9
Statement of Reasons	2
Other Questions	13
Total Questions	2,517

Table 9

HOTLINE CALLS RECEIVED BY DISTRICT*
(October 1, 1993, through September 30, 1994)

District	Number	District	Number
Alabama		Missouri	
Northern	9	Eastern	33
Middle	3	Western	16
Southern	8	Montana	44
Alaska	10	Nebraska	9
Arizona	11	Nevada	13
Arkansas		New Hampshire	13
Eastern	7	New Jersey	18
Western	15	New Mexico	14
California		New York	
Northern	50	Northern	5
Eastern	25	Eastern	10
Central	18	Southern	5
Southern	25	Western	11
Colorado	21	North Carolina	
Connecticut	28	Eastern	21
Delaware	12	Middle	26
District of Columbia	12	Western	20
Florida		North Dakota	7
Northern	7	Ohio	
Middle	29	Northern	8
Southern	52	Southern	25
Georgia		Oklahoma	
Northern	8	Northern	2
Middle	10	Eastern	1
Southern	1	Western	13
Guam	1	Oregon	12
Hawaii	16	Pennsylvania	
Idaho	4	Eastern	33
Illinois		Middle	48
Northern	57	Western	6
Central	14	Puerto Rico	31
Southern	9	Rhode Island	12
Indiana		South Carolina	11
Northern	36	South Dakota	14
Southern	19	Tennessee	
Iowa		Eastern	18
Northern	9	Middle	13
Southern	17	Western	54
Kansas	21	Texas	
Kentucky		Northern	8
Eastern	8	Eastern	18
Western	3	Southern	48
Louisiana		Western	44
Western	16	Utah	14
Eastern	10	Vermont	0
Middle	4	Virgin Islands	4
Maine	7	Virginia	
Maryland	17	Eastern	73
Massachusetts	12	Western	2
Michigan		Washington	
Eastern	9	Eastern	6
Western	13	Western	4
Minnesota	5	West Virginia	
Mississippi		Northern	14
Northern	15	Southern	17
Southern	7	Wisconsin	
		Eastern	22
		Western	12
		Wyoming	1

* Judge and Probation Officer hotline only.

speeding research efforts and enabling more consistent and accurate responses.

In response to requests from probation officers, the Commission developed a similar computer program for use in probation offices across the nation. Distributed initially in 1992, "SC_HELP" (Sentencing Commission Hotline Extended Library Program) has been updated periodically. 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 Seventh Edition of the Commission's Most Frequently Asked Questions About the Sentencing Guidelines. The Commission posted the most recent version of SC_HELP on the Federal Judicial Center's electronic bulletin board.

Temporary Assignment Program

The Commission's temporary assignment program for probation officers, assistant U.S. attorneys, and assistant federal defenders continued through 1994. Temporary duty assignments for probation officers are for six weeks. The average attorney detail lasts six months. While at the Commission, participants help staff the hotlines, become involved in the amendment process, and assist with various projects.

Eighteen probation officers representing 17 districts and 18 different offices participated in the Commission's temporary assignment program in 1994. They represented a diverse geographical constituency and provided the Commission with broad insight into sentencing practices in various regions. Since the program's inception, 117 officers representing 54 districts have participated. During 1994-95, the Commission will give scheduling priority to probation officers from districts that have not yet participated.

Two assistant federal defenders and two assistant U.S. attorneys filled temporary assignments with the Commission during 1994. Since the visiting attorney program began in 1988, nine assistant federal

defenders and 11 assistant U.S. attorneys have participated, representing 14 districts and DOJ.

During their tenure at the Commission, visiting probation officers and attorneys become proficient in guideline application and gain exposure to the many types of cases sentenced in the federal system. They also broaden their perspectives of the criminal justice system through observation of Commission operations and guideline development and refinement. These probation officers and attorneys return to their districts as valuable resources to their colleagues and the court. The Commission benefits from interaction with visiting officers and attorneys, who apply the guidelines on a regular basis, by acquiring a better understanding of the practical concerns confronting practitioners.

Probation Officers Participating in the 1994 Commission Temporary Assignment Program

<u>Probation Officer</u>	<u>District</u>
David D. Keeler	Eastern District, MI
Linda Joseph	Middle District, TN
William C. Pool	Middle District, PA
Eric P. Ordeneaux	Middle District, FL
Avery Bossier	Middle District, LA
Carl C. Hays	Eastern District, KY
Drew F. Thompson	Middle District, PA
Patricia A. Scrutchions	Western District, MI
Carla G. Coopwood*	Eastern District, VA
Christopher R. Buckman	Western District, MO
Joan M. Leiby	Eastern District, PA
Cathy A. Battistelli	New Hampshire
Ellen S. Moore	Middle District, GA
Walter P. Matthews, III	Delaware
J. Martin Wahrer	Maine
Theresa A. Grant	Northern District, OH
James G. Patelis	Montana
Kurt A. Thoene	Colorado

* After completing her six-week temporary duty, Senior U.S. Probation Officer Carla Coopwood later returned to the Commission to serve a four-month temporary assignment. Carla continued to work on the hotline and participated in a variety of projects with the training and technical assistance staff.

Assistant U.S. Attorneys and Assistant Federal Public Defenders Participating in the 1994 Commission Temporary Assignment Program

<u>Assistant U.S. Attorney</u>	<u>District</u>
Peter M. Ossorio	Western District, MO
Roger W. Haines, Jr.	Southern District, CA

<u>Assistant Federal Defender</u>	<u>District</u>
Deborah L. Williams	Arizona
Margaret Smith	Western District, WA

Publications and Training Materials

In June 1994, the Commission published the Seventh Edition of Most Frequently Asked Questions About the Sentencing Guidelines, which answers 162 questions about 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.

In late 1993, the Commission produced and distributed its first training video about the sentencing guidelines. This 45-minute program reviewed amendments to guidelines effective November 1, 1993, and was distributed to each U.S. probation office and federal defender office and to the Executive Office for U.S. Attorneys.

ASSYST

The Commission completed its extensive redesign of the ASSYST program in 1994. ASSYST (Version 2.0) runs on a network, has a "Windows™-like" appearance, and provides unlimited flexibility to move through the guideline application process. The new program also facilitates *ex-post facto* calculations and contains a drug conversion component that will determine the marijuana equivalency and associated offense level for all drug types and quantities entered. The software also enables the user to make chemical conversions for both essential and precursor chemical types.

In addition to performing guideline application calculations, this software includes several new features such as a data collection component that allows the user to produce standard reports on guideline application activity at the touch of a button (*e.g.*, number of presentence reports written

for a particular judge, number of times a specific guideline is applied). Other new features include an individualized presentence report shell in WordPerfect, on-line access to guideline amendments, access to case law from several points in the program, and a tutorial program along with a written training manual.

To ensure smooth implementation of the new software, the Commission scheduled a series of one-day training sessions in late November and early December 1994 in the Federal Judiciary Building in Washington, D.C. One probation officer from each district and representatives from the American Bar Association, the National Association of Criminal Defense Lawyers, the Federal Bar Association, the Internal Revenue Service, the Executive Office for U.S. Attorneys, and the Federal Defenders were invited to participate with the objective that they will serve as the ASSYST training and resource persons in their own district or agency. At the conclusion of the training, the Commission will provide copies of the new ASSYST program to each participant.

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. As 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:

- Indictment
- Presentence Report (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 1994 (October 1, 1993, through September 30, 1994, hereinafter "1994"), the Commission continued to expand its extensive 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, demographic, and statutory information on each defendant as documented in the Judgment of Conviction order, the Presentence Report, and the 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.

In addition, the Commission continues to develop new data collection modules to study a variety of sentencing-related issues. An **Organizational Sentencing Module** records cases involving organizations sentenced under Chapter Eight of the guidelines. The new **Appeals Module** tracks appellate review of sentencing decisions. (See discussion of both modules later in this chapter.)

The 1994 Monitoring datafile provides extensive information on all guideline cases sentenced within the fiscal year. This file, without individual identifiers, is available to the public and the research community through the Inter-University Consortium for Political and Social Research at the University of Michigan. The Commission makes 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 revocation statute, some circuits do not use the Commission's Chapter Seven policy statements on revocations, a practice that biases current data collection. In

response to a legislative correction of the statutory inconsistencies in the 1994 omnibus crime bill, the Commission will refocus efforts on data collection for this module during the coming year.

Finally, work is in progress on development of an additional module that will record real offense factors and detailed criminal history characteristics. Data collection of indictment information is in the final testing phase.

Data Collection Issues

The Commission received documentation on 39,971 cases²⁹ sentenced under the Sentencing Reform Act (SRA) between October 1, 1993, and September 30, 1994.³⁰ The Commission has no direct source for ascertaining the ratio of guideline to preguideline cases or the rate at which guideline cases are reported to the Commission. However, as seven years have elapsed since the implementation of the guidelines, the federal system is now

²⁹ 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 (even if it includes multiple indictments or multiple convictions consolidated for sentencing). 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.

³⁰ The USSC Monitoring datafile used for this report, MONFY94, includes defendants sentenced during fiscal year 1994 for whom information was received by the Commission as of December 23, 1994. Reported figures exclude cases involving solely petty offenses, organizational defendants, or diversionary sentences. Information on guideline defendants under the witness protection program is not included in this report, with the possible result of slightly underrepresenting, at least for some districts, the number and rate of substantial assistance motions and departures. Information about defendants sentenced under preguideline law is reported through the AO's data collection systems.

almost exclusively a guidelines 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 on that level 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 receiving an incomplete number of 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 1994, the Commission received Presentence Reports (PSR) for 96.2 percent of the cases (in an additional 1.5% of the cases the PSR was waived) and Judgment of Conviction Orders for 99.3 percent of the cases.

The submission rate for the Report on the Sentencing Hearing (statement of reasons) remained constant at 93.6 percent with that of the previous year. The incorporation of the Report on the Sentencing Hearing within the Judgment of Conviction Order (AO 245) has enhanced both the submission and uniformity of this information. Written Plea Agreements or other comparable documents were received for 72.3 percent of the cases.

See Table 10 for the submission rate of documents by circuit and district.³¹

Descriptive Statistics

Implementation of the Guidelines

Of the 39,971 cases sentenced in 1994 under the SRA, 25.2 percent were in seven districts (each with 1,196 or more cases): Southern Texas, Western Texas, Southern California, Central California, Eastern New York, Southern New York, and Southern Florida. The Fifth, Ninth, and Eleventh Circuits accounted for 44.7 percent of all guideline cases received by the Commission. Table 11 depicts the distribution of guideline cases across the 94 judicial districts and 12 judicial circuits.

For the first time since 1989, the annual number of federal cases sentenced under the guidelines decreased, from 42,107 in 1993 to 39,971 in 1994, a reduction of 5.1 percent. The number of cases increased in the District of Columbia and the First Circuit but decreased in all other circuits. The greatest decreases were in the Seventh, Third, and Sixth Circuits (19.6, 15.4, and 9.9 percent respectively).

Primary Offense and Demographic Characteristics

Primary Offense Type

Almost 42 percent (41.8%) of all defendants sentenced under the guidelines in 1994 were

³¹ Table 10 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. In addition, Table 10 does not include the submission rate of guideline worksheets because their submission is not required in all cases.

Table 10

DOCUMENT SUBMISSION RATE BY CIRCUIT AND DISTRICT¹
(October 1, 1993, through September 30, 1994)

CIRCUIT	Number of Cases	Judgment of Conviction Order				Presentence Report						Report on the Sentencing Hearing			
		Received		Not Received		Received		Not Received		Waived		Received		Not Received	
District		n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	39,971	39,709	99.3	262	0.7	38,435	96.2	937	2.3	604	1.5	37,414	93.6	2,555	6.4
D.C. CIRCUIT	477	444	93.1	33	6.9	447	93.7	27	5.7	3	0.6	441	92.5	36	7.5
District of Columbia	477	444	93.1	33	6.9	447	93.7	27	5.7	3	0.6	441	92.5	36	7.5
FIRST CIRCUIT	1,198	1,194	99.7	4	0.3	1,090	91.0	99	8.3	9	0.8	1,186	99.0	12	1.0
Maine	142	142	100.0	0	0.0	141	99.3	1	0.7	0	0.0	142	100.0	0	0.0
Massachusetts	371	370	99.7	1	0.3	310	83.6	60	16.2	1	0.3	366	98.7	5	1.3
New Hampshire	90	90	100.0	0	0.0	90	100.0	0	0.0	0	0.0	90	100.0	0	0.0
Puerto Rico	472	469	99.4	3	0.6	427	90.5	37	7.8	8	1.7	465	98.5	7	1.5
Rhode Island	123	123	100.0	0	0.0	122	99.2	1	0.8	0	0.0	123	100.0	0	0.0
SECOND CIRCUIT	3,789	3,770	99.5	19	0.5	3,689	97.4	32	0.8	69	1.8	3,202	84.5	587	15.5
Connecticut	249	248	99.6	1	0.4	249	100.0	0	0.0	0	0.0	247	99.2	2	0.8
New York															
Eastern	1,482	1,474	99.5	8	0.5	1,479	99.8	3	0.2	0	0.0	1,038	70.0	444	30.0
Northern	379	378	99.7	1	0.3	293	77.3	23	6.1	63	16.6	376	99.2	3	0.8
Southern	1,196	1,195	99.9	1	0.1	1,190	99.5	6	0.5	0	0.0	1,069	89.4	127	10.6
Western	384	376	97.9	8	2.1	379	98.7	0	0.0	5	1.3	373	97.1	11	2.9
Vermont	99	99	100.0	0	0.0	99	100.0	0	0.0	0	0.0	99	100.0	0	0.0
THIRD CIRCUIT	2,150	2,145	99.8	5	0.2	2,047	95.2	27	1.3	76	3.5	2,090	97.2	60	2.8
Delaware	89	89	100.0	0	0.0	81	91.0	0	0.0	8	9.0	89	100.0	0	0.0
New Jersey	510	509	99.8	1	0.2	510	100.0	0	0.0	0	0.0	507	99.4	3	0.6
Pennsylvania															
Eastern	875	875	100.0	0	0.0	809	92.5	2	0.2	64	7.3	831	95.0	44	5.0
Middle	290	289	99.7	1	0.3	290	100.0	0	0.0	0	0.0	289	99.7	1	0.3
Western	298	295	99.0	3	1.0	269	90.3	25	8.4	4	1.3	288	96.6	10	3.4
Virgin Islands	88	88	100.0	0	0.0	88	100.0	0	0.0	0	0.0	86	97.7	2	2.3
FOURTH CIRCUIT	4,435	4,402	99.3	33	0.7	4,244	95.7	73	1.6	118	2.7	4,228	95.3	207	4.7
Maryland	375	373	99.5	2	0.5	371	98.9	4	1.1	0	0.0	372	99.2	3	0.8
North Carolina															
Eastern	507	501	98.8	6	1.2	471	92.9	5	1.0	31	6.1	495	97.6	12	2.4
Middle	298	298	100.0	0	0.0	297	99.7	1	0.3	0	0.0	298	100.0	0	0.0
Western	799	786	98.4	13	1.6	752	94.1	44	5.5	3	0.4	743	93.0	56	7.0
South Carolina	669	668	99.9	1	0.1	669	100.0	0	0.0	0	0.0	669	100.0	0	0.0
Virginia															
Eastern	946	940	99.4	6	0.6	862	91.1	4	0.4	80	8.5	816	86.3	130	13.7
Western	388	383	98.7	5	1.3	385	99.2	0	0.0	3	0.8	382	98.5	6	1.5
West Virginia															
Northern	137	137	100.0	0	0.0	136	99.3	0	0.0	1	0.7	137	100.0	0	0.0
Southern	316	316	100.0	0	0.0	301	95.3	15	4.7	0	0.0	316	100.0	0	0.0

Table 10 (cont.)

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		5,365	5,344	99.6	21	0.4	5,215	97.2	83	1.5	67	1.2	5,261	98.1	104	1.9
Louisiana																
Eastern	385	381	99.0	4	1.0	330	85.7	55	14.3	0	0.0	380	98.7	5	1.3	
Middle	45	45	100.0	0	0.0	45	100.0	0	0.0	0	0.0	45	100.0	0	0.0	
Western	291	289	99.3	2	0.7	291	100.0	0	0.0	0	0.0	287	98.6	4	1.4	
Mississippi																
Northern	185	185	100.0	0	0.0	185	100.0	0	0.0	0	0.0	185	100.0	0	0.0	
Southern	228	228	100.0	0	0.0	226	99.1	0	0.0	2	0.9	226	99.1	2	0.9	
Texas																
Eastern	408	407	99.8	1	0.2	408	100.0	0	0.0	0	0.0	407	99.8	1	0.2	
Northern	865	862	99.7	3	0.3	864	99.9	0	0.0	1	0.1	852	98.5	13	1.5	
Southern	1,474	1,472	99.9	2	0.1	1,452	98.5	8	0.5	14	1.0	1,468	99.6	6	0.4	
Western	1,484	1,475	99.4	9	0.6	1,414	95.3	20	1.3	50	3.4	1,411	95.1	73	4.9	
SIXTH CIRCUIT		3,718	3,708	99.7	10	0.3	3,569	96.0	99	2.7	50	1.3	3,658	98.4	60	1.6
Kentucky																
Eastern	326	326	100.0	0	0.0	325	99.7	0	0.0	1	0.3	325	99.7	1	0.3	
Western	305	305	100.0	0	0.0	181	59.3	85	27.9	39	12.8	300	98.4	5	1.6	
Michigan																
Eastern	824	823	99.9	1	0.1	821	99.6	0	0.0	3	0.4	820	99.5	4	0.5	
Western	287	287	100.0	0	0.0	287	100.0	0	0.0	0	0.0	287	100.0	0	0.0	
Ohio																
Northern	555	555	100.0	0	0.0	555	100.0	0	0.0	0	0.0	554	99.8	1	0.2	
Southern	412	409	99.3	3	0.7	411	99.8	1	0.2	0	0.0	404	98.1	8	1.9	
Tennessee																
Eastern	340	335	98.5	5	1.5	338	99.4	2	0.6	0	0.0	332	97.6	8	2.4	
Middle	253	253	100.0	0	0.0	236	93.3	10	4.0	7	2.8	222	87.7	31	12.3	
Western	416	415	99.8	1	0.2	415	99.8	1	0.2	0	0.0	414	99.5	2	0.5	
SEVENTH CIRCUIT		1,876	1,874	99.9	2	0.1	1,852	98.7	11	0.6	13	0.7	1,735	92.5	141	7.5
Illinois																
Central	238	238	100.0	0	0.0	235	98.7	1	0.4	2	0.8	237	99.6	1	0.4	
Northern	656	656	100.0	0	0.0	649	98.9	7	1.1	0	0.0	530	80.8	126	19.4	
Southern	237	237	100.0	0	0.0	232	97.9	0	0.0	5	2.1	237	100.0	0	0.0	
Indiana																
Northern	183	182	99.5	1	0.5	181	98.9	2	1.1	0	0.0	172	94.0	11	6.0	
Southern	218	218	100.0	0	0.0	212	97.2	0	0.0	6	2.8	216	99.1	2	0.9	
Wisconsin																
Eastern	239	238	99.6	1	0.4	238	99.6	1	0.4	0	0.0	239	100.0	0	0.0	
Western	105	105	100.0	0	0.0	105	100.0	0	0.0	0	0.0	104	99.0	1	1.0	
EIGHTH CIRCUIT		2,343	2,338	99.8	5	0.2	2,299	98.1	27	1.2	17	0.7	2,322	99.1	21	0.9
Arkansas																
Eastern	249	249	100.0	0	0.0	226	90.8	19	7.6	4	1.6	246	98.8	3	1.2	
Western	125	125	100.0	0	0.0	125	100.0	0	0.0	0	0.0	125	100.0	0	0.0	
Iowa																
Northern	158	158	100.0	0	0.0	157	99.4	0	0.0	1	0.6	158	100.0	0	0.0	
Southern	139	137	98.6	2	1.4	139	100.0	0	0.0	0	0.0	137	98.6	2	1.4	
Minnesota	391	391	100.0	0	0.0	385	98.5	1	0.3	5	1.3	391	100.0	0	0.0	
Missouri																
Eastern	389	388	99.7	1	0.3	388	99.7	0	0.0	1	0.3	389	100.0	0	0.0	
Western	382	381	99.7	1	0.3	382	100.0	0	0.0	0	0.0	376	98.4	6	1.6	
Nebraska	237	236	99.6	1	0.4	236	99.6	1	0.4	0	0.0	228	96.2	9	3.8	
North Dakota	99	99	100.0	0	0.0	93	93.9	6	6.1	0	0.0	99	100.0	0	0.0	
South Dakota	174	174	100.0	0	0.0	168	96.6	0	0.0	6	3.4	173	99.4	1	0.6	

Table 10 (cont.)

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		7,441	7,353	98.8	88	1.2	6,830	91.8	442	5.9	169	2.3	6,161	82.8	1,280	17.2
Alaska	114	107	93.9	7	6.1	113	99.1	0	0.0	1	0.9	82	71.9	32	28.1	
Arizona	1,126	1,114	98.9	12	1.1	1,051	93.3	24	2.1	51	4.5	1,103	98.0	23	2.0	
California																
Central	1,268	1,263	99.6	5	0.4	1,260	99.4	7	0.6	1	0.1	504	39.7	764	60.3	
Eastern	564	560	99.3	4	0.7	475	84.2	88	15.6	1	0.2	556	98.6	8	1.4	
Northern	446	416	93.3	30	6.7	446	100.0	0	0.0	0	0.0	373	83.6	73	16.4	
Southern	1,866	1,859	99.6	7	0.4	1,636	87.7	230	12.3	0	0.0	1,533	82.2	333	17.8	
Guam	66	66	100.0	0	0.0	51	77.3	15	22.7	0	0.0	66	100.0	0	0.0	
Hawaii	198	198	100.0	0	0.0	168	84.8	16	8.1	14	7.1	197	99.5	1	0.5	
Idaho	88	88	100.0	0	0.0	86	97.7	2	2.3	0	0.0	86	97.7	2	2.3	
Montana	173	171	98.8	2	1.2	172	99.4	0	0.0	1	0.6	170	98.3	3	1.7	
Nevada	403	385	95.5	18	4.5	392	97.3	11	2.7	0	0.0	382	94.8	21	5.2	
Northern Mariana Islands	0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	
Oregon	501	501	100.0	0	0.0	456	91.0	45	9.0	0	0.0	492	98.2	9	1.8	
Washington																
Eastern	241	240	99.6	1	0.4	142	58.9	1	0.4	98	40.7	232	96.3	9	3.7	
Western	387	385	99.5	2	0.5	382	98.7	3	0.8	2	0.5	385	99.5	2	0.5	
TENTH CIRCUIT		2,113	2,107	99.7	6	0.3	2,106	99.7	2	0.1	5	0.2	2,100	99.4	13	0.6
Colorado	363	362	99.7	1	0.3	362	99.7	0	0.0	1	0.3	357	98.3	6	1.7	
Kansas	300	300	100.0	0	0.0	300	100.0	0	0.0	0	0.0	300	100.0	0	0.0	
New Mexico	586	584	99.7	2	0.3	583	99.5	0	0.0	3	0.5	586	100.0	0	0.0	
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	167	98.8	2	1.2	169	100.0	0	0.0	0	0.0	167	98.8	2	1.2	
Western	277	277	100.0	0	0.0	277	100.0	0	0.0	0	0.0	276	99.6	1	0.4	
Utah	277	276	99.6	1	0.4	274	98.9	2	0.7	1	0.4	273	98.6	4	1.4	
Wyoming	95	95	100.0	0	0.0	95	100.0	0	0.0	0	0.0	95	100.0	0	0.0	
ELEVENTH CIRCUIT		5,066	5,030	99.3	36	0.7	5,047	99.6	15	0.3	9	0.2	5,030	99.3	34	0.7
Alabama																
Middle	238	238	100.0	0	0.0	238	100.0	0	0.0	0	0.4	238	100.0	0	0.4	
Northern	401	382	95.3	19	4.7	400	99.8	0	1.2	1	0.5	400	99.8	1	0.2	
Southern	301	301	100.0	0	0.0	294	97.7	5	1.7	2	0.7	300	99.7	1	0.3	
Florida																
Middle	1,162	1,162	100.0	0	0.0	1,157	99.6	1	0.1	4	0.0	1,161	99.9	1	0.1	
Northern	398	397	99.7	1	0.3	397	99.7	1	0.5	0	0.0	397	99.7	1	1.0	
Southern	1,307	1,302	99.6	5	0.4	1,305	99.8	2	0.2	0	0.0	1,303	99.7	4	0.3	
Georgia																
Middle	376	375	99.7	1	0.3	375	99.7	1	0.0	0	0.0	369	98.1	7	5.3	
Northern	623	613	98.4	10	1.6	623	100.0	0	0.0	0	0.3	603	96.8	20	0.2	
Southern	260	260	100.0	0	0.0	258	99.2	0	0.0	2	0.8	259	99.6	1	0.4	

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

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 11

GUIDELINE DEFENDANTS BY CIRCUIT AND DISTRICT¹
(October 1, 1993, through September 30, 1994)

CIRCUIT			CIRCUIT		
District	Number	Percent	District	Number	Percent
TOTAL	39,971	100.0			
D.C. CIRCUIT	477	1.2	FIFTH CIRCUIT	5,365	13.4
District of Columbia	477	1.2	Louisiana		
FIRST CIRCUIT	1,198	3.0	Eastern	385	1.0
Maine	142	0.4	Middle	45	0.1
Massachusetts	371	0.9	Western	291	0.7
New Hampshire	90	0.2	Mississippi		
Puerto Rico	472	1.2	Northern	185	0.5
Rhode Island	123	0.3	Southern	228	0.6
SECOND CIRCUIT	3,789	9.5	Texas		
Connecticut	249	0.6	Eastern	408	1.0
New York			Northern	865	2.2
Eastern	1,482	3.7	Southern	1,474	3.7
Northern	379	0.9	Western	1,484	3.7
Southern	1,196	3.0	SIXTH CIRCUIT	3,718	9.3
Western	384	1.0	Kentucky		
Vermont	99	0.2	Eastern	326	0.8
THIRD CIRCUIT	2,150	5.4	Western	305	0.8
Delaware	89	0.2	Michigan		
New Jersey	510	1.3	Eastern	824	2.1
Pennsylvania			Western	287	0.7
Eastern	875	2.2	Ohio		
Middle	290	0.7	Northern	555	1.4
Western	298	0.7	Southern	412	1.0
Virgin Islands	88	0.2	Tennessee		
FOURTH CIRCUIT	4,435	11.1	Eastern	340	0.9
Maryland	375	0.9	Middle	253	0.6
North Carolina			Western	416	1.0
Eastern	507	1.3	SEVENTH CIRCUIT	1,876	4.7
Middle	298	0.7	Illinois		
Western	799	2.0	Central	238	0.6
South Carolina	669	1.7	Northern	656	1.6
Virginia			Southern	237	0.6
Eastern	946	2.4	Indiana		
Western	388	1.0	Northern	183	0.5
West Virginia			Southern	218	0.5
Northern	137	0.3	Wisconsin		
Southern	316	0.8	Eastern	239	0.6
			Western	105	0.3

Table 11 (cont.)

CIRCUIT			CIRCUIT		
District	Number	Percent	District	Number	Percent
EIGHTH CIRCUIT	2,343	5.9	TENTH CIRCUIT	2,113	5.3
Arkansas			Colorado	363	0.9
Eastern	249	0.6	Kansas	300	0.8
Western	125	0.3	New Mexico	586	1.5
Iowa			Oklahoma		
Northern	158	0.4	Eastern	46	0.1
Southern	139	0.3	Northern	169	0.4
Minnesota	391	1.0	Western	277	0.7
Missouri			Utah	277	0.7
Eastern	389	1.0	Wyoming	95	0.2
Western	382	1.0	ELEVENTH CIRCUIT	5,066	12.7
Nebraska	237	0.6	Alabama		
North Dakota	99	0.2	Middle	238	0.6
South Dakota	174	0.4	Northern	401	1.0
NINTH CIRCUIT	7,441	18.6	Southern	301	0.8
Alaska	114	0.3	Florida		
Arizona	1,126	2.8	Middle	1,162	2.9
California			Northern	398	1.0
Central	1,268	3.2	Southern	1,307	3.3
Eastern	564	1.4	Georgia		
Northern	446	1.1	Middle	376	0.9
Southern	1,866	4.7	Northern	623	1.6
Guam	66	0.2	Southern	260	0.7
Hawaii	198	0.5			
Idaho	88	0.2			
Montana	173	0.4			
Nevada	403	1.0			
Northern Mariana Islands	0	0.0			
Oregon	501	1.3			
Washington					
Eastern	241	0.6			
Western	387	1.0			

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

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

convicted of drug offenses (*i.e.*, either drug trafficking, use of a communication facility in a drug offense, or simple possession of drugs). The 16,700 drug cases in 1994 represent a 9.5 percent decrease from 1993. This decrease in drug cases appears to account for most of the overall decrease ($n=2,136$) in cases sentenced under the guidelines in 1994. The other most common offenses of conviction were fraud (14.3% of all cases), larceny (7.0%), firearms (6.9%), and immigration (5.9%). Figure B and Table 12 display the distribution and frequency of guideline cases across the primary offense categories and the primary drug type involved for defendants convicted of drug offenses.

Of the drug violations, the largest number involved powder cocaine, followed by marijuana and crack cocaine. Figure C examines the relative proportion of various drug types within all drug cases sentenced in fiscal years 1992 through 1994. The data indicate a relative annual decrease in powder cocaine (from 42.1% in 1992 to 30.6% in 1994) and relative annual increases in crack cocaine (from 14.6% in 1992 to 21.2% in 1994) and marijuana (from 25.9% in 1992 to 28.9% in 1994).³²

Race and Ethnicity

As Table 13 illustrates, 41.5 percent of defendants sentenced under the guidelines in 1994 were identified as White, 30.3 percent as Black, 24.6 percent as Hispanic, and 3.5 percent as Other (American Indian, Alaskan Native, Asian, or Pacific Islander).³³ Table 13 also displays the distribution of these racial and ethnic groups within primary offense categories.

³² These relationships do not necessarily reflect drug use patterns because the proportion of drug types among federal convictions can be influenced by prosecutorial practices.

³³ While "Black," "White," and "Other" refer to racial categories, "Hispanic" refers to ethnic origin irrespective of race.

Compared to their representation in the defendant population (41.5%), Whites were overrepresented in numerous offense categories. They constituted between 47 and 76 percent of white collar offenses such as larceny, fraud, embezzlement, forgery, and bribery, with high representation in some of the violent offense categories such as kidnapping (67.4%) and arson (77.2%). Black defendants were overrepresented proportionately in robbery, firearms, larceny, and forgery/counterfeiting (representing more than 35 percent of the cases in each of these categories), while Hispanics (based on their representation in the overall offender population) were overrepresented in use of a communication facility in a drug offense, simple possession of drugs, and immigration (more than 35% in each of these categories). Hispanics constituted 34.1 percent ($n=5,275$) of all drug trafficking cases, Blacks 34.0 percent ($n=5,250$), and Whites 30.1 percent ($n=4,647$), a reversal of the three largest racial and ethnic group proportions in the overall defendant population.

Gender

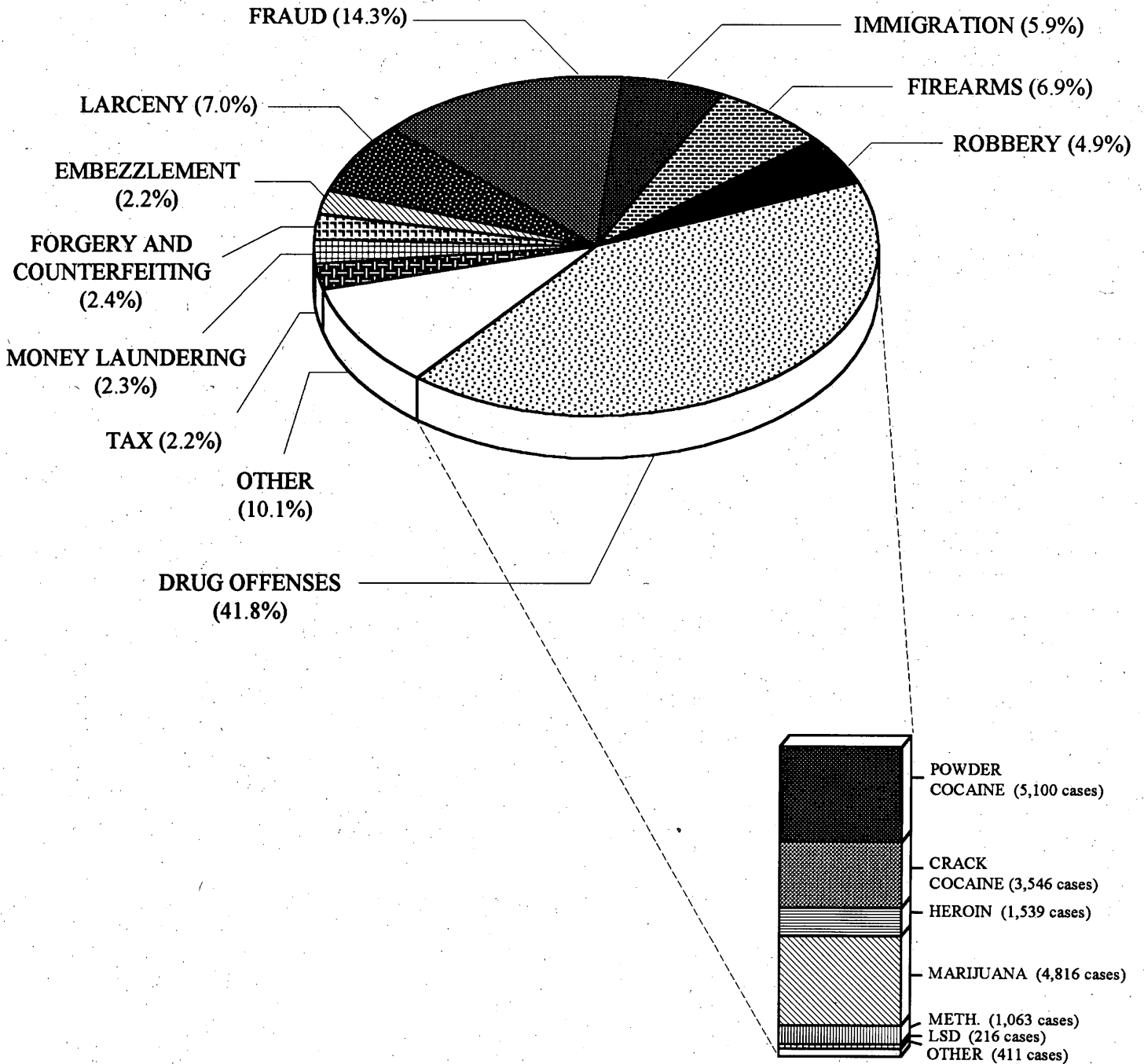
Males comprised 84.6 percent of defendants sentenced under the guidelines, the same proportion as in fiscal year 1993. Table 14 displays the distribution of cases by gender within each primary offense category. While offenders overall were predominantly male, the five primary offense categories showing the least dramatic differences in ratio of male to female defendants included embezzlement (61.2% female), larceny (31.6% female), administration of justice offenses (25.3% female), fraud (24.1% female), and use of a communication facility in a drug offense (22.3% female).

Age

The mean age for all defendants sentenced under the guidelines in 1994 was 34.9 years, with a median age of 33 years. Patterns of offense behavior appear to be related to the defendant's age. For example, while defendants aged 25 years and younger accounted for 22.2 percent of federal

Figure B

**DISTRIBUTION OF SENTENCED GUIDELINE DEFENDANTS
BY PRIMARY OFFENSE CATEGORY¹**
(October 1, 1993, through September 30, 1994)



¹Of the 39,971 cases, 52 with missing primary offense category were excluded. The number of cases in each category is reflected in Table 12. Of the 16,700 drug cases (including trafficking, use of a communication facility, and simple possession), nine with missing drug type were excluded from the bar chart. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 12

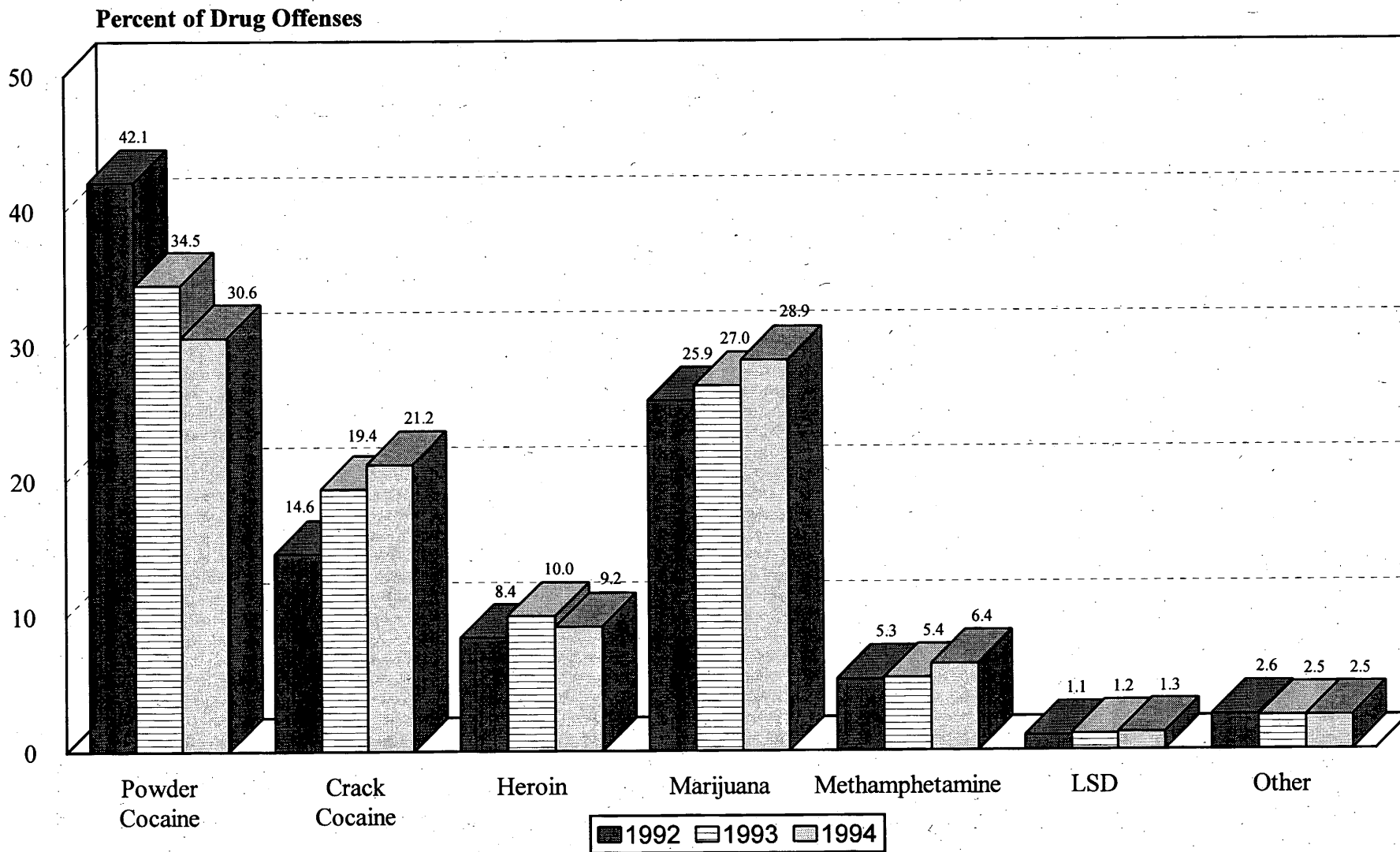
**DISTRIBUTION OF SENTENCED GUIDELINE DEFENDANTS
BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993, through September 30, 1994)**

PRIMARY OFFENSE	Number	Percent
TOTAL	39,919	100.0
Murder	68	0.2
Manslaughter	44	0.1
Kidnapping/Hostage-Taking	46	0.1
Sexual Abuse	153	0.4
Assault	378	0.9
Robbery	1,966	4.9
Arson	92	0.2
Drugs - Trafficking	15,491	38.8
Drugs - Communication Facility	327	0.8
Drugs - Simple Possession	882	2.2
Firearms	2,761	6.9
Burglary/B&E	42	0.1
Auto Theft	216	0.5
Larceny	2,797	7.0
Fraud	5,697	14.3
Embezzlement	897	2.2
Forgery/Counterfeiting	949	2.4
Bribery	304	0.8
Tax	867	2.2
Money Laundering	904	2.3
Racketeering/Extortion	556	1.4
Gambling/Lottery	157	0.4
Civil Rights	109	0.3
Immigration	2,338	5.9
Pornography/Prostitution	82	0.2
Prison Offenses	271	0.7
Administration of Justice Offenses	582	1.5
Environmental/Wildlife	108	0.3
National Defense	27	0.1
Antitrust	24	0.1
Food & Drug	75	0.2
Other Miscellaneous Offenses	709	1.8

¹Of the 39,971 cases, 52 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, 1994 Datafile, MONFY94.

Figure C
DRUG TYPE BY YEAR¹
(October 1, 1991, through September 30, 1994)



40

¹ Drug offenses in this bar chart include: drug trafficking, use of a communication facility, and simple possession. Descriptions of variables used in this figure are provided in Appendix A.
 SOURCE: U.S. Sentencing Commission, Monitoring Datafiles.

Table 13

RACE OF DEFENDANT BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993, through September 30, 1994)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	39,615	16,443	41.5	12,021	30.3	9,757	24.6	1,394	3.5
Murder	68	26	38.2	23	33.8	3	4.4	16	23.5
Manslaughter	44	8	18.2	1	2.3	1	2.3	34	77.3
Kidnapping/Hostage-Taking	46	31	67.4	12	26.1	3	6.5	0	0.0
Sexual Abuse	153	27	17.6	8	5.2	2	1.3	116	75.8
Assault	375	158	42.1	108	28.8	42	11.2	67	17.9
Robbery	1,966	862	43.8	961	48.9	121	6.2	22	1.1
Arson	92	71	77.2	10	10.9	3	3.3	8	8.7
Drugs - Trafficking	15,457	4,647	30.1	5,250	34.0	5,275	34.1	285	1.8
Drugs - Communication Facility	327	88	26.9	95	29.1	139	42.5	5	1.5
Drugs - Simple Possession	858	310	36.1	153	17.8	382	44.5	13	1.5
Firearms	2,755	1,171	42.5	1,194	43.3	315	11.4	75	2.7
Burglary/B&E	42	23	54.8	12	28.6	4	9.5	3	7.1
Auto Theft	216	131	60.6	51	23.6	28	13.0	6	2.8
Larceny	2,754	1,399	50.8	1,027	37.3	220	8.0	108	3.9
Fraud	5,643	3,478	61.6	1,484	26.3	461	8.2	220	3.9
Embezzlement	894	580	64.9	199	22.3	50	5.6	65	7.3
Forgery/Counterfeiting	944	441	46.7	352	37.3	122	12.9	29	3.1
Bribery	302	142	47.0	60	19.9	62	20.5	38	12.6
Tax	859	653	76.0	136	15.8	44	5.1	26	3.0
Money Laundering	898	490	54.6	148	16.5	238	26.5	22	2.5
Racketeering/Extortion	556	283	50.9	152	27.3	88	15.8	33	5.9
Gambling/Lottery	157	109	69.4	25	15.9	0	0.0	23	14.7
Civil Rights	108	79	73.1	23	21.3	3	2.8	3	2.8
Immigration	2,259	138	6.1	165	7.3	1,885	83.4	71	3.1
Pornography/Prostitution	81	74	91.4	6	7.4	1	1.2	0	0.0
Prison Offenses	270	113	41.9	92	34.1	58	21.5	7	2.6
Administration of Justice Offenses	576	283	49.1	129	22.4	140	24.3	24	4.2
Environmental/Wildlife	107	73	68.2	1	0.9	21	19.6	12	11.2
National Defense	27	20	74.1	1	3.7	4	14.8	2	7.4
Antitrust	24	24	100.0	0	0.0	0	0.0	0	0.0
Food & Drug	75	66	88.0	2	2.7	5	6.7	2	2.7
Other Miscellaneous Offenses	682	445	65.2	141	20.7	37	5.4	59	8.7

¹Of the 39,971 cases, 356 were excluded due to one or both of the following reasons: missing primary offense category (52) or missing race (307). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 14

GENDER OF DEFENDANT BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993, through September 30, 1994)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		Number	Percent	Number	Percent
TOTAL	39,914	33,775	84.6	6,139	15.4
Murder	68	64	94.1	4	5.9
Manslaughter	44	35	79.5	9	20.5
Kidnapping/Hostage-Taking	46	43	93.5	3	6.5
Sexual Abuse	153	151	98.7	2	1.3
Assault	378	346	91.5	32	8.5
Robbery	1,966	1,882	95.7	84	4.3
Arson	92	88	95.7	4	4.3
Drugs - Trafficking	15,491	13,766	88.9	1,725	11.1
Drugs - Communication Facility	327	254	77.7	73	22.3
Drugs - Simple Possession	881	712	80.8	169	19.2
Firearms	2,761	2,642	95.7	119	4.3
Burglary/B&E	42	41	97.6	1	2.4
Auto Theft	216	208	96.3	8	3.7
Larceny	2,796	1,913	68.4	883	31.6
Fraud	5,697	4,324	75.9	1,373	24.1
Embezzlement	897	348	38.8	549	61.2
Forgery/Counterfeiting	949	741	78.1	208	21.9
Bribery	304	250	82.2	54	17.8
Tax	867	722	83.3	145	16.7
Money Laundering	904	716	79.2	188	20.8
Racketeering/Extortion	556	511	91.9	45	8.1
Gambling/Lottery	157	140	89.2	17	10.8
Civil Rights	109	101	92.7	8	7.3
Immigration	2,336	2,219	95.0	117	5.0
Pornography/Prostitution	82	80	97.6	2	2.4
Prison Offenses	271	244	90.0	27	10.0
Administration of Justice Offenses	582	435	74.7	147	25.3
Environmental/Wildlife	108	99	91.7	9	8.3
National Defense	27	26	96.3	1	3.7
Antitrust	24	24	100.0	0	0.0
Food & Drug	75	63	84.0	12	16.0
Other Miscellaneous Offenses	708	587	82.9	121	17.1

¹Of the 39,971 cases, 57 were excluded due to one or both of the following reasons: missing primary offense category (52) or missing gender (5). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

convictions, they were consistently higher in violent offense categories. On the other hand, while defendants aged 41 years and older accounted for 27.8 percent of federal convictions, they were, for example, sentenced for more than half of gambling and lottery (72.6%), tax (70.1%), bribery (56.4%), and environmental (50.5%) offenses. (See Table 15 for the distribution of cases by defendant age for each primary offense category.)

Table 16 combines information on age, race, and gender to present a summary demographic profile of all defendants sentenced in 1994. Just over one-third (34.9%) of federal defendants were White males, while one-fourth (24.9%) were Black males and slightly more than one-fifth (22.0%) were Hispanic males. White defendants tended to concentrate in somewhat older age groups than did Black or Hispanic defendants.

Education

Table 17 shows the highest level of education attained by defendants, by primary offense category. Substantially more than half (60.9%) of federal defendants receive at least a high school education, with 39.1 percent of defendants not graduating from high school. Nearly 30 percent (27.5%) received some post-high school education. Drug trafficking was the most prevalent offense of conviction for all education categories except college graduates: 7,239 (47.9%) cases in the "less than high school" category; 4,964 (38.4%) cases in the "high school graduate" category; and 2,483 (32.6%) cases in the "some college" category. Among college graduates, the most frequent offense type was fraud – 1,027 (34.0%) of the 3,022 defendants. For most offense categories, defendants were most likely to have had no college experience. In contrast, defendants convicted of embezzlement, bribery, tax, national defense, antitrust, and food and drug offenses were most likely to fall either into the "some college" or "college graduate" categories.

Mode of Conviction

Commission data show that 90.5 percent of all defendants sentenced under the guidelines in 1994 pleaded guilty, while 9.5 percent were convicted at trial. During the past six years of guideline application (since the *Mistretta* decision in January 1989), the plea/trial rate has remained relatively constant with between 85 and 90 percent plea convictions compared to between 10 and 15 percent trial convictions. Figure D displays the national plea/trial rates under the guidelines since January 1989. Data for 1994 indicate that the plea rate rose to 90.5 percent, exceeding the 90 percent mark for the first time.

Table 18 shows the rates of conviction by plea and trial in 1994 for guideline defendants by circuit and district. Considerable variation exists, district to district, in the rate of plea convictions versus trial convictions. Western New York and Southern California reported the highest plea rates (both at 96.9%); 46 other districts posted plea rates of 90 percent or more. On the other hand, eight districts had trial rates of 15 percent or higher: Southern Florida (18.0%), District of Columbia (16.4%), Southern Illinois (16.0%), Alaska and Idaho (both with 15.9%), Southern Alabama (15.6%), Kansas (15.3%), and Montana (15.0%). Case load, offense type and seriousness, and policies of individual U.S. attorney offices may explain some of this variation.

Among the circuits, the Ninth Circuit reported the highest guilty plea rate at 93.6 percent of all guideline cases; the Second Circuit followed closely with 92.9 percent. Conversely, the District of Columbia Circuit reported the highest trial rate – double the rates of the Ninth and Second Circuits – at 16.4 percent.

An analysis of the mode of conviction by primary offense category (see Table 19) indicates that defendants in certain offense categories such as murder, manslaughter, kidnapping, assault, arson, or civil rights were more likely (by more than five

Table 15

AGE OF DEFENDANT BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993 through September 30, 1994)

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	39,606	1,878	4.7	6,950	17.5	7,442	18.8	6,860	17.3	5,494	13.9	7,152	18.1	3,830	9.7	34.9	33.0
Murder	68	10	14.7	21	30.9	10	14.7	10	14.7	2	2.9	8	11.8	7	10.3	32.5	27.5
Manslaughter	44	3	6.8	11	25.0	10	22.7	9	20.5	5	11.4	5	11.4	1	2.3	30.6	29.5
Kidnapping/Hostage-Taking	46	8	17.4	12	26.1	11	23.9	4	8.7	3	6.5	7	15.2	1	2.2	29.2	26.5
Sexual Abuse	153	13	8.5	29	19.0	14	9.2	26	17.0	18	11.8	31	20.3	22	14.4	36.5	34.0
Assault	373	29	7.8	78	20.9	74	19.8	49	13.1	55	14.7	58	15.6	30	8.0	33.4	31.0
Robbery	1,958	227	11.6	461	23.5	393	20.1	347	17.7	224	11.4	222	11.3	84	4.3	30.8	29.0
Arson	92	9	9.8	22	23.9	16	17.4	8	8.7	11	12.0	12	13.0	14	15.2	34.0	30.0
Drugs - Trafficking	15,431	741	4.8	3,065	19.9	3,229	20.9	2,857	18.5	2,197	14.2	2,461	15.9	881	5.7	33.2	32.0
Drugs - Communication Facility	325	10	3.1	55	16.9	70	21.5	69	21.2	44	13.5	55	16.9	22	6.8	34.2	32.0
Drugs - Simple Possession	863	111	12.9	203	23.5	170	19.7	132	15.3	112	13.0	104	12.1	31	3.6	30.7	29.0
Firearms	2,759	148	5.4	580	21.0	588	21.3	495	17.9	364	13.2	417	15.1	167	6.1	32.9	31.0
Burglary/B&E	42	8	19.0	14	33.3	10	23.8	2	4.8	3	7.1	5	11.9	0	0.0	27.3	25.0
Auto Theft	215	10	4.7	45	20.9	44	20.5	38	17.7	22	10.2	36	16.7	20	9.3	34.1	31.0
Larceny	2,785	197	7.1	492	17.7	450	16.2	440	15.8	367	13.2	510	18.3	329	11.8	35.2	33.0
Fraud	5,642	68	1.2	573	10.2	863	15.3	908	16.1	837	14.8	1,458	25.8	935	16.6	39.1	38.0
Embezzlement	896	30	3.3	159	17.7	167	18.6	151	16.9	133	14.8	180	20.1	76	8.5	35.0	34.0
Forgery/Counterfeiting	945	38	4.0	186	19.7	182	19.3	173	18.3	122	12.9	167	17.7	77	8.1	34.2	32.0
Bribery	303	1	0.3	16	5.3	28	9.2	35	11.6	52	17.2	91	30.0	80	26.4	43.2	42.0
Tax	865	9	1.0	23	2.7	39	4.5	77	8.9	110	12.7	304	35.1	303	35.0	46.3	47.0
Money Laundering	904	8	0.9	54	6.0	117	12.9	154	17.0	156	17.3	226	25.0	189	20.9	40.8	39.0
Racketeering/Extortion	556	19	3.4	101	18.2	76	13.7	84	15.1	53	9.5	122	21.9	101	18.2	37.9	35.0
Gambling/Lottery	157	0	0.0	0	0.0	8	5.1	15	9.6	20	12.7	46	29.3	68	43.3	48.7	48.0
Civil Rights	109	8	7.3	16	14.7	18	16.5	20	18.3	14	12.8	21	19.3	12	11.0	34.9	33.0
Immigration	2,220	104	4.7	491	22.1	588	26.5	492	22.2	289	13.0	193	8.7	63	2.8	31.1	30.0
Pornography/Prostitution	82	0	0.0	0	0.0	7	8.5	6	7.3	22	26.8	29	35.4	18	22.0	43.8	42.0
Prison Offenses	271	7	2.6	45	16.6	57	21.0	48	17.7	48	17.7	46	17.0	20	7.4	34.6	34.0
Administration of Justice Offenses	578	24	4.2	93	16.1	97	16.8	83	14.4	81	14.0	117	20.2	83	14.4	36.7	35.0
Environmental/Wildlife	105	1	1.0	9	8.6	14	13.3	16	15.2	12	11.4	30	28.6	23	21.9	40.8	41.0
National Defense	27	0	0.0	1	3.7	3	11.1	1	3.7	2	7.4	11	40.7	9	33.3	45.1	48.0
Antitrust	24	0	0.0	0	0.0	0	0.0	1	4.2	3	12.5	8	33.3	12	50.0	50.6	49.0
Food & Drug	75	0	0.0	5	6.7	6	8.0	6	8.0	8	10.7	16	21.3	34	45.3	46.5	47.0
Other Miscellaneous Offenses	693	37	5.3	90	13.0	83	12.0	104	15.0	105	15.2	156	22.5	118	17.0	38.1	37.0

¹Of the 39,971 cases, 365 were excluded due to one or both of the following reasons: missing primary offense category (52) or missing date of birth (321). Descriptions of variables used in this table are provided in Appendix A.

Table 16

AGE, RACE, AND GENDER OF DEFENDANTS¹
(October 1, 1993, through September 30, 1994)

AGE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	Number	Percent	Male	Female	Male	Female	Male	Female	Male	Female
Under 18	14	0.0	2	0	5	2	4	0	1	0
18	223	0.6	38	14	91	5	61	4	10	0
19	675	1.7	133	28	266	34	168	17	26	3
20	953	2.4	213	51	369	49	204	24	39	4
21	1,156	2.9	227	66	457	59	276	28	36	7
22	1,318	3.3	268	62	529	93	297	25	40	4
23	1,509	3.8	299	76	564	98	371	40	57	4
24	1,464	3.7	306	60	540	93	384	39	37	5
25	1,482	3.8	344	70	497	105	395	28	33	10
26	1,458	3.7	321	71	474	115	402	27	39	9
27	1,445	3.7	324	85	470	100	384	41	37	4
28	1,520	3.8	391	97	475	91	391	36	33	6
29	1,508	3.8	430	69	408	100	405	43	39	14
30	1,490	3.8	413	101	389	108	392	42	36	9
31	1,430	3.6	395	96	391	92	378	35	35	8
32	1,415	3.6	433	97	346	67	383	42	42	5
33	1,397	3.5	421	108	339	80	367	40	37	5
34	1,346	3.4	464	81	294	78	329	32	56	12
35	1,255	3.2	438	88	293	66	286	33	41	10
36	1,207	3.1	439	86	274	78	249	30	40	11
37	1,198	3.0	458	90	235	68	274	31	38	4
38	1,067	2.7	413	77	216	56	239	32	21	13
39	1,028	2.6	369	89	188	58	243	44	26	11
40	977	2.5	433	84	162	39	199	26	24	10
41	942	2.4	400	85	179	38	184	21	30	5
42	867	2.2	384	71	153	33	164	29	27	6
43	817	2.1	348	73	148	38	155	25	25	5
44	806	2.0	370	61	146	40	139	19	28	3
45	692	1.8	338	56	103	28	106	20	36	5
46	755	1.9	406	60	107	34	104	17	23	4
47	696	1.8	354	59	108	33	93	18	23	8
48	556	1.4	296	46	69	20	87	15	13	10
49	529	1.3	284	33	78	16	84	13	12	9
50	477	1.2	285	34	58	18	58	8	13	3
51	475	1.2	274	42	58	12	66	8	10	5
52	383	1.0	230	28	49	15	44	5	8	4
53	341	0.9	191	28	41	9	49	12	9	2
54	311	0.8	180	33	38	10	36	9	5	0
55	269	0.7	166	19	29	8	32	8	4	3
56	261	0.7	149	32	22	5	39	3	7	4
57	214	0.5	131	24	22	7	23	1	4	2
58	196	0.5	123	10	25	6	23	4	4	1
59	206	0.5	124	21	20	7	21	6	6	1
60	158	0.4	97	15	20	7	12	3	3	1
61	138	0.3	90	10	14	7	16	0	1	0
62	127	0.3	82	12	8	5	12	4	4	0
63	129	0.3	89	7	12	4	10	0	7	0
64	93	0.2	61	11	8	2	8	2	1	0
65	96	0.2	64	9	7	2	12	0	2	0
Over 65	422	1.1	282	32	45	9	34	7	13	0
TOTAL	39,491	100.0	13,770	2,657	9,839	2,147	8,692	996	1,141	249
Percent		100.0	34.9	6.7	24.9	5.4	22.0	2.5	2.9	0.6
Race Column Total			16,427		11,986		9,688		1,390	
			(41.6%)		(30.4%)		(24.5%)		(3.5%)	

¹Of the 39,971 cases, 480 were excluded due to one or more of the following reasons: missing age (321), missing race (307), or missing gender (5). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 17

EDUCATION OF DEFENDANT BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993, through September 30, 1994)

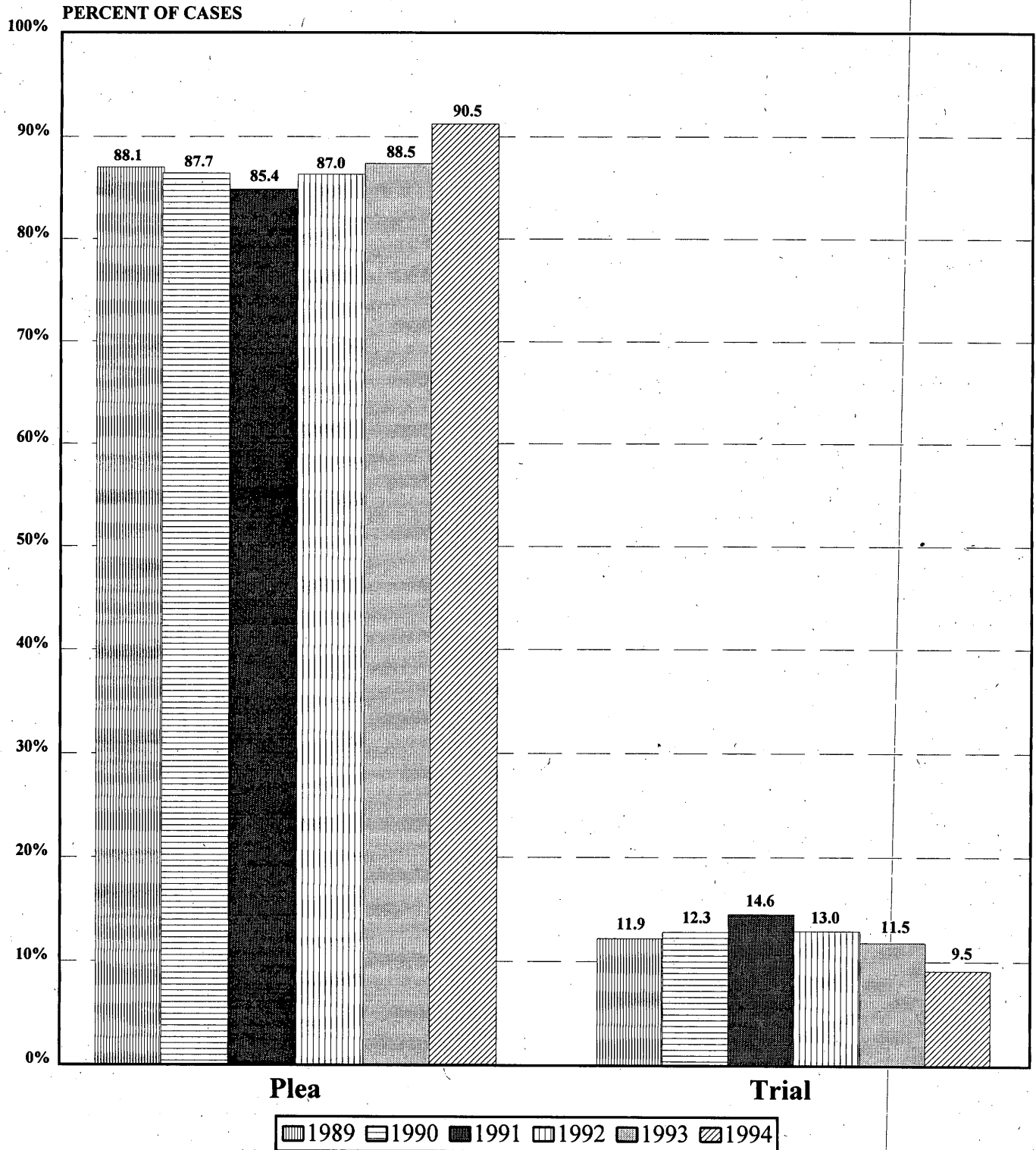
PRIMARY OFFENSE	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	38,696	15,116	39.1	12,933	33.4	7,625	19.7	3,022	7.8
Murder	66	31	47.0	19	28.8	12	18.0	4	6.1
Manslaughter	44	19	43.2	16	36.4	7	15.9	2	4.5
Kidnapping/Hostage-Taking	46	21	45.7	20	43.5	3	6.5	2	4.3
Sexual Abuse	153	58	37.9	70	45.8	22	14.0	3	2.0
Assault	362	141	39.0	119	32.9	70	19.3	32	8.8
Robbery	1,950	777	39.8	819	42.0	318	16.3	36	1.8
Arson	89	29	32.6	35	39.3	20	22.5	5	5.6
Drugs - Trafficking	15,290	7,239	47.3	4,964	32.5	2,483	16.2	604	4.0
Drugs - Communication Facility	320	148	46.3	98	30.6	61	19.1	13	4.1
Drugs - Simple Possession	832	454	54.6	242	29.1	106	12.7	30	3.6
Firearms	2,724	1,236	45.4	1,056	38.8	375	13.8	57	2.1
Burglary/B&E	41	18	43.9	21	51.2	2	4.9	0	0.0
Auto Theft	215	91	42.3	81	37.7	37	17.2	6	2.8
Larceny	2,645	660	25.0	1,095	41.4	707	26.7	183	6.9
Fraud	5,505	1,035	18.8	1,803	32.8	1,640	29.8	1,027	18.7
Embezzlement	881	57	6.5	383	43.5	347	39.4	94	10.7
Forgery/Counterfeiting	941	329	35.0	347	36.9	201	21.4	64	6.8
Bribery	299	51	17.1	88	29.4	83	27.8	77	25.8
Tax	845	170	20.1	244	28.9	212	25.1	219	25.9
Money Laundering	891	201	22.6	258	29.0	249	27.9	183	20.5
Racketeering/Extortion	549	216	39.3	171	31.1	94	17.1	68	12.4
Gambling/Lottery	156	47	30.1	68	43.6	31	19.9	10	6.4
Civil Rights	106	26	24.5	47	44.3	22	20.8	11	10.4
Immigration	1,976	1,527	77.3	266	13.5	122	6.2	61	3.1
Pornography/Prostitution	81	10	12.3	23	28.4	28	34.6	20	24.7
Prison Offenses	263	121	46.0	102	38.8	36	13.7	4	1.5
Administration of Justice Offenses	562	212	37.7	167	29.7	118	21.0	65	11.6
Environmental/Wildlife	104	34	32.7	34	32.7	20	19.2	16	15.4
National Defense	25	7	28.0	5	20.0	8	32.0	5	20.0
Antitrust	24	2	8.3	5	20.8	11	45.8	6	25.0
Food & Drug	73	13	17.8	14	19.2	19	26.0	27	37.0
Other Miscellaneous Offenses	638	136	21.3	253	39.7	161	25.2	88	13.8

¹Of the 39,971 cases, 1,275 were excluded due to one or both of the following reasons: missing primary offense category (52) or missing education information (1,234). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Figure D

MODE OF CONVICTION BY SENTENCING YEAR¹
(January 19, 1989, through September 30, 1994)



¹ Information through August 1990 is imported from the AO's FPSSIS datafiles; subsequent information is derived from the Commission's monitoring datafiles. 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 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 Datafiles.

Table 18

MODE OF CONVICTION BY CIRCUIT AND DISTRICT¹
(October 1, 1993, through September 30, 1994)

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	39,896	36,104	90.5	3,792	9.5
D.C. CIRCUIT	477	399	83.6	78	16.4
District of Columbia	477	399	83.6	78	16.4
FIRST CIRCUIT	1,197	1,082	90.4	115	9.6
Maine	142	135	95.1	7	4.9
Massachusetts	371	338	91.1	33	8.9
New Hampshire	90	87	96.7	3	3.3
Puerto Rico	471	415	88.1	56	11.9
Rhode Island	123	107	87.0	16	13.0
SECOND CIRCUIT	3,779	3,509	92.9	270	7.1
Connecticut	249	231	92.8	18	7.2
New York					
Eastern	1,476	1,380	93.5	96	6.5
Northern	378	356	94.2	22	5.8
Southern	1,194	1,086	91.0	108	9.0
Western	383	371	96.9	12	3.1
Vermont	99	85	85.9	14	14.1
THIRD CIRCUIT	2,136	1,928	90.3	208	9.7
Delaware	88	75	85.2	13	14.8
New Jersey	510	480	94.1	30	5.9
Pennsylvania					
Eastern	864	764	88.4	100	11.6
Middle	289	264	91.3	25	8.7
Western	297	268	90.2	29	9.8
Virgin Islands	88	77	87.5	11	12.5
FOURTH CIRCUIT	4,427	3,961	89.5	466	10.5
Maryland	373	318	85.3	55	14.7
North Carolina					
Eastern	507	453	89.3	54	10.7
Middle	298	263	88.3	35	11.7
Western	798	739	92.6	59	7.4
South Carolina	669	632	94.5	37	5.5
Virginia					
Eastern	943	804	85.3	139	14.7
Western	386	329	85.2	57	14.8
West Virginia					
Northern	137	125	91.2	12	8.8
Southern	316	298	94.3	18	5.7

Table 18 (cont.)

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
FIFTH CIRCUIT	5,358	4,815	89.9	543	10.1
Louisiana					
Eastern	385	364	94.5	21	5.5
Middle	45	39	86.7	6	13.3
Western	290	263	90.7	27	9.3
Mississippi					
Northern	185	166	89.7	19	10.3
Southern	228	209	91.7	19	8.3
Texas					
Eastern	408	371	90.9	37	9.1
Northern	864	747	86.5	117	13.5
Southern	1,469	1,291	87.9	178	12.1
Western	1,484	1,365	92.0	119	8.0
SIXTH CIRCUIT	3,710	3,388	91.3	322	8.7
Kentucky					
Eastern	325	293	90.2	32	9.8
Western	302	267	88.4	35	11.6
Michigan					
Eastern	822	765	93.1	57	6.9
Western	287	254	88.5	33	11.5
Ohio					
Northern	554	527	95.1	27	4.9
Southern	412	388	94.2	24	5.8
Tennessee					
Eastern	340	297	87.4	43	12.6
Middle	253	232	91.7	21	8.3
Western	415	365	88.0	50	12.0
SEVENTH CIRCUIT	1,872	1,668	89.1	204	10.9
Illinois					
Central	238	216	90.8	22	9.2
Northern	656	570	86.9	86	13.1
Southern	237	199	84.0	38	16.0
Indiana					
Northern	183	167	91.3	16	8.7
Southern	217	197	90.8	20	9.2
Wisconsin					
Eastern	236	223	94.5	13	5.5
Western	105	96	91.4	9	8.6
EIGHTH CIRCUIT	2,341	2,098	89.6	243	10.4
Arkansas					
Eastern	248	220	88.7	28	11.3
Western	125	115	92.0	10	8.0
Iowa					
Northern	158	135	85.4	23	14.6
Southern	139	120	86.3	19	13.7
Minnesota	391	356	91.0	35	9.0
Missouri					
Eastern	388	340	87.6	48	12.4
Western	382	341	89.3	41	10.7
Nebraska	237	223	94.1	14	5.9
North Dakota	99	92	92.9	7	7.1
South Dakota	174	156	89.7	18	10.3

Table 18 (cont.)

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
NINTH CIRCUIT	7,427	6,950	93.6	477	6.4
Alaska	113	95	84.1	18	15.9
Arizona	1,124	1,076	95.7	48	4.3
California					
Central	1,266	1,179	93.1	87	6.9
Eastern	562	506	90.0	56	10.0
Northern	445	415	93.3	30	6.7
Southern	1,863	1,806	96.9	57	3.1
Guam	66	61	92.4	5	7.6
Hawaii	198	180	90.9	18	9.1
Idaho	88	74	84.1	14	15.9
Montana	173	147	85.0	26	15.0
Nevada	402	352	87.6	50	12.4
Northern Mariana Islands	0	0	0.0	0	0.0
Oregon	501	465	92.8	36	7.2
Washington					
Eastern	240	230	95.8	10	4.2
Western	386	364	94.3	22	5.7
TENTH CIRCUIT	2,113	1,932	91.4	181	8.6
Colorado	363	340	93.7	23	6.3
Kansas	300	254	84.7	46	15.3
New Mexico	586	559	95.4	27	4.6
Oklahoma					
Eastern	46	40	87.0	6	13.0
Northern	169	150	88.8	19	11.2
Western	277	246	88.8	31	11.2
Utah	277	251	90.6	26	9.4
Wyoming	95	92	96.8	3	3.2
ELEVENTH CIRCUIT	5,059	4,374	86.5	685	13.5
Alabama					
Middle	238	209	87.8	29	12.2
Northern	398	345	86.7	53	13.3
Southern	301	254	84.4	47	15.6
Florida					
Middle	1,162	1,033	88.9	129	11.1
Northern	398	345	86.7	53	13.3
Southern	1,305	1,070	82.0	235	18.0
Georgia					
Middle	376	336	89.4	40	10.6
Northern	621	551	88.7	70	11.3
Southern	260	231	88.8	29	11.2

¹Of the 39,971 cases, 75 were excluded due to missing information on mode of conviction. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 19

MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993, through September 30, 1994)

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	39,852	36,065	90.5	3,787	9.5
Murder	67	42	62.7	25	37.3
Manslaughter	44	37	84.1	7	15.9
Kidnapping/Hostage-Taking	46	34	73.9	12	26.1
Sexual Abuse	153	137	89.5	16	10.5
Assault	378	308	81.5	70	18.5
Robbery	1,964	1,766	89.9	198	10.1
Arson	90	74	82.2	16	17.8
Drugs - Trafficking	15,469	13,447	86.9	2,022	13.1
Drugs - Communication Facility	326	322	98.8	4	1.2
Drugs - Simple Possession	880	850	96.6	30	3.4
Firearms	2,759	2,445	88.6	314	11.4
Burglary/B&E	42	41	97.6	1	2.4
Auto Theft	216	203	94.0	13	6.0
Larceny	2,781	2,653	95.4	128	4.6
Fraud	5,690	5,340	93.8	350	6.2
Embezzlement	897	882	98.3	15	1.7
Forgery/Counterfeiting	948	914	96.4	34	3.6
Bribery	304	270	88.8	34	11.2
Tax	867	807	93.1	60	6.9
Money Laundering	901	782	86.8	119	13.2
Racketeering/Extortion	555	477	85.9	78	14.1
Gambling/Lottery	157	150	95.5	7	4.5
Civil Rights	109	92	84.4	17	15.6
Immigration	2,336	2,279	97.6	57	2.4
Pornography/Prostitution	82	74	90.2	8	9.8
Prison Offenses	271	258	95.2	13	4.8
Administration of Justice Offenses	581	523	90.0	58	10.0
Environmental/Wildlife	108	95	88.0	13	12.0
National Defense	27	24	88.9	3	11.1
Antitrust	24	23	95.8	1	4.2
Food & Drug	74	71	95.9	3	4.1
Other Miscellaneous Offenses	706	645	91.4	61	8.6

¹Of the 39,971 cases, 119 were excluded due to one or both of the following reasons: missing primary offense category (52) or missing information on mode of conviction (75). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

percentage points) to go to trial when compared to the national average for all offenses.

The trial rate for drug trafficking offenses was almost four percentage points higher than the national average for all offenses (13.1% trial rate for drug trafficking compared to the national rate of 9.5% for all offenses). However, this trial rate of 13.1 percent is noticeably lower than the drug trafficking trial rate of 15.7 percent in 1993 and 18.7 percent in 1992.³⁴ Note that the trial rates for less serious drug offenses – use of a communication facility and simple possession – are substantially below the national average (in fact, there were only four trials out of 326 communication facility cases). For both use of a communication facility and simple possession, the count of conviction may represent a plea agreement reducing the charges or the scope of relevant conduct (*e.g.*, lesser drug amounts).

Along with use of a communication facility in drug trafficking, the offense categories of burglary, embezzlement, and immigration had the lowest trial rates, below three percent.

Sentencing Information on Guideline Cases

Type of Sentence

More than three-fourths (77.8%) of all guideline sentences in 1994 included a term of incarceration (*see* Table 20). Of the 77.8 percent of defendants receiving prison terms, 4.5 percent received both a prison term and a term of alternative confinement: either community confinement, home detention, or intermittent confinement. Figure E displays the distribution of prison and non-prison sentences for 1994. The rate of imprisonment has remained virtually the same for the past five years:

³⁴ One possible explanation for the drop in the trial rate for drug trafficking is the increase in the rate of substantial assistance motions for these defendants across the years.

76.9 percent in 1990; 76.5 percent in 1991; 76.2 percent in 1992; 77.3 percent in 1993; and 77.8 percent in 1994.

Almost one-quarter (22.2%) of all guideline defendants sentenced in 1994 received a sentence of probation. Probation with a condition of community confinement, intermittent confinement, or home detention was imposed in 7.8 percent of these cases, while 14.4 percent of guideline defendants received sentences of “straight” probation (*i.e.*, no confinement conditions).

Table 20 also illustrates the distribution of sentences imposed within primary offense categories. Predictably, the type of sentence imposed most frequently by the court varied by offense type. Defendants convicted of murder, kidnapping/hostage-taking, sexual abuse, robbery, arson, drug trafficking, burglary, 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 40%); the majority of defendants in these categories received probation or some form of confinement along with probation.

Length of Imprisonment

Table 21 reports average terms of imprisonment by both offense type and criminal history category. In general, the median value – rather than the mean – is a better descriptor of the average length of imprisonment because the median value is not as sensitive to unusually lengthy sentences. The median represents the amount (in months) at which 50 percent of defendants received longer sentences and 50 percent received shorter sentences.

The median length of imprisonment for all defendants sentenced to prison in 1994 was 36 months, while the mean length was 65.9 months.

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993, through September 30, 1994)

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT				Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		Number		Percent		Number	Percent	Number	Percent	Number	Percent	Number	Percent
		Number	Percent	Number	Percent								
TOTAL	39,647	30,860	77.8	29,062	73.3	1,798	4.5	8,787	22.2	3,085	7.8	5,702	14.4
Murder	68	67	98.5	67	98.5	0	0.0	1	1.5	0	0.0	1	1.5
Manslaughter	43	36	83.7	32	74.4	4	9.3	7	16.3	3	7.0	4	9.3
Kidnapping/Hostage-Taking	46	44	95.7	44	95.7	0	0.0	2	4.3	0	0.0	2	4.3
Sexual Abuse	152	140	92.1	136	89.5	4	2.6	12	7.9	3	2.0	9	5.9
Assault	378	327	86.5	308	81.5	19	5.0	51	13.5	24	6.3	27	7.1
Robbery	1,963	1,944	99.0	1,868	95.2	76	3.9	19	1.0	6	0.3	13	0.7
Arson	92	86	93.5	82	89.1	4	4.3	6	6.5	4	4.3	2	2.2
Drugs - Trafficking	15,458	14,558	94.2	14,213	91.9	345	2.2	900	5.8	394	2.5	506	3.3
Drugs - Communication Facility	324	283	87.3	277	85.5	6	1.9	41	12.7	13	4.0	28	8.6
Drugs - Simple Possession	878	436	49.7	422	48.1	14	1.6	442	50.3	68	7.7	374	42.6
Firearms	2,747	2,473	90.0	2,360	85.9	113	4.1	274	10.0	118	4.3	156	5.7
Burglary/B&E	42	39	92.9	33	78.6	6	14.3	3	7.1	3	7.1	0	0.0
Auto Theft	215	170	79.1	156	72.6	14	6.5	45	20.9	33	15.3	12	5.6
Larceny	2,731	1,039	38.0	907	33.2	132	4.8	1,692	62.0	465	17.0	1,227	44.9
Fraud	5,653	3,401	60.2	2,857	50.5	544	9.6	2,252	39.8	912	16.1	1,340	23.7
Embezzlement	872	457	52.4	277	31.8	180	20.6	415	47.6	133	15.3	282	32.3
Forgery/Counterfeiting	946	520	55.0	464	49.0	56	5.9	426	45.0	151	16.0	275	29.1
Bribery	301	170	56.5	144	47.8	26	8.6	131	43.5	52	17.3	79	26.2
Tax	856	316	36.9	238	27.8	78	9.1	540	63.1	223	26.1	317	37.0
Money Laundering	900	647	71.9	610	67.8	37	4.1	253	28.1	100	11.1	153	17.0
Racketeering/Extortion	556	501	90.1	498	89.6	3	0.5	55	9.9	24	4.3	31	5.6
Gambling/Lottery	156	43	27.6	35	22.4	8	5.1	113	72.4	46	29.5	67	42.9
Civil Rights	108	55	50.9	50	46.3	5	4.6	53	49.1	22	20.4	31	28.7
Immigration	2,324	2,077	89.4	2,035	87.6	42	1.8	247	10.6	64	2.8	183	7.9
Pornography/Prostitution	82	52	63.4	51	62.2	1	1.2	30	36.6	18	22.0	12	14.6
Prison Offenses	271	261	96.3	249	91.9	12	4.4	10	3.7	1	0.4	9	3.3
Administration of Justice Offenses	581	379	65.2	347	59.7	32	5.5	202	34.8	86	14.8	116	20.0
Environmental/Wildlife	105	36	34.3	30	28.6	6	5.7	69	65.7	21	20.0	48	45.7
National Defense	27	19	70.4	16	59.3	3	11.1	8	29.6	6	22.2	2	7.4
Antitrust	23	7	30.4	6	26.1	1	4.3	16	69.6	12	52.2	4	17.4
Food & Drug	69	21	30.4	17	24.6	4	5.8	48	69.6	10	14.5	38	55.1
Other Miscellaneous Offenses	680	256	37.6	233	34.3	23	3.4	424	62.4	70	10.3	354	52.1

¹Of the 39,971 cases, 324 were excluded due to one or more of the following reasons: the defendant received neither imprisonment nor probation (188), missing primary offense category (52), or missing sentencing information (84). Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 21

**AVERAGE LENGTH OF IMPRISONMENT BY
PRIMARY OFFENSE AND CRIMINAL HISTORY CATEGORIES¹
(October 1, 1993, through September 30, 1994)**

PRIMARY OFFENSE	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	65.9	36.0	30,471	51.6	30.0	15,457	64.3	37.0	3,616	68.2	37.0	4,278
Murder	251.4	160.0	67	222.6	135.5	34	285.0	135.0	9	238.4	170.5	12
Manslaughter	62.2	33.5	36	50.5	18.5	26	101.9	46.0	7	55.0	55.5	2
Kidnapping/Hostage-Taking	162.4	102.5	44	86.9	80.0	19	159.3	126.0	4	147.6	120.5	8
Sexual Abuse	69.9	30.0	140	54.0	24.0	94	59.5	45.0	16	65.8	34.5	14
Assault	44.5	30.0	323	40.7	24.0	113	45.8	36.5	40	29.4	22.0	50
Robbery	108.8	83.0	1,943	79.5	57.0	544	73.1	57.0	202	91.1	63.0	310
Arson	76.1	45.5	86	79.6	51.0	47	62.2	41.0	11	46.6	30.0	15
Drugs - Trafficking	90.7	60.0	14,532	72.8	59.0	8,265	90.6	62.5	1,964	101.1	70.0	2,065
Drugs - Communication Facility	43.0	48.0	283	37.9	41.0	165	39.6	48.0	30	45.8	48.0	28
Drugs - Simple Possession	11.1	6.0	431	8.8	5.0	225	10.1	4.0	68	12.0	6.0	68
Firearms	74.8	41.0	2,263	36.7	20.0	521	34.4	27.0	236	42.2	30.0	364
Burglary/B&E	27.4	24.0	39	16.2	12.0	9	8	8.0	2	17.8	16.0	10
Auto Theft	22.1	18.0	170	13.2	12.0	63	29.9	15.0	23	20.0	18.0	31
Larceny	14.0	10.0	1,037	12.5	9.0	463	11.6	7.0	143	10.8	7.0	155
Fraud	17.0	12.0	3,385	14.6	12.0	2,066	17.6	12.0	374	17.0	12.0	388
Embezzlement	7.1	4.0	457	7.0	4.0	424	6.6	5.5	22	8.6	7.0	5
Forgery/Counterfeiting	15.2	12.0	519	11.3	8.5	206	11.5	8.0	51	14.1	10.0	93
Bribery	22.6	12.0	169	20.7	12.0	145	48.7	10.0	12	15.7	12.0	7
Tax	12.6	9.0	315	11.5	8.0	247	16.2	12.0	38	11.1	6.5	16
Money Laundering	43.5	33.0	644	39.5	30.0	489	47	37.0	68	48.1	33.0	54
Racketeering/Extortion	87.2	51.0	500	64.6	37.0	280	74.9	60.0	54	99.6	60.0	79
Gambling/Lottery	14.7	12.0	43	13.9	12.0	21	14.8	15.0	10	10.6	6.0	7
Civil Rights	40.1	24.0	55	42.4	30.0	34	44.8	24.0	4	37.0	25.5	10
Immigration	20.9	18.0	2,044	6.7	4.0	526	12.7	7.0	148	17.1	11.5	348
Pornography/Prostitution	55.6	33.0	52	46.6	30.0	37	29	33.0	5	48.0	37.0	3
Prison Offenses	23.0	18.0	259	19.5	12.0	17	14.3	14.5	4	24.3	12.0	50
Administration of Justice Offenses	20.3	15.0	376	16.4	13.0	201	19.5	12.0	43	17.7	12.0	62
Environmental/Wildlife	10.6	6.0	36	11.6	7.0	24	7.4	6.0	5	9.2	10.0	5
National Defense	44.0	12.0	19	44.2	11.0	18	—	—	0	41.0	41.0	1
Antitrust	4.6	3.0	7	4.6	3.0	7	—	—	0	—	—	0
Food & Drug	15.1	12.0	21	14.6	12.0	18	18.3	12.0	3	—	—	0
Other Miscellaneous Offenses	32.1	12.0	176	34.5	12.0	109	47.8	10.0	20	11.6	6.0	18

¹Of the 39,971 cases, 8,995 with zero months prison ordered were excluded. In addition, 505 cases were excluded due to one or more of the following reasons: missing primary offense category (34), missing criminal history category (367), or missing or indeterminable sentencing information (122). The information presented in this table does include any time of confinement as defined in USSG §5C1.1. Descriptions of variables in this table are provided in Appendix A.

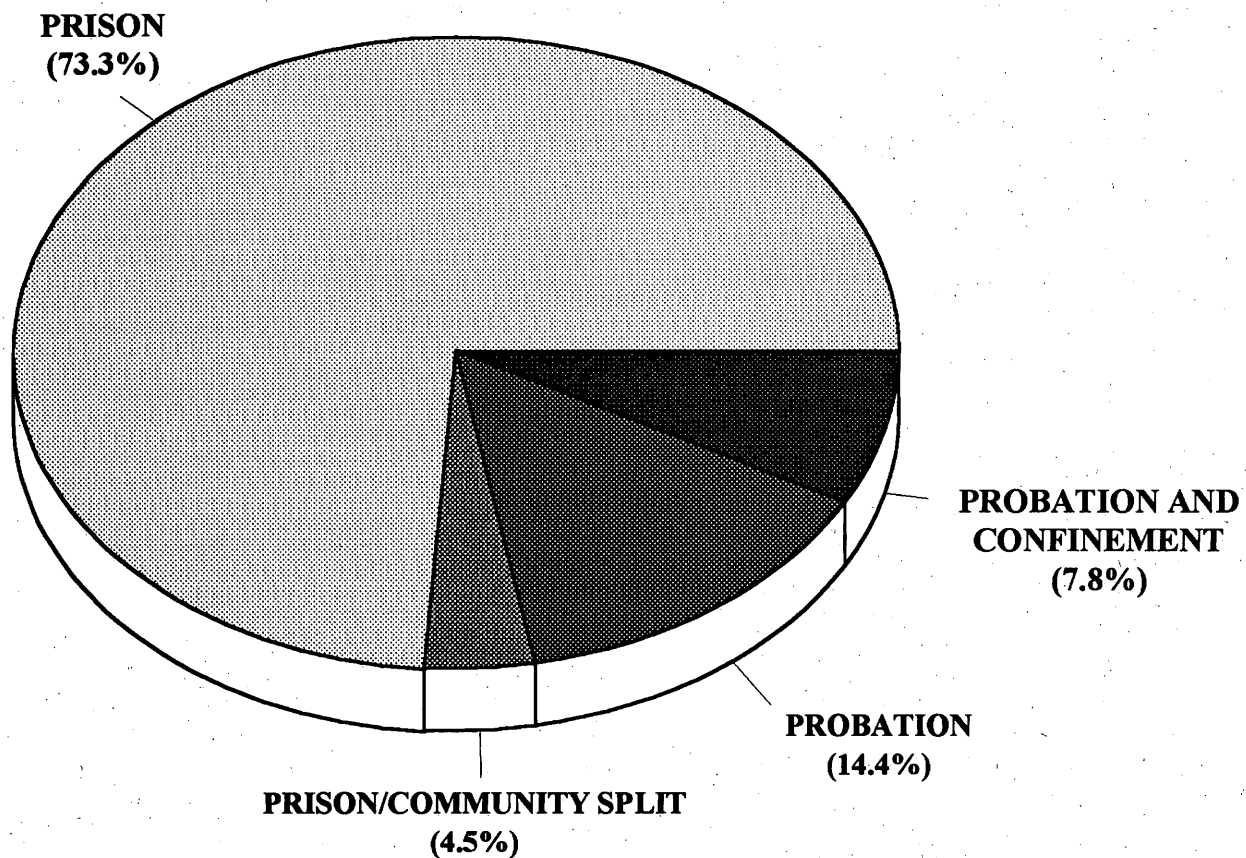
Table 21 (cont.)

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	73.0	46.0	2,374	74.5	46.0	1,373	88.3	51.0	2,338	198.7	169.00	1,035
Murder	208.0	166.0	6	470.0	470.0	1	393.3	470.0	3	475.0	475.0	2
Manslaughter	102.0	102.0	1	—	—	0	—	—	0	—	—	0
Kidnapping/Hostage-Taking	222.5	222.5	2	84.0	84.0	1	275.8	245.0	6	372.5	360.0	4
Sexual Abuse	163.6	60.0	5	119.5	119.5	2	166.0	140.0	5	241.5	223.0	4
Assault	31.5	18.0	31	46.7	44.0	22	67.2	58.5	42	65.8	60.0	25
Robbery	100.5	84.0	227	101.9	78.0	154	134.6	100.0	215	198.3	169.0	291
Arson	58.0	57.0	3	74.5	70.0	4	171.3	89.0	4	131.5	131.5	2
Drugs - Trafficking	116.8	84.0	856	129.2	86.0	379	144.0	110.0	367	201.8	168.0	636
Drugs - Communication Facility	62.3	48.0	20	48.2	46.0	9	61.0	48.0	24	43.6	41.0	7
Drugs - Simple Possession	13.0	7.5	26	25.6	10.0	21	17.8	12.0	22	36.0	36.0	1
Firearms	70.1	50.0	315	76.2	60.0	221	139.3	115.0	563	216.5	188.0	43
Burglary/B&E	26.3	28.0	3	34.3	27.0	4	34.7	30.0	9	100.0	100.0	2
Auto Theft	32.9	27.0	16	20.6	18.0	9	32.1	30.0	28	—	—	0
Larceny	16.5	12.0	109	21	15.0	60	21.6	18.0	107	—	—	0
Fraud	20.0	18.0	205	26.2	21.0	121	29.5	27.0	231	—	—	0
Embezzlement	19.8	18.0	4	15.0	15.0	2	—	—	0	—	—	0
Forgery/Counterfeiting	16.6	12.0	69	20.2	18.0	35	27.7	24.0	65	—	—	0
Bribery	5.0	5.0	1	—	—	0	31.0	30.0	4	—	—	0
Tax	24.8	18.0	11	—	—	0	15.3	18.0	3	—	—	0
Money Laundering	66.4	63.0	17	57.0	60.0	3	121.2	92.0	12	168.0	168.0	1
Racketeering/Extortion	97.6	60.0	33	145.5	86.5	22	160.7	96.0	19	317.1	235.0	13
Gambling/Lottery	28.5	32.5	4	6.0	6.0	1	—	—	0	—	—	0
Civil Rights	6.0	6.0	1	12.0	12.0	1	39.2	24.0	5	—	—	0
Immigration	27.1	24.0	316	30.2	24.0	223	33.3	24.0	483	—	—	0
Pornography/Prostitution	18.0	18.0	2	177.5	177.5	2	161.7	63.0	3	—	—	0
Prison Offenses	17.1	18.0	54	19.5	24.0	55	29.2	27.0	77	49.5	49.5	2
Administration of Justice Offenses	29.0	17.0	27	34.2	27.0	15	36.3	28.5	26	68.5	68.5	2
Environmental/Wildlife	10.0	10.0	2	—	—	0	—	—	0	—	—	0
National Defense	—	—	0	—	—	0	—	—	0	—	—	0
Antitrust	—	—	0	—	—	0	—	—	0	—	—	0
Food & Drug	—	—	0	—	—	0	—	—	0	—	—	0
Other Miscellaneous Offenses	25.6	20.0	8	22.0	21.0	6	26.1	19.0	15	—	—	0

²Career offender information is based on the recommendation of the probation officer in the PSR if information from the sentencing court was missing or unavailable. As a result, the number of career offenders represented here is higher than the number reported in Tables 27 and 28.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Figure E
TYPE OF GUIDELINE SENTENCE IMPOSED¹
(October 1, 1993, through September 30, 1994)



¹ Of the 39,971 cases, 272 were excluded due to one or both of the following reasons: cases in which the defendant received no prison or probation (188); missing sentencing information (84). Prison/Community Split includes all cases in which defendants received prison and conditions of confinement as defined in USSG §5C1.1. The number of cases in each category is reflected in Table 20. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Defendants sentenced for murder³⁵ received median sentences of 160 months, by far the longest median under the guidelines. Defendants sentenced for kidnapping, robbery, and drug trafficking followed with median imprisonment sentences between 60 and 120 months. By comparison, the shortest median prison sentences were imposed for simple drug possession, larceny, embezzlement, tax, environmental, and antitrust offenses (all ten months or less).

The first two columns of Table 21 contrast the mean and median sentence for all defendants sentenced to imprisonment within each primary offense category. In comparing the two measures, the mean was higher for all offenses except use of a communication facility (mean 43.0, median 48.0).³⁶ Usually in statistics, the closer the median is to the mean, the fewer the number of unusually lengthy sentences in the category that affects the mean more than the median. For example, note firearms: 50 percent of defendants sentenced in this category received a prison sentence of 41 months or less (the median sentence). However, the mean prison sentence for firearms defendants was 74.8 months, reflecting a large number of lengthy sentences.

Table 21 also reports average prison sentences for offenders by criminal history categories. Independent of offense type, summary measures of incarceration lengths increased progressively to reflect the seriousness of a defendant's prior criminal record. Across criminal history categories, mean imprisonment lengths change more dramatically than median imprisonment lengths, with the mean for all offenses ranging between 51.6 months in Criminal History Category I and 88.3 months in Category VI (for non-career offenders). The median values ranged between 30 and 51 months across these same criminal history categories.

³⁵ Includes first and second degree murder.

³⁶ The statutory maximum for each instance of this offense is four years, thereby capping longer sentences that could produce a higher mean.

Because all defendants classified as career offenders are placed in Criminal History Category VI, Table 21 presents Category VI cases in two groups: non-career offenders (mean and median prison terms of 88.3 and 51 months, respectively), and career offenders (198.7 and 169 months, respectively).³⁷

Under the guidelines, confinement sentences can include imprisonment alone or, in some situations, can carry alternative confinement terms (either with or without prison). Alternative confinement involves home detention, community confinement, or intermittent confinement. If mean and median sentence length statistics are computed as the sum of imprisonment and alternative confinement, then the imprisonment-only sentence median of 36 and mean of 65.9 months (*see* Table 21) is reduced to a sentence-plus-alternatives median of 30 and mean of 60.5 months.³⁸

Sentencing Trends

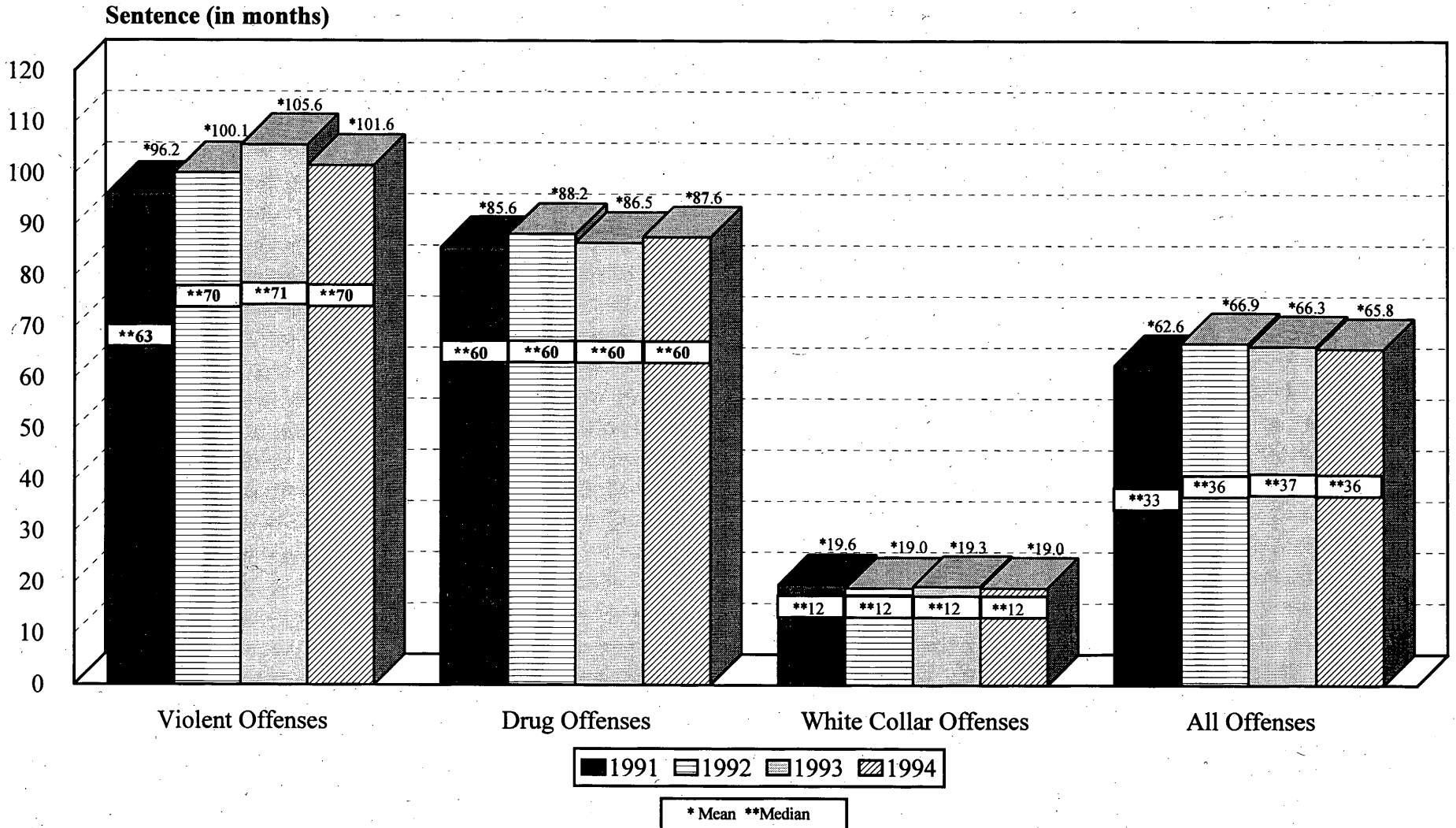
Figure F tracks the average length of imprisonment imposed on guideline cases by offense

³⁷ Career offenders, as directed by 28 U.S.C. § 994(h) and defined by guideline 4B1.1, are defendants at least 18 years old, with an instant conviction for a controlled substance offense or crime of violence and with at least two prior felony convictions for either a crime of violence or a controlled substance offense.

³⁸ In total, 30,471 defendants were sentenced solely to imprisonment. This compares with the higher total of 33,918 defendants who received either imprisonment alone, imprisonment with additional months of alternative confinement, or alternative confinement alone with supervision or probation. The small increment these alternatives represent in total sentence length relative to the large number of these cases (an additional 3,447 cases had alternative confinement, with or without prison) explains the overall reduction in sentence averages for statistics that combine alternative confinement terms with imprisonment terms.

Figure F

AVERAGE LENGTH OF IMPRISONMENT BY GROUPED PRIMARY OFFENSE CATEGORIES AND YEAR¹
 (October 1, 1990, through September 30, 1994)



¹ Violent Offenses encompass the following offense types: Murder, Manslaughter, Sexual Abuse, Assault, Bank Robbery, and Arson. Drug Offenses include the following offense types: Drug Trafficking, Drug Communication Facilities, and Simple Drug Possession. White Collar Offenses include the following offense types: Fraud, Embezzlement, Forgery/Counterfeiting, Bribery, Tax Offenses, and Money Laundering. The information presented in this table does include any confinement as defined in USSG §5C1.1. Descriptions of variables used in this figure are provided in Appendix A.

category from fiscal year 1991 through 1994. For each of the four years displayed, mean sentences for violent offenses averaged from 10.6 to 19.1 months longer than mean drug sentences and from 76.6 to 86.3 months longer than for white collar offenses. Mean sentences for drugs were consistently 66 to 69 months higher than those for white collar offenses. The mean length of imprisonment increased for violent, drug, and all offenses between 1991 and 1992, with an additional increase for violent offenses between 1992 and 1993. More significantly, median sentences by offense category remained consistent over the years, especially for drugs and white collar offenses.

Fines and Restitution

In 37.7 percent of all cases sentenced under the guidelines, defendants were ordered to pay a fine,³⁹ make restitution, or both. No economic sanction was ordered in the remaining 62.3 percent of the cases, primarily due to findings by the court that either the defendant was unable to pay or 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 22.

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

Convictions for drug trafficking, use of a communication facility in a drug offense, firearms, immigration, and prison offenses were least likely to result in financial sanctions. More than 75 percent of cases under these offenses received neither a fine nor restitution. This finding is not surprising given the high incarceration rates for these offenses. Additionally, many defendants convicted of these offenses were aliens facing possible deportation.

Table 22 also provides the mean, median, and total payments ordered. The greatest median payments were ordered for arson (\$23,764), antitrust cases (\$20,000), and fraud (\$10,500). The total of all payments ordered was nearly \$1.735 billion, with 68.6 percent of this amount ordered in fraud cases. This total nearly doubles (1.9 times) the total fine and restitution orders of \$925 million in 1993 and almost triples (2.7 times) the \$634 million ordered in 1992.

Sentencing Alternatives

The guidelines provide a variety of alternatives to imprisonment for less serious offenses at the lower offense levels.⁴⁰ If the minimum of the applicable guideline range is zero months (Zone A), a sentence of imprisonment is not required (*i.e.*, "straight" probation is available). If the minimum of the guideline range is one-to-seven months (Zone B), 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 (Zone C), 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.

³⁹ Statistics in Table 22 include cost of supervision, as well as fines, in the "Fine" category.

⁴⁰ See USSG §5C1.1.

Table 22

FINES AND RESTITUTION BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993, through September 30, 1994)

PRIMARY 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
TOTAL	39,842	24,818	62.3	6,986	17.5	6,980	17.5	1,058	2.7	\$14,914	\$116,293	\$3600	\$1,734,395,324
Murder	68	42	61.8	16	23.5	7	10.3	3	4.4	26	56,606	4,564	1,471,763
Manslaughter	42	24	57.1	13	31.0	2	4.8	4	9.5	19	122,418	3,323	2,325,939
Kidnapping/Hostage-Taking	46	30	65.2	10	21.7	3	6.5	3	6.5	16	13,208	3,891	211,334
Sexual Abuse	152	116	76.3	16	10.5	17	11.2	3	2.0	36	3,019	1,304	108,679
Assault	378	269	71.2	48	12.7	51	13.5	10	2.6	108	18,917	1,075	2,043,045
Robbery	1,963	811	41.3	1,032	52.6	68	3.5	52	2.6	1,141	13,690	3,275	15,619,833
Arson	92	43	46.7	39	42.4	5	5.4	5	5.4	49	287,141	23,764	14,069,928
Drugs - Trafficking	15,463	12,733	82.3	172	1.1	2,536	16.4	22	0.1	2,728	55,878	2,400	152,434,080
Drugs - Communication Facility	324	279	86.1	1	0.3	44	13.6	0	0.0	45	3,886	2,000	174,870
Drugs - Simple Possession	880	565	64.2	5	0.6	306	34.8	4	0.5	312	1,072	1,000	334,505
Firearms	2,753	2,164	78.6	110	4.0	463	16.8	16	0.6	588	21,959	2,000	12,911,771
Burglary/B&E	42	15	35.7	25	59.5	2	4.8	0	0.0	27	2,132	500	57,554
Auto Theft	216	71	32.9	109	50.5	21	9.7	15	6.9	143	56,181	7,338	8,033,944
Larceny	2,791	782	28.0	1,132	40.6	665	23.8	212	7.6	1,994	17,221	2,100	34,339,162
Fraud	5,688	1,672	29.4	2,848	50.1	743	13.1	425	7.5	3,980	298,755	10,500	1,189,045,024
Embezzlement	895	229	25.6	538	60.1	78	8.7	50	5.6	660	63,663	9,000	42,017,656
Forgery/Counterfeiting	948	426	44.9	322	34.0	146	15.4	54	5.7	512	15,000	1,520	7,680,051
Bribery	301	126	41.9	44	14.6	115	38.2	16	5.3	174	26,332	5,000	4,581,700
Tax	864	372	43.1	125	14.5	319	36.9	48	5.6	480	71,429	5,000	34,285,897
Money Laundering	904	512	56.6	110	12.2	261	28.9	21	2.3	390	298,388	8,200	116,371,223
Racketeering/Extortion	556	314	56.5	82	14.7	129	23.2	31	5.6	242	308,226	7,527	74,590,651
Gambling/Lottery	157	60	38.2	3	1.9	94	59.9	0	0.0	97	9,854	2,000	955,857
Civil Rights	109	41	37.6	22	20.2	44	40.4	2	1.8	66	10,015	1,350	660,959
Immigration	2,336	2,114	90.5	8	0.3	211	9.0	3	0.1	222	2,165	500	480,658
Pornography/Prostitution	82	47	57.3	2	2.4	33	40.2	0	0.0	35	6,045	3,000	211,581
Prison Offenses	271	246	90.8	4	1.5	21	7.7	0	0.0	25	15,951	1,500	398,775
Administration of Justice Offenses	581	407	70.1	45	7.7	120	20.7	9	1.5	173	722,450	2,200	12,499,216
Environmental/Wildlife	108	38	35.2	14	13.0	51	47.2	5	4.6	70	10,854	2,768	759,775
National Defense	27	14	51.9	1	3.7	12	44.4	0	0.0	13	8,519	3,000	110,750
Antitrust	24	1	4.2	2	8.3	18	75.0	3	12.5	23	49,447	20,000	1,137,279
Food & Drug	75	25	33.3	7	9.3	43	57.3	0	0.0	50	23,267	5,000	1,163,369
Other Miscellaneous Offenses	705	230	32.6	81	11.5	352	49.9	42	6.0	470	7,039	1,000	3,308,496

¹Of the 39,971 cases, 129 were excluded due to one or both of the following reasons: missing primary offense category (52) or missing information on type of economic sanction for cases in which orders were made (77). The total number of cases (14,914) used to calculate amounts of payment ordered is less than the total number of cases receiving fines and/or restitution (15,048) because of the exclusion of cases for which a fine and/or restitution was ordered but the amount was not specified and where a fine and/or restitution was not ordered. Fine information includes either fines and/or cost of supervision. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 23 presents the distribution of sentences imposed in cases falling within sentencing zones for which alternatives to imprisonment generally are available. (Absent departure, imprisonment is the only sanction available in Zone D's higher offense levels.) In 78.9 percent of the cases with a guideline range of zero to six months (Zone A), the sentence imposed was probation only (71.0%) or probation with community confinement, intermittent confinement, or home detention (7.9%). In the next five guideline ranges in which the minimum of the range is one-to-seven months (Zone B), probation with or without confinement was ordered in 56.0 percent (1,942 of 3,466) of the cases, while a split sentence was ordered in 8.6 percent (299 of 3,466).

In the three final guideline ranges in which alternatives were available (Zone C cases in which the minimum of the guideline ranges was eight-to-ten months), courts ordered a prison plus alternative confinement sentence 30.9 percent of the time (708 of 2,290 cases). Finally, 92.2 percent of the cases in which the minimum of the guideline range was 12 months or greater (and for which non-imprisonment alternatives were not available under the guidelines except through departure) received a term of imprisonment.

Figure G represents the frequency with which defendants eligible for alternatives to imprisonment in various offense categories received sentences of incarceration. Of those eligible for non-imprisonment alternative sentences (*i.e.*, defendants in guideline ranges within Zones A or B), larceny offenders were the least likely (20.0%) to be incarcerated and immigration violators the most likely (70.0%). A large proportion of immigration violators with relatively low guideline ranges receive short prison sentences because alternatives to imprisonment are not always available for non-U.S. citizens prior to deportation. Consequently, such defendants may be treated somewhat differently than offenders at similar offense levels convicted of non-immigration offenses.

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) is a crucial part of documenting a court's guideline application decision (*see* discussion under Data Collection Issues). In 1994, the Commission received statements of reasons in 37,414 (93.6%) of the 39,971 cases submitted.⁴¹ Of the reports submitted, complete information to determine the relevant guideline factors was available in 34,642 cases. Because a detailed description of guideline application factors requires complete sentencing information, the tables following Table 24 reflect fewer cases than in previous sections of this report.

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.⁴² Table 24 provides the distribution of

⁴¹ Considerable variation exists across districts. Conclusions are more tentative for districts such as Central California which submitted Reports on the Sentencing Hearing for only 40 percent of its guideline cases.

⁴² Federal law contains more than 2,000 separate criminal offenses. Rather than construct a complex system of guidelines for each federal criminal violation, the Commission created a set of generic guidelines that group offenses by crime type. The guidelines rank these offense types according to severity by assigning them "base offense levels" from 4 to 43.

Table 23

SENTENCING ZONE BY TYPE OF SENTENCE IMPOSED¹
(October 1, 1993, through September 30, 1994)

SENTENCING ZONE	TOTAL	Prison		Prison/Community Split Sentence ²		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	34,505	25,552	74.1	1,634	4.7	2,739	7.9	4,580	13.3
Zone A	4,632	933	20.1	41	0.9	368	7.9	3,290	71.0
Zone B	3,466	1,225	35.3	299	8.6	1,585	45.7	357	10.3
Zone C	2,290	1,148	50.1	708	30.9	212	9.3	222	9.7
Zone D	24,117	22,246	92.2	586	2.4	574	2.4	711	2.9

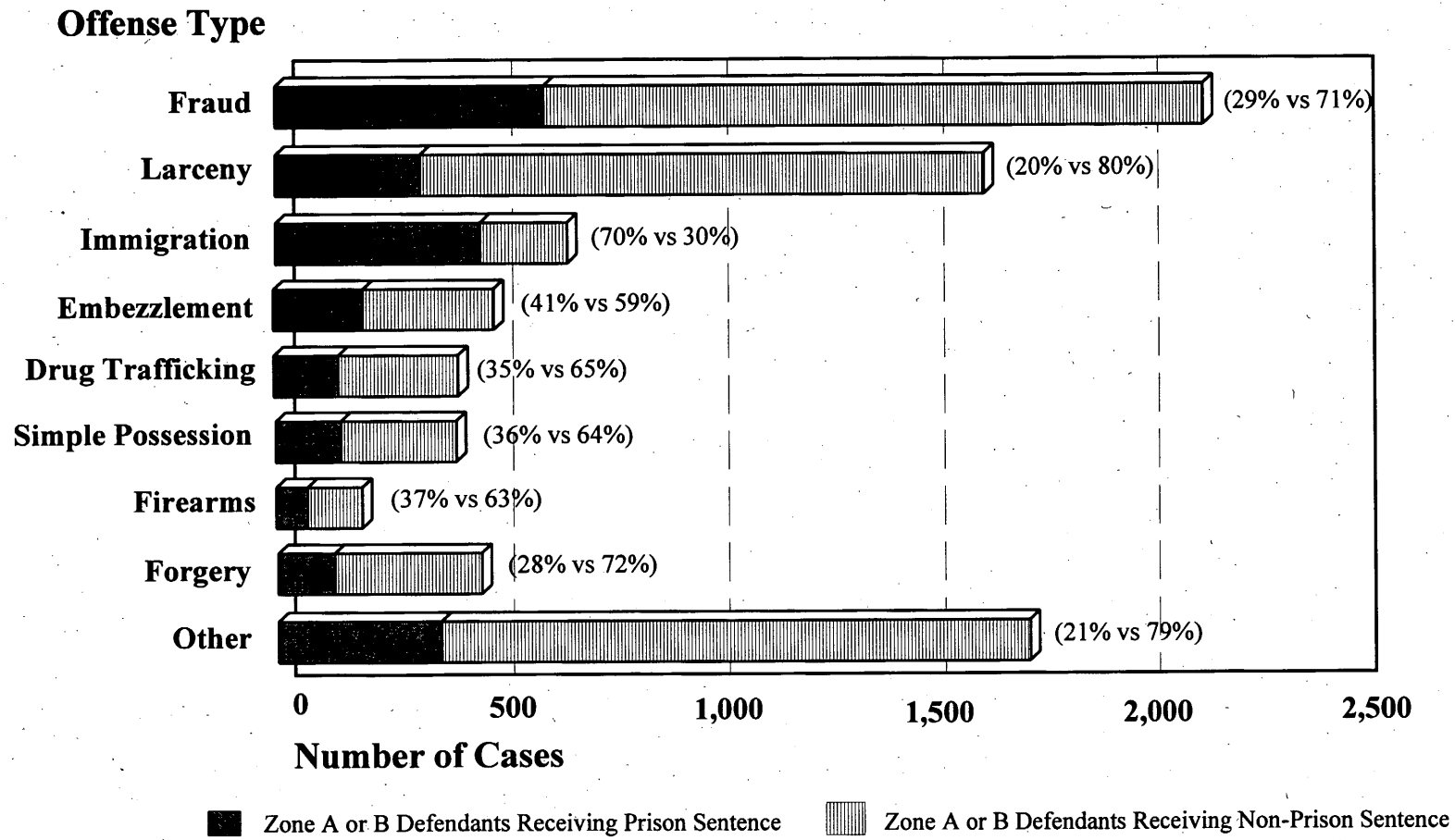
¹Of the 39,971 cases, the Commission received complete guideline application information for 34,642 cases. Of these, 137 were excluded due to one or more of the following reasons: missing zone (136), missing sentencing information (17), cases with no analogous guideline (79), cases with 18 U.S.C. § 924 (c) conviction only (208), cases with multiple guideline ranges (11), or cases in which defendant received no imprisonment or probation (120). The zones indicated above 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. Descriptions of variables used in this table are provided in Appendix A.

²Prison/Community Split sentence includes all cases in which defendants received prison and conditions of confinement as defined in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Figure G

**IMPRISONMENT RATES OF DEFENDANTS ELIGIBLE FOR
NON-PRISON SENTENCES BY PRIMARY OFFENSE TYPE ¹**
(October 1, 1993, through September 30, 1994)



¹ Of the 39,971 cases, the Commission received complete guideline application information for 34,642. Of these 34,642 cases, 8,202 were eligible for non-prison sentences because their guideline sentence ranges were in Zones A or B. In addition, eight cases were excluded due to missing information on offense type. Prison sentences include either prison alone or prison with conditions of alternate confinement as defined in USSG §5C1.1. Non-prison sentences include either probation alone or probation with conditions of confinement. Descriptions of variables used in this figure are provided in Appendix A.

Table 24

CHAPTER TWO GUIDELINE APPLIED¹
(October 1, 1993, through September 30, 1994)

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	n	%	n	%		n	%	n	%
2A1.1	57	0.1	79	0.2	2D1.13	4	0.0	5	0.0
2A1.2	31	0.1	34	0.1	2D2.1	809	2.1	845	2.0
2A1.3	20	0.1	20	0.0	2D2.2	41	0.1	46	0.1
2A1.4	34	0.1	42	0.1	2D2.3	2	0.0	2	0.0
2A1.5	18	0.0	28	0.1	2D3.1	8	0.0	9	0.0
2A2.1	40	0.1	59	0.1	2D3.2	2	0.0	2	0.0
2A2.2	167	0.4	225	0.5	2D3.3	0	0.0	0	0.0
2A2.3	22	0.1	27	0.1	2D3.4	0	0.0	0	0.0
2A2.4	73	0.2	85	0.2	2D3.5	0	0.0	0	0.0
2A3.1	69	0.2	94	0.2	2E1.1	79	0.2	98	0.2
2A3.2	29	0.1	41	0.1	2E1.2	77	0.2	97	0.2
2A3.3	1	0.0	1	0.0	2E1.3	17	0.0	48	0.1
2A3.4	63	0.2	78	0.2	2E1.4	23	0.1	31	0.1
2A4.1	47	0.1	61	0.1	2E1.5	22	0.1	37	0.1
2A4.2	3	0.0	3	0.0	2E2.1	29	0.1	48	0.1
2A5.1	0	0.0	0	0.0	2E3.1	150	0.4	168	0.4
2A5.2	4	0.0	7	0.0	2E3.2	8	0.0	8	0.0
2A5.3	0	0.0	0	0.0	2E3.3	1	0.0	2	0.0
2A6.1	100	0.3	142	0.3	2E4.1	6	0.0	10	0.0
2B1.1	3,453	8.9	3,552	8.4	2E5.1	12	0.0	14	0.0
2B1.2	145	0.4	162	0.4	2E5.2	4	0.0	5	0.0
2B1.3	56	0.1	62	0.1	2E5.3	7	0.0	10	0.0
2B2.1	47	0.1	61	0.1	2E5.4	4	0.0	4	0.0
2B2.2	13	0.0	14	0.0	2E5.5	2	0.0	2	0.0
2B2.3	2	0.0	4	0.0	2E5.6	4	0.0	4	0.0
2B3.1	2,117	5.5	3,623	8.5	2F1.1	5,952	15.4	6,235	14.7
2B3.2	74	0.2	129	0.3	2F1.2	8	0.0	8	0.0
2B3.3	13	0.0	18	0.0	2G1.1	3	0.0	15	0.0
2B4.1	48	0.1	53	0.1	2G1.2	7	0.0	17	0.0
2B5.1	504	1.3	519	1.2	2G2.1	6	0.0	17	0.0
2B5.2	21	0.1	22	0.1	2G2.2	39	0.1	40	0.1
2B5.3	87	0.2	89	0.2	2G2.3	0	0.0	0	0.0
2B5.4	8	0.0	8	0.0	2G2.4	15	0.0	17	0.0
2B6.1	51	0.1	55	0.1	2G2.5	0	0.0	0	0.0
2C1.1	246	0.6	263	0.6	2G3.1	12	0.0	15	0.0
2C1.2	37	0.1	39	0.1	2G3.2	0	0.0	0	0.0
2C1.3	13	0.0	16	0.0	2H1.1	26	0.1	28	0.1
2C1.4	15	0.0	16	0.0	2H1.2	1	0.0	1	0.0
2C1.5	1	0.0	1	0.0	2H1.3	3	0.0	6	0.0
2C1.6	0	0.0	0	0.0	2H1.4	19	0.0	28	0.1
2C1.7	20	0.1	22	0.1	2H1.5	0	0.0	0	0.0
2D1.1	15,188	39.3	15,376	36.2	2H2.1	2	0.0	5	0.0
2D1.2	335	0.9	344	0.8	2H3.1	5	0.0	10	0.0
2D1.3	1	0.0	1	0.0	2H3.2	15	0.0	20	0.0
2D1.4	0	0.0	0	0.0	2H3.3	9	0.0	9	0.0
2D1.5	76	0.2	89	0.2	2H4.1	2	0.0	2	0.0
2D1.6	198	0.5	215	0.5	2J1.1	0	0.0	0	0.0
2D1.7	11	0.0	11	0.0	2J1.2	99	0.3	137	0.3
2D1.8	55	0.1	62	0.1	2J1.3	96	0.2	119	0.3
2D1.9	0	0.0	0	0.0	2J1.4	13	0.0	18	0.0
2D1.10	4	0.0	4	0.0	2J1.5	2	0.0	3	0.0
2D1.11	81	0.2	87	0.2	2J1.6	101	0.3	129	0.3
2D1.12	7	0.0	7	0.0	2J1.7	0	0.0	0	0.0

Table 24 (cont.)

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	n	%	n	%		n	%	n	%
2J1.8	0	0.0	0	0.0	2M6.2	1	0.0	2	0.0
2J1.9	0	0.0	0	0.0	2N1.1	7	0.0	7	0.0
2K1.1	9	0.0	9	0.0	2N1.2	13	0.0	13	0.0
2K1.2	0	0.0	0	0.0	2N1.3	4	0.0	4	0.0
2K1.3	33	0.1	38	0.1	2N2.1	39	0.1	39	0.1
2K1.4	102	0.3	130	0.3	2N3.1	7	0.0	8	0.0
2K1.5	1	0.0	2	0.0	2P1.1	220	0.6	244	0.6
2K1.6	0	0.0	0	0.0	2P1.2	57	0.1	62	0.1
2K1.7	0	0.0	0	0.0	2P1.3	0	0.0	0	0.0
2K2.1	2,384	6.2	2,651	6.3	2P1.4	0	0.0	0	0.0
2K2.2	48	0.1	50	0.1	2Q1.1	0	0.0	0	0.0
2K2.3	4	0.0	5	0.0	2Q1.2	55	0.1	59	0.1
2K2.4	0	0.0	0	0.0	2Q1.3	42	0.1	46	0.1
2K2.5	34	0.1	34	0.1	2Q1.4	0	0.0	0	0.0
2K3.1	0	0.0	0	0.0	2Q1.5	0	0.0	0	0.0
2K3.2	0	0.0	0	0.0	2Q1.6	0	0.0	0	0.0
2L1.1	423	1.1	433	1.0	2Q2.1	101	0.3	103	0.2
2L1.2	1,265	3.3	1,284	3.0	2Q2.2	3	0.0	3	0.0
2L1.3	0	0.0	0	0.0	2R1.1	25	0.1	27	0.1
2L2.1	208	0.5	215	0.5	2S1.1	541	1.4	705	1.7
2L2.2	242	0.6	266	0.6	2S1.2	103	0.3	151	0.4
2L2.3	2	0.0	2	0.0	2S1.3	260	0.7	313	0.7
2L2.4	29	0.1	30	0.1	2S1.4	42	0.1	48	0.1
2L2.5	0	0.0	0	0.0	2T1.1	413	1.1	528	1.2
2M1.1	0	0.0	0	0.0	2T1.2	142	0.4	155	0.4
2M2.1	0	0.0	0	0.0	2T1.3	134	0.3	168	0.4
2M2.2	0	0.0	0	0.0	2T1.4	54	0.1	69	0.2
2M2.3	0	0.0	0	0.0	2T1.5	42	0.1	42	0.1
2M2.4	0	0.0	0	0.0	2T1.6	0	0.0	0	0.0
2M3.1	0	0.0	0	0.0	2T1.7	0	0.0	0	0.0
2M3.2	0	0.0	0	0.0	2T1.8	0	0.0	0	0.0
2M3.3	1	0.0	1	0.0	2T1.9	44	0.1	56	0.1
2M3.4	0	0.0	0	0.0	2T2.1	1	0.0	4	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	39	0.1	43	0.1
2M3.7	0	0.0	0	0.0	2T3.2	0	0.0	0	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	(1,162) ²	—	(5,810)	—
2M4.1	0	0.0	0	0.0	2X2.1	(86) ²	—	(430)	—
2M5.1	4	0.0	4	0.0	2X3.1	(101) ²	—	(505)	—
2M5.2	26	0.1	28	0.1	2X4.1	(220) ²	—	(1,100)	—
2M6.1	0	0.0	0	0.0	2X5.1	(71) ²	—	(355)	—
Total number of guidelines applied:								42,419	
Total number of cases:								38,666	

¹Of the 39,971 cases, 879 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.

²Numbers listed in parentheses (for reference only) represent cases in which application of another guideline was indicated; such cases are counted both numerically and proportionately in the referenced guideline. For guideline 2X3.1, 11/14 cases (not reflected in the numbers listed for that guideline) are counted in the overall total because they were the actual guideline applied.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

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* Table 12 and 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 15,188 (39.3%) of the 38,666 cases reported in Table 24. Considering all guidelines applied (a total of 42,419 guidelines across the 38,666 cases), the drug guideline was applied 15,376 times, for a total of 36.2 percent of all guideline applications.

Other Chapter Two guidelines applied frequently as a primary guideline include §2F1.1 (Fraud and Deceit) at 15.4 percent; §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft) at 8.9 percent; and §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition) at 6.2 percent. Chapter Two guidelines applied frequently as any guideline (not necessarily as the primary guideline) include §2F1.1 (Fraud and Deceit) at 14.7 percent; §2B3.1 (Robbery) at 8.5 percent; and §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft) at 8.4 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 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 provides a unique set of specific offense characteristics tailored to each offense. A subsequent section of

this chapter (*see* Tables 35 through 39) provides a detailed profile of the sentencing process for one of the frequently applied Chapter Two guidelines: firearms violations. A detailed examination of guideline drug violations is included later in this chapter.

Chapter Three Adjustments

Once the court establishes a base offense level and applies all appropriate specific offense characteristics, it considers certain general adjustments to the offense level. These Chapter Three adjustments, which may be made to any offense at any offense level, address aggravating or mitigating 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 25 provides a description of the various Chapter Three adjustments applied by the courts for all 1994 guideline cases with complete guideline application information. 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.

A reduction for a mitigating role (§3B1.1) was given in 10.4 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 3.2 percent for the defendant's abuse of position of trust or use of special skill (§3B1.3). Approximately five percent of all cases received the enhancement for obstruction of justice (§3C1.1), while reckless endangerment during flight (§3B1.1) applied to 0.3 percent of the cases.

Finally, the court may reduce the offense level if the defendant "demonstrates a recognition and affirmative acceptance of personal responsibility for his criminal conduct" (§3E1.1). In 1994, 85.3 percent of all defendants received either a two- or three-level downward adjustment for acceptance of

responsibility. According to Table 26, acceptance was granted less frequently in violent crimes such as murder, kidnapping, assault, arson, and racketeering or for serious drug offenses such as drug trafficking. Conversely, acceptance of responsibility was granted more frequently in offenses such as burglary, embezzlement, gambling and lottery, and immigration. This relationship between offense type and acceptance of responsibility resembles the relationship between offense type and plea rates, implying that a defendant's guilty plea for less serious violent or drug offenses correlates positively with the application of the acceptance of responsibility reduction (*see* Table 19).

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 are assigned to sentences imposed for prior adult convictions to 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, was under any criminal justice sentence (including probation and work release), or was in an escape status.

Table 27 reports Chapter Four guideline application. Composite scores, reflecting the frequency, gravity, and recency of a defendant's prior criminal conduct, show that federal defendants typically have little or no prior criminal activity. Almost half (47.4%) of the population sentenced in 1994 had no criminal history countable under the guidelines. Another 10.3 percent of all defendants received only a single criminal history point under Chapter Four guidelines.

An examination of past criminal conduct taken into consideration under the guidelines (§4A1.1) shows that 21.7 percent of all defendants had one

or more previous convictions resulting in a sentence of imprisonment greater than 13 months; 16.4 percent had one or more convictions with a sentence of 60 days or longer; and 40.8 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 25.0 percent of all cases because the defendant committed the instant offense while under another sentence. Further, 14.0 percent of the cases received points because the defendant committed the instant offense within two years of a prior conviction.

Pursuant to statute, the guidelines account for patterns of prior criminal conduct determined by Congress to 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 sentence authorized by statute for the instant offense. A similar statutory mandate is addressed in the Armed Career Criminal guideline (§4B1.4).⁴³

Courts found defendants to be career offenders in 2.8 percent of the cases and armed career criminals in 0.9 percent of the cases (*see* Table 27). Table 28 provides a closer look at the career offender and armed career criminal adjustments by primary offense category. The table shows that of the 960 defendants found to be career offenders,

⁴³ The career offender and armed career criminal guidelines implement congressional directives embodied in 28 U.S.C. § 994(h) and 18 U.S.C. § 924(e).

Table 25

CHAPTER THREE GUIDELINE APPLICATION INFORMATION¹
 (October 1, 1993, through September 30, 1994)

All Cases

VICTIM-RELATED	Number	Percent
Vulnerable Victim (§3A1.1)		
Vulnerable victim involved	254	0.7
No vulnerable victim involved	34,388	99.3
TOTAL	34,642	100.0
Official Victim (§3A1.2)		
Official victim involved	142	0.4
No official victim involved	34,500	99.6
TOTAL	34,642	100.0
Restraint of Victim (§3A1.3)		
Offense involved restraint of victim	49	0.1
Offense did not involve restraint of victim	34,593	99.9
TOTAL	34,642	100.0
ROLE IN THE OFFENSE	Number	Percent
Aggravating Role (§3B1.1)		
Organizer or leader	874	2.5
Manager or supervisor	542	1.6
Lesser organizer, leader, manager or supervisor	1,155	3.3
No aggravating role	32,071	92.6
TOTAL	34,642	100.0
Mitigating Role (§3B1.2)		
Minimal participant	945	2.7
Less than minor role but not minimal	280	0.8
Minor participant	2,387	6.9
No mitigating role	31,030	89.6
TOTAL	34,642	100.0
Abuse of Position of Trust or Use of Special Skill (§3B1.3)		
Defendant abused position of trust or used special skill	1,120	3.2
Defendant did not abuse position of trust or use special skill	33,522	96.8
TOTAL	34,642	100.0

Table 25 (cont.)

OBSTRUCTION	Number	Percent
Obstruction of Justice (§3C1.1)		
Defendant obstructed justice	1,681	4.9
Defendant did not obstruct justice	32,961	95.1
TOTAL	34,642	100.0
Reckless Endangerment During Flight (§3C1.2)		
Offense involved reckless endangerment during flight	101	0.3
Offense did not involve reckless endangerment during flight	33,835	97.7
Offense committed before adjustment added to guidelines	706	2.0
TOTAL	34,642	100.0
ACCEPTANCE OF RESPONSIBILITY	Number	Percent
Acceptance of Responsibility (§3E1.1)		
Defendant accepted responsibility (-3)	15,804	45.6
Defendant accepted responsibility (-2)	13,745	39.7
Defendant did not accept responsibility	5,093	14.7
TOTAL	34,642	100.0

¹Of the 39,971 cases, the Commission received complete guideline application information for 34,642. Additional descriptions of each guideline adjustment can be found in USSG Chapter Three.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 26

ACCEPTANCE OF RESPONSIBILITY REDUCTION BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993, through September 30, 1994)

All Cases

PRIMARY OFFENSE	TOTAL	ACCEPTANCE RECEIVED (-3)		ACCEPTANCE RECEIVED (-2)		ACCEPTANCE NOT RECEIVED	
		Number	Percent	Number	Percent	Number	Percent
TOTAL	34,614	15,797	45.6	13,729	39.7	5,088	14.7
Murder	63	30	47.6	7	11.1	26	41.3
Manslaughter	42	14	33.3	21	50.0	7	16.7
Kidnapping/Hostage-Taking	44	23	52.3	1	2.3	20	45.5
Sexual Abuse	146	92	63.0	32	21.9	22	15.1
Assault	333	114	34.2	132	39.6	87	26.1
Robbery	1,711	1,400	81.8	83	4.9	228	13.3
Arson	88	56	63.6	7	8.0	25	28.4
Drugs - Trafficking	14,279	9,689	67.9	2,004	14.0	2,586	18.1
Drugs - Communication Facility	281	176	62.6	82	29.2	23	8.2
Drugs - Simple Possession	478	24	5.0	387	81.0	67	14.0
Firearms	2,358	1,306	55.4	649	27.5	403	17.1
Burglary/B&E	42	12	28.6	30	71.4	0	0.0
Auto Theft	194	41	21.1	123	63.4	30	15.5
Larceny	2,310	162	7.0	1,911	82.7	237	10.3
Fraud	4,877	879	18.0	3,446	70.7	552	11.3
Embezzlement	765	84	11.0	657	85.9	24	3.1
Forgery/Counterfeiting	854	88	10.3	692	81.0	74	8.7
Bribery	249	39	15.7	170	68.3	40	16.1
Tax	757	52	6.9	637	84.1	68	9.0
Money Laundering	775	382	49.3	256	33.0	137	17.7
Racketeering/Extortion	472	296	62.7	68	14.4	108	22.9
Gambling/Lottery	151	17	11.3	128	84.8	6	4.0
Civil Rights	101	21	20.8	58	57.4	22	21.8
Immigration	1,778	571	32.1	1,107	62.3	100	5.6
Pornography/Prostitution	74	30	40.5	33	44.6	11	14.9
Prison Offenses	246	14	5.7	210	85.4	22	8.9
Administration of Justice Offenses	524	114	21.8	324	61.8	86	16.4
Environmental/Wildlife	88	8	9.1	67	76.1	13	14.8
National Defense	23	7	30.4	11	47.8	5	21.7
Antitrust	24	0	0.0	22	91.7	2	8.3
Food & Drug	62	12	19.4	44	71.0	6	9.7
Other Miscellaneous Offenses	425	44	10.4	330	77.6	51	12.0

¹Of the 39,971 cases, the Commission received complete guideline application information for 34,642. Of these, 28 were excluded due to missing primary offense category. Descriptions of variables used in this table are provided in Appendix A. A description of the acceptance of responsibility adjustment can be found in USSG §3E1.1.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 27

CHAPTER FOUR GUIDELINE APPLICATION INFORMATION¹
(October 1, 1993, through September 30, 1994)

All Cases

Number of Prior Countable Sentences Greater Than 13 months (§4A1.1(a))	Number	Percent
0	27,112	78.3
1	3,564	10.3
2	1,859	5.4
3	1,031	3.0
4	516	1.5
5	266	0.8
6	148	0.4
7 or more	135	0.4
Missing	11	—
TOTAL	34,642	100.0

Number of Prior Countable Sentences of 60 Days or Greater (§4A1.1(b))	Number	Percent
0	28,942	83.6
1	3,538	10.2
2	1,199	3.5
3	482	1.4
4	218	0.6
5	133	0.4
6	58	0.2
7 or more	61	0.2
Missing	11	—
TOTAL	34,642	100.0

Number of Prior Countable Sentences of Less Than 60 Days (§4A1.1(c))	Number	Percent
0	20,518	59.2
1	7,323	21.1
2	3,365	9.7
3	1,668	4.8
4	1,739	5.0
5 or more	18	0.1
Missing	11	—
TOTAL	34,642	100.0

Table 27 (cont.)

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	8,651	25.0
No additional criminal history points given	25,980	75.0
Missing	11	—
TOTAL	34,642	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	4,844	14.0
No additional criminal history points given	29,787	86.0
Missing	11	—
TOTAL	34,642	100.0

Total Criminal History Points	Number	Percent
0	16,434	47.4
1	3,554	10.3
2	1,434	4.1
3	2,425	7.0
4	1,587	4.6
5	1,203	3.5
6	1,549	4.5
7	803	2.3
8	800	2.3
9	887	2.6
10	499	1.4
11	507	1.5
12	514	1.5
13	360	1.0
14	288	0.8
15	317	0.9
16	227	0.7
17	194	0.6
18	197	0.6
19	155	0.4
20	129	0.4
21	123	0.4
22 or more	456	1.3
TOTAL	34,642	100.0

Table 27 (cont.)

Career Offender (§4B1.1)	Number	Percent
Defendant found to be career offender	961	2.8
Defendant found not to be career offender	33,671	97.2
Missing	10	—
TOTAL	34,642	100.0

Armed Career Criminal (§4B1.4)	Number	Percent
Defendant found to be armed career criminal	314	0.9
Defendant found not to be armed career criminal	33,612	97.1
Offense committed before adjustment was added to guidelines	706	2.0
Missing	10	—
TOTAL	34,642	100.0

¹Of the 39,971 cases, the Commission received complete guideline application information for 34,642. Additional descriptions of each guideline adjustment can be found in USSG Chapter Four.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 28

**CAREER OFFENDER/ARMED CAREER CRIMINAL ADJUSTMENTS
BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993, through September 30, 1994)**

All Cases

PRIMARY OFFENSE	CAREER OFFENDER		ARMED CAREER CRIMINAL	
	Adjustment Given		Adjustment Given	
	Number	Percent	Number	Percent
TOTAL	960	100.0	314	100.0
Murder	2	0.2	0	0.0
Sexual Abuse	4	0.4	0	0.0
Assault	26	2.7	0	0.0
Robbery	245	25.5	9	2.9
Arson	2	0.2	0	0.0
Drugs - Trafficking	609	63.4	20	6.4
Firearms	43	4.5	284	90.4
Racketeering/Extortion	12	1.3	1	0.3
Other Miscellaneous Offenses	17	1.8	0	0.0

¹Of the 39,971 cases, the Commission received complete guideline application information for 34,642. Of these, 28 were excluded due to missing primary offense category, 10 were excluded due to missing career offender information, and 10 were excluded due to missing armed career criminal information. Descriptions of variables used in this table are provided in Appendix A. A description of career offender and armed career criminal adjustments can be found in USSG §4B1.1 and §4B1.4.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

drug trafficking comprised the single largest group (609 or 63.4%), followed by robbery (245 or 25.5%). This is consistent with the general non-violent nature of federal convictions.

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. A defendant's offense level results from application of Chapters Two and Three of the Guidelines Manual, and the appropriate criminal history category derives from Chapter Four. The judge determines the guideline sentencing range by locating the intersection of the applicable offense level with 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.⁴⁴

Table 29 presents the distribution of all cases by final offense level and criminal history category, as determined by the court. Half (50.5%) of all guideline cases resulted in an offense level of 17 or less, and 57.8 percent of all defendants were classified as Criminal History Category I.

These 1994 figures on the prior criminality of defendants indicate an upward shift compared to previous years. While 57.8 percent of defendants in 1994 had minor or no countable criminal records, this number is lower than in previous years: 61.8 percent were in Criminal History Category I in 1991, 61.7 percent in 1992, and 61.1 percent in 1993.

Some defendants in Category VI receive the highest criminal history score because of the frequency, seriousness, and recency of their prior

criminal conduct while other defendants receive it as part of an automatic enhancement based on their classification as career offenders. For either of these reasons, the courts placed 8.8 percent of guideline defendants in Criminal History Category VI during 1994. This is a higher Criminal History Category VI percentage than in 1991 (4.5%), 1992 (4.3%), or 1993 (7.4%).

Table 30 presents final guideline ranges for all cases submitted to the Commission. Almost half (48.5%) of all defendants had final guideline ranges at or below the 27-33 months range; the 0-6 months range – the least restrictive range in the Sentencing Table – contained the highest proportion of cases (13.7%).

Departures and Sentences Within the Guideline Range

The Sentencing Reform Act authorizes departures from the applicable guideline range, subject to review by appellate courts. The Reports on the Sentencing Hearing are 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. The case was determined to involve no departure if the sentence imposed was within the guideline range established by the court, as modified by applicable statutory minimum and maximum penalties. If the sentence fell outside the guideline range established by the court, it was recorded as a departure, and the applicable reasons were noted.

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

⁴⁴ The guideline range may be further limited, or "trumped," by statutory maximum, mandatory minimum, and/or mandatory consecutive penalties.

Table 29

OFFENSE LEVEL BY CRIMINAL HISTORY CATEGORY¹
(October 1, 1993, through September 30, 1994)

All Cases

OFFENSE LEVEL	TOTAL			CRIMINAL HISTORY CATEGORY					
	Number	Percent	Cumulative Percent	I	II	III	IV	V	VI
1	5	0.0	0.0	3	2	0	0	0	0
2	440	1.3	1.3	304	55	37	19	12	13
3	251	0.7	2.0	164	35	27	13	4	8
4	1,319	3.8	5.8	889	138	139	57	40	56
5	446	1.3	7.1	304	46	40	16	12	28
6	1,254	3.6	10.7	794	129	154	68	39	70
7	1,198	3.5	14.2	769	109	129	71	54	66
8	1,361	3.9	18.1	1,011	124	107	56	24	39
9	1,262	3.7	21.8	911	121	100	54	34	42
10	2,254	6.5	28.3	1,347	201	251	152	99	204
11	1,018	3.0	31.3	599	78	121	79	46	95
12	1,389	4.0	35.3	879	146	161	81	55	67
13	1,722	5.0	40.3	1,156	190	185	66	39	86
14	687	2.0	42.3	463	73	63	27	19	42
15	1,168	3.4	45.7	742	147	151	61	30	37
16	516	1.5	47.2	353	56	57	23	16	11
17	1,137	3.3	50.5	600	139	178	94	42	84
18	471	1.4	51.9	258	63	79	33	12	26
19	1,177	3.4	55.3	667	134	156	97	58	65
20	548	1.6	56.9	282	77	72	51	37	29
21	1,675	4.9	61.8	646	136	215	206	151	321
22	575	1.7	63.5	267	66	85	51	42	64
23	1,952	5.7	69.2	1,145	249	291	124	58	85
24	635	1.8	71.0	315	83	86	59	31	61
25	1,345	3.9	74.9	827	152	192	93	31	50
26	660	1.9	76.8	381	86	92	43	20	38
27	803	2.3	79.1	475	115	98	53	29	33
28	449	1.3	80.4	250	67	72	22	18	20
29	1,325	3.8	84.2	648	153	186	76	26	236
30	534	1.5	85.7	241	66	53	41	29	104
31	1,191	3.5	89.2	512	123	132	83	23	318
32	523	1.5	90.7	275	62	65	41	12	68
33	616	1.8	92.5	283	84	81	59	34	75
34	636	1.8	94.3	209	79	67	20	10	251
35	454	1.3	95.6	234	61	74	24	13	48
36	301	0.9	96.5	161	43	53	23	9	12
37	334	1.0	97.5	140	25	41	20	10	98
38	218	0.6	98.1	117	27	34	13	6	21
39	125	0.4	98.5	70	18	17	6	6	8
40	184	0.5	99.0	93	20	29	10	7	25
41	89	0.3	99.3	36	17	15	9	2	10
42	107	0.3	99.6	59	11	10	7	8	12
43	143	0.4	100.0	54	25	30	11	6	17
TOTAL	34,497	—	—	19,933	3,831	4,225	2,212	1,253	3,043
Percent	—	100.0	100.0	57.8	11.1	12.2	6.4	3.6	8.8

¹Of the 39,971 cases, the Commission received complete guideline application information on 34,642. Of these, 145 were excluded due to missing offense level. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 30

GUIDELINE SENTENCING RANGE¹
(October 1, 1993, through September 30, 1994)

All Cases

FINAL GUIDELINE RANGE	Number	Percent	Cumulative Percent
0-6	4,735	13.7	13.7
1-7	192	0.6	14.3
2-8	342	1.0	15.3
3-9	8	0.0	15.3
4-10	1,221	3.5	18.8
6-12	1,713	4.9	23.7
8-14	970	2.8	26.5
9-15	66	0.2	26.7
10-16	1,262	3.6	30.3
12-18	1,601	4.6	34.9
15-21	1,054	3.0	37.9
18-24	1,155	3.3	41.2
21-27	787	2.3	43.5
24-30	1,122	3.2	46.7
27-33	631	1.8	48.5
30-37	1,075	3.1	51.6
33-41	622	1.8	53.4
37-46	1,044	3.0	56.4
41-51	561	1.6	58.0
46-57	1,576	4.5	62.5
51-63	796	2.3	64.8
57-71	1,491	4.3	69.1
63-78	772	2.2	71.3
70-87	1,057	3.1	74.4
77-96	422	1.2	75.6
78-97	457	1.3	76.9
84-105	215	0.6	77.5
87-108	814	2.4	79.8
92-115	159	0.5	80.3
97-121	466	1.3	81.6
100-125	145	0.4	82.0
108-135	763	2.2	84.2
110-137	92	0.3	84.5
120-150	67	0.2	84.7
121-151	526	1.5	86.2
130-162	51	0.1	86.3
135-168	518	1.5	87.8
140-175	46	0.1	87.9
151-188	707	2.0	89.9
168-210	562	1.6	91.5
188-235	678	2.0	93.5
210-262	380	1.1	94.6
235-293	304	0.9	95.5
262-327	424	1.2	96.7
292-365	222	0.6	97.3
324-405	107	0.3	97.6
360-Life	378	1.1	98.7
Life	286	0.8	100.0
TOTAL	34,642	100.0	—

¹Of the 39,971 cases, the Commission received complete guideline application information on 34,642. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

sion 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.⁴⁵

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 Reports on the Sentencing Hearing were absent or inadequate were coded as missing⁴⁶

Departure Rates

Of the 39,971 cases received by the Commission in 1994, a departure determination could be made

for 38,498 cases. The summary box reports these departure statistics:

Departure Rate	
71.7%	Sentences Within Guideline Range
19.5%	Sentences Below Guideline Range for Substantial Assistance on Motion of Government
7.6%	Sentences Below Guideline Range
1.2%	Sentences Above Guideline Range

Sentences were within the guideline range established by the court in 71.7 percent (n=27,591) of the cases for which a departure determination could be made.⁴⁷ In 19.5 percent of the cases (n=7,524), courts departed downward based on a motion by the government for a reduced sentence due to the defendant's substantial assistance to authorities.⁴⁸ In another 7.6 percent of the cases

⁴⁵ 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.

⁴⁶ In 1,174 of the 39,971 cases in the Commission's 1994 dataset, no departure determination could be made due to absent or inadequate information. In 299 cases, departure determinations were not applicable because the cases had no analogous guidelines. Consequently, departure status was assessed in 38,498 cases.

⁴⁷ 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.

⁴⁸ 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. The Commission specifically addressed such sentence reductions

(n=2,932), the court departed downward for other reasons. In 1.2 percent of the cases (n=451), the court departed upward, sentencing above the applicable guideline range.

The 1994 data show that the rate of departures for substantial assistance varied markedly by judicial district and has increased nationally by 2.6 percentage points since 1993. This change accounts for 72 percent of the overall increase of the departure rate⁴⁹ from 24.7 percent in 1993 to 28.3 percent in 1994. As displayed in Figure H, the departure rate has increased steadily from 1989 to 1994; this increase is almost completely accounted for by the rise in government motions for substantial assistance granted by the court.

Upward departures constitute only 1.2 percent of all cases in 1994. The reasons given by district courts for these departures are listed in Table 31, the most frequently cited being adequacy of criminal history in reflecting the offense seriousness (38.9%), risk of future conduct based on prior conduct or record (14.6%), and general aggravating circumstances (9.7%).

Downward departures, other than for substantial assistance, constituted 7.6 percent of all cases sentenced in 1994. Table 32 provides district court reasons for downward departures, the most frequent of which include pursuant to a plea agreement (24.1%), criminal history category overrepresenting defendant's involvement (15.4%), and general mitigating circumstances (13.3%).

Within Guideline Range Sentences and Departures by Circuit and District

For 1994, as in past years, departure rates varied significantly among the 12 judicial circuits (see Table 33). The Seventh and D.C. Circuits had the

in §5K1.1 of the guidelines.

⁴⁹ The overall departure rate is the sum of the rates for substantial assistance and other downward and upward departures.

lowest departure rate at 21.7 and 21.9 percent, respectively, while the Third Circuit showed the highest at 38.1 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 53.6 percent of its cases. It is noteworthy that 91.9 percent of all of Eastern Pennsylvania's departures were downward departures based on a government motion that the defendant had substantially assisted in the investigation or prosecution of another criminally responsible individual. New Hampshire, Connecticut, Western North Carolina, Western Missouri, Nebraska, Arizona, and Northern Florida also had departure rates above 40 percent. Conversely, Eastern Virginia, Western Arkansas, Eastern Oklahoma, and the Virgin Islands had departure rates below ten percent. Note that the "other downward departure" rates for Connecticut (35.4%) and Arizona (36.0%) were more than 18 percentage points higher than any other district.

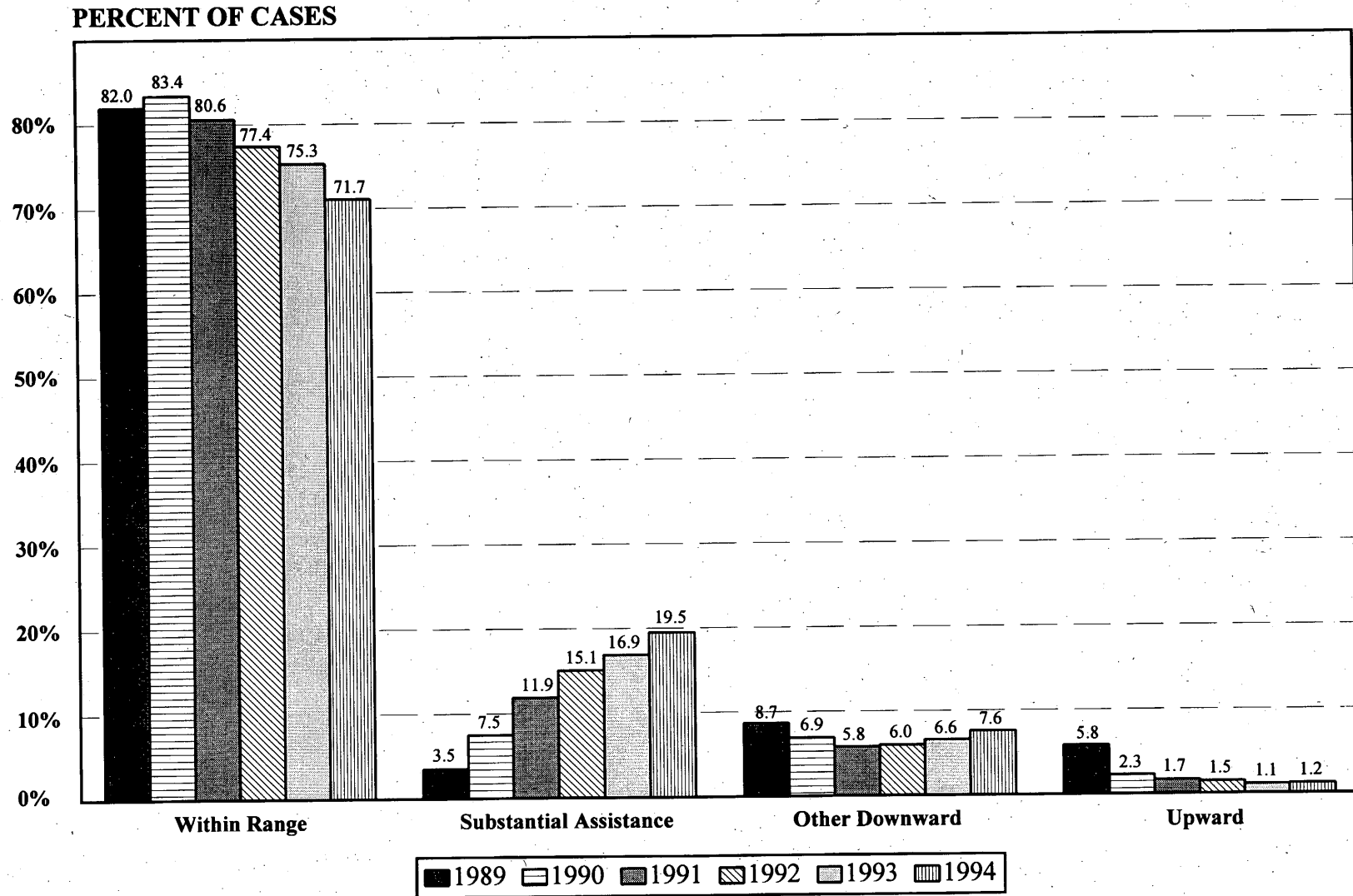
Discretion Under the Guidelines

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 provide empirical examples of judicial discretion under the guidelines.

Table 34 presents, by offense type, information on departures (for cases sentenced outside the guideline range) and relative sentence location (for cases sentenced within the guideline range).⁵⁰ For

⁵⁰ 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.

Figure H
TYPE OF DEPARTURE BY SENTENCING YEAR¹
(January 19, 1989, through September 30, 1994)



¹Information for 1989 and 1990 is derived from a 25-percent random sample of cases. For 1991 - 1994, departure information represents all guideline cases for which complete court data are 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 Datafiles.

Table 31

**REASONS GIVEN BY SENTENCING COURTS FOR
UPWARD DEPARTURES¹
(October 1, 1993, through September 30, 1994)**

<u>REASON</u>	<u>Number</u>	<u>Percent</u>
Criminal history category does not reflect seriousness	168	38.9
Risk of future conduct based on prior conduct or record	63	14.6
General aggravating circumstances	42	9.7
Pursuant to plea agreement	40	9.3
Criminal purpose	23	5.3
Drug amount or drug purity	23	5.3
Weapons/dangerous instrumentalities	22	5.1
Extreme psychological injury	18	4.2
Extreme conduct	17	3.9
Guideline factors do not reflect offense seriousness	16	3.7
Nature or seriousness of the offense	14	3.2
Monetary value does not reflect extent of harm	12	2.8
Physical injury	10	2.3
Death	10	2.3
Several persons injured	9	2.1
Further obstruction of justice	8	1.9
Disruption of governmental function	6	1.4
Public welfare	4	0.9
Large number of aliens	4	0.9
Ongoing nature of activity	4	0.9
Dangerous or inhumane treatment	2	0.5
Property damage or loss	2	0.5
Multiple Counts - Offenses more than five units	2	0.5
Other	56	13.0

¹Of the 39,971 cases, 451 were recorded as upward departures. Information on departure reasons was available in 432 of these cases which cited 573 reasons for upward departure. Courts often provided more than one reason for departure; consequently, the percentages across all reasons for departure may add up to more than 100 percent. The "Other" category includes all reasons provided less than two times among relevant cases. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 32

**REASONS GIVEN BY SENTENCING COURTS FOR
DOWNWARD DEPARTURES¹
(October 1, 1993, through September 30, 1994)**

<u>REASON²</u>	<u>Number</u>	<u>Percent</u>
Pursuant to plea agreement	676	24.1
Criminal history category overrepresents defendant involvement	431	15.4
General mitigating circumstances	372	13.3
Family ties and responsibilities	213	7.6
Physical condition	200	7.1
Offense behavior was an isolated incident	192	6.9
Diminished capacity	175	6.2
Age	76	2.7
Mule/Role in the offense	75	2.7
Acceptance of responsibility	75	2.7
Mental and emotional conditions	70	2.5
Rehabilitation	51	1.8
Coercion and duress	45	1.6
To put defendant's sentence in line with codefendant	38	1.4
Dollar amount	38	1.4
Adequate to meet the purposes of sentencing	34	1.2
No prior record/First offender	32	1.1
Voluntary Disclosure (§5K2.16)	32	1.1
Restitution	26	0.9
Convictions on related counts	22	0.8
Cooperation motion unknown	22	0.8
Victim	20	0.7
Lesser harm	20	0.7
Currently receiving punishment under state/federal jurisdiction	18	0.6
Community ties	17	0.6
Deterrence	14	0.5
Cooperation without motion	13	0.5
Previous employment record	12	0.4
Guidelines too high	11	0.4
Drug dependence or alcohol abuse	10	0.4
Military record	10	0.4
Not representative of the heartland	10	0.4
Other	282	10.1

¹Of the 39,971 cases, 2,932 were recorded as downward departures. Information on departure reasons was available in 2,801 of these cases which cited 3,691 reasons for downward departure. Courts often provided more than one reason for departure; consequently, the percentages across all reasons for departure may add up to more than 100 percent. The "Other" category includes all reasons provided less than ten times among relevant cases. Descriptions of variables used in this tables are provided in Appendix A.

²Cases in which substantial assistance was given as a reason for a downward departure were not included in this table.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 33

GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT¹
(October 1, 1993, through September 30, 1994)

CIRCUIT District	SENTENCED WITHIN GUIDELINE RANGE			SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
	TOTAL	n	%	n	%	n	%	n	%
TOTAL	38,498	27,591	71.7	7,524	19.5	2,932	7.6	451	1.2
DC CIRCUIT	466	364	78.1	63	13.5	38	8.2	1	0.2
District of Columbia	466	364	78.1	63	13.5	38	8.2	1	0.2
FIRST CIRCUIT	1,189	838	70.5	250	21.0	86	7.2	15	1.3
Maine	142	111	78.2	29	20.4	1	0.7	1	0.7
Massachusetts	365	222	60.8	97	26.6	44	12.1	2	0.5
New Hampshire	90	49	54.4	31	34.4	7	7.8	3	3.3
Puerto Rico	469	354	75.5	82	17.5	26	5.5	7	1.5
Rhode Island	123	102	82.9	11	8.9	8	6.5	2	1.6
SECOND CIRCUIT	3,449	2,331	67.6	621	18.0	460	13.3	37	1.1
Connecticut	246	129	52.4	21	8.5	87	35.4	9	3.7
New York									
Eastern	1,200	774	64.5	234	19.5	181	15.1	11	0.9
Northern	378	273	72.2	70	18.5	30	7.9	5	1.3
Southern	1,150	840	73.0	195	17.0	106	9.2	9	0.8
Western	376	249	66.2	79	21.0	45	12.0	3	0.8
Vermont	99	66	66.7	22	22.2	11	11.1	0	0.0
THIRD CIRCUIT	2,094	1,296	61.9	673	32.1	105	5.0	20	1.0
Delaware	89	75	84.3	13	14.6	1	1.1	0	0.0
New Jersey	508	341	67.1	139	27.4	20	3.9	8	1.6
Pennsylvania									
Eastern	832	386	46.4	410	49.3	30	3.6	6	0.7
Middle	283	187	66.1	71	25.1	24	8.5	1	0.4
Western	294	226	76.9	35	11.9	30	10.2	3	1.0
Virgin Islands	88	81	92.0	5	5.7	0	0.0	2	2.3
FOURTH CIRCUIT	4,301	3,195	74.3	889	20.7	175	4.0	42	1.0
Maryland	371	243	65.5	86	23.2	42	11.3	0	0.0
North Carolina									
Eastern	498	370	74.3	101	20.3	17	3.4	10	2.0
Middle	297	205	69.0	72	24.2	11	3.7	9	3.0
Western	744	400	53.8	323	43.4	18	2.4	3	0.4
South Carolina	662	508	76.7	132	19.9	18	2.7	4	0.6
Virginia									
Eastern	894	827	92.5	35	3.9	25	2.8	7	0.8
Western	385	259	67.3	99	25.7	20	5.2	7	1.8
West Virginia									
Northern	137	110	80.3	20	14.6	6	4.4	1	0.7
Southern	313	273	87.2	21	6.7	18	5.7	1	0.3

Table 33 (cont.)

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
FIFTH CIRCUIT	5,234	4,049	77.4	849	16.2	255	4.9	81	1.5
Louisiana									
Eastern	380	326	85.8	29	7.6	20	5.3	5	1.3
Middle	45	35	77.8	4	8.9	1	2.2	5	11.1
Western	286	227	79.4	46	16.1	8	2.8	5	1.7
Mississippi									
Northern	185	136	73.5	24	13.0	24	13.0	1	0.5
Southern	220	179	81.4	30	13.6	10	4.5	1	0.5
Texas									
Eastern	389	318	81.7	39	10.0	23	5.9	9	2.3
Northern	850	638	75.1	163	19.2	37	4.4	12	1.4
Southern	1,466	1,114	76.0	266	18.1	74	5.0	12	0.8
Western	1,413	1,076	76.2	248	17.6	58	4.1	31	2.2
SIXTH CIRCUIT	3,640	2,674	73.4	764	21.0	167	4.6	35	1.0
Kentucky									
Eastern	325	232	71.4	81	24.9	11	3.4	1	0.3
Western	291	255	87.6	23	7.9	12	4.1	1	0.3
Michigan									
Eastern	817	601	73.5	170	20.8	36	4.4	10	1.2
Western	286	208	72.7	66	23.1	9	3.1	3	1.0
Ohio									
Northern	551	404	73.3	106	19.2	40	7.3	1	0.2
Southern	405	263	64.9	116	28.6	25	6.2	1	0.2
Tennessee									
Eastern	338	247	73.1	78	23.1	11	3.3	2	0.6
Middle	220	175	79.5	29	13.2	8	3.6	8	3.6
Western	407	289	71.0	95	23.3	15	3.7	8	2.0
SEVENTH CIRCUIT	1,799	1,408	78.3	312	17.3	61	3.4	18	1.0
Illinois									
Central	237	173	73.0	61	25.7	3	1.3	0	0.0
Northern	593	474	79.9	83	14.0	30	5.1	6	1.0
Southern	235	168	71.5	58	24.7	8	3.4	1	0.4
Indiana									
Northern	179	154	86.0	11	6.1	10	5.6	4	2.2
Southern	212	150	70.8	56	26.4	4	1.9	2	0.9
Wisconsin									
Eastern	239	199	83.3	34	14.2	4	1.7	2	0.8
Western	104	90	86.5	9	8.7	2	1.9	3	2.9
EIGHTH CIRCUIT	2,323	1,601	68.9	562	24.2	144	6.2	16	0.7
Arkansas									
Eastern	247	201	81.4	33	13.4	12	4.9	1	0.4
Western	125	118	94.4	5	4.0	2	1.6	0	0.0
Iowa									
Northern	158	111	70.3	35	22.2	11	7.0	1	0.6
Southern	137	84	61.3	47	34.3	5	3.7	1	0.7
Minnesota	385	258	67.0	89	23.1	36	9.4	2	0.5
Missouri									
Eastern	388	253	65.2	108	27.8	19	4.9	8	2.1
Western	378	212	56.1	148	39.2	18	4.8	0	0.0
Nebraska	233	138	59.2	78	33.5	17	7.3	0	0.0
North Dakota	99	73	73.7	11	11.1	14	14.1	1	1.0
South Dakota	173	153	88.4	8	4.6	10	5.8	2	1.2

Table 33 (cont.)

CIRCUIT	District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
			n	%	n	%	n	%	n	%
NINTH CIRCUIT		6,890	4,748	68.9	1,045	15.2	995	14.4	102	1.5
	Alaska	102	77	75.5	10	9.8	13	12.7	2	2.0
	Arizona	1,107	528	47.7	164	14.8	399	36.0	16	1.4
	California									
	Central	928	814	87.7	62	6.7	49	5.3	3	0.3
	Eastern	553	439	79.4	53	9.6	55	9.9	6	1.1
	Northern	424	319	75.2	67	15.8	34	8.0	4	0.9
	Southern	1,752	1,079	61.6	396	22.6	233	13.3	44	2.5
	Guam	66	56	84.8	8	12.1	2	3.0	0	0.0
	Hawaii	193	121	62.7	54	28.0	15	7.8	3	1.6
	Idaho	88	74	84.1	8	9.1	5	5.7	1	1.1
	Montana	171	116	67.8	24	14.0	26	15.2	5	2.9
	Nevada	400	311	77.8	43	10.8	38	9.5	8	2.0
	Northern Mariana Islands	0	0	0.0	0	0.0	0	0.0	0	0.0
	Oregon	489	367	75.1	46	9.4	72	14.7	4	0.8
	Washington									
	Eastern	234	200	85.5	17	7.3	14	6.0	3	1.3
	Western	383	247	64.5	93	24.3	40	10.4	3	0.8
TENTH CIRCUIT		2,081	1,567	75.3	260	12.5	236	11.3	18	0.9
	Colorado	361	245	67.9	74	20.5	39	10.8	3	0.8
	Kansas	298	234	78.5	44	14.8	17	5.7	3	1.0
	New Mexico	584	448	76.7	37	6.3	93	15.9	6	1.0
	Oklahoma									
	Eastern	46	44	95.7	2	4.3	0	0.0	0	0.0
	Northern	163	123	75.5	26	16.0	10	6.1	4	2.5
	Western	262	215	82.1	29	11.1	17	6.5	1	0.4
	Utah	272	199	73.2	23	8.5	49	18.0	1	0.4
	Wyoming	95	59	62.1	25	26.3	11	11.6	0	0.0
ELEVENTH CIRCUIT		5,032	3,520	70.0	1,236	24.6	210	4.2	66	1.2
	Alabama									
	Middle	230	176	76.5	44	19.1	6	2.6	4	1.7
	Northern	400	305	76.3	78	19.5	10	2.5	7	1.7
	Southern	296	195	65.9	84	28.4	12	4.1	5	1.7
	Florida									
	Middle	1,159	712	61.4	391	33.7	51	4.4	5	0.4
	Northern	397	229	57.7	162	40.8	4	1.0	2	0.5
	Southern	1,304	1,024	78.5	197	15.1	67	5.1	16	1.2
	Georgia									
	Middle	372	285	76.6	66	17.7	9	2.4	12	3.2
	Northern	614	437	71.2	130	21.2	36	5.9	11	1.8
	Southern	260	157	60.4	84	32.3	15	5.8	4	1.5

¹Of the 39,971 cases, 299 with no analogous guidelines were excluded from the table. Of the remaining 39,672 cases, 1,174 were excluded due to missing departure information. Districts for which the departure information is missing in five percent or more of the cases received included: Central California (36.5%), Eastern New York (23.5%), Northern Illinois (10.6%), Western North Carolina (6.9%), Southern California (6.3%), and Eastern Pennsylvania (5.0%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 34

POSITION OF SENTENCE RELATIVE TO GUIDELINE RANGE BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993, through September 30, 1994)

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	47	5	10.6	9	19.1	10	21.3	4	8.5	3	6.4	12	25.5	4	8.5
Manslaughter	42	10	23.8	0	0.0	9	21.4	8	19.0	2	4.8	9	21.4	4	9.5
Kidnapping/Hostage-Taking	45	4	8.9	13	28.9	6	13.3	4	8.9	5	11.1	10	22.2	3	6.7
Sexual Abuse	144	25	17.4	2	1.4	44	30.6	30	20.8	7	4.9	32	22.2	4	2.8
Assault	314	47	15.0	5	1.6	108	34.4	49	15.6	20	6.4	67	21.3	18	5.7
Robbery	1,684	179	10.6	241	14.3	667	39.6	181	10.7	101	6.0	258	15.3	57	3.4
Arson	79	5	6.3	26	32.9	20	25.3	10	12.7	4	5.1	11	13.9	3	3.8
Drugs - Trafficking	13,345	1,127	8.4	5,065	38.0	5,182	38.8	924	6.9	309	2.3	688	5.2	50	0.4
Drugs - Communication Facility	186	36	19.4	63	33.9	43	23.1	11	5.9	3	1.6	18	9.7	12	6.5
Drugs - Simple Possession	471	8	1.7	9	1.9	292	62.0	37	7.9	20	4.2	69	14.7	36	7.6
Firearms	2,287	243	10.6	305	13.3	946	41.4	278	12.2	119	5.2	345	15.1	51	2.2
Burglary/B&E	42	2	4.8	1	2.4	17	40.5	6	14.3	2	4.8	11	26.2	3	7.1
Auto Theft	192	9	4.7	37	19.3	69	35.9	31	16.1	10	5.2	31	16.1	5	2.6
Larceny	2,290	115	5.0	155	6.8	1,446	63.1	259	11.3	62	2.7	228	10.0	25	1.1
Fraud	4,895	424	8.7	715	14.6	2,391	48.8	571	11.7	172	3.5	553	11.3	69	1.4
Embezzlement	763	96	12.6	38	5.0	522	68.4	53	6.9	17	2.2	37	4.8	0	0.0
Forgery/Counterfeiting	849	54	6.4	86	10.1	468	55.1	98	11.5	37	4.4	97	11.4	9	1.1
Bribery	246	22	8.9	55	22.4	118	48.0	22	8.9	5	2.0	23	9.4	1	0.4
Tax	757	65	8.6	72	9.5	430	56.8	110	14.5	27	3.6	43	5.7	10	1.3
Money Laundering	776	74	9.5	248	32.0	315	40.6	54	7.0	23	3.0	55	7.1	7	0.9
Racketeering/Extortion	398	45	11.3	124	31.2	119	29.9	33	8.3	10	2.5	53	13.3	14	3.5
Gambling/Lottery	152	8	5.3	35	23.0	93	61.2	9	5.9	2	1.3	0	0.0	5	3.3
Civil Rights	96	10	10.4	15	15.6	42	43.8	8	8.3	2	2.1	17	17.7	2	2.1
Immigration	1,379	160	11.6	24	1.7	607	44.0	250	18.1	102	7.4	212	15.4	24	1.7
Pornography/Prostitution	73	16	21.9	9	12.3	20	27.4	8	11.0	3	4.1	12	16.4	5	6.8
Prison Offenses	244	18	7.4	17	7.0	119	48.8	31	12.7	10	4.1	42	17.2	7	2.9
Administration of Justice Offenses	514	51	9.9	87	16.9	230	44.7	58	11.3	16	3.1	57	11.1	15	2.9
Environmental/Wildlife	83	12	14.5	5	6.0	55	66.3	6	7.2	5	6.0	0	0.0	0	0.0
National Defense	23	8	34.8	3	13.0	9	39.1	2	8.7	1	4.3	0	0.0	0	0.0
Antitrust	24	2	8.3	6	25.0	6	25.0	8	33.3	1	4.2	1	4.2	0	0.0
Food & Drug	65	11	16.9	10	15.4	40	61.5	1	1.5	1	1.5	2	3.1	0	0.0
Other Miscellaneous Offenses	413	36	8.7	38	9.2	267	64.6	29	7.0	10	2.4	26	6.3	7	1.7

¹Of the 39,971 cases, the Commission received complete guideline application information for 34,642. Of these, 181 were excluded due to one or more of the following reasons: missing primary offense category (31), missing sentencing information (13), missing guideline range information (83), missing departure information (40), or missing statutory information (19). Additionally, 2,022 cases were excluded due to several logical criteria other than missing information. This table includes sentences with conditions of confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

most offense categories, the largest proportion of cases received sentences within the lowest quarter of their available ranges, while the smallest proportion of cases was found to be in the third quarter of the ranges.

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 (38.8%), a high concentration of cases sentenced within the first quarter of the range (39.0%), and only 5.2 percent of cases in the fourth quarter. Firearms offenses had low downward departure and substantial assistance rates (10.6% and 13.3%, respectively), with 41.4 percent of the cases placed in the first quarter of the guideline range and 15.1 percent in the fourth quarter. Gambling/lottery defendants, in comparison, received downward departures in 5.3 percent and substantial assistance departures in another 23.0 percent of the cases, with 61.2 percent sentenced in the lowest quarter of the guideline range and no cases in the highest quarter.

Application of Guideline §2K2.1 - Firearms

While previous sections described the general process of guideline sentencing (from the application of Chapter Two, Three, and Four guidelines to a determination of the sentencing range and departures), this section focuses on the detailed application of a more commonly used Chapter Two guideline: §2K2.1 (Firearms).⁵¹ This primary guideline for firearms violations has been amended three times and was consolidated in 1991 with guidelines §§2K2.2 and 2K2.3 to encompass a wider range of offense behaviors. In 1994, this was the primary guideline used to sentence 2,089 defendants (*see* Table 35).

⁵¹ Cases may involve the application of more than one Chapter Two guideline. This analysis includes only cases in which the firearm guideline was the only guideline in the case or was the guideline resulting in the highest offense level.

Base offense levels from §2K2.1 are adjusted upward or downward based on specific offense characteristics. Almost 18 percent (17.8%) of all cases received a two-level enhancement for firearms that were stolen or had obliterated serial numbers; 1.6 percent of the defendants received a reduction to level 6 for possessing firearms solely for sport or recreation. While the majority (67.2%) of the 2,089 cases sentenced under the 1991 version of §2K2.1 involved less than three firearms, 32.8 percent were given one- to six-level enhancements based on the number of firearms (three or more) in the offense. Of the 2,089 cases, 4.2 percent involved a destructive device. The 1991 amendments added a provision that requires a four-level enhancement if the defendant used or possessed a firearm or ammunition in connection with another felony offense. In 1994, 12.9 percent of offenders sentenced under §2K2.1 received this enhancement.

Table 36, which applies Chapter Three guidelines to §2K2.1 cases, reports that very few firearms cases involved victim adjustments. Only 2.3 percent of the defendants sentenced under §2K2.1 received a downward adjustment for mitigating role in the offense, and 1.8 percent received an aggravating role adjustment. More than four percent (4.4%) of the defendants were found to have obstructed justice, while 83.8 percent accepted responsibility and received either a two- or three-level reduction. The prevalence of Chapter Three adjustments for §2K2.1 defendants closely mirrors that for all 1994 defendants.

One area in which §2K2.1 defendants differ markedly from all 1994 defendants is in prior criminal history. Table 37 shows that for guideline firearms defendants, the median criminal history score was six criminal history points. This is contrasted with a median score of one point for all defendants in 1994. In part, this difference is structural, because prior record is part of what brings a firearm offense into the federal system. Similarly, 12.6 percent of the firearms defendants were sentenced as armed career criminals, compared to only 0.9 percent of all 1994 defendants.

Table 35

CHAPTER TWO GUIDELINE APPLICATION INFORMATION¹
(October 1, 1993, through September 30, 1994)

Guideline 2K2.1 — Firearms

BASE OFFENSE LEVEL²	Number	Percent
1991-93 Guidelines		
6	48	2.3
9	1	0.0
11	1	0.0
12	258	12.4
14	383	18.3
18	263	12.6
20	540	25.9
22	79	3.8
24	428	20.5
26	73	3.5
29	1	0.0
33	10	0.5
34	4	0.2
TOTAL	2,089	100.0

§2K2.1 - SPECIFIC OFFENSE CHARACTERISTICS	Number	Percent
Firearm was Stolen (1988-1993 Guidelines)		
Firearm was stolen or had an obliterated serial number	394	17.8
Firearm was not stolen and did not have an obliterated serial number	1,821	82.2
TOTAL	2,215	100.0
Firearm Possessed for Sport (1988-1993 Guidelines)		
Defendant obtained or possessed the firearm solely for sport or recreation	36	1.6
Defendant did not obtain or possess the firearm solely for sport or recreation	2,179	98.4
TOTAL	2,215	100.0

Table 35 (cont.)

Number of Firearms (1988-1993 Guidelines)

Offense involved fewer than three firearms	1,404	67.2
3-4 firearms	191	9.1
5-7 firearms	156	7.5
8-12 firearms	93	4.5
13-24 firearms	97	4.6
25-49 firearms	77	3.7
50 or more firearms	71	3.4
Offense committed before adjustment was added to guidelines	126	—
TOTAL	2,215	100.0

Destructive Device (1988-1993 Guidelines)

Offense involved a destructive device	88	4.2
Offense did not involve a destructive device	2,001	95.8
Offense committed before adjustment was added to guidelines	126	—
TOTAL	2,215	100.0

Possession of a Firearm in Connection with another Felony (1991-1993 Guidelines)

Defendant possessed firearm in connection with another felony	270	12.9
Defendant did not possess firearm in connection with another felony	1,819	87.1
Offense committed before adjustment was added to guidelines	126	—
TOTAL	2,215	100.0

¹Of the 39,971 cases, the Commission received complete guideline application information for 34,642. Of these, 2,215 had the highest combined adjusted offense level derived from the firearms guideline (§2K2.1). Additional descriptions of each guideline adjustment can be found in USSG §2K2.1.

²This section of the table does not include the 126 firearms cases sentenced pursuant to pre-1991 versions of USSG §2K2.1.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 36

CHAPTER THREE GUIDELINE APPLICATION INFORMATION¹
(October 1, 1993, through September 30, 1994)

Guideline 2K2.1 — Firearms

VICTIM-RELATED	Number	Percent
Vulnerable Victim (§3A1.1)		
Vulnerable victim involved	0	—
No vulnerable victim involved	2,215	100.0
TOTAL	2,215	100.0
Official Victim (§3A1.2)		
Official victim involved	15	0.7
No official victim involved	2,200	99.3
TOTAL	2,215	100.0
Restraint of Victim (§3A1.3)		
Offense involved restraint of victim	5	0.2
Offense did not involve restraint of victim	2,210	99.8
TOTAL	2,215	100.0
ROLE IN THE OFFENSE	Number	Percent
Aggravating Role (§3B1.1)		
Organizer or leader	7	0.3
Manager or supervisor	2	0.1
Lesser organizer, leader, manager, or supervisor	30	1.4
No aggravating role	2,176	98.2
TOTAL	2,215	100.0
Mitigating Role (§3B1.2)		
Minimal participant	15	0.6
Less than minor but not minimal	2	0.1
Minor participant	35	1.6
No mitigating role	2,163	97.7
TOTAL	2,215	100.0
Abuse of Position of Trust or Use of Special Skill (§3B1.3)		
Defendant abused position of trust or used special skill	3	0.2
Defendant did not abuse position of trust or use special skill	2,212	99.8
TOTAL	2,215	100.0

Table 36 (cont.)

OBSTRUCTION	Number	Percent
Obstruction of Justice (§3C1.1)		
Defendant obstructed justice	98	4.4
Defendant did not obstruct justice	2,117	95.6
TOTAL	2,215	100.0
Reckless Endangerment During Flight (§3C1.2)		
Offense involved reckless endangerment during flight	7	0.3
Offense did not involve reckless endangerment during flight	2,175	98.2
Offense committed before adjustment added to guidelines	33	1.5
TOTAL	2,215	100.0
ACCEPTANCE OF RESPONSIBILITY	Number	Percent
Acceptance of Responsibility (§3E1.1)		
Defendant accepted responsibility (-3)	1,271	57.3
Defendant accepted responsibility (-2)	585	26.5
Defendant did not accept responsibility	359	16.2
TOTAL	2,215	100.0

Of the 39,971 cases, the Commission received complete guideline application information for 34,642. Of these, 2,215 had the highest combined adjusted offense level derived from the firearms guideline (§2K2.1). Additional descriptions of each guideline adjustment can be found in USSG Chapter Three.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 37

CHAPTER FOUR GUIDELINE APPLICATION INFORMATION¹
(October 1, 1993, through September 30, 1994)

Guideline 2K2.1 — Firearms

Number of Prior Countable Sentences Greater Than 13 Months (§4A1.1(a))	Number	Percent
0	1,022	46.1
1	442	19.9
2	278	12.5
3	192	8.7
4	132	6.0
5	72	3.2
6 or more	77	3.5
TOTAL	2,215	100.0

Number of Prior Countable Sentences of 60 Days or Greater (§4A1.1(b))	Number	Percent
0	1,456	65.7
1	436	19.7
2	169	7.6
3	83	3.7
4	29	1.3
5 or more	42	1.9
TOTAL	2,215	100.0

Number of Prior Countable Sentences of Less Than 60 Days (§4A1.1(c))	Number	Percent
0	886	40.0
1	592	26.7
2	363	16.4
3	171	7.7
4	200	9.0
5 or more	3	0.1
TOTAL	2,215	100.0

Table 37 (cont.)

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	989	44.7
No additional criminal history points given	1,225	55.3
Missing	1	0.0
TOTAL	2,215	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	681	30.7
No additional criminal history points given	1,533	69.2
Missing	1	0.0
TOTAL	2,215	100.0

Total Criminal History Points	Number	Percent
0	388	17.5
1	172	7.8
2	83	3.7
3	152	6.9
4	104	4.7
5	111	5.0
6	159	7.2
7	85	3.8
8	91	4.1
9	125	5.6
10	58	2.6
11	81	3.7
12	97	4.4
13	70	3.2
14	53	2.4
15	67	3.0
16	45	2.0
17	45	2.0
18	28	1.3
19	44	2.0
20	33	1.5
21	18	0.8
22 or more	105	4.7
Missing	1	0.0
TOTAL	2,215	100.0

Table 37 (cont.)

Career Offender (§4B1.1)	Number	Percent
Defendant found to be career offender	52	2.3
Defendant found not to be career offender	2,163	97.7
Missing	0	0
TOTAL	2215	100.0

Armed Career Criminal (§4B1.4)	Number	Percent
Defendant found to be armed career criminal	279	12.6
Defendant found not to be armed career criminal	1,903	85.9
Offense committed before adjustment was added to guidelines	33	1.5
TOTAL	2,215	100.0

¹Of the 39,971 cases, the Commission received complete guideline application information on 34,642. Of these, 2,215 had the highest combined adjusted offense level derived from the firearms guideline (§2K2.1). Additional descriptions of each guideline adjustment can be found in USSG Chapter Four.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

The relationship between firearms defendants and prior criminal history is also striking when viewed from a different angle; fewer firearms defendants (17.5%) had zero criminal history points than all 1994 defendants (47.4%). More than half (53.9%) of firearms defendants had one or more prior sentences of 13 months or greater, 34.3 percent had one or more sentences of 60 days or greater, and 60.0 percent had one or more other countable sentences. More than 44 percent (44.7%) of the defendants committed their instant offense while under a criminal justice sentence; 30.7 percent committed the instant offense within two years of their prior conviction.

Table 38 describes the distribution of §2K2.1 cases by offense level and criminal history category. The median offense level for firearms defendants was 18. In contrast to the Criminal History Category distribution for all defendants (57.8 percent are in Category I and only 8.8 percent are in Category VI), for the §2K2.1 defendant population, there were almost equal percentages in Criminal History Category VI (25.6%) and Category I (25.3%). Table 39 presents final guideline ranges for firearms offenses. The 30- to 37-months sentence range contained the largest number of firearms defendants (152, or 6.9%), while the 37- to 46-month range was the median range.

Non-U.S. Citizens as Federal Defendants

This section focuses on federal defendants who were either legal or illegal aliens. More than one-fifth (22.3%) of all defendants sentenced under the guidelines in 1994 were not U.S. citizens. The greatest proportion of these cases was concentrated in four circuits: the Ninth (40.6% aliens), Fifth (28.8% aliens), Second (35.9% aliens), and Eleventh (18.5% aliens), which when combined accounted for 34.5 percent of all aliens in the defendant population.

The Southern District of California accounted for 35.5 percent of all non-U.S. citizen defendants in

the Ninth Circuit while Southern Texas accounted for 45.4 percent of cases in the Fifth Circuit; Eastern New York 53.8 percent in the Second Circuit; and Southern Florida 60.7 percent in the Eleventh Circuit. Figure I displays the caseload level and citizenship status by circuit.

The countries of citizenship for non-U.S. citizens were diverse – almost half (48.9%) came from Mexico, 10.6 percent from Colombia, 5.7 percent from the Dominican Republic, and the remaining 34.8 percent from at least 68 other countries (see Table 40).

Offense and Offender Characteristics

Table 41 compares offense and offender information for U.S. and non-U.S. citizens. Considerably higher percentages of the non-citizen defendants were male (91.3% compared to 82.9% of U.S. citizens), Hispanic (74.9% compared to 10.4% of U.S. citizens), and without a high school education (62.3% compared to 32.7% for U.S. citizens).

Alien defendants were only slightly more likely to plead guilty (91.6% compared to 90.1% for U.S. citizens). Aliens received mitigating role adjustments at a higher rate (17.1%) than did U.S. citizens (8.4%), most likely reflecting their lesser roles in drug offenses. Aliens were less likely to possess weapons (6.9% of the cases, compared to 13.5% for U.S. citizens) and were less often convicted under an applicable mandatory minimum penalty (68.9%, compared to 72.1% for U.S. citizens).

Non-citizens accounted for more than 25 percent of the cases in six offense categories: drug trafficking (27.3%), use of communication facility in a drug offense (31.9%), simple possession (35.0%), money laundering (27.5%), immigration (92.1%), and national defense violations (40.0%) (see Table 42).

Table 43 compares the mean and median sentences of U.S. and non-U.S. citizens within the six

Table 38

OFFENSE LEVEL BY CRIMINAL HISTORY CATEGORY¹
(October 1, 1993, through September 30, 1994)

Guideline 2K2.1 — Firearms

OFFENSE LEVEL	TOTAL			CRIMINAL HISTORY CATEGORY					
	Number	Percent	Cumulative Percent	I	II	III	IV	V	VI
2	1	0.0	0.0	1	0	0	0	0	0
3	2	0.1	0.1	1	0	0	1	0	0
4	59	2.7	2.8	23	6	11	11	5	3
5	7	0.3	3.1	5	1	0	0	0	1
6	9	0.4	3.5	6	0	2	0	1	0
7	14	0.6	4.2	7	2	4	0	1	0
8	11	0.4	4.7	7	2	2	0	0	0
9	7	0.3	5.0	7	0	0	0	0	0
10	108	4.9	9.8	41	13	22	10	10	12
11	13	0.6	10.4	10	0	1	2	0	0
12	184	8.3	18.7	54	30	36	21	22	21
13	107	4.8	23.6	42	20	18	6	9	12
14	84	3.8	27.4	42	7	13	9	6	7
15	171	7.7	35.1	98	20	28	11	5	9
16	51	2.3	37.4	28	6	9	4	3	1
17	273	12.3	49.7	55	30	68	49	25	46
18	112	5.1	54.8	32	17	35	17	2	9
19	119	5.4	60.1	27	19	23	21	14	15
20	90	4.1	64.2	13	16	19	20	13	9
21	155	7.0	71.2	16	18	19	23	25	54
22	70	3.2	74.4	15	2	14	13	10	16
23	88	4.0	78.3	8	11	13	15	9	32
24	48	2.2	80.5	5	5	15	5	3	15
25	43	1.9	82.4	3	2	5	7	5	21
26	29	1.3	83.7	7	1	2	4	3	12
27	16	0.7	84.5	3	2	2	3	1	5
28	7	0.3	84.8	2	0	0	1	3	1
29	9	0.4	85.2	0	0	0	0	2	7
30	108	4.9	90.1	0	1	1	16	15	75
31	91	4.1	94.2	0	0	0	4	1	86
32	9	0.4	94.6	0	0	0	1	0	8
33	77	3.5	98.1	0	0	0	14	14	49
34	37	1.7	99.7	0	0	0	0	1	36
35	3	0.1	99.9	0	0	0	0	0	3
37	1	0.0	99.9	0	0	0	0	0	1
43	1	0.0	100.0	1	0	0	0	0	0
48	1	0.0	100.0	1	0	0	0	0	0
TOTAL	2,215	—	—	560	231	362	288	208	566
Percent	—	0.0	100.0	25.3	10.4	16.3	13.0	9.4	25.6

¹Of the 39,971 cases, the Commission received complete guideline application information on 34,642. Of these, 2,215 had the highest combined adjusted offense level derived from the firearms guideline (§2K2.1). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 39

GUIDELINE SENTENCING RANGE¹
(October 1, 1993, through September 30, 1994)

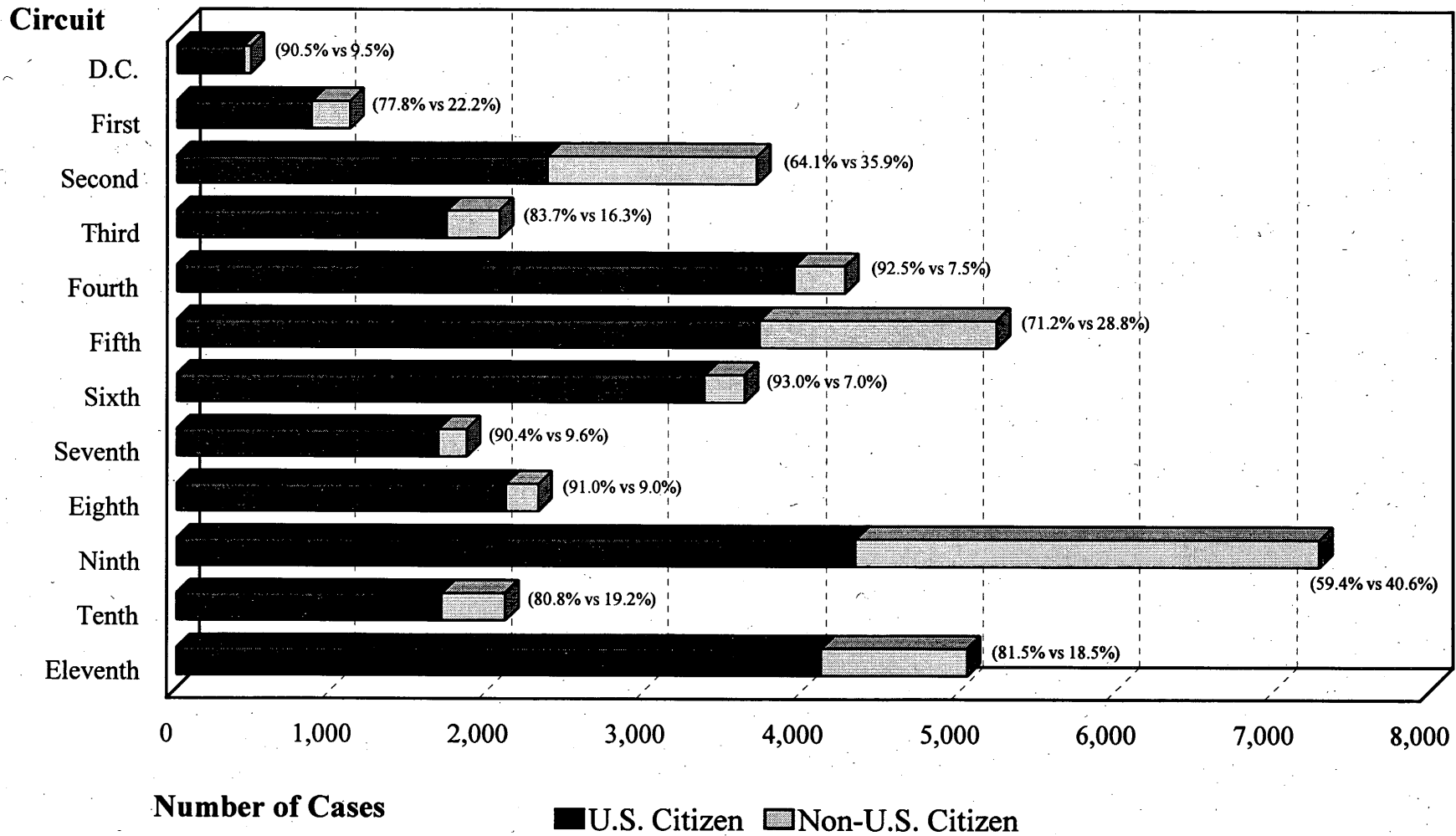
Guideline 2K2.1 — Firearms

FINAL GUIDELINE RANGE	Number	Percent	Cumulative Percent
0-6	68	3.1	3.1
1-7	0	0.0	3.1
2-8	16	0.7	3.8
4-10	19	0.9	4.7
6-12	47	2.1	6.8
8-14	23	1.0	7.8
9-15	1	0.0	7.8
10-16	75	3.4	11.2
12-18	74	3.3	14.7
15-21	108	4.9	19.5
18-24	125	5.6	25.2
21-27	93	4.2	29.4
24-30	107	4.8	34.2
27-33	102	4.6	38.8
30-37	152	6.9	45.7
33-41	89	4.0	49.7
37-46	116	5.2	54.9
41-51	81	3.7	58.6
46-57	76	3.4	62.0
51-63	98	4.4	66.5
57-71	67	3.0	69.5
63-78	65	2.9	72.4
70-87	58	2.6	75.0
77-96	69	3.1	78.1
78-97	6	0.3	78.4
84-105	32	1.4	79.8
87-108	2	0.1	79.9
92-115	39	1.8	81.7
97-121	0	0.0	81.7
100-125	23	1.0	82.7
108-135	1	0.0	82.8
110-137	25	1.1	83.9
120-150	13	0.6	84.4
121-151	1	0.0	84.5
130-162	8	0.4	84.9
135-168	16	0.7	85.6
140-175	3	0.1	85.7
151-188	26	1.2	86.9
168-210	77	3.5	90.4
188-235	100	4.5	94.9
210-262	22	1.0	95.9
235-293	50	2.3	98.1
262-327	36	1.6	99.7
292-365	3	0.1	99.9
360-Life	1	0.0	99.9
Life	2	0.1	100.0
TOTAL	2,215	100.0	—

¹Of the 39,971 cases, the Commission received complete guideline application information on 34,642. Of these, 2,215 had the highest combined adjusted offense level derived from the firearms guideline (§2K2.1). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Figure I
DEFENDANT CITIZENSHIP STATUS BY CIRCUIT¹
(October 1, 1993, through September 30, 1994)



¹Of the 39,971 cases, 862 were excluded due to missing citizenship information. Descriptions of variables used in this table are provided in Appendix A..

Table 40

COUNTRY OF CITIZENSHIP OF NON-U.S. CITIZENS¹
(October 1, 1993, through September 30, 1994)

COUNTRY OF CITIZENSHIP	Number	Percent
TOTAL	8,569	100.0
Mexico	4,188	48.9
Colombia	907	10.6
Dominican Republic	488	5.7
Nigeria	345	4.0
Jamaica	345	4.0
Cuba	303	3.5
Canada	183	2.1
China	82	1.0
Great Britain	82	1.0
El Salvador	76	0.9
Philippines	63	0.7
Vietnam	61	0.7
Guyana	61	0.7
Venezuela	61	0.7
Korea	56	0.7
Trinidad	56	0.7
Other	1,212	14.1

¹Of the 39,971 cases, 31,402 were excluded due to one or more of the following reasons: the defendant was a U.S. citizen (30,381), missing citizenship information (862), or missing country of origin for non-U.S. citizens (159). Only countries contributing 50 or more defendants are listed; other countries are collapsed into the category "Other." Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 41

DEMOGRAPHIC AND OFFENSE INFORMATION BY CITIZENSHIP STATUS¹
(October 1, 1993, through September 30, 1994)

	TOTAL	PERCENT	U.S. Citizen		Non-U.S. Citizen	
			Number	Percent	Number	Percent
TOTAL	39,109	100.0	30,381	77.7	8,728	22.3
GENDER						
Male	33,153	84.8	25,186	82.9	7,967	91.3
Female	5,956	15.2	5,195	17.1	761	8.7
RACE						
White	16,180	41.4	15,505	51.0	675	7.8
Black	11,850	30.3	10,806	35.6	1,044	12.0
Hispanic	9,658	24.7	3,159	10.4	6,499	74.9
Other	1,365	3.5	903	3.0	462	5.3
EDUCATION						
Less than High School	15,098	39.1	9,913	32.7	5,185	62.3
High School	12,910	33.4	11,346	37.4	1,564	18.8
Some College	7,609	19.7	6,563	21.7	1,046	12.5
College Graduate	3,023	7.8	2,490	8.2	533	6.4
MODE OF CONVICTION						
Plea	35,309	90.4	27,324	90.1	7,985	91.6
Trial	3,744	9.6	3,014	9.9	730	8.4
ROLE IN THE OFFENSE²						
No Role Adjustment	31,501	82.0	25,088	83.7	6,413	75.8
Mitigating Role	3,945	10.3	2,501	8.4	1,444	17.1
Aggravating Role	2,977	7.7	2,371	7.9	606	7.1
WEAPON						
No Weapon Adjustment	34,387	87.9	26,265	86.5	8,122	93.1
Weapon Adjustment ³	4,722	12.1	4,116	13.5	606	6.9
MANDATORY MINIMUM						
No	27,884	71.4	21,877	72.1	6,007	68.9
Yes ⁴	11,181	28.6	8,471	27.9	2,710	31.1

¹Of the 39,971 cases, 862 were excluded due to missing information on citizenship. Additionally, the total for each characteristic may add to less than the overall total due to missing information for that variable. Descriptions of variables used in this table are provided in Appendix A.

²A description of role adjustments can be found in USSG Chapter Three, Part B.

³Includes a guideline adjustment for weapon possession or a conviction under 18 U.S.C. § 924(c).

⁴Includes mandatory minimums for either drug offenses, weapons violations, or both.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 42

**CITIZENSHIP STATUS OF DEFENDANT BY PRIMARY OFFENSE CATEGORY
(October 1, 1993, through September 30, 1994)**

PRIMARY OFFENSE	TOTAL	U.S. Citizen		Non-U.S. Citizen	
		Number	Percent	Number	Percent
TOTAL	39,068	30,348	77.7	8,720	22.3
Murder	66	61	92.4	5	7.6
Manslaughter	44	42	95.5	2	4.5
Kidnapping/Hostage-Taking	46	44	95.7	2	4.3
Sexual Abuse	153	152	99.4	1	0.6
Assault	362	330	91.2	32	8.8
Robbery	1,955	1,905	97.4	50	2.6
Arson	89	85	95.5	4	4.5
Drugs - Trafficking	15,340	11,147	72.7	4,193	27.3
Drugs - Communication Facility	326	222	68.1	104	31.9
Drugs - Simple Possession	836	543	65.0	293	35.0
Firearms	2,733	2,539	92.9	194	7.1
Burglary/B&E	41	41	100.0	0	0.0
Auto Theft	215	183	85.1	32	14.9
Larceny	2,620	2,441	93.2	179	6.8
Fraud	5,594	4,896	87.5	698	12.5
Embezzlement	882	853	96.7	29	3.3
Forgery/Counterfeiting	943	781	82.8	162	17.2
Bribery	299	232	77.6	67	22.4
Tax	847	776	91.6	71	8.4
Money Laundering	892	647	72.5	245	27.5
Racketeering/Extortion	547	476	87.0	71	13.0
Gambling/Lottery	157	142	90.5	15	9.5
Civil Rights	106	104	98.1	2	1.9
Immigration	2,223	176	7.9	2,047	92.1
Pornography/Prostitution	80	80	100.0	0	0.0
Prison Offenses	263	229	87.1	34	12.9
Administration of Justice Offenses	566	465	82.2	101	17.8
Environmental/Wildlife	104	92	88.5	12	11.5
National Defense	25	15	60.0	10	40.0
Antitrust	24	24	100.0	0	0.0
Food & Drug	74	61	82.4	13	17.6
Other Miscellaneous Offenses	616	564	91.6	52	8.4

¹Of the 39,971 cases, 903 were excluded due to one or both of the following reasons: missing primary offense category (52) or missing citizenship information (862). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 43

AVERAGE IMPRISONMENT BY CITIZENSHIP STATUS OF DEFENDANT FOR SELECT OFFENSES¹
(October 1, 1993, through September 30, 1994)

PRIMARY OFFENSE	TOTAL	U.S. Citizen			Non-U.S. Citizen		
		Number	Mean	Median	Number	Mean	Median
TOTAL	30,405	22,697	70.0	37.0	7,708	54.3	30.0
Drugs - Trafficking	14,411	10,295	94.8	60.0	4,116	80.7	60.0
Drugs - Communication Facility	283	185	42.5	46.0	98	44.0	48.0
Drugs - Simple Possession	427	213	16.7	6.0	214	5.7	5.0
Money Laundering	641	475	46.5	33.0	166	34.8	27.0
Immigration	1,983	95	9.4	6.0	1,888	22.1	21.0
National Defense	17	9	24.8	18.0	8	15.3	10.0

¹Of the 39,971 cases, 8,541 with zero months prison ordered were excluded. In addition, 1,025 cases were excluded due to one or more of the following reasons: missing imprisonment information (122), missing primary offense category (52), or missing citizenship information (862). Only offenses for which aliens represented 25 percent or more of the defendants sentenced are included. Descriptions of variables used in this table are provided in Appendix A.

offense types discussed above. Except for immigration and use of communication facility in a drug offense, mean and median sentences for U.S. citizens were consistently longer than for non-citizens. Comparing sentence averages for convictions in all primary offense categories, U.S. citizens were sentenced to a mean of 70.0 months and a median of 37 months; non-U.S. citizens to a mean of 54.3 months and a median of 30 months.

In the largest offense category of drug trafficking, the median sentence (including prison time without alternatives or probation) for both groups was 60 months, while the mean sentence for U.S. citizens was higher by almost 15 months (94.8 months compared to 80.7). This difference is likely the result of non-U.S. citizens receiving more mitigating role adjustments, being sentenced less often under mandatory minimum penalties for weapon possession, and having infrequent involvement with crack cocaine – the drug type resulting in the longest average sentences. Note that for immigration offenses, non-citizens received longer average imprisonment sentences (22.1 months) than citizens (9.4 months). This is due to the much greater proportion of non-citizens convicted of illegal entry (§2L1.2) – with higher final offense levels than those of citizens – combined with a tendency for non-citizens to have higher criminal history scores.

Guideline Drug Defendants

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

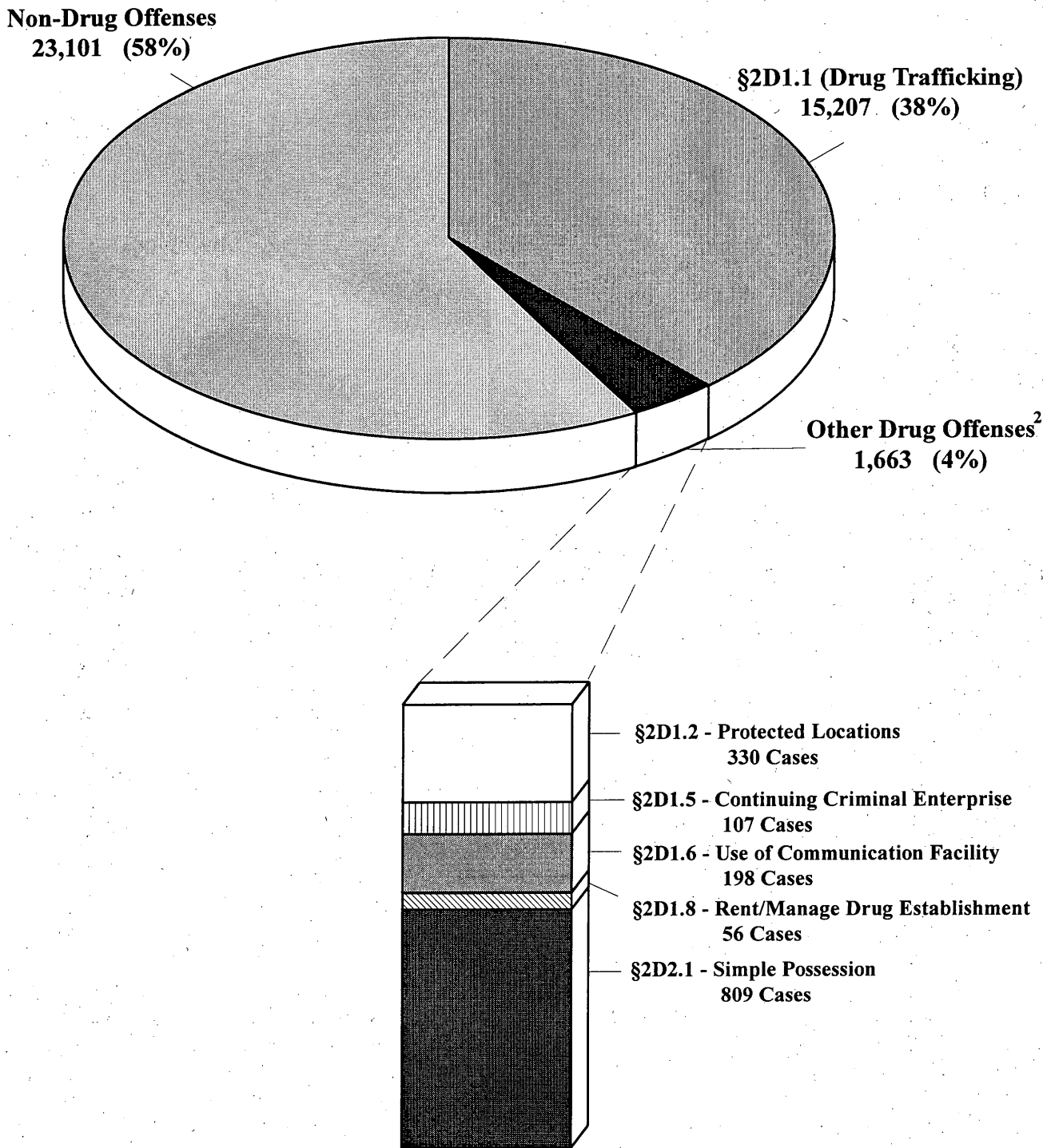
The following six Chapter Two, Part D, guidelines were applied as the primary guideline in the majority of 1994 guideline drug cases:

- §2D1.1: Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy (hereinafter “Drug Trafficking”);
- §2D1.2: Drug Offenses Occurring Near Protected Locations or Involving Underage or Pregnant Individuals; Attempt or Conspiracy (hereinafter “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 (hereinafter “Simple Possession”).

Of the 16,870 drug cases in 1994, 16,707 (99.0%) were sentenced with one of these six as the primary guideline. Figure J shows the distribution of all 1994 guideline cases, with 42 percent sentenced under the drug guidelines. Of these drug guideline cases, 90.1 percent were sentenced under the Drug Trafficking guideline. Simple Possession accounted for the largest proportion of the remaining drug offenses.

The following tables describe the cases sentenced under one of the six drug guidelines listed above. Table 44 shows powder cocaine as the most prevalent drug in federal drug cases (5,136 cases), followed by marijuana (4,843) and crack cocaine (3,588). Together, these three drugs accounted for 81.2 percent of drug cases. Cocaine alone –

Figure J
DISTRIBUTION OF DRUG GUIDELINE OFFENSES¹
(October 1, 1993 through September 30, 1994)



¹ Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (drugs). Descriptions of variables used in this table are provided in Appendix A.

² Of the 16,870 cases sentenced under USSG Chapter Two, Part D (drugs), 1,663 were sentenced for drug offenses other than §2D1.1. Of these 1,663 cases, 1,500 were sentenced under the five drug guidelines depicted in the column chart.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 44

GUIDELINE OF DRUG DEFENDANT BY DRUG TYPE¹
(October 1, 1993, through September 30, 1994)

DRUG TYPE	TOTAL	2D1.1 Drug Trafficking		2D1.2 Protected Locations		2D1.5 Continuing Criminal Enterprise		2D1.6 Use of Communication Facility		2D1.8 Rent/Manage Drug Establishment		2D2.1 Simple Possession	
		n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	16,704	15,204	91.0	330	2.0	107	0.6	198	1.2	56	0.3	809	4.8
Powder Cocaine	5,136	4,828	94.0	79	1.5	43	0.8	99	1.9	12	0.2	75	1.5
Crack Cocaine	3,588	3,313	92.3	150	4.2	20	0.6	27	0.8	15	0.4	63	1.8
Heroin	1,547	1,464	94.6	19	1.2	16	1.0	24	1.6	3	0.2	21	1.4
Marijuana	4,843	4,181	86.3	47	1.0	18	0.4	24	0.5	15	0.3	558	11.5
Methamphetamine	1,001	915	91.4	14	1.4	6	0.6	17	1.7	8	0.8	41	4.1
LSD	213	192	90.1	14	6.6	2	0.9	2	0.9	0	0.0	3	1.4
Other	376	311	82.7	7	1.9	2	0.5	5	1.3	3	0.8	48	12.8

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 16,707 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Of these 16,707 cases, three were excluded due to missing information on drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

combining both powder and crack cocaine – accounted for 52.2 percent of drug cases. Drug type varied across guideline:

- Because §2D1.1 (Drug Trafficking) cases accounted for 91.0 percent of drug cases, the overwhelming majority (more than 90%) for all drug types (marijuana excepted) predictably fell under this guideline. The drug types occurring most frequently under §2D1.1 were powder cocaine (4,828 cases for 94.0% of all powder cocaine cases); marijuana (4,181 cases for 86.3% of all marijuana cases); and crack cocaine (3,313 cases for 92.3% of all crack cocaine cases).
- Under §2D1.2 (Protected Locations), the most frequent drugs were crack cocaine (150 cases for 4.2% of all crack cocaine cases); powder cocaine (79 cases for 1.5% of all powder cocaine cases); and marijuana (47 cases for 1.0% of all marijuana cases).
- Under both §2D1.5 (Continuing Criminal Enterprise) and §2D1.6 (Communication Facility), the most frequent drug was powder cocaine (43 cases for §2D1.5 and 99 cases for §2D1.6; less than 3% of all powder cocaine cases were sentenced under either of these guidelines).
- Fewer than 60 cases were sentenced under §2D1.8 (Rent/Manage Drug Establishment); three-fourths of these involved crack cocaine, marijuana, or powder cocaine.
- Under §2D2.1 (Simple Possession), the most frequent drug was marijuana (558 cases for a total of 11.5% of all marijuana cases).

Table 45 displays race categories by drug type, showing drug defendants almost equally divided among the three race/ethnic categories: 29.8

percent White, 33.3 percent Black, and 35.1 percent Hispanic. The table shows a relationship between the racial/ethnic category and the type of drug involvement: methamphetamine and LSD cases were concentrated among White defendants (72.9% and 93.4% of these drug types, respectively); crack cocaine cases were concentrated among Black defendants (90.4% of crack cocaine cases); and powder cocaine, heroin, and marijuana cases were most likely to involve Hispanic defendants (42.8%, 48.9%, and 51.1% of these drug types, respectively).

Table 46 examines citizenship status and type of drug involvement of drug defendants and indicates a link between type of drug and citizenship. While 27.8 percent of all drug defendants were non-U.S. citizens (either legal or illegal aliens), 53.2% of heroin cases involved aliens – the only drug type for which the proportion of non-citizens was greater than that of citizens. Still, heroin cases account for only 9.2 percent of all drug cases. More than two-thirds of alien cases involved powder cocaine (1,684 cases) or marijuana (1,644 cases). On the other hand, 99.1 percent of all LSD cases and 92.7 percent of all crack cocaine cases involved U.S. citizens.

Table 47 indicates little relationship between gender and type of drug, with 88.0 percent of drug defendants being males who accounted for 82 to 90 percent of cases for each drug type. The participation of women was highest in heroin cases (17.2%) and lowest in marijuana cases (9.7%).

As reported in Table 48, the majority (59.0%) of defendants sentenced under the drug offense guidelines were in Criminal History Category I. The notable finding in the table involves crack cocaine: only 39.0 percent of crack cocaine defendants fell into Criminal History Category I. Conversely, crack cocaine defendants were overrepresented with 12.1 percent in Criminal History Category VI, while no more than 6.7 percent of defendants involved with any other drug type were in Criminal History Category VI. Crack cocaine cases aside, roughly one-half to two-thirds

Table 45

RACE OF DRUG DEFENDANT BY DRUG TYPE¹
(October 1, 1993, through September 30, 1994)

DRUG TYPE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	16,699	4,980	29.8	5,556	33.3	5,854	35.1	309	1.9
Powder Cocaine	5,136	1,329	25.9	1,527	29.7	2,200	42.8	80	1.6
Crack Cocaine	3,588	124	3.5	3,242	90.4	210	5.9	12	0.3
Heroin	1,546	204	13.2	510	33.0	756	48.9	76	4.9
Marijuana	4,840	2,115	43.7	196	4.1	2,472	51.1	57	1.2
Methamphetamine	1,000	729	72.9	16	1.6	200	20.0	55	5.5
LSD	213	199	93.4	6	2.8	3	1.4	5	2.3
Other	376	280	74.5	59	15.7	13	3.5	24	6.4

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 16,707 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Of these 16,707 cases, eight cases were excluded due to one of the following reasons: missing information on defendant's race (5), or missing information on drug type (3). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 46**CITIZENSHIP OF DRUG DEFENDANT BY DRUG TYPE¹**
(October 1, 1993, through September 30, 1994)

DRUG TYPE	TOTAL	U.S. Citizen		Non-U.S. Citizen	
		Number	Percent	Number	Percent
TOTAL	16,603	11,980	72.2	4,623	27.8
Powder Cocaine	5,103	3,419	67.0	1,684	33.0
Crack Cocaine	3,574	3,313	92.7	261	7.3
Heroin	1,540	720	46.8	820	53.2
Marijuana	4,817	3,173	65.9	1,644	34.1
Methamphetamine	987	805	81.6	182	18.4
LSD	212	210	99.1	2	0.9
Other	370	340	91.9	30	8.1

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 16,707 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Of these 16,707 cases, 104 were excluded due to one of the following reasons: missing information on citizenship (101), or missing information on drug type (3). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 47**GENDER OF DRUG DEFENDANT BY DRUG TYPE¹**
(October 1, 1993, through September 30, 1994)

DRUG TYPE	TOTAL	MALE		FEMALE	
		Number	Percent	Number	Percent
TOTAL	16,704	14,697	88.0	2,007	12.0
Powder Cocaine	5,136	4,501	87.6	635	12.4
Crack Cocaine	3,588	3,184	88.7	404	11.3
Heroin	1,547	1,281	82.8	266	17.2
Marijuana	4,843	4,372	90.3	471	9.7
Methamphetamine	1,001	845	84.4	156	15.6
LSD	213	189	88.7	24	11.3
Other	376	325	86.4	51	13.6

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 16,707 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Of these 16,707 cases, three were excluded due to missing information on drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 48

CRIMINAL HISTORY CATEGORY OF DRUG DEFENDANT BY DRUG TYPE¹
(October 1, 1993, through September 30, 1994)

CRIMINAL HISTORY CATEGORY

DRUG TYPE	TOTAL	I		II		III		IV		V		VI	
		n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	16,704	9,849	59.0	2,209	13.2	2,270	13.6	925	5.5	409	2.4	1,042	6.2
Powder Cocaine	5,136	3,251	63.3	673	13.1	625	12.2	238	4.6	89	1.7	260	5.1
Crack Cocaine	3,588	1,401	39.0	546	15.2	682	19.0	362	10.1	164	4.6	433	12.1
Heroin	1,547	1,072	69.3	133	8.6	144	9.3	60	3.9	35	2.3	103	6.7
Marijuana	4,843	3,220	66.5	626	12.9	585	12.1	191	3.9	77	1.6	144	3.0
Methamphetamine	1,001	551	55.0	155	15.5	163	16.3	44	4.4	33	3.3	55	5.5
LSD	213	124	58.2	32	15.0	29	13.6	14	6.6	3	1.4	11	5.2
Other	376	230	61.2	44	11.7	42	11.2	16	4.3	8	2.1	36	9.6

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 16,707 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Additionally, three cases were excluded due to missing drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

(55.0% to 69.3%) of cases involving each drug type fell into Criminal History Category I.

The drug guidelines enhance a defendant's sentence for weapon possession. As Table 49 shows, 17.1 percent of drug defendants were either convicted under 18 U.S.C. § 924(c) or received a guideline weapon enhancement. The presence of a weapon varied among drug types, ranging from a high of 30 percent for one drug type to a low of three percent for another. Two drug types were most likely to involve weapons: crack cocaine (29.6% of all crack cocaine cases) and methamphetamine (23.7% of all methamphetamine cases).

Table 50 indicates that, regardless of the type of drug involved, nearly nine of ten defendants (87.8%) pleaded guilty rather than go to trial. This compares with a 90.5 percent plea rate for all 1994 defendants in all offense categories. The percentage of defendants who went to trial was highest for cases with crack cocaine involvement (18.0% of all crack cocaine cases). Crack cocaine defendants, given the mandatory minimum statutes and the 100-to-1 quantity ratio of powder to crack cocaine, face lengthy incarceration sentences and likely are motivated to take their chances at trial. The percentage of defendants who went to trial was lowest for LSD cases (3.8% of all LSD defendants).

For each drug type, Table 51 presents information on adjustments for role in the offense. In the majority of drug cases (73.3%), no adjustment was made for the defendant's role. Defendants involved with heroin were most likely (31.3% of all heroin cases) to receive a downward adjustment due to a minor or minimal role in the offense. Crack cocaine defendants were most likely (10.6% of all crack cocaine defendants) to receive an upward adjustment due to aggravating role; both powder cocaine and heroin defendants followed with slightly lower rates of aggravating role adjustments (9.9% and 9.3% of their drug cases, respectively).

Table 52 illustrates that 82.4 percent of defendants sentenced under the drug guidelines received at least a two-level reduction in their offense levels for acceptance of responsibility, not appreciably different from the 85.3 percent acceptance of responsibility rate for all 1994 defendants. The rate for acceptance of responsibility ranged from a high of 90.3 percent for LSD defendants to a low of 75.9 percent for crack cocaine defendants. Of the 12,497 drug defendants who received reductions for acceptance of responsibility, the majority (80.0%) received a three-level reduction.

Table 53 presents the departure rate for drug cases by drug type. While a majority of drug defendants (60.5%) were sentenced within the guideline range, 39.5 percent received sentences departing from the guideline range. Recalling rates for all 1994 defendants (compare Figure H), the overall departure rate for drug defendants is considerably higher (39.5% compared to 28.3% for all defendants). Four-fifths of the drug departure cases (5,173 cases out of 6,447 departures, or 80.2%) were downward departures made pursuant to a government motion for substantial assistance, a rate much higher than the substantial assistance departure rate for all 1994 defendants. Sixty-nine percent of all 1994 departures involved a granted motion for substantial assistance.

The highest rates for substantial assistance departures occurred for defendants involved with LSD and methamphetamine (43.2% and 40.1%, respectively), but these accounted for only 483 of the 5,173 substantial assistance departures in drug cases. The largest numbers of substantial assistance departures (82.1% of substantial assistance drug departure cases) involved:

- powder cocaine (1,823 or 36.5% of powder cocaine cases);
- crack cocaine (1,167 or 32.9% of crack cocaine cases); and
- marijuana (1,255 or 26.2% of marijuana cases).

Table 49

WEAPON INVOLVEMENT OF DRUG DEFENDANT BY DRUG TYPE¹
(October 1, 1993, through September 30, 1994)

DRUG TYPE	TOTAL	No Weapon Involved		Weapon Involved ²	
		Number	Percent	Number	Percent
TOTAL	15,233	12,633	82.9	2,600	17.1
Powder Cocaine	4,685	3,929	83.9	756	16.1
Crack Cocaine	3,430	2,415	70.4	1,015	29.6
Heroin	1,337	1,182	88.4	155	11.6
Marijuana	4,313	3,895	90.3	418	9.7
Methamphetamine	914	697	76.3	217	23.7
LSD	206	199	96.6	7	3.4
Other	348	316	90.8	32	9.2

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 16,707 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Additionally, 1,471 cases were excluded due to missing information on weapons and three due to missing drug type. 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(c).

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 50

MODE OF CONVICTION OF DRUG DEFENDANT BY DRUG TYPE¹
(October 1, 1993, through September 30, 1994)

DRUG TYPE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	16,683	14,650	87.8	2,033	12.2
Powder Cocaine	5,125	4,425	86.3	700	13.7
Crack Cocaine	3,584	2,939	82.0	645	18.0
Heroin	1,547	1,368	88.4	179	11.6
Marijuana	4,838	4,500	93.0	338	7.0
Methamphetamine	1,000	879	87.9	121	12.1
LSD	213	205	96.2	8	3.8
Other	376	334	88.8	42	11.2

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 16,707 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Additionally, 21 cases were excluded due to missing information on mode of conviction and three due to missing drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 51

ROLE ADJUSTMENT OF DRUG DEFENDANT BY DRUG TYPE¹
(October 1, 1993, through September 30, 1994)

DRUG TYPE	TOTAL	No Role Adjustment		Mitigating Role Adjustment		Aggravating Role Adjustment	
		Number	Percent	Number	Percent	Number	Percent
TOTAL	15,168	11,115	73.3	2,649	17.5	1,404	9.3
Powder Cocaine	4,669	3,328	71.3	877	18.8	464	9.9
Crack Cocaine	3,405	2,728	80.1	317	9.3	360	10.6
Heroin	1,327	788	59.4	416	31.3	123	9.3
Marijuana	4,309	3,109	72.2	856	19.9	344	8.0
Methamphetamine	906	701	77.4	137	15.1	68	7.5
LSD	206	179	86.9	15	7.3	12	5.8
Other	346	282	81.5	31	9.0	33	9.5

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 16,707 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Additionally, 1,536 cases were excluded due to incomplete guideline application information and three due to missing drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 52

ACCEPTANCE OF RESPONSIBILITY OF DRUG DEFENDANT BY DRUG TYPE¹
(October 1, 1993, through September 30, 1994)

DRUG TYPE	TOTAL	No Acceptance Adjustment		2-level Adjustment		3-level Adjustment	
		Number	Percent	Number	Percent	Number	Percent
TOTAL	15,168	2,671	17.6	2,507	16.5	9,990	65.9
Powder Cocaine	4,669	882	18.9	705	15.1	3,082	66.0
Crack Cocaine	3,405	819	24.1	390	11.5	2,196	64.5
Heroin	1,327	200	15.1	190	14.3	937	70.6
Marijuana	4,309	545	12.6	896	20.8	2,868	66.6
Methamphetamine	906	150	16.6	149	16.4	607	67.0
LSD	206	20	9.7	46	22.3	140	68.0
Other	346	55	15.9	131	37.9	160	46.2

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 16,707 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Additionally, 1,536 cases were excluded due to incomplete guideline application information and three due to missing drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 53

DEPARTURE STATUS OF DRUG DEFENDANTS BY DRUG TYPE¹
(October 1, 1993, through September 30, 1994)

DRUG TYPE	TOTAL	Sentenced Within Guideline Range		Substantial Assistance Departure		Other Downward Departure		Upward Departure	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	16,338	9,891	60.5	5,173	31.7	1,176	7.2	98	0.6
Powder Cocaine	4,992	2,868	57.5	1,823	36.5	279	5.6	22	0.4
Crack Cocaine	3,545	2,189	61.7	1,167	32.9	177	5.0	12	0.3
Heroin	1,461	954	65.3	361	24.7	139	9.5	7	0.5
Marijuana	4,784	3,005	62.8	1,255	26.2	474	9.9	50	1.0
Methamphetamine	976	511	52.4	391	40.1	68	7.0	6	0.6
LSD	213	110	51.6	92	43.2	10	4.7	1	0.5
Other	367	254	69.2	84	22.9	29	7.9	0	0.0

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 16,707 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Additionally, 366 cases were excluded due to missing departure information and three due to missing drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Crack cocaine defendants received the longest sentences among all drug types (see Figure K), with mean and median sentence lengths at 133.4 months and 102 months, respectively. Marijuana defendants received the shortest average sentences, with a mean of 46.5 months and a median of 30 months of incarceration.

Drugs and Mandatory Minimum Penalties

To understand the characteristics of guideline drug cases, one must be acquainted with the workings of mandatory minimum penalties. Because the majority of mandatory minimum drug penalties took effect before the guidelines were implemented, they have impacted significantly the structure and application of the sentencing guidelines.

The Commission routinely monitors mandatory minimum penalties and their effects on guideline sentences. Utilizing its extensive database, the Commission provides 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 models 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 – related to drug and weapon offenses – are used with any frequency:⁵²

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

⁵² See U.S. Sentencing Commission, Special Report to Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System (August 1991), Chapter 2.

- 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 fixed minimum sentence when criteria specified in the relevant statute are met. For example, mandatory minimum sentences can be triggered by offense characteristics (quantity of drugs distributed), defendant characteristics (a prior conviction for the same offense), or victim characteristics (the age of the person to whom drugs are sold).

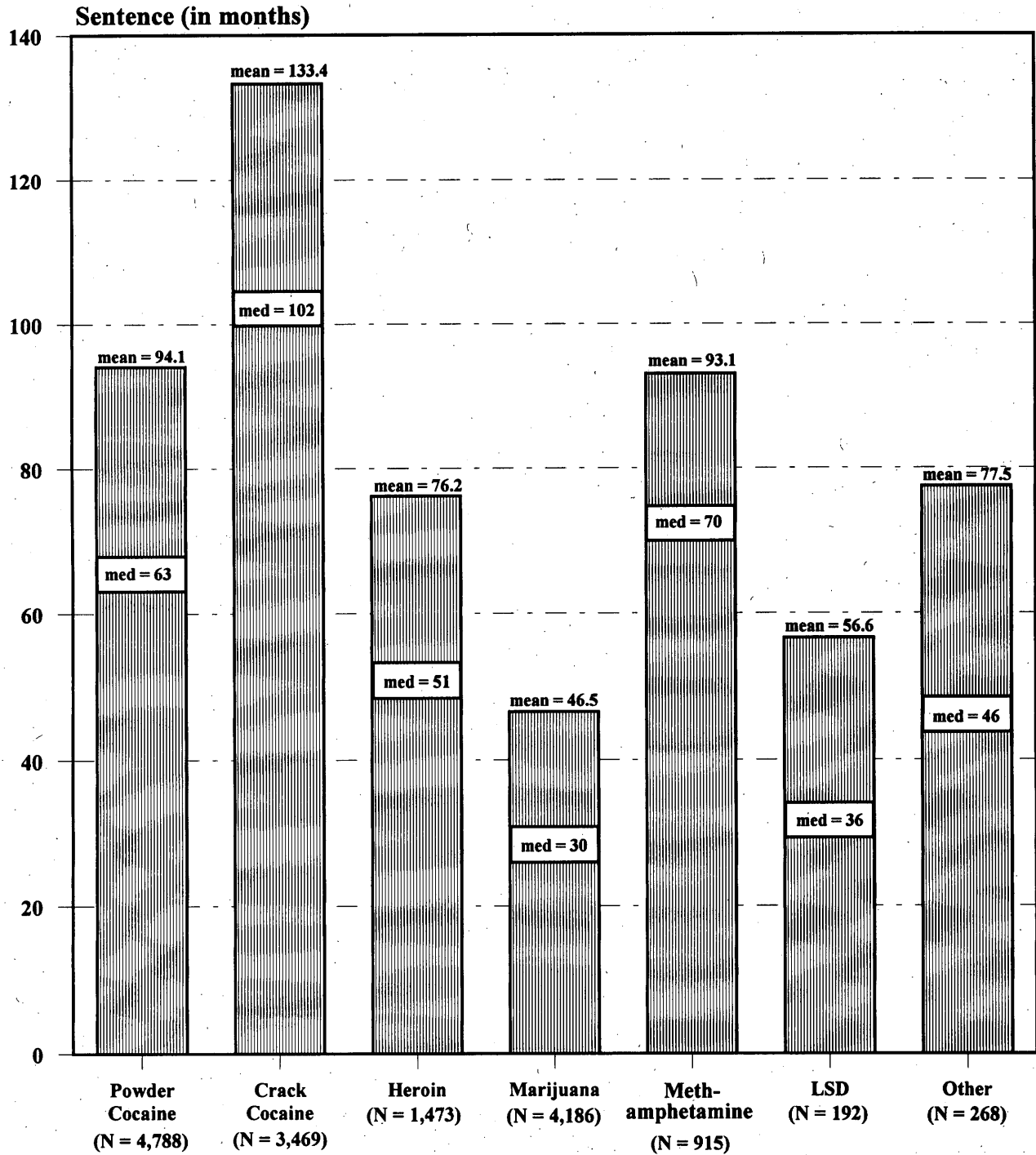
Most mandatory minimum provisions establish a “floor” or minimum sentence. Under 21 U.S.C. § 841(b)(1)(A), for example, distribution of certain quantities of drugs is punishable by a prison term of ten years to life. In this instance, the mandatory minimum penalty is ten years, but the sentence could be higher. On the other hand, 18 U.S.C. § 924(c) operates differently. For each conviction under this statute, the mandatory minimum firearms enhancement requires imposition of a five-year sentence to run consecutively to any other prison term ordered.

Offense and Offender Characteristics⁵³

Table 54 presents demographic information about drug defendants sentenced under drug or firearm mandatory minimum statutes. In 1994, 59.2 percent of guideline drug defendants were subject

⁵³ These tables provide information for all 1994 offenses sentenced under the drug guidelines, comparing mandatory minimum cases to those without mandatory minimums. The applicable mandatory minimum for these drug cases can be for a drug offense, a mandatory consecutive penalty for possession of a firearm in a drug trafficking offense, or both.

Figure K
AVERAGE LENGTH OF IMPRISONMENT BY DRUG TYPE¹
(October 1, 1993, through September 30, 1994)



¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 163 sentenced under Part D guidelines other than §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, or 2D2.1 are not depicted in this figure. Additionally, 1,377 cases with zero months prison ordered were excluded. Of the remaining 15,551 cases, two were excluded due to missing drug type and 37 due to missing sentencing information.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 54

DEMOGRAPHIC INFORMATION FOR DRUG DEFENDANTS BY MANDATORY MINIMUM¹
(October 1, 1993, through September 30, 1994)

	TOTAL	PERCENT	No Mandatory Minimum ²		Mandatory Minimum	
			Number	Percent	Number	Percent
TOTAL	16,701	100.0	6,818	40.8	9,883	59.2
AGE						
Under 21	868	5.2	413	47.6	455	52.4
21-25	3,344	20.1	1,294	38.7	2,050	61.3
26-30	3,476	20.9	1,399	40.2	2,077	59.8
31-35	3,054	18.3	1,240	40.6	1,814	59.4
36-40	2,361	14.2	1,018	43.1	1,343	56.9
41-50	2,606	15.7	1,034	39.7	1,572	60.3
Over 50	941	5.7	401	42.6	540	57.4
GENDER						
Male	14,693	88.0	5,734	39.0	8,959	61.0
Female	2,008	12.0	1,084	54.0	924	46.0
RACE						
White	4,980	29.8	2,458	49.4	2,522	50.6
Black	5,555	33.3	1,643	29.6	3,912	70.4
Hispanic	5,854	35.1	2,611	44.6	3,243	55.4
Other	309	1.8	104	33.7	205	66.3
CITIZENSHIP						
U.S. Citizen	11,983	72.2	4,814	40.2	7,169	59.8
Non-U.S. Citizen	4,621	27.8	1,961	42.4	2,660	57.6
EDUCATION						
Less than High School	7,879	47.6	3,373	42.8	4,506	57.2
High School	5,327	32.2	2,028	38.1	3,299	61.9
Some College	2,683	16.2	1,047	39.0	1,636	61.0
College Graduate	654	4.0	294	45.0	360	55.0

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (Drugs). Of these, 163 that were sentenced under Part D guidelines other than §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, or 2D2.1 are not depicted in this table. Additionally, six cases missing mandatory minimum information were excluded. The total for each variable may add to less than the overall total reported due to missing information. Descriptions of variables used in this table are provided in Appendix A.

²Includes 156 cases that had a 12-month or less mandatory minimum.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

to mandatory minimum penalties under either drug or firearm statutes. The proportion of cases subject to these mandatory penalties varied little by defendant age, ranging from 61.3 percent for ages 21 to 25, to 52.4 percent for ages under 21. Sixty-one percent of male drug defendants were subject to mandatory minimum penalties, compared to fewer (46.0%) female drug defendants. Black defendants were considerably more likely (70.4%) to be subject to mandatory minimum sentences than were either White (50.6%) or Hispanic defendants (55.4%). The data revealed little relationship between U.S. citizenship and the application of mandatory minimum sentences in drug cases (59.8% of U.S. citizens versus 57.6% of non-U.S. citizens). No clear relationship existed between educational level and mandatory minimum convictions: defendants with the most education (college graduates) were least likely to be sentenced under a mandatory minimum, followed by defendants with the least education (less than a high school diploma), at 55.0 percent and 57.2 percent, respectively.

Table 55 presents information regarding offense and offender characteristics by mandatory minimum status. The likelihood of a defendant receiving a mandatory minimum sentence is related to the primary drug type involved in the offense. Only one-third (36.4%) of defendants sentenced for marijuana offenses were convicted under a mandatory minimum statute. Crack cocaine defendants, on the other hand, were most likely to be convicted under an applicable mandatory minimum (76.7%), followed by powder cocaine (71.1%) and methamphetamine (66.4%) defendants.

The proportion of defendants with an applicable mandatory minimum increased by 26.8 percentage points when the offense involved a weapon (54.7% compared to 81.5%), partly due to convictions under separate (mandatory) 18 U.S.C. § 924(c) charges. Mandatory minimums were most common (75.4%) among defendants who did not receive an acceptance of responsibility adjustment. Trial rates underscore the fact that manda-

tory minimum defendants without an acceptance of responsibility adjustment were almost twice as likely (71 percent versus 38 percent, respectively) to go to trial compared to such defendants with an acceptance of responsibility adjustment. Substantially more defendants who received a three-level acceptance reduction were mandatory minimum drug offenders (62.6% versus 37.4% non-mandatory minimum sentence). Nearly 60 percent (58.0%) of cases that did not receive an adjustment (aggravating or mitigating) for role in the offense were mandatory minimum cases, while 85.0 percent 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 56.3 in Category I to 65.4 in Category VI.

Table 56 presents information on the number of defendants subject to mandatory minimum penalties by the type and quantity of drugs for which they were held accountable. The drug amount qualifying for a mandatory minimum sentence is statutorily defined for each type of drug. Consequently, because mandatory sentences become more likely as drug quantity increases, Table 56 confirms that the proportion of defendants sentenced under mandatory minimum provisions increased with drug amount. These increases over drug amount categories, however, were not of equal magnitude within each drug type: the largest increases for all drugs occurred at levels for which the five-year mandatory prison terms apply with respect to that specific drug; additional large increases occurred at the ten-year mandatory penalty level for heroin, marijuana, and methamphetamine.

Table 57 reports drug type and defendant race by the presence of a mandatory minimum provision. Comparing White, Black, and Hispanic defendants involved with either powder or crack cocaine, it was found that White defendants were the least likely (by at least nine percentage points) and Hispanics were the most likely (by at least five

Table 55

**OFFENSE INFORMATION
FOR DRUG DEFENDANTS BY MANDATORY MINIMUM¹
(October 1, 1993, through September 30, 1994)**

	TOTAL	PERCENT	No Mandatory Minimum ²		Mandatory Minimum	
			Number	Percent	Number	Percent
TOTAL	16,701	100.0	6,818	40.8	9,882	59.2
DRUG TYPE						
Powder Cocaine	5,134	30.7	1,482	28.9	3,652	71.1
Crack Cocaine	3,587	21.5	835	23.3	2,752	76.7
Heroin	1,546	9.3	687	44.4	859	55.6
Marijuana	4,840	29.0	3,077	63.6	1,763	36.4
Methamphetamine	1,001	6.0	336	33.6	665	66.4
LSD	213	1.3	88	41.3	125	58.7
Other	376	2.3	312	83.0	64	17.0
WEAPON						
No Weapon Adjustment	13,912	83.3	6,301	45.3	7,611	54.7
Weapon Adjustment ³	2,788	16.7	517	18.5	2,271	81.5
ACCEPTANCE OF RESPONSIBILITY						
No Adjustment	3,036	18.2	748	24.6	2,288	75.4
Two-level Adjustment	2,991	17.9	2,082	69.6	909	30.4
Three-level Adjustment	10,673	63.9	3,988	37.4	6,685	62.6
ROLE IN THE OFFENSE⁴						
No Role Adjustment	12,220	73.2	5,127	42.0	7,093	58.0
Mitigating Role	2,889	17.3	1,453	50.3	1,436	49.7
Aggravating Role	1,591	9.5	238	15.0	1,353	85.0
CRIMINAL HISTORY CATEGORY						
I	9,846	59.0	4,299	43.7	5,547	56.3
II	2,209	13.2	851	38.5	1,358	61.5
III	2,271	13.6	840	37.0	1,431	63.0
IV	925	5.5	306	33.1	619	66.9
V	408	2.4	162	39.7	246	60.3
VI	1,041	6.2	360	34.6	681	65.4

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (Drugs). Of these, 163 that were sentenced under Part D guidelines other than §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, or 2D2.1 are not depicted in this table. Additionally, six cases missing mandatory minimum information were excluded. The total for each variable may add to less than the overall total reported due to missing information. Descriptions of variables used in this table are provided in Appendix A.

²Includes 156 cases that had a 12-month or less mandatory minimum.

³Includes a guideline adjustment for weapon possession or a conviction under 18 U.S.C. § 924(c).

⁴A description of role adjustments can be found in USSG Chapter Three, Part B.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

Table 56

**DRUG TYPE AND AMOUNT FOR DRUG DEFENDANTS
BY MANDATORY MINIMUM¹
(October 1, 1993, through September 30, 1994)**

DRUG TYPE AND AMOUNT	TOTAL	No Mandatory Minimum ²		Mandatory Minimum		
		Number	Percent	Number	Percent	
TOTAL	16,701	100.0	6,818	40.8	9,883	59.2
POWDER COCAINE						
<i>Up To</i> 50 grams	234	4.9	218	93.2	16	6.8
<i>At Least</i> 50 grams	637	13.2	582	91.4	55	8.6
<i>At Least</i> 500 grams ³	846	17.6	167	19.7	679	80.3
<i>At Least</i> 2 kilograms	844	17.5	101	12.0	743	88.0
<i>At Least</i> 5 kilograms ⁴	751	15.6	63	8.4	688	91.6
<i>At Least</i> 15 kilograms	1,502	31.2	109	7.3	1,393	92.7
CRACK COCAINE						
<i>Up To</i> 500 milligrams	99	3.0	98	99.0	1	1.0
<i>At Least</i> 500 milligrams	316	9.6	280	88.6	36	11.4
<i>At Least</i> 5 grams ³	452	13.7	97	21.5	355	78.5
<i>At Least</i> 20 grams	408	12.4	52	12.8	356	87.2
<i>At Least</i> 50 grams ⁴	621	18.8	68	11.0	553	89.0
<i>At Least</i> 150 grams	1,403	42.5	74	5.3	1,329	94.7
HEROIN						
<i>Up To</i> 10 grams	94	6.4	87	92.6	7	7.4
<i>At Least</i> 10 grams	168	11.5	159	94.6	9	5.4
<i>At Least</i> 100 grams ³	297	20.3	120	40.4	177	59.6
<i>At Least</i> 400 grams	401	27.4	182	45.4	219	54.6
<i>At Least</i> 1 kilogram ⁴	260	17.8	54	20.8	206	79.2
<i>At Least</i> 3 kilograms	241	16.5	25	10.4	216	89.6
MARIJUANA						
<i>Up To</i> 10 kilograms	349	8.4	327	93.7	22	6.3
<i>At Least</i> 10 kilograms	1,753	42.1	1,695	96.7	58	3.3
<i>At Least</i> 100 kilograms ³	1,115	26.8	268	24.0	847	76.0
<i>At Least</i> 400 kilograms	495	11.9	92	18.6	403	81.4
<i>At Least</i> 1,000 kilograms ⁴	280	6.7	32	11.4	248	88.6
<i>At Least</i> 3,000 kilograms	168	4.0	17	10.1	151	89.9
METHAMPHETAMINE						
<i>Up To</i> 10 grams	46	5.0	43	93.5	3	6.5
<i>At Least</i> 10 grams	123	13.4	98	79.7	25	20.3
<i>At Least</i> 100 grams ³	147	16.1	40	27.2	107	72.8
<i>At Least</i> 400 grams	129	14.1	31	24.0	98	76.0
<i>At Least</i> 1 kilogram ⁴	128	14.0	16	12.5	112	87.5
<i>At Least</i> 3 kilograms	342	37.4	42	12.3	300	87.7
LSD						
<i>Up To</i> 100 milligrams	35	18.2	30	85.7	5	14.3
<i>At Least</i> 100 milligrams	74	38.5	43	58.1	31	41.9
<i>At Least</i> 1 gram ³	35	18.2	6	17.1	29	82.9
<i>At Least</i> 4 grams	24	12.5	1	4.2	23	95.8
<i>At Least</i> 10 grams ⁴	17	8.9	0	0.0	17	100.0
<i>At Least</i> 30 grams	7	3.6	0	0.0	7	100.0

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (Drugs). Of these, 163 cases that were sentenced under Part D guidelines other than §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, or 2D2.1 are not depicted in this table. Additionally, six cases missing mandatory minimum information were excluded. Descriptions of variables used in this table are provided in Appendix A.

²Includes 156 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, 1994 Datafile, MONFY94.

Table 57

DRUG TYPE AND RACE FOR DRUG DEFENDANTS BY MANDATORY MINIMUM¹
(October 1, 1993, through September 30, 1994)

DRUG TYPE AND RACE	TOTAL		No Mandatory Minimum ²		Mandatory Minimum	
	Number	Percent	Number	Percent	Number	Percent
TOTAL	16,701	100.0	6,818	40.8	9,883	59.2
POWDER COCAINE						
White	1,329	25.9	531	40.0	798	60.0
Black	1,526	29.7	468	30.7	1,058	69.3
Hispanic	2,199	42.8	462	21.0	1,737	79.0
Other	80	1.6	21	26.3	59	73.7
CRACK COCAINE						
White	124	3.5	43	34.7	81	65.3
Black	3,242	90.4	753	23.2	2,489	76.8
Hispanic	210	5.9	37	17.6	173	82.4
Other	12	0.3	2	16.7	10	83.3
HEROIN						
White	204	13.2	81	39.7	123	60.3
Black	510	32.9	254	49.8	256	50.2
Hispanic	756	48.9	341	45.1	415	54.9
Other	76	4.9	11	14.5	65	85.5
MARIJUANA						
White	2,115	43.7	1,197	56.6	918	43.4
Black	194	4.0	129	66.5	65	33.5
Hispanic	2,472	51.1	1,714	69.3	758	30.7
Other	57	1.2	36	63.2	21	36.8
METHAMPHETAMINE						
White	729	72.9	268	36.8	461	63.2
Black	16	1.6	8	50.0	8	50.0
Hispanic	200	20.0	50	25.0	150	75.0
Other	55	5.5	9	16.4	46	83.6
LSD						
White	199	93.4	82	41.2	117	58.8
Black	6	2.8	3	50.0	3	50.0
Hispanic	3	1.4	1	33.3	2	66.7
Other	5	2.3	2	40.0	3	60.0

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (Drugs). Of these, 163 that were sentenced under Part D guidelines other than §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, or 2D2.1 are not depicted in this table. Additionally, six cases missing mandatory minimum information were excluded. Descriptions of variables used in this table are provided in Appendix A.

²Includes 156 cases that had a 12-month or less mandatory minimum.

SOURCE: U.S. Sentencing Commission, 1994 Datafile, MONFY94.

percentage points) to be sentenced under a mandatory minimum provision. For all drug types except marijuana, Black defendants were less likely to be sentenced under mandatory minimum provisions than were Hispanic defendants. Compared to Black and Hispanic defendants, Whites were the most likely to be sentenced under a mandatory minimum statute for offenses involving heroin and marijuana. Hispanic defendants were the most likely to be sentenced under a mandatory minimum for methamphetamine and LSD offenses.

Most drug defendants pleaded guilty. However, as depicted in Figure L, defendants charged under mandatory minimum statutes were almost four times as likely to go to trial (17.4%) than defendants not subject to a mandatory minimum statute (4.6%). Fewer mandatory minimum cases were sentenced within their guideline ranges (55.6%) than were cases without a mandatory minimum (67.6%). A defendant facing a mandatory minimum sentence was approximately twice as likely (39.9%) to receive a downward departure upon a government motion for substantial assistance as a defendant who was not subject to a mandatory minimum provision (19.8%).

Mandatory minimum sentences impose greater punishments for statutorily defined dangerous or serious offenses, specifically those involving drugs, violence, or weapons. Table 58 illustrates the sentencing impact of mandatory minimum statutes by providing the mean and median sentence lengths for different drug types by applicable mandatory minimum sentence and weapon involvement. Comparing data for offenses with and without weapon involvement, the largest increases in median sentence length occurred for defendants at the ten-year mandatory minimum level. Differences were greatest for defendants convicted of powder cocaine, crack cocaine, heroin, or LSD offenses at that level. For powder cocaine defendants, the median increased from 120 to 151 months; for crack cocaine from 132 to 180 months; for heroin from 120 to 180 months; and

for LSD from 84 to 120 months.⁵⁴

Organizational Sentencing Practices

Organizational Guidelines

Sentencing guidelines for organizations convicted of federal offenses became effective November 1, 1991.⁵⁵ Unlike sentencing of individual defendants in which 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.

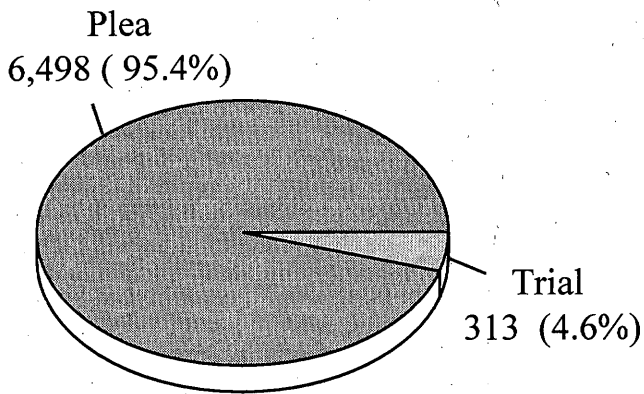
The Chapter Eight guidelines provide incentives for organizations that self-police and self-report criminal conduct, but they mandate high fines for organizations without any meaningful program to prevent and detect criminal violations or in which management was involved in the offense. The guidelines 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 created solely 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.

⁵⁴ In the two “mandatory minimum penalty” categories, the weapon involvement could have been either a conviction under 18 U.S.C. § 924(c) or a two-level guideline enhancement. In the “no mandatory minimum” category, by definition, the weapon involved could only have invoked the guideline enhancement.

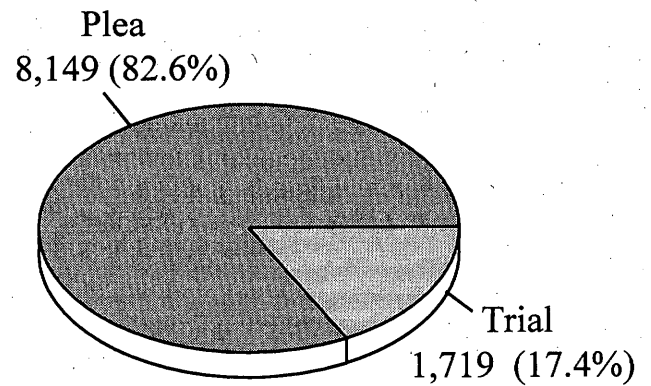
⁵⁵ See Guidelines Manual, Chapter Eight – Sentencing of Organizations.

Figure L
MODE OF CONVICTION AND DEPARTURE INFORMATION FOR DRUG DEFENDANTS¹
(October 1, 1993, through September 30, 1994)

Mode of Conviction

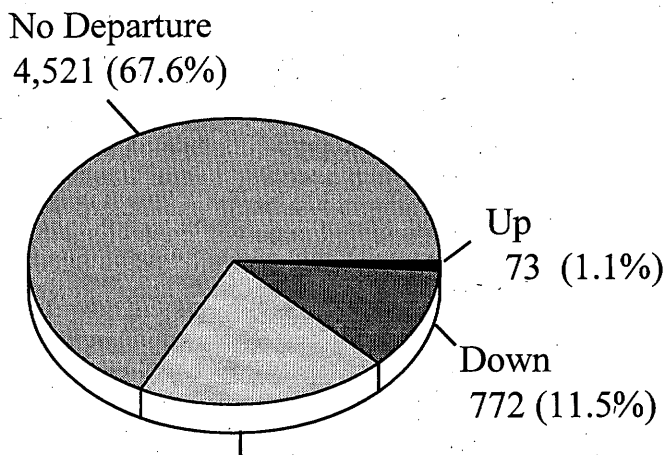


No Mandatory Minimum

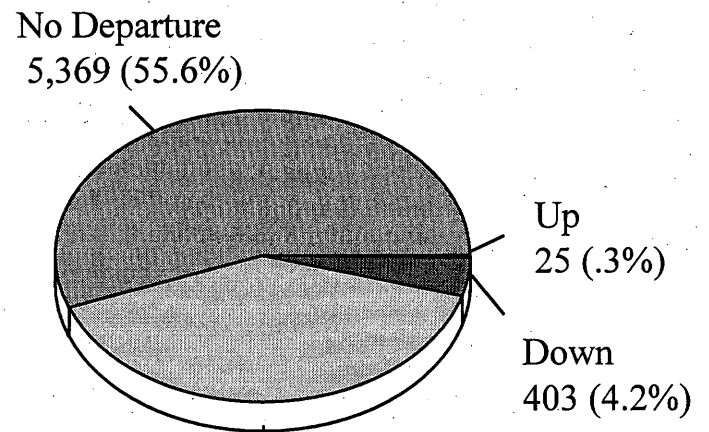


Mandatory Minimum

Departures



No Mandatory Minimum



Mandatory Minimum

¹Of the 39,971 cases, 16,780 were sentenced under USSG in Chapter Two, Part D. Of these, 163 that were sentenced under Part D guidelines other than §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, or 2D2.1 are not depicted in this table. From "Mode of Conviction," an additional 27 cases were excluded due to missing information either on mandatory minimum (6) or mode of conviction (27). From "Departures," an additional 372 cases were excluded for missing information either on mandatory minimum (6) or departure status (372). Descriptions of variables used in this table are provided in Appendix A.

Table 58

AVERAGE LENGTH OF IMPRISONMENT FOR DRUG DEFENDANT BY WEAPON INVOLVEMENT AND DRUG TYPE¹
(October 1, 1993, through September 30, 1994)

Drug Type	TOTAL	No Mandatory Minimum Applicable ²						Five-Year Mandatory Minimum Penalty						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	14,117	4,631	34.6	24.0	441	50.3	37.0	3,188	62.0	60.0	701	101.4	84.0	3,667	137.9	120.0	1,403	206.1	168.0
Powder Cocaine	4,378	966	36.9	27.0	136	48.2	36.5	1,075	61.5	60.0	225	98.1	84.0	1,590	131.7	120.0	385	187.3	151.0
Crack Cocaine	3,323	646	51.6	36.0	83	76.4	48.0	554	73.7	60.0	197	116.6	96.0	1,116	161.2	132.0	726	221.6	180.0
Heroin	1,272	495	37.9	30.0	34	57.8	38.5	344	59.9	60.0	41	112.3	90.0	280	122.2	120.0	78	239.7	180.0
Marijuana	3,802	2,066	25.4	21.0	134	32.1	27.0	1,002	57.5	60.0	161	83.5	70.0	336	121.4	120.0	99	164.6	123.0
Methamphetamine	880	210	40.9	29.0	39	51.7	46.0	150	61.9	60.0	67	100.3	87.0	258	120.0	120.0	105	180.3	138.0
LSD	185	69	30.9	20.0	1	12.0	12.0	50	42.2	39.0	2	60.0	60.0	59	98.3	84.0	4	108.0	120.0
Other	277	179	52.0	30.0	14	69.9	57.0	13	86.0	63.0	8	144.6	114.0	28	168.0	139.5	6	313.0	341.5

¹Of the 39,971 cases, 16,870 were sentenced under USSG Chapter Two, Part D (Drugs). Of these, 163 sentenced under Part D guidelines other than §§2D1.1, 2D1.2, 2D1.5, 2D1.6, 2D1.8, or 2D2.1 are not depicted in this table. Additionally, 2,590 cases were excluded due to one or more of the following reasons: missing mandatory minimum information (6), missing drug type information (3), missing guideline application information (1,470), missing sentencing information (14), or a sentence that did not include imprisonment (1,182). Descriptions of variables used in this table are provided in Appendix A.

²Includes 156 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, 1994 Datafile, MONFY94.

While the guidelines are applicable to all organizational defendants, their fine provisions (Chapter Eight, Part C) are primarily applicable to those 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 offenses typically committed by organizations are covered by the current fine guidelines.

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 organizational sentencing practices in the federal courts, 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 to 1987 to study the types of organizational offenses and offenders prosecuted in federal courts, the sentences imposed, and the factors that may have influenced fine levels.⁵⁶

This study of organizational sentencing practices revealed that a very small proportion of the federal criminal caseload involved organizational defendants. Of approximately 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 investi-

gation before the 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 sentenced during 1994 were sentenced pursuant to preguideline rules. Those organizational defendants sentenced in 1994 pursuant to the Chapter Eight guidelines for organizations numbered 86, with fine provisions applicable in 66 percent (n=57) 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 individual defendants, 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, this module records information describing the organization's structure, size, and economic viability and the application of the Chapter Eight guidelines.⁵⁷

Offender Characteristics

The data indicate that during 1994, 94 percent (n=80) of the cases sentenced pursuant to Chapter Eight involved closely held organizations in

⁵⁶ See U.S. Sentencing Commission, Supplemental Report on Sentencing Guidelines for Organizations (1991).

⁵⁷ 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.

business for less than ten years.⁵⁸ These organizations engaged in varied lines of business such as manufacturing or distributing consumer commodities (n=15, 17%) or industrial commodities (n=13, 15%), providing services such as banking, management and consulting, health care, or shipping and transportation (n=15, 17%), and mining natural resources (n=10, 12%). The majority were small businesses with most employing fewer than 50 persons or with gross earnings of less than \$1 million per year. Approximately 48 percent (n=41) had ceased operations or were experiencing financial stress at the time of sentencing; 30 percent (n=26) were defunct; seven percent (n=6) had filed for bankruptcy; and 11 percent (n=9) were experiencing a significant decline in business, often as a result of the offense conduct.

Of the 80 cases involving a closely held organization, one or more owners were convicted of charges related to the organization's offense in 54 percent (n=43) of the cases; 52 owners, in all, were convicted. One or more employees other than an owner were convicted of charges related to the organization's offense in 18 percent (n=14) of the cases; 34 employees, in all, were convicted.⁵⁹ Of the six cases involving other types of organizations, in only one case was an employee convicted.⁶⁰

The data identified three organizations that claimed to have had compliance programs or some other program to prevent and detect violations of law. In the first case, the organization's quality assurance department had been established to assure compliance with EPA testing regulations; however, because the corporate president was

involved in the offense conduct, the court determined the quality assurance program to be "ineffective." In the second case, the organization argued that it had an effective compliance program because each employee was expected to review "job books" containing the applicable OSHA and EPA standards for asbestos removal, and senior management conducted spot checks to monitor compliance with those standards. However, because the corporate president was aware that asbestos was being improperly disposed of, and initially denied knowledge of the improper disposal, the court determined that the compliance program was "ineffective."⁶¹ In the third case, the defendant organization demonstrated that its compliance program included a code of business conduct, a compliance officer, a hotline, regular seminars on antitrust and contract bidding, and procedures to audit contract bids to detect questionable activity. However, the conduct of which the defendant organization was convicted occurred at two newly acquired facilities that did not have compliance programs prior to their acquisition. Therefore, the defendant organization was not credited with having a compliance program.

The data identified seven organizations as operating primarily for a criminal purpose or primarily by criminal means.⁶² The presentence investigation reports indicate that these defendants were involved in varied activities:

- one organization, in the business of assembling and distributing personal computers, illegally duplicated computer software and documentation, including it in the sale of computer equipment;
- two organizations, falsely claiming to be in the business of providing loans and

⁵⁸ Of the 86 cases sentenced under Chapter Eight, one case was excluded due to missing information about the ownership structure of the organization.

⁵⁹ Additionally, employment status was unknown for 11 individual codefendants.

⁶⁰ Additionally, there was one case in which the employment status of the codefendant was unknown.

⁶¹ The probation officer computed the organization's culpability score even though the organization was convicted of an environmental offense not covered by Chapter Eight fine provisions (see §8C2.1).

⁶² See USSG §8C1.1.

other financing for commercial projects, defrauded victims by requiring certain advance fees to secure financing;

- one organization, falsely claiming to be in possession of a variety of unclaimed property, established a "900" telephone number for calls from supposed beneficiaries; the organization charged callers \$4.95 per minute to obtain information on collecting the unclaimed property;
- a grocery business illegally received, possessed, and redeemed U.S. government food stamps;
- an organization distributing petroleum products used a tax code loophole requiring only end-purchasers to pay excise tax; it arranged for the petroleum products to be handled by various organizations to obscure the organization responsible for paying the excise taxes, thereby evading payment of taxes; and
- one organization, out of revenge for previous suspension from government contracting, intentionally produced defective fasteners for a government contract.

Offense Characteristics

In the 86 cases sentenced under the Chapter Eight guidelines during 1994, fraud was the most frequent offense committed by an organization, accounting for 41 percent (n=35) of the cases sentenced. Environmental offenses (16%, n=14) and tax violations (13%, n=11) constituted the next largest proportion of cases sentenced.⁶³ Table 59 describes the primary offense type for organiza-

⁶³ Antitrust defendants constitute a significant proportion of sentencing events. However, the majority of these organizational defendants continue to be sentenced pursuant to both preguideline practice and the pre-November 1, 1991, fine provisions of §2R1.1.

tional defendants sentenced under Chapter Eight of the guidelines during 1994.

In the cases involving pecuniary loss to the victim (*i.e.*, fraud, larceny, and taxation), the loss in 60 percent (n=33) of the cases was less than \$40,000.⁶⁴ In four cases the loss exceeded \$1 million, and in one case the loss totaled more than \$15 million.

Culpability Score

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

- the extent to which higher-echelon personnel, as defined in the guidelines, were involved in or tolerated the criminal activity;
- the recency of the violation and whether the organization had a history of similar violations;
- 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

⁶⁴ Of the 57 cases sentenced under the Chapter Eight fine provisions, two cases were excluded due to missing information describing the guideline application.

Table 59

**ORGANIZATIONS SENTENCED PURSUANT TO
CHAPTER EIGHT BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993, through September 30, 1994)**

Primary Offense	Number	Percent
TOTAL	86	100.0
Antitrust	7	8.1
Copyright/Trademark Infringement	3	3.5
Drugs	1	1.2
Environmental (Waste Discharge)	14	16.3
Food & Drug	5	5.8
Fraud	35	40.7
Immigration	1	1.2
Larceny	1	1.2
Money Laundering	5	5.8
Racketeering	1	1.2
Tax	11	12.8
Other	2	2.3

¹Descriptions of variables used in this table are provided in Appendix A. A description of organizational sentences can be found in the introductory commentary to USSG Chapter Eight.

SOURCE: U.S. Sentencing Commission, Organizational Defendants, 1994.

to prevent and detect violations of law; and

- the extent to which the organization self-reported the violation to the appropriate authorities, cooperated with the official investigation, or accepted responsibility for the offense.

During 1994, the only culpability score factors used with regularity were the enhancement for "Involvement in or Tolerance of Criminal Activity" and the reduction for "Self-Reporting, Cooperation, or Acceptance of Responsibility." In the 55 cases in which the fine guidelines were applied, 51 percent (n=28) received an enhancement for Involvement in or Tolerance of Criminal Activity, and 84 percent (n=46) received a reduction for Self-Reporting, Cooperation, or Acceptance of Responsibility. Other culpability factors used were Prior History (two cases received the enhancement) and Obstruction of Justice (eight cases received the enhancement). Table 60 describes the application of the culpability factors.

Sanctions Imposed

Seventy-one percent (n=61) of defendants sentenced pursuant to Chapter Eight guidelines received a sentence that included a criminal fine: the average fine imposed was \$419,028 (median=\$25,000). The largest fines were imposed on defendants convicted of fraud offenses (mean=\$979,627; median=\$18,000). Table 61 describes the fines imposed by primary offense type.

In addition to criminal fines, defendants sentenced pursuant to Chapter Eight also paid restitution in 37 percent (n=32) of the cases. The average amount of restitution was \$353,399 (median=\$59,500). Restitution was assessed most often to defendants convicted of fraud offenses (n=17, 49%). On average, these 17 fraud defendants also were assessed the most restitution to their victims (mean=\$549,567; median=\$73,347).

Table 62 describes the amount of restitution assessed by primary offense type.

Other monetary penalties paid by defendants sentenced under Chapter Eight included: asset forfeiture (n=9); remedial orders other than restitution (n=2); and cost of prosecution (n=2).

In addition to monetary penalties, defendants sentenced pursuant to Chapter Eight were subject to other sanctions:

- 58 percent (n=50) were placed on probation;
- 11 percent (n=9) were ordered to implement a compliance program to prevent further violations of law;
- six percent (n=5) were ordered to notify their victims of the conviction; and
- six percent (n=5) were ordered either to dissolve or sell the organization.

As previously noted in 54 percent (n=43) of the cases involving a closely held organization, one or more owners of the defendant organization were convicted – a total of 52 owners.⁶⁵ The court imposed fines on 79 percent (n=38) of the owners, averaging \$24,837 (median=\$5,500). The courts ordered 29 percent (n=14) of the owners to pay restitution, the average amount of which was \$645,305 (median=\$436,969).

In addition to the monetary sanctions imposed on the codefendant owners, 54 percent (n=26) were sentenced to a term of imprisonment, the average of which was 44 months (median=24 months). Another 42 percent (n=20) of the codefendant owners were sentenced to probation.

⁶⁵ Of these 52 owners, four were excluded from the following analysis because a match could not be found in the Commission's datafile on individual defendants.

Table 60

**ORGANIZATIONS SENTENCED PURSUANT TO
CHAPTER EIGHT: CULPABILITY FACTORS¹
(October 1, 1993, through September 30, 1994)**

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 5,000 or more employees	1	1.8
Involvement of high-level personnel or pervasive tolerance by substantial authority personnel in an organization of 1,000 or more employees	0	0.0
Involvement of high-level personnel or pervasive tolerance by substantial authority personnel in an organization of 200 or more employees	2	3.6
Involvement of substantial authority personnel in an organization of 50 or more employees	7	12.7
Involvement of substantial authority personnel in an organization of ten or more employees	18	32.7
No involvement of substantial authority personnel or involvement of substantial authority personnel in an organization of fewer than ten employees	27	49.1
TOTAL	55	100.0

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	2	3.6
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	0	0.0
Organization had no prior record	53	96.4
TOTAL	55	100.0

Table 60 (cont.)

Violation of an Order	Number	Percent
Organization did not violate an order	55	100.0
TOTAL	55	100.0

Obstruction of Justice	Number	Percent
Organization obstructed justice	8	14.5
Organization did not obstruct justice	47	85.5
TOTAL	55	100.0

Effective Program to Prevent and Detect Violations of Law	Number	Percent
Organization did not have an effective program	55	100.0
TOTAL	55	100.0

Self-Reporting, Cooperation, and Acceptance of Responsibility	Number	Percent
Self-reported offense	1	1.8
Cooperated with investigation	32	58.2
Accepted responsibility	13	23.6
Organization neither self-reported the offense, cooperated with the investigation, nor accepted responsibility	9	16.4
TOTAL	55	100.0

¹Of the 86 cases sentenced pursuant to Chapter Eight, 31 were excluded due to one or both of the following reasons: missing data describing culpability factors (2) or fine guidelines not applicable (29). Descriptions of variables used in this table are provided in Appendix A. A description of Chapter Eight culpability factors can be found in USSG §8C2.5.

SOURCE: U.S. Sentencing Commission, Organizational Defendants, 1994.

Table 61

**ORGANIZATIONS SENTENCED PURSUANT TO
CHAPTER EIGHT: FINE IMPOSED BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993, through September 30, 1994)**

Primary Offense	Total Sentenced	Number Fined	Percent Fined	Mean	Median
TOTAL	86	61	70.9	\$419,029	\$25,000
Antitrust	7	7	100.0	\$315,000	\$52,000
Copyright/Trademark Infringement	3	3	100.0	\$16,667	\$10,000
Drugs	1	1	100.0	\$14,000	—
Environmental (Waste Discharge)	14	11	78.6	\$154,546	\$35,000
Food & Drug	5	4	80.0	\$22,875	\$10,500
Fraud	35	21	60.0	\$979,627	\$18,000
Immigration	1	1	100.0	\$50,000	—
Larceny	1	1	100.0	\$75,000	—
Money Laundering	5	2	40.0	\$31,500	—
Racketeering	1	0	0.0	—	—
Tax	11	9	81.8	\$81,288	\$20,000
Other	2	1	50.0	\$5,000	—

¹Descriptions of variables used in this table are provided in Appendix A. A description of Chapter Eight fine imposition can be found in USSG §8C3.1.

Table 62

**ORGANIZATIONS SENTENCED PURSUANT TO
CHAPTER EIGHT: RESTITUTION IMPOSED BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993, through September 30, 1994)**

Primary Offense	Total Sentenced	Number Assessed Restitution	Percent Assessed Restitution	Mean	Median
TOTAL	86	32	37.2	353,399	59,500
Antitrust	7	2	28.6	48,500	—
Copyright/Trademark Infringement	3	2	66.7	12,983	—
Drugs	1	0	0.0	—	—
Environmental (Waste Discharge)	14	5	35.7	244,424	90,963
Food & Drug	5	0	0.0	—	—
Fraud	35	17	48.6	549,567	73,307
Immigration	1	0	0.0	—	—
Larceny	1	0	0.0	—	—
Money Laundering	5	1	20.0	340,000	—
Racketeering	1	0	0.0	—	—
Tax	11	4	36.4	69,491	47,720
Other	2	1	50.0	3,080	—

¹Descriptions of variables used in this table are provided in Appendix A. A description of Chapter Eight restitution paid can be found in USSG §8B1.1.

SOURCE: U.S. Sentencing Commission, Organizational Defendants, 1994.

Organizations Sentenced Under Antitrust Guideline

Prior to November 1, 1991, the guidelines applied only to organizations convicted of antitrust violations,⁶⁶ and guideline §2R1.1 provided for a fine range equal to 20-to-50 percent of the volume of commerce affected by the offense. During 1994, 18 organizational defendants were sentenced pursuant to the fine provisions of §2R1.1 (1987).

Eighty-nine percent (n=16) of the organizational defendants sentenced under the antitrust guideline's fine provisions received sentences including a criminal fine, averaging \$424,610 (median=\$289,377). Table 63 describes the fines imposed by the volume of commerce attributable to the organizational defendant and indicates that, consistent with the instruction of the guideline, imposed fines increased generally as the volume of commerce attributable to the defendant increased.

In addition to fines imposed, 89 percent (n=16) of organizational defendants sentenced pursuant to §2R1.1 received a sentence that included probation.

Sentencing Appeals

Introduction

Prior to 1987, trial judges exercised broad discretion in sentencing federal criminal defendants, and sentences imposed within the statutory limits could not be appealed except under extraordinary circumstances.⁶⁷ Generally, a sentence was subject to review only for constitutional or statutory violations⁶⁸ or under statutes that specifically authorized

either the defendant or the government to seek review.⁶⁹

However, with the passage of the Sentencing Reform Act,⁷⁰ 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 that is plainly unreasonable and for which there is no sentencing guideline.⁷¹ The result of this statutory change, not surprisingly, has been a substantial increase in the number of federal criminal appeals.

Two years ago, the Commission implemented a data collection system to track appellate review of sentencing decisions. What follows is a summary of 1994 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 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. During 1994, the Commission supplemented these opinions and orders with cases available on the Westlaw database.

The appeals database is a collaborative effort of the Commission's legal, monitoring, and policy analysis staffs. The unique structure of the data

⁶⁶ See USSG §2R1.1 (1987).

⁶⁷ William W. Wilkins, Jr., *The Fourth Circuit Review: Sentencing Reform and Appellate Review*, 46 Washington and Lee L. Rev. 429, 430-431 (1989).

⁶⁸ *Id.* at 430, 431-432.

⁶⁹ *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).

⁷⁰ Pub. L. No. 98-473, 98 Stat. 1987 (codified as amended at 18 U.S.C. §§ 3551-3586 (1985)).

⁷¹ 18 U.S.C. § 3742.

Table 63

**ORGANIZATIONS SENTENCED PURSUANT TO THE
ANTITRUST GUIDELINE: FINE IMPOSED BY VOLUME OF COMMERCE¹
(October 1, 1993, through September 30, 1994)**

Volume of Commerce Attributable to Offense	Total Sentenced	Number Fined	Percent Fined	Mean	Median
TOTAL	18	16	88.9	\$424,610	\$289,377
Less than \$400,000	2	0	0.0	—	—
More than \$400,000	2	2	100.0	\$169,679	—
More than \$1,000,000	1	1	100.0	\$289,395	—
More than \$2,500,000	4	4	100.0	\$390,000	\$350,000
More than \$6,250,000	2	2	100.0	\$380,000	—
More than \$15,000,000	3	3	100.0	\$525,000	\$500,000
More than \$37,500,000	1	1	100.0	\$1,000,000	—
Missing	3	3	100.0	\$423,333	\$220,000

¹Descriptions of variables used in this table are provided in Appendix A. A description of fine imposed by volume of commerce can be found in USSG §2R1.1 (1987).

SOURCE: U.S. Sentencing Commission, Organizational Defendants, 1994.

base requires both monitoring information⁷² and legal analysis. The monitoring staff enters identifying information about each appealed case, including defendant name, appellate and district court docket numbers, date of opinion, and judges who heard the appeal. The legal staff then analyzes and codes the particular legal issues before the appellate court, the party raising each issue, and the court dispositions. The policy analysis staff analyzes the data and prepares reports about trends in guideline application.

The system uses both the "case" and the "defendant" units of analysis. Each "case" comprises individual records representing all codefendants 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 consistent with the Commission's other data collection modules and with data from the Administrative Office of the U.S. Courts.

The appeals database attempts to match each defendant named in an appeal with information from the Commission monitoring database that tracks district court sentencing decisions. A positive match enables the Commission to continue tracking federal criminal defendants beyond initial sentencing. The match rate of defendants in the current appeals database to monitoring data for

cases involving sentencing or sentencing and conviction issues is 93 percent.⁷³

Because the database in part is defendant-based, 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.

Summary of Information Received

Although the Commission is interested primarily in information on appellate court cases that involve sentencing issues, it requests that the circuit courts of appeals provide information on all criminal appeals, including appeals of convictions. In 1994, the Commission received information on 6,594 appellate court cases.

The following statistics in tables and figures are from the defendant-based files of the appeals database. In 96.5 percent of the cases, the defendant was the appellant, with the United States as appellant in 1.9 percent. The remaining cases (1.6%) involved a cross appeal by one of the parties. Table 64 displays, by circuit and district, appeals cases received by the Commission. Of cases appealed in 1994, 2,671 (40.5 %) were appeals of the conviction only, compared to 2,217 (33.6 %) appeals of the sentence only. The remaining 1,706 (25.9%) appeals were of a combination of conviction and sentencing issues. Figure M illustrates the distributions of appellate court cases and dispositions.

⁷² In general, the Commission 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.

⁷³ The match rate reflects the number of defendants who appealed a sentencing issue for whom the Commission received original sentencing information.

Table 64

TYPE OF APPEAL BY CIRCUIT AND DISTRICT¹
(October 1, 1993, through September 30, 1994)

CIRCUIT District	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	6,594	100.0	2,217	33.6	1,706	25.9	2,671	40.5
D.C. CIRCUIT	153	2.3	25	16.3	23	15.0	105	68.6
District of Columbia	153	2.3	25	16.3	23	15.0	105	68.6
FIRST CIRCUIT	181	3.3	56	30.9	58	32.0	67	37.0
Maine	23	0.3	14	60.9	6	26.1	3	13.0
Massachusetts	67	1.0	22	32.8	19	28.4	26	38.8
New Hampshire	23	0.3	1	4.4	11	47.8	11	47.8
Puerto Rico	42	0.6	10	23.8	12	28.6	20	47.6
Rhode Island	26	0.4	9	34.6	10	38.5	7	26.9
SECOND CIRCUIT	154	2.3	45	29.2	35	22.7	74	48.0
Connecticut	10	0.1	6	60.0	1	10.0	3	30.0
New York								
Eastern	73	1.1	15	20.6	15	20.6	43	58.9
Northern	4	0.1	2	50.0	1	25.0	1	25.0
Southern	50	0.8	15	30.0	14	28.0	21	42.0
Western	9	0.1	1	11.1	3	33.3	5	55.6
Vermont	8	0.1	6	75.0	1	12.5	1	12.5
THIRD CIRCUIT	427	6.5	127	29.7	111	26.0	189	44.3
Delaware	17	0.3	6	35.3	6	35.3	5	29.4
New Jersey	104	1.6	30	28.9	28	26.9	46	44.2
Pennsylvania								
Eastern	167	2.5	56	33.5	48	28.7	63	37.7
Middle	65	1.0	21	32.3	17	26.2	27	41.5
Western	40	0.6	11	27.5	11	27.5	18	45.0
Virgin Islands	34	0.5	3	8.8	1	2.9	30	88.2
FOURTH CIRCUIT	788	12.0	257	32.6	202	25.6	329	41.8
Maryland	82	1.2	24	32.0	14	17.1	44	53.7
North Carolina								
Eastern	90	1.4	30	33.3	22	24.4	38	42.2
Middle	100	1.5	36	36.0	33	33.0	31	31.0
Western	75	1.1	28	37.3	22	29.3	25	33.3
South Carolina	75	1.1	24	32.0	18	24.0	33	44.0
Virginia								
Eastern	169	2.6	38	22.5	47	27.8	84	49.7
Western	61	0.9	13	21.3	14	23.0	34	55.7
West Virginia								
Northern	57	0.9	18	31.6	20	35.1	19	33.3
Southern	79	1.2	46	58.2	12	15.2	21	26.6

Table 64 (cont.)

CIRCUIT District	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
FIFTH CIRCUIT	943	14.3	310	32.9	225	23.9	408	43.3
Louisiana								
Eastern	90	1.4	41	45.6	27	30.0	22	24.4
Middle	8	0.1	5	62.5	3	37.5	0	0.0
Western	46	0.7	14	30.4	15	32.6	17	37.0
Mississippi								
Northern	29	0.4	7	24.1	5	17.2	17	58.6
Southern	47	0.7	11	23.4	7	14.9	29	61.7
Texas								
Eastern	84	1.3	27	32.1	18	21.4	39	46.4
Northern	200	3.0	79	39.5	45	22.5	76	38.0
Southern	200	3.0	50	25.0	44	22.0	106	53.0
Western	239	3.6	76	31.8	61	25.5	102	42.7
SIXTH CIRCUIT	685	10.4	184	26.9	247	36.1	254	37.1
Kentucky								
Eastern	43	0.7	16	37.2	12	27.9	15	34.9
Western	35	0.5	17	48.6	9	25.7	9	25.7
Michigan								
Eastern	183	2.8	37	20.2	82	44.8	64	35.0
Western	49	0.7	13	26.5	19	38.8	17	34.7
Ohio								
Northern	84	1.3	21	25.0	28	33.3	35	41.7
Southern	97	1.5	35	36.1	30	30.9	32	33.0
Tennessee								
Eastern	60	0.9	15	25.0	19	31.7	26	43.3
Middle	41	0.6	12	29.3	20	48.8	9	22.0
Western	93	1.4	18	19.4	28	30.1	47	50.5
SEVENTH CIRCUIT	584	8.9	166	28.4	170	29.1	248	42.5
Illinois								
Central	70	1.1	21	30.0	28	40.0	21	30.0
Northern	210	3.2	61	29.0	58	27.6	91	43.3
Southern	58	0.9	9	15.5	27	46.6	22	37.9
Indiana								
Northern	59	0.9	17	28.8	17	28.8	25	37.9
Southern	43	0.7	13	30.2	4	9.3	26	60.5
Wisconsin								
Eastern	95	1.4	19	20.0	26	27.4	50	52.6
Western	49	0.7	26	53.1	10	20.4	13	26.5
EIGHTH CIRCUIT	357	5.4	121	33.9	101	28.3	135	37.8
Arkansas								
Eastern	36	0.5	9	25.0	7	19.4	20	55.6
Western	14	0.2	3	21.4	4	28.6	7	50.0
Iowa								
Northern	26	0.4	11	42.3	10	38.5	5	19.2
Southern	27	0.4	3	11.1	9	33.3	15	55.6
Minnesota	69	1.0	26	37.7	21	30.4	22	31.9
Missouri								
Eastern	72	1.1	29	40.3	20	27.8	23	31.9
Western	47	0.7	13	27.7	13	27.7	21	44.7
Nebraska	37	0.6	15	40.5	13	35.1	9	24.3
North Dakota	11	0.2	6	54.6	3	27.3	2	18.2
South Dakota	18	0.3	6	33.3	1	5.6	11	61.1

Table 64 (cont.)

CIRCUIT District	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
NINTH CIRCUIT	1,414	21.4	529	37.4	292	20.6	593	41.9
Alaska	30	0.5	11	36.7	9	30.0	10	33.3
Arizona	170	2.6	38	22.4	23	13.5	109	64.1
California								
Central	427	6.5	162	37.9	96	22.5	169	39.6
Eastern	104	1.6	40	38.5	19	18.3	45	43.3
Northern	78	1.2	33	42.3	16	20.5	29	37.2
Southern	147	2.2	60	40.8	34	23.1	53	36.0
Guam	13	0.2	6	46.2	0	0.0	7	53.8
Hawaii	37	0.6	10	27.0	9	24.3	18	48.6
Idaho	28	0.4	12	42.9	5	17.9	11	39.3
Montana	38	0.6	18	47.4	8	21.0	12	31.6
Nevada	88	1.3	18	20.4	15	17.0	55	62.5
Northern Mariana Islands	1	0.0	0	0.0	0	0.0	1	100.0
Oregon	114	1.7	65	57.0	24	21.0	25	21.9
Washington								
Eastern	40	0.6	19	47.5	6	15.0	15	37.5
Western	99	1.5	37	37.4	28	28.3	34	34.3
TENTH CIRCUIT	453	6.9	158	34.9	88	19.4	207	45.7
Colorado	63	1.0	26	41.3	12	19.0	25	39.7
Kansas	90	1.4	32	35.6	16	17.8	42	46.7
New Mexico	88	1.3	24	27.3	15	17.0	49	55.7
Oklahoma								
Eastern	15	0.2	3	20.0	6	40.0	6	40.0
Northern	51	0.8	17	33.3	8	15.7	26	51.0
Western	73	1.1	39	53.4	16	21.9	18	24.7
Utah	42	0.6	7	16.7	7	16.7	28	66.7
Wyoming	31	0.5	10	32.3	8	25.8	13	41.9
ELEVENTH CIRCUIT	455	8.3	239	52.5	154	33.8	62	13.6
Alabama								
Middle	16	0.2	8	50.0	8	50.0	0	0.0
Northern	10	0.2	5	50.0	3	30.0	2	20.0
Southern	50	0.8	16	32.0	18	36.0	16	32.0
Florida								
Middle	104	1.6	53	51.0	38	36.5	13	12.5
Northern	35	0.5	19	54.3	12	34.3	4	11.4
Southern	121	1.8	73	60.3	36	29.8	12	9.9
Georgia								
Middle	32	0.5	18	56.2	6	18.8	8	25.0
Northern	73	1.1	42	57.5	25	34.2	6	8.2
Southern	14	0.2	5	35.7	8	57.1	1	7.1

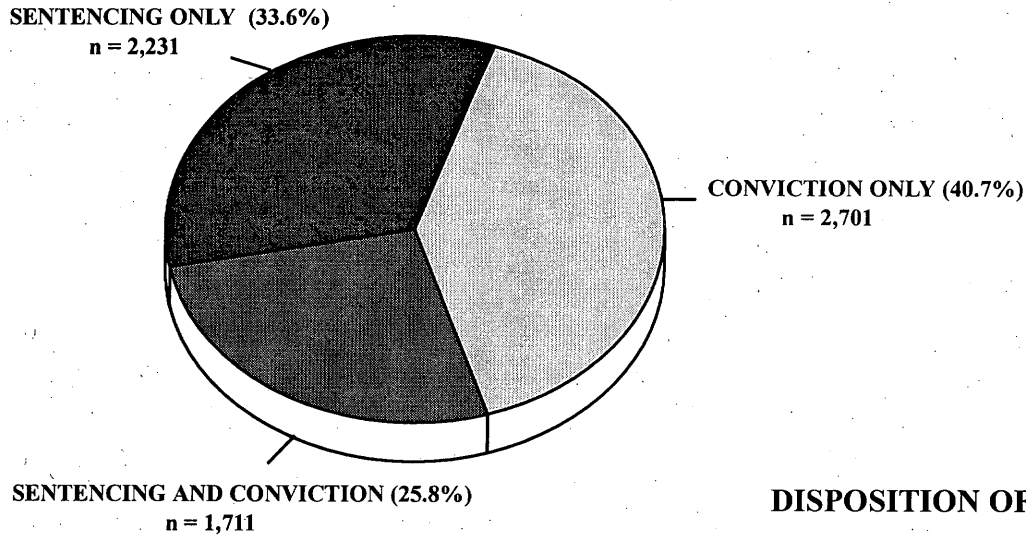
¹Of the 6,745 appeals cases, 151 were excluded due to one or both of the following reasons: missing district information (57) or missing type of appeal information (102). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1994 Appeals Datafile, APPFY94.

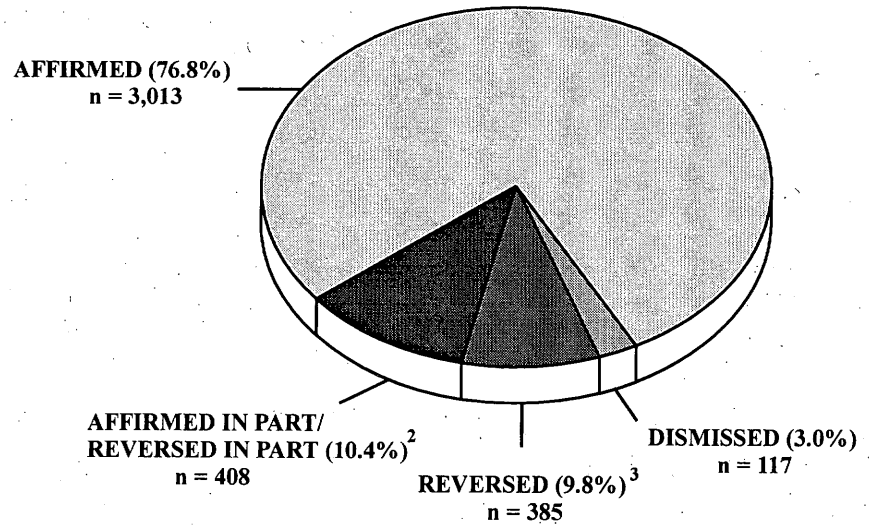
Figure M

TYPE AND DISPOSITION OF APPEALS CASES¹
(October 1, 1993, through September 30, 1994)

TYPE OF APPEAL



DISPOSITION OF SENTENCING APPEALS



¹ Of the 6,078 appeals defendants, 102 (1.7%) had missing information on type of appeal.

² Of the 408 cases affirmed in part and reversed in part, 379 (92.9%) were remanded to the lower courts.

³ Of the 385 cases reversed by the courts of appeals, 367 (95.3%) were remanded to the lower courts.

SOURCE: U.S. Sentencing Commission, 1994 Appeals Datafile, APPFY94.

In Table 65, showing the disposition of sentencing appeals by circuit and district, three circuits, the Ninth, Fifth, and Sixth, accounted for almost half, 1,787 (45.6%), of the appeals. The overall disposition rate of 1994 sentencing appeals was:

Affirmed	76.8 percent
Reversed	9.8 percent
Affirmed in part/ reversed in part	10.4 percent
Dismissed	3.0 percent

The Third Circuit had the highest rate of affirmed cases (86.1%); the Sixth Circuit had the lowest (69.6%). Of the 385 cases reversed, the appellate courts remanded 367 (95.3%) to the district courts for further action. The appellate courts remanded 379 cases (92.9%) that were affirmed in part and reversed in part. Annually, of some 40,000 cases sentenced under the guidelines, approximately 4,000 sentences are appealed. In 1994, sentencing remands made up 1.7 percent of the total district and appellate court sentencing cases. Sentencing appeals therefore comprise less than ten percent of the total district and appellate court sentencing cases.

Issues and Guidelines Appealed

The Commission collected data on the guidelines and issues that were the bases of appeal for cases involving sentencing issues only or sentencing and conviction issues. Tables 66 and 67 report the number of times a particular guideline was the basis for appeal (*e.g.*, §2D1.1 was the basis for appeal by the defendant 649 times out of some 4,000 cases). Table 68 describes the number of times a particular issue was appealed under a specific guideline (*e.g.*, the issue "challenge to weight/amount of drugs involved in the offense" was appealed 291 times under §2D1.1).

Table 66 shows the frequency of guideline appeals by the defendant. The guidelines that formed the

bases for the greatest number of appeals by the defendant were §2D1.1 (Drug Trafficking) (10.0%), §1B1.3 (Relevant Conduct) (6.8%), and §3E1.1 (Acceptance of Responsibility) (6.7%).

Table 67 shows the frequency of guideline appeals by the government. For cases in which the government was the appellant, §5K2.0 (Departures) (21.3%), §2D1.1 (Drug Trafficking) (9.4%), and §3E1.1 (Acceptance of Responsibility) (6.7%) were the guidelines most frequently appealed.

Table 68 presents six of the most frequently appealed guidelines, each listing several component issues and their frequency along with the affirmance rates. The table examines issues appealed under Relevant Conduct, Drug Trafficking, Role in the Offense, Acceptance of Responsibility, Departures, and Criminal History. For example, under Relevant Conduct, issues appealed most frequently were the definition/scope of "otherwise accountable" or "reasonably foreseeable" (47.0%), the relevant conduct determination when the offense includes a conspiracy (16.3%), and the definition/scope of "common scheme or plan" or "same course of conduct" (10.8%). The overall affirmance rate for appeals of the relevant conduct guideline was 85.6 percent.

Under the Drug Trafficking guidelines, the most frequently raised issues were challenges to the weight/amount of drugs involved in the offense (43.8%), questions regarding possession of a dangerous weapon (15.2%), and constitutional challenges to the penalty for cocaine base (12.0%). The overall affirmance rate for appeals of the Drug Trafficking guidelines was 79.6 percent. Under the Role in the Offense guidelines, the most frequently raised issues on appeal were the determination of whether the defendant was an organizer or leader (40.0%), whether the defendant was a minor participant in the offense (20.9%), and other questions concerning culpability (14.0%). The overall affirmance rate for appeals of the Role in the Offense guidelines was 88.2 percent.

Table 65

SENTENCING APPEALS CASE DISPOSITION BY CIRCUIT AND DISTRICT¹
(October 1, 1993, through September 30, 1994)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED		AFFIRMED AND REVERSED		DISMISSED	
		n	%	n	%	n	%	n	%
TOTAL	3,923	3,013	76.8	385 (367)²	9.8	408 (379)²	10.4	117	3.0
D.C. CIRCUIT	48	41	85.4	5 (5)	10.4	2 (2)	4.2	0	0.0
District of Columbia	48	41	85.4	5 (5)	10.4	2 (2)	4.2	0	0.0
FIRST CIRCUIT	114	83	72.8	11 (10)	9.6	20 (18)	17.5	0	0.0
Maine	20	18	90.0	1 (1)	5.0	1 (1)	5.0	0	0.0
Massachusetts	41	31	75.6	2 (2)	4.9	8 (6)	19.5	0	0.0
New Hampshire	12	7	58.3	1 (1)	8.3	4 (4)	33.3	0	0.0
Puerto Rico	22	16	72.7	4 (4)	18.2	2 (2)	9.1	0	0.0
Rhode Island	19	11	57.9	3 (2)	15.8	5 (5)	26.3	0	0.0
SECOND CIRCUIT	80	66	82.5	4 (4)	5.0	7 (7)	8.8	3	3.8
Connecticut	7	5	71.4	0 (0)	0.0	2 (2)	28.6	0	0.0
New York									
Eastern	30	23	76.7	2 (2)	6.7	2 (2)	6.7	3	10.0
Northern	3	2	66.7	0 (0)	0.0	1 (1)	33.3	0	0.0
Southern	29	25	86.2	2 (2)	6.9	2 (2)	6.9	0	0.0
Western	4	4	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Vermont	7	7	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
THIRD CIRCUIT	238	205	86.1	16 (14)	6.7	6 (5)	2.5	11	4.6
Delaware	12	12	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
New Jersey	58	51	87.9	3 (3)	5.2	1 (1)	1.7	3	5.2
Pennsylvania									
Eastern	104	89	85.6	6 (6)	5.8	2 (1)	1.9	7	6.7
Middle	38	28	73.7	6 (5)	15.8	3 (3)	7.9	1	2.6
Western	22	22	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Virgin Islands	4	3	75.0	1 (0)	25.0	0 (0)	0.0	0	0.0
FOURTH CIRCUIT	459	376	81.9	31 (28)	6.8	33 (33)	7.2	18	3.9
Maryland	38	29	76.3	1 (1)	2.6	7 (7)	18.4	1	2.6
North Carolina									
Eastern	52	35	67.3	13 (12)	25.0	2 (2)	3.8	2	3.8
Middle	69	64	92.8	1 (1)	1.4	1 (1)	1.4	3	4.4
Western	50	38	76.0	4 (4)	8.0	4 (4)	8.0	4	8.0
South Carolina	42	41	97.6	1 (1)	2.4	0 (0)	0.0	0	0.0
Virginia									
Eastern	85	69	81.2	4 (4)	4.7	8 (8)	9.4	4	4.7
Western	27	23	85.2	0 (0)	0.0	4 (4)	14.9	0	0.0
West Virginia									
Northern	38	34	89.5	1 (1)	2.6	3 (3)	7.9	0	0.0
Southern	58	43	74.1	7 (5)	12.1	4 (4)	6.9	4	6.9

Table 65 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED		AFFIRMED AND REVERSED		DISMISSED	
		n	%	n	%	n	%	n	%
FIFTH CIRCUIT	535	430	80.4	37 (37)²	6.9	48 (39)²	9.0	20	3.7
Louisiana									
Eastern	68	60	88.2	6 (6)	8.8	2 (1)	2.9	0	0.0
Middle	8	8	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Western	29	21	72.4	3 (3)	10.3	5 (5)	17.2	0	0.0
Mississippi									
Northern	12	11	91.7	1 (1)	8.3	0 (0)	0.0	0	0.0
Southern	18	15	83.3	1 (1)	5.6	1 (1)	5.6	1	5.6
Texas									
Eastern	45	39	86.7	2 (2)	4.4	3 (3)	6.7	1	2.2
Northern	124	96	77.4	9 (9)	7.3	15 (12)	12.1	4	3.2
Southern	94	74	78.7	7 (7)	7.4	8 (8)	8.5	5	5.3
Western	137	106	77.4	8 (8)	5.8	14 (9)	10.2	9	6.6
SIXTH CIRCUIT	431	300	69.6	56 (53)	13.0	72 (71)	16.7	3	0.7
Kentucky									
Eastern	28	20	71.4	4 (3)	14.3	4 (4)	14.3	0	0.0
Western	26	18	69.2	5 (5)	19.2	3 (3)	11.5	0	0.0
Michigan									
Eastern	119	76	63.9	15 (15)	12.6	28 (28)	23.5	0	0.0
Western	32	25	78.1	2 (2)	6.2	4 (4)	12.5	1	3.1
Ohio									
Northern	49	32	65.3	9 (9)	18.4	8 (8)	16.3	0	0.0
Southern	65	46	70.8	6 (6)	9.2	12 (11)	18.5	1	1.5
Tennessee									
Eastern	34	29	85.3	4 (3)	11.8	1 (1)	2.9	0	0.0
Middle	32	22	68.8	6 (5)	18.8	4 (4)	12.5	0	0.0
Western	46	32	69.6	5 (5)	10.9	8 (8)	17.4	1	2.2
SEVENTH CIRCUIT	336	260	77.4	32 (30)	9.5	30 (28)	8.9	14	4.2
Illinois									
Central	49	41	83.7	5 (5)	10.2	1 (1)	2.0	2	4.1
Northern	119	101	84.9	4 (3)	3.4	10 (9)	8.4	4	3.4
Southern	36	26	72.2	5 (5)	13.9	5 (5)	13.9	0	0.0
Indiana									
Northern	34	21	61.8	6 (6)	17.6	6 (5)	17.6	1	2.9
Southern	17	14	82.4	2 (2)	11.8	1 (1)	5.9	0	0.0
Wisconsin									
Eastern	45	28	62.2	6 (6)	13.3	7 (7)	15.6	4	8.9
Western	36	29	80.6	4 (3)	11.1	0 (0)	0.0	3	8.3
EIGHTH CIRCUIT	222	183	82.4	17 (15)	7.7	22 (22)	9.9	0	0.0
Arkansas									
Eastern	16	12	75.0	2 (1)	12.5	2 (2)	12.5	0	0.0
Western	7	7	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Iowa									
Northern	21	17	81.0	2 (2)	9.5	2 (2)	9.5	0	0.0
Southern	12	10	83.3	1 (1)	8.3	1 (1)	8.3	0	0.0
Minnesota	47	41	87.2	3 (3)	6.4	3 (3)	6.4	0	0.0
Missouri									
Eastern	49	37	75.5	4 (4)	8.2	8 (8)	16.3	0	0.0
Western	26	25	96.2	0 (0)	0.0	1 (1)	3.8	0	0.0
Nebraska	28	20	71.4	3 (2)	10.7	5 (5)	17.9	0	0.0
North Dakota	9	7	77.8	2 (2)	22.2	0 (0)	0.0	0	0.0
South Dakota	7	7	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0

Table 65 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED		AFFIRMED AND REVERSED		DISMISSED	
		n	%	n	%	n	%	n	%
NINTH CIRCUIT	821	577	70.3	116 (112)²	14.1	89 (83)²	10.8	39	4.8
Alaska	20	13	65.0	2 (2)	10.0	5 (5)	25.0	0	0.0
Arizona	61	38	62.3	13 (13)	21.3	6 (6)	9.8	4	6.6
California									
Central	258	182	70.5	37 (33)	14.3	30 (27)	11.6	9	3.5
Eastern	59	47	79.7	2 (2)	3.4	8 (7)	13.6	2	3.4
Northern	49	32	65.3	10 (10)	20.4	4 (4)	8.2	3	6.1
Southern	94	64	68.1	10 (10)	10.6	14 (14)	14.9	6	6.4
Guam	6	1	16.7	3 (3)	50.0	0 (0)	0.0	2	33.3
Hawaii	19	19	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Idaho	17	13	76.5	4 (4)	23.5	0 (0)	0.0	0	0.0
Montana	26	18	69.2	5 (5)	19.2	2 (2)	7.7	1	3.8
Nevada	33	26	78.8	1 (1)	3.0	3 (3)	9.1	3	9.1
Northern Mariana Islands	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Oregon	89	68	76.4	10 (10)	11.2	4 (4)	4.5	7	7.9
Washington									
Eastern	25	17	68.0	5 (5)	20.0	2 (2)	8.0	1	4.0
Western	65	39	60.0	14 (14)	21.5	11 (9)	16.9	1	1.5
TENTH CIRCUIT	246	187	76.0	19 (18)	7.7	34 (32)	13.8	6	2.5
Colorado	38	31	81.6	2 (1)	5.3	5 (4)	13.2	0	0.0
Kansas	48	42	87.5	1 (1)	2.1	5 (5)	10.4	0	0.0
New Mexico	39	30	76.9	2 (2)	5.1	5 (5)	12.8	2	5.1
Oklahoma									
Eastern	9	8	88.9	0 (0)	0.0	1 (1)	11.1	0	0.0
Northern	25	17	68.0	7 (7)	28.0	0 (0)	0.0	1	4.0
Western	55	40	72.7	2 (2)	3.6	11 (11)	20.0	2	3.6
Utah	14	9	64.3	2 (2)	14.3	3 (2)	21.4	0	0.0
Wyoming	18	10	55.6	3 (3)	16.7	4 (4)	22.2	1	5.6
ELEVENTH CIRCUIT	393	305	70.2	40 (40)	10.2	45 (39)	11.4	3	0.8
Alabama									
Middle	16	13	81.2	0 (0)	0.0	3 (3)	18.8	0	0.0
Northern	8	4	50.0	3 (3)	37.5	1 (1)	12.5	0	0.0
Southern	34	23	67.6	2 (2)	5.9	8 (6)	23.5	1	2.9
Florida									
Middle	91	72	79.1	11 (11)	12.1	7 (7)	7.7	1	1.1
Northern	31	22	71.0	4 (4)	12.9	5 (4)	16.1	0	0.0
Southern	109	95	87.2	6 (6)	5.5	8 (6)	7.3	0	0.0
Georgia									
Middle	24	17	70.8	4 (4)	16.7	2 (2)	8.3	1	4.2
Northern	67	47	70.2	9 (9)	13.4	11 (10)	16.4	0	0.0
Southern	13	12	92.3	1 (1)	7.7	0 (0)	0.0	0	0.0

¹ Of the 6,745 appeals cases, 2,701 were excluded because the type of appeal was "conviction only." Of the 4,044 remaining cases, 121 were excluded due to one or both of the following reasons: missing district information (57) or missing type of appeal information (102). Descriptions of variables used in this table are provided in Appendix A.

² This category (in parentheses) includes cases that were remanded for sentencing purposes.

SOURCE: U.S. Sentencing Commission, 1994 Appeals Datafile, APPFY94.

Table 66

GUIDELINE INVOLVED IN ISSUES APPEALED BY THE DEFENDANTS¹
(October 1, 1993, through September 30, 1994)

GUIDELINE	Number	Percent
2D1.1 (Drug Guidelines)	649	10.0
1B1.3 (Relevant Conduct)	443	6.8
3E1.1 (Acceptance of Responsibility)	437	6.7
5K2.0 (Departures)	395	6.1
3B1.1 (Aggravating Role)	305	4.7
3C1.1 (Obstruction of Justice)	260	4.0
3B1.2 (Mitigating Role)	255	3.9
6A1.3 (Resolution of Disputed Factors)	241	3.7
2F1.1 (Fraud and Deceit)	178	2.7
5K1.1 (Substantial Assistance to Authorities)	171	2.6
4A1.2 (Definitions and Instruction of Criminal History)	164	2.5
4A1.3 (Adequacy of Criminal History)	161	2.5
5E1.1 (Restitution)	129	2.0
Constitutional Issues	118	1.8
5E1.2 (Fines for Individual Defendants)	112	1.7
4B1.1 (Career Offender)	109	1.7
4B1.4 (Armed Career Criminal)	98	1.5
4A1.1 (Criminal History Category)	96	1.5
2K2.1 (Firearms)	71	1.1
2B3.1 (Robbery)	60	0.9
7B1.3 (Revocation of Probation or Supervised Release)	54	0.8
3B1.3 (Abuse of Position of Trust or Use of Special Skill)	53	0.8
1B1.11 (Use of Guideline Manual in Effect at Sentencing)	45	0.7
4B1.2 (Definitions for Career Offender)	42	0.6
1B1.10 (Retroactivity of Amended Guideline Ranges)	41	0.6
1B1.2 (Applicable Guidelines)	34	0.5
2B1.1 (Larceny, Embezzlement and Theft)	31	0.5
5G1.3 (Defendant Subject to Undischarged Term of Imprisonment)	31	0.5
5K2.13 (Diminished Capacity)	27	0.4
3D1.2 (Groups of Closely Related Counts)	27	0.4
1B1.0 (General Application Principles)	25	0.4
2K2.4 (Use of Firearm During or in Relation to Certain Crimes)	24	0.4
3A1.1 (Vulnerable Victim)	24	0.4
3C1.2 (Gratuity)	24	0.4
7B1.4 (Term of Imprisonment)	23	0.4
5G1.2 (Sentencing on Multiple Counts of Conviction)	22	0.3
6B1.1 (Plea Agreement Procedure)	22	0.3
2X1.1 (Attempt, Solicitation or Conspiracy)	20	0.3
Other Guidelines	595	9.1
Other Non-guideline Issues	905	13.9
Total	6,521	100.0

¹Based on 4,044 appeals defendants with sentencing as at least one of the reasons for appeal. Information on issues was unavailable in 319 cases. Because often more than one issue was appealed, the number of issues is more than the number of defendants. The "Other Guidelines" category includes all issues provided less than 20 times among relevant cases. A description of guidelines used in this table can be found in the Guidelines Manual.

SOURCE: U.S. Sentencing Commission, 1994 Appeals Datafile, APPFY94.

Table 67

GUIDELINE INVOLVED IN ISSUES APPEALED BY THE GOVERNMENT¹
(October 1, 1993, through September 30, 1994)

GUIDELINE	Number	Percent
5K2.0 (Departures)	38	21.3
2D1.1 (Drug Guidelines)	16	9.4
3E1.1 (Acceptance of Responsibility)	12	6.7
1B1.3 (Relevant Conduct)	10	5.6
4A1.3 (Adequacy of Criminal History)	7	3.9
2F1.1 (Fraud and Deceit)	6	3.4
4B1.4 (Armed Career Criminal)	5	2.8
5K2.12 (Coercion and Duress)	4	2.2
3B1.3 (Abuse of a Position of Trust or Use of Special Skill)	4	2.2
5H1.12 (Lack of Guidance as a Youth and Similar Circumstances)	4	2.2
5K1.1 (Substantial Assistance to Authorities)	4	2.2
3C1.1 (Obstruction of Justice)	3	1.7
5K2.13 (Diminished Capacity)	3	1.7
3B1.2 (Mitigating Role)	3	1.7
5K2.11 (Lesser Harms)	3	1.7
5H1.1 (Age)	3	1.7
1B1.2 (Applicable Guidelines)	2	1.1
5H1.6 (Family Ties and Responsibilities)	2	1.1
3B1.1 (Aggravating Role)	2	1.1
4B1.1 (Career Offender)	2	1.1
5H1.2 (Education and Vocation Skills)	2	1.1
5G1.3 (Imposition of Sentence Subject to Undischarged Term of Imprisonment)	2	1.1
5H1.4 (Physical Condition)	2	1.1
Other Guidelines	23	12.9
Other Non-guideline Issues	16	9.0
Total	178	100.0

¹Based on 4,044 appeals defendants with sentencing as at least one of the reasons for appeal. Information on issues was unavailable in 319 cases. Because often more than one issue was appealed, the number of issues is more than the number of defendants. The "Other Guidelines" category includes all issues provided less than two times among relevant cases. A description of guidelines used in this table can be found in the Guidelines Manual.

SOURCE: U.S. Sentencing Commission, 1994 Appeals Datafile, APPFY94.

Table 68

SENTENCING ISSUES APPEALED FOR SELECT GUIDELINES¹
(October 1, 1993, through September 30, 1994)

ISSUE	Number	Percent	Affirmance Rate
RELEVANT CONDUCT (§1B1.3)	453	100.0	85.6
Definition/scope of "otherwise accountable" or "reasonably foreseeable"	213	47.0	85.9
Relevant conduct determination when offense includes a conspiracy	74	16.3	85.1
Definition/scope of "common scheme or plan or same course of conduct"	49	10.8	87.8
Definition/scope of jointly undertaken criminal activity	32	7.1	78.1
Uncharged conduct/dismissed counts	21	4.6	85.7
Inclusion of acquitted conduct in relevant conduct	15	3.3	93.3
Standard of proof in sentencing/determination of relevant conduct	10	2.2	100.0
Other issues appealed	39	8.6	84.6
DRUG TRAFFICKING	665	100.0	79.6
Challenge to weight/amount of drugs involved in the offense	291	43.8	77.0
Question regarding dangerous weapon possession	101	15.2	85.2
Equal protection/due process challenge to penalty for cocaine base	80	12.0	85.0
Application and definition issues	36	5.4	75.0
Definition of mixture of substance	26	3.9	76.9
Question regarding marijuana plants (§2D1.1)	21	3.2	61.9
Mandatory minimum statute applicable	11	1.7	90.9
Fifth Amendment: due process	10	1.5	80.0
Other issues appealed	89	13.4	82.0
ROLE IN THE OFFENSE GUIDELINES	449	100.0	88.2
Determination that defendant was an organizer or leader (§3B1.1)	226	40.0	85.4
Whether defendant was a minor participant in the offense (§3B1.2)	118	20.9	89.0
Question regarding application of reduction and level of culpability	79	14.0	89.8
Whether defendant was a minimal participant in the offense (§3B1.2)	54	9.6	87.0
Determination that defendant was a manager or supervisor (§3B1.1)	33	5.8	81.8
Questions regarding application of enhancement and level of culpability	17	3.0	88.2
Other issues appealed	38	6.8	71.0
ACCEPTANCE OF RESPONSIBILITY (§3E1.1)	449	100.0	88.2
Application and definition issues	136	30.3	85.3
Conduct necessary to receive adjustment	106	23.6	91.5
Admitted conduct comprising the offense(s) of conviction	61	13.6	98.4
Timely notifying authorities of intention to plead guilty	58	12.9	87.9
Falsely denying relevant conduct	20	4.5	85.0
Specifics unknown ²	13	2.9	61.5
Procedural issues	13	2.9	84.6
Other issues appealed	42	9.3	85.7
DEPARTURE POLICY STATEMENTS	433	100.0	56.8
Question regarding Court's refusal to depart downward	147	33.9	46.9
Other mitigating circumstances for departure	56	12.9	57.1
District court mistakenly believed it had no authority to depart	36	8.3	66.7
Adequacy of reasons for departure	30	6.9	36.7
Codefendant disparity as basis for departure	21	4.8	81.0
Downward departure - single act of aberrant behavior	19	4.4	52.6
Other aggravating circumstances as basis for departure	19	4.4	94.7
Question regarding extent of departure	17	3.9	58.8
Upward departure - guideline range does not reflect seriousness	16	3.7	75.0
Other issues appealed	72	16.6	59.7

Table 68 (cont.)

ISSUE	Number	Percent	Affirmance Rate
CRIMINAL HISTORY GUIDELINES	688	100.0	73.1
Defendant claims prior conviction unconstitutional (§§4B1.4, 4A1.2, 4B1.1)	71	10.3	80.3
Definition of related cases (§4A1.2)	46	6.7	87.0
Determination that prior offenses meet criterion set forth in §4B1.1	35	5.1	71.4
Determination that prior offenses meet criterion for enhancement (§4B1.4)	28	4.1	85.7
§4A1.1(c) precludes counting of certain prior sentences	22	3.2	68.2
Downward departure - overrepresented criminal history (§4A1.3)	22	3.2	54.5
Application of career offender definition of "crime of violence" (§4B1.2)	21	3.1	57.1
General determination as career offender	21	3.1	47.6
Application of procedures set out in guideline §4A1.1	20	2.9	65.0
§4A1.2(c) precludes counting of certain prior sentences	18	2.6	88.9
Upward departure - prior unlawful conduct not accounted for (§4A1.3)	18	2.6	61.1
Prior conviction is beyond time period for §4A1.2(e)	18	2.6	77.8
Upward departure - calculation of extent of departure (§4A1.3)	17	2.5	64.7
Defendant's conviction not subject to Armed Career Criminal enhancement	16	2.3	75.0
Upward departure - history of arrests (§4A1.3)	13	1.9	100.0
Other upward departure issues (§4A1.3)	13	1.9	46.2
Part A - challenge to the authority of the Sentencing Commission	12	1.7	66.7
Category doesn't reflect likelihood that defendant will commit other crimes	12	1.7	83.3
§4A1.2(d) precludes counting of juvenile convictions	11	1.6	81.8
Application of definition of "two prior felony convictions" (§4B1.2)	11	1.6	81.8
Definition of violent felony (§4A1.2)	11	1.6	72.7
Specifics unknown ²	11	1.6	90.9
Court failed to articulate basis for departure (§4A1.3)	10	1.5	40.0
§4A1.1(a) precludes including a certain sentence in criminal history category	10	1.5	70.0
§4A1.1(b) precludes counting of certain prior sentences	10	1.5	90.0
Question regarding related cases and calculation of criminal history	10	1.5	70.0
Eighth Amendment: cruel and unusual punishment	10	1.5	90.0
Other issues appealed	171	24.9	71.3

¹Based on 4,044 appeals defendants with sentencing as at least one of the reasons for appeal. Information on issues was unavailable in 319 cases. Because often more than one issue was appealed, the number of issues is more than the number of defendants. The "Other issues appealed" category includes all issues given less than ten times among relevant cases. A description of guidelines used in this table can be found in the Guidelines Manual.

²"Specifics unknown" indicates a) a challenge to a specific guideline when the court's order does not articulate the particular issue raised by the defendant or b) a general challenge to the application of the guidelines when the court's order does not indicate which guideline is being challenged.

SOURCE: U.S. Sentencing Commission, 1994 Appeals Datafile; APPFY94.

In the Acceptance of Responsibility guideline, the three most litigated areas concerned application and definition issues (30.3%), conduct necessary to receive the adjustment (23.6%), and issues of admitted conduct comprising the offense of conviction (13.6%). The overall affirmance rate for appeals of the Acceptance of Responsibility guideline was 88.2 percent. In appeals of the Departure policy statements, the most frequently appealed issues were questions regarding the district court's refusal to depart downward (33.9%), other mitigating circumstances for departure (12.9%), and whether the district court mistakenly believed it lacked authority to depart (8.3%). The overall affirmance rate for appeals of the Departure policy statements was 56.8 percent. Finally, Table 68 sets out the most frequently appealed issues under the Criminal History guidelines. The most litigated issues involved the constitutionality of prior convictions (10.3%), the definition of related cases (6.7%), and the determination that prior offenses met the criterion set forth in §4B1.1 (5.1%). The overall affirmance rate for appeals of the Criminal History guidelines was 73.1 percent.

Offense and Offender Characteristics

Table 69 data reveal that 43.6 percent of defendants in appellate court cases were White, 35.3 percent Black, 17.0 percent Hispanic, and 4.0 percent other. Whites and Blacks comprise a larger portion of the appeals population than of the district court population. Of the defendants sentenced in district court, 41.5 percent were White and 30.3 percent were Black. More than 82 percent of the defendants in appellate court cases were United States citizens, and 17.5 percent were non-citizens. In 34 percent of the appellate court cases, the defendants were sentenced under mandatory drug sentencing statutes, 5.4 percent were sentenced under mandatory gun sentencing statutes, and 4.1 percent under both drug and gun mandatory sentencing statutes.

Table 70 compares, by primary offense category, average imprisonment length of defendants whose

cases were appealed to imprisonment length of all defendants sentenced in district court in 1994. The mean sentence of appealed cases was 128.2 months (median=96 months) compared to 65.9 months (median=36 months) for district court cases. Almost 54 percent of the appellate court cases involved defendants whose primary offense of conviction was drug trafficking, which comprised almost 48 percent of all cases sentenced in the district court. The mean length of imprisonment for defendants convicted of drug trafficking was 90.7 months (median=60 months) compared to a mean of 164.1 months (median=130 months) for appellate court cases. The higher sentences for defendants in appellate court cases were likely the result of a greater incidence of mandatory minimum sentences, larger quantities of drugs, and the lack of substantial assistance departures in this population.

B. RESEARCH STUDIES

Background

The Commission, using information primarily from its comprehensive monitoring database, conducts guideline and sentencing-related analyses on a variety of topics to fulfill its research and clearinghouse responsibilities as required by Congress. It also provides data and analyses on specific criminal justice issues at the request of Congress and the courts. The Commission's research focus takes various forms as discussed hereafter.

Just Punishment Research Project

In an effort to address one of the statutory purposes of sentencing – just punishment – the Commission is investigating public perceptions about the appropriate levels of punishment for various federal crimes. Although numerous studies have examined public perceptions of state

Table 69

**SELECT OFFENSE AND OFFENDER CHARACTERISTICS FOR
APPEALS DEFENDANTS¹
(October 1, 1993, through September 30, 1994)**

OFFENSE AND OFFENDER CHARACTERISTICS	APPELLATE COURT CASES ²		DISTRICT COURT CASES ³	
	Number	Percent	Number	Percent
Race of Defendant	3,504	100.0	39,615	100.0
White	1,529	43.6	16,443	41.5
Black	1,238	35.3	12,021	30.3
Hispanic	596	17.0	9,757	24.6
Other	141	4.0	1,394	3.5
Gender of Defendant	3,516	100.0	39,914	100.0
Male	3,222	91.6	33,775	84.6
Female	294	8.4	6,139	15.4
Education of Defendant	3,377	100.0	38,696	100.0
Less than High School	1,335	39.5	15,116	39.1
High School Graduate	1,126	33.3	12,933	33.6
Some College	638	18.9	7,625	19.7
College Graduate	278	8.2	3,022	7.8
Citizenship of Defendant	3,356	100.0	39,068	100.0
United States Citizen	2,770	82.5	30,348	77.7
Non-United States Citizen	586	17.5	8,720	22.3
Criminal History Category	3,258	100.0	34,497	100.0
Category I	1,503	46.1	19,933	57.8
Category II	393	12.1	3,831	11.1
Category III	446	13.7	4,225	12.2
Category IV	247	7.6	2,212	6.4
Category V	166	5.1	1,253	3.6
Category VI	503	15.4	3,043	8.8
Mandatory Minimum Applied	3,267	100.0	39,767	100.0
No Mandatory Minimum	1,831	56.0	28,384	71.5
Gun Mandatory Minimum	177	5.4	1,580	4.0
Drug Mandatory Minimum	1,124	34.4	9,100	22.9
Gun and Drug Mandatory Minimum	135	4.1	703	1.8

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

²Based on 4,044 appeals defendants with sentencing as at least one of the reasons for appeal. These cases were merged with monitoring datafiles from 1990-1994.

³All guidelines cases sentenced in FY1994. Totals may vary slightly due to the different numbers of missing cases by specific variables.

SOURCE: U.S. Sentencing Commission, 1994 Appeals Datafile, APPFY94 and 1990-1994 Datafiles, MONFY90, MONFY91, MONFY92, MONFY93, and MONFY94.

Table 70

AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1993, through September 30, 1994)

PRIMARY OFFENSE	APPELLATE COURT CASES ²				DISTRICT COURT CASES ³			
	n	Percent	Mean ⁴	Median ⁴	n	Percent	Mean ⁴	Median ⁴
TOTAL	3,487	100.0	128.2	96.0	30,471	100.0	65.9	36.0
Murder	18	0.5	318.3	365.0	67	0.2	251.4	160.0
Manslaughter	4	0.1	73.5	51.0	36	0.1	62.2	33.5
Kidnapping/Hostage-Taking	11	0.3	207.7	207.0	44	0.1	162.4	102.5
Sexual Abuse	14	0.4	138.9	120.5	140	0.5	69.9	30.0
Assault	36	1.0	59.3	36.0	323	1.1	44.5	30.0
Robbery	236	6.8	152.7	131.0	1,943	6.4	108.8	83.0
Arson	23	0.7	107.5	63.0	86	0.3	76.1	45.5
Drugs - Trafficking	1,876	53.8	164.1	130.0	14,532	47.7	90.7	60.0
Drugs - Communication Facility	12	0.3	43.2	41.0	283	0.9	43.0	48.0
Drugs - Simple Possession	5	0.1	58.0	60.0	431	1.4	11.1	6.0
Firearms	344	9.9	142.9	98.5	2,263	7.4	74.8	41.0
Burglary/B&E	5	0.1	30.0	27.0	39	0.1	27.4	24.0
Auto Theft	11	0.3	38.0	27.0	170	0.6	22.1	18.0
Larceny	83	2.4	33.4	27.0	1,037	3.4	14.0	10.0
Fraud	364	10.4	29.6	24.0	3,385	11.1	17.0	12.0
Embezzlement	15	0.4	22.1	12.0	457	1.5	7.1	4.0
Forgery/Counterfeiting	35	1.0	29.8	24.0	519	1.7	15.2	12.0
Bribery	15	0.4	36.5	24.0	169	0.6	22.6	12.0
Tax	27	0.8	21.1	21.0	315	1.0	12.6	9.0
Money Laundering	76	2.2	67.1	49.5	644	2.1	43.5	33.0
Racketeering/Extortion	68	2.0	112.2	83.5	500	1.6	87.2	51.0
Gambling/Lottery	3	0.1	10.3	—	43	0.1	14.7	12.0
Civil Rights	13	0.4	68.5	30.0	55	0.2	40.1	24.0
Immigration	100	2.9	46.3	46.0	2,044	6.7	20.9	18.0
Pornography/Prostitution	8	0.2	33.8	18.0	52	0.2	55.6	33.0
Prison Offenses	15	0.4	21.3	18.0	259	0.9	23.0	18.0
Administration of Justice Offenses	40	1.1	26.0	21.0	376	1.2	20.3	15.0
Environmental/Wildlife	6	0.2	12.8	9.5	36	0.1	10.6	6.0
National Defense	3	0.1	27.0	—	19	0.1	44.0	12.0
Antitrust	3	0.1	2.7	—	7	0.0	4.6	3.0
Food & Drug	2	0.1	39.0	—	21	0.1	15.1	12.0
Other Miscellaneous Offenses	16	0.5	102.7	49.5	176	0.6	32.1	12.0

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

²Based on 4,044 appeals defendants with sentencing as at least one of the reasons for appeal. These cases were merged with the U.S. Sentencing Commission's Monitoring files from 1990-1994.

³All guideline cases sentenced in FY1994.

⁴In months.

SOURCE: U.S. Sentencing Commission, 1994 Appeals Datafile, APPFY94 and 1990-1994 Datafiles, MONFY90, MONFY91, MONFY92, MONFY93, and MONFY94.

offenses, no previous study has questioned the seriousness of federal offenses.

To examine the complex causes and influences affecting punishment decisions, the Commission designed a three-phase project to identify links between punishment decisions and three factors of the offense: the crime itself, the relevant characteristics of the defendant, and the consequences of the criminal act.

In the design phase, the Commission created a set of crime "vignettes" based on a selected group of 96 federal offenses and 42 offense and offender characteristics. For example, one vignette might describe an unmarried male, currently unemployed and without previous criminal history, 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 employed, and with two previous prison sentences. The Commission used a computer program to generate all possible vignettes resulting from combinations of the various offense and offender characteristics. The result was more than 100,000 unique vignettes produced.

In the national survey phase of the study, interviewers contacted 1,737 randomly selected households across the nation. A randomization algorithm selected one household member to respond to the survey. Interviewers presented each survey respondent with a unique computer-generated booklet containing 40 different vignettes randomly drawn from the overall set of 100,000. Each vignette described a different crime with different offense characteristics and consequences and a defendant with different personal characteristics. After reading each vignette, respondents recorded their opinions of the most appropriate punishment: probation, imprisonment, and/or the death penalty. Finally, respondents answered questions about their personal demographic characteristics and experiences with the criminal justice system.

The data collection and interpretation phase of the study generated data on approximately 68,000 vignettes. The study's methodological design permitted assessment of how variations in the vignette factors (the crime, the defendant, and the consequences) modified perceptions of suitable sentence type and length. Both descriptive and multivariate analyses using a factorial design will be presented in the final report scheduled for release in 1995.

Selective Incapacitation Project

In June 1994, the Commission began addressing a second statutory purpose of sentencing with its study of selective incapacitation in the federal system. Judges (and the sentencing guidelines) base decisions about imprisonment on some prediction of an offender's future dangerousness. Selective incapacitation identifies for incarceration the segment of offenders predicted to commit more and/or more serious crime.

The first phase of the project involved a comprehensive literature review of definitions, theories, ethical considerations, and research findings involving selective incapacitation. A number of important questions emerged from the review:

- What is the prevalence of high-frequency, chronic offenders within the federal criminal justice system? What is the rate at which these high-frequency offenders commit crime?
- How well does the guidelines' criminal history score predict future crime? Can other factors that improve predictive ability be identified?
- How much crime is prevented under current federal sentencing practices?
- What is the effect on crime rates and prison resources if high-risk offenders are selectively incapacitated?

- How should low-risk offenders be punished? What are the appropriate alternative sentencing options for low-risk offenders?
- What are the costs and consequences of using these alternative approaches to sentencing?

In early 1995, the Commission will begin development of a research methodology to address these questions. The study that follows will differ from previous research on selective incapacitation in that it will examine conditions and practices specific to the federal criminal justice system. Analysis of Federal Probation Sentencing and Supervision Information System (FPSSIS) data and the FBI's National Criminal Information Center (NCIC) automated criminal history files will provide information on the criminal activity of offenders who have been released from federal prison.

Although FPSSIS and NCIC data can provide official measures of recidivism, they cannot provide information on crime commission rates. Therefore, FPSSIS and NCIC data will be augmented by self-report data obtained through interviews with offenders. These combined data sources offer a significant methodological advantage over those used in most previous selective incapacitation studies because they provide the means to evaluate the relationship between self-reported and official measures of crime. Based on the findings, the study will make recommendations about the role of selective incapacitation in the federal guideline system.

Prison Impact Assessment

As directed by Congress, the Commission regularly assesses the impact of changes to the sentencing guidelines on the federal prison population. During 1994, the Commission modeled the potential prison impact of two guideline amendments sent to Congress:

- Stopping the Drug Quantity Table at Level 38, thereby reducing the base offense levels for certain categories of offenses (amendment to §2D1.1), should decrease the federal prison population by approximately 1.6 percent; and
- Defining the term "offense statutory maximum" to mean the statutory maximum prior to any enhancement based on prior record (amendment to §4B1.1) should have a negligible impact on the federal prison population.

The Commission also modeled the potential prison impact of two amendments to the federal criminal code enacted by the Violent Crime and Law Enforcement Act of 1994:

- Limiting the applicability of statutory minimum sentences for qualified low-level drug defendants (*i.e.*, the "Safety Valve") should decrease the federal prison population by approximately 1.2 percent; and
- Providing for life imprisonment for defendants whose instant offense was a crime of violence and who were convicted previously of at least two violent offenses or one violent offense and one serious drug offense (*i.e.*, "Three Strikes") should increase the federal prison population by approximately two percent.

In addition, the Commission provided members of Congress with impact analyses of several legislative proposals: (1) a ten-year mandatory enhancement for use of a firearm during the commission of an offense, (2) a ten-year mandatory minimum penalty for involving minors in drug trafficking, and (3) a two-level guideline enhancement for using a semiautomatic weapon during the commission of certain offenses.

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 received during a given year. From fiscal 1993 data, the Commission calculated that 41,138 defendants were sentenced to serve a total of 153,458 person-years of imprisonment. Under the prison impact model, therefore, the projected estimate of the long-term federal prison population is 153,458 inmates (approximately 58,000 more than are housed currently by the Federal Bureau of Prisons). This estimate constitutes the baseline against which sentencing policy changes are measured.

The prison impact model calculates how sentences for defendants would have differed had the 1994 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 prison 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 or statutory change. If the amendment affects the defendant's sentence (e.g., the 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 the same relative position as in the original guideline range.

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 (ex-

cept in cases of downward departures for substantial assistance pursuant to §5K1.1) or that sentencing 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 resentenced to a new value at 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. § 3624 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.

Study of Changing Composition of Offenses and Offenders

During 1994, the Commission continued its study of the changing composition of offenses and offenders in the federal criminal justice system. Previous Commission research has revealed 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 began this study in 1993.

The study 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?" In other words, is the mix of crimes and criminals becoming more serious? Specific offense/offender characteristics being examined include:

- type of drug offense,

- weapon use,
- extent of violent crime,
- dollar amounts of fraud convictions,
- level of violence associated with bank robbery,
- crimes involving strangers, and
- criminal histories of offenders.

The Commission has focused considerable effort on developing a unified database to address these research questions. Several criminal justice databases measure offenses and offenders over time. The study's multi-method approach incorporates data from the Commission's monitoring database, FPSSIS, the U.S. Parole Commission, and the Federal Bureau of Prisons. While no single database answers all questions about changing composition, a combination of these empirical data may provide a more comprehensive understanding of what changes have occurred. In addition, a content analysis of newspaper coverage, an historical examination of the federalization of state crimes, and a review of pertinent government crime reports provide a context for interpretation of these empirical data.

Challenges to be addressed include: making disparate units of analysis compatible, converting calendar-year to fiscal-year systems, disentangling federal from state case data, controlling for variable and value definition changes over time, and matching and tracking cases as they move through the criminal justice process.

Initial analyses of national crime data suggest that, while the frequency and seriousness of offenders and offenses handled by federal courts may have increased between 1984 and 1990, the trend is not uniform across all categories of offenders or offenses. A final report is expected in 1995.

Race and Ethnicity Study

The Commission continued its systematic review of sentencing patterns in the federal criminal justice system that have resulted generally in higher sentences for Black and Hispanic defendants than for White defendants. Using 1992 data, the Commission updated prior work and, in general, verified its previous findings. Additionally, the Commission expanded the study in the area of judicial discretion, focusing separately on the use of departures from the guidelines, the use of alternatives to imprisonment, and determination of prison sentence length.

As in the 1991 data, patterns were evident in the 1992 data that prosecutorial discretion resulted generally in (1) more mandatory minimum charges trumping guideline sentences for Black defendants (especially for convictions under 18 U.S.C. 924(c)) and (2) more frequent reductions for White defendants on the basis of substantial assistance provided to authorities. Analyses using the more recent data were consistent with the earlier finding that Black defendants had higher guideline ranges because of more prior criminal activity (higher criminal history scores) and greater offense severity (higher offense levels). Judicial discretion resulted in more frequent downward departures for White than for Black defendants for reasons other than substantial assistance.

Additionally, White defendants were significantly more likely than Black and Hispanic defendants to be placed in the least restrictive sentencing alternatives (most particularly, straight probation and home detention). While the majority of differences in the use of alternatives to imprisonment was a result of the low rate of alternative placements for aliens, a small but significant difference between White and Black defendants remained unexplained by existing data. The review found no consistent differences between the races in length of prison terms after consideration of applicable guideline ranges, departures, and use of sentencing alternatives. The Commission antici-

pates the release of this report in the summer of 1995.

Drugs and Violence Task Force

As a follow-up to the Commission's 1993 Symposium on Crime and Violence, a special task force convened in 1994 to study the relationship between drugs and violence. The 30-month national study, conducted in collaboration with the School of Criminology and Criminal Justice at Florida State University under a grant from the Commission, aims to increase understanding of the role of drugs in violent behavior and to enhance society's efforts in the punishment and treatment of violent crime.

The task force is chaired by Professor Gordon Waldo of Florida State University and includes representatives of federal agencies concerned with drugs and violence, members of Congress, criminal justice practitioners, members of the academic community, and experts on drugs and violence. *Ex officio* task force members are Attorney General Janet Reno, Director Lee P. Brown of the Office of National Drug Control Policy, Senator Edward M. Kennedy, Congressman Robert C. Scott, Governor Christine Todd Whitman (New Jersey), Mr. Peter Edelman, Counselor to the Secretary of the Department of Health and Human Services, President Talbot "Sandy" D'Alemberté of Florida State University, and U.S. District Judge A. David Mazzone, a member of the Sentencing Commission. The task force met twice in 1994, funded three small research projects examining patterns of drug use and violence, and scheduled presentations by experts at its meetings in 1995.

Appendix A

Descriptions of Datafiles, Variables, and Footnotes

Introduction

Federal courts are required to forward to the Commission sentencing information 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, MONFY94, which includes information on the 39,971 defendants sentenced under the SRA during fiscal year 1994 (October 1, 1993, through September 30, 1994), for whom data were received as of January 11, 1995. 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 (preguidelines) during FY1994 is not available in this dataset. When cases are sentenced under both prior law and the guidelines, only the guideline relevant information is coded in the dataset.

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.

Appeals

Appeals data are derived from analyses of opinions and orders from the courts of appeals. For purposes of the appeals data, an appeals case is one in which a federal court of appeals has issued an opinion or order. Opinions and orders submitted by the courts are collected and coded. All appeals cases are coded for identifying data, such as parties, disposition, date, and circuit. In cases in which the appellant is appealing a sentencing issue, the sentencing issue is coded. Conviction issues are not coded.

Average Length of Imprisonment

Using sentencing information obtained from the Judgment of Conviction order, *Average Length of Imprisonment* is reported as the mean and median terms of imprisonment ordered for cases committed to the Bureau of Prisons. Cases that receive no term of imprisonment are not included in the average. Cases for which a term of imprisonment is ordered but the length is indeterminable also are excluded. In most cases for which the exact term is unknown, the Judgment of Conviction order merely specifies a sentence of time served. Prior to fiscal year 1993, 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.

Chapter Two Guideline Applied

Chapter Two Guideline Applied represents the offense specific guideline applied from that chapter. Totals can exceed 100 percent because a single case may reference several different guidelines. For cases in which a cross reference is used, the original guideline referenced by statute 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 one of the following: "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 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 one of two logical criteria searches. First, 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. Alternatively, if the three main guideline factors (offense level, criminal history points, and guideline range) are not provided in the Report on the Sentencing Hearing, but the court indicates that it accepts the values contained in the Presentence Report, the guideline factors are taken from the Presentence Report.

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.

Departures

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.

For cases in which no Report on the Sentencing Hearing is provided or the information contained in it is insufficient, the sentence from the Judgment of Conviction order is compared to the guideline range recommended in the Presentence Report. If the sentence imposed falls within the recommended range, the case is coded as within the guideline range. However, if the sentence falls outside the guideline range recommended by the probation officer, the case is not coded as a departure. Because the court may have changed the PSR findings, departure status is coded as missing departure status. Additionally, cases in which no guideline sentencing range was established (e.g., no analogous guideline offenses) are included in the missing departure category.

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 10: 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. 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 *Report on the Sentencing Hearing Received*.

Drug Amount

In a drug case, the amount of the controlled substance can be obtained from the Judgment of Conviction order or the Presentence Report. This information on the drug quantity is used to apply the base offense level from guideline 2D1.1. Table 56 collapses these amounts into six categories, each representing the guideline and the statutory equivalent drug levels associated with that type of drug. 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 21 guidelines in USSG Chapter Two, Part D. The six guidelines presented here represent the vast majority of drug cases.

Drug Type

Information on *Drug Type* is obtained from the Judgment of Conviction order or the Presentence Report. It is recorded only if at least one of the statutes of conviction recorded by the Commission is a title 21 U.S. Code offense or a non-title 21 offense when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (*i.e.*, the type that produces the highest base offense level). The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes methamphetamine precursors and "ICE." All drug types not listed separately in this report are collapsed into the "other" drug category.

Education

Information on education of the defendant is obtained from the Presentence Report and is collapsed into general categories. Technical, military, and vocational training as well as course work at community colleges 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* category includes the number of cases ordered to pay a fine, make restitution, or both. Fine information may also include cost of supervision. 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 in *Mean* and *Median* values, is the dollar amount of the fine and the restitution ordered for cases involving economic sanctions. Cases that receive 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 is 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 or zero.

Gender

Gender of the defendant is obtained from the Presentence Report or 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 during the fiscal year. Codefendants in the same sentencing will each appear as separate cases.

Guideline Sentencing Range

The *Guideline Sentencing Range* is taken from the Report on the Sentencing Hearing provided by the sentencing court. When the guideline sentencing range is not specified in the Report on the Sentencing Hearing, the computer calculates the guideline sentencing range based on one of two logical criteria searches. First, 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. Alternatively, if the three main guideline factors (offense level, criminal history points, and guideline range) are not provided on the Report of the Sentencing Hearing, but the court indicates that it accepts the values contained in the Presentence Report, the guideline factors are taken from the Presentence Report.

For tables in this report, unless otherwise indicated, the guideline sentencing range is reported prior to application of any relevant statutory maximum or minimum.

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 either indicates erratic or sporadic employment that might make an income value potentially misleading or contains no income information.

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. Imprisonment length includes prison sentences only (excluding any imposition of home detention, community confinement, or intermittent confinement). Life sentences are assigned a prison length of 470 months, based on U.S. Census Bureau average life expectancy by age of federal defendants at sentencing. Sentences of a partial month have been rounded to the nearest month. Differences between the number of cases included in imprisonment statistics (e.g., mean or median) 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 represents the assessment of the probation officer. The sentencing court may alter this mandatory minimum information; occasionally such changes are not reflected in the documents received by the Commission.

The majority of cases reported in the *Mandatory Minimum* category involve drug cases in which the amount of controlled substance triggers 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. Occasionally, drug cases may involve mandatory minimum penalties for both drug amount and firearm use.

A mandatory minimum of 12 months or less is 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 58 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 involving both a plea and a trial are excluded from the table.

Offense Level

The final *Offense Level* used in these tables is taken from the Report on the Sentencing Hearing provided by the sentencing court.

When the final offense level is not specified in the Report on the Sentencing Hearing, the computer calculates the offense level based on one of two logical criteria searches. First, 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. Alternatively, if the three main guideline factors (offense level, criminal history points, and guideline range) are not provided on the Report on the Sentencing Hearing, but the court indicates that it accepts the values contained in the Presentence Report, the guideline factors are taken from the Presentence Report.

Organizations

Organization is a “person other than an individual,” according to 18 U.S.C. § 18. The term includes corporations, partnerships, associations, joint-stock companies, unions, trusts, pension funds, unincorporated organizations, governments and political subdivisions thereof, and non-profit organizations.

Position of Sentence

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Only cases with complete information from the Report on the Sentencing Hearing are used for this table. The *Position of Sentence* is determined by dividing the available range (after accounting for statutory restriction on either or both ends of the range) into four equal quarters and identifying the quarter into which the imposed sentence falls. In cases in which the sentence is located outside the statute/guideline sentencing range, departure information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each range quarter may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the 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 is derived from 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 is determined to be the offense code applicable for the count with the highest statutory maximum. If two or more counts are found to have the same statutory maximum, “primary” offense is selected according to the following hierarchical ordering:

- 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 are similar under this second criterion (e.g., two different property offenses with the same statutory maximum), statutory maximum fines are used as tie-breakers. Finally, in the small number of cases still unresolved, the offense type that best represented the nature of the criminal behavior is chosen.

For convenience in analysis, a summary variable describing "primary offense category" is derived. This code is generated by grouping similar primary offense codes into a smaller set of categories. Listed below are the offense types that are 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.

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

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

Arson also includes damage by explosives.

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

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

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

Firearms includes unlawful possession/transportation of firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, etc. in explosives; possession of

guns/explosives in federal facility/schools; use of fire or explosives to commit felony; and use of firearms or ammunition during crime.

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

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

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

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

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

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

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

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 treat, Hobbs Act extortion, travel in aid of racketeering, crime relating to racketeering, and violent crimes in aid of racketeering.

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

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

Immigration includes trafficking in U.S. passports; trafficking in entry documents; failure to surrender naturalization certificate; fraudulently acquiring U.S. passports; smuggling, etc.; unlawful alien; fraudulently acquiring entry documents; and unlawfully entering 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 includes contraband in prisons, 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 of witness, perjury or subornation of perjury, misprision of a felony, and accessory after the fact.

Environmental/Fish And Wildlife includes waste discharge, specially protected fish, wildlife, and plants (waste discharge is presented as a separate offense category in Tables 59, 61, and 62).

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 includes illegal use of regulatory number – drugs; illegal transfer of drugs; illegal regulatory number to get drugs; drug paraphernalia; forgery/fraud for drugs; dangerous devices to protect drugs; manufacture drugs against quota; endangering life while manufacturing drugs; operate carrier under drugs; endangerment from hazardous/toxic substances; mishandling substances, records, etc.; threat of tampering with public water system; hazardous devices 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/trademark (copyright and trademark infringement is presented as a separate offense category in Tables 59, 61, and 62); 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*). Ethnicity

data 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 reason for departure tables often add up to more than 100 percent.

Sentencing Appeals Disposition

Data is derived from analysis of opinions and orders from the courts of appeals. The appeals disposition code indicates the disposition of the case. *Affirmed* cases are cases in which an appellate court holds that the judgment of the court below is correct and should stand. *Reversed* cases are those in which an appellate court sets aside, annuls, vacates, or changes to the contrary the decision of a lower court. *Affirmed and Reversed* cases are cases in which an appellate court affirms one or more, and reverses one or more of the issues that were appealed. *Dismissed* cases are those an appellate court terminates without a complete trial and without issuing a holding. A dismissal of an appeal places the parties in the same condition as if no appeal had been taken or allowed, and thus acts as a confirmation of the judgment of the court below.

Sentencing Issues Appealed

Data are derived from analyses of opinions and orders from the courts of appeals. Each sentencing issue raised by the appellant is coded by the guideline involved and description of the particular issue addressed within that guideline. Challenges related to sentencing, but not to guideline application, are coded under categories reserved for "constitutional issues" or "other general sentencing issues."

Types of Appeal

Data are derived from analyses of opinions and orders from the courts of appeals. The type of appeals code indicates the types of issues that are raised in the case. The types of appeals codes are (1) sentencing issues only, (2) sentencing and conviction issues, (3) conviction issues only, and (4) unknown.

For coding purposes, an appeal involves sentencing issues when the appellant either argues that the district court erred during the sentencing phase or raises issues concerning the applicability of the guidelines to the case at hand. In some cases, the appellant is challenging some part of the plea agreement involving sentencing. These issues are also considered sentencing issues. An appeal involves conviction issues when the appellant claims some sort of error occurred during the investigation, trial, or jury deliberations that did not involve sentencing or the sentencing guidelines.

Type of Guideline Sentence Imposed

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

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

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

The *Total Receiving Probation* column includes the number of 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* categories.

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.

Year

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

Zone

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

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

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

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

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

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

Footnotes

The following information corresponds to footnotes in the following tables in Appendix B: "Selected Federal Criminal Justice Indicators," "Crimes Reported To Police," and "Selected Demographic Indicators."

- ¹ Source: U.S. Sentencing Commission, 1994 Datafile, MONFY94. Cities are listed in descending order according to the amount of sentencing guideline documentation submitted to the USSC. Cities listed are those that have a probation office.
- ² Source: Administrative Office of the U.S. Courts, Human Resource Division. Organizational/Personnel Database System. Includes active, senior, and chief district court judges as of February 1, 1995.
- ³ Source: Executive Office for U.S. Attorneys, Evaluation and Review Staff. Represents designated attorneys as of December 30, 1994, as members of general criminal, organized crime drug enforcement task force, narcotics, financial institution fraud, health care fraud, affirmative civil enforcement, 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. attorney work years allocated. Not all positions are filled at any one point in time due to attrition or budgetary constraints. Note: The total number of 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 1994 and includes members of community defender organizations. Districts with Community Defender Organizations include Southern Alabama, 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 the number of assistant federal defenders indicated is the total number shared. These districts include Colorado and Wyoming which share 15 defenders, Delaware and New Jersey which share 18, Southern and Central Illinois and Eastern Missouri which share 12, and Eastern and Northern Oklahoma which share four. Note: There are no federal defenders located in Northern or Middle Alabama, Southern or Middle Georgia, Idaho, Indiana, Kentucky, Maine, Mississippi, Northern New York, Western North Carolina, North Dakota, Southern Ohio, Rhode Island, South Dakota, Utah, Vermont, Virginia, Northern West Virginia, or Wisconsin.
- ⁵ Source: Administrative Office of the U.S. Courts (1994). Probation and Pretrial Services Division Field Personnel. Includes probation officers, supervisors, chiefs, and administrators. Does not include pretrial services officers. Numbers presented for Guam include the Northern Mariana Islands.
- ⁶ Source: Administrative Office of the U.S. Courts. Statistical Tables for the Twelve-Month Period Ended September 30, 1994 (Table C). Includes civil cases commenced, terminated, and pending in the district courts during the 12-month period ending September 30, 1993 and 1994. Filings for civil cases ended September 30, 1994.
- ⁷ Source: Administrative Office of the U.S. Courts. Statistical Tables for the Twelve-Month Period Ended September 30, 1994 (Table D). Includes criminal cases commenced, terminated, and pending in the district courts during the 12-month period ending September 30, 1993 and 1994. Filings for

felony and misdemeanor cases for the period ended September 30, 1994. Filings for criminal cases ended September 30, 1994.

8 Source: U.S. Department of Commerce, Bureau of the Census. Represents 1992 data. Numbers presented for Guam were derived from 1990 data.

9 Source: U.S. Department of Commerce, Bureau of the Census. Represents 1992 total population. Numbers presented for Guam 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-1993. 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 1993 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. Population data for Puerto Rico in 1992 were not collected; therefore, numbers of crimes per 100,000 are not available. Complete data were not available for Illinois and Kansas; therefore, it was necessary for the FBI to estimate their crime counts. Forcible rape figures furnished by the state-level Uniform Crime Reporting (UCR) program administered by the Michigan State Police and the Minnesota Department of Public Safety were not in accordance with national UCR guidelines. Therefore, these figures were excluded from the Crime Index total, violent crime total, and forcible rape category. However, the Minnesota agencies of Columbia Heights, Cottage Grove, Hopkins, Minneapolis, Robbinsdale, St. Paul, Shakopee, and the Washington County Sheriff's Office, adjusted and/or verified their forcible rape figures to comply with national UCR guidelines and are included here.

12 Source: U.S. Department of Commerce, Bureau of the Census (1989 data). Numbers presented for Guam, Puerto Rico, 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 (1993 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 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 ocean-borne vessels, and workers in foreign countries), 1990. Source for Puerto Rico: U.S. Department of Commerce, Bureau of the Census (September, 1984). Characteristics of the Population, 1980 Census Population. "Detailed Population Characteristics," Part 53, Vol. 1, Chapter D, Table 122 A, B, C. Data were unavailable for Guam.

15 Represents employees of financial, real estate, and insurance establishments.

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 (1992 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. For the 27 states whose counties belong to only one judicial district, the figures for total state acreage and total state farmland in acres were used to calculate Percent Farm Acreage; otherwise, county totals were used in the calculation. 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.

19 Includes support and assistance to indigent 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.

The following footnotes pertain to the "Fiscal Year 1994 Guidelines 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 the Commission received by December 23, 1994, that were sentenced in FY1994.

2 Cases with missing or indeterminable information on Gender or Race are excluded. Nationally, this involves the exclusion of 309 cases because of missing information on Gender (5) or Race (307).

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 8,744 cases.

4 Cases with missing or indeterminable departure information are excluded. Nationally, this involves the exclusion of 1,473 cases.

5 Cases with missing or indeterminable information on the age or gender of the defendant are excluded. Nationally, this involves the exclusion of 324 cases.

6 Cases with missing or indeterminable information on Mode of Conviction (29) are excluded. In addition, (46) cases coded with a value of *Both Plea and Trial* are excluded.

7 Of the 39,971 guideline cases, 324 are excluded due to one or more of the following reasons: missing information on type of sentence (84), cases in which no prison or probation was imposed (188), or cases in which primary offense type was missing (52).

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 with at least one month of prison is rounded up to the nearest month. Any sentence of days of less than a month is expressed as a fraction of the month. Life sentences are included in these calculations as 470 months. Of the 39,647 cases included in the *Total Cases* column, 8,977 cases involving no term of imprisonment and 82 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 with at least one month of prison is rounded up to the nearest month. Any sentence of days of less than a month is expressed as a fraction of the month. Life sentences are included in the category *Over 60*.

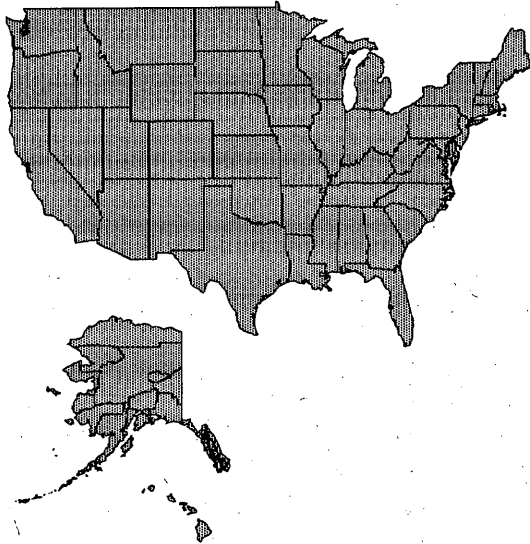
9 Cases receiving no order of fine or restitution are excluded from the calculation of the *Total Receiving Fines and Restitution*. The number of cases upon which the average is based may not equal the *Total Receiving Fines and Restitution* due to the failure of some Judgment of Conviction Orders to specify the dollar amount ordered. Of the 39,971 guideline cases, 129 cases missing offense type or fine and restitution information are excluded from these calculations. Of the 39,842 cases with such information, 24,818 with no order of fine or restitution ordered are excluded from these calculations.

Appendix B

Selected Criminal Justice and Sentencing Statistics (by district)

- **Fiscal Year 1994 Guideline Sentences**
- **Selected Federal Criminal Justice Indicators**
- **Crimes Reported to Police**
- **Selected Demographic Indicators**

NATIONAL DATA



Number of Court Professionals	District Court Judges ²	906
	Assistant U.S. Attorneys ³	4,099
	Assistant Federal Defenders ⁴	721
	Probation Officers ⁵	4,469
Cases Filed	Civil ⁶	236,391
	Criminal ⁷	45,473
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	24,530	10
Forcible Rape	104,810	41
Robbery	659,760	256
Aggravated Assault	1,135,100	440
Burglary	2,834,800	1,099
Larceny/Theft	7,820,900	3,032
Motor Vehicle Theft	1,561,000	605
Crime Index Total	14,141,000	5,483

Economic Indicators	Income per Capita ¹²	\$ 14,420
	Percent Unemployed ¹³	6.8

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	41.8
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

NATIONAL D

Cases Received by USSC (by sentencing month) ¹

October 93	3,377	April 94	3,270
November 93	3,433	May 94	3,374
December 93	3,294	June 94	3,479
January 94	3,716	July 94	3,094
February 94	3,166	August 94	3,107
March 94	3,493	September 94	3,168

TOTAL = 39,971

Monthly Income ³

	mean	median
TOTAL	\$1,149	\$500
Male	\$1,157	\$417
Female	\$1,107	\$782

Average Age ⁵

	mean	median
TOTAL	34.9	33.0
Male	34.8	33.0
Female	35.0	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	39,662 (100%)	33,585 (84.7%)	6,077 (15.3%)
White	16,468 (41.5%)	13,799 (83.8%)	2,669 (16.2%)
Black	12,032 (30.3%)	9,879 (82.1%)	2,153 (17.9%)
Hispanic	9,764 (24.6%)	8,759 (89.7%)	1,005 (10.3%)
Other	1,398 (3.5%)	1,148 (82.1%)	250 (17.9%)

Departure Status ⁴

Sentenced within Guideline Range	27,591 (71.7%)
Substantial Assistance Departure	7,524 (19.5%)
Other Downward Departure	2,932 (7.6%)
Upward Departure	451 (1.2%)

Mode of Conviction ⁶

TOTAL	39,896 (100%)
Plea	36,104 (90.5%)
Trial	3,792 (9.5%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezmnt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	39,647 (100%)	1,963 (100%)	2,731 (100%)	872 (100%)	5,653 (100%)	15,458 (100%)	946 (100%)	2,747 (100%)	2,324 (100%) 6,95

CASES INVOLVING PRISON ⁸

Total Receiving Prison	30,860 (77.8)	1,944 (99.0)	1,039 (38.0)	457 (52.4)	3,401 (60.2)	14,558 (94.2)	520 (55.0)	2,473 (90.0)	2,077 (89.4)	4.3
Prison	29,062 (73.3)	1,868 (95.2)	907 (33.2)	277 (31.8)	2,857 (50.5)	14,213 (91.9)	464 (49.0)	2,360 (85.9)	2,035 (87.6)	4.0
Prison/Community Split	1,798 (4.5)	76 (3.9)	132 (4.8)	180 (20.6)	544 (9.6)	345 (2.2)	56 (5.9)	113 (4.1)	42 (1.8)	3
Prison Term Ordered										
Up to 12 months	7,258	24	645	371	1,783	1,338	308	286	871	
13-24 months	5,271	43	259	67	934	1,719	132	425	825	
25-36 months	3,054	170	67	8	345	1,512	45	327	82	
37-60 months	5,530	462	48	10	265	3,199	22	612	193	
Over 60 months	9,707	1,245	19	1	67	6,781	13	822	94	
Mean Sentence	65.8	108.8	14.0	7.1	17.0	90.7	15.1	74.3	20.9	
Median Sentence	36.0	83.0	10.0	4.0	12.0	60.0	12.0	46.0	18.0	

CASES INVOLVING PROBATION

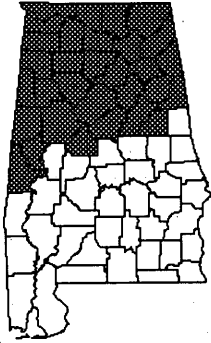
Total Receiving Probation	8,787 (22.2)	19 (1.0)	1,692 (62.0)	415 (47.6)	2,252 (39.8)	900 (5.8)	426 (45.0)	274 (10.0)	247 (10.6)	2.5
Probation Only	5,702 (14.4)	13 (0.7)	1,227 (44.9)	282 (32.3)	1,340 (23.7)	506 (3.3)	275 (29.1)	156 (5.7)	183 (7.9)	1.7
Probation and Confinement	3,085 (7.8)	6 (0.3)	465 (17.0)	133 (15.3)	912 (16.1)	394 (2.5)	151 (16.0)	118 (4.3)	64 (2.8)	8

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	15,024 (37.7)	1,152 (58.7)	2,009 (72.0)	666 (74.4)	4,016 (70.6)	2,730 (17.7)	522 (55.1)	589 (21.4)	222 (9.5)	3.1
Median Dollar Amount	\$3,600	\$3,275	\$2,100	\$9,000	\$10,500	\$2,400	\$1,520	\$2,000	\$500	

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MO

**ALABAMA, Northern
11th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|----------------|---------------|
| (1) Birmingham | (4) Florence |
| (2) Huntsville | (5) Anniston |
| (3) Gadsden | (6) Talladega |

Number of Court Professionals	District Court Judges ²	10
	Assistant U.S. Attorneys ³	29
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	45
Cases Filed	Civil ⁶	8,689
	Criminal ⁷	368
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	276	12
Forcible Rape	871	36
Robbery	3,719	155
Aggravated Assault	14,130	590
Burglary	23,861	996
Larceny/Theft	67,861	2,832
Motor Vehicle Theft	8,952	374
Crime Index Total	119,670	4,993

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	25.8
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

ALABAMA, North

Cases Received by USSC (by sentencing month) ¹

October 93	28	April 94	32
November 93	22	May 94	28
December 93	33	June 94	63
January 94	17	July 94	51
February 94	20	August 94	28
March 94	42	September 94	37
TOTAL = 401			

Monthly Income ³

	mean	median
TOTAL	\$1,159	\$756
Male	\$1,217	\$876
Female	\$995	\$687

Average Age ⁵

	mean	median
TOTAL	34.1	32.0
Male	34.4	32.0
Female	33.4	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	401 (100.0%)	303 (75.6%)	98 (24.4%)
White	181 (45.1%)	141 (77.9%)	40 (22.1%)
Black	213 (53.1%)	156 (73.2%)	57 (26.8%)
Hispanic	6 (1.5%)	6 (100.0%)	0 (0.0%)
Other	1 (0.2%)	0 (0.0%)	1 (100.0%)

Departure Status ⁴

Sentenced within Guideline Range	305 (76.3%)
Substantial Assistance Departure	78 (19.5%)
Other Downward Departure	10 (2.5%)
Upward Departure	7 (1.8%)

Mode of Conviction ⁶

TOTAL	398 (100.0%)
Plea	345 (86.7%)
Trial	53 (13.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	C
	393 (100.0)	16 (100.0)	55 (100.0)	11 (100.0)	58 (100.0)	151 (100.0)	28 (100.0)	22 (100.0)	1 (100.0)	51 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	253 (64.4)	16 (100.0)	10 (18.2)	6 (54.5)	32 (55.2)	125 (82.8)	8 (28.6)	20 (90.9)	0 (0.0)	36 (70.6)
Prison	225 (57.3)	16 (100.0)	9 (16.4)	3 (27.3)	20 (34.5)	114 (75.5)	8 (28.6)	20 (90.9)	0 (0.0)	35 (68.8)
Prison/Community Split	28 (7.1)	0 (0.0)	1 (1.8)	3 (27.3)	12 (20.7)	11 (7.3)	0 (0.0)	0 (0.0)	0 (0.0)	1 (2.0)
Prison Term Ordered										
Up to 12 months	70	0	6	4	23	17	7	1	0	0
13-24 months	42	0	3	2	6	14	1	5	0	0
25-36 months	20	2	0	0	2	8	0	4	0	0
37-60 months	36	2	1	0	0	21	0	7	0	0
Over 60 months	85	12	0	0	1	65	0	3	0	0
Mean Sentence	73.3	138.4	15.5	8.7	11.1	109.7	8.5	41.4	--	--
Median Sentence	33.0	97.5	10.5	8.5	5.0	63.0	8.0	36.5	--	--

CASES INVOLVING PROBATION

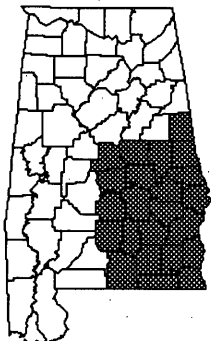
Total Receiving Probation	140 (35.6)	0 (0.0)	45 (81.8)	5 (45.5)	26 (44.8)	26 (17.2)	20 (71.4)	2 (9.1)	1 (100.0)	15 (30.0)
Probation Only	93 (23.7)	0 (0.0)	38 (69.1)	3 (27.3)	11 (19.0)	10 (6.6)	16 (57.1)	2 (9.1)	1 (100.0)	12 (24.0)
Probation and Confinement	47 (12.0)	0 (0.0)	7 (12.7)	2 (18.2)	15 (25.9)	16 (10.6)	4 (14.3)	0 (0.0)	0 (0.0)	3 (6.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	193 (48.1)	12 (75.0)	51 (83.6)	10 (83.3)	47 (81.0)	20 (13.2)	19 (67.9)	3 (13.6)	0 (0.0)	31 (62.0)
Median Dollar Amount	\$2,773	\$1,286	\$485	\$12,899	\$6,000	\$5,000	\$1,000	\$2,500	\$--	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MON.

**ALABAMA, Middle
11th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Montgomery
- (2) Dothan

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	11
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	25
Cases Filed	Civil ⁶	1,666
	Criminal ⁷	287
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	112	12
Forcible Rape	311	32
Robbery	1,103	115
Aggravated Assault	5,441	567
Burglary	10,475	1,091
Larceny/Theft	22,221	2,314
Motor Vehicle Theft	2,313	241
Crime Index Total	41,976	4,371

Economic Indicators	Income per Capita ¹²	\$ 10,806
	Percent Unemployed ¹³	7.6

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	31.6
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

ALABAMA, Mi

Cases Received by USSC (by sentencing month) ¹

October 93	19	April 94	28
November 93	26	May 94	24
December 93	9	June 94	41
January 94	9	July 94	26
February 94	17	August 94	9
March 94	15	September 94	15

TOTAL = 238

Monthly Income ³

	mean	median
TOTAL	\$1,394	\$675
Male	\$1,440	\$575
Female	\$1,229	\$860

Average Age ⁵

TOTAL	34.0	32.0
Male	34.7	32.0
Female	31.6	29.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	238 (100.0%)	187 (78.6%)	51 (21.4%)
White	104 (43.7%)	79 (76.0%)	25 (24.0%)
Black	117 (49.2%)	94 (80.3%)	23 (19.7%)
Hispanic	16 (6.7%)	14 (87.5%)	2 (12.5%)
Other	1 (0.4%)	0 (0.0%)	1 (100.0%)

Departure Status ⁴

Sentenced within Guideline Range	176 (76.5%)
Substantial Assistance Departure	44 (19.1%)
Other Downward Departure	6 (2.6%)
Upward Departure	4 (1.7%)

Mode of Conviction ⁶

TOTAL	238 (100.0%)
Plea	209 (87.8%)
Trial	29 (12.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezmnt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	
	238 (100.0)	5 (100.0)	59 (100.0)	0 (100.0)	20 (100.0)	67 (100.0)	9 (100.0)	15 (100.0)	1 (100.0)	62 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	162 (68.1)	5 (100.0)	22 (37.3)	0 (--)	11 (55.0)	66 (98.5)	5 (55.6)	11 (73.3)	1 (100.0)	41 (66.1)
Prison	158 (66.4)	5 (100.0)	20 (33.9)	0 (--)	11 (55.0)	66 (98.5)	5 (55.6)	10 (66.7)	1 (100.0)	40 (65.8)
Prison/Community Split	4 (1.7)	0 (0.0)	2 (3.4)	0 (--)	0 (0.0)	0 (0.0)	0 (0.0)	1 (6.7)	0 (0.0)	1 (1.6)
Prison Term Ordered										
Up to 12 months	40	0	9	0	3	6	4	2	1	
13-24 months	38	0	10	0	7	4	0	2	0	
25-36 months	12	0	1	0	1	5	1	1	0	
37-60 months	15	0	2	0	0	8	0	2	0	
Over 60 months	57	5	0	0	0	43	0	4	0	
Mean Sentence	75.8	149.8	17.3	--	16.5	123.9	14.0	87.2	11.0	
Median Sentence	30.0	139.0	17.0	--	18.0	118.5	12.0	51.0	11.0	

CASES INVOLVING PROBATION

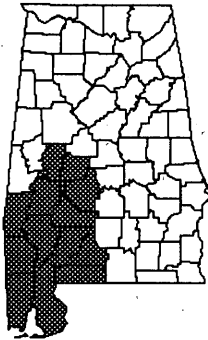
Total Receiving Probation	76 (31.9)	0 (0.0)	37 (62.7)	0 (--)	9 (45.0)	1 (1.5)	4 (44.4)	4 (26.7)	0 (0.0)	21 (34.4)
Probation Only	52 (21.8)	0 (0.0)	30 (50.8)	0 (--)	4 (20.0)	0 (0.0)	1 (11.1)	0 (0.0)	0 (0.0)	17 (27.0)
Probation and Confinement	24 (10.1)	0 (0.0)	7 (11.9)	0 (--)	5 (25.0)	1 (1.5)	3 (33.3)	4 (26.7)	0 (0.0)	4 (6.4)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	105 (44.3)	3 (60.0)	41 (69.5)	0 (--)	17 (85.0)	5 (7.5)	8 (88.9)	2 (13.3)	0 (0.0)	29 (46.3)
Median Dollar Amount	\$1,800	\$14,784	\$1,000	\$--	\$10,461	\$400	\$220	\$14,336	\$--	

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MON

**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	13
	Assistant Federal Defenders ⁴	3
	Probation Officers ⁵	31
Cases Filed	Civil ⁶	1,099
	Criminal ⁷	203
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	82	11
Forcible Rape	263	36
Robbery	1,783	243
Aggravated Assault	3,683	502
Burglary	10,041	1,369
Larceny/Theft	19,505	2,660
Motor Vehicle Theft	2,526	344
Crime Index Total	37,883	5,166

Economic Indicators	Income per Capita ¹²	\$10,420
	Percent Unemployed ¹³	9.4

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	19.7
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

ALABAMA, South

Cases Received by USSC (by sentencing month) ¹

October 93	16	April 94	23
November 93	19	May 94	23
December 93	26	June 94	27
January 94	36	July 94	26
February 94	18	August 94	24
March 94	37	September 94	26

TOTAL = 301

Monthly Income ³

	mean	median
TOTAL	\$737	\$523
Male	\$749	\$443
Female	\$700	\$588

Average Age ⁵

	mean	median
TOTAL	33.5	31.0
Male	33.3	31.0
Female	34.3	31.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	300 (100.0%)	237 (79.0%)	63 (21.0%)
White	100 (33.3%)	81 (81.0%)	19 (19.0%)
Black	173 (57.7%)	133 (76.9%)	40 (23.1%)
Hispanic	21 (7.0%)	18 (85.7%)	3 (14.3%)
Other	6 (2.0%)	5 (83.3%)	1 (16.7%)

Departure Status ⁴

Sentenced within Guideline Range	195 (65.9%)
Substantial Assistance Departure	84 (28.4%)
Other Downward Departure	12 (4.1%)
Upward Departure	5 (1.7%)

Mode of Conviction ⁶

TOTAL	301 (100.0%)
Plea	254 (84.4%)
Trial	47 (15.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Other
	300 (100.0)	14 (100.0)	16 (100.0)	6 (100.0)	49 (100.0)	139 (100.0)	9 (100.0)	21 (100.0)	2 (100.0)	44 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	227 (75.7)	14 (100.0)	6 (37.5)	5 (83.3)	31 (63.3)	124 (89.2)	4 (44.4)	20 (95.2)	2 (100.0)	21 (47.7)
Prison	217 (72.3)	14 (100.0)	5 (31.3)	4 (66.7)	24 (49.0)	124 (89.2)	4 (44.4)	20 (95.2)	2 (100.0)	20 (45.5)
Prison/Community Split	10 (3.3)	0 (0.0)	1 (6.3)	1 (16.7)	7 (14.3)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (2.3)
Prison Term Ordered										
Up to 12 months	43	0	3	3	19	9	3	1	1	
13-24 months	23	0	2	2	7	7	1	4	0	
25-36 months	23	1	1	0	3	13	0	3	0	
37-60 months	44	1	0	0	1	26	0	6	1	
Over 60 months	94	12	0	0	1	69	0	6	0	
Mean Sentence	94.2	143.5	16.0	10.2	16.4	124.8	9.8	94.1	31.5	6
Median Sentence	60.0	145.5	13.0	6.0	12.0	73.5	9.0	51.0	31.5	6

CASES INVOLVING PROBATION

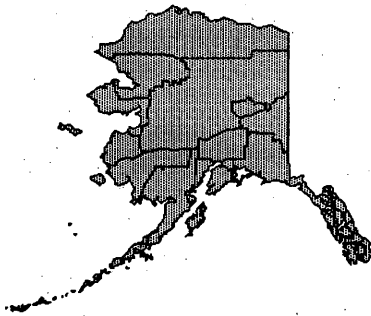
Total Receiving Probation	73 (24.3)	0 (0.0)	10 (62.5)	1 (16.7)	18 (36.7)	15 (10.8)	5 (55.6)	1 (4.8)	0 (0.0)	23 (52.2)
Probation Only	48 (16.0)	0 (0.0)	7 (43.8)	1 (16.7)	13 (26.5)	8 (5.8)	2 (22.2)	1 (4.8)	0 (0.0)	16 (36.1)
Probation and Confinement	25 (8.3)	0 (0.0)	3 (18.8)	0 (0.0)	5 (10.2)	7 (5.0)	3 (33.3)	0 (0.0)	0 (0.0)	7 (15.6)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	93 (30.9)	10 (71.4)	10 (62.5)	6 (100.0)	41 (83.7)	5 (3.6)	4 (44.4)	3 (14.3)	1 (50.0)	13 (28.7)
Median Dollar Amount	\$7,964	\$8,520	\$307	\$30,199	\$12,420	\$10,000	\$3,858	\$554	\$11,000	\$5,000

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MONFY

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	6
	Probation Officers ⁵	14
Cases Filed	Civil ⁶	710
	Criminal ⁷	213
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	52	9
Forcible Rape	485	85
Robbery	713	125
Aggravated Assault	3,124	548
Burglary	4,706	825
Larceny/Theft	20,189	3,540
Motor Vehicle Theft	2,584	453
Crime Index Total	31,853	5,585

Economic Indicators	Income per Capita ¹²	\$ 17,610
	Percent Unemployed ¹³	7.7

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	\$ 20.812
	Highways	\$ 269.38

FISCAL YEAR 1994 GUIDELINE SENTENCES

ALAS.

Cases Received by USSC (by sentencing month) ¹

October 93	11	April 94	11
November 93	8	May 94	8
December 93	11	June 94	6
January 94	8	July 94	12
February 94	2	August 94	10
March 94	17	September 94	10

TOTAL = 114

Monthly Income ³

	mean	median
TOTAL	\$1,825	\$710
Male	\$1,989	\$488
Female	\$1,250	\$962

Average Age ⁵

TOTAL	35.9	34.0
Male	36.9	35.5
Female	32.1	31.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	114 (100.0%)	90 (78.9%)	24 (21.1%)
White	64 (56.1%)	53 (82.8%)	11 (17.2%)
Black	26 (22.8%)	16 (61.5%)	10 (38.5%)
Hispanic	12 (10.5%)	12 (100.0%)	0 (0.0%)
Other	12 (10.5%)	9 (75.0%)	3 (25.0%)

Departure Status ⁴

Sentenced within Guideline Range	77 (75.5%)
Substantial Assistance Departure	10 (9.8%)
Other Downward Departure	13 (12.7%)
Upward Departure	2 (2.0%)

Mode of Conviction ⁶

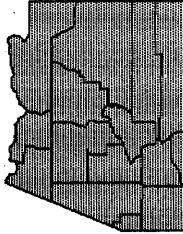
TOTAL	113 (100.0%)
Plea	95 (84.1%)
Trial	18 (15.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	O
	112 (100.0)	4 (100.0)	18 (100.0)	1 (100.0)	8 (100.0)	32 (100.0)	1 (100.0)	8 (100.0)	6 (100.0)	34 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	68 (60.7)	4 (100.0)	5 (27.8)	0 (0.0)	1 (12.5)	31 (96.9)	0 (0.0)	8 (100.0)	3 (50.0)	16 (47.1)
Prison	63 (56.3)	4 (100.0)	4 (22.2)	0 (0.0)	1 (12.5)	31 (96.9)	0 (0.0)	7 (87.5)	3 (50.0)	13 (38.2)
Prison/Community Split	5 (4.5)	0 (0.0)	1 (5.6)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (12.5)	0 (0.0)	3 (8.7)
Prison Term Ordered										
Up to 12 months	16	0	3	0	0	0	0	1	3	0
13-24 months	6	0	1	0	0	4	0	0	0	0
25-36 months	5	0	0	0	0	3	0	1	0	0
37-60 months	16	2	0	0	1	6	0	6	0	0
Over 60 months	25	2	1	0	0	18	0	0	0	0
Mean Sentence	75.6	70.8	18.4	--	38.0	121.6	--	48.0	6.3	0
Median Sentence	47.0	55.0	8.0	--	38.0	72.0	--	60.0	6.0	0
CASES INVOLVING PROBATION										
Total Receiving Probation	44 (39.3)	0 (0.0)	13 (72.2)	1 (100.0)	7 (87.5)	1 (3.1)	1 (100.0)	0 (0.0)	3 (50.0)	18 (52.9)
Probation Only	30 (26.8)	0 (0.0)	10 (55.6)	1 (100.0)	4 (50.0)	1 (3.1)	0 (0.0)	0 (0.0)	2 (33.3)	12 (34.9)
Probation and Confinement	14 (12.5)	0 (0.0)	3 (16.7)	0 (0.0)	3 (37.5)	0 (0.0)	1 (100.0)	0 (0.0)	1 (16.7)	6 (17.9)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	72 (63.7)	4 (100.0)	15 (78.9)	1 (100.0)	8 (100.0)	15 (46.9)	1 (100.0)	0 (0.0)	3 (50.0)	25 (73.5)
Median Dollar Amount	\$3,000	\$2,651	\$250	\$600	\$12,650	\$4,800	\$1,048	\$--	\$3,000	\$3,000

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MONF

**ARIZONA
9th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|--------------|---------------|
| (1) Phoenix | (6) Flagstaff |
| (2) Tucson | (7) Nogales |
| (3) Yuma | (8) Mesa |
| (4) Globe | (9) Glendale |
| (5) Prescott | |

Number of Court Professionals	District Court Judges ²	13
	Assistant U.S. Attorneys ³	60
	Assistant Federal Defenders ⁴	27
	Probation Officers ⁵	95

Cases Filed	Civil ⁶	3,502
	Criminal ⁷	1,063

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	331	9
Forcible Rape	1,439	38
Robbery	6,301	168
Aggravated Assault	19,262	514
Burglary	55,989	1,494
Larceny/Theft	166,831	4,451
Motor Vehicle Theft	33,372	890
Crime Index Total	283,525	7,565

Economic Indicators	Income per Capita ¹²	\$ 13,461
	Percent Unemployed ¹³	6.2

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	48.2
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

AR

Cases Received by USSC (by sentencing month) ¹

October 93	118	April 94	96
November 93	96	May 94	89
December 93	97	June 94	102
January 94	88	July 94	108
February 94	102	August 94	84
March 94	79	September 94	67

TOTAL = 1,126

Monthly Income ³

	mean	median
TOTAL	\$619	\$53
Male	\$598	\$0
Female	\$794	\$680

Average Age ⁵

	mean	median
TOTAL	32.8	31.0
Male	32.5	31.0
Female	35.4	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,126 (100.0%)	1,007 (89.4%)	119 (10.6%)
White	273 (24.2%)	229 (83.9%)	44 (16.1%)
Black	34 (3.0%)	27 (79.4%)	7 (20.6%)
Hispanic	740 (65.7%)	686 (92.7%)	54 (7.3%)
Other	79 (7.0%)	65 (82.3%)	14 (17.7%)

Departure Status ⁴

Sentenced within Guideline Range	528 (47.7%)
Substantial Assistance Departure	164 (14.8%)
Other Downward Departure	399 (36.0%)
Upward Departure	16 (1.4%)

Mode of Conviction ⁶

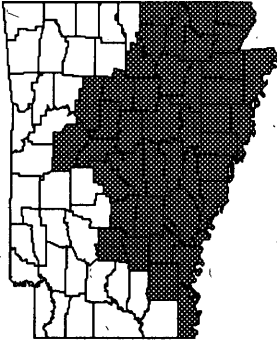
TOTAL	1,124 (100.0%)
Plea	1,076 (95.7%)
Trial	48 (4.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	1,118 (100.0)	42 (100.0)	42 (100.0)	12 (100.0)	110 (100.0)	515 (100.0)	6 (100.0)	76 (100.0)	157 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	933 (83.5)	41 (97.6)	18 (42.9)	2 (16.7)	80 (72.7)	475 (92.2)	3 (50.0)	59 (77.6)	145 (92.4)
Prison	922 (82.5)	41 (97.6)	17 (40.5)	2 (16.7)	80 (72.7)	471 (91.5)	3 (50.0)	56 (73.7)	145 (92.4)
Prison/Community Split	11 (1.0)	0 (0.0)	1 (2.4)	0 (0.0)	0 (0.0)	4 (0.8)	0 (0.0)	3 (3.9)	0 (0.0)
Prison Term Ordered									
Up to 12 months	357	0	9	2	61	149	1	13	85
13-24 months	187	0	2	0	7	107	2	10	42
25-36 months	97	4	1	0	4	61	0	10	4
37-60 months	151	15	5	0	1	85	0	17	8
Over 60 months	135	22	1	0	1	73	0	9	6
Mean Sentence	35.7	83.2	27.5	10.0	8.0	39.6	15.0	46.5	16.1
Median Sentence	18.0	70.0	14.0	10.0	2.0	24.0	15.0	28.0	10.0
CASES INVOLVING PROBATION									
Total Receiving Probation	185 (16.5)	1 (2.4)	24 (57.1)	10 (83.3)	30 (27.3)	40 (7.8)	3 (50.0)	17 (22.4)	12 (7.6)
Probation Only	133 (11.9)	1 (2.4)	19 (45.2)	9 (75.0)	23 (20.9)	27 (5.2)	1 (16.7)	9 (11.8)	7 (4.5)
Probation and Confinement	52 (4.7)	0 (0.0)	5 (11.9)	1 (8.3)	7 (6.4)	13 (2.5)	2 (33.3)	8 (10.5)	5 (3.2)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	326 (29.1)	35 (83.3)	30 (71.4)	10 (83.3)	49 (43.8)	95 (18.4)	3 (50.0)	20 (26.3)	7 (4.5)
Median Dollar Amount	\$2,030	\$4,219	\$3,564	\$6,234	\$7,839	\$2,000	\$500	\$1,000	\$500

Footnotes and a complete description of all variables in this table are provided in A SOURCE: U.S. Sentencing Commission, FY1994 Datafile.

**ARKANSAS, Eastern
8th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Little Rock
- (2) Batesville

Number of Court Professionals	District Court Judges ²	7
	Assistant U.S. Attorneys ³	15
	Assistant Federal Defenders ⁴	5
	Probation Officers ⁵	25
Cases Filed	Civil ⁶	2,212
	Criminal ⁷	254
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	187	13
Forcible Rape	705	50
Robbery	2,453	175
Aggravated Assault	7,896	563
Burglary	18,677	1,331
Larceny/Theft	44,283	3,156
Motor Vehicle Theft	5,911	421
Crime Index Total	80,112	5,709

Economic Indicators	Income per Capita ¹²	\$ 10,554
	Percent Unemployed ¹³	6.6

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	53.3
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

ARKANSAS, Eastern District

Cases Received by USSC (by sentencing month) ¹

October 93	14	April 94	25
November 93	20	May 94	36
December 93	22	June 94	24
January 94	25	July 94	21
February 94	8	August 94	23
March 94	14	September 94	17

TOTAL = 249

Monthly Income ³

	mean	median
TOTAL	\$889	\$560
Male	\$850	\$500
Female	\$1,046	\$700

Average Age ⁵

	mean	median
TOTAL	34.0	31.0
Male	34.2	31.0
Female	33.1	30.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	249 (100.0%)	201 (80.7%)	48 (19.3%)
White	117 (47.0%)	87 (74.4%)	30 (25.6%)
Black	113 (45.4%)	96 (85.0%)	17 (15.0%)
Hispanic	18 (7.2%)	17 (94.4%)	1 (5.6%)
Other	1 (0.4%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	201 (81.4%)
Substantial Assistance Departure	33 (13.4%)
Other Downward Departure	12 (4.9%)
Upward Departure	1 (0.4%)

Mode of Conviction ⁶

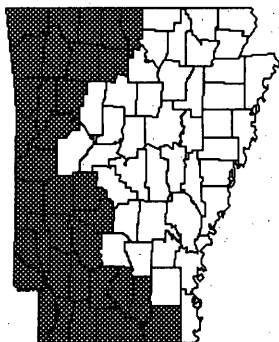
TOTAL	248 (100.0%)
Plea	220 (88.7%)
Trial	28 (11.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Oth
	249 (100.0)	8 (100.0)	11 (100.0)	7 (100.0)	38 (100.0)	136 (100.0)	5 (100.0)	16 (100.0)	2 (100.0)	26 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	199 (79.9)	7 (87.5)	5 (45.5)	6 (85.7)	20 (52.6)	128 (94.1)	2 (40.0)	14 (87.5)	1 (50.0)	16 (61.5)
Prison	189 (75.9)	7 (87.5)	5 (45.5)	3 (42.9)	17 (44.7)	125 (91.9)	2 (40.0)	13 (81.3)	1 (50.0)	16 (61.5)
Prison/Community Split	10 (4.0)	0 (0.0)	0 (0.0)	3 (42.9)	3 (7.9)	3 (2.2)	0 (0.0)	1 (6.3)	0 (0.0)	0 (0.0)
Prison Term Ordered										
Up to 12 months	40	0	3	5	13	9	2	3	1	
13-24 months	29	2	2	1	4	13	0	3	0	
25-36 months	22	0	0	0	2	13	0	1	0	
37-60 months	31	1	0	0	0	27	0	2	0	
Over 60 months	77	4	0	0	1	66	0	5	0	
Mean Sentence	62.9	62.0	11.8	5.8	15.2	80.4	7.0	66.2	5.0	2
Median Sentence	42.0	63.0	12.0	4.5	12.0	63.0	7.0	35.0	5.0	2
CASES INVOLVING PROBATION										
Total Receiving Probation	50 (20.1)	1 (12.5)	6 (54.5)	1 (14.3)	18 (47.4)	8 (5.9)	3 (60.0)	2 (12.5)	1 (50.0)	10 (38.5)
Probation Only	29 (11.6)	1 (12.5)	6 (54.5)	1 (14.3)	8 (21.1)	4 (2.9)	2 (40.0)	2 (12.5)	1 (50.0)	4 (15.4)
Probation and Confinement	21 (8.4)	0 (0.0)	0 (0.0)	0 (0.0)	10 (26.3)	4 (2.9)	1 (20.0)	0 (0.0)	0 (0.0)	6 (23.1)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	55 (22.1)	3 (37.5)	8 (72.7)	2 (28.6)	16 (42.1)	16 (11.8)	2 (40.0)	2 (12.5)	0 (0.0)	6 (23.1)
Median Dollar Amount	\$3,708	\$9,400	\$3,654	\$7,618	\$4,341	\$3,000	\$928	\$7,000	\$--	\$2,

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MONFY

**ARKANSAS, Western
8th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Fort Smith
- (2) El Dorado
- (3) Fayetteville
- (4) Hot Springs

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	8
	Assistant Federal Defenders ⁴	5
	Probation Officers ⁵	20
Cases Filed	Civil ⁶	964
	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	60	6
Forcible Rape	321	33
Robbery	565	58
Aggravated Assault	2,112	218
Burglary	7,848	809
Larceny/Theft	23,160	2,388
Motor Vehicle Theft	1,873	193
Crime Index Total	35,939	3,706

Economic Indicators	Income per Capita ¹²	\$ 10,471
	Percent Unemployed ¹³	5.6

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	29.5
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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 1994 GUIDELINE SENTENCES

ARKANSAS, Wester

Cases Received by USSC (by sentencing month) ¹

October 93	2	April 94	8
November 93	13	May 94	8
December 93	2	June 94	13
January 94	6	July 94	15
February 94	12	August 94	29
March 94	6	September 94	11

TOTAL = 125

Monthly Income ³

	mean	median
TOTAL	\$878	\$417
Male	\$843	\$465
Female	\$1,170	\$0

Average Age ⁵

TOTAL	34.4	33.0
Male	34.6	32.5
Female	33.2	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	125 (100.0%)	112 (89.6%)	13 (10.4%)
White	74 (59.2%)	65 (87.8%)	9 (12.2%)
Black	16 (12.8%)	13 (81.3%)	3 (18.8%)
Hispanic	20 (16.0%)	19 (95.0%)	1 (5.0%)
Other	15 (12.0%)	15 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	118 (94.4%)
Substantial Assistance Departure	5 (4.0%)
Other Downward Departure	2 (1.6%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

TOTAL	125 (100.0%)
Plea	115 (92.0%)
Trial	10 (8.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	Other
	125 (100.0)	3 (100.0)	7 (100.0)	0 (100.0)	27 (100.0)	17 (100.0)	4 (100.0)	16 (100.0)	12 (100.0)	39 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	79 (63.2)	3 (100.0)	3 (42.9)	0 (--)	11 (40.7)	16 (94.1)	2 (50.0)	15 (93.8)	9 (75.0)	20 (51.3)
Prison	72 (57.6)	3 (100.0)	3 (42.9)	0 (--)	9 (33.3)	16 (94.1)	2 (50.0)	15 (93.8)	8 (66.7)	16 (41.0)
Prison/Community Split	7 (5.6)	0 (0.0)	0 (0.0)	0 (--)	2 (7.4)	0 (0.0)	0 (0.0)	0 (0.0)	1 (8.3)	4 (10.3)
Prison Term Ordered										
Up to 12 months	29	0	1	0	9	2	1	1	9	0
13-24 months	13	0	2	0	2	1	1	4	0	0
25-36 months	3	0	0	0	0	1	0	1	0	0
37-60 months	13	1	0	0	0	5	0	2	0	0
Over 60 months	21	2	0	0	0	7	0	7	0	0
Mean Sentence	53.1	86.3	12.0	--	8.9	81.3	13.0	93.0	5.2	18.8
Median Sentence	21.0	111.0	15.0	--	6.0	60.0	13.0	60.0	5.0	10.0
CASES INVOLVING PROBATION										
Total Receiving Probation	46 (36.8)	0 (0.0)	4 (57.1)	0 (--)	16 (59.3)	1 (5.9)	2 (50.0)	1 (6.3)	3 (25.0)	19 (48.7)
Probation Only	31 (24.8)	0 (0.0)	0 (0.0)	0 (--)	10 (37.0)	1 (5.9)	1 (25.0)	1 (6.3)	3 (25.0)	15 (38.5)
Probation and Confinement	15 (12.0)	0 (0.0)	4 (57.1)	0 (--)	6 (22.2)	0 (0.0)	1 (25.0)	0 (0.0)	0 (0.0)	4 (10.3)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	104 (83.2)	3 (100.0)	7 (100.0)	0 (--)	21 (77.8)	17 (100.0)	4 (100.0)	11 (68.8)	3 (25.0)	38 (97.4)
Median Dollar Amount	\$4,320	\$7,500	\$3,573	\$--	\$10,000	\$5,000	\$1,020	\$6,000	\$1,500	\$3,000

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MONF

**CALIFORNIA, Northern
9th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|-------------------|----------------|
| (1) Oakland | (5) Santa Rosa |
| (2) San Jose | (6) Santa Cruz |
| (3) San Francisco | (7) Monterey |
| (4) San Mateo | |

Number of Court Professionals	District Court Judges ²	18
	Assistant U.S. Attorneys ³	61
	Assistant Federal Defenders ⁴	16
	Probation Officers ⁵	89

Cases Filed	Civil ⁶	5,518
	Criminal ⁷	599

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	631	9
Forcible Rape	2,648	40
Robbery	23,284	350
Aggravated Assault	33,310	500
Burglary	77,124	1,158
Larceny/Theft	232,604	3,494
Motor Vehicle Theft	46,462	698
Crime Index Total	416,063	6,249

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	8.12
	Percent Service	31.6
	Percent Other ¹⁶	21.5

Agriculture	Percent Farm Acreage ¹⁷	40.2
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

CALIFORNIA, North

Cases Received by USSC (by sentencing month) ¹

October 93	39	April 94	41
November 93	35	May 94	38
December 93	34	June 94	60
January 94	42	July 94	33
February 94	34	August 94	26
March 94	42	September 94	22

TOTAL = 446

Monthly Income ³

	mean	median
TOTAL	\$1,354	\$734
Male	\$1,309	\$481
Female	\$1,577	\$1,100

Average Age ⁵

	mean	median
TOTAL	36.0	34.0
Male	36.2	34.0
Female	34.9	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	446 (100.0%)	371 (83.2%)	75 (16.8%)
White	184 (41.3%)	158 (85.9%)	26 (14.1%)
Black	136 (30.5%)	105 (77.2%)	31 (22.8%)
Hispanic	64 (14.3%)	59 (92.2%)	5 (7.8%)
Other	62 (13.9%)	49 (79.0%)	13 (21.0%)

Departure Status ⁴

Sentenced within Guideline Range	319 (75.2%)
Substantial Assistance Departure	67 (15.8%)
Other Downward Departure	34 (8.0%)
Upward Departure	4 (0.9%)

Mode of Conviction ⁶

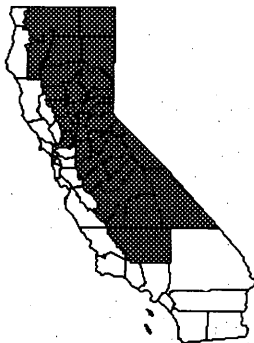
TOTAL	445 (100.0%)
Plea	415 (93.3%)
Trial	30 (6.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	
	432 (100.0)	45 (100.0)	60 (100.0)	35 (100.0)	65 (100.0)	81 (100.0)	17 (100.0)	33 (100.0)	19 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	275 (63.7)	45 (100.0)	19 (31.7)	5 (14.3)	33 (50.8)	81 (100.0)	8 (47.1)	32 (97.0)	17 (89.5)	
Prison	240 (55.6)	42 (93.3)	16 (26.7)	4 (11.4)	25 (38.5)	75 (92.6)	7 (41.2)	31 (93.9)	15 (78.9)	
Prison/Community Split	35 (8.1)	3 (6.7)	3 (5.0)	1 (2.9)	8 (12.3)	6 (7.4)	1 (5.9)	1 (3.0)	2 (10.5)	
Prison Term Ordered										
Up to 12 months	73	1	13	3	16	10	2	1	8	
13-24 months	40	0	5	2	7	4	2	2	6	
25-36 months	15	0	1	0	5	5	1	1	1	
37-60 months	45	13	0	0	5	13	1	9	2	
Over 60 months	102	31	0	0	0	49	2	19	0	
Mean Sentence	67.2	105.7	11.3	11.4	19.5	95.5	33.8	118.5	18.6	
Median Sentence	42.0	84.0	12.0	12.0	15.0	70.0	27.0	85.0	18.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	157 (36.3)	0 (0.0)	41 (68.3)	30 (85.7)	32 (49.2)	0 (0.0)	9 (52.9)	1 (3.0)	2 (10.5)	
Probation Only	84 (19.4)	0 (0.0)	25 (41.7)	23 (65.7)	13 (20.0)	0 (0.0)	3 (17.6)	1 (3.0)	2 (10.5)	
Probation and Confinement	73 (16.9)	0 (0.0)	16 (26.7)	7 (20.0)	19 (29.2)	0 (0.0)	6 (35.3)	0 (0.0)	0 (0.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	281 (65.0)	38 (84.4)	47 (78.3)	26 (74.3)	59 (90.8)	37 (45.7)	8 (47.1)	20 (60.6)	8 (42.1)	
Median Dollar Amount	\$5,000	\$6,538	\$7,392	\$4,449	\$20,242	\$2,500	\$3,000	\$1,625	\$1,000	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MC

**CALIFORNIA, Eastern
9th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Sacramento
- (2) Fresno
- (3) Redding
- (4) Bakersfield
- (5) Stockton

Number of Court Professionals	District Court Judges ²	12
	Assistant U.S. Attorneys ³	43
	Assistant Federal Defenders ⁴	21
	Probation Officers ⁵	70
Cases Filed	Civil ⁶	3,118
	Criminal ⁷	727
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	605	11
Forcible Rape	2,444	43
Robbery	13,632	241
Aggravated Assault	31,012	549
Burglary	91,256	1,617
Larceny/Theft	193,395	3,426
Motor Vehicle Theft	56,243	996
Crime Index Total	388,587	6,884

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	32.7
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

CALIFORNIA, Eastern

Cases Received by USSC (by sentencing month) ¹

October 93	48	April 94	33
November 93	55	May 94	57
December 93	43	June 94	54
January 94	58	July 94	43
February 94	36	August 94	41
March 94	48	September 94	48

TOTAL = 564

Monthly Income ³

	mean	median
TOTAL	\$1,058	\$472
Male	\$955	\$40
Female	\$1,733	\$1,800

Average Age ⁵

	mean	median
TOTAL	33.9	32.0
Male	33.9	32.0
Female	34.5	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	561 (100.0%)	497 (88.6%)	64 (11.4%)
White	259 (46.2%)	218 (84.2%)	41 (15.8%)
Black	97 (17.3%)	87 (89.7%)	10 (10.3%)
Hispanic	192 (34.2%)	181 (94.3%)	11 (5.7%)
Other	13 (2.3%)	11 (84.6%)	2 (15.4%)

Departure Status ⁴

Sentenced within Guideline Range	439 (79.4%)
Substantial Assistance Departure	53 (9.6%)
Other Downward Departure	55 (9.9%)
Upward Departure	6 (1.1%)

Mode of Conviction ⁶

TOTAL	562 (100.0%)
Plea	506 (90.0%)
Trial	56 (10.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Other
	559 (100.0)	67 (100.0)	29 (100.0)	20 (100.0)	66 (100.0)	114 (100.0)	12 (100.0)	29 (100.0)	121 (100.0)	101 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	462 (82.6)	67 (100.0)	12 (41.4)	7 (35.0)	48 (72.7)	113 (99.1)	10 (83.3)	27 (93.1)	117 (96.7)	61 (60.4)
Prison	440 (78.7)	67 (100.0)	11 (37.9)	5 (25.0)	38 (57.6)	112 (98.2)	6 (50.0)	27 (93.1)	117 (96.7)	57 (56.4)
Prison/Community Split	22 (3.9)	0 (0.0)	1 (3.4)	2 (10.0)	10 (15.2)	1 (0.9)	4 (33.3)	0 (0.0)	0 (0.0)	4 (4.0)
Prison Term Ordered										
Up to 12 months	87	0	7	4	28	5	7	1	12	23
13-24 months	147	1	4	3	12	7	2	3	101	14
25-36 months	19	3	0	0	5	4	0	3	1	3
37-60 months	63	14	0	0	3	22	1	7	2	14
Over 60 months	146	49	1	0	0	75	0	13	1	7
Mean Sentence	62.4	111.9	14.3	10.7	14.2	115.3	11.5	93.6	22.8	33.6
Median Sentence	24.0	87.0	8.0	6.0	12.0	85.0	8.5	60.0	24.0	21.0
CASES INVOLVING PROBATION										
Total Receiving Probation	97 (17.4)	0 (0.0)	17 (58.6)	13 (65.0)	18 (27.3)	1 (0.9)	2 (16.7)	2 (6.9)	4 (3.3)	40 (39.6)
Probation Only	70 (12.5)	0 (0.0)	12 (41.4)	12 (60.0)	12 (18.2)	1 (0.9)	1 (8.3)	1 (3.4)	2 (1.7)	29 (28.7)
Probation and Confinement	27 (4.8)	0 (0.0)	5 (17.2)	1 (5.0)	6 (9.1)	0 (0.0)	1 (8.3)	1 (3.4)	2 (1.7)	11 (10.9)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	103 (18.4)	17 (25.4)	14 (48.3)	9 (45.0)	26 (38.8)	4 (3.5)	4 (33.3)	0 (0.0)	1 (0.8)	28 (27.5)
Median Dollar Amount	\$2,500	\$1,997	\$760	\$1,615	\$7,877	\$3,250	\$450	\$--	\$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, FY1994 Datafile, MONEY94

**CALIFORNIA, Central
9th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Los Angeles
- (2) Santa Ana
- (3) Barstow
- (4) Lancaster
- (5) Santa Barbara

Number of Court Professionals	District Court Judges ²	34
	Assistant U.S. Attorneys ³	158
	Assistant Federal Defenders ⁴	46
	Probation Officers ⁵	190
Cases Filed	Civil ⁶	9,547
	Criminal ⁷	1,141
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	2,609	17
Forcible Rape	5,828	38
Robbery	81,752	530
Aggravated Assault	114,584	744
Burglary	210,938	1,369
Larceny/Theft	440,033	2,855
Motor Vehicle Theft	182,211	1,182
Crime Index Total	1,037,955	6,735

Economic Indicators	Income per Capita ¹²	\$ 16,444
	Percent Unemployed ¹³	9.2

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	17.3
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

CALIFORNIA, Central

Cases Received by USSC (by sentencing month) ¹

October 93	90	April 94	97
November 93	113	May 94	108
December 93	112	June 94	109
January 94	141	July 94	105
February 94	94	August 94	97
March 94	102	September 94	100
TOTAL = 1,268			

Monthly Income ³

	mean	median
TOTAL	\$943	\$0
Male	\$863	\$0
Female	\$1,626	\$600

Average Age ⁵

	mean	median
TOTAL	34.6	33.0
Male	34.3	32.0
Female	37.1	37.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,262 (100.0%)	1,132 (89.7%)	130 (10.3%)
White	394 (31.2%)	338 (85.8%)	56 (14.2%)
Black	289 (22.9%)	256 (88.6%)	33 (11.4%)
Hispanic	488 (38.7%)	456 (93.4%)	32 (6.6%)
Other	91 (7.2%)	82 (90.1%)	9 (9.9%)

Departure Status ⁴

Sentenced within Guideline Range	814 (87.7%)
Substantial Assistance Departure	62 (6.7%)
Other Downward Departure	49 (5.3%)
Upward Departure	3 (0.3%)

Mode of Conviction ⁶

TOTAL	1,266 (100.0%)
Plea	1,179 (93.1%)
Trial	87 (6.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	Other
1,258 (100.0)	232 (100.0)	93 (100.0)	35 (100.0)	205 (100.0)	252 (100.0)	48 (100.0)	48 (100.0)	183 (100.0)	162 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	1,046 (83.1)	231 (99.6)	57 (61.3)	16 (45.7)	144 (70.2)	248 (98.4)	29 (60.4)	43 (89.6)	169 (92.3)	109 (67.3)
Prison	991 (78.8)	229 (98.7)	50 (53.8)	7 (20.0)	121 (59.0)	247 (98.0)	24 (50.0)	42 (87.5)	167 (91.3)	104 (64.2)
Prison/Community Split	55 (4.4)	2 (0.9)	7 (7.5)	9 (25.7)	23 (11.2)	1 (0.4)	5 (10.4)	1 (2.1)	2 (1.1)	5 (3.1)
Prison Term Ordered										
Up to 12 months	240	2	29	14	69	6	17	4	77	22
13-24 months	147	5	14	2	41	3	11	8	38	25
25-36 months	78	11	7	0	13	12	1	7	14	13
37-60 months	167	48	6	0	15	46	0	5	21	26
Over 60 months	413	165	1	0	6	181	0	19	19	22
Mean Sentence	71.1	103.5	17.6	4.5	18.8	135.3	10.6	82.3	26.4	44.1
Median Sentence	46.0	84.0	12.0	1.0	14.0	120.0	8.0	46.0	15.0	30.0

CASES INVOLVING PROBATION

Total Receiving Probation	212 (16.9)	1 (0.4)	36 (38.7)	19 (54.3)	61 (29.8)	4 (1.6)	19 (39.6)	5 (10.4)	14 (7.7)	53 (32.7)
Probation Only	123 (9.8)	0 (0.0)	20 (21.5)	9 (25.7)	37 (18.0)	4 (1.6)	12 (25.0)	2 (4.2)	8 (4.4)	31 (19.1)
Probation and Confinement	89 (7.1)	1 (0.4)	16 (17.2)	10 (28.6)	24 (11.7)	0 (0.0)	7 (14.6)	3 (6.3)	6 (3.3)	22 (13.6)

**CALIFORNIA, Southern
9th Circuit**



Cities Supplying Guideline Documentation¹

- (1) San Diego
- (2) El Centro
- (3) Mineral

Number of Court Professionals	District Court Judges ²	12
	Assistant U.S. Attorneys ³	62
	Assistant Federal Defenders ⁴	26
	Probation Officers ⁵	113

Cases Filed	Civil ⁶	2,116
	Criminal ⁷	1,861

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	250	9
Forcible Rape	839	31
Robbery	7,694	289
Aggravated Assault	14,995	563
Burglary	34,383	1,290
Larceny/Theft	78,121	2,931
Motor Vehicle Theft	34,191	1,283
Crime Index Total	170,473	6,396

Economic Indicators	Income per Capita ¹²	\$ 15,926
	Percent Unemployed ¹³	8.6

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	19.6
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

CALIFORNIA, Southern

Cases Received by USSC (by sentencing month) ¹

October 93	120	April 94	147
November 93	202	May 94	171
December 93	155	June 94	189
January 94	211	July 94	143
February 94	131	August 94	143
March 94	161	September 94	93
TOTAL = 1,866			

Monthly Income ³

	mean	median
TOTAL	\$395	\$0
Male	\$375	\$0
Female	\$552	\$0

Average Age ⁵

	mean	median
TOTAL	31.9	30.0
Male	31.9	30.0
Female	31.4	30.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,866 (100.0%)	1,658 (88.9%)	208 (11.1%)
White	542 (29.0%)	439 (81.0%)	103 (19.0%)
Black	125 (6.7%)	114 (91.2%)	11 (8.8%)
Hispanic	1,183 (63.4%)	1,092 (92.3%)	91 (7.7%)
Other	16 (0.9%)	13 (81.3%)	3 (18.8%)

Departure Status ⁴

Sentenced within Guideline Range	1,079 (61.6%)
Substantial Assistance Departure	396 (22.6%)
Other Downward Departure	233 (13.3%)
Upward Departure	44 (2.5%)

Mode of Conviction ⁶

TOTAL	1,863 (100.0%)
Plea	1,806 (96.9%)
Trial	57 (3.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

TOTAL	Robbery	Larceny	Embezlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Other
1,862 (100.0)	85 (100.0)	41 (100.0)	17 (100.0)	133 (100.0)	634 (100.0)	18 (100.0)	22 (100.0)	342 (100.0)	570 (100.0)

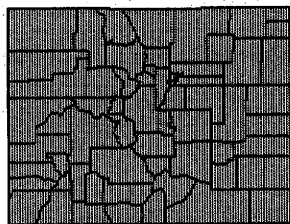
CASES INVOLVING PRISON ⁸

Total Receiving Prison	1,520 (81.6)	85 (100.0)	10 (24.4)	3 (17.6)	65 (48.9)	609 (96.1)	10 (55.6)	22 (100.0)	327 (95.6)	389 (68.2)
Prison	1,482 (79.6)	83 (97.6)	10 (24.4)	3 (17.6)	53 (39.8)	597 (94.2)	9 (50.0)	21 (95.5)	325 (95.0)	381 (66.8)
Prison/Community Split	38 (2.0)	2 (2.4)	0 (0.0)	0 (0.0)	12 (9.0)	12 (1.9)	1 (5.6)	1 (4.5)	2 (0.6)	8 (1.4)
Prison Term Ordered										
Up to 12 months	483	4	7	1	32	104	6	6	29	294
13-24 months	482	6	3	2	13	131	4	4	286	33
25-36 months	111	18	0	0	7	74	0	1	4	7
37-60 months	219	27	0	0	9	134	0	2	5	42
Over 60 months	223	30	0	0	3	165	0	9	3	13
Mean Sentence	35.0	73.6	11.4	17.3	21.3	48.5	9.7	89.2	23.3	15.7
Median Sentence	24.0	51.0	9.5	16.0	13.5	33.5	5.5	35.0	24.0	6.0

CASES INVOLVING PROBATION

Total Receiving Probation	342 (18.4)	0 (0.0)	31 (75.6)	14 (82.4)	68 (51.1)	25 (3.9)	8 (44.4)	0 (0.0)	15 (4.4)	181 (31.8)
Probation Only	269 (14.4)	0 (0.0)	26 (63.4)	13 (76.5)	49 (36.8)	22 (3.5)	8 (44.4)	0 (0.0)	15 (4.4)	136 (23.9)
Probation and Confinement	73 (3.9)	0 (0.0)	5 (12.2)	1 (5.9)	19 (14.3)	3 (0.5)	0 (0.0)	0 (0.0)	0 (0.0)	45 (7.9)

**COLORADO
10th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Denver
- (2) Colorado Springs
- (3) Boulder
- (4) Grand Junction

Number of Court Professionals	District Court Judges ²	7
	Assistant U.S. Attorneys ³	34
	Assistant Federal Defenders ⁴	15
	Probation Officers ⁵	47
Cases Filed	Civil ⁶	3,042
	Criminal ⁷	387
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

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	204	6
Forcible Rape	1,610	48
Robbery	4,129	122
Aggravated Assault	13,999	415
Burglary	35,285	1,045
Larceny/Theft	122,256	3,620
Motor Vehicle Theft	15,871	470
Crime Index Total	193,354	5,725

Economic Indicators	Income per Capita ¹²	\$ 14,821
	Percent Unemployed ¹³	5.2

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	51.2
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

COLORADO

Cases Received by USSC (by sentencing month) ¹

October 93	34	April 94	31
November 93	42	May 94	35
December 93	24	June 94	24
January 94	37	July 94	30
February 94	22	August 94	20
March 94	26	September 94	38
TOTAL = 363			

Monthly Income ³

	mean	median
TOTAL	\$1,098	\$556
Male	\$1,109	\$500
Female	\$1,024	\$965

Average Age ⁵

TOTAL	35.4	34.0
Male	35.4	34.0
Female	34.9	33.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	362 (100.0%)	316 (87.3%)	46 (12.7%)
White	196 (54.1%)	170 (86.7%)	26 (13.3%)
Black	70 (19.3%)	61 (87.1%)	9 (12.9%)
Hispanic	82 (22.7%)	74 (90.2%)	8 (9.8%)
Other	14 (3.9%)	11 (78.6%)	3 (21.4%)

Departure Status ⁴

Sentenced within Guideline Range	245 (67.9%)
Substantial Assistance Departure	74 (20.5%)
Other Downward Departure	39 (10.8%)
Upward Departure	3 (0.8%)

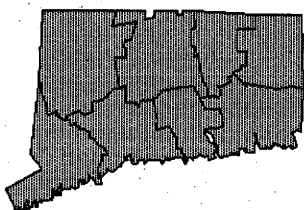
Mode of Conviction ⁶

TOTAL	363 (100.0%)
Plea	340 (93.7%)
Trial	23 (6.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	Other
	360 (100.0)	23 (100.0)	27 (100.0)	3 (100.0)	41 (100.0)	116 (100.0)	6 (100.0)	31 (100.0)	27 (100.0)	86 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	276 (76.7)	23 (100.0)	8 (29.6)	2 (66.7)	27 (65.9)	107 (92.2)	4 (66.7)	30 (96.8)	21 (77.8)	54 (62.8)
Prison	262 (72.8)	22 (95.7)	8 (29.6)	1 (33.3)	25 (61.0)	103 (88.8)	4 (66.7)	28 (90.3)	21 (77.8)	50 (58.1)
Prison/Community Split	14 (3.9)	1 (4.3)	0 (0.0)	1 (33.3)	2 (4.9)	4 (3.4)	0 (0.0)	2 (6.5)	0 (0.0)	4 (4.7)
Prison Term Ordered										
Up to 12 months	68	1	4	1	14	6	3	4	15	20
13-24 months	51	0	2	1	8	12	1	7	6	14
25-36 months	30	2	1	0	1	15	0	5	0	6
37-60 months	58	4	1	0	3	35	0	8	0	7
Over 60 months	69	16	0	0	1	39	0	6	0	7
Mean Sentence	51.3	90.3	17.7	10.5	17.2	73.5	9.0	51.5	11.6	32.6
Median Sentence	30.0	71.0	13.5	10.5	12.0	60.0	8.5	30.0	9.0	22.0
CASES INVOLVING PROBATION										
Total Receiving Probation	84 (23.3)	0 (0.0)	19 (70.4)	1 (33.3)	14 (34.1)	9 (7.8)	2 (33.3)	1 (3.2)	6 (22.2)	32 (37.2)
Probation Only	55 (15.3)	0 (0.0)	14 (51.9)	1 (33.3)	4 (9.8)	4 (3.4)	2 (33.3)	1 (3.2)	2 (7.4)	27 (31.4)
Probation and Confinement	29 (8.1)	0 (0.0)	5 (18.5)	0 (0.0)	10 (24.4)	5 (4.3)	0 (0.0)	0 (0.0)	4 (14.8)	5 (5.8)

**CONNECTICUT
2nd Circuit**



Cities Supplying Guideline Documentation¹

- (1) New Haven
- (2) Bridgeport
- (3) Hartford

Number of Court Professionals	District Court Judges ²	10
	Assistant U.S. Attorneys ³	32
	Assistant Federal Defenders ⁴	6
	Probation Officers ⁵	35

Cases Filed	Civil ⁶	2,420
	Criminal ⁷	223

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

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	206	6
Forcible Rape	800	24
Robbery	6,448	196
Aggravated Assault	7,495	228
Burglary	32,052	975
Larceny/Theft	85,878	2,611
Motor Vehicle Theft	19,515	593
Crime Index Total	152,394	4,634

Economic Indicators	Income per Capita ¹²	\$20,189
	Percent Unemployed ¹³	6.2

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	11.6
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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 1994 GUIDELINE SENTENCES

CONNEC'

Cases Received by USSC (by sentencing month) ¹

October 93	25	April 94	20
November 93	20	May 94	22
December 93	25	June 94	21
January 94	18	July 94	18
February 94	17	August 94	14
March 94	22	September 94	27

TOTAL = 249

Monthly Income ³

	mean	median
TOTAL	\$1,917	\$950
Male	\$1,972	\$905
Female	\$1,503	\$1,354

Average Age ⁵

	mean	median
TOTAL	37.3	35.0
Male	36.9	34.0
Female	40.1	41.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	249 (100.0%)	222 (89.2%)	27 (10.8%)
White	144 (57.8%)	130 (90.3%)	14 (9.7%)
Black	65 (26.1%)	55 (84.6%)	10 (15.4%)
Hispanic	38 (15.3%)	35 (92.1%)	3 (7.9%)
Other	2 (0.8%)	2 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	129 (52.4%)
Substantial Assistance Departure	21 (8.5%)
Other Downward Departure	87 (35.4%)
Upward Departure	9 (3.7%)

Mode of Conviction ⁶

TOTAL	249 (100.0%)
Plea	231 (92.8%)
Trial	18 (7.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	248 (100.0)	22 (100.0)	15 (100.0)	8 (100.0)	47 (100.0)	41 (100.0)	5 (100.0)	35 (100.0)	1 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	162 (65.3)	22 (100.0)	7 (46.7)	3 (37.5)	18 (38.3)	39 (95.1)	3 (60.0)	33 (94.3)	1 (100.0)
Prison	150 (60.5)	22 (100.0)	6 (40.0)	2 (25.0)	15 (31.9)	37 (90.2)	3 (60.0)	32 (91.4)	1 (100.0)
Prison/Community Split	12 (4.8)	0 (0.0)	1 (6.7)	1 (12.5)	3 (6.4)	2 (4.9)	0 (0.0)	1 (2.9)	0 (0.0)
Prison Term Ordered									
Up to 12 months	36	1	3	2	9	2	0	5	0
13-24 months	24	1	2	0	5	1	3	4	0
25-36 months	16	1	0	1	2	2	0	8	0
37-60 months	34	4	1	0	2	14	0	6	0
Over 60 months	52	15	1	0	0	20	0	10	1
Mean Sentence	65.0	98.6	24.3	10.7	17.1	115.0	19.7	63.3	70.0
Median Sentence	46.0	84.0	13.0	5.0	13.5	70.0	20.0	36.0	70.0

CASES INVOLVING PROBATION

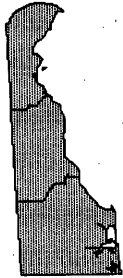
Total Receiving Probation	86 (34.7)	0 (0.0)	8 (53.3)	5 (62.5)	29 (61.7)	2 (4.9)	2 (40.0)	2 (5.7)	0 (0.0)
Probation Only	54 (21.8)	0 (0.0)	6 (40.0)	2 (25.0)	23 (48.9)	2 (4.9)	0 (0.0)	0 (0.0)	0 (0.0)
Probation and Confinement	32 (12.9)	0 (0.0)	2 (13.3)	3 (37.5)	6 (12.8)	0 (0.0)	2 (40.0)	2 (5.7)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	104 (41.9)	15 (68.2)	13 (86.7)	8 (100.0)	38 (80.9)	2 (4.9)	1 (20.0)	1 (2.9)	0 (0.0)
Median Dollar Amount	\$15,563	\$4,009	\$4,677	\$59,158	\$83,212	\$13,000	\$2,000	\$7,500	\$--

Footnotes and a complete description of all variables in this table are provided in A SOURCE: U.S. Sentencing Commission, FY1994 Datafile, I

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	8
	Assistant Federal Defenders ⁴	18
	Probation Officers ⁵	11
Cases Filed	Civil ⁶	677
	Criminal ⁷	104
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	395	58
Robbery	762	112
Aggravated Assault	1,949	287
Burglary	4,102	603
Larceny/Theft	13,791	2,028
Motor Vehicle Theft	1,539	226
Crime Index Total	22,558	3,318

Economic Indicators	Income per Capita ¹²	\$ 15,854
	Percent Unemployed ¹³	5.3

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	47.1
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

DELAWARE

Cases Received by USSC (by sentencing month) ¹

October 93	12	April 94	4
November 93	15	May 94	6
December 93	6	June 94	7
January 94	5	July 94	5
February 94	5	August 94	10
March 94	8	September 94	6

TOTAL = 89

Monthly Income ³

	mean	median
TOTAL	\$1,371	\$905
Male	\$1,410	\$833
Female	\$1,160	\$993

Average Age ⁵

TOTAL	35.9	34.0
Male	35.9	34.0
Female	36.0	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	89 (100.0%)	77 (86.5%)	12 (13.5%)
White	38 (42.7%)	35 (92.1%)	3 (7.9%)
Black	42 (47.2%)	35 (83.3%)	7 (16.7%)
Hispanic	5 (5.6%)	5 (100.0%)	0 (0.0%)
Other	4 (4.5%)	2 (50.0%)	2 (50.0%)

Departure Status ⁴

Sentenced within Guideline Range	75 (84.3%)
Substantial Assistance Departure	13 (14.6%)
Other Downward Departure	1 (1.1%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

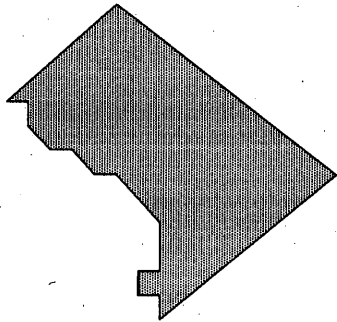
TOTAL	88 (100.0%)
Plea	75 (85.2%)
Trial	13 (14.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	Oth
	89 (100.0)	5 (100.0)	2 (100.0)	6 (100.0)	25 (100.0)	26 (100.0)	1 (100.0)	4 (100.0)	2 (100.0)	18 (100)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	65 (73.0)	5 (100.0)	2 (100.0)	1 (16.7)	13 (52.0)	25 (96.2)	1 (100.0)	4 (100.0)	2 (100.0)	12 (66)
Prison	60 (67.4)	5 (100.0)	2 (100.0)	1 (16.7)	9 (36.0)	25 (96.2)	1 (100.0)	4 (100.0)	2 (100.0)	11 (61)
Prison/Community Split	5 (5.6)	0 (0.0)	0 (0.0)	0 (0.0)	4 (16.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (5)
Prison Term Ordered										
Up to 12 months	16	0	0	0	9	1	1	1	0	
13-24 months	14	0	2	1	4	3	0	0	1	
25-36 months	3	0	0	0	0	2	0	0	0	
37-60 months	9	0	0	0	0	5	0	1	0	
Over 60 months	23	5	0	0	0	14	0	2	1	
Mean Sentence	68.4	98.4	18.5	21.0	11.8	118.4	8.0	84.0	42.0	2
Median Sentence	36.0	78.0	18.5	21.0	12.0	70.0	8.0	57.5	42.0	2
CASES INVOLVING PROBATION										
Total Receiving Probation	24 (27.0)	0 (0.0)	0 (0.0)	5 (83.3)	12 (48.0)	1 (3.8)	0 (0.0)	0 (0.0)	0 (0.0)	6 (33)
Probation Only	19 (21.3)	0 (0.0)	0 (0.0)	5 (83.3)	10 (40.0)	1 (3.8)	0 (0.0)	0 (0.0)	0 (0.0)	3 (16)
Probation and Confinement	5 (5.6)	0 (0.0)	0 (0.0)	0 (0.0)	2 (8.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	3 (16)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	41 (46.1)	4 (80.0)	2 (100.0)	6 (100.0)	17 (68.0)	2 (7.7)	1 (100.0)	1 (25.0)	0 (0.0)	8 (44)
Median Dollar Amount	\$2,306	\$21,976	\$8,601	\$1,974	\$2,056	\$280	\$520	\$1,000	\$--	\$8.

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MONFY

DISTRICT OF COLUMBIA
District of Columbia Circuit



Number of Court Professionals	District Court Judges ²	23
	Assistant U.S. Attorneys ³	230
	Assistant Federal Defenders ⁴	18
	Probation Officers ⁵	52
Cases Filed	Civil ⁶	2,938
	Criminal ⁷	509
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	454	76
Forcible Rape	324	54
Robbery	7,107	1,194
Aggravated Assault	9,003	1,513
Burglary	11,534	1,938.00
Larceny/Theft	31,495	5,291
Motor Vehicle Theft	8,062	1,354
Crime Index Total	67,979	11,421

Economic Indicators	Income per Capita ¹²	\$ 18,881
	Percent Unemployed ¹³	8.5

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

FISCAL YEAR 1994 GUIDELINE SENTENCES

DISTRICT OF COL

Cases Received by USSC (by sentencing month) ¹

October 93	42	April 94	42
November 93	36	May 94	44
December 93	42	June 94	33
January 94	33	July 94	48
February 94	37	August 94	27
March 94	44	September 94	49

TOTAL = 477

Monthly Income ³

	mean	median
TOTAL	\$955	\$220
Male	\$931	\$0
Female	\$1,038	\$720

Average Age ⁵

	mean	median
TOTAL	32.4	30.0
Male	31.8	29.0
Female	34.7	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	475 (100.0%)	381 (80.2%)	94 (19.8%)
White	53 (11.2%)	42 (79.2%)	11 (20.8%)
Black	394 (82.9%)	322 (81.7%)	72 (18.3%)
Hispanic	23 (4.8%)	14 (60.9%)	9 (39.1%)
Other	5 (1.1%)	3 (60.0%)	2 (40.0%)

Departure Status ⁴

Sentenced within Guideline Range	364 (78.1%)
Substantial Assistance Departure	63 (13.5%)
Other Downward Departure	38 (8.2%)
Upward Departure	1 (0.2%)

Mode of Conviction ⁶

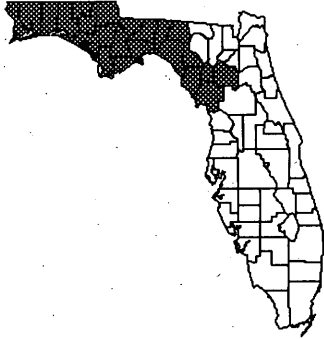
TOTAL	477 (100.0%)
Plea	399 (83.6%)
Trial	78 (16.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Inimigratn
	477 (100.0)	3 (100.0)	31 (100.0)	5 (100.0)	51 (100.0)	203 (100.0)	53 (100.0)	37 (100.0)	9 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	308 (64.6)	3 (100.0)	6 (19.4)	3 (60.0)	29 (56.9)	180 (88.7)	13 (24.5)	30 (81.1)	6 (66.7)
Prison	295 (61.8)	3 (100.0)	6 (19.4)	1 (20.0)	27 (52.9)	178 (87.7)	11 (20.8)	29 (78.4)	6 (66.7)
Prison/Community Split	13 (2.7)	0 (0.0)	0 (0.0)	2 (40.0)	2 (3.9)	2 (1.0)	2 (3.8)	1 (2.7)	0 (0.0)
Prison Term Ordered									
Up to 12 months	63	0	3	3	13	6	12	5	5
13-24 months	37	0	3	0	8	14	1	7	0
25-36 months	31	1	0	0	6	20	0	4	0
37-60 months	60	0	0	0	2	43	0	7	0
Over 60 months	116	2	0	0	0	97	0	7	0
Mean Sentence	89.2	74.0	13.2	5.7	17.4	121.0	7.7	42.4	6.8
Median Sentence	57.0	84.0	12.5	5.0	15.0	70.0	6.0	31.5	6.0
CASES INVOLVING PROBATION									
Total Receiving Probation	169 (35.4)	0 (0.0)	25 (80.6)	2 (40.0)	22 (43.1)	23 (11.3)	40 (75.5)	7 (18.9)	3 (33.3)
Probation Only	118 (24.7)	0 (0.0)	13 (41.9)	2 (40.0)	10 (19.6)	19 (9.4)	32 (60.4)	3 (8.1)	3 (33.3)
Probation and Confinement	51 (10.7)	0 (0.0)	12 (38.7)	0 (0.0)	12 (23.5)	4 (2.0)	8 (15.1)	4 (10.8)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	116 (24.3)	1 (33.3)	26 (83.9)	5 (100.0)	30 (58.8)	3 (1.5)	18 (34.0)	0 (0.0)	1 (11.1)
Median Dollar Amount	\$3,052	\$1,132	\$3,366	\$3,600	\$8,088	\$25,000	\$786	\$--	\$500

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, N

**FLORIDA, Northern
11th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Pensacola
- (2) Gainesville
- (3) Tallahassee
- (4) Panama City

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	17
	Assistant Federal Defenders ⁴	7
	Probation Officers ⁵	35
Cases Filed	Civil ⁶	1,630
	Criminal ⁷	348
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	93	7
Forcible Rape	775	59
Robbery	2,601	198
Aggravated Assault	9,814	747
Burglary	21,081	1,605
Larceny/Theft	50,013	3,809
Motor Vehicle Theft	6,141	468
Crime Index Total	90,518	6,893

Economic Indicators	Income per Capita ¹²	\$ 12,033
	Percent Unemployed ¹³	5.7

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	16.4
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

FLORIDA, North

Cases Received by USSC (by sentencing month) ¹

October 93	48	April 94	32
November 93	34	May 94	33
December 93	33	June 94	35
January 94	32	July 94	27
February 94	19	August 94	28
March 94	34	September 94	43

TOTAL = 398

Monthly Income ³

	mean	median
TOTAL	\$909	\$439
Male	\$919	\$400
Female	\$853	\$543

Average Age ⁵

	mean	median
TOTAL	33.6	31.0
Male	33.8	31.0
Female	32.2	30.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	398 (100.0%)	343 (86.2%)	55 (13.8%)
White	160 (40.2%)	146 (91.3%)	14 (8.8%)
Black	198 (49.7%)	165 (83.3%)	33 (16.7%)
Hispanic	36 (9.0%)	28 (77.8%)	8 (22.2%)
Other	4 (1.0%)	4 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	229 (57.7%)
Substantial Assistance Departure	162 (40.8%)
Other Downward Departure	4 (1.0%)
Upward Departure	2 (0.5%)

Mode of Conviction ⁶

TOTAL	398 (100.0%)
Plea	345 (86.7%)
Trial	53 (13.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	C
	397 (100.0)	13 (100.0)	19 (100.0)	8 (100.0)	34 (100.0)	260 (100.0)	4 (100.0)	24 (100.0)	2 (100.0)	33 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	350 (88.2)	13 (100.0)	7 (36.8)	6 (75.0)	20 (58.8)	255 (98.1)	3 (75.0)	19 (79.2)	1 (50.0)	26 (78.8)
Prison	340 (85.6)	13 (100.0)	7 (36.8)	4 (50.0)	19 (55.9)	252 (96.9)	2 (50.0)	19 (79.2)	1 (50.0)	23 (70.6)
Prison/Community Split	10 (2.5)	0 (0.0)	0 (0.0)	2 (25.0)	1 (2.9)	3 (1.2)	1 (25.0)	0 (0.0)	0 (0.0)	3 (9.1)
Prison Term Ordered										
Up to 12 months	36	1	3	6	5	6	2	1	1	1
13-24 months	37	0	4	0	12	14	0	2	0	0
25-36 months	30	1	0	0	3	18	1	5	0	0
37-60 months	50	1	0	0	0	41	0	5	0	0
Over 60 months	197	10	0	0	0	176	0	6	0	0
Mean Sentence	113.5	103.7	12.1	2.7	16.3	138.7	14.3	71.2	6.0	6.0
Median Sentence	77.0	101.0	13.0	0.5	15.0	120.0	11.0	46.0	6.0	6.0

CASES INVOLVING PROBATION

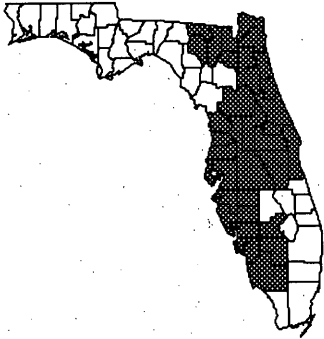
Total Receiving Probation	47 (11.8)	0 (0.0)	12 (63.2)	2 (25.0)	14 (41.2)	5 (1.9)	1 (25.0)	5 (20.8)	1 (50.0)	7 (21.2)
Probation Only	32 (8.1)	0 (0.0)	10 (52.6)	2 (25.0)	9 (26.5)	3 (1.2)	1 (25.0)	4 (16.7)	1 (50.0)	2 (6.2)
Probation and Confinement	15 (3.8)	0 (0.0)	2 (10.5)	0 (0.0)	5 (14.7)	2 (0.8)	0 (0.0)	1 (4.2)	0 (0.0)	5 (15.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	97 (24.4)	10 (76.9)	17 (89.5)	5 (62.5)	27 (79.4)	16 (6.2)	4 (100.0)	6 (25.0)	1 (50.0)	11 (33.3)
Median Dollar Amount	\$7,400	\$2,074	\$8,818	\$7,199	\$9,768	\$10,000	\$310	\$5,500	\$54,500	\$10,000

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MON

**FLORIDA, Middle
11th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Tampa
- (2) Jacksonville
- (3) Orlando
- (4) Fort Myers
- (5) Cocoa
- (6) Fernandina

Number of Court Professionals	District Court Judges ²	16
	Assistant U.S. Attorneys ³	62
	Assistant Federal Defenders ⁴	22
	Probation Officers ⁵	126
Cases Filed	Civil ⁶	5,040
	Criminal ⁷	763
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	531	7
Forcible Rape	4,268	60
Robbery	18,882	267
Aggravated Assault	55,689	787
Burglary	123,613	1,746
Larceny/Theft	280,781	3,966
Motor Vehicle Theft	48,842	690
Crime Index Total	532,606	7,523

Economic Indicators	Income per Capita ¹²	\$ 14,202
	Percent Unemployed ¹³	6.6

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	36.1
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

FLORIDA, Mid

Cases Received by USSC (by sentencing month) ¹

October 93	72	April 94	137
November 93	91	May 94	74
December 93	105	June 94	95
January 94	124	July 94	90
February 94	83	August 94	83
March 94	110	September 94	98

TOTAL = 1,162

Monthly Income ³

	mean	median
TOTAL	\$865	\$0
Male	\$810	\$0
Female	\$1,242	\$906

Average Age ⁵

	mean	median
TOTAL	35.8	34.0
Male	35.3	34.0
Female	39.3	38.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,160 (100.0%)	1,019 (87.8%)	141 (12.2%)
White	566 (48.8%)	485 (85.7%)	81 (14.3%)
Black	377 (32.5%)	331 (87.8%)	46 (12.2%)
Hispanic	201 (17.3%)	188 (93.5%)	13 (6.5%)
Other	16 (1.4%)	15 (93.8%)	1 (6.3%)

Departure Status ⁴

Sentenced within Guideline Range	712 (61.4%)
Substantial Assistance Departure	391 (33.7%)
Other Downward Departure	51 (4.4%)
Upward Departure	5 (0.4%)

Mode of Conviction ⁶

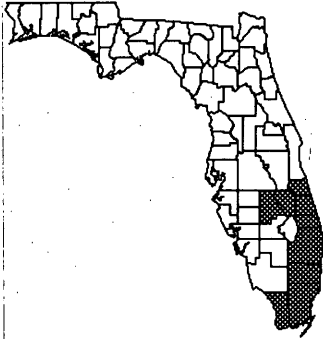
TOTAL	1,162 (100.0%)
Plea	1,033 (88.9%)
Trial	129 (11.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	O
	1,157 (100.0)	69 (100.0)	45 (100.0)	21 (100.0)	164 (100.0)	636 (100.0)	52 (100.0)	48 (100.0)	12 (100.0)	110 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	984 (85.0)	69 (100.0)	19 (42.2)	12 (57.1)	102 (62.2)	626 (98.4)	30 (57.7)	43 (89.6)	11 (91.7)	72 (65.5)
Prison	933 (80.6)	69 (100.0)	12 (26.7)	6 (28.6)	83 (50.6)	620 (97.5)	26 (50.0)	40 (83.3)	11 (91.7)	66 (60.0)
Prison/Community Split	51 (4.4)	0 (0.0)	7 (15.6)	6 (28.6)	19 (11.6)	6 (0.9)	4 (7.7)	3 (6.3)	0 (0.0)	6 (5.5)
Prison Term Ordered										
Up to 12 months	147	0	14	9	51	28	19	5	2	2
13-24 months	102	2	5	2	32	34	8	3	4	4
25-36 months	66	4	0	0	12	32	3	3	3	3
37-60 months	185	20	0	1	6	135	0	8	1	1
Over 60 months	484	43	0	0	1	397	0	24	1	1
Mean Sentence	90.7	92.4	9.4	9.3	16.6	115.4	13.2	100.0	28.7	28.7
Median Sentence	60.0	78.0	6.0	3.0	12.5	87.0	12.0	70.0	24.0	24.0
CASES INVOLVING PROBATION										
Total Receiving Probation	173 (15.0)	0 (0.0)	26 (57.8)	9 (42.9)	62 (37.8)	10 (1.6)	22 (42.3)	5 (10.4)	1 (8.3)	38 (34.5)
Probation Only	100 (8.6)	0 (0.0)	17 (37.8)	5 (23.8)	27 (16.5)	6 (0.9)	14 (26.9)	5 (10.4)	0 (0.0)	26 (23.5)
Probation and Confinement	73 (6.3)	0 (0.0)	9 (20.0)	4 (19.0)	35 (21.3)	4 (0.6)	8 (15.4)	0 (0.0)	1 (8.3)	12 (10.9)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	321 (27.7)	53 (76.8)	37 (82.2)	18 (85.7)	118 (71.5)	25 (3.9)	22 (42.3)	5 (10.0)	0 (0.0)	43 (38.9)
Median Dollar Amount	\$10,000	\$6,122	\$11,107	\$29,525	\$28,988	\$3,000	\$1,073	\$500	\$-	\$-

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MONI

**FLORIDA, Southern
11th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|---------------------|-----------------|
| (1) Miami | (5) Fort Pierce |
| (2) West Palm Beach | (6) Key West |
| (3) Fort Lauderdale | (7) Homestead |

Number of Court Professionals	District Court Judges ²	24
	Assistant U.S. Attorneys ³	147
	Assistant Federal Defenders ⁴	42
	Probation Officers ⁵	167
Cases Filed	Civil ⁶	5,100
	Criminal ⁷	1,160
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	560	11
Forcible Rape	2,203	45
Robbery	26,174	537
Aggravated Assault	39,871	818
Burglary	100,056	2,053
Larceny/Theft	258,612	5,307
Motor Vehicle Theft	63,832	1,310
Crime Index Total	491,308	10,083

Economic Indicators	Income per Capita ¹²	\$ 16,133
	Percent Unemployed ¹³	7.9

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	39.7
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

FLORIDA, South

Cases Received by USSC (by sentencing month) ¹

October 93	111	April 94	129
November 93	131	May 94	93
December 93	102	June 94	130
January 94	103	July 94	87
February 94	128	August 94	76
March 94	120	September 94	97

TOTAL = 1,307

Monthly Income ³

	mean	median
TOTAL	\$1,368	\$645
Male	\$1,415	\$601
Female	\$1,105	\$747

Average Age ⁵

	mean	median
TOTAL	37.3	36.0
Male	37.1	35.0
Female	38.0	37.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,307 (100.0%)	1,124 (86.0%)	183 (14.0%)
White	443 (33.9%)	389 (87.8%)	54 (12.2%)
Black	243 (18.6%)	208 (85.6%)	35 (14.4%)
Hispanic	613 (46.9%)	520 (84.8%)	93 (15.2%)
Other	8 (0.6%)	7 (87.5%)	1 (12.5%)

Departure Status ⁴

Sentenced within Guideline Range	1,024 (78.5%)
Substantial Assistance Departure	197 (15.1%)
Other Downward Departure	67 (5.1%)
Upward Departure	16 (1.2%)

Mode of Conviction ⁶

TOTAL	1,305 (100.0%)
Plea	1,070 (82.0%)
Trial	235 (18.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	1,303 (100.0)	68 (100.0)	32 (100.0)	17 (100.0)	160 (100.0)	659 (100.0)	44 (100.0)	77 (100.0)	75 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	1,198 (91.9)	67 (98.5)	26 (81.3)	16 (94.1)	122 (76.3)	652 (98.9)	31 (70.5)	71 (92.2)	71 (94.7)	14
Prison	1,163 (89.3)	67 (98.5)	24 (75.0)	8 (47.1)	112 (70.0)	651 (98.8)	27 (61.4)	70 (90.9)	70 (93.3)	13
Prison/Community Split	35 (2.7)	0 (0.0)	2 (6.3)	8 (47.1)	10 (6.3)	1 (0.2)	4 (9.1)	1 (1.3)	1 (1.3)	
Prison Term Ordered										
Up to 12 months	211	1	13	15	59	17	17	7	42	
13-24 months	124	0	10	1	32	16	7	10	14	
25-36 months	100	10	3	0	13	26	5	13	5	
37-60 months	197	14	0	0	12	129	0	7	4	
Over 60 months	566	42	0	0	6	464	2	34	6	
Mean Sentence	89.0	115.6	13.8	3.4	22.3	126.0	17.6	99.4	17.8	
Median Sentence	60.0	93.0	13.5	2.5	15.0	120.0	12.0	52.0	12.0	

CASES INVOLVING PROBATION

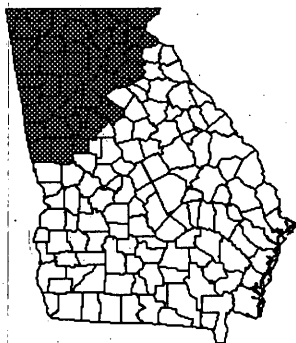
Total Receiving Probation	105 (8.1)	1 (1.5)	6 (18.8)	1 (5.9)	38 (23.8)	7 (1.1)	13 (29.5)	6 (7.8)	4 (5.3)	2
Probation Only	76 (5.8)	1 (1.5)	5 (15.6)	1 (5.9)	23 (14.4)	7 (1.1)	12 (27.3)	5 (6.5)	3 (4.0)	1
Probation and Confinement	29 (2.2)	0 (0.0)	1 (3.1)	0 (0.0)	15 (9.4)	0 (0.0)	1 (2.3)	1 (1.3)	1 (1.3)	1

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	354 (27.2)	43 (63.2)	19 (59.4)	17 (100.0)	117 (73.1)	63 (9.6)	21 (47.7)	11 (14.3)	6 (8.0)	5
Median Dollar Amount	\$10,000	\$2,739	\$3,768	\$34,850	\$60,642	\$10,000	\$2,069	\$2,000	\$1,875	

Footnotes and a complete description of all variables in this table are provided in Appen
SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MO

**GEORGIA, Northern
11th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Atlanta
- (2) Rome
- (3) Gainesville
- (4) Marietta
- (5) Newnan

Number of Court Professionals	District Court Judges ²	15
	Assistant U.S. Attorneys ³	41
	Assistant Federal Defenders ⁴	18
	Probation Officers ⁵	83

Cases Filed	Civil ⁶	3,986
	Criminal ⁷	777

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	412	11
Forcible Rape	1,435	38
Robbery	12,001	315
Aggravated Assault	17,721	465
Burglary	53,353	1,399
Larceny/Theft	148,526	3,896
Motor Vehicle Theft	30,327	795
Crime Index Total	263,775	6,919

Economic Indicators	Income per Capita ¹²	\$ 15,592
	Percent Unemployed ¹³	5.3

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

FISCAL YEAR 1994 GUIDELINE SENTENCES

GEORGIA, North

Cases Received by USSC (by sentencing month) ¹

October 93	58	April 94	45
November 93	63	May 94	44
December 93	71	June 94	60
January 94	77	July 94	40
February 94	54	August 94	45
March 94	41	September 94	25

TOTAL = 623

Monthly Income ³

	mean	median
TOTAL	\$1,235	\$750
Male	\$1,230	\$600
Female	\$1,274	\$1,213

Average Age ⁵

	mean	median
TOTAL	35.0	33.0
Male	35.0	33.0
Female	35.2	34.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	623 (100.0%)	553 (88.8%)	70 (11.2%)
White	231 (37.1%)	202 (87.4%)	29 (12.6%)
Black	362 (58.1%)	323 (89.2%)	39 (10.8%)
Hispanic	23 (3.7%)	21 (91.3%)	2 (8.7%)
Other	7 (1.1%)	7 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	437 (71.2%)
Substantial Assistance Departure	130 (21.2%)
Other Downward Departure	36 (5.9%)
Upward Departure	11 (1.8%)

Mode of Conviction ⁶

TOTAL	621 (100.0%)
Plea	551 (88.7%)
Trial	70 (11.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	
	622 (100.0)	35 (100.0)	34 (100.0)	16 (100.0)	80 (100.0)	291 (100.0)	31 (100.0)	45 (100.0)	16 (100.0)	74 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	528 (84.9)	35 (100.0)	15 (44.1)	7 (43.8)	60 (75.0)	279 (95.9)	24 (77.4)	42 (93.3)	10 (62.5)	56 (74.3)
Prison	507 (81.5)	35 (100.0)	15 (44.1)	6 (37.5)	53 (66.3)	278 (95.5)	21 (67.7)	39 (86.7)	10 (62.5)	50 (66.7)
Prison/Community Split	21 (3.4)	0 (0.0)	0 (0.0)	1 (6.3)	7 (8.8)	1 (0.3)	3 (9.7)	3 (6.7)	0 (0.0)	6 (8.1)
Prison Term Ordered										
Up to 12 months	89	0	5	5	23	12	11	6	7	
13-24 months	70	0	6	2	21	24	6	3	2	
25-36 months	51	3	2	0	9	23	2	5	0	
37-60 months	84	3	2	0	7	51	2	6	1	
Over 60 months	234	29	0	0	0	169	3	22	0	
Mean Sentence	83.6	190.8	19.6	9.0	19.4	103.6	23.5	84.1	14.6	
Median Sentence	60.0	108.0	16.0	12.0	18.0	78.0	13.0	63.5	12.0	

CASES INVOLVING PROBATION

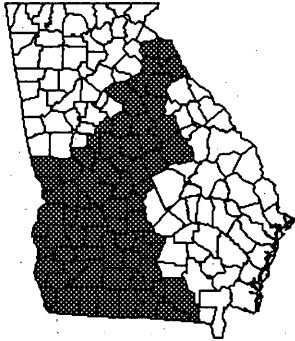
Total Receiving Probation	94 (15.1)	0 (0.0)	19 (55.9)	9 (56.3)	20 (25.0)	12 (4.1)	7 (22.6)	3 (6.7)	6 (37.5)	18 (24.3)
Probation Only	56 (9.0)	0 (0.0)	15 (44.1)	6 (37.5)	13 (16.3)	3 (1.0)	3 (9.7)	1 (2.2)	6 (37.5)	9 (12.1)
Probation and Confinement	38 (6.1)	0 (0.0)	4 (11.8)	3 (18.8)	7 (8.8)	9 (3.1)	4 (12.9)	2 (4.4)	0 (0.0)	9 (12.2)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	241 (38.7)	20 (57.1)	27 (79.4)	12 (75.0)	59 (72.8)	64 (22.0)	14 (45.2)	8 (17.8)	2 (12.5)	35 (46.4)
Median Dollar Amount	\$5,000	\$12,599	\$6,250	\$10,454	\$24,439	\$3,000	\$1,000	\$2,500	\$3,500	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MON

**GEORGIA, Middle
11th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|--------------|--------------|
| (1) Macon | (4) Valdosta |
| (2) Columbus | (5) Athens |
| (3) Albany | |

Number of Court Professionals

District Court Judges ²	4
Assistant U.S. Attorneys ³	17
Assistant Federal Defenders ⁴	0
Probation Officers ⁵	39

Cases Filed

Civil ⁶	1,230
Criminal ⁷	1,803

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	196	12
Forcible Rape	501	31
Robbery	2,448	151
Aggravated Assault	6,057	373
Burglary	18,572	1,143
Larceny/Theft	50,444	3,104
Motor Vehicle Theft	4,804	296
Crime Index Total	83,022	5,109

Economic Indicators	Income per Capita¹²	\$ 10,901
	Percent Unemployed¹³	6.4

Distribution of Non-Farm Employment¹⁴	Percent Manufacturing	30.1
	Percent Retail	23.2
	Percent Finance¹⁵	5.6
	Percent Service	21.7
	Percent Other¹⁶	19.4

Agriculture	Percent Farm Acreage¹⁷	34.7
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 58.67
	Education	\$ 620.19
	Health and Hospitals	\$ 331.06
	Public Welfare¹⁹	\$ 3.07
	Highways	\$ 55.69

FISCAL YEAR 1994 GUIDELINE SENTENCES

GEORGIA, MI

Cases Received by USSC (by sentencing month) ¹

October 93	36	April 94	25
November 93	30	May 94	37
December 93	38	June 94	52
January 94	28	July 94	13
February 94	34	August 94	35
March 94	27	September 94	21

TOTAL = 376

Monthly Income ³

	mean	median
TOTAL	\$1,404	\$890
Male	\$1,341	\$650
Female	\$1,555	\$1,400

Average Age ⁵

	mean	median
TOTAL	36.9	34.5
Male	36.1	34.0
Female	38.8	36.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	375 (100.0%)	269 (71.7%)	106 (28.3%)
White	161 (42.9%)	99 (61.5%)	62 (38.5%)
Black	204 (54.4%)	164 (80.4%)	40 (19.6%)
Hispanic	8 (2.1%)	4 (50.0%)	4 (50.0%)
Other	2 (0.5%)	2 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	285 (76.6%)
Substantial Assistance Departure	66 (17.7%)
Other Downward Departure	9 (2.4%)
Upward Departure	12 (3.2%)

Mode of Conviction ⁶

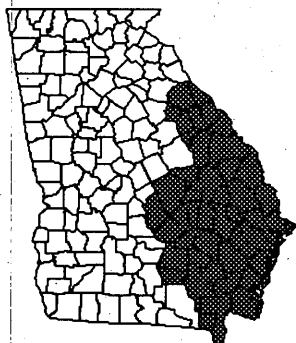
TOTAL	376 (100.0%)
Plea	336 (89.4%)
Trial	40 (10.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	373 (100.0)	21 (100.0)	102 (100.0)	11 (100.0)	41 (100.0)	86 (100.0)	6 (100.0)	33 (100.0)	1 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	242 (64.9)	21 (100.0)	28 (27.5)	8 (72.7)	20 (48.8)	82 (95.3)	4 (66.7)	33 (100.0)	1 (100.0)	
Prison	230 (61.7)	21 (100.0)	25 (24.5)	6 (54.5)	18 (43.9)	82 (95.3)	4 (66.7)	33 (100.0)	1 (100.0)	
Prison/Community Split	12 (3.2)	0 (0.0)	3 (2.9)	2 (18.2)	2 (4.9)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	
Prison Term Ordered										
Up to 12 months	65	0	24	6	11	4	3	2	1	
13-24 months	26	0	3	2	5	3	1	2	0	
25-36 months	12	1	0	0	1	6	0	0	0	
37-60 months	33	2	1	0	1	16	0	2	0	
Over 60 months	106	18	0	0	2	53	0	27	0	
Mean Sentence	90.2	163.8	7.4	9.8	22.8	119.7	8.0	153.8	12.0	
Median Sentence	51.0	147.0	4.5	10.0	11.0	94.5	5.0	180.0	12.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	131 (35.1)	0 (0.0)	74 (72.5)	3 (27.3)	21 (51.2)	4 (4.7)	2 (33.3)	0 (0.0)	0 (0.0)	
Probation Only	105 (28.2)	0 (0.0)	71 (69.6)	1 (9.1)	11 (26.8)	4 (4.7)	2 (33.3)	0 (0.0)	0 (0.0)	
Probation and Confinement	26 (7.0)	0 (0.0)	3 (2.9)	2 (18.2)	10 (24.4)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	203 (54.3)	13 (61.9)	86 (84.3)	10 (90.9)	31 (75.6)	9 (10.5)	6 (85.7)	6 (18.2)	0 (0.0)	
Median Dollar Amount	\$1,000	\$3,020	\$250	\$9,211	\$4,300	\$2,500	\$400	\$1,500	\$--	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MO

**GEORGIA, Southern
11th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Augusta
- (2) Savannah
- (3) Brunswick

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	14
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	31
Cases Filed	Civil ⁶	1,083
	Criminal ⁷	378
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	142	12
Forcible Rape	403	34
Robbery	2,125	179
Aggravated Assault	4,114	347
Burglary	13,492	1,139
Larceny/Theft	34,094	2,877
Motor Vehicle Theft	4,577	386
Crime Index Total	58,947	4,975

Economic Indicators	Income per Capita ¹²	\$ 11,147
	Percent Unemployed ¹³	6.6

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	23.9
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

GEORGIA, S

Cases Received by USSC (by sentencing month) ¹

October 93	30	April 94	25
November 93	29	May 94	6
December 93	33	June 94	19
January 94	25	July 94	12
February 94	9	August 94	25
March 94	42	September 94	5

TOTAL = 260

Monthly Income ³

	mean	median
TOTAL	\$1,291	\$725
Male	\$1,336	\$748
Female	\$1,036	\$700

Average Age ⁵

	mean	median
TOTAL	35.7	35.0
Male	35.5	35.0
Female	36.9	35.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	260 (100.0%)	222 (85.4%)	38 (14.6%)
White	111 (42.7%)	91 (82.0%)	20 (18.0%)
Black	132 (50.8%)	114 (86.4%)	18 (13.6%)
Hispanic	16 (6.2%)	16 (100.0%)	0 (0.0%)
Other	1 (0.4%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	157 (60.4%)
Substantial Assistance Departure	84 (32.3%)
Other Downward Departure	15 (5.8%)
Upward Departure	4 (1.5%)

Mode of Conviction ⁶

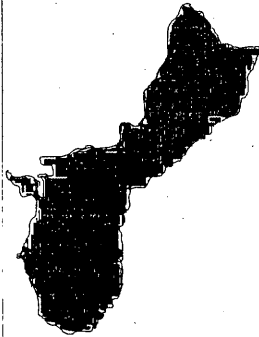
TOTAL	260 (100.0%)
Plea	231 (88.8%)
Trial	29 (11.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	259 (100.0)	19 (100.0)	9 (100.0)	3 (100.0)	33 (100.0)	136 (100.0)	0 (100.0)	13 (100.0)	2 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	227 (87.6)	19 (100.0)	3 (33.3)	3 (100.0)	28 (84.8)	133 (97.8)	0 (--)	13 (100.0)	2 (100.0)
Prison	222 (85.7)	19 (100.0)	3 (33.3)	3 (100.0)	24 (72.7)	133 (97.8)	0 (--)	13 (100.0)	2 (100.0)
Prison/Community Split	5 (1.9)	0 (0.0)	0 (0.0)	0 (0.0)	4 (12.1)	0 (0.0)	0 (--)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	31	0	2	1	14	5	0	0	2
13-24 months	29	0	1	2	9	6	0	2	0
25-36 months	22	0	0	0	3	12	0	1	0
37-60 months	40	4	0	0	1	31	0	2	0
Over 60 months	105	15	0	0	1	79	0	8	0
Mean Sentence	82.3	95.5	12.7	16.7	18.4	105.1	--	115.8	4.5
Median Sentence	60.0	72.0	12.0	14.0	13.0	72.0	--	87.0	4.5
CASES INVOLVING PROBATION									
Total Receiving Probation	32 (12.4)	0 (0.0)	6 (66.7)	0 (0.0)	5 (15.2)	3 (2.2)	0 (--)	0 (0.0)	0 (0.0)
Probation Only	26 (10.0)	0 (0.0)	6 (66.7)	0 (0.0)	3 (9.1)	3 (2.2)	0 (--)	0 (0.0)	0 (0.0)
Probation and Confinement	6 (2.3)	0 (0.0)	0 (0.0)	0 (0.0)	2 (6.1)	0 (0.0)	0 (--)	0 (0.0)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	104 (40.2)	15 (78.9)	7 (77.8)	3 (100.0)	28 (84.8)	24 (17.6)	0 (--)	2 (15.4)	2 (100.0)
Median Dollar Amount	\$5,248	\$2,606	\$3,600	\$24,529	\$10,560	\$11,000	\$--	\$7,100	\$62,000

Footnotes and a complete description of all variables in this table are provided in SOURCE: U.S. Sentencing Commission, FY1994 Datafile

**GUAM
9th Circuit**



City Supplying Guideline Documentation¹

(1) Agana

Number of Court Professionals	District Court Judges ²	-
	Assistant U.S. Attorneys ³	5
	Assistant Federal Defenders ⁴	8
	Probation Officers ⁵	14
Cases Filed	Civil ⁶	88
	Criminal ⁷	163
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	89	67
Robbery	93	70
Aggravated Assault	207	155
Burglary	1,221	917
Larceny/Theft	3,758	2,822
Motor Vehicle Theft	395	297
Crime Index Total	5,774	4,336

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	\$ -

FISCAL YEAR 1994 GUIDELINE SENTENCES

Cases Received by USSC (by sentencing month) ¹

October 93	11	April 94	9
November 93	8	May 94	0
December 93	15	June 94	0
January 94	7	July 94	0
February 94	7	August 94	0
March 94	9	September 94	0

TOTAL = 66

Monthly Income ³

	mean	median
TOTAL	\$1,044	\$800
Male	\$1,039	\$799
Female	\$1,107	\$1,127

Average Age ⁵

TOTAL	34.6	33.0
Male	36.3	34.0
Female	30.4	29.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	55 (100.0%)	44 (80.0%)	11 (20.0%)
White	8 (14.5%)	6 (75.0%)	2 (25.0%)
Black	1 (1.8%)	0 (0.0%)	1 (100.0%)
Hispanic	2 (3.6%)	2 (100.0%)	0 (0.0%)
Other	44 (80.0%)	36 (81.8%)	8 (18.2%)

Departure Status ⁴

Sentenced within Guideline Range	56 (84.8%)
Substantial Assistance Departure	8 (12.1%)
Other Downward Departure	2 (3.0%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

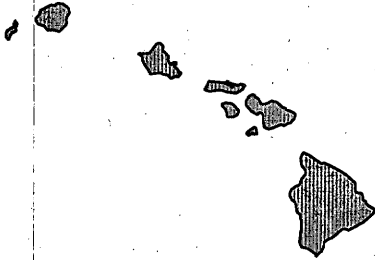
TOTAL	66 (100.0%)
Plea	61 (92.4%)
Trial	5 (7.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	58 (100.0)	0 (100.0)	4 (100.0)	1 (100.0)	1 (100.0)	13 (100.0)	0 (100.0)	14 (100.0)	13 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	36 (62.1)	0 (--)	1 (25.0)	0 (0.0)	0 (0.0)	9 (69.2)	0 (--)	10 (71.4)	10 (76.9)	
Prison	33 (56.9)	0 (--)	1 (25.0)	0 (0.0)	0 (0.0)	7 (53.8)	0 (--)	10 (71.4)	10 (76.9)	
Prison/Community Split	3 (5.2)	0 (--)	0 (0.0)	0 (0.0)	0 (0.0)	2 (15.4)	0 (--)	0 (0.0)	0 (0.0)	
Prison Term Ordered										
Up to 12 months	16	0	0	0	0	2	0	1	10	
13-24 months	4	0	1	0	0	0	0	1	0	
25-36 months	4	0	0	0	0	1	0	3	0	
37-60 months	2	0	0	0	0	0	0	2	0	
Over 60 months	10	0	0	0	0	6	0	3	0	
Mean Sentence	53.0	--	14.0	--	--	133.6	--	50.7	4.4	
Median Sentence	15.0	--	14.0	--	--	78.0	--	38.0	3.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	22 (37.9)	0 (--)	3 (75.0)	1 (100.0)	1 (100.0)	4 (30.8)	0 (--)	4 (28.6)	3 (23.1)	
Probation Only	14 (24.1)	0 (--)	1 (25.0)	0 (0.0)	1 (100.0)	0 (0.0)	0 (--)	3 (21.4)	3 (23.1)	
Probation and Confinement	8 (13.8)	0 (--)	2 (50.0)	1 (100.0)	0 (0.0)	4 (30.8)	0 (--)	1 (7.1)	0 (0.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	35 (53.0)	0 (--)	4 (100.0)	2 (100.0)	0 (0.0)	3 (21.4)	0 (--)	5 (35.7)	13 (68.4)	
Median Dollar Amount	\$1,500	\$--	\$25,926	\$18,000	\$--	\$2,000	\$--	\$1,500	\$500	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, M0

HAWAII
9th Circuit



City Supplying Guideline Documentation¹

(1) Honolulu

Number of Court Professionals		
	District Court Judges ²	6
	Assistant U.S. Attorneys ³	17
	Assistant Federal Defenders ⁴	8
	Probation Officers ⁵	18
Cases Filed		
	Civil ⁶	1,003
	Criminal ⁷	2,556
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	45	4
Forcible Rape	394	35
Robbery	1,214	107
Aggravated Assault	1,408	124
Burglary	13,310	1,171
Larceny/Theft	51,912	4,567
Motor Vehicle Theft	5,283	465
Crime Index Total	73,566	6,473

Economic Indicators	Income per Capita¹²	\$ 15,770
	Percent Unemployed ¹³	4.3

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 Acreage¹⁷	38.7
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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 1994 GUIDELINE SENTENCES

HAV

Cases Received by USSC (by sentencing month) ¹

October 93	21	April 94	13
November 93	18	May 94	16
December 93	7	June 94	10
January 94	28	July 94	9
February 94	18	August 94	16
March 94	23	September 94	19

TOTAL = 198

Monthly Income ³

	mean	median
TOTAL	\$1,896	\$1,062
Male	\$1,813	\$875
Female	\$2,090	\$1,280

Average Age ⁵

	mean	median
TOTAL	36.4	35.0
Male	36.7	35.0
Female	35.6	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	195 (100.0%)	144 (73.8%)	51 (26.2%)
White	62 (31.8%)	53 (85.5%)	9 (14.5%)
Black	8 (4.1%)	5 (62.5%)	3 (37.5%)
Hispanic	13 (6.7%)	12 (92.3%)	1 (7.7%)
Other	112 (57.4%)	74 (66.1%)	38 (33.9%)

Departure Status ⁴

Sentenced within Guideline Range	121 (62.7%)
Substantial Assistance Departure	54 (28.0%)
Other Downward Departure	15 (7.8%)
Upward Departure	3 (1.6%)

Mode of Conviction ⁶

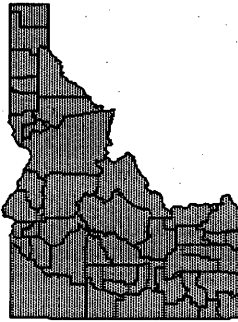
TOTAL	198 (100.0%)
Plea	180 (90.9%)
Trial	18 (9.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	4
	194 (100.0)	16 (100.0)	20 (100.0)	10 (100.0)	23 (100.0)	67 (100.0)	0 (100.0)	6 (100.0)	10 (100.0)	4
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	132 (68.0)	16 (100.0)	8 (40.0)	3 (30.0)	12 (52.2)	62 (92.5)	0 (--)	4 (66.7)	8 (80.0)	1
Prison	123 (63.4)	16 (100.0)	8 (40.0)	2 (20.0)	7 (30.4)	61 (91.0)	0 (--)	3 (50.0)	8 (80.0)	1
Prison/Community Split	9 (4.6)	0 (0.0)	0 (0.0)	1 (10.0)	5 (21.7)	1 (1.5)	0 (--)	1 (16.7)	0 (0.0)	
Prison Term Ordered										
Up to 12 months	33	0	5	2	7	4	0	2	4	
13-24 months	16	1	1	1	3	3	0	1	2	
25-36 months	17	3	1	0	1	8	0	0	1	
37-60 months	26	5	1	0	1	16	0	1	1	
Over 60 months	40	7	0	0	0	31	0	0	0	
Mean Sentence	63.2	87.2	14.0	13.3	16.3	95.4	--	17.5	19.3	
Median Sentence	36.5	52.5	9.0	12.0	12.0	61.5	--	14.5	13.5	
CASES INVOLVING PROBATION										
Total Receiving Probation	62 (32.0)	0 (0.0)	12 (60.0)	7 (70.0)	11 (47.8)	5 (7.5)	0 (--)	2 (33.3)	2 (20.0)	2
Probation Only	46 (23.7)	0 (0.0)	9 (45.0)	3 (30.0)	8 (34.8)	3 (4.5)	0 (--)	1 (16.7)	2 (20.0)	2
Probation and Confinement	16 (8.2)	0 (0.0)	3 (15.0)	4 (40.0)	3 (13.0)	2 (3.0)	0 (--)	1 (16.7)	0 (0.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	115 (58.1)	13 (81.3)	19 (86.4)	10 (90.9)	23 (95.8)	11 (16.4)	0 (--)	3 (50.0)	4 (40.0)	3
Median Dollar Amount	\$5,000	\$2,590	\$1,271	\$11,989	\$15,000	\$5,000	\$--	\$500	\$1,975	

Footnotes and a complete description of all variables in this table are provided in App...
SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MC

**IDAHO
9th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Boise
- (2) Twin Falls
- (3) Moscow

Number of Court Professionals	District Court Judges ²	3
	Assistant U.S. Attorneys ³	13
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	14
Cases Filed	Civil ⁶	595
	Criminal ⁷	113
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	31	3
Forcible Rape	387	37
Robbery	176	17
Aggravated Assault	2,627	253
Burglary	7,425	714
Larceny/Theft	29,146	2,804
Motor Vehicle Theft	1,987	191
Crime Index Total	41,779	4,020

Economic Indicators	Income per Capita ¹²	\$ 11,457
	Percent Unemployed ¹³	6.2

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	25.4
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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 1994 GUIDELINE SENTENCES

Cases Received by USSC (by sentencing month) ¹

October 93	10	April 94	6
November 93	2	May 94	8
December 93	3	June 94	9
January 94	21	July 94	7
February 94	1	August 94	8
March 94	10	September 94	3

TOTAL = 88

Monthly Income ³

	mean	median
TOTAL	\$1,046	\$440
Male	\$1,063	\$198
Female	\$911	\$800

Average Age ⁵

TOTAL	36.5	34.0
Male	37.4	38.0
Female	28.0	27.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	88 (100.0%)	79 (89.8%)	9 (10.2%)
White	52 (59.1%)	45 (86.5%)	7 (13.5%)
Black	3 (3.4%)	3 (100.0%)	0 (0.0%)
Hispanic	30 (34.1%)	29 (96.7%)	1 (3.3%)
Other	3 (3.4%)	2 (66.7%)	1 (33.3%)

Departure Status ⁴

Sentenced within Guideline Range	74 (84.1%)
Substantial Assistance Departure	8 (9.1%)
Other Downward Departure	5 (5.7%)
Upward Departure	1 (1.1%)

Mode of Conviction ⁶

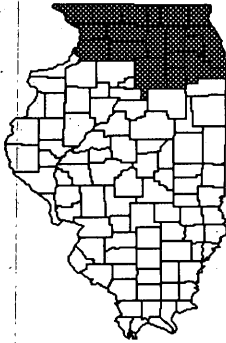
TOTAL	88 (100.0%)
Plea	74 (84.1%)
Trial	14 (15.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	86 (100.0)	0 (100.0)	7 (100.0)	3 (100.0)	10 (100.0)	27 (100.0)	1 (100.0)	4 (100.0)	13 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	65 (75.6)	0 (--)	3 (42.9)	2 (66.7)	7 (70.0)	24 (88.9)	0 (0.0)	4 (100.0)	13 (100.0)
Prison	57 (66.3)	0 (--)	3 (42.9)	1 (33.3)	3 (30.0)	22 (81.5)	0 (0.0)	4 (100.0)	13 (100.0)
Prison/Community Split	8 (9.3)	0 (--)	0 (0.0)	1 (33.3)	4 (40.0)	2 (7.4)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	17	0	3	2	5	2	0	0	
13-24 months	12	0	0	0	1	1	0	1	
25-36 months	4	0	0	0	1	3	0	0	
37-60 months	10	0	0	0	0	2	0	1	
Over 60 months	22	0	0	0	0	16	0	2	
Mean Sentence	61.2	--	6.7	0.5	11.4	108.0	--	83.3	44.
Median Sentence	36.0	--	8.0	0.5	8.0	70.5	--	69.0	48.
CASES INVOLVING PROBATION									
Total Receiving Probation	21 (24.4)	0 (--)	4 (57.1)	1 (33.3)	3 (30.0)	3 (11.1)	1 (100.0)	0 (0.0)	0 (0.0)
Probation Only	16 (18.6)	0 (--)	2 (28.6)	1 (33.3)	3 (30.0)	2 (7.4)	1 (100.0)	0 (0.0)	0 (0.0)
Probation and Confinement	5 (5.8)	0 (--)	2 (28.6)	0 (0.0)	0 (0.0)	1 (3.7)	0 (0.0)	0 (0.0)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	70 (79.5)	0 (--)	6 (85.7)	3 (100.0)	10 (100.0)	24 (88.9)	1 (100.0)	3 (75.0)	6 (46.2)
Median Dollar Amount	\$3,000	\$--	\$2,445	\$4,300	\$7,540	\$2,600	\$1,000	\$2,000	\$65

Footnotes and a complete description of all variables in this table are provided in SOURCE: U.S. Sentencing Commission, FY1994 Datafile

**ILLINOIS, Northern
7th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Chicago
- (2) Rockford
- (3) Freeport

Number of Court Professionals	District Court Judges ²	28
	Assistant U.S. Attorneys ³	93
	Assistant Federal Defenders ⁴	13
	Probation Officers ⁵	117
Cases Filed	Civil ⁶	8,067
	Criminal ⁷	556
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	1,136	14
Forcible Rape	-	-
Robbery	41,419	510
Aggravated Assault	53,202	655
Burglary	89,329	1,100
Larceny/Theft	280,287	3,451
Motor Vehicle Theft	59,862	737
Crime Index Total	-	-

Economic Indicators	Income per Capita ¹²	\$ 16,432
	Percent Unemployed ¹³	7.2

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	68.1
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 177.67
	Education	\$ 676.64
	Health and Hospitals	\$ 60.86
	Public Welfare ¹⁹	\$ 18.14
	Highways	\$ 92.11

FISCAL YEAR 1994 GUIDELINE SENTENCES

ILLINOIS, North

Cases Received by USSC (by sentencing month) ¹

October 93	79	April 94	58
November 93	63	May 94	54
December 93	63	June 94	51
January 94	54	July 94	50
February 94	56	August 94	40
March 94	54	September 94	34
TOTAL = 656			

Monthly Income ³

	mean	median
TOTAL	\$1,268	\$665
Male	\$1,252	\$570
Female	\$1,341	\$1,038

Average Age ⁵

	mean	median
TOTAL	37.5	36.0
Male	37.1	35.0
Female	39.5	37.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	656 (100.0%)	550 (83.8%)	106 (16.2%)
White	266 (40.5%)	225 (84.6%)	41 (15.4%)
Black	268 (40.9%)	214 (79.9%)	54 (20.1%)
Hispanic	108 (16.5%)	102 (94.4%)	6 (5.6%)
Other	14 (2.1%)	9 (64.3%)	5 (35.7%)

Departure Status ⁴

Sentenced within Guideline Range	474 (79.9%)
Substantial Assistance Departure	83 (14.0%)
Other Downward Departure	30 (5.1%)
Upward Departure	6 (1.0%)

Mode of Conviction ⁶

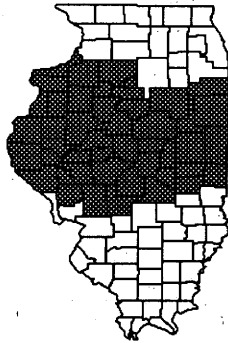
TOTAL	656 (100.0%)
Plea	570 (86.9%)
Trial	86 (13.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	
	653 (100.0)	30 (100.0)	55 (100.0)	24 (100.0)	146 (100.0)	198 (100.0)	13 (100.0)	16 (100.0)	19 (100.0)	152
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	470 (72.0)	30 (100.0)	21 (38.2)	9 (37.5)	92 (63.0)	197 (99.5)	10 (76.9)	13 (81.3)	18 (94.7)	80
Prison	440 (67.4)	30 (100.0)	19 (34.5)	5 (20.8)	76 (52.1)	197 (99.5)	10 (76.9)	12 (75.0)	18 (94.7)	73
Prison/Community Split	30 (4.6)	0 (0.0)	2 (3.6)	4 (16.7)	16 (11.0)	0 (0.0)	0 (0.0)	1 (6.3)	0 (0.0)	7
Prison Term Ordered										
Up to 12 months	114	0	14	7	49	6	3	2		8
13-24 months	70	1	5	2	23	9	7	6		4
25-36 months	39	3	2	0	12	10	0	0		1
37-60 months	72	10	0	0	5	38	0	0		5
Over 60 months	175	16	0	0	3	134	0	5		0
Mean Sentence	71.9	102.8	12.4	7.9	17.3	117.6	16.8	74.4		23.3
Median Sentence	42.0	66.5	10.0	5.0	12.0	84.0	16.5	24.0		15.5
CASES INVOLVING PROBATION										
Total Receiving Probation	183 (28.0)	0 (0.0)	34 (61.8)	15 (62.5)	54 (37.0)	1 (0.5)	3 (23.1)	3 (18.8)	1 (5.3)	72
Probation Only	128 (19.6)	0 (0.0)	26 (47.3)	10 (41.7)	37 (25.3)	0 (0.0)	3 (23.1)	1 (6.3)	1 (5.3)	50
Probation and Confinement	55 (8.4)	0 (0.0)	8 (14.5)	5 (20.8)	17 (11.6)	1 (0.5)	0 (0.0)	2 (12.5)	0 (0.0)	22
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	323 (49.4)	18 (60.0)	36 (64.3)	15 (62.5)	102 (69.9)	66 (33.3)	5 (38.5)	7 (43.8)	2 (10.5)	72
Median Dollar Amount	\$3,600	\$2,324	\$1,475	\$3,763	\$14,755	\$3,000	\$1,400	\$1,000		\$2,408

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MO

**ILLINOIS, Central
7th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|-----------------|----------------------|
| (1) Springfield | (4) Rock Island |
| (2) Peoria | (5) Champaign/Urbana |
| (3) Danville | |

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	16
	Assistant Federal Defenders ⁴	12
	Probation Officers ⁵	27

Cases Filed	Civil ⁶	1,365
	Criminal ⁷	144

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	79	4
Forcible Rape	-	-
Robbery	2,140	99
Aggravated Assault	5,918	272
Burglary	20,194	930
Larceny/Theft	55,913	2,574
Motor Vehicle Theft	3,071	141
Crime Index Total	-	-

Economic Indicators	Income per Capita ¹²	\$ 12,724
	Percent Unemployed ¹³	7.2

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	85.1
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

ILLINOIS, C

Cases Received by USSC (by sentencing month) ¹

October 93	22	April 94	24
November 93	34	May 94	14
December 93	26	June 94	14
January 94	38	July 94	15
February 94	7	August 94	13
March 94	16	September 94	15

TOTAL = 238

Monthly Income ³

	mean	median
TOTAL	\$989	\$730
Male	\$986	\$637
Female	\$1,003	\$802

Average Age ⁵

TOTAL	32.8	31.0
Male	32.8	31.0
Female	33.0	32.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	238 (100.0%)	198 (83.2%)	40 (16.8%)
White	131 (55.0%)	112 (85.5%)	19 (14.5%)
Black	92 (38.7%)	71 (77.2%)	21 (22.8%)
Hispanic	14 (5.9%)	14 (100.0%)	0 (0.0%)
Other	1 (0.4%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	173 (73.0%)
Substantial Assistance Departure	61 (25.7%)
Other Downward Departure	3 (1.3%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

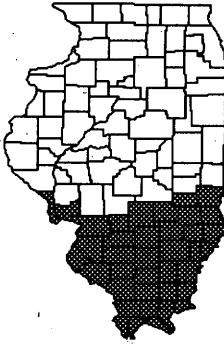
TOTAL	238 (100.0%)
Plea	216 (90.8%)
Trial	22 (9.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr
	235 (100.0)	10 (100.0)	25 (100.0)	7 (100.0)	36 (100.0)	104 (100.0)	2 (100.0)	21 (100.0)	5 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	192 (81.7)	10 (100.0)	13 (52.0)	5 (71.4)	26 (72.2)	101 (97.1)	2 (100.0)	20 (95.2)	3 (60.0)
Prison	175 (74.5)	10 (100.0)	8 (32.0)	4 (57.1)	20 (55.6)	98 (94.2)	1 (50.0)	19 (90.5)	3 (60.0)
Prison/Community Split	17 (7.2)	0 (0.0)	5 (20.0)	1 (14.3)	6 (16.7)	3 (2.9)	1 (50.0)	1 (4.8)	0 (0.0)
Prison Term Ordered									
Up to 12 months	34	0	9	5	11	4	1	3	1
13-24 months	40	0	2	0	7	23	1	2	1
25-36 months	18	1	1	0	2	8	0	3	1
37-60 months	37	3	1	0	2	23	0	7	0
Over 60 months	63	6	0	0	4	43	0	5	0
Mean Sentence	64.5	118.8	12.2	3.2	23.0	77.9	9.5	72.4	15.7
Median Sentence	37.5	65.5	7.0	0.0	17.0	60.0	9.5	46.0	15.0
CASES INVOLVING PROBATION									
Total Receiving Probation	43 (18.3)	0 (0.0)	12 (48.0)	2 (28.6)	10 (27.8)	3 (2.9)	0 (0.0)	1 (4.8)	2 (40.0)
Probation Only	17 (7.2)	0 (0.0)	5 (20.0)	1 (14.3)	1 (2.8)	2 (1.9)	0 (0.0)	0 (0.0)	1 (20.0)
Probation and Confinement	26 (11.1)	0 (0.0)	7 (28.0)	1 (14.3)	9 (25.0)	1 (1.0)	0 (0.0)	1 (4.8)	1 (20.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	141 (59.2)	7 (70.0)	18 (72.0)	6 (85.7)	30 (83.3)	57 (54.8)	0 (0.0)	2 (9.1)	2 (40.0)
Median Dollar Amount	\$1,840	\$4,835	\$5,578	\$708	\$17,279	\$520	\$--	\$1,850	\$946

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, N

**ILLINOIS, Southern
7th Circuit**



Cities Supplying Guideline Documentation¹

- (1) East St. Louis
- (2) Benton
- (3) Alton

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	19
	Assistant Federal Defenders ⁴	12
	Probation Officers ⁵	18
Cases Filed	Civil ⁶	1,349
	Criminal ⁷	187
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	119	10
Forcible Rape	-	-
Robbery	1,025	82
Aggravated Assault	3,177	255
Burglary	9,265	744
Larceny/Theft	24,530	1,970
Motor Vehicle Theft	2,418	194
Crime Index Total	-	-

Economic Indicators	Income per Capita ¹²	\$ 11,555
	Percent Unemployed ¹³	9.2

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	67.5
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

ILLINOIS, South

Cases Received by USSC (by sentencing month) ¹

October 93	8	April 94	19
November 93	11	May 94	19
December 93	19	June 94	27
January 94	11	July 94	13
February 94	25	August 94	14
March 94	55	September 94	16
TOTAL = 237			

Monthly Income ³

	mean	median
TOTAL	\$599	\$0
Male	\$589	\$0
Female	\$659	\$502

Average Age ⁵

TOTAL	31.9	31.0
Male	31.5	30.0
Female	34.7	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	237 (100.0%)	208 (87.8%)	29 (12.2%)
White	93 (39.2%)	79 (84.9%)	14 (15.1%)
Black	134 (56.5%)	119 (88.8%)	15 (11.2%)
Hispanic	8 (3.4%)	8 (100.0%)	0 (0.0%)
Other	2 (0.8%)	2 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	168 (71.5%)
Substantial Assistance Departure	58 (24.7%)
Other Downward Departure	8 (3.4%)
Upward Departure	1 (0.4%)

Mode of Conviction ⁶

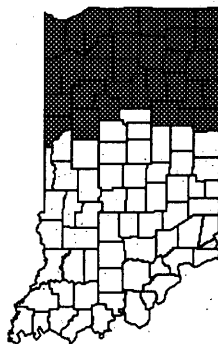
TOTAL	237 (100.0%)
Plea	199 (84.0%)
Trial	38 (16.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	
	234 (100.0)	3 (100.0)	12 (100.0)	0 (100.0)	19 (100.0)	157 (100.0)	0 (100.0)	21 (100.0)	1 (100.0)	21 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	212 (90.6)	3 (100.0)	11 (91.7)	0 (--)	10 (52.6)	156 (99.4)	0 (--)	17 (81.0)	1 (100.0)	14 (66.7)
Prison	207 (88.5)	3 (100.0)	11 (91.7)	0 (--)	7 (36.8)	156 (99.4)	0 (--)	17 (81.0)	1 (100.0)	12 (57.1)
Prison/Community Split	5 (2.1)	0 (0.0)	0 (0.0)	0 (--)	3 (15.8)	0 (0.0)	0 (--)	0 (0.0)	0 (0.0)	2 (9.5)
Prison Term Ordered										
Up to 12 months	15	0	6	0	5	1	0	0	0	0
13-24 months	20	0	3	0	2	10	0	1	1	1
25-36 months	17	0	2	0	0	11	0	4	0	0
37-60 months	43	0	0	0	3	33	0	7	0	0
Over 60 months	117	3	0	0	0	101	0	5	0	0
Mean Sentence	109.7	165.7	13.8	--	20.8	125.4	--	54.7	24.0	24.0
Median Sentence	70.0	188.0	12.0	--	15.0	87.0	--	45.0	24.0	24.0
CASES INVOLVING PROBATION										
Total Receiving Probation	22 (9.4)	0 (0.0)	1 (8.3)	0 (--)	9 (47.4)	1 (0.6)	0 (--)	4 (19.0)	0 (0.0)	7 (32.7)
Probation Only	13 (5.6)	0 (0.0)	1 (8.3)	0 (--)	7 (36.8)	0 (0.0)	0 (--)	2 (9.5)	0 (0.0)	3 (14.3)
Probation and Confinement	9 (3.8)	0 (0.0)	0 (0.0)	0 (--)	2 (10.5)	1 (0.6)	0 (--)	2 (9.5)	0 (0.0)	4 (18.4)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	51 (21.5)	2 (66.7)	7 (58.3)	0 (--)	12 (63.2)	15 (9.6)	0 (--)	6 (28.6)	0 (0.0)	9 (40.9)
Median Dollar Amount	\$4,000	\$41,219	\$4,900	\$--	\$10,109	\$2,000	\$--	\$753	\$--	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MON

**INDIANA, Northern
7th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Hammond
- (2) Fort Wayne
- (3) South Bend

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ³	20
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	30
Cases Filed	Civil ⁶	1,794
	Criminal ⁷	250
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	209	9
Forcible Rape	793	35
Robbery	2,948	128
Aggravated Assault	6,867	299
Burglary	17,008	740
Larceny/Theft	56,054	2,440
Motor Vehicle Theft	10,684	465
Crime Index Total	94,563	4,117

Economic Indicators	Income per Capita ¹²	\$ 12,971
	Percent Unemployed ¹³	5.6

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	5.0

Agriculture	Percent Farm Acreage ¹⁷	75.7
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Per Capita Local Expenditures¹⁸	Police Protection	\$ 45.53
	Education	\$ 591.03
	Health and Hospital	\$ 81.32
	Public Welfare ¹⁹	\$ 82.30
	Highways	\$ 66.94

FISCAL YEAR 1994 GUIDELINE SENTENCES

INDIANA, North

Cases Received by USSC (by sentencing month) ¹

October 93	13	April 94	10
November 93	20	May 94	21
December 93	10	June 94	26
January 94	17	July 94	14
February 94	19	August 94	2
March 94	12	September 94	19

TOTAL = 183

Monthly Income ³

	mean	median
TOTAL	\$1,210	\$900
Male	\$1,257	\$900
Female	\$1,066	\$786

Average Age ⁵

	mean	median
TOTAL	35.4	33.0
Male	36.2	33.0
Female	32.7	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	183 (100.0%)	142 (77.6%)	41 (22.4%)
White	96 (52.5%)	81 (84.4%)	15 (15.6%)
Black	75 (41.0%)	50 (66.7%)	25 (33.3%)
Hispanic	7 (3.8%)	6 (85.7%)	1 (14.3%)
Other	5 (2.7%)	5 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	154 (86.0%)
Substantial Assistance Departure	11 (6.1%)
Other Downward Departure	10 (5.6%)
Upward Departure	4 (2.2%)

Mode of Conviction ⁶

TOTAL	183 (100.0%)
Plea	167 (91.3%)
Trial	16 (8.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	183 (100.0)	11 (100.0)	15 (100.0)	13 (100.0)	27 (100.0)	44 (100.0)	3 (100.0)	20 (100.0)	0 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	134 (73.2)	11 (100.0)	3 (20.0)	9 (69.2)	17 (63.0)	42 (95.5)	2 (66.7)	19 (95.0)	0 (--)	31
Prison	126 (68.9)	11 (100.0)	3 (20.0)	6 (46.2)	15 (55.6)	40 (90.9)	2 (66.7)	19 (95.0)	0 (--)	30
Prison/Community Split	8 (4.4)	0 (0.0)	0 (0.0)	3 (23.1)	2 (7.4)	2 (4.5)	0 (0.0)	0 (0.0)	0 (--)	1
Prison Term Ordered										
Up to 12 months	37	0	2	8	10	5	1	0	0	0
13-24 months	21	0	1	1	4	7	1	3	0	0
25-36 months	19	1	0	0	2	2	0	9	0	0
37-60 months	23	7	0	0	1	7	0	2	0	0
Over 60 months	34	3	0	0	0	21	0	5	0	0
Mean Sentence	57.8	60.9	10.7	2.5	14.1	105.9	16.5	61.9	--	--
Median Sentence	30.0	51.0	10.0	0.0	12.0	66.0	16.5	30.0	--	--

CASES INVOLVING PROBATION

Total Receiving Probation	49 (26.8)	0 (0.0)	12 (80.0)	4 (30.8)	10 (37.0)	2 (4.5)	1 (33.3)	1 (5.0)	0 (--)	19
Probation Only	35 (19.1)	0 (0.0)	10 (66.7)	4 (30.8)	6 (22.2)	2 (4.5)	1 (33.3)	1 (5.0)	0 (--)	11
Probation and Confinement	14 (7.7)	0 (0.0)	2 (13.3)	0 (0.0)	4 (14.8)	0 (0.0)	0 (0.0)	0 (0.0)	0 (--)	8

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	78 (42.6)	8 (72.7)	8 (53.3)	8 (61.5)	20 (74.1)	7 (15.9)	3 (100.0)	5 (25.0)	0 (--)	19
Median Dollar Amount	\$3,607	\$3,559	\$3,134	\$4,565	\$8,946	\$4,500	\$1,000	\$4,000	\$--	--

Footnotes and a complete description of all variables in this table are provided in Appen SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MO

**INDIANA, Southern
7th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Indianapolis
- (2) Evansville
- (3) Terre Haute
- (4) New Albany
- (5) Muncie

Number of Court Professionals	District Court Judges ²	7
	Assistant U.S. Attorneys ³	17
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	28

Cases Filed	Civil ⁶	2,478
	Criminal ⁷	290

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	150	5
Forcible Rape	1,053	32
Robbery	3,104	94
Aggravated Assault	7,665	231
Burglary	20,963	633
Larceny/Theft	63,497	1,917
Motor Vehicle Theft	9,774	295
Crime Index Total	106,206	3,207

Economic Indicators	Income per Capita ¹²	\$ 13,272
	Percent Unemployed ¹³	5.2

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	63.5
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

INDIANA, S

Cases Received by USSC (by sentencing month) ¹

October 93	11	April 94	21
November 93	18	May 94	30
December 93	25	June 94	18
January 94	16	July 94	24
February 94	10	August 94	12
March 94	10	September 94	23

TOTAL = 218

Monthly Income ³

	mean	median
TOTAL	\$1,578	\$718
Male	\$1,643	\$583
Female	\$1,351	\$978

Average Age ⁵

TOTAL	36.2	35.0
Male	36.5	35.0
Female	34.9	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	218 (100.0%)	167 (76.6%)	51 (23.4%)
White	125 (57.3%)	97 (77.6%)	28 (22.4%)
Black	75 (34.4%)	56 (74.7%)	19 (25.3%)
Hispanic	18 (8.3%)	14 (77.8%)	4 (22.2%)
Other	0 (0.0%)	0 (--)	0 (--)

Departure Status ⁴

Sentenced within Guideline Range	150 (70.8%)
Substantial Assistance Departure	56 (26.4%)
Other Downward Departure	4 (1.9%)
Upward Departure	2 (0.9%)

Mode of Conviction ⁶

TOTAL	217 (100.0%)
Plea	197 (90.8%)
Trial	20 (9.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	218 (100.0)	20 (100.0)	29 (100.0)	7 (100.0)	31 (100.0)	64 (100.0)	5 (100.0)	20 (100.0)	1 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	163 (74.8)	20 (100.0)	6 (20.7)	4 (57.1)	18 (58.1)	59 (92.2)	5 (100.0)	20 (100.0)	1 (100.0)
Prison	151 (69.3)	20 (100.0)	4 (13.8)	3 (42.9)	14 (45.2)	59 (92.2)	3 (60.0)	20 (100.0)	1 (100.0)
Prison/Community Split	12 (5.5)	0 (0.0)	2 (6.9)	1 (14.3)	4 (12.9)	0 (0.0)	2 (40.0)	0 (0.0)	0 (0.0)

Prison Term Ordered

Up to 12 months	22	0	3	1	9	0	3	0	0
13-24 months	37	0	2	3	7	13	2	3	0
25-36 months	12	0	1	0	1	3	0	3	0
37-60 months	36	8	0	0	1	18	0	2	0
Over 60 months	55	12	0	0	0	25	0	12	0
Mean Sentence	66.1	105.1	14.7	14.0	15.2	81.2	11.4	109.8	--
Median Sentence	43.5	90.0	12.5	16.5	13.0	60.0	9.0	66.5	--

CASES INVOLVING PROBATION

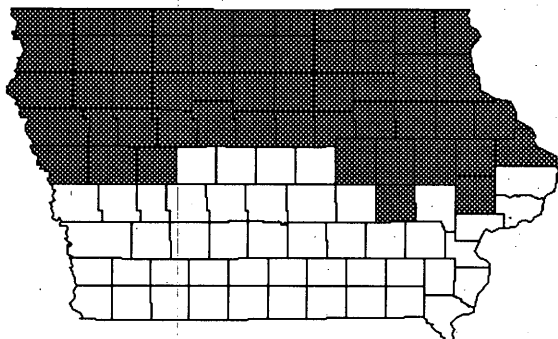
Total Receiving Probation	55 (25.2)	0 (0.0)	23 (79.3)	3 (42.9)	13 (41.9)	5 (7.8)	0 (0.0)	0 (0.0)	0 (0.0)
Probation Only	25 (11.5)	0 (0.0)	7 (24.1)	2 (28.6)	11 (35.5)	3 (4.7)	0 (0.0)	0 (0.0)	0 (0.0)
Probation and Confinement	30 (13.8)	0 (0.0)	16 (55.2)	1 (14.3)	2 (6.5)	2 (3.1)	0 (0.0)	0 (0.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	137 (62.8)	19 (95.0)	27 (93.1)	7 (100.0)	24 (77.4)	29 (45.3)	2 (40.0)	8 (40.0)	0 (0.0)
Median Dollar Amount	\$3,000	\$1,498	\$4,500	\$10,688	\$4,538	\$2,500	\$67,960	\$1,000	\$--

Footnotes and a complete description of all variables in this table are provided in A SOURCE: U.S. Sentencing Commission, FY1994 Datafile,

**IOWA, Northern
8th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Cedar Rapids
- (2) Sioux City
- (3) Mason City

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	14
	Assistant Federal Defenders ⁴	5
	Probation Officers ⁵	13
Cases Filed	Civil ⁶	663
	Criminal ⁷	107
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	24	2
Forcible Rape	250	19
Robbery	304	24
Aggravated Assault	2,554	199
Burglary	6,686	520
Larceny/Theft	21,072	1,638
Motor Vehicle Theft	1,301	101
Crime Index Total	32,191	2,503

Economic Indicators	Income per Capita ¹²	\$ 11,963
	Percent Unemployed ¹³	4.0

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

FISCAL YEAR 1994 GUIDELINE SENTENCES

IOWA, North

Cases Received by USSC (by sentencing month) ¹

October 93	12	April 94	8
November 93	13	May 94	14
December 93	10	June 94	9
January 94	11	July 94	6
February 94	21	August 94	11
March 94	34	September 94	9

TOTAL = 158

Monthly Income ³

	mean	median
TOTAL	\$1,080	\$731
Male	\$1,003	\$705
Female	\$1,294	\$869

Average Age ⁵

	mean	median
TOTAL	33.7	31.5
Male	32.8	31.0
Female	36.7	36.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	158 (100.0%)	120 (75.9%)	38 (24.1%)
White	93 (58.9%)	69 (74.2%)	24 (25.8%)
Black	42 (26.6%)	32 (76.2%)	10 (23.8%)
Hispanic	17 (10.8%)	16 (94.1%)	1 (5.9%)
Other	6 (3.8%)	3 (50.0%)	3 (50.0%)

Departure Status ⁴

Sentenced within Guideline Range	111 (70.3%)
Substantial Assistance Departure	35 (22.2%)
Other Downward Departure	11 (7.0%)
Upward Departure	1 (0.6%)

Mode of Conviction ⁶

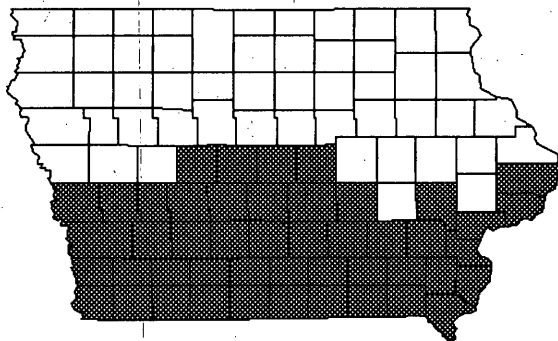
TOTAL	158 (100.0%)
Plea	135 (85.4%)
Trial	23 (14.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	D
	157 (100.0)	4 (100.0)	3 (100.0)	4 (100.0)	17 (100.0)	91 (100.0)	2 (100.0)	10 (100.0)	10 (100.0)	16 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	137 (87.3)	4 (100.0)	1 (33.3)	3 (75.0)	11 (64.7)	86 (94.5)	1 (50.0)	9 (90.0)	10 (100.0)	12 (75.0)
Prison	126 (80.3)	4 (100.0)	1 (33.3)	0 (0.0)	6 (35.3)	86 (94.5)	1 (50.0)	9 (90.0)	10 (100.0)	9 (56.3)
Prison/Community Split	11 (7.0)	0 (0.0)	0 (0.0)	3 (75.0)	5 (29.4)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	3 (18.8)
Prison Term Ordered										
Up to 12 months	29	0	0	3	9	2	1	1		7
13-24 months	12	0	0	0	1	3	0	3		3
25-36 months	14	0	0	0	1	11	0	0		0
37-60 months	18	0	0	0	0	17	0	1		0
Over 60 months	64	4	1	0	0	53	0	4		0
Mean Sentence	74.7	167.3	98.0	1.7	9.0	92.0	0.4	54.6		9.7
Median Sentence	60.0	147.0	98.0	0.1	5.0	72.5	0.4	46.0		8.5
CASES INVOLVING PROBATION										
Total Receiving Probation	20 (12.7)	0 (0.0)	2 (66.7)	1 (25.0)	6 (35.3)	5 (5.5)	1 (50.0)	1 (10.0)	0 (0.0)	4 (25.0)
Probation Only	7 (4.5)	0 (0.0)	1 (33.3)	1 (25.0)	2 (11.8)	1 (1.1)	0 (0.0)	1 (10.0)	0 (0.0)	1 (6.3)
Probation and Confinement	13 (8.3)	0 (0.0)	1 (33.3)	0 (0.0)	4 (23.5)	4 (4.4)	1 (50.0)	0 (0.0)	0 (0.0)	3 (18.8)
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	85 (53.8)	4 (100.0)	3 (100.0)	3 (75.0)	14 (77.8)	49 (53.8)	1 (50.0)	3 (30.0)	0 (0.0)	8 (50.0)
Median Dollar Amount	\$2,219	\$3,844	\$11,686	\$2,298	\$4,898	\$2,000	\$280	\$5,000	\$--	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MON

**IOWA, Southern
8th Circuit**



City Supplying Guideline Documentation¹

(1) Des Moines

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	11
	Assistant Federal Defenders ⁴	5
	Probation Officers ⁵	15
Cases Filed	Civil ⁶	1,168
	Criminal ⁷	112
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	21	1
Forcible Rape	292	19
Robbery	646	43
Aggravated Assault	2,788	185
Burglary	8,359	554
Larceny/Theft	34,709	2,301
Motor Vehicle Theft	2,203	146
Crime Index Total	49,018	3,249

Economic Indicators	Income per Capita ¹²	\$ 12,815
	Percent Unemployed ¹³	4.0

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	84.6
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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 1994 GUIDELINE SENTENCES

IOWA, South

Cases Received by USSC (by sentencing month) ¹

October 93	12	April 94	17
November 93	9	May 94	13
December 93	12	June 94	15
January 94	15	July 94	11
February 94	9	August 94	7
March 94	3	September 94	16

TOTAL = 139

Monthly Income ³

	mean	median
TOTAL	\$1,016	\$866
Male	\$976	\$865
Female	\$1,161	\$1,000

Average Age ⁵

	mean	median
TOTAL	34.7	32.0
Male	34.3	32.0
Female	36.0	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	139 (100.0%)	108 (77.7%)	31 (22.3%)
White	100 (71.9%)	74 (74.0%)	26 (26.0%)
Black	25 (18.0%)	21 (84.0%)	4 (16.0%)
Hispanic	14 (10.1%)	13 (92.9%)	1 (7.1%)
Other	0 (0.0%)	0 (--%)	0 (--%)

Departure Status ⁴

Sentenced within Guideline Range	84 (61.3%)
Substantial Assistance Departure	47 (34.3%)
Other Downward Departure	5 (3.6%)
Upward Departure	1 (0.7%)

Mode of Conviction ⁶

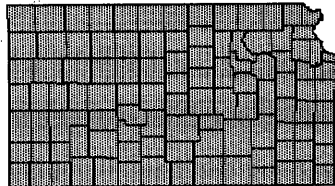
TOTAL	139 (100.0%)
Plea	120 (86.3%)
Trial	19 (13.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	137 (100.0)	1 (100.0)	10 (100.0)	8 (100.0)	9 (100.0)	72 (100.0)	12 (100.0)	16 (100.0)	1 (100.0)	8
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	122 (89.1)	1 (100.0)	4 (40.0)	7 (87.5)	8 (88.9)	71 (98.6)	8 (66.7)	16 (100.0)	1 (100.0)	6
Prison	109 (79.6)	1 (100.0)	4 (40.0)	3 (37.5)	6 (66.7)	70 (97.2)	7 (58.3)	13 (81.3)	1 (100.0)	4
Prison/Community Split	13 (9.5)	0 (0.0)	0 (0.0)	4 (50.0)	2 (22.2)	1 (1.4)	1 (8.3)	3 (18.8)	0 (0.0)	2
Prison Term Ordered										
Up to 12 months	22	0	2	6	4	1	4	3	0	
13-24 months	15	0	1	1	2	8	1	0	0	
25-36 months	13	0	0	0	0	8	2	3	0	
37-60 months	19	0	0	0	2	10	1	4	1	
Over 60 months	53	1	1	0	0	44	0	6	0	
Mean Sentence	86.5	133.0	28.5	9.1	21.0	118.0	17.1	78.8	57.0	
Median Sentence	49.5	133.0	11.5	6.0	16.5	96.0	12.5	46.0	57.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	15 (10.9)	0 (0.0)	6 (60.0)	1 (12.5)	1 (11.1)	1 (1.4)	4 (33.3)	0 (0.0)	0 (0.0)	2
Probation Only	7 (5.1)	0 (0.0)	2 (20.0)	1 (12.5)	1 (11.1)	1 (1.4)	1 (8.3)	0 (0.0)	0 (0.0)	1
Probation and Confinement	8 (5.8)	0 (0.0)	4 (40.0)	0 (0.0)	0 (0.0)	0 (0.0)	3 (25.0)	0 (0.0)	0 (0.0)	1
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	46 (33.6)	1 (100.0)	9 (90.0)	8 (100.0)	9 (100.0)	4 (5.6)	12 (100.0)	1 (6.3)	0 (0.0)	2
Median Dollar Amount	\$6,431	\$17,391	\$5,745	\$75,969	\$59,363	\$1,500	\$950	\$1,532	\$--	\$

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MON

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	32
Cases Filed	Civil ⁶	1,937
	Criminal ⁷	376
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	161	6
Forcible Rape	1,016	41
Robbery	3,128	125
Aggravated Assault	8,259	331
Burglary	28,655	1,149
Larceny/Theft	76,538	3,068
Motor Vehicle Theft	8,167	327
Crime Index Total	125,924	5,048

Economic Indicators	Income per Capita ¹²	\$ 13,300
	Percent Unemployed ¹³	5.0

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	\$ 67.01
	Education	\$ 699.73
	Health and Hospitals	\$ 98.98
	Public Welfare ¹⁹	\$ 6.17
	Highways	\$ 152.74

FISCAL YEAR 1994 GUIDELINE SENTENCES

KAN

Cases Received by USSC (by sentencing month) ¹

October 93	27	April 94	34
November 93	24	May 94	17
December 93	24	June 94	22
January 94	32	July 94	25
February 94	23	August 94	21
March 94	26	September 94	25

TOTAL = 300

Monthly Income ³

	mean	median
TOTAL	\$911	\$2
Male	\$963	\$0
Female	\$683	\$583

Average Age ⁵

	mean	median
TOTAL	36.0	34.0
Male	36.5	35.0
Female	33.5	31.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	300 (100.0%)	246 (82.0%)	54 (18.0%)
White	168 (56.0%)	143 (85.1%)	25 (14.9%)
Black	97 (32.3%)	71 (73.2%)	26 (26.8%)
Hispanic	31 (10.3%)	29 (93.5%)	2 (6.5%)
Other	4 (1.3%)	3 (75.0%)	1 (25.0%)

Departure Status ⁴

Sentenced within Guideline Range	234 (78.5%)
Substantial Assistance Departure	44 (14.8%)
Other Downward Departure	17 (5.7%)
Upward Departure	3 (1.0%)

Mode of Conviction ⁶

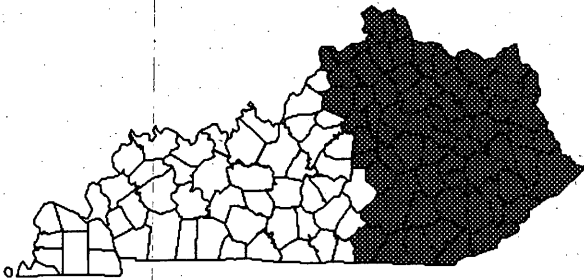
TOTAL	300 (100.0%)
Plea	254 (84.7%)
Trial	46 (15.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	299 (100.0)	22 (100.0)	33 (100.0)	1 (100.0)	48 (100.0)	95 (100.0)	3 (100.0)	23 (100.0)	6 (100.0)	68
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	243 (81.3)	22 (100.0)	14 (42.4)	1 (100.0)	41 (85.4)	90 (94.7)	1 (33.3)	17 (73.9)	6 (100.0)	51
Prison	230 (76.9)	21 (95.5)	13 (39.4)	1 (100.0)	33 (68.8)	90 (94.7)	1 (33.3)	16 (69.6)	6 (100.0)	49
Prison/Community Split	13 (4.3)	1 (4.5)	1 (3.0)	0 (0.0)	8 (16.7)	0 (0.0)	0 (0.0)	1 (4.3)	0 (0.0)	2
Prison Term Ordered										
Up to 12 months	60	0	10	0	22	3	1	2		2
13-24 months	34	0	2	1	12	9	0	2		2
25-36 months	25	2	2	0	4	6	0	4		0
37-60 months	43	6	0	0	3	21	0	5		0
Over 60 months	81	14	0	0	0	51	0	4		2
Mean Sentence	67.6	117.2	10.6	15.0	16.7	111.6	2.0	46.5		36.0
Median Sentence	37.0	94.5	8.0	15.0	12.0	78.0	2.0	37.0		21.0
CASES INVOLVING PROBATION										
Total Receiving Probation	56 (18.7)	0 (0.0)	19 (57.6)	0 (0.0)	7 (14.6)	5 (5.3)	2 (66.7)	6 (26.1)	0 (0.0)	17
Probation Only	37 (12.4)	0 (0.0)	13 (39.4)	0 (0.0)	6 (12.5)	3 (3.2)	0 (0.0)	2 (8.7)	0 (0.0)	13
Probation and Confinement	19 (6.4)	0 (0.0)	6 (18.2)	0 (0.0)	1 (2.1)	2 (2.1)	2 (66.7)	4 (17.4)	0 (0.0)	4
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	147 (49.0)	17 (77.3)	27 (81.8)	2 (100.0)	39 (81.3)	21 (22.1)	2 (66.7)	2 (8.7)	0 (0.0)	37
Median Dollar Amount	\$5,050	\$3,795	\$2,575	\$121,725	\$20,214	\$3,000	\$2,103	\$750		\$--

Footnotes and a complete description of all variables in this table are provided in Apper SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MOI

**KENTUCKY, Eastern
6th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|---------------|---------------|
| (1) Covington | (5) Pikeville |
| (2) London | (6) Harlan |
| (3) Lexington | (7) Ashland |
| (4) Frankfort | |

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ³	21
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	29

Cases Filed	Civil ⁶	2,031
	Criminal ⁷	331

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	111	6
Forcible Rape	629	34
Robbery	1,093	60
Aggravated Assault	6,054	330
Burglary	12,333	673
Larceny/Theft	32,163	1,754
Motor Vehicle Theft	2,991	163
Crime Index Total	55,374	3,019

Economic Indicators	Income per Capita ¹²	\$ 10,571
	Percent Unemployed ¹³	6.4

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	45.4
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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.

FISCAL YEAR 1994 GUIDELINE SENTENCES

KENTUCKY, East

Cases Received by USSC (by sentencing month) ¹

October 93	43	April 94	30
November 93	7	May 94	35
December 93	34	June 94	19
January 94	21	July 94	30
February 94	34	August 94	30
March 94	18	September 94	25

TOTAL = 326

Monthly Income ³

	mean	median
TOTAL	\$1,340	\$800
Male	\$1,463	\$847
Female	\$803	\$502

Average Age ⁵

TOTAL	37.2	36.0
Male	38.3	38.0
Female	32.2	30.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	326 (100.0%)	265 (81.3%)	61 (18.7%)
White	254 (77.9%)	219 (86.2%)	35 (13.8%)
Black	56 (17.2%)	33 (58.9%)	23 (41.1%)
Hispanic	13 (4.0%)	10 (76.9%)	3 (23.1%)
Other	3 (0.9%)	3 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	232 (71.4%)
Substantial Assistance Departure	81 (24.9%)
Other Downward Departure	11 (3.4%)
Upward Departure	1 (0.3%)

Mode of Conviction ⁶

TOTAL	325 (100.0%)
Plea	293 (90.2%)
Trial	32 (9.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	
	325 (100.0)	11 (100.0)	9 (100.0)	11 (100.0)	65 (100.0)	118 (100.0)	2 (100.0)	40 (100.0)	5 (100.0)	64

CASES INVOLVING PRISON ⁸

Total Receiving Prison	234 (72.0)	11 (100.0)	3 (33.3)	4 (36.4)	37 (56.9)	104 (88.1)	2 (100.0)	35 (87.5)	5 (100.0)	33
Prison	227 (69.8)	11 (100.0)	3 (33.3)	2 (18.2)	36 (55.4)	102 (86.4)	2 (100.0)	33 (82.5)	5 (100.0)	33
Prison/Community Split	7 (2.2)	0 (0.0)	0 (0.0)	2 (18.2)	1 (1.5)	2 (1.7)	0 (0.0)	2 (5.0)	0 (0.0)	0
Prison Term Ordered										
Up to 12 months	70	0	2	3	22	20	1	9	2	
13-24 months	60	0	0	1	10	26	0	4	2	
25-36 months	24	0	0	0	2	14	1	4	0	
37-60 months	36	2	0	0	3	22	0	9	0	
Over 60 months	44	9	1	0	0	22	0	9	1	
Mean Sentence	45.0	144.9	25.3	6.8	14.4	48.0	19.0	64.3	26.0	
Median Sentence	24.0	106.0	8.0	4.0	10.0	30.0	19.0	37.0	15.0	

CASES INVOLVING PROBATION

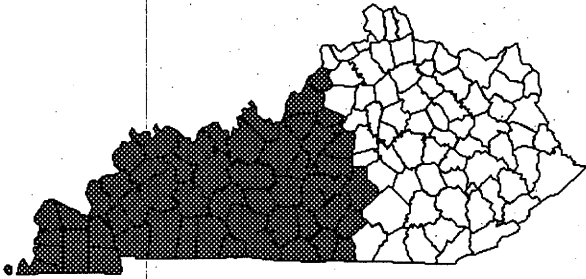
Total Receiving Probation	91 (28.0)	0 (0.0)	6 (66.7)	7 (63.6)	28 (43.1)	14 (11.9)	0 (0.0)	5 (12.5)	0 (0.0)	31
Probation Only	49 (15.1)	0 (0.0)	6 (66.7)	3 (27.3)	15 (23.1)	5 (4.2)	0 (0.0)	1 (2.5)	0 (0.0)	19
Probation and Confinement	42 (12.9)	0 (0.0)	0 (0.0)	4 (36.4)	13 (20.0)	9 (7.6)	0 (0.0)	4 (10.0)	0 (0.0)	12

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	126 (38.8)	6 (54.5)	7 (77.8)	7 (63.6)	46 (70.8)	11 (9.4)	1 (50.0)	9 (22.5)	0 (0.0)	39
Median Dollar Amount	\$5,000	\$6,707	\$3,775	\$11,920	\$8,115	\$4,000	\$1,379	\$2,400	\$--	

Footnotes and a complete description of all variables in this table are provided in Appen
SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MON

**KENTUCKY, Western
6th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|------------------|-------------------|
| (1) Louisville | (4) Owensboro |
| (2) Hopkinsville | (5) Bowling Green |
| (3) Paducah | |

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ³	21
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	32

Cases Filed	Civil ⁶	1,439
	Criminal ⁷	510

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	127	7
Forcible Rape	629	33
Robbery	2,242	119
Aggravated Assault	5,900	314
Burglary	14,640	780
Larceny/Theft	34,783	1,852
Motor Vehicle Theft	4,884	260
Crime Index Total	63,205	3,365

Economic Indicators	Income per Capita ¹²	\$ 11,716
	Percent Unemployed ¹³	5.9

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	62.5
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

KENTUCKY, We

Cases Received by USSC (by sentencing month) ¹

October 93	26	April 94	33
November 93	15	May 94	27
December 93	18	June 94	23
January 94	22	July 94	25
February 94	16	August 94	42
March 94	28	September 94	30

TOTAL = 305

Monthly Income ³

	mean	median
TOTAL	\$1,298	\$845
Male	\$1,415	\$895
Female	\$1,005	\$708

Average Age ⁵

	mean	median
TOTAL	33.7	31.0
Male	33.7	30.0
Female	33.7	31.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	303 (100.0%)	228 (75.2%)	75 (24.8%)
White	174 (57.4%)	139 (79.9%)	35 (20.1%)
Black	108 (35.6%)	75 (69.4%)	33 (30.6%)
Hispanic	13 (4.3%)	9 (69.2%)	4 (30.8%)
Other	8 (2.6%)	5 (62.5%)	3 (37.5%)

Departure Status ⁴

Sentenced within Guideline Range	255 (87.6%)
Substantial Assistance Departure	23 (7.9%)
Other Downward Departure	12 (4.1%)
Upward Departure	1 (0.3%)

Mode of Conviction ⁶

TOTAL	302 (100.0%)
Plea	267 (88.4%)
Trial	35 (11.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	302 (100.0)	10 (100.0)	111 (100.0)	10 (100.0)	43 (100.0)	37 (100.0)	2 (100.0)	32 (100.0)	2 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	138 (45.7)	10 (100.0)	12 (10.8)	9 (90.0)	28 (65.1)	34 (91.9)	2 (100.0)	26 (81.3)	1 (50.0)
Prison	125 (41.4)	10 (100.0)	12 (10.8)	7 (70.0)	21 (48.8)	33 (89.2)	2 (100.0)	25 (78.1)	1 (50.0)
Prison/Community Split	13 (4.3)	0 (0.0)	0 (0.0)	2 (20.0)	7 (16.3)	1 (2.7)	0 (0.0)	1 (3.1)	0 (0.0)
Prison Term Ordered									
Up to 12 months	57	0	7	9	20	3	2	5	0
13-24 months	22	0	5	0	6	3	0	6	1
25-36 months	6	1	0	0	1	1	0	3	0
37-60 months	23	1	0	0	1	14	0	5	0
Over 60 months	30	8	0	0	0	13	0	7	0
Mean Sentence	49.5	159.8	8.1	0.7	9.3	87.9	10.0	47.8	15.0
Median Sentence	18.0	85.0	6.5	0.0	4.5	60.0	10.0	28.5	15.0

CASES INVOLVING PROBATION

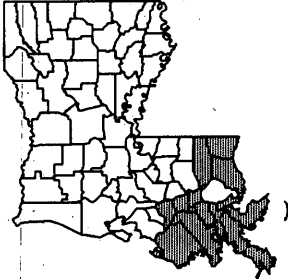
Total Receiving Probation	164 (54.3)	0 (0.0)	99 (89.2)	1 (10.0)	15 (34.9)	3 (8.1)	0 (0.0)	6 (18.8)	1 (50.0)
Probation Only	143 (47.4)	0 (0.0)	96 (86.5)	1 (10.0)	7 (16.3)	2 (5.4)	0 (0.0)	6 (18.8)	1 (50.0)
Probation and Confinement	21 (7.0)	0 (0.0)	3 (2.7)	0 (0.0)	8 (18.6)	1 (2.7)	0 (0.0)	0 (0.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	186 (61.4)	6 (60.0)	91 (82.0)	7 (70.0)	31 (72.1)	9 (24.3)	1 (50.0)	11 (34.4)	0 (0.0)
Median Dollar Amount	\$350	\$212	\$250	\$4,401	\$10,783	\$1,000	\$42,900	\$4,000	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MO.

**LOUISIANA, Eastern
5th Circuit**



City Supplying Guideline Documentation¹

(1) New Orleans

Number of Court Professionals	District Court Judges ²	18
	Assistant U.S. Attorneys ³	34
	Assistant Federal Defenders ⁴	8
	Probation Officers ⁵	55
Cases Filed	Civil ⁶	4,112
	Criminal ⁷	296
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	488	30
Forcible Rape	699	43
Robbery	7,127	437
Aggravated Assault	9,324	571
Burglary	22,193	1,359
Larceny/Theft	57,737	3,536
Motor Vehicle Theft	15,128	927
Crime Index Total	112,696	6,903

Economic Indicators	Income per Capita ¹²	\$ 11,351
	Percent Unemployed ¹³	7.1

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	13.8
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

LOUISIANA, I

Cases Received by USSC (by sentencing month) ¹

October 93	30	April 94	23
November 93	30	May 94	31
December 93	44	June 94	35
January 94	35	July 94	34
February 94	24	August 94	36
March 94	37	September 94	26

TOTAL = 385

Monthly Income ³

	mean	median
TOTAL	\$1,368	\$718
Male	\$1,448	\$690
Female	\$1,049	\$800

Average Age ⁵

TOTAL	35.2	33.0
Male	35.6	34.0
Female	33.1	30.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	385 (100.0%)	317 (82.3%)	68 (17.7%)
White	166 (43.1%)	145 (87.3%)	21 (12.7%)
Black	178 (46.2%)	135 (75.8%)	43 (24.2%)
Hispanic	38 (9.9%)	35 (92.1%)	3 (7.9%)
Other	3 (0.8%)	2 (66.7%)	1 (33.3%)

Departure Status ⁴

Sentenced within Guideline Range	326 (85.8%)
Substantial Assistance Departure	29 (7.6%)
Other Downward Departure	20 (5.3%)
Upward Departure	5 (1.3%)

Mode of Conviction ⁶

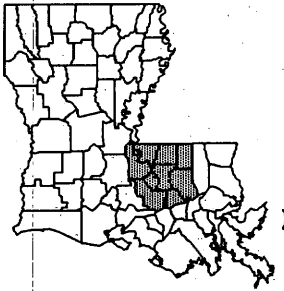
TOTAL	385 (100.0%)
Plea	364 (94.5%)
Trial	21 (5.5%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	383 (100.0)	12 (100.0)	36 (100.0)	1 (100.0)	67 (100.0)	122 (100.0)	6 (100.0)	35 (100.0)	16 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	271 (70.8)	12 (100.0)	11 (30.6)	0 (0.0)	36 (53.7)	116 (95.1)	4 (66.7)	29 (82.9)	13 (81.3)
Prison	260 (67.9)	12 (100.0)	11 (30.6)	0 (0.0)	30 (44.8)	116 (95.1)	4 (66.7)	29 (82.9)	13 (81.3)
Prison/Community Split	11 (2.9)	0 (0.0)	0 (0.0)	0 (0.0)	6 (9.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	55	0	6	0	16	1	1	4	8
13-24 months	55	0	3	0	12	10	1	9	3
25-36 months	32	3	2	0	5	11	2	3	0
37-60 months	47	5	0	0	2	26	0	10	0
Over 60 months	82	4	0	0	1	68	0	3	2
Mean Sentence	66.7	99.3	14.3	--	17.8	111.5	23.5	39.8	18.2
Median Sentence	33.0	48.5	12.0	--	15.0	72.0	27.0	30.0	6.0
CASES INVOLVING PROBATION									
Total Receiving Probation	112 (29.2)	0 (0.0)	25 (69.4)	1 (100.0)	31 (46.3)	6 (4.9)	2 (33.3)	6 (17.1)	3 (18.8)
Probation Only	64 (16.7)	0 (0.0)	13 (36.1)	1 (100.0)	18 (26.9)	0 (0.0)	1 (16.7)	4 (11.4)	3 (18.8)
Probation and Confinement	48 (12.5)	0 (0.0)	12 (33.3)	0 (0.0)	13 (19.4)	6 (4.9)	1 (16.7)	2 (5.7)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	151 (39.3)	7 (58.3)	26 (70.3)	1 (100.0)	43 (64.2)	16 (13.1)	3 (50.0)	6 (17.1)	1 (6.3)
Median Dollar Amount	\$3,166	\$1,054	\$1,466	\$500	\$8,543	\$10,000	\$1,626	\$1,650	\$250

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, N

**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	13
Cases Filed	Civil ⁶	2,894
	Criminal ⁷	54
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	105	17
Forcible Rape	267	42
Robbery	2,136	337
Aggravated Assault	5,592	882
Burglary	10,510	1,658
Larceny/Theft	27,771	4,380
Motor Vehicle Theft	4,887	771
Crime Index Total	51,268	8,086

Economic Indicators	Income per Capita ¹²	\$ 11,697
	Percent Unemployed ¹³	6.9

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	29.7
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

LOUISIANA, M

Cases Received by USSC (by sentencing month) ¹

October 93	7	April 94	1
November 93	3	May 94	1
December 93	6	June 94	5
January 94	3	July 94	4
February 94	3	August 94	2
March 94	3	September 94	7

TOTAL = 45

Monthly Income ³

	mean	median
TOTAL	\$2,051	\$728
Male	\$2,319	\$463
Female	\$1,275	\$851

Average Age ⁵

	mean	median
TOTAL	32.1	30.0
Male	32.3	32.0
Female	31.4	29.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	45 (100.0%)	34 (75.6%)	11 (24.4%)
White	19 (42.2%)	11 (57.9%)	8 (42.1%)
Black	23 (51.1%)	20 (87.0%)	3 (13.0%)
Hispanic	3 (6.7%)	3 (100.0%)	0 (0.0%)
Other	0 (0.0%)	0 (--%)	0 (--%)

Departure Status ⁴

Sentenced within Guideline Range	35 (77.8%)
Substantial Assistance Departure	4 (8.9%)
Other Downward Departure	1 (2.2%)
Upward Departure	5 (11.1%)

Mode of Conviction ⁶

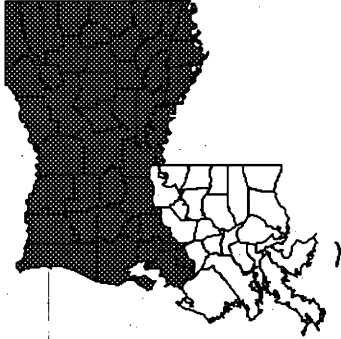
TOTAL	45 (100.0%)
Plea	39 (86.7%)
Trial	6 (13.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	45 (100.0)	0 (100.0)	1 (100.0)	1 (100.0)	9 (100.0)	20 (100.0)	2 (100.0)	4 (100.0)	0 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	38 (84.4)	0 (--)	0 (0.0)	1 (100.0)	7 (77.8)	20 (100.0)	0 (0.0)	4 (100.0)	0 (--)
Prison	37 (82.2)	0 (--)	0 (0.0)	1 (100.0)	6 (66.7)	20 (100.0)	0 (0.0)	4 (100.0)	0 (--)
Prison/Community Split	1 (2.2)	0 (--)	0 (0.0)	0 (0.0)	1 (11.1)	0 (0.0)	0 (0.0)	0 (0.0)	0 (--)
Prison Term Ordered									
Up to 12 months	9	0	0	1	4	3	0	0	0
13-24 months	10	0	0	0	2	5	0	0	0
25-36 months	4	0	0	0	0	3	0	0	0
37-60 months	10	0	0	0	1	4	0	4	0
Over 60 months	5	0	0	0	0	5	0	0	0
Mean Sentence	41.9	--	--	0.0	19.9	55.9	--	43.8	--
Median Sentence	27.0	--	--	0.0	12.0	36.0	--	40.5	--
CASES INVOLVING PROBATION									
Total Receiving Probation	7 (15.6)	0 (--)	1 (100.0)	0 (0.0)	2 (22.2)	0 (0.0)	2 (100.0)	0 (0.0)	0 (--)
Probation Only	5 (11.1)	0 (--)	1 (100.0)	0 (0.0)	1 (11.1)	0 (0.0)	2 (100.0)	0 (0.0)	0 (--)
Probation and Confinement	2 (4.4)	0 (--)	0 (0.0)	0 (0.0)	1 (11.1)	0 (0.0)	0 (0.0)	0 (0.0)	0 (--)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	16 (35.6)	0 (--)	0 (0.0)	0 (0.0)	8 (88.9)	2 (10.0)	2 (100.0)	0 (0.0)	0 (--)
Median Dollar Amount	\$9,281	\$--	\$--	\$--	\$49,339	\$1,000	\$4,528	\$--	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, M

**LOUISIANA, Western
5th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Shreveport
- (2) Lake Charles
- (3) Lafayette
- (4) Monroe
- (5) Alexandria

Number of Court Professionals	District Court Judges ²	11
	Assistant U.S. Attorneys ³	20
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	30
Cases Filed	Civil ⁶	2,327
	Criminal ⁷	256
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	227	11
Forcible Rape	596	30
Robbery	2,136	108
Aggravated Assault	10,883	548
Burglary	18,741	943
Larceny/Theft	55,504	2,794
Motor Vehicle Theft	4,474	225
Crime Index Total	92,561	4,659

Economic Indicators	Income per Capita ¹²	\$ 9,713
	Percent Unemployed ¹³	7.8

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	31.3
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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 1994 GUIDELINE SENTENCES

LOUISIANA, W

Cases Received by USSC (by sentencing month) ¹

October 93	21	April 94	22
November 93	25	May 94	24
December 93	17	June 94	39
January 94	23	July 94	32
February 94	24	August 94	17
March 94	21	September 94	26

TOTAL = 291

Monthly Income ³

	mean	median
TOTAL	\$1,319	\$1,026
Male	\$1,281	\$1,000
Female	\$1,444	\$1,226

Average Age ⁵

TOTAL	35.6	33.0
Male	35.5	33.0
Female	36.1	33.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	291 (100.0%)	225 (77.3%)	66 (22.7%)
White	116 (39.9%)	95 (81.9%)	21 (18.1%)
Black	138 (47.4%)	98 (71.0%)	40 (29.0%)
Hispanic	31 (10.7%)	29 (93.5%)	2 (6.5%)
Other	6 (2.1%)	3 (50.0%)	3 (50.0%)

Departure Status ⁴

Sentenced within Guideline Range	227 (79.4%)
Substantial Assistance Departure	46 (16.1%)
Other Downward Departure	8 (2.8%)
Upward Departure	5 (1.7%)

Mode of Conviction ⁶

TOTAL	290 (100.0%)
Plea	263 (90.7%)
Trial	27 (9.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	280 (100.0)	9 (100.0)	58 (100.0)	12 (100.0)	58 (100.0)	64 (100.0)	0 (100.0)	17 (100.0)	11 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	167 (59.6)	9 (100.0)	13 (22.4)	6 (50.0)	27 (46.6)	59 (92.2)	0 (--)	16 (94.1)	7 (63.6)
Prison	156 (55.7)	8 (88.9)	11 (19.0)	3 (25.0)	24 (41.4)	59 (92.2)	0 (--)	15 (88.2)	7 (63.6)
Prison/Community Split	11 (3.9)	1 (11.1)	2 (3.4)	3 (25.0)	3 (5.2)	0 (0.0)	0 (--)	1 (5.9)	0 (0.0)
Prison Term Ordered									
Up to 12 months	49	0	11	6	14	1	0	5	5
13-24 months	28	0	1	0	8	7	0	2	0
25-36 months	14	0	1	0	4	4	0	1	0
37-60 months	24	0	0	0	1	12	0	2	2
Over 60 months	52	9	0	0	0	35	0	6	0
Mean Sentence	71.8	183.4	8.1	4.8	15.5	126.0	--	60.4	20.9
Median Sentence	30.0	180.0	6.0	4.5	12.0	87.0	--	39.5	6.0

CASES INVOLVING PROBATION

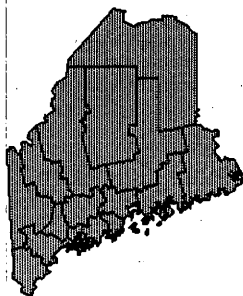
Total Receiving Probation	113 (40.4)	0 (0.0)	45 (77.6)	6 (50.0)	31 (53.4)	5 (7.8)	0 (--)	1 (5.9)	4 (36.4)
Probation Only	91 (32.5)	0 (0.0)	35 (60.3)	3 (25.0)	26 (44.8)	3 (4.7)	0 (--)	1 (5.9)	4 (36.4)
Probation and Confinement	22 (7.9)	0 (0.0)	10 (17.2)	3 (25.0)	5 (8.6)	2 (3.1)	0 (--)	0 (0.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	173 (59.9)	6 (66.7)	53 (81.5)	9 (75.0)	50 (83.3)	25 (39.1)	0 (--)	3 (17.6)	2 (18.2)
Median Dollar Amount	\$5,000	\$165,227	\$500	\$19,645	\$27,330	\$17,500	\$--	\$500	\$1,750

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, M

**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	15
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	17
Cases Filed	Civil ⁶	692
	Criminal ⁷	129
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	20	2
Forcible Rape	328	27
Robbery	266	22
Aggravated Assault	962	78
Burglary	8,922	723
Larceny/Theft	26,846	2,175
Motor Vehicle Theft	1,662	135
Crime Index Total	39,006	3,160

Economic Indicators	Income per Capita ¹²	\$ 12,957
	Percent Unemployed ¹³	7.9

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	6.4
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

Cases Received by USSC (by sentencing month) ¹

October 93	14	April 94	19
November 93	4	May 94	13
December 93	15	June 94	12
January 94	13	July 94	13
February 94	11	August 94	5
March 94	13	September 94	10

TOTAL = 142

Monthly Income ³

	mean	median
TOTAL	\$1,122	\$800
Male	\$1,143	\$804
Female	\$1,011	\$800

Average Age ⁵

TOTAL	37.0	36.0
Male	37.1	37.0
Female	36.2	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	142 (100.0%)	123 (86.6%)	19 (13.4%)
White	121 (85.2%)	104 (86.0%)	17 (14.0%)
Black	4 (2.8%)	4 (100.0%)	0 (0.0%)
Hispanic	8 (5.6%)	7 (87.5%)	1 (12.5%)
Other	9 (6.3%)	8 (88.9%)	1 (11.1%)

Departure Status ⁴

Sentenced within Guideline Range	111 (78.2%)
Substantial Assistance Departure	29 (20.4%)
Other Downward Departure	1 (0.7%)
Upward Departure	1 (0.7%)

Mode of Conviction ⁶

TOTAL	142 (100.0%)
Plea	135 (95.1%)
Trial	7 (4.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	136 (100.0)	2 (100.0)	10 (100.0)	10 (100.0)	31 (100.0)	53 (100.0)	2 (100.0)	10 (100.0)	1 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	110 (80.9)	2 (100.0)	7 (70.0)	5 (50.0)	20 (64.5)	50 (94.3)	2 (100.0)	10 (100.0)	1 (100.0)
Prison	101 (74.3)	2 (100.0)	6 (60.0)	2 (20.0)	17 (54.8)	49 (92.5)	2 (100.0)	10 (100.0)	1 (100.0)
Prison/Community Split	9 (6.6)	0 (0.0)	1 (10.0)	3 (30.0)	3 (9.7)	1 (1.9)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	37	0	6	4	12	6	1	0	1
13-24 months	22	0	1	1	6	10	1	1	0
25-36 months	8	0	0	0	1	5	0	1	0
37-60 months	16	0	0	0	1	11	0	2	0
Over 60 months	27	2	0	0	0	18	0	6	0
Mean Sentence	55.6	124.0	7.6	6.4	13.3	71.4	9.1	164.0	6.0
Median Sentence	21.5	124.0	6.0	5.0	10.0	45.0	9.1	139.0	6.0
CASES INVOLVING PROBATION									
Total Receiving Probation	26 (19.1)	0 (0.0)	3 (30.0)	5 (50.0)	11 (35.5)	3 (5.7)	0 (0.0)	0 (0.0)	0 (0.0)
Probation Only	19 (14.0)	0 (0.0)	1 (10.0)	3 (30.0)	8 (25.8)	3 (5.7)	0 (0.0)	0 (0.0)	0 (0.0)
Probation and Confinement	7 (5.1)	0 (0.0)	2 (20.0)	2 (20.0)	3 (9.7)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	66 (46.5)	2 (100.0)	9 (81.8)	9 (81.8)	27 (84.4)	6 (11.3)	2 (100.0)	2 (20.0)	0 (0.0)
Median Dollar Amount	\$4,132	\$4,428	\$6,000	\$5,060	\$5,133	\$4,000	\$809	\$3,316	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A
 SOURCE: U.S. Sentencing Commission, FY1994 Datafile, 1

**MARYLAND
4th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Baltimore
- (2) Hyattsville
- (3) Cumberland

Number of Court Professionals	District Court Judges ²	17
	Assistant U.S. Attorneys ³	44
	Assistant Federal Defenders ⁴	17
	Probation Officers ⁵	107
Cases Filed	Civil ⁶	4,191
	Criminal ⁷	587
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	632	13
Forcible Rape	2,185	45
Robbery	21,580	444
Aggravated Assault	25,137	517
Burglary	56,237	1,158
Larceny/Theft	163,440	3,364
Motor Vehicle Theft	33,926	698
Crime Index Total	303,137	6,240

Economic Indicators	Income per Capita ¹²	\$ 17,730
	Percent Unemployed ¹³	6.2

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	35.8
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

MARY

Cases Received by USSC (by sentencing month) ¹

October 93	34	April 94	29
November 93	32	May 94	29
December 93	35	June 94	30
January 94	43	July 94	37
February 94	31	August 94	18
March 94	37	September 94	20

TOTAL = 375

Monthly Income ³

	mean	median
TOTAL	\$1,093	\$560
Male	\$1,064	\$500
Female	\$1,276	\$952

Average Age ⁵

	mean	median
TOTAL	34.4	32.5
Male	34.3	32.0
Female	35.2	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	375 (100.0%)	326 (86.9%)	49 (13.1%)
White	135 (36.0%)	119 (88.1%)	16 (11.9%)
Black	212 (56.5%)	182 (85.8%)	30 (14.2%)
Hispanic	10 (2.7%)	8 (80.0%)	2 (20.0%)
Other	18 (4.8%)	17 (94.4%)	1 (5.6%)

Departure Status ⁴

Sentenced within Guideline Range	243 (65.5%)
Substantial Assistance Departure	86 (23.2%)
Other Downward Departure	42 (11.3%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

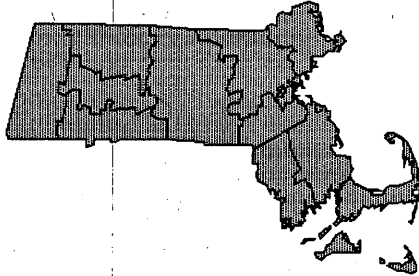
TOTAL	373 (100.0%)
Plea	318 (85.3%)
Trial	55 (14.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	371 (100.0)	45 (100.0)	60 (100.0)	8 (100.0)	67 (100.0)	91 (100.0)	3 (100.0)	22 (100.0)	10 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	269 (72.5)	45 (100.0)	24 (40.0)	3 (37.5)	45 (67.2)	91 (100.0)	2 (66.7)	21 (95.5)	9 (90.0)
Prison	252 (67.9)	45 (100.0)	21 (35.0)	1 (12.5)	38 (56.7)	91 (100.0)	2 (66.7)	20 (90.9)	9 (90.0)
Prison/Community Split	17 (4.6)	0 (0.0)	3 (5.0)	2 (25.0)	7 (10.4)	0 (0.0)	0 (0.0)	1 (4.5)	0 (0.0)
Prison Term Ordered									
Up to 12 months	48	0	12	3	19	0	2	1	2
13-24 months	31	3	4	0	11	4	0	3	1
25-36 months	34	8	3	0	10	4	0	4	1
37-60 months	46	9	2	0	5	19	0	6	3
Over 60 months	110	25	3	0	0	64	0	7	2
Mean Sentence	76.8	85.6	25.1	5.3	20.5	127.4	11.0	63.3	38.2
Median Sentence	46.0	66.0	13.0	4.0	18.0	97.0	11.0	37.0	46.0
CASES INVOLVING PROBATION									
Total Receiving Probation	102 (27.5)	0 (0.0)	36 (60.0)	5 (62.5)	22 (32.8)	0 (0.0)	1 (33.3)	1 (4.5)	1 (10.0)
Probation Only	59 (15.9)	0 (0.0)	24 (40.0)	3 (37.5)	7 (10.4)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Probation and Confinement	43 (11.6)	0 (0.0)	12 (20.0)	2 (25.0)	15 (22.4)	0 (0.0)	1 (33.3)	1 (4.5)	1 (10.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	100 (26.7)	9 (20.0)	31 (50.8)	3 (30.0)	29 (43.3)	4 (4.4)	2 (66.7)	1 (4.5)	0 (0.0)
Median Dollar Amount	\$3,776	\$1,000	\$1,895	\$20,943	\$8,000	\$6,000	\$11,070	\$6,000	\$--

Footnotes and a complete description of all variables in this table are provided in A SOURCE: U.S. Sentencing Commission, FY1994 Datafile,

MASSACHUSETTS
1st Circuit



Cities Supplying Guideline Documentation¹

- (1) Boston
- (2) Springfield
- (3) Plymouth
- (4) Cambridge

Number of Court Professionals	District Court Judges ²	20
	Assistant U.S. Attorneys ³	58
	Assistant Federal Defenders ⁴	9
	Probation Officers ⁵	52
Cases Filed	Civil ⁶	3,283
	Criminal ⁷	309
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	210	3
Forcible Rape	1,711	29
Robbery	9,362	156
Aggravated Assault	30,376	507
Burglary	50,386	840
Larceny/Theft	114,294	1,906
Motor Vehicle Theft	41,643	695
Crime Index Total	247,982	4,136

Economic Indicators	Income per Capita ¹²	\$ 17,224
	Percent Unemployed ¹³	6.9

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	10.5
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

MASSACHU

Cases Received by USSC (by sentencing month) ¹

October 93	40	April 94	30
November 93	29	May 94	21
December 93	36	June 94	31
January 94	27	July 94	27
February 94	36	August 94	18
March 94	44	September 94	32

TOTAL = 371

Monthly Income ³

	mean	median
TOTAL	\$1,592	\$881
Male	\$1,541	\$820
Female	\$2,004	\$1,445

Average Age ⁵

	mean	median
TOTAL	38.6	37.0
Male	38.6	36.0
Female	38.7	38.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	369 (100.0%)	331 (89.7%)	38 (10.3%)
White	265 (71.8%)	237 (89.4%)	28 (10.6%)
Black	59 (16.0%)	54 (91.5%)	5 (8.5%)
Hispanic	44 (11.9%)	39 (88.6%)	5 (11.4%)
Other	1 (0.3%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	222 (60.8%)
Substantial Assistance Departure	97 (26.6%)
Other Downward Departure	44 (12.1%)
Upward Departure	2 (0.5%)

Mode of Conviction ⁶

TOTAL	371 (100.0%)
Plea	338 (91.1%)
Trial	33 (8.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	367 (100.0)	14 (100.0)	21 (100.0)	4 (100.0)	101 (100.0)	121 (100.0)	6 (100.0)	26 (100.0)	10 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	273 (74.4)	14 (100.0)	13 (61.9)	3 (75.0)	54 (53.5)	105 (86.8)	4 (66.7)	26 (100.0)	10 (100.0)
Prison	258 (70.3)	14 (100.0)	12 (57.1)	3 (75.0)	43 (42.6)	104 (86.0)	4 (66.7)	26 (100.0)	10 (100.0)
Prison/Community Split	15 (4.1)	0 (0.0)	1 (4.8)	0 (0.0)	11 (10.9)	1 (0.8)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	66	0	6	3	24	12	1	0	0
13-24 months	53	0	6	0	19	11	2	5	2
25-36 months	28	0	0	0	4	9	0	4	1
37-60 months	40	1	1	0	5	22	0	5	4
Over 60 months	85	13	0	0	2	51	1	12	2
Mean Sentence	61.7	146.9	15.6	4.0	19.3	87.4	24.0	84.5	43.9
Median Sentence	31.0	151.0	15.0	0.0	15.0	60.0	14.0	53.0	46.0

CASES INVOLVING PROBATION

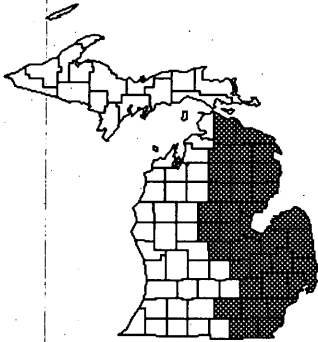
Total Receiving Probation	94 (25.6)	0 (0.0)	8 (38.1)	1 (25.0)	47 (46.5)	16 (13.2)	2 (33.3)	0 (0.0)	0 (0.0)
Probation Only	49 (13.4)	0 (0.0)	5 (23.8)	0 (0.0)	21 (20.8)	10 (8.3)	1 (16.7)	0 (0.0)	0 (0.0)
Probation and Confinement	45 (12.3)	0 (0.0)	3 (14.3)	1 (25.0)	26 (25.7)	6 (5.0)	1 (16.7)	0 (0.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	132 (35.8)	5 (35.7)	15 (71.4)	2 (50.0)	67 (66.3)	8 (6.6)	3 (50.0)	1 (3.8)	1 (10.0)
Median Dollar Amount	\$12,414	\$12,336	\$30,000	\$74,230	\$15,080	\$5,000	\$18,800	\$2,500	\$1,000

Footnotes and a complete description of all variables in this table are provided in A
SOURCE: U.S. Sentencing Commission, FY1994 Datafile,

**MICHIGAN, Eastern
6th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Detroit
- (2) Bay City
- (3) Flint
- (4) Ann Arbor

Number of Court Professionals	District Court Judges ²	22
	Assistant U.S. Attorneys ³	56
	Assistant Federal Defenders ⁴	13
	Probation Officers ⁵	86
Cases Filed	Civil ⁶	4,853
	Criminal ⁷	662
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	794	13
Forcible Rape	-	-
Robbery	19,548	309
Aggravated Assault	33,018	522
Burglary	63,208	999
Larceny/Theft	191,346	3,023
Motor Vehicle Theft	49,733	786
Crime Index Total	-	-

Economic Indicators	Income per Capita ¹²	\$ 14,865
	Percent Unemployed ¹³	7.2

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	35.9
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

MICHIGAN, Ea

Cases Received by USSC (by sentencing month) ¹

October 93	80	April 94	47
November 93	61	May 94	78
December 93	60	June 94	75
January 94	91	July 94	59
February 94	71	August 94	63
March 94	65	September 94	74

TOTAL = 824

Monthly Income ³

	mean	median
TOTAL	\$1,104	\$700
Male	\$1,084	\$600
Female	\$1,201	\$900

Average Age ⁵

TOTAL	34.2	32.0
Male	33.9	32.0
Female	36.1	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	822 (100.0%)	687 (83.6%)	135 (16.4%)
White	348 (42.3%)	295 (84.8%)	53 (15.2%)
Black	378 (46.0%)	309 (81.7%)	69 (18.3%)
Hispanic	88 (10.7%)	77 (87.5%)	11 (12.5%)
Other	8 (1.0%)	6 (75.0%)	2 (25.0%)

Departure Status ⁴

Sentenced within Guideline Range	601 (73.6%)
Substantial Assistance Departure	170 (20.8%)
Other Downward Departure	36 (4.4%)
Upward Departure	10 (1.2%)

Mode of Conviction ⁶

TOTAL	822 (100.0%)
Plea	765 (93.1%)
Trial	57 (6.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	817 (100.0)	35 (100.0)	48 (100.0)	24 (100.0)	139 (100.0)	304 (100.0)	26 (100.0)	95 (100.0)	12 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	632 (77.4)	35 (100.0)	21 (43.8)	14 (58.3)	101 (72.7)	282 (92.8)	14 (53.8)	86 (90.5)	7 (58.3)
Prison	593 (72.6)	34 (97.1)	19 (39.6)	7 (29.2)	92 (66.2)	274 (90.1)	13 (50.0)	84 (88.4)	7 (58.3)
Prison/Community Split	39 (4.8)	1 (2.9)	2 (4.2)	7 (29.2)	9 (6.5)	8 (2.6)	1 (3.8)	2 (2.1)	0 (0.0)

Prison Term Ordered

Up to 12 months	180	0	14	13	49	40	7	15	5
13-24 months	135	0	5	1	42	36	7	27	2
25-36 months	68	4	2	0	6	33	0	15	0
37-60 months	89	13	0	0	4	53	0	14	0
Over 60 months	160	18	0	0	0	120	0	15	0
Mean Sentence	51.7	74.8	11.3	4.8	14.5	77.9	12.1	46.1	11.6
Median Sentence	27.0	63.0	6.0	4.0	13.0	60.0	13.0	27.0	9.0

CASES INVOLVING PROBATION

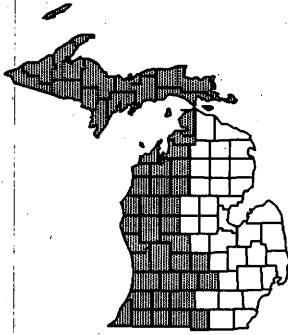
Total Receiving Probation	185 (22.6)	0 (0.0)	27 (56.3)	10 (41.7)	38 (27.3)	22 (7.2)	12 (46.2)	9 (9.5)	5 (41.7)
Probation Only	104 (12.7)	0 (0.0)	16 (33.3)	7 (29.2)	12 (8.6)	9 (3.0)	8 (30.8)	7 (7.4)	5 (41.7)
Probation and Confinement	81 (9.9)	0 (0.0)	11 (22.9)	3 (12.5)	26 (18.7)	13 (4.3)	4 (15.4)	2 (2.1)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	345 (42.0)	27 (77.1)	38 (76.0)	23 (92.0)	120 (86.3)	42 (13.8)	20 (76.9)	8 (8.4)	0 (0.0)
Median Dollar Amount	\$7,000	\$2,351	\$9,497	\$11,981	\$16,783	\$5,000	\$2,982	\$3,040	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, M

**MICHIGAN, Western
6th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|------------------|---------------|
| (1) Grand Rapids | (3) Marquette |
| (2) Lansing | (4) Kalamazoo |

Number of Court Professionals	District Court Judges ²	7
	Assistant U.S. Attorneys ³	21
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	23
Cases Filed	Civil ⁶	1,684
	Criminal ⁷	225
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	129	423
Forcible Rape	-	-
Robbery	2,711	89
Aggravated Assault	10,578	347
Burglary	27,647	907
Larceny/Theft	88,508	2,902
Motor Vehicle Theft	6,897	226
Crime Index Total	-	-

Economic Indicators	Income per Capita ¹²	\$ 12,671
	Percent Unemployed ¹³	6.6

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	22.9
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

MICHIGAN, West

Cases Received by USSC (by sentencing month) ¹

October 93	21	April 94	21
November 93	33	May 94	21
December 93	32	June 94	14
January 94	35	July 94	9
February 94	17	August 94	34
March 94	16	September 94	34

TOTAL = 287

Monthly Income ³

	mean	median
TOTAL	\$998	\$490
Male	\$1,022	\$450
Female	\$869	\$853

Average Age ⁵

TOTAL	37.1	36.0
Male	37.4	36.0
Female	35.8	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	287 (100.0%)	243 (84.7%)	44 (15.3%)
White	189 (65.9%)	163 (86.2%)	26 (13.8%)
Black	35 (12.2%)	26 (74.3%)	9 (25.7%)
Hispanic	48 (16.7%)	43 (89.6%)	5 (10.4%)
Other	15 (5.2%)	11 (73.3%)	4 (26.7%)

Departure Status ⁴

Sentenced within Guideline Range	208 (72.7%)
Substantial Assistance Departure	66 (23.1%)
Other Downward Departure	9 (3.1%)
Upward Departure	3 (1.0%)

Mode of Conviction ⁶

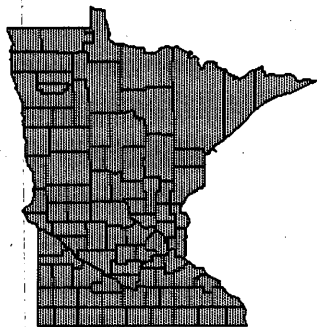
TOTAL	287 (100.0%)
Plea	254 (88.5%)
Trial	33 (11.5%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	
	285 (100.0)	1 (100.0)	26 (100.0)	18 (100.0)	33 (100.0)	125 (100.0)	4 (100.0)	10 (100.0)	8 (100.0)	60
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	229 (80.4)	1 (100.0)	12 (46.2)	13 (72.2)	22 (66.7)	120 (96.0)	1 (25.0)	10 (100.0)	8 (100.0)	42
Prison	215 (75.4)	1 (100.0)	9 (34.6)	7 (38.9)	19 (57.6)	120 (96.0)	1 (25.0)	10 (100.0)	7 (87.5)	41
Prison/Community Split	14 (4.9)	0 (0.0)	3 (11.5)	6 (33.3)	3 (9.1)	0 (0.0)	0 (0.0)	0 (0.0)	1 (12.5)	1
Prison Term Ordered										
Up to 12 months	57	0	10	12	11	6	1	1	4	
13-24 months	29	0	2	0	8	4	0	2	2	
25-36 months	19	0	0	0	2	12	0	1	0	
37-60 months	50	1	0	1	1	28	0	5	2	
Over 60 months	74	0	0	0	0	70	0	1	0	
Mean Sentence	60.7	42.0	7.4	7.5	14.1	94.4	12.0	50.9	19.2	
Median Sentence	40.0	42.0	5.5	2.0	13.0	70.0	12.0	38.5	13.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	56 (19.6)	0 (0.0)	14 (53.8)	5 (27.8)	11 (33.3)	5 (4.0)	3 (75.0)	0 (0.0)	0 (0.0)	11
Probation Only	31 (10.9)	0 (0.0)	9 (34.6)	4 (22.2)	6 (18.2)	1 (0.8)	2 (50.0)	0 (0.0)	0 (0.0)	5
Probation and Confinement	25 (8.8)	0 (0.0)	5 (19.2)	1 (5.6)	5 (15.2)	4 (3.2)	1 (25.0)	0 (0.0)	0 (0.0)	5
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	124 (43.2)	0 (0.0)	20 (76.9)	15 (83.3)	30 (90.9)	25 (20.0)	3 (75.0)	2 (20.0)	0 (0.0)	25
Median Dollar Amount	\$5,000	\$--	\$2,898	\$5,564	\$7,691	\$4,000	\$500	\$1,000	\$--	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MO

**MINNESOTA
8th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Minneapolis
- (2) St. Paul

Number of Court Professionals	District Court Judges ²	9
	Assistant U.S. Attorneys ³	30
	Assistant Federal Defenders ⁴	6
	Probation Officers ⁵	43
Cases Filed	Civil ⁶	2,493
	Criminal ⁷	304
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	157	4
Forcible Rape	795	18
Robbery	5,085	115
Aggravated Assault	7,918	179
Burglary	37,931	856
Larceny/Theft	128,913	2,909
Motor Vehicle Theft ¹	15,398	347
Crime Index Total	196,197	4,427

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	50.4
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

MINNE

Cases Received by USSC (by sentencing month) ¹

October 93	33	April 94	15
November 93	39	May 94	43
December 93	45	June 94	35
January 94	36	July 94	32
February 94	33	August 94	27
March 94	26	September 94	27

TOTAL = 391

Monthly Income ³

	mean	median
TOTAL	\$1,288	\$748
Male	\$1,238	\$600
Female	\$1,568	\$1,094

Average Age ⁵

	mean	median
TOTAL	35.4	34.0
Male	34.9	34.0
Female	38.4	37.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	387 (100.0%)	331 (85.5%)	56 (14.5%)
White	217 (56.1%)	180 (82.9%)	37 (17.1%)
Black	107 (27.6%)	96 (89.7%)	11 (10.3%)
Hispanic	39 (10.1%)	36 (92.3%)	3 (7.7%)
Other	24 (6.2%)	19 (79.2%)	5 (20.8%)

Departure Status ⁴

Sentenced within Guideline Range	258 (67.0%)
Substantial Assistance Departure	89 (23.1%)
Other Downward Departure	36 (9.4%)
Upward Departure	2 (0.5%)

Mode of Conviction ⁶

TOTAL	391 (100.0%)
Plea	356 (91.0%)
Trial	35 (9.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	391 (100.0)	23 (100.0)	19 (100.0)	7 (100.0)	84 (100.0)	155 (100.0)	16 (100.0)	25 (100.0)	11 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	295 (75.4)	23 (100.0)	12 (63.2)	4 (57.1)	41 (48.8)	149 (96.1)	10 (62.5)	24 (96.0)	11 (100.0)
Prison	270 (69.1)	22 (95.7)	8 (42.1)	1 (14.3)	31 (36.9)	145 (93.5)	9 (56.3)	24 (96.0)	11 (100.0)
Prison/Community Split	25 (6.4)	1 (4.3)	4 (21.1)	3 (42.9)	10 (11.9)	4 (2.6)	1 (6.3)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	58	1	6	4	21	9	5	1	4
13-24 months	46	1	3	0	9	21	4	2	4
25-36 months	40	4	2	0	6	22	1	2	1
37-60 months	71	8	1	0	2	39	0	13	1
Over 60 months	80	9	0	0	3	58	0	6	1
Mean Sentence	60.1	69.8	15.4	2.3	18.8	82.6	15.7	70.1	22.2
Median Sentence	37.0	48.0	12.5	2.5	12.0	54.0	13.5	58.5	15.0

CASES INVOLVING PROBATION

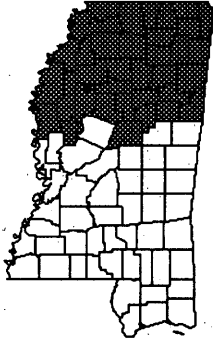
Total Receiving Probation	96 (24.6)	0 (0.0)	7 (36.8)	3 (42.9)	43 (51.2)	6 (3.9)	6 (37.5)	1 (4.0)	0 (0.0)
Probation Only	47 (12.0)	0 (0.0)	3 (15.8)	3 (42.9)	22 (26.2)	1 (0.6)	2 (12.5)	0 (0.0)	0 (0.0)
Probation and Confinement	49 (12.5)	0 (0.0)	4 (21.1)	0 (0.0)	21 (25.0)	5 (3.2)	4 (25.0)	1 (4.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	137 (35.0)	14 (60.9)	16 (84.2)	5 (71.4)	68 (81.0)	4 (2.6)	7 (43.8)	2 (8.0)	0 (0.0)
Median Dollar Amount	\$4,600	\$1,500	\$7,122	\$1,800	\$5,814	\$2,750	\$18,655	\$2,613	\$--

Footnotes and a complete description of all variables in this table are provided in A SOURCE: U.S. Sentencing Commission, FY1994 Datafile,

**MISSISSIPPI, Northern
5th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Oxford
- (2) Aberdeen
- (3) Tupelo

Number of Court Professionals	District Court Judges ²	3
	Assistant U.S. Attorneys ³	14
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	21
Cases Filed	Civil ⁶	1,127
	Criminal ⁷	140
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	50	5
Forcible Rape	131	13
Robbery	409	42
Aggravated Assault	1,113	114
Burglary	5,147	526
Larceny/Theft	11,431	1,168
Motor Vehicle Theft	937	96
Crime Index Total	19,218	1,963

Economic Indicators	Income per Capita ¹²	\$ 9,066
	Percent Unemployed ¹³	7.0

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	45.3
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

MISSISSIPPI, North

Cases Received by USSC (by sentencing month) ¹

October 93	23	April 94	9
November 93	20	May 94	7
December 93	11	June 94	7
January 94	18	July 94	8
February 94	27	August 94	14
March 94	14	September 94	27

TOTAL = 185

Monthly Income ³

	mean	median
TOTAL	\$1,046	\$700
Male	\$1,007	\$702
Female	\$1,191	\$700

Average Age ⁵

	mean	median
TOTAL	33.7	31.0
Male	33.2	31.0
Female	36.2	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	185 (100.0%)	149 (80.5%)	36 (19.5%)
White	58 (31.4%)	43 (74.1%)	15 (25.9%)
Black	119 (64.3%)	98 (82.4%)	21 (17.6%)
Hispanic	6 (3.2%)	6 (100.0%)	0 (0.0%)
Other	2 (1.1%)	2 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	136 (73.5%)
Substantial Assistance Departure	24 (13.0%)
Other Downward Departure	24 (13.0%)
Upward Departure	1 (0.5%)

Mode of Conviction ⁶

TOTAL	185 (100.0%)
Plea	166 (89.7%)
Trial	19 (10.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	
	185 (100.0)	10 (100.0)	16 (100.0)	5 (100.0)	45 (100.0)	74 (100.0)	4 (100.0)	8 (100.0)	1 (100.0)	22 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	142 (76.8)	10 (100.0)	9 (56.3)	2 (40.0)	24 (53.3)	72 (97.3)	2 (50.0)	8 (100.0)	1 (100.0)	14 (63.6)
Prison	137 (74.1)	10 (100.0)	8 (50.0)	1 (20.0)	21 (46.7)	72 (97.3)	2 (50.0)	8 (100.0)	1 (100.0)	14 (63.6)
Prison/Community Split	5 (2.7)	0 (0.0)	1 (6.3)	1 (20.0)	3 (6.7)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered										
Up to 12 months	29	0	7	2	12	5	1	0	0	0
13-24 months	19	0	1	0	6	7	0	2	0	0
25-36 months	22	1	1	0	4	9	1	1	0	0
37-60 months	23	1	0	0	2	14	0	4	0	0
Over 60 months	49	8	0	0	0	37	0	1	1	0
Mean Sentence	73.5	93.9	11.0	4.0	17.3	109.8	22.0	41.9	77.0	
Median Sentence	38.5	91.5	10.0	4.0	13.5	68.0	22.0	43.5	77.0	

CASES INVOLVING PROBATION

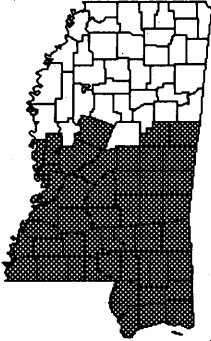
Total Receiving Probation	43 (23.2)	0 (0.0)	7 (43.8)	3 (60.0)	21 (46.7)	2 (2.7)	2 (50.0)	0 (0.0)	0 (0.0)	8 (36.4)
Probation Only	20 (10.8)	0 (0.0)	2 (12.5)	2 (40.0)	10 (22.2)	1 (1.4)	2 (50.0)	0 (0.0)	0 (0.0)	3 (13.6)
Probation and Confinement	23 (12.4)	0 (0.0)	5 (31.3)	1 (20.0)	11 (24.4)	1 (1.4)	0 (0.0)	0 (0.0)	0 (0.0)	5 (22.8)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	132 (71.4)	7 (70.0)	14 (87.5)	5 (100.0)	42 (93.3)	40 (54.1)	4 (100.0)	6 (75.0)	0 (0.0)	14 (63.6)
Median Dollar Amount	\$2,000	\$2,740	\$2,310	\$500	\$3,000	\$2,000	\$1,213	\$1,000	\$--	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MON

**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	19
Assistant Federal Defenders ⁴	0
Probation Officers ⁵	31

Cases Filed

Civil ⁶	2,179
Criminal ⁷	239

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	183	11
Forcible Rape	556	34
Robbery	2,431	151
Aggravated Assault	2,901	180
Burglary	16,837	1,043
Larceny/Theft	31,713	1,965
Motor Vehicle Theft	6,014	373
Crime Index Total	60,635	3,757

Economic Indicators

Income per Capita ¹²	\$ 10,001
Percent Unemployed ¹³	5.9

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	25.7
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

MISSISSIPPI, So

Cases Received by USSC (by sentencing month) ¹

October 93	14	April 94	13
November 93	25	May 94	26
December 93	7	June 94	23
January 94	26	July 94	16
February 94	22	August 94	28
March 94	14	September 94	14

TOTAL = 228

Monthly Income ³

	mean	median
TOTAL	\$860	\$512
Male	\$874	\$511
Female	\$779	\$600

Average Age ⁵

TOTAL	36.0	33.0
Male	36.6	34.0
Female	32.7	28.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	228 (100.0%)	196 (86.0%)	32 (14.0%)
White	95 (41.7%)	80 (84.2%)	15 (15.8%)
Black	111 (48.7%)	96 (86.5%)	15 (13.5%)
Hispanic	19 (8.3%)	17 (89.5%)	2 (10.5%)
Other	3 (1.3%)	3 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	179 (81.4%)
Substantial Assistance Departure	30 (13.6%)
Other Downward Departure	10 (4.5%)
Upward Departure	1 (0.5%)

Mode of Conviction ⁶

TOTAL	228 (100.0%)
Plea	209 (91.7%)
Trial	19 (8.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffc	Counterftng	Firearms	Immigratn
	227 (100.0)	4 (100.0)	5 (100.0)	4 (100.0)	31 (100.0)	81 (100.0)	2 (100.0)	35 (100.0)	4 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	187 (82.4)	4 (100.0)	1 (20.0)	4 (100.0)	18 (58.1)	76 (93.8)	1 (50.0)	34 (97.1)	3 (75.0)
Prison	182 (80.2)	4 (100.0)	1 (20.0)	2 (50.0)	16 (51.6)	75 (92.6)	1 (50.0)	34 (97.1)	3 (75.0)
Prison/Community Split	5 (2.2)	0 (0.0)	0 (0.0)	2 (50.0)	2 (6.5)	1 (1.2)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	26	0	0	4	11	7	0	0	0
13-24 months	29	0	0	0	4	13	1	5	0
25-36 months	16	1	0	0	0	6	0	2	0
37-60 months	75	0	0	0	3	23	0	20	3
Over 60 months	41	3	1	0	0	27	0	7	0
Mean Sentence	60.4	137.8	70.0	5.8	14.0	78.4	19.0	60.4	54.3
Median Sentence	46.0	141.5	70.0	6.0	12.0	49.0	19.0	55.5	57.0

CASES INVOLVING PROBATION

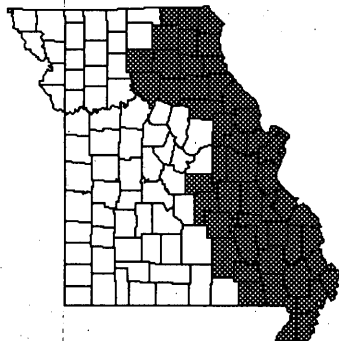
Total Receiving Probation	40 (17.6)	0 (0.0)	4 (80.0)	0 (0.0)	13 (41.9)	5 (6.2)	1 (50.0)	1 (2.9)	1 (25.0)
Probation Only	24 (10.6)	0 (0.0)	2 (40.0)	0 (0.0)	8 (25.8)	3 (3.7)	0 (0.0)	1 (2.9)	1 (25.0)
Probation and Confinement	16 (7.0)	0 (0.0)	2 (40.0)	0 (0.0)	5 (16.1)	2 (2.5)	1 (50.0)	0 (0.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	122 (53.7)	2 (50.0)	3 (60.0)	3 (75.0)	19 (61.3)	37 (45.7)	2 (100.0)	18 (51.4)	3 (75.0)
Median Dollar Amount	\$3,000	\$1,482	\$3,000	\$7,000	\$5,000	\$2,500	\$1,750	\$2,500	\$1,000

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, N

**MISSOURI, Eastern
8th Circuit**



Cities Supplying Guideline Documentation¹

- (1) St. Louis
- (2) Cape Girardeau

Number of Court Professionals	District Court Judges ²	9
	Assistant U.S. Attorneys ³	24
	Assistant Federal Defenders ⁴	12
	Probation Officers ⁵	40
Cases Filed	Civil ⁶	2,861
	Criminal ⁷	342
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	344	13
Forcible Rape	774	29
Robbery	7,728	290
Aggravated Assault	12,351	463
Burglary	25,230	946
Larceny/Theft	72,687	2,726
Motor Vehicle Theft	15,808	593
Crime Index Total	134,922	5,061

Economic Indicators	Income per Capita ¹²	\$ 13,903
	Percent Unemployed ¹³	6.7

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	58.4
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

MISSOURI, East

Cases Received by USSC (by sentencing month) ¹

October 93	23	April 94	32
November 93	45	May 94	33
December 93	42	June 94	31
January 94	35	July 94	24
February 94	39	August 94	25
March 94	28	September 94	32

TOTAL = 389

Monthly Income ³

	mean	median
TOTAL	\$1,358	\$530
Male	\$1,493	\$500
Female	\$692	\$560

Average Age ⁵

	mean	median
TOTAL	36.6	35.0
Male	36.7	35.0
Female	36.2	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	389 (100.0%)	330 (84.8%)	59 (15.2%)
White	190 (48.8%)	167 (87.9%)	23 (12.1%)
Black	177 (45.5%)	143 (80.8%)	34 (19.2%)
Hispanic	17 (4.4%)	15 (88.2%)	2 (11.8%)
Other	5 (1.3%)	5 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	253 (65.2%)
Substantial Assistance Departure	108 (27.8%)
Other Downward Departure	19 (4.9%)
Upward Departure	8 (2.1%)

Mode of Conviction ⁶

TOTAL	388 (100.0%)
Plea	340 (87.6%)
Trial	48 (12.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn	Ot
	387 (100.0)	17 (100.0)	25 (100.0)	8 (100.0)	90 (100.0)	164 (100.0)	3 (100.0)	30 (100.0)	2 (100.0)	48 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	321 (82.9)	17 (100.0)	15 (60.0)	4 (50.0)	69 (76.7)	154 (93.9)	2 (66.7)	30 (100.0)	1 (50.0)	29 (60.4)
Prison	303 (78.3)	17 (100.0)	13 (52.0)	2 (25.0)	57 (63.3)	153 (93.3)	2 (66.7)	30 (100.0)	1 (50.0)	28 (58.3)
Prison/Community Split	18 (4.7)	0 (0.0)	2 (8.0)	2 (25.0)	12 (13.3)	1 (0.6)	0 (0.0)	0 (0.0)	0 (0.0)	1 (2.1)
Prison Term Ordered										
Up to 12 months	64	0	11	4	32	10	1	0	0	0
13-24 months	54	0	4	0	25	17	0	2	0	0
25-36 months	29	1	0	0	7	14	1	2	0	0
37-60 months	62	6	0	0	4	34	0	10	1	0
Over 60 months	112	10	0	0	1	79	0	16	0	0
Mean Sentence	76.4	102.9	9.1	3.8	17.3	99.4	14.5	143.7	41.0	0
Median Sentence	41.0	72.0	6.0	1.5	14.0	69.0	14.5	81.5	41.0	0

CASES INVOLVING PROBATION

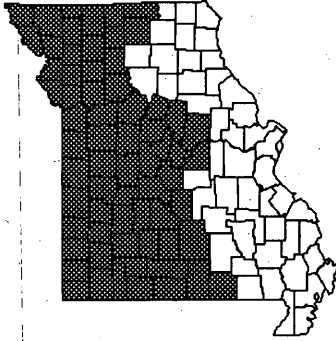
Total Receiving Probation	66 (17.1)	0 (0.0)	10 (40.0)	4 (50.0)	21 (23.3)	10 (6.1)	1 (33.3)	0 (0.0)	1 (50.0)	19 (39.6)
Probation Only	44 (11.4)	0 (0.0)	10 (40.0)	1 (12.5)	10 (11.1)	7 (4.3)	1 (33.3)	0 (0.0)	1 (50.0)	14 (29.2)
Probation and Confinement	22 (5.7)	0 (0.0)	0 (0.0)	3 (37.5)	11 (12.2)	3 (1.8)	0 (0.0)	0 (0.0)	0 (0.0)	5 (10.4)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	115 (29.6)	2 (11.8)	14 (53.8)	4 (44.4)	34 (37.8)	35 (21.3)	2 (66.7)	4 (13.3)	1 (50.0)	19 (39.6)
Median Dollar Amount	\$2,060	\$350	\$2,159	\$7,070	\$6,000	\$950	\$1,310	\$670	\$250	\$3

Footnotes and a complete description of all variables in this table are provided in Appendix. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MONF

**MISSOURI, Western
8th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Kansas City
- (2) Springfield
- (3) Jefferson City

Number of Court Professionals	District Court Judges ²	9
	Assistant U.S. Attorneys ³	32
	Assistant Federal Defenders ⁴	11
	Probation Officers ⁵	46
Cases Filed	Civil ⁶	2,584
	Criminal ⁷	346
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	208	8
Forcible Rape	983	39
Robbery	4,740	190
Aggravated Assault	10,057	404
Burglary	24,448	982
Larceny/Theft	64,548	2,592
Motor Vehicle Theft	11,943	480
Crime Index Total	116,927	4,695

Economic Indicators	Income per Capita ¹²	\$ 12,006
	Percent Unemployed ¹³	6.1

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	69.4
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

MISSOURI, We

Cases Received by USSC (by sentencing month) ¹

October 93	24	April 94	21
November 93	44	May 94	23
December 93	26	June 94	25
January 94	45	July 94	35
February 94	47	August 94	30
March 94	30	September 94	32

TOTAL = 382

Monthly Income ³

	mean	median
TOTAL	\$1,608	\$863
Male	\$1,740	\$900
Female	\$1,038	\$750

Average Age ⁵

	mean	median
TOTAL	36.8	35.0
Male	37.5	35.0
Female	33.3	30.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	382 (100.0%)	316 (82.7%)	66 (17.3%)
White	255 (66.8%)	209 (82.0%)	46 (18.0%)
Black	89 (23.3%)	75 (84.3%)	14 (15.7%)
Hispanic	29 (7.6%)	25 (86.2%)	4 (13.8%)
Other	9 (2.4%)	7 (77.8%)	2 (22.2%)

Departure Status ⁴

Sentenced within Guideline Range	212 (56.1%)
Substantial Assistance Departure	148 (39.2%)
Other Downward Departure	18 (4.8%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

TOTAL	382 (100.0%)
Plea	341 (89.3%)
Trial	41 (10.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	382 (100.0)	13 (100.0)	18 (100.0)	6 (100.0)	54 (100.0)	194 (100.0)	3 (100.0)	23 (100.0)	1 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	270 (70.7)	12 (92.3)	5 (27.8)	5 (83.3)	26 (48.1)	160 (82.5)	2 (66.7)	20 (87.0)	1 (100.0)
Prison	253 (66.2)	12 (92.3)	3 (16.7)	3 (50.0)	22 (40.7)	157 (80.9)	2 (66.7)	20 (87.0)	1 (100.0)
Prison/Community Split	17 (4.5)	0 (0.0)	2 (11.1)	2 (33.3)	4 (7.4)	3 (1.5)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	43	1	4	3	10	8	2	2	1
13-24 months	46	0	0	2	12	19	0	4	0
25-36 months	40	0	0	0	3	31	0	2	0
37-60 months	52	0	1	0	0	37	0	6	0
Over 60 months	89	11	0	0	1	65	0	6	0
Mean Sentence	73.1	139.4	10.6	12.4	24.9	84.4	12.0	90.2	10.0
Median Sentence	46.0	106.5	5.0	12.0	18.0	60.0	12.0	49.5	10.0

CASES INVOLVING PROBATION

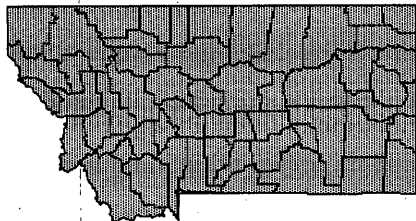
Total Receiving Probation	112 (29.3)	1 (7.7)	13 (72.2)	1 (16.7)	28 (51.9)	34 (17.5)	1 (33.3)	3 (13.0)	0 (0.0)
Probation Only	83 (21.7)	1 (7.7)	8 (44.4)	1 (16.7)	17 (31.5)	31 (16.0)	0 (0.0)	3 (13.0)	0 (0.0)
Probation and Confinement	29 (7.6)	0 (0.0)	5 (27.8)	0 (0.0)	11 (20.4)	3 (1.5)	1 (33.3)	0 (0.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	144 (37.7)	11 (84.6)	9 (50.0)	2 (33.3)	35 (64.8)	52 (26.8)	3 (100.0)	8 (34.8)	0 (0.0)
Median Dollar Amount	\$3,000	\$4,001	\$3,250	\$80,083	\$30,565	\$1,000	\$3,820	\$4,203	\$--

Footnotes and a complete description of all variables in this table are provided in Apper SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MOI

**MONTANA
9th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|-----------------|--------------|
| (1) Billings | (4) Glasgow |
| (2) Great Falls | (5) Missoula |
| (3) Helena | |

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	10
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	22

Cases Filed	Civil ⁶	701
	Criminal ⁷	210

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	15	2
Forcible Rape	104	13
Robbery	34	4
Aggravated Assault	435	54
Burglary	1,997	247
Larceny/Theft	9,190	1,136
Motor Vehicle Theft	735	91
Crime Index Total	12,510	1,547

Economic Indicators	Income per Capita ¹²	\$ 10,480
	Percent Unemployed ¹³	6.1

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	64.1
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

MONT.

Cases Received by USSC (by sentencing month) ¹

October 93	18	April 94	13
November 93	8	May 94	24
December 93	8	June 94	10
January 94	17	July 94	8
February 94	19	August 94	10
March 94	22	September 94	16

TOTAL = 173

Monthly Income ³

	mean	median
TOTAL	\$842	\$544
Male	\$840	\$538
Female	\$850	\$701

Average Age ⁵

	mean	median
TOTAL	36.3	34.0
Male	36.4	34.0
Female	36.0	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	173 (100.0%)	133 (76.9%)	40 (23.1%)
White	108 (62.4%)	80 (74.1%)	28 (25.9%)
Black	6 (3.5%)	6 (100.0%)	0 (0.0%)
Hispanic	13 (7.5%)	12 (92.3%)	1 (7.7%)
Other	46 (26.6%)	35 (76.1%)	11 (23.9%)

Departure Status ⁴

Sentenced within Guideline Range	116 (67.8%)
Substantial Assistance Departure	24 (14.0%)
Other Downward Departure	26 (15.2%)
Upward Departure	5 (2.9%)

Mode of Conviction ⁶

TOTAL	173 (100.0%)
Plea	147 (85.0%)
Trial	26 (15.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	
	171 (100.0)	0 (100.0)	11 (100.0)	2 (100.0)	25 (100.0)	61 (100.0)	0 (100.0)	14 (100.0)	7 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	120 (70.2)	0 (--)	7 (63.6)	1 (50.0)	4 (16.0)	53 (86.9)	0 (--)	10 (71.4)	6 (85.7)	
Prison	114 (66.7)	0 (--)	5 (45.5)	1 (50.0)	4 (16.0)	52 (85.2)	0 (--)	9 (64.3)	6 (85.7)	
Prison/Community Split	6 (3.5)	0 (--)	2 (18.2)	0 (0.0)	0 (0.0)	1 (1.6)	0 (--)	1 (7.1)	0 (0.0)	
Prison Term Ordered										
Up to 12 months	25	0	6	0	2	11	0	1	1	
13-24 months	24	0	1	1	1	4	0	1	3	
25-36 months	16	0	0	0	1	8	0	1	0	
37-60 months	11	0	0	0	0	5	0	1	2	
Over 60 months	44	0	0	0	0	25	0	6	0	
Mean Sentence	67.6	--	8.3	15.0	19.5	74.2	--	90.4	29.7	
Median Sentence	33.0	--	6.0	15.0	18.0	60.0	--	70.5	24.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	51 (29.8)	0 (--)	4 (36.4)	1 (50.0)	21 (84.0)	8 (13.1)	0 (--)	4 (28.6)	1 (14.3)	
Probation Only	36 (21.1)	0 (--)	2 (18.2)	1 (50.0)	17 (68.0)	4 (6.6)	0 (--)	3 (21.4)	1 (14.3)	
Probation and Confinement	15 (8.8)	0 (--)	2 (18.2)	0 (0.0)	4 (16.0)	4 (6.6)	0 (--)	1 (7.1)	0 (0.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	70 (40.5)	0 (--)	9 (81.8)	3 (100.0)	20 (80.0)	15 (24.6)	0 (--)	2 (14.3)	1 (14.3)	
Median Dollar Amount	\$4,997	\$--	\$48,635	\$14,962	\$10,660	\$100	\$--	\$7,231	\$500	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MO

**NEBRASKA
8th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Omaha
- (2) Lincoln

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	14
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	23
Cases Filed	Civil ⁶	1,095
	Criminal ⁷	209
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	28	2
Forcible Rape	235	15
Robbery	252	16
Aggravated Assault	1,660	104
Burglary	6,545	411
Larceny/Theft	31,096	1,952
Motor Vehicle Theft	1,478	93
Crime Index Total	41,294	2,592

Economic Indicators	Income per Capita ¹²	\$ 12,452
	Percent Unemployed ¹³	2.6

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	90.2
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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 1994 GUIDELINE SENTENCES

NEBR

Cases Received by USSC (by sentencing month) ¹

October 93	14	April 94	12
November 93	22	May 94	15
December 93	28	June 94	22
January 94	20	July 94	30
February 94	21	August 94	20
March 94	25	September 94	8

TOTAL = 237

Monthly Income ³

	mean	median
TOTAL	\$778	\$500
Male	\$737	\$407
Female	\$979	\$704

Average Age ⁵

	mean	median
TOTAL	32.9	31.0
Male	33.0	31.0
Female	32.4	30.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	237 (100.0%)	201 (84.8%)	36 (15.2%)
White	132 (55.7%)	109 (82.6%)	23 (17.4%)
Black	59 (24.9%)	50 (84.7%)	9 (15.3%)
Hispanic	36 (15.2%)	34 (94.4%)	2 (5.6%)
Other	10 (4.2%)	8 (80.0%)	2 (20.0%)

Departure Status ⁴

Sentenced within Guideline Range	138 (59.2%)
Substantial Assistance Departure	78 (33.5%)
Other Downward Departure	17 (7.3%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

TOTAL	237 (100.0%)
Plea	223 (94.1%)
Trial	14 (5.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	236 (100.0)	12 (100.0)	12 (100.0)	2 (100.0)	34 (100.0)	118 (100.0)	7 (100.0)	14 (100.0)	19 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	190 (80.5)	12 (100.0)	6 (50.0)	0 (0.0)	24 (70.6)	102 (86.4)	5 (71.4)	12 (85.7)	19 (100.0)
Prison	179 (75.8)	12 (100.0)	6 (50.0)	0 (0.0)	18 (52.9)	97 (82.2)	5 (71.4)	12 (85.7)	19 (100.0)
Prison/Community Split	11 (4.7)	0 (0.0)	0 (0.0)	0 (0.0)	6 (17.6)	5 (4.2)	0 (0.0)	0 (0.0)	0 (0.0)

Prison Term Ordered

Up to 12 months	37	0	4	0	16	7	3	0	6
13-24 months	39	0	2	0	6	17	2	2	7
25-36 months	28	3	0	0	2	18	0	4	1
37-60 months	30	3	0	0	0	19	0	2	3
Over 60 months	56	6	0	0	0	41	0	4	2
Mean Sentence	59.3	80.8	11.8	--	12.0	78.3	13.4	57.3	28.7
Median Sentence	31.5	61.5	12.0	--	12.0	60.0	12.0	42.0	15.0

CASES INVOLVING PROBATION

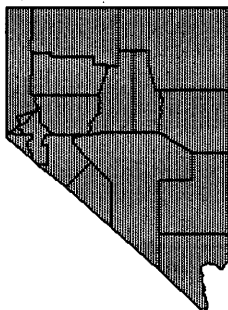
Total Receiving Probation	46 (19.5)	0 (0.0)	6 (50.0)	2 (100.0)	10 (29.4)	16 (13.6)	2 (28.6)	2 (14.3)	0 (0.0)
Probation Only	16 (6.8)	0 (0.0)	4 (33.3)	1 (50.0)	1 (2.9)	4 (3.4)	1 (14.3)	0 (0.0)	0 (0.0)
Probation and Confinement	30 (12.7)	0 (0.0)	2 (16.7)	1 (50.0)	9 (26.5)	12 (10.2)	1 (14.3)	2 (14.3)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	56 (23.6)	5 (41.7)	7 (58.3)	1 (50.0)	26 (76.5)	11 (9.2)	2 (28.6)	1 (7.1)	0 (0.0)
Median Dollar Amount	\$7,500	\$9,929	\$2,948	\$3,036	\$13,257	\$5,000	\$1,861	\$50	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, M

**NEVADA
9th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Las Vegas
- (2) Reno

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ³	22
	Assistant Federal Defenders ⁴	13
	Probation Officers ⁵	47
Cases Filed	Civil ⁶	2,071
	Criminal ⁷	358
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	130	10
Forcible Rape	781	61
Robbery	4,487	350
Aggravated Assault	5,481	427
Burglary	15,650	1,220
Larceny/Theft	42,542	3,316
Motor Vehicle Theft	9,619	750
Crime Index Total	78,690	6133

Economic Indicators	Income per Capita ¹²	\$ 15,215
	Percent Unemployed ¹³	7.2

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	13.2
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

NEVA

Cases Received by USSC (by sentencing month) ¹

October 93	30	April 94	32
November 93	39	May 94	29
December 93	51	June 94	21
January 94	35	July 94	28
February 94	34	August 94	34
March 94	26	September 94	44

TOTAL = 403

Monthly Income ³

	mean	median
TOTAL	\$1,462	\$923
Male	\$1,411	\$833
Female	\$1,747	\$1,305

Average Age ⁵

	mean	median
TOTAL	35.6	33.0
Male	35.8	34.0
Female	34.2	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	402 (100.0%)	347 (86.3%)	55 (13.7%)
White	223 (55.5%)	196 (87.9%)	27 (12.1%)
Black	87 (21.6%)	75 (86.2%)	12 (13.8%)
Hispanic	57 (14.2%)	52 (91.2%)	5 (8.8%)
Other	35 (8.7%)	24 (68.6%)	11 (31.4%)

Departure Status ⁴

Sentenced within Guideline Range	311 (77.8%)
Substantial Assistance Departure	43 (10.8%)
Other Downward Departure	38 (9.5%)
Upward Departure	8 (2.0%)

Mode of Conviction ⁶

TOTAL	402 (100.0%)
Plea	352 (87.6%)
Trial	50 (12.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	93
	403 (100.0)	64 (100.0)	17 (100.0)	13 (100.0)	72 (100.0)	78 (100.0)	29 (100.0)	32 (100.0)	5 (100.0)	93

CASES INVOLVING PRISON ⁸

Total Receiving Prison	302 (74.9)	61 (95.3)	8 (47.1)	5 (38.5)	52 (72.2)	74 (94.9)	14 (48.3)	32 (100.0)	4 (80.0)	52
Prison	279 (69.2)	59 (92.2)	6 (35.3)	3 (23.1)	45 (62.5)	71 (91.0)	11 (37.9)	30 (93.8)	4 (80.0)	50
Prison/Community Split	23 (5.7)	2 (3.1)	2 (11.8)	2 (15.4)	7 (9.7)	3 (3.8)	3 (10.3)	2 (6.3)	0 (0.0)	2
Prison Term Ordered										
Up to 12 months	72	1	4	4	29	7	9	4	1	
13-24 months	46	1	3	0	15	9	2	6	1	
25-36 months	30	3	1	1	4	4	1	9	0	
37-60 months	62	24	0	0	4	18	1	5	2	
Over 60 months	92	32	0	0	0	36	1	8	0	
Mean Sentence	69.5	81.8	14.6	7.2	15.2	101.0	18.2	50.1	28.3	
Median Sentence	37.0	71.0	15.0	4.0	11.5	60.0	10.0	33.0	30.5	

CASES INVOLVING PROBATION

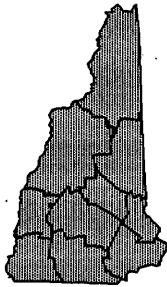
Total Receiving Probation	101 (25.1)	3 (4.7)	9 (52.9)	8 (61.5)	20 (27.8)	4 (5.1)	15 (51.7)	0 (0.0)	1 (20.0)	41
Probation Only	63 (15.6)	1 (1.6)	3 (17.6)	8 (61.5)	11 (15.3)	2 (2.6)	13 (44.8)	0 (0.0)	1 (20.0)	24
Probation and Confinement	38 (9.4)	2 (3.1)	6 (35.3)	0 (0.0)	9 (12.5)	2 (2.6)	2 (6.9)	0 (0.0)	0 (0.0)	17

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	254 (63.0)	48 (75.0)	12 (70.6)	13 (100.0)	58 (80.6)	33 (42.3)	23 (79.3)	11 (34.4)	0 (0.0)	56
Median Dollar Amount	\$3,600	\$1,418	\$18,000	\$6,500	\$11,028	\$3,600	\$2,500	\$2,000	\$--	

Footnotes and a complete description of all variables in this table are provided in Appen SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MON

NEW HAMPSHIRE
1st Circuit



City Supplying Guideline Documentation¹

(1) Concord

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	13
	Assistant Federal Defenders ⁴	9
	Probation Officers ⁵	11
Cases Filed	Civil ⁶	720
	Criminal ⁷	108
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	22	2
Forcible Rape	417	38
Robbery	286	26
Aggravated Assault	586	53
Burglary	5,214	472
Larceny/Theft	20,681	1,873
Motor Vehicle Theft	1,987	180
Crime Index Total	29,193	2,643

Economic Indicators	Income per Capita ¹²	\$ 15,959
	Percent Unemployed ¹³	6.6

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	6.7
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

NEW HAMPSHIRE

Cases Received by USSC (by sentencing month) ¹

October 93	9	April 94	7
November 93	5	May 94	6
December 93	4	June 94	9
January 94	15	July 94	3
February 94	7	August 94	6
March 94	5	September 94	14

TOTAL = 90

Monthly Income ³

	mean	median
TOTAL	\$1,413	\$874
Male	\$1,461	\$874
Female	\$1,198	\$922

Average Age ⁵

	mean	median
TOTAL	35.9	34.0
Male	35.9	34.5
Female	36.1	32.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	90 (100.0%)	76 (84.4%)	14 (15.6%)
White	77 (85.6%)	64 (83.1%)	13 (16.9%)
Black	1 (1.1%)	1 (100.0%)	0 (0.0%)
Hispanic	9 (10.0%)	9 (100.0%)	0 (0.0%)
Other	3 (3.3%)	2 (66.7%)	1 (33.3%)

Departure Status ⁴

Sentenced within Guideline Range	49 (54.4%)
Substantial Assistance Departure	31 (34.4%)
Other Downward Departure	7 (7.8%)
Upward Departure	3 (3.3%)

Mode of Conviction ⁶

TOTAL	90 (100.0%)
Plea	87 (96.7%)
Trial	3 (3.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr
	90 (100.0)	1 (100.0)	3 (100.0)	4 (100.0)	21 (100.0)	35 (100.0)	2 (100.0)	9 (100.0)	0 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	66 (73.3)	1 (100.0)	3 (100.0)	3 (75.0)	13 (61.9)	28 (80.0)	2 (100.0)	9 (100.0)	0 (--)
Prison	54 (60.0)	1 (100.0)	1 (33.3)	0 (0.0)	11 (52.4)	24 (68.6)	2 (100.0)	9 (100.0)	0 (--)
Prison/Community Split	12 (13.3)	0 (0.0)	2 (66.7)	3 (75.0)	2 (9.5)	4 (11.4)	0 (0.0)	0 (0.0)	0 (--)
Prison Term Ordered									
Up to 12 months	20	0	3	3	6	5	1	1	0
13-24 months	10	0	0	0	6	2	0	2	0
25-36 months	8	0	0	0	0	6	1	0	0
37-60 months	15	0	0	0	1	10	0	2	0
Over 60 months	13	1	0	0	0	5	0	4	0
Mean Sentence	50.9	183.0	4.7	2.4	15.8	56.2	22.5	93.6	--
Median Sentence	30.0	183.0	5.0	1.0	14.0	45.0	22.5	48.0	--
CASES INVOLVING PROBATION									
Total Receiving Probation	24 (26.7)	0 (0.0)	0 (0.0)	1 (25.0)	8 (38.1)	7 (20.0)	0 (0.0)	0 (0.0)	0 (--)
Probation Only	13 (14.4)	0 (0.0)	0 (0.0)	0 (0.0)	4 (19.0)	3 (8.6)	0 (0.0)	0 (0.0)	0 (--)
Probation and Confinement	11 (12.2)	0 (0.0)	0 (0.0)	1 (25.0)	4 (19.0)	4 (11.4)	0 (0.0)	0 (0.0)	0 (--)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	43 (47.8)	1 (100.0)	2 (66.7)	3 (75.0)	17 (81.0)	8 (22.9)	1 (50.0)	1 (11.1)	0 (--)
Median Dollar Amount	\$4,331	\$276,780	\$38,654	\$26,200	\$10,000	\$2,138	\$59,342	\$500	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, 1

**NEW JERSEY
3rd Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|------------|----------------|
| (1) Newark | (3) Trenton |
| (2) Camden | (4) Northfield |

Number of Court Professionals	District Court Judges ²	19
	Assistant U.S. Attorneys ³	81
	Assistant Federal Defenders ⁴	18
	Probation Officers ⁵	102
Cases Filed	Civil ⁶	6,392
	Criminal ⁷	798
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	418	5
Forcible Rape	2,215	29
Robbery	23,319	301
Aggravated Assault	23,438	302
Burglary	76,738	990
Larceny/Theft	195,876	2,526
Motor Vehicle Theft	56,253	726
Crime Index Total	378,257	4,879

Economic Indicators	Income per Capita ¹²	\$ 18,714
	Percent Unemployed ¹³	7.4

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	18.0
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

NEW JER

Cases Received by USSC (by sentencing month) ¹

October 93	55	April 94	49
November 93	40	May 94	61
December 93	24	June 94	41
January 94	40	July 94	47
February 94	47	August 94	21
March 94	64	September 94	21

TOTAL = 510

Monthly Income ³

	mean	median
TOTAL	\$1,813	\$990
Male	\$1,907	\$993
Female	\$1,283	\$896

Average Age ⁵

	mean	median
TOTAL	37.9	37.0
Male	38.1	37.0
Female	36.9	36.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	509 (100.0%)	438 (86.1%)	71 (13.9%)
White	243 (47.7%)	213 (87.7%)	30 (12.3%)
Black	120 (23.6%)	99 (82.5%)	21 (17.5%)
Hispanic	117 (23.0%)	99 (84.6%)	18 (15.4%)
Other	29 (5.7%)	27 (93.1%)	2 (6.9%)

Departure Status ⁴

Sentenced within Guideline Range	341 (67.1%)
Substantial Assistance Departure	139 (27.4%)
Other Downward Departure	20 (3.9%)
Upward Departure	8 (1.6%)

Mode of Conviction ⁶

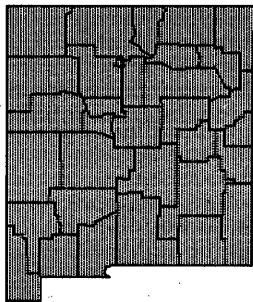
TOTAL	510 (100.0%)
Plea	480 (94.1%)
Trial	30 (5.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	
	509 (100.0)	24 (100.0)	56 (100.0)	12 (100.0)	99 (100.0)	110 (100.0)	29 (100.0)	17 (100.0)	13 (100.0)	149
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	324 (63.7)	24 (100.0)	23 (41.1)	3 (25.0)	52 (52.5)	104 (94.5)	6 (20.7)	14 (82.4)	8 (61.5)	90
Prison	302 (59.3)	24 (100.0)	18 (32.1)	0 (0.0)	44 (44.4)	102 (92.7)	6 (20.7)	14 (82.4)	8 (61.5)	86
Prison/Community Split	22 (4.3)	0 (0.0)	5 (8.9)	3 (25.0)	8 (8.1)	2 (1.8)	0 (0.0)	0 (0.0)	0 (0.0)	4
Prison Term Ordered										
Up to 12 months	91	0	14	3	31	6	6	3	5	
13-24 months	53	0	7	0	11	7	0	6	2	
25-36 months	33	2	1	0	4	11	0	0	0	
37-60 months	58	6	1	0	5	28	0	2	0	
Over 60 months	89	16	0	0	1	52	0	3	1	
Mean Sentence	56.2	118.5	13.9	3.3	15.2	80.5	6.8	40.2	20.0	
Median Sentence	30.5	96.0	10.0	4.0	10.0	61.0	7.0	20.5	8.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	185 (36.3)	0 (0.0)	33 (58.9)	9 (75.0)	47 (47.5)	6 (5.5)	23 (79.3)	3 (17.6)	5 (38.5)	59
Probation Only	102 (20.0)	0 (0.0)	14 (25.0)	4 (33.3)	30 (30.3)	6 (5.5)	13 (44.8)	1 (5.9)	3 (23.1)	31
Probation and Confinement	83 (16.3)	0 (0.0)	19 (33.9)	5 (41.7)	17 (17.2)	0 (0.0)	10 (34.5)	2 (11.8)	2 (15.4)	28
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	297 (58.3)	15 (62.5)	41 (73.2)	11 (91.7)	79 (79.8)	24 (21.8)	22 (75.9)	8 (47.1)	7 (53.8)	90
Median Dollar Amount	\$5,000	\$4,760	\$5,000	\$8,500	\$10,000	\$4,300	\$1,895	\$1,900	\$5,000	

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MO

NEW MEXICO
10th Circuit



Cities Supplying Guideline Documentation¹

- | | |
|-----------------|----------------|
| (1) Albuquerque | (4) Farmington |
| (2) Las Cruces | (5) Las Vegas |
| (3) Santa Fe | (6) Roswell |

Number of Court Professionals	District Court Judges ²	8
	Assistant U.S. Attorneys ³	25
	Assistant Federal Defenders ⁴	16
	Probation Officers ⁵	43

Cases Filed	Civil ⁶	1,558
	Criminal ⁷	881

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	94	6
Forcible Rape	576	37
Robbery	1,836	119
Aggravated Assault	8,351	539
Burglary	15,330	990
Larceny/Theft	39,341	2,540
Motor Vehicle Theft	4,812	311
Crime Index Total	70,340	4,542

Economic Indicators	Income per Capita ¹²	\$ 11,246
	Percent Unemployed ¹³	7.5

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	60.3
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

NEW M

Cases Received by USSC (by sentencing month) ¹

October 93	68	April 94	41
November 93	33	May 94	61
December 93	25	June 94	21
January 94	61	July 94	83
February 94	33	August 94	68
March 94	46	September 94	46

TOTAL = 586

Monthly Income ³

	mean	median
TOTAL	\$629	\$417
Male	\$640	\$417
Female	\$560	\$364

Average Age ⁵

TOTAL	32.1	30.0
Male	32.1	30.0
Female	32.3	31.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	586 (100.0%)	513 (87.5%)	73 (12.5%)
White	145 (24.7%)	123 (84.8%)	22 (15.2%)
Black	27 (4.6%)	23 (85.2%)	4 (14.8%)
Hispanic	378 (64.5%)	335 (88.6%)	43 (11.4%)
Other	36 (6.1%)	32 (88.9%)	4 (11.1%)

Departure Status ⁴

Sentenced within Guideline Range	448 (76.7%)
Substantial Assistance Departure	37 (6.3%)
Other Downward Departure	93 (15.9%)
Upward Departure	6 (1.0%)

Mode of Conviction ⁶

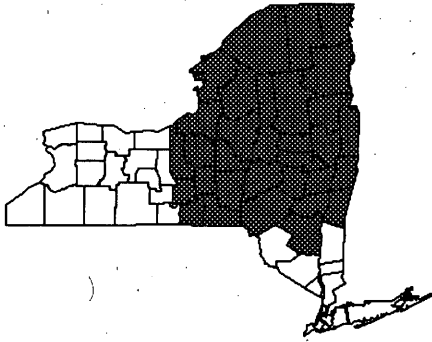
TOTAL	586 (100.0%)
Plea	559 (95.4%)
Trial	27 (4.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	586 (100.0)	12 (100.0)	15 (100.0)	13 (100.0)	23 (100.0)	346 (100.0)	3 (100.0)	32 (100.0)	50 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	493 (84.1)	12 (100.0)	8 (53.3)	5 (38.5)	9 (39.1)	317 (91.6)	1 (33.3)	28 (87.5)	47 (94.0)
Prison	433 (73.9)	11 (91.7)	7 (46.7)	2 (15.4)	7 (30.4)	273 (78.9)	1 (33.3)	26 (81.3)	46 (92.0)
Prison/Community Split	60 (10.2)	1 (8.3)	1 (6.7)	3 (23.1)	2 (8.7)	44 (12.7)	0 (0.0)	2 (6.3)	1 (2.0)
Prison Term Ordered									
Up to 12 months	243	1	7	4	2	147	1	7	38
13-24 months	94	3	1	0	4	64	0	6	8
25-36 months	46	5	0	1	3	28	0	2	0
37-60 months	58	2	0	0	0	41	0	6	1
Over 60 months	52	1	0	0	0	37	0	7	0
Mean Sentence	29.7	34.3	10.1	11.2	17.9	31.6	6.0	62.0	8.9
Median Sentence	14.0	28.5	10.5	5.0	18.0	15.0	6.0	31.5	5.0
CASES INVOLVING PROBATION									
Total Receiving Probation	93 (15.9)	0 (0.0)	7 (46.7)	8 (61.5)	14 (60.9)	29 (8.4)	2 (66.7)	4 (12.5)	3 (6.0)
Probation Only	58 (9.9)	0 (0.0)	7 (46.7)	5 (38.5)	9 (39.1)	11 (3.2)	2 (66.7)	3 (9.4)	2 (4.0)
Probation and Confinement	35 (6.0)	0 (0.0)	0 (0.0)	3 (23.1)	5 (21.7)	18 (5.2)	0 (0.0)	1 (3.1)	1 (2.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	29 (4.9)	3 (25.0)	4 (26.7)	6 (46.2)	6 (26.1)	7 (2.0)	0 (0.0)	0 (0.0)	1 (2.0)
Median Dollar Amount	\$5,000	\$8,306	\$2,537	\$26,270	\$28,000	\$4,000	\$--	\$--	\$500

Footnotes and a complete description of all variables in this table are provided in / SOURCE: U.S. Sentencing Commission, FY1994 Datafile,

**NEW YORK, Northern
2nd Circuit**



Cities Supplying Guideline Documentation¹

- (1) Albany
- (2) Syracuse
- (3) Plattsburgh

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ³	21
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	28
Cases Filed	Civil ⁶	1,698
	Criminal ⁷	463
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	103	3
Forcible Rape	846	25
Robbery	2,158	64
Aggravated Assault	7,130	211
Burglary	24,611	727
Larceny/Theft	78,104	2,308
Motor Vehicle Theft	3,816	113
Crime Index Total	116,768	3,450

Economic Indicators	Income per Capita ¹²	\$ 13,365
	Percent Unemployed ¹³	6.3

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	22.2
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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 1994 GUIDELINE SENTENCES

NEW YORK, North

Cases Received by USSC (by sentencing month) ¹

October 93	29	April 94	21
November 93	27	May 94	33
December 93	21	June 94	43
January 94	29	July 94	32
February 94	24	August 94	50
March 94	36	September 94	34

TOTAL = 379

Monthly Income ³

	mean	median
TOTAL	\$1,202	\$908
Male	\$1,198	\$836
Female	\$1,225	\$1,100

Average Age ⁵

	mean	median
TOTAL	37.3	36.0
Male	37.6	36.0
Female	36.1	37.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	307 (100.0%)	255 (83.1%)	52 (16.9%)
White	173 (56.4%)	141 (81.5%)	32 (18.5%)
Black	56 (18.2%)	50 (89.3%)	6 (10.7%)
Hispanic	61 (19.9%)	48 (78.7%)	13 (21.3%)
Other	17 (5.5%)	16 (94.1%)	1 (5.9%)

Departure Status ⁴

Sentenced within Guideline Range	273 (72.2%)
Substantial Assistance Departure	70 (18.5%)
Other Downward Departure	30 (7.9%)
Upward Departure	5 (1.3%)

Mode of Conviction ⁶

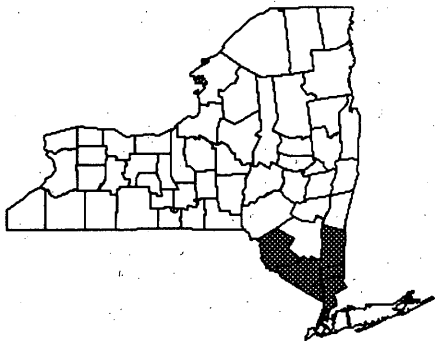
TOTAL	378 (100.0%)
Plea	356 (94.2%)
Trial	22 (5.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	
	362 (100.0)	6 (100.0)	20 (100.0)	11 (100.0)	66 (100.0)	93 (100.0)	7 (100.0)	11 (100.0)	71 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	273 (75.4)	5 (83.3)	6 (30.0)	3 (27.3)	50 (75.8)	83 (89.2)	3 (42.9)	11 (100.0)	68 (95.8)	
Prison	264 (72.9)	5 (83.3)	4 (20.0)	2 (18.2)	49 (74.2)	82 (88.2)	3 (42.9)	11 (100.0)	68 (95.8)	
Prison/Community Split	9 (2.5)	0 (0.0)	2 (10.0)	1 (9.1)	1 (1.5)	1 (1.1)	0 (0.0)	0 (0.0)	0 (0.0)	
Prison Term Ordered										
Up to 12 months	146	0	4	3	35	15	2	2	59	
13-24 months	36	0	1	0	9	15	1	2	5	
25-36 months	20	1	0	0	2	8	0	1	2	
37-60 months	35	1	1	0	4	19	0	3	1	
Over 60 months	36	3	0	0	0	26	0	3	1	
Mean Sentence	30.4	91.8	14.8	8.7	9.5	64.0	11.3	51.8	5.6	
Median Sentence	12.0	84.0	10.0	10.0	0.3	41.0	12.0	37.0	1.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	89 (24.6)	1 (16.7)	14 (70.0)	8 (72.7)	16 (24.2)	10 (10.8)	4 (57.1)	0 (0.0)	3 (4.2)	
Probation Only	42 (11.6)	1 (16.7)	9 (45.0)	3 (27.3)	10 (15.2)	5 (5.4)	2 (28.6)	0 (0.0)	3 (4.2)	
Probation and Confinement	47 (13.0)	0 (0.0)	5 (25.0)	5 (45.5)	6 (9.1)	5 (5.4)	2 (28.6)	0 (0.0)	0 (0.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	168 (44.4)	6 (100.0)	15 (71.4)	10 (83.3)	58 (79.5)	2 (2.2)	6 (85.7)	2 (18.2)	37 (49.3)	
Median Dollar Amount	\$2,000	\$26,165	\$10,000	\$39,285	\$988	\$6,630	\$1,750	\$28,334	\$275	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MO

**NEW YORK, Southern
2nd Circuit**



Cities Supplying Guideline Documentation¹

- (1) New York City
- (2) Middletown
- (3) White Plains
- (4) Newburgh

Number of Court Professionals	District Court Judges ²	55
	Assistant U.S. Attorneys ³	138
	Assistant Federal Defenders ⁴	36
	Probation Officers ⁵	131
Cases Filed	Civil ⁶	9,745
	Criminal ⁷	1,001
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
	Percent Age 65+	12.4

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	999	22
Forcible Rape	1,511	33
Robbery	39,298	861
Aggravated Assault	31,896	699
Burglary	52,815	1,157
Larceny/Theft	163,025	3,571
Motor Vehicle Theft	37,434	820
Crime Index Total	326,978	7,162

Economic Indicators	Income per Capita ¹²	\$ 23,403
	Percent Unemployed ¹³	8.2

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	12.7
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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

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1994 GUIDELINE SENTENCES

NEW YORK, South

Cases Received by USSC (by sentencing month) ¹

October 93	121	April 94	99
November 93	107	May 94	104
December 93	123	June 94	115
January 94	97	July 94	82
February 94	87	August 94	47
March 94	126	September 94	88

TOTAL = 1,196

Monthly Income ³

	mean	median
TOTAL	\$1,385	\$543
Male	\$1,447	\$451
Female	\$1,126	\$693

Average Age ⁵

TOTAL	36.5	34.0
Male	36.6	35.0
Female	35.7	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,194 (100.0%)	986 (82.6%)	208 (17.4%)
White	399 (33.4%)	350 (87.7%)	49 (12.3%)
Black	289 (24.2%)	204 (70.6%)	85 (29.4%)
Hispanic	452 (37.9%)	385 (85.2%)	67 (14.8%)
Other	54 (4.5%)	47 (87.0%)	7 (13.0%)

Departure Status ⁴

Sentenced within Guideline Range	840 (73.0%)
Substantial Assistance Departure	195 (17.0%)
Other Downward Departure	106 (9.2%)
Upward Departure	9 (0.8%)

Mode of Conviction ⁶

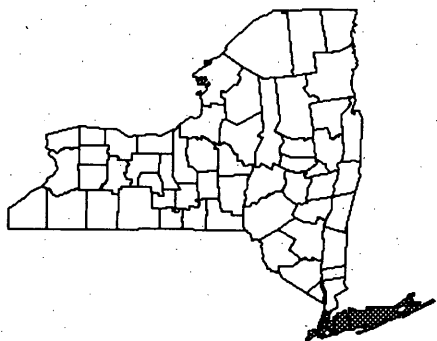
TOTAL	1,194 (100.0%)
Plea	1,086 (91.0%)
Trial	108 (9.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	
	1,188 (100.0)	31 (100.0)	143 (100.0)	34 (100.0)	285 (100.0)	338 (100.0)	19 (100.0)	51 (100.0)	39 (100.0)	241
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	768 (64.6)	29 (93.5)	53 (37.1)	13 (38.2)	126 (44.2)	311 (92.0)	8 (42.1)	40 (78.4)	22 (56.4)	16
Prison	708 (59.6)	29 (93.5)	45 (31.5)	9 (26.5)	105 (36.8)	305 (90.2)	4 (21.1)	38 (74.5)	22 (56.4)	15
Prison/Community Split	60 (5.1)	0 (0.0)	8 (5.6)	4 (11.8)	21 (7.4)	6 (1.8)	4 (21.1)	2 (3.9)	0 (0.0)	1
Prison Term Ordered										
Up to 12 months	240	1	38	9	70	46	7	8		8
13-24 months	120	3	9	3	27	31	1	10		10
25-36 months	60	3	3	0	10	21	0	8		0
37-60 months	137	3	1	1	13	69	0	10		2
Over 60 months	207	19	1	0	6	141	0	4		2
Mean Sentence	59.2	100.5	11.9	9.9	19.1	86.8	8.8	52.8		22.0
Median Sentence	28.5	78.0	7.5	5.0	12.0	60.0	7.0	27.0		17.0
CASES INVOLVING PROBATION										
Total Receiving Probation	420 (35.4)	2 (6.5)	90 (62.9)	21 (61.8)	159 (55.8)	27 (8.0)	11 (57.9)	11 (21.6)	17 (43.6)	8
Probation Only	294 (24.7)	1 (3.2)	61 (42.7)	15 (44.1)	116 (40.7)	16 (4.7)	5 (26.3)	7 (13.7)	15 (38.5)	1
Probation and Confinement	126 (10.6)	1 (3.2)	29 (20.3)	6 (17.6)	43 (15.1)	11 (3.3)	6 (31.6)	4 (7.8)	2 (5.1)	1
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	501 (42.0)	14 (45.2)	99 (69.2)	29 (85.3)	187 (65.4)	44 (13.0)	11 (55.0)	12 (23.1)	12 (30.8)	1
Median Dollar Amount	\$5,930	\$4,206	\$6,058	\$9,000	\$13,052	\$2,500	\$2,500	\$1,950	\$500	

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, M...

**NEW YORK, Eastern
2nd Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|---------------|-------------|
| (1) Brooklyn | (4) Mineola |
| (2) Uniondale | (5) Jamaica |
| (3) Hauppauge | (6) Bayside |

Number of Court Professionals	District Court Judges ²	21
	Assistant U.S. Attorneys ³	109
	Assistant Federal Defenders ⁴	36
	Probation Officers ⁵	150

Cases Filed	Civil ⁶	6,281
	Criminal ⁷	1,235

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	1,103	15
Forcible Rape	1,798	25
Robbery	52,928	730
Aggravated Assault	38,380	530
Burglary	76,013	1,049
Larceny/Theft	167,185	2,307
Motor Vehicle Theft	97,254	1,342
Crime Index Total	434,661	5,998

Economic Indicators	Income per Capita ¹²	\$ 16,516
	Percent Unemployed ¹³	8.7

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	4.1
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

NEW YORK, I

Cases Received by USSC (by sentencing month) ¹

October 93	146	April 94	147
November 93	134	May 94	113
December 93	123	June 94	136
January 94	145	July 94	122
February 94	83	August 94	77
March 94	129	September 94	127

TOTAL = 1,482

Monthly Income ³

	mean	median
TOTAL	\$1,447	\$410
Male	\$1,552	\$400
Female	\$893	\$457

Average Age ⁵

	mean	median
TOTAL	36.8	35.0
Male	37.0	35.0
Female	35.5	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,481 (100.0%)	1,248 (84.3%)	233 (15.7%)
White	519 (35.0%)	461 (88.8%)	58 (11.2%)
Black	392 (26.5%)	311 (79.3%)	81 (20.7%)
Hispanic	477 (32.2%)	390 (81.8%)	87 (18.2%)
Other	93 (6.3%)	86 (92.5%)	7 (7.5%)

Departure Status ⁴

Sentenced within Guideline Range	774 (64.5%)
Substantial Assistance Departure	234 (19.5%)
Other Downward Departure	181 (15.1%)
Upward Departure	11 (0.9%)

Mode of Conviction ⁶

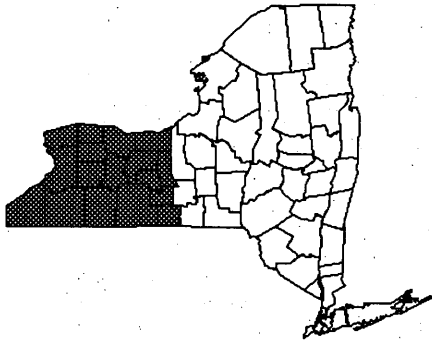
TOTAL	1,476 (100.0%)
Plea	1,380 (93.5%)
Trial	96 (6.5%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	1,471 (100.0)	44 (100.0)	67 (100.0)	18 (100.0)	228 (100.0)	678 (100.0)	28 (100.0)	67 (100.0)	40 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	1,092 (74.2)	43 (97.7)	28 (41.8)	9 (50.0)	86 (37.7)	644 (95.0)	10 (35.7)	49 (73.1)	33 (82.5)
Prison	1,047 (71.2)	43 (97.7)	24 (35.8)	8 (44.4)	69 (30.3)	638 (94.1)	9 (32.1)	45 (67.2)	32 (80.0)
Prison/Community Split	45 (3.1)	0 (0.0)	4 (6.0)	1 (5.6)	17 (7.5)	6 (0.9)	1 (3.6)	4 (6.0)	1 (2.5)
Prison Term Ordered									
Up to 12 months	228	3	16	4	47	66	6	14	16
13-24 months	191	3	8	1	21	94	1	12	4
25-36 months	194	4	2	2	8	138	2	6	5
37-60 months	303	6	2	2	6	234	1	12	8
Over 60 months	176	27	0	0	4	112	0	5	0
Mean Sentence	45.1	143.9	14.5	22.4	19.7	47.2	16.7	45.4	21.7
Median Sentence	30.0	87.0	11.5	18.0	12.0	37.0	12.0	24.0	14.0
CASES INVOLVING PROBATION									
Total Receiving Probation	379 (25.8)	1 (2.3)	39 (58.2)	9 (50.0)	142 (62.3)	34 (5.0)	18 (64.3)	18 (26.9)	7 (17.5)
Probation Only	254 (17.3)	1 (2.3)	26 (38.8)	7 (38.9)	88 (38.6)	26 (3.8)	8 (28.6)	7 (10.4)	5 (12.5)
Probation and Confinement	125 (8.5)	0 (0.0)	13 (19.4)	2 (11.1)	54 (23.7)	8 (1.2)	10 (35.7)	11 (16.4)	2 (5.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	293 (19.9)	5 (11.4)	26 (38.8)	6 (33.3)	85 (37.3)	27 (4.0)	9 (32.1)	10 (14.9)	2 (5.0)
Median Dollar Amount	\$8,163	\$200,000	\$8,917	\$10,886	\$6,085	\$10,000	\$5,000	\$2,500	\$10,500

Footnotes and a complete description of all variables in this table are provided in / SOURCE: U.S. Sentencing Commission, FY1994 Datafile,

**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	28
	Assistant Federal Defenders ⁴	6
	Probation Officers ⁵	35
Cases Filed	Civil ⁶	1,533
	Criminal ⁷	383
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 ⁰	181	6
Forcible Rape	821	29
Robbery	5,534	194
Aggravated Assault	7,905	277
Burglary	27,638	967
Larceny/Theft	76,760	2,686
Motor Vehicle Theft	13,331	467
Crime Index Total	132,170	4,625

Economic Indicators	Income per Capita ¹²	\$ 13,640
	Percent Unemployed ¹³	6.0

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	37.1
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

NEW YORK,

Cases Received by USSC (by sentencing month) ¹

October 93	21	April 94	29
November 93	32	May 94	24
December 93	39	June 94	28
January 94	43	July 94	34
February 94	25	August 94	43
March 94	28	September 94	38

TOTAL = 384

Monthly Income ³

	mean	median
TOTAL	\$993	\$681
Male	\$998	\$589
Female	\$971	\$864

Average Age ⁵

	mean	median
TOTAL	35.3	33.0
Male	35.7	34.0
Female	33.2	29.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	381 (100.0%)	324 (85.0%)	57 (15.0%)
White	196 (51.4%)	167 (85.2%)	29 (14.8%)
Black	136 (35.7%)	112 (82.4%)	24 (17.6%)
Hispanic	42 (11.0%)	38 (90.5%)	4 (9.5%)
Other	7 (1.8%)	7 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	249 (66.2%)
Substantial Assistance Departure	79 (21.0%)
Other Downward Departure	45 (12.0%)
Upward Departure	3 (0.8%)

Mode of Conviction ⁶

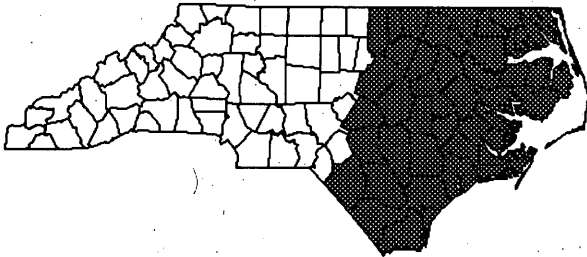
TOTAL	383 (100.0%)
Plea	371 (96.9%)
Trial	12 (3.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigrat
	379 (100.0)	22 (100.0)	38 (100.0)	12 (100.0)	51 (100.0)	133 (100.0)	8 (100.0)	25 (100.0)	27 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	245 (64.6)	22 (100.0)	14 (36.8)	1 (8.3)	29 (56.9)	109 (82.0)	1 (12.5)	19 (76.0)	24 (88.9)
Prison	228 (60.2)	22 (100.0)	13 (34.2)	1 (8.3)	24 (47.1)	100 (75.2)	1 (12.5)	19 (76.0)	24 (88.9)
Prison/Community Split	17 (4.5)	0 (0.0)	1 (2.6)	0 (0.0)	5 (9.8)	9 (6.8)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	72	0	12	1	16	20	1	1	1
13-24 months	54	0	1	0	8	24	0	8	1
25-36 months	28	4	0	0	5	13	0	3	
37-60 months	52	9	1	0	0	30	0	5	
Over 60 months	37	9	0	0	0	22	0	2	
Mean Sentence	37.5	56.5	8.9	0.0	13.6	47.4	4.0	35.2	19.
Median Sentence	24.0	51.0	6.0	0.0	12.0	34.0	4.0	28.0	20.
CASES INVOLVING PROBATION									
Total Receiving Probation	134 (35.4)	0 (0.0)	24 (63.2)	11 (91.7)	22 (43.1)	24 (18.0)	7 (87.5)	6 (24.0)	3 (11.1)
Probation Only	96 (25.3)	0 (0.0)	17 (44.7)	7 (58.3)	17 (33.3)	12 (9.0)	7 (87.5)	4 (16.0)	3 (11.1)
Probation and Confinement	38 (10.0)	0 (0.0)	7 (18.4)	4 (33.3)	5 (9.8)	12 (9.0)	0 (0.0)	2 (8.0)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	205 (53.7)	17 (77.3)	27 (71.1)	13 (100.0)	40 (78.4)	48 (36.1)	5 (62.5)	11 (44.0)	5 (18.5)
Median Dollar Amount	\$1,650	\$2,510	\$2,000	\$5,300	\$10,864	\$1,000	\$2,000	\$500	\$500

Footnotes and a complete description of all variables in this table are provided in SOURCE: U.S. Sentencing Commission, FY1994 Datafile

**NORTH CAROLINA, Eastern
4th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|------------------|--------------------|
| (1) Raleigh | (6) Jacksonville |
| (2) New Bern | (7) Clinton |
| (3) Fayetteville | (8) Elizabeth City |
| (4) Wilmington | (9) Washington |
| (5) Wilson | |

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ²⁶	20
	Assistant Federal Defenders ¹⁰	10
	Probation Officers ³³	53

Cases Filed	Civil ⁶	1,447
	Criminal ⁷	912

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	300	12
Forcible Rape	890	34
Robbery	4,478	173
Aggravated Assault	11,527	445
Burglary	41,043	1,583
Larceny/Theft	84,580	3,262
Motor Vehicle Theft	7,745	299
Crime Index Total	150,563	5,807

Economic Indicators	Income per Capita ¹²	\$ 11,948
	Percent Unemployed ¹³	5.5

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	34.9
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

NORTH CAROLINA, Ea

Cases Received by USSC (by sentencing month) ¹

October 93	35	April 94	59
November 93	46	May 94	45
December 93	45	June 94	36
January 94	58	July 94	35
February 94	28	August 94	52
March 94	35	September 94	33

TOTAL = 507

Monthly Income ³

	mean	median
TOTAL	\$822	\$413
Male	\$828	\$233
Female	\$801	\$602

Average Age ⁵

	mean	median
TOTAL	32.1	30.0
Male	32.3	30.0
Female	31.2	30.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	482 (100.0%)	386 (80.1%)	96 (19.9%)
White	129 (26.8%)	100 (77.5%)	29 (22.5%)
Black	323 (67.0%)	260 (80.5%)	63 (19.5%)
Hispanic	19 (3.9%)	17 (89.5%)	2 (10.5%)
Other	11 (2.3%)	9 (81.8%)	2 (18.2%)

Departure Status ⁴

Sentenced within Guideline Range	370 (74.3%)
Substantial Assistance Departure	101 (20.3%)
Other Downward Departure	17 (3.4%)
Upward Departure	10 (2.0%)

Mode of Conviction ⁶

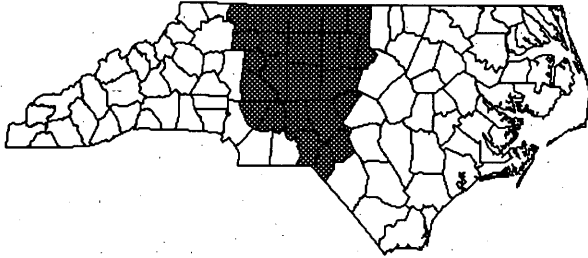
TOTAL	507 (100.0%)
Plea	453 (89.3%)
Trial	54 (10.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn	
	499 (100.0)	33 (100.0)	61 (100.0)	13 (100.0)	30 (100.0)	236 (100.0)	18 (100.0)	23 (100.0)	5 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	378 (75.8)	33 (100.0)	11 (18.0)	5 (38.5)	18 (60.0)	220 (93.2)	11 (61.1)	22 (95.7)	5 (100.0)	
Prison	366 (73.3)	33 (100.0)	11 (18.0)	5 (38.5)	16 (53.3)	218 (92.4)	11 (61.1)	21 (91.3)	5 (100.0)	
Prison/Community Split	12 (2.4)	0 (0.0)	0 (0.0)	0 (0.0)	2 (6.7)	2 (0.8)	0 (0.0)	1 (4.3)	0 (0.0)	
Prison Term Ordered										
Up to 12 months	61	1	6	5	8	14	3	2	2	
13-24 months	53	1	4	0	6	19	5	1	1	
25-36 months	30	3	0	0	4	14	1	1	1	
37-60 months	41	6	1	0	0	19	2	7	1	
Over 60 months	193	22	0	0	0	154	0	11	0	
Mean Sentence	110.7	121.8	17.0	4.8	14.3	149.5	23.2	80.2	20.6	
Median Sentence	66.0	90.0	12.0	0.0	14.0	120.0	18.0	60.5	15.0	
CASES INVOLVING PROBATION										
Total Receiving Probation	121 (24.2)	0 (0.0)	50 (82.0)	8 (61.5)	12 (40.0)	16 (6.8)	7 (38.9)	1 (4.3)	0 (0.0)	
Probation Only	99 (19.8)	0 (0.0)	47 (77.0)	5 (38.5)	10 (33.3)	10 (4.2)	6 (33.3)	1 (4.3)	0 (0.0)	
Probation and Confinement	22 (4.4)	0 (0.0)	3 (4.9)	3 (23.1)	2 (6.7)	6 (2.5)	1 (5.6)	0 (0.0)	0 (0.0)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	~284 (56.6)	26 (78.8)	46 (75.4)	10 (76.9)	27 (87.1)	100 (42.4)	14 (77.8)	7 (30.4)	1 (20.0)	
Median Dollar Amount	\$3,000	\$6,215	\$750	\$10,000	\$6,700	\$4,250	\$1,695	\$3,850	\$11,400	

Footnotes and a complete description of all variables in this table are provided in App SOURCE: U.S. Sentencing Commission, FY1994 Datafile, M

**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	7
	Assistant U.S. Attorneys ³	11
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	34
Cases Filed	Civil ⁶	773
	Criminal ⁷	282
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
	Percent Age 65+	13.0

Crimes Reported To Police¹¹	Number of Crimes	Per 100,000 Population
Murder	229	11
Forcible Rape	733	35
Robbery	4,240	204
Aggravated Assault	8,379	403
Burglary	33,944	1,631
Larceny/Theft	69,670	3,347
Motor Vehicle Theft	6,195	298
Crime Index Total	123,390	5,928

Economic Indicators	Income per Capita ¹²	\$ 13,658
	Percent Unemployed ¹³	4.3

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	28.9
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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

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1994 GUIDELINE SENTENCES

NORTH CAROLINA, M

Cases Received by USSC (by sentencing month) ¹

October 93	29	April 94	11
November 93	18	May 94	36
December 93	26	June 94	6
January 94	30	July 94	24
February 94	18	August 94	44
March 94	35	September 94	21

TOTAL = 298

Monthly Income ³

	mean	median
TOTAL	\$702	\$0
Male	\$668	\$0
Female	\$910	\$163

Average Age ⁵

	mean	median
TOTAL	32.1	30.0
Male	31.8	30.0
Female	33.8	32.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	298 (100.0%)	256 (85.9%)	42 (14.1%)
White	93 (31.2%)	80 (86.0%)	13 (14.0%)
Black	190 (63.8%)	164 (86.3%)	26 (13.7%)
Hispanic	6 (2.0%)	4 (66.7%)	2 (33.3%)
Other	9 (3.0%)	8 (88.9%)	1 (11.1%)

Departure Status ⁴

Sentenced within Guideline Range	205 (69.0%)
Substantial Assistance Departure	72 (24.2%)
Other Downward Departure	11 (3.7%)
Upward Departure	9 (3.0%)

Mode of Conviction ⁶

TOTAL	298 (100.0%)
Plea	263 (88.3%)
Trial	35 (11.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	298 (100.0)	34 (100.0)	18 (100.0)	8 (100.0)	33 (100.0)	119 (100.0)	21 (100.0)	44 (100.0)	5 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	259 (86.9)	34 (100.0)	10 (55.6)	7 (87.5)	21 (63.6)	117 (98.3)	16 (76.2)	40 (90.9)	4 (80.0)
Prison	250 (83.9)	34 (100.0)	8 (44.4)	4 (50.0)	19 (57.6)	116 (97.5)	15 (71.4)	40 (90.9)	4 (80.0)
Prison/Community Split	9 (3.0)	0 (0.0)	2 (11.1)	3 (37.5)	2 (6.1)	1 (0.8)	1 (4.8)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	33	0	4	7	7	1	7	1	3
13-24 months	29	2	4	0	8	1	5	5	0
25-36 months	24	2	1	0	1	13	3	4	0
37-60 months	42	8	1	0	5	17	1	6	1
Over 60 months	131	22	0	0	0	85	0	24	0
Mean Sentence	100.7	132.1	17.0	3.2	22.8	134.5	17.3	114.9	18.0
Median Sentence	63.0	81.0	15.5	1.0	22.0	120.0	13.0	83.0	6.0

CASES INVOLVING PROBATION

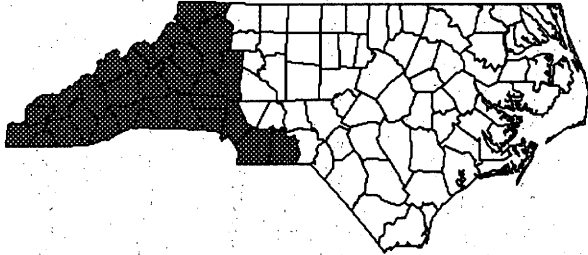
Total Receiving Probation	39 (13.1)	0 (0.0)	8 (44.4)	1 (12.5)	12 (36.4)	2 (1.7)	5 (23.8)	4 (9.1)	1 (20.0)
Probation Only	24 (8.1)	0 (0.0)	4 (22.2)	1 (12.5)	8 (24.2)	2 (1.7)	3 (14.3)	1 (2.3)	1 (20.0)
Probation and Confinement	15 (5.0)	0 (0.0)	4 (22.2)	0 (0.0)	4 (12.1)	0 (0.0)	2 (9.5)	3 (6.8)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	147 (49.3)	29 (85.3)	16 (88.9)	7 (87.5)	30 (90.9)	26 (21.8)	15 (71.4)	17 (38.6)	1 (20.0)
Median Dollar Amount	\$4,000	\$2,961	\$9,745	\$12,068	\$6,915	\$5,000	\$590	\$3,500	\$250

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MO

**NORTH CAROLINA, Western
4th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|-----------------|-----------------|
| (1) Charlotte | (4) Hickory |
| (2) Asheville | (5) Bryson City |
| (3) Statesville | (6) Shelby |

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	12
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	57
Cases Filed	Civil ⁶	890
	Criminal ⁷	338
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	243	12
Forcible Rape	714	35
Robbery	4,462	217
Aggravated Assault	10,127	491
Burglary	27,929	1,355
Larceny/Theft	61,191	2,969
Motor Vehicle Theft	5,721	278
Crime Index Total	110,387	5,357

Economic Indicators	Income per Capita ¹²	\$ 13,284
	Percent Unemployed ¹³	4.7

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	19.5
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

NORTH CAROLINA, West

Cases Received by USSC (by sentencing month) ¹

October 93	49	April 94	30
November 93	97	May 94	125
December 93	12	June 94	71
January 94	66	July 94	63
February 94	28	August 94	75
March 94	79	September 94	104

TOTAL = 799

Monthly Income ³

	mean	median
TOTAL	\$1,222	\$788
Male	\$1,285	\$790
Female	\$988	\$716

Average Age ⁵

	mean	median
TOTAL	34.5	33.0
Male	34.7	33.0
Female	33.7	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	756 (100.0%)	624 (82.5%)	132 (17.5%)
White	339 (44.8%)	282 (83.2%)	57 (16.8%)
Black	329 (43.5%)	266 (80.9%)	63 (19.1%)
Hispanic	59 (7.8%)	52 (88.1%)	7 (11.9%)
Other	29 (3.8%)	24 (82.8%)	5 (17.2%)

Departure Status ⁴

Sentenced within Guideline Range	400 (53.8%)
Substantial Assistance Departure	323 (43.4%)
Other Downward Departure	18 (2.4%)
Upward Departure	3 (0.4%)

Mode of Conviction ⁶

TOTAL	798 (100.0%)
Plea	739 (92.6%)
Trial	59 (7.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	780 (100.0)	35 (100.0)	25 (100.0)	13 (100.0)	105 (100.0)	440 (100.0)	18 (100.0)	48 (100.0)	5 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	607 (77.8)	34 (97.1)	13 (52.0)	7 (53.8)	50 (47.6)	397 (90.2)	9 (50.0)	47 (97.9)	2 (40.0)
Prison	578 (74.1)	34 (97.1)	13 (52.0)	2 (15.4)	41 (39.0)	390 (88.6)	8 (44.4)	47 (97.9)	2 (40.0)
Prison/Community Split	29 (3.7)	0 (0.0)	0 (0.0)	5 (38.5)	9 (8.6)	7 (1.6)	1 (5.6)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	88	0	9	6	22	23	4	4	0
13-24 months	82	1	4	0	17	46	2	3	0
25-36 months	70	6	0	1	6	37	2	13	0
37-60 months	101	8	0	0	5	76	1	9	1
Over 60 months	264	19	0	0	0	213	0	18	1
Mean Sentence	85.1	101.9	11.9	5.0	17.4	99.6	19.2	84.7	73.5
Median Sentence	60.0	67.0	12.0	1.0	14.0	72.0	18.0	60.0	73.5

CASES INVOLVING PROBATION

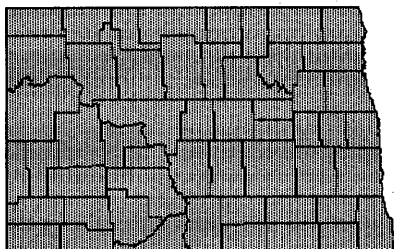
Total Receiving Probation	173 (22.2)	1 (2.9)	12 (48.0)	6 (46.2)	55 (52.4)	43 (9.8)	9 (50.0)	1 (2.1)	3 (60.0)
Probation Only	135 (17.3)	1 (2.9)	10 (40.0)	5 (38.5)	44 (41.9)	27 (6.1)	7 (38.9)	1 (2.1)	3 (60.0)
Probation and Confinement	38 (4.9)	0 (0.0)	2 (8.0)	1 (7.7)	11 (10.5)	16 (3.6)	2 (11.1)	0 (0.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	422 (53.6)	22 (62.9)	22 (88.0)	8 (61.5)	95 (89.6)	166 (37.7)	18 (100.0)	19 (39.6)	4 (80.0)
Median Dollar Amount	\$2,000	\$3,740	\$1,059	\$7,952	\$4,000	\$2,263	\$1,171	\$1,500	\$375

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MOI

NORTH DAKOTA
8th Circuit



Cities Supplying Guideline Documentation¹

- (1) Fargo (4) Minot
- (2) Bismarck
- (3) Grand Forks

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	8
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	11

Cases Filed	Civil ⁶	316
	Criminal ⁷	166

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	11	2
Forcible Rape	148	23
Robbery	52	8
Aggravated Assault	297	47
Burglary	2,314	364
Larceny/Theft	13,701	2,158
Motor Vehicle Theft	924	146
Crime Index Total	17,447	2,748

Economic Indicators	Income per Capita ¹²	\$ 11,051
	Percent Unemployed ¹³	4.4

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	89.3
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

NORTH DA

Cases Received by USSC (by sentencing month) ¹

October 93	8	April 94	2
November 93	5	May 94	16
December 93	6	June 94	15
January 94	3	July 94	7
February 94	11	August 94	7
March 94	9	September 94	10

TOTAL = 99

Monthly Income ³

	mean	median
TOTAL	\$2,161	\$994
Male	\$2,281	\$988
Female	\$1,168	\$1,150

Average Age ⁵

	mean	median
TOTAL	36.1	34.0
Male	35.8	34.0
Female	38.7	37.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	99 (100.0%)	89 (89.9%)	10 (10.1%)
White	70 (70.7%)	62 (88.6%)	8 (11.4%)
Black	4 (4.0%)	3 (75.0%)	1 (25.0%)
Hispanic	14 (14.1%)	13 (92.9%)	1 (7.1%)
Other	11 (11.1%)	11 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	73 (73.7%)
Substantial Assistance Departure	11 (11.1%)
Other Downward Departure	14 (14.1%)
Upward Departure	1 (1.0%)

Mode of Conviction ⁶

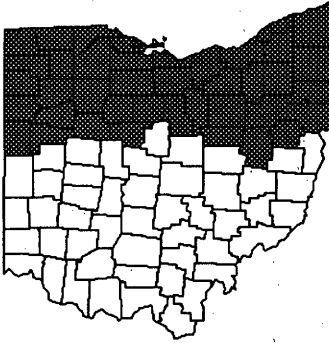
TOTAL	99 (100.0%)
Plea	92 (92.9%)
Trial	7 (7.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	97 (100.0)	0 (100.0)	4 (100.0)	5 (100.0)	18 (100.0)	21 (100.0)	0 (100.0)	15 (100.0)	10 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	64 (66.0)	0 (--)	0 (0.0)	1 (20.0)	9 (50.0)	20 (95.2)	0 (--)	13 (86.7)	9 (90.0)
Prison	56 (57.7)	0 (--)	0 (0.0)	0 (0.0)	7 (38.9)	16 (76.2)	0 (--)	13 (86.7)	9 (90.0)
Prison/Community Split	8 (8.2)	0 (--)	0 (0.0)	1 (20.0)	2 (11.1)	4 (19.0)	0 (--)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	29	0	0	1	8	9	0	2	5
13-24 months	9	0	0	0	1	2	0	1	3
25-36 months	7	0	0	0	0	3	0	1	0
37-60 months	9	0	0	0	0	4	0	4	0
Over 60 months	10	0	0	0	0	2	0	5	1
Mean Sentence	42.6	--	--	0.0	5.0	45.1	--	94.8	16.9
Median Sentence	15.0	--	--	0.0	3.0	22.0	--	48.0	10.0
CASES INVOLVING PROBATION									
Total Receiving Probation	33 (34.0)	0 (--)	4 (100.0)	4 (80.0)	9 (50.0)	1 (4.8)	0 (--)	2 (13.3)	1 (10.0)
Probation Only	21 (21.6)	0 (--)	2 (50.0)	2 (40.0)	5 (27.8)	0 (0.0)	0 (--)	1 (6.7)	1 (10.0)
Probation and Confinement	12 (12.4)	0 (--)	2 (50.0)	2 (40.0)	4 (22.2)	1 (4.8)	0 (--)	1 (6.7)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	42 (42.4)	0 (--)	3 (60.0)	2 (40.0)	15 (83.3)	7 (33.3)	0 (--)	1 (6.7)	2 (18.2)
Median Dollar Amount	\$4,500	\$--	\$14,137	\$10,912	\$17,781	\$3,000	\$--	\$200	\$325

Footnotes and a complete description of all variables in this table are provided in A SOURCE: U.S. Sentencing Commission, FY1994 Datafile,

**OHIO, Northern
6th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Cleveland
- (2) Akron
- (3) Toledo

Number of Court Professionals	District Court Judges ²	15
	Assistant U.S. Attorneys ³	43
	Assistant Federal Defenders ⁴	7
	Probation Officers ⁵	65
Cases Filed	Civil ⁶	7,499
	Criminal ⁷	463
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	343	6
Forcible Rape	2,272	39
Robbery	9,811	169
Aggravated Assault	12,197	210
Burglary	37,854	652
Larceny/Theft	101,201	1,744
Motor Vehicle Theft	24,493	422
Crime Index Total	188,171	3,243

Economic Indicators	Income per Capita ¹²	\$ 13,475
	Percent Unemployed ¹³	6.8

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	59.3
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

OHIO, North

Cases Received by USSC (by sentencing month) ¹

October 93	50	April 94	29
November 93	46	May 94	32
December 93	66	June 94	32
January 94	54	July 94	38
February 94	52	August 94	51
March 94	51	September 94	54
TOTAL = 555			

Monthly Income ³

	mean	median
TOTAL	\$1,417	\$600
Male	\$1,476	\$593
Female	\$1,162	\$676

Average Age ⁵

TOTAL	36.0	34.0
Male	36.2	35.0
Female	34.9	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	555 (100.0%)	456 (82.2%)	99 (17.8%)
White	232 (41.8%)	188 (81.0%)	44 (19.0%)
Black	256 (46.1%)	207 (80.9%)	49 (19.1%)
Hispanic	62 (11.2%)	57 (91.9%)	5 (8.1%)
Other	5 (0.9%)	4 (80.0%)	1 (20.0%)

Departure Status ⁴

Sentenced within Guideline Range	404 (73.3%)
Substantial Assistance Departure	106 (19.2%)
Other Downward Departure	40 (7.3%)
Upward Departure	1 (0.2%)

Mode of Conviction ⁶

TOTAL	554 (100.0%)
Plea	527 (95.1%)
Trial	27 (4.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr	C
	551 (100.0)	44 (100.0)	23 (100.0)	31 (100.0)	127 (100.0)	155 (100.0)	17 (100.0)	82 (100.0)	2 (100.0)	70 (100.0)
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	421 (76.4)	44 (100.0)	2 (8.7)	27 (87.1)	73 (57.5)	149 (96.1)	7 (41.2)	75 (91.5)	2 (100.0)	42 (60.0)
Prison	376 (68.2)	44 (100.0)	2 (8.7)	18 (58.1)	57 (44.9)	146 (94.2)	7 (41.2)	73 (89.0)	2 (100.0)	27 (38.6)
Prison/Community Split	45 (8.2)	0 (0.0)	0 (0.0)	9 (29.0)	16 (12.6)	3 (1.9)	0 (0.0)	2 (2.4)	0 (0.0)	15 (21.4)
Prison Term Ordered										
Up to 12 months	121	1	0	24	53	9	6	7	0	0
13-24 months	55	2	2	2	11	7	0	24	2	0
25-36 months	46	3	0	0	8	13	1	12	0	0
37-60 months	68	13	0	1	1	26	0	24	0	0
Over 60 months	131	25	0	0	0	94	0	8	0	0
Mean Sentence	59.1	108.7	19.0	3.5	9.2	101.1	13.1	40.3	18.0	0
Median Sentence	30.0	74.5	19.0	0.0	6.0	72.0	12.0	30.0	18.0	0

CASES INVOLVING PROBATION

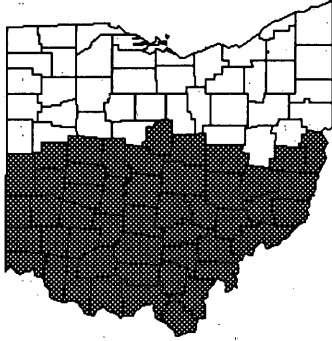
Total Receiving Probation	130 (23.6)	0 (0.0)	21 (91.3)	4 (12.9)	54 (42.5)	6 (3.9)	10 (58.8)	7 (8.5)	0 (0.0)	28 (40.0)
Probation Only	66 (12.0)	0 (0.0)	11 (47.8)	4 (12.9)	30 (23.6)	2 (1.3)	6 (35.3)	2 (2.4)	0 (0.0)	11 (15.6)
Probation and Confinement	64 (11.6)	0 (0.0)	10 (43.5)	0 (0.0)	24 (18.9)	4 (2.6)	4 (23.5)	5 (6.1)	0 (0.0)	17 (24.4)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	227 (41.0)	32 (72.7)	15 (65.2)	24 (77.4)	85 (66.4)	17 (11.0)	12 (70.6)	7 (8.4)	0 (0.0)	35 (49.3)
Median Dollar Amount	\$5,588	\$4,013	\$9,056	\$7,663	\$7,117	\$5,000	\$1,405	\$2,000	\$-	\$1

Footnotes and a complete description of all variables in this table are provided in Appendix SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MON

**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	31
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	61
Cases Filed	Civil ⁶	2,689
	Criminal ⁷	399
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	267	5
Forcible Rape	2,411	47
Robbery	9,843	192
Aggravated Assault	12,177	237
Burglary	42,991	837
Larceny/Theft	132,423	2,577
Motor Vehicle Theft	17,945	349
Crime Index Total	218,057	4,244

Economic Indicators	Income per Capita ¹²	\$ 13,445
	Percent Unemployed ¹³	6.1

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	50.5
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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 1994 GUIDELINE SENTENCES

OHIO, So

Cases Received by USSC (by sentencing month) ¹

October 93	48	April 94	25
November 93	33	May 94	22
December 93	42	June 94	29
January 94	32	July 94	23
February 94	43	August 94	47
March 94	35	September 94	33

TOTAL = 412

Monthly Income ³

	mean	median
TOTAL	\$1,113	\$650
Male	\$1,033	\$500
Female	\$1,416	\$968

Average Age ⁵

TOTAL	33.1	30.0
Male	33.1	30.0
Female	32.8	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	411 (100.0%)	327 (79.6%)	84 (20.4%)
White	170 (41.4%)	130 (76.5%)	40 (23.5%)
Black	209 (50.9%)	170 (81.3%)	39 (18.7%)
Hispanic	27 (6.6%)	25 (92.6%)	2 (7.4%)
Other	5 (1.2%)	2 (40.0%)	3 (60.0%)

Departure Status ⁴

Sentenced within Guideline Range	263 (64.9%)
Substantial Assistance Departure	116 (28.6%)
Other Downward Departure	25 (6.2%)
Upward Departure	1 (0.2%)

Mode of Conviction ⁶

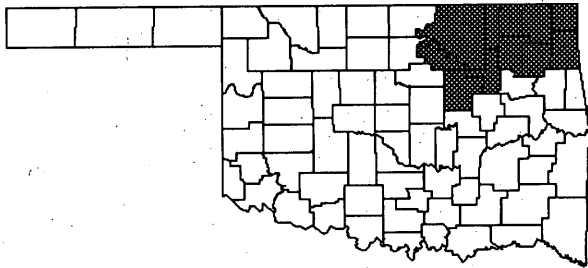
TOTAL	412 (100.0%)
Plea	388 (94.2%)
Trial	24 (5.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	406 (100.0)	23 (100.0)	51 (100.0)	17 (100.0)	70 (100.0)	121 (100.0)	15 (100.0)	46 (100.0)	2 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	299 (73.6)	23 (100.0)	22 (43.1)	9 (52.9)	41 (58.6)	116 (95.9)	8 (53.3)	37 (80.4)	2 (100.0)
Prison	274 (67.5)	23 (100.0)	18 (35.3)	2 (11.8)	35 (50.0)	113 (93.4)	8 (53.3)	34 (73.9)	2 (100.0)
Prison/Community Split	25 (6.2)	0 (0.0)	4 (7.8)	7 (41.2)	6 (8.6)	3 (2.5)	0 (0.0)	3 (6.5)	0 (0.0)
Prison Term Ordered									
Up to 12 months	95	0	18	9	32	8	6	12	0
13-24 months	40	1	3	0	5	8	2	10	1
25-36 months	29	2	1	0	2	15	0	6	1
37-60 months	42	5	0	0	2	15	0	4	0
Over 60 months	93	15	0	0	0	70	0	5	0
Mean Sentence	57.6	96.2	7.7	2.1	11.3	95.7	10.4	37.6	21.0
Median Sentence	30.0	84.0	6.0	1.0	9.0	80.0	10.5	21.0	21.0
CASES INVOLVING PROBATION									
Total Receiving Probation	107 (26.4)	0 (0.0)	29 (56.9)	8 (47.1)	29 (41.4)	5 (4.1)	7 (46.7)	9 (19.6)	0 (0.0)
Probation Only	70 (17.2)	0 (0.0)	21 (41.2)	7 (41.2)	15 (21.4)	3 (2.5)	6 (40.0)	6 (13.0)	0 (0.0)
Probation and Confinement	37 (9.1)	0 (0.0)	8 (15.7)	1 (5.9)	14 (20.0)	2 (1.7)	1 (6.7)	3 (6.5)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	172 (42.1)	19 (82.6)	45 (83.3)	12 (70.6)	37 (52.9)	14 (11.6)	8 (53.3)	7 (15.2)	0 (0.0)
Median Dollar Amount	\$3,500	\$7,758	\$2,470	\$5,133	\$11,743	\$2,250	\$1,702	\$1,500	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, M

**OKLAHOMA, Northern
10th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Tulsa
- (2) Bartlesville

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	12
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	22
Cases Filed	Civil ⁶	1,288
	Criminal ⁷	175
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	68	8
Forcible Rape	464	54
Robbery	1,294	151
Aggravated Assault	4,528	529
Burglary	11,355	1,328
Larceny/Theft	21,881	2,558
Motor Vehicle Theft	5,613	656
Crime Index Total	45,203	5,285

Economic Indicators	Income per Capita ¹²	\$ 13,327
	Percent Unemployed ¹³	6.3

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	69.7
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

OKLAHOMA, Nor

Cases Received by USSC (by sentencing month) ¹

October 93	12	April 94	15
November 93	8	May 94	17
December 93	13	June 94	9
January 94	27	July 94	21
February 94	12	August 94	13
March 94	14	September 94	8

TOTAL = 169

Monthly Income ³

	mean	median
TOTAL	\$1,486	\$875
Male	\$1,512	\$800
Female	\$1,388	\$1,092

Average Age ⁵

TOTAL	35.6	34.0
Male	35.5	34.0
Female	35.9	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	169 (100.0%)	134 (79.3%)	35 (20.7%)
White	99 (58.6%)	76 (76.8%)	23 (23.2%)
Black	53 (31.4%)	42 (79.2%)	11 (20.8%)
Hispanic	14 (8.3%)	13 (92.9%)	1 (7.1%)
Other	3 (1.8%)	3 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	123 (75.5%)
Substantial Assistance Departure	26 (16.0%)
Other Downward Departure	10 (6.1%)
Upward Departure	4 (2.5%)

Mode of Conviction ⁶

TOTAL	169 (100.0%)
Plea	150 (88.8%)
Trial	19 (11.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	158 (100.0)	11 (100.0)	8 (100.0)	2 (100.0)	41 (100.0)	37 (100.0)	8 (100.0)	28 (100.0)	0 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	115 (72.8)	11 (100.0)	3 (37.5)	2 (100.0)	22 (53.7)	32 (86.5)	7 (87.5)	26 (92.9)	0 (--)
Prison	107 (67.7)	11 (100.0)	3 (37.5)	2 (100.0)	15 (36.6)	31 (83.8)	7 (87.5)	26 (92.9)	0 (--)
Prison/Community Split	8 (5.1)	0 (0.0)	0 (0.0)	0 (0.0)	7 (17.1)	1 (2.7)	0 (0.0)	0 (0.0)	0 (--)
Prison Term Ordered									
Up to 12 months	22	0	1	1	14	1	3	0	0
13-24 months	23	0	2	1	6	5	3	3	0
25-36 months	11	0	0	0	0	5	1	4	0
37-60 months	24	2	0	0	2	5	0	10	0
Over 60 months	35	9	0	0	0	16	0	9	0
Mean Sentence	67.5	114.5	18.0	9.0	12.5	82.2	14.4	114.5	--
Median Sentence	37.0	118.0	21.0	9.0	9.0	61.5	14.0	60.0	--

CASES INVOLVING PROBATION

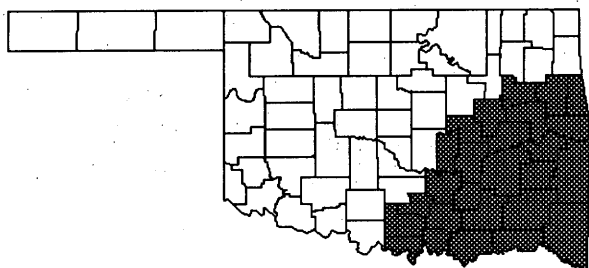
Total Receiving Probation	43 (27.2)	0 (0.0)	5 (62.5)	0 (0.0)	19 (46.3)	5 (13.5)	1 (12.5)	2 (7.1)	0 (--)
Probation Only	30 (19.0)	0 (0.0)	3 (37.5)	0 (0.0)	11 (26.8)	5 (13.5)	0 (0.0)	1 (3.6)	0 (--)
Probation and Confinement	13 (8.2)	0 (0.0)	2 (25.0)	0 (0.0)	8 (19.5)	0 (0.0)	1 (12.5)	1 (3.6)	0 (--)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	140 (82.8)	11 (100.0)	8 (100.0)	9 (100.0)	37 (82.2)	30 (81.1)	6 (75.0)	19 (67.9)	0 (--)
Median Dollar Amount	\$2,083	\$2,000	\$1,565	\$10,500	\$6,495	\$1,500	\$2,500	\$1,500	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MC

**OKLAHOMA, Eastern
10th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Muskogee
- (2) Durant

Number of Court Professionals	District Court Judges ²	2
	Assistant U.S. Attorneys ³	8
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	10
Cases Filed	Civil ⁶	788
	Criminal ⁷	55
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	58	9
Forcible Rape	167	26
Robbery	303	47
Aggravated Assault	2,334	363
Burglary	6,379	993
Larceny/Theft	11,669	1,816
Motor Vehicle Theft	1,402	218
Crime Index Total	22,312	3,472

Economic Indicators	Income per Capita ¹²	\$ 9,396
	Percent Unemployed ¹³	8.1

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	56.2
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

OKLAHOMA, I

Cases Received by USSC (by sentencing month) ¹

October 93	3	April 94	4
November 93	4	May 94	6
December 93	2	June 94	6
January 94	0	July 94	3
February 94	4	August 94	4
March 94	4	September 94	6

TOTAL = 46

Monthly Income ³

	mean	median
TOTAL	\$915	\$207
Male	\$895	\$200
Female	\$980	\$918

Average Age ⁵

	mean	median
TOTAL	35.1	33.5
Male	36.1	36.0
Female	30.9	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	46 (100.0%)	37 (80.4%)	9 (19.6%)
White	32 (69.6%)	24 (75.0%)	8 (25.0%)
Black	9 (19.6%)	9 (100.0%)	0 (0.0%)
Hispanic	3 (6.5%)	2 (66.7%)	1 (33.3%)
Other	2 (4.3%)	2 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	44 (95.7%)
Substantial Assistance Departure	2 (4.3%)
Other Downward Departure	0 (0.0%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

TOTAL	46 (100.0%)
Plea	40 (87.0%)
Trial	6 (13.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	46 (100.0)	1 (100.0)	4 (100.0)	4 (100.0)	7 (100.0)	7 (100.0)	4 (100.0)	5 (100.0)	0 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	35 (76.1)	1 (100.0)	1 (25.0)	1 (25.0)	6 (85.7)	7 (100.0)	2 (50.0)	5 (100.0)	0 (--)
Prison	32 (69.6)	1 (100.0)	1 (25.0)	0 (0.0)	6 (85.7)	7 (100.0)	1 (25.0)	5 (100.0)	0 (--)
Prison/Community Split	3 (6.5)	0 (0.0)	0 (0.0)	1 (25.0)	0 (0.0)	0 (0.0)	1 (25.0)	0 (0.0)	0 (--)
Prison Term Ordered									
Up to 12 months	12	0	1	1	3	0	2	1	0
13-24 months	5	0	0	0	3	0	0	0	0
25-36 months	4	0	0	0	0	1	0	0	0
37-60 months	4	0	0	0	0	1	0	2	0
Over 60 months	10	1	0	0	0	5	0	2	0
Mean Sentence	67.8	138.0	12.0	5.0	16.2	126.7	8.0	118.6	--
Median Sentence	30.0	138.0	12.0	5.0	15.0	78.0	8.0	60.0	--

CASES INVOLVING PROBATION

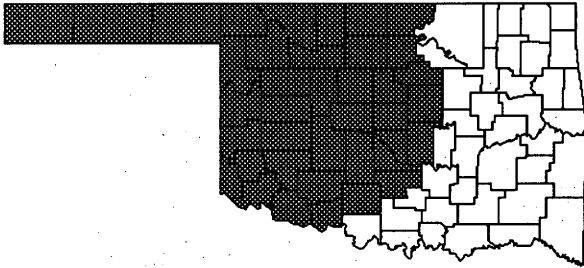
Total Receiving Probation	11 (23.9)	0 (0.0)	3 (75.0)	3 (75.0)	1 (14.3)	0 (0.0)	2 (50.0)	0 (0.0)	0 (--)
Probation Only	5 (10.9)	0 (0.0)	2 (50.0)	0 (0.0)	1 (14.3)	0 (0.0)	1 (25.0)	0 (0.0)	0 (--)
Probation and Confinement	6 (13.0)	0 (0.0)	1 (25.0)	3 (75.0)	0 (0.0)	0 (0.0)	1 (25.0)	0 (0.0)	0 (--)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	6 (13.0)	0 (0.0)	0 (0.0)	2 (50.0)	2 (28.6)	0 (0.0)	2 (50.0)	0 (0.0)	0 (--)
Median Dollar Amount	\$2,000	\$--	\$--	\$6,015	\$698	\$--	\$3,500	\$--	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, N

**OKLAHOMA, Western
10th Circuit**



City Supplying Guideline Documentation¹

(1) Oklahoma City

Number of Court Professionals	District Court Judges ²	9
	Assistant U.S. Attorneys ³	24
	Assistant Federal Defenders ⁴	5
	Probation Officers ⁵	35

Cases Filed	Civil ⁶	2,271
	Criminal ⁷	534

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	147	9
Forcible Rape	959	57
Robbery	2,337	139
Aggravated Assault	7,839	468
Burglary	22,119	1,319
Larceny/Theft	61,483	3,667
Motor Vehicle Theft	8,510	508
Crime Index Total	103,394	6,167

Economic Indicators	Income per Capita ¹²	\$ 12,126
	Percent Unemployed ¹³	5.2

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	82.9
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

OKLAHOMA, V

Cases Received by USSC (by sentencing month) ¹

October 93	20	April 94	32
November 93	16	May 94	34
December 93	19	June 94	27
January 94	22	July 94	17
February 94	31	August 94	16
March 94	34	September 94	9

TOTAL = 277

Monthly Income ³

	mean	median
TOTAL	\$1,178	\$712
Male	\$1,179	\$638
Female	\$1,174	\$1,033

Average Age ⁵

TOTAL	35.3	33.0
Male	35.0	32.0
Female	36.2	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	277 (100.0%)	224 (80.9%)	53 (19.1%)
White	159 (57.4%)	123 (77.4%)	36 (22.6%)
Black	68 (24.5%)	57 (83.8%)	11 (16.2%)
Hispanic	28 (10.1%)	25 (89.3%)	3 (10.7%)
Other	22 (7.9%)	19 (86.4%)	3 (13.6%)

Departure Status ⁴

Sentenced within Guideline Range	215 (82.1%)
Substantial Assistance Departure	29 (11.1%)
Other Downward Departure	17 (6.5%)
Upward Departure	1 (0.4%)

Mode of Conviction ⁶

TOTAL	277 (100.0%)
Plea	246 (88.8%)
Trial	31 (11.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr
	275 (100.0)	12 (100.0)	19 (100.0)	9 (100.0)	35 (100.0)	81 (100.0)	7 (100.0)	12 (100.0)	2 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	227 (82.5)	12 (100.0)	9 (47.4)	6 (66.7)	25 (71.4)	81 (100.0)	6 (85.7)	11 (91.7)	2 (100.0)
Prison	218 (79.3)	12 (100.0)	6 (31.6)	2 (22.2)	24 (68.6)	81 (100.0)	5 (71.4)	11 (91.7)	2 (100.0)
Prison/Community Split	9 (3.3)	0 (0.0)	3 (15.8)	4 (44.4)	1 (2.9)	0 (0.0)	1 (14.3)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	53	0	7	5	13	1	2	1	2
13-24 months	38	0	2	1	5	6	3	2	0
25-36 months	17	0	0	0	5	5	1	1	0
37-60 months	42	4	0	0	1	14	0	2	0
Over 60 months	77	8	0	0	1	55	0	5	0
Mean Sentence	74.1	124.1	6.2	5.8	22.2	134.1	16.5	88.7	8.0
Median Sentence	40.0	83.0	4.0	4.0	12.0	94.0	18.5	60.0	8.0

CASES INVOLVING PROBATION

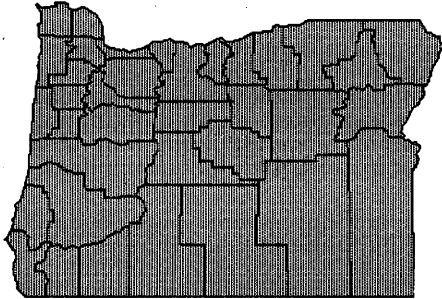
Total Receiving Probation	48 (17.5)	0 (0.0)	10 (52.6)	3 (33.3)	10 (28.6)	0 (0.0)	1 (14.3)	1 (8.3)	0 (0.0)
Probation Only	27 (9.8)	0 (0.0)	9 (47.4)	2 (22.2)	3 (8.6)	0 (0.0)	1 (14.3)	0 (0.0)	0 (0.0)
Probation and Confinement	21 (7.6)	0 (0.0)	1 (5.3)	1 (11.1)	7 (20.0)	0 (0.0)	0 (0.0)	1 (8.3)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	103 (37.3)	5 (41.7)	16 (84.2)	8 (88.9)	19 (54.3)	4 (4.9)	5 (71.4)	1 (8.3)	1 (50.0)
Median Dollar Amount	\$1,975	\$4,497	\$1,698	\$24,043	\$5,545	\$4,500	\$400	\$2,000	\$500

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, N

**OREGON
9th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|--------------|---------------|
| (1) Portland | (4) Salem |
| (2) Eugene | (5) Pendleton |
| (3) Medford | (6) Vale |

Number of Court Professionals

District Court Judges ²	9
Assistant U.S. Attorneys ³	31
Assistant Federal Defenders ⁴	15
Probation Officers ⁵	47

Cases Filed

Civil ⁶	2,279
Criminal ⁷	513

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	140	5
Forcible Rape	1,544	53
Robbery	3,916	134
Aggravated Assault	9,579	328
Burglary	30,740	1,052
Larceny/Theft	109,553	3,750
Motor Vehicle Theft	17,509	599
Crime Index Total	172,981	5,922

Economic Indicators

Income per Capita ¹²	\$ 13,418
Percent Unemployed ¹³	7.2

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	28.7
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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 1994 GUIDELINE SENTENCES

OR

Cases Received by USSC (by sentencing month) ¹

October 93	35	April 94	33
November 93	49	May 94	44
December 93	23	June 94	62
January 94	55	July 94	50
February 94	36	August 94	43
March 94	25	September 94	46

TOTAL = 501

Monthly Income ³

	mean	median
TOTAL	\$672	\$0
Male	\$603	\$0
Female	\$1,157	\$1,040

Average Age ⁵

	mean	median
TOTAL	33.5	32.0
Male	33.1	31.0
Female	36.6	36.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	500 (100.0%)	446 (89.2%)	54 (10.8%)
White	296 (59.2%)	250 (84.5%)	46 (15.5%)
Black	34 (6.8%)	31 (91.2%)	3 (8.8%)
Hispanic	152 (30.4%)	151 (99.3%)	1 (0.7%)
Other	18 (3.6%)	14 (77.8%)	4 (22.2%)

Departure Status ⁴

Sentenced within Guideline Range	367 (75.1%)
Substantial Assistance Departure	46 (9.4%)
Other Downward Departure	72 (14.7%)
Upward Departure	4 (0.8%)

Mode of Conviction ⁶

TOTAL	501 (100.0%)
Plea	465 (92.8%)
Trial	36 (7.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	501 (100.0)	76 (100.0)	14 (100.0)	11 (100.0)	41 (100.0)	148 (100.0)	4 (100.0)	53 (100.0)	106 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	437 (87.2)	75 (98.7)	8 (57.1)	3 (27.3)	25 (61.0)	142 (95.9)	3 (75.0)	49 (92.5)	105 (99.1)
Prison	275 (54.9)	28 (36.8)	5 (35.7)	2 (18.2)	16 (39.0)	89 (60.1)	2 (50.0)	18 (34.0)	100 (94.3)
Prison/Community Split	162 (32.3)	47 (61.8)	3 (21.4)	1 (9.1)	9 (22.0)	53 (35.8)	1 (25.0)	31 (58.5)	5 (4.7)
Prison Term Ordered									
Up to 12 months	51	1	6	1	15	1	3	6	9
13-24 months	102	0	1	2	7	7	0	5	76
25-36 months	53	13	1	0	1	28	0	2	0
37-60 months	98	26	0	0	2	46	0	7	12
Over 60 months	133	35	0	0	0	60	0	29	8
Mean Sentence	59.7	77.2	13.8	11.7	14.0	77.2	7.3	99.4	30.1
Median Sentence	41.0	57.0	12.0	14.0	10.0	60.0	6.0	77.0	24.0

CASES INVOLVING PROBATION

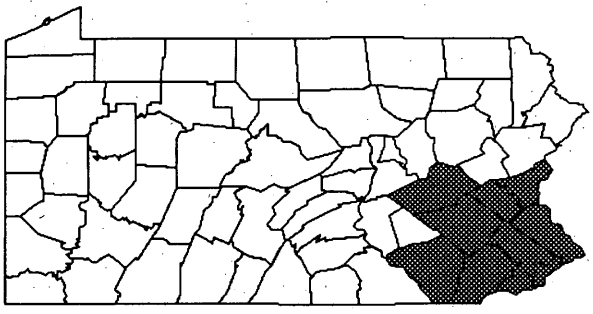
Total Receiving Probation	64 (12.8)	1 (1.3)	6 (42.9)	8 (72.7)	16 (39.0)	6 (4.1)	1 (25.0)	4 (7.5)	1 (0.9)
Probation Only	26 (5.2)	0 (0.0)	2 (14.3)	5 (45.5)	7 (17.1)	3 (2.0)	0 (0.0)	3 (5.7)	0 (0.0)
Probation and Confinement	38 (7.6)	1 (1.3)	4 (28.6)	3 (27.3)	9 (22.0)	3 (2.0)	1 (25.0)	1 (1.9)	1 (0.9)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	135 (26.9)	50 (65.8)	8 (57.1)	8 (72.7)	32 (78.0)	15 (10.1)	2 (50.0)	6 (11.3)	0 (0.0)
Median Dollar Amount	\$2,000	\$1,021	\$4,300	\$5,226	\$3,888	\$2,000	\$210	\$1,500	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, 1

**PENNSYLVANIA, Eastern
3rd Circuit**



Cities Supplying Guideline Documentation¹

- (1) Philadelphia
- (2) Reading
- (3) Easton

Number of Court Professionals	District Court Judges ²	37
	Assistant U.S. Attorneys ³	80
	Assistant Federal Defenders ⁴	16
	Probation Officers ⁵	104
Cases Filed	Civil ⁶	8,715
	Criminal ⁷	545
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	558	11
Forcible Rape	1,452	28
Robbery	14,870	286
Aggravated Assault	13,063	251
Burglary	32,375	622
Larceny/Theft	105,116	2,019
Motor Vehicle Theft	33,476	643
Crime Index Total	200,910	3,859

Economic Indicators	Income per Capita ¹²	\$ 15,814
	Percent Unemployed ¹³	6.7

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	33.3
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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.

FISCAL YEAR 1994 GUIDELINE SENTENCES

PENNSYLVANIA, E

Cases Received by USSC (by sentencing month) ¹

October 93	81	April 94	75
November 93	64	May 94	66
December 93	62	June 94	88
January 94	71	July 94	63
February 94	92	August 94	39
March 94	88	September 94	86

TOTAL = 875

Monthly Income ³

	mean	median
TOTAL	\$1,386	\$800
Male	\$1,419	\$800
Female	\$1,156	\$814

Average Age ⁵

	mean	median
TOTAL	36.6	34.0
Male	36.5	34.0
Female	37.2	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	864 (100.0%)	761 (88.1%)	103 (11.9%)
White	370 (42.8%)	332 (89.7%)	38 (10.3%)
Black	340 (39.4%)	291 (85.6%)	49 (14.4%)
Hispanic	140 (16.2%)	125 (89.3%)	15 (10.7%)
Other	14 (1.6%)	13 (92.9%)	1 (7.1%)

Departure Status ⁴

Sentenced within Guideline Range	386 (46.4%)
Substantial Assistance Departure	410 (49.3%)
Other Downward Departure	30 (3.6%)
Upward Departure	6 (0.7%)

Mode of Conviction ⁶

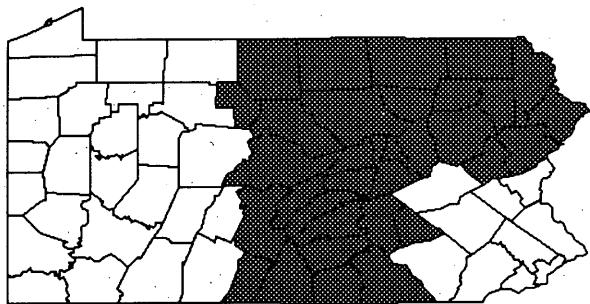
TOTAL	864 (100.0%)
Plea	764 (88.4%)
Trial	100 (11.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr
	869 (100.0)	61 (100.0)	54 (100.0)	6 (100.0)	135 (100.0)	400 (100.0)	10 (100.0)	46 (100.0)	13 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	582 (67.0)	58 (95.1)	12 (22.2)	3 (50.0)	53 (39.3)	345 (86.3)	3 (30.0)	39 (84.8)	12 (92.3)
Prison	559 (64.3)	57 (93.4)	11 (20.4)	2 (33.3)	42 (31.1)	340 (85.0)	3 (30.0)	37 (80.4)	12 (92.3)
Prison/Community Split	23 (2.6)	1 (1.6)	1 (1.9)	1 (16.7)	11 (8.1)	5 (1.3)	0 (0.0)	2 (4.3)	0 (0.0)
Prison Term Ordered									
Up to 12 months	81	0	4	3	24	29	1	3	3
13-24 months	80	1	2	0	11	44	0	6	3
25-36 months	71	3	5	0	7	43	0	3	2
37-60 months	129	12	1	0	9	83	2	12	3
Over 60 months	221	42	0	0	2	146	0	15	1
Mean Sentence	79.3	122.9	22.4	5.0	21.5	89.6	28.0	83.2	33.8
Median Sentence	48.0	106.0	25.0	5.0	14.0	60.0	37.0	48.0	25.5
CASES INVOLVING PROBATION									
Total Receiving Probation	287 (33.0)	3 (4.9)	42 (77.8)	3 (50.0)	82 (60.7)	55 (13.8)	7 (70.0)	7 (15.2)	1 (7.7)
Probation Only	165 (19.0)	3 (4.9)	28 (51.9)	2 (33.3)	50 (37.0)	21 (5.3)	3 (30.0)	4 (8.7)	1 (7.7)
Probation and Confinement	122 (14.0)	0 (0.0)	14 (25.9)	1 (16.7)	32 (23.7)	34 (8.5)	4 (40.0)	3 (6.5)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	545 (62.6)	52 (85.2)	50 (92.6)	5 (83.3)	122 (90.4)	163 (40.5)	7 (70.0)	21 (45.7)	7 (53.8)
Median Dollar Amount	\$5,000	\$5,000	\$12,233	\$50,000	\$15,000	\$2,000	\$6,189	\$3,000	\$500

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, N

**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	8
	Assistant U.S. Attorneys ³	18
	Assistant Federal Defenders ⁴	6
	Probation Officers ⁵	25
Cases Filed	Civil ⁶	2,223
	Criminal ⁷	279
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	92	3
Forcible Rape	617	22
Robbery	1,483	53
Aggravated Assault	3,947	142
Burglary	13,435	483
Larceny/Theft	43,037	1,547
Motor Vehicle Theft	3,395	122
Crime Index Total	66,006	2,372

Economic Indicators	Income per Capita ¹²	\$ 12,771
	Percent Unemployed ¹³	7.0

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	25.7
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

PENNSYLVANIA,

Cases Received by USSC (by sentencing month) ¹

October 93	16	April 94	35
November 93	27	May 94	17
December 93	19	June 94	21
January 94	28	July 94	21
February 94	30	August 94	32
March 94	23	September 94	21

TOTAL = 290

Monthly Income ³

	mean	median
TOTAL	\$1,226	\$555
Male	\$1,196	\$478
Female	\$1,382	\$1,053

Average Age ⁵

	mean	median
TOTAL	35.3	34.0
Male	35.2	33.0
Female	36.1	35.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	289 (100.0%)	245 (84.8%)	44 (15.2%)
White	175 (60.6%)	145 (82.9%)	30 (17.1%)
Black	79 (27.3%)	68 (86.1%)	11 (13.9%)
Hispanic	34 (11.8%)	31 (91.2%)	3 (8.8%)
Other	1 (0.3%)	1 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	187 (66.1%)
Substantial Assistance Departure	71 (25.1%)
Other Downward Departure	24 (8.5%)
Upward Departure	1 (0.4%)

Mode of Conviction ⁶

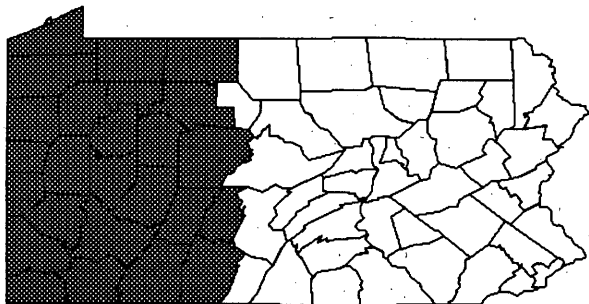
TOTAL	289 (100.0%)
Plea	264 (91.3%)
Trial	25 (8.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	288 (100.0)	15 (100.0)	21 (100.0)	5 (100.0)	57 (100.0)	73 (100.0)	5 (100.0)	36 (100.0)	14 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	218 (75.7)	15 (100.0)	8 (38.1)	2 (40.0)	34 (59.6)	67 (91.8)	1 (20.0)	36 (100.0)	12 (85.7)
Prison	199 (69.1)	15 (100.0)	5 (23.8)	2 (40.0)	24 (42.1)	63 (86.3)	1 (20.0)	36 (100.0)	12 (85.7)
Prison/Community Split	19 (6.6)	0 (0.0)	3 (14.3)	0 (0.0)	10 (17.5)	4 (5.5)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	65	0	6	1	17	16	0	3	5
13-24 months	44	0	1	0	14	8	1	4	1
25-36 months	21	1	1	0	2	8	0	3	2
37-60 months	33	3	0	1	1	11	0	10	3
Over 60 months	55	11	0	0	0	24	0	16	1
Mean Sentence	57.3	91.2	9.5	26.5	13.2	71.3	24.0	121.4	27.9
Median Sentence	24.5	70.0	5.0	26.5	13.5	41.0	24.0	60.0	25.0
CASES INVOLVING PROBATION									
Total Receiving Probation	70 (24.3)	0 (0.0)	13 (61.9)	3 (60.0)	23 (40.4)	6 (8.2)	4 (80.0)	0 (0.0)	2 (14.3)
Probation Only	35 (12.2)	0 (0.0)	6 (28.6)	2 (40.0)	11 (19.3)	3 (4.1)	2 (40.0)	0 (0.0)	2 (14.3)
Probation and Confinement	35 (12.2)	0 (0.0)	7 (33.3)	1 (20.0)	12 (21.1)	3 (4.1)	2 (40.0)	0 (0.0)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	127 (43.9)	11 (73.3)	15 (71.4)	1 (20.0)	45 (78.9)	17 (23.3)	4 (80.0)	14 (38.9)	2 (14.3)
Median Dollar Amount	\$2,469	\$6,000	\$5,104	\$5,000	\$6,863	\$500	\$490	\$1,000	\$750

Footnotes and a complete description of all variables in this table are provided in A SOURCE: U.S. Sentencing Commission, FY1994 Datafile,

**PENNSYLVANIA, Western
3rd Circuit**



Cities Supplying Guideline Documentation¹

- (1) Pittsburgh
- (2) Johnston
- (3) Erie

Number of Court Professionals

District Court Judges ²	17
Assistant U.S. Attorneys ³	30
Assistant Federal Defenders ⁴	6
Probation Officers ⁵	37

Cases Filed

Civil ⁶	2,930
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	156	4
Forcible Rape	956	24
Robbery	4,627	117
Aggravated Assault	6,172	156
Burglary	20,257	510
Larceny/Theft	54,743	1,380
Motor Vehicle Theft	13,879	350
Crime Index Total	100,790	2,540

Economic Indicators

Income per Capita ¹²	\$ 12,683
Percent Unemployed ¹³	7.6

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	22.0
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

PENNSYLVANIA, W

Cases Received by USSC (by sentencing month) ¹

October 93	27	April 94	30
November 93	19	May 94	21
December 93	30	June 94	26
January 94	18	July 94	45
February 94	17	August 94	24
March 94	15	September 94	26

TOTAL = 298

Monthly Income ³

	mean	median
TOTAL	\$1,184	\$401
Male	\$1,200	\$375
Female	\$1,096	\$497

Average Age ⁵

	mean	median
TOTAL	35.9	34.0
Male	36.2	34.5
Female	34.7	33.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	290 (100.0%)	243 (83.8%)	47 (16.2%)
White	142 (49.0%)	126 (88.7%)	16 (11.3%)
Black	135 (46.6%)	104 (77.0%)	31 (23.0%)
Hispanic	4 (1.4%)	4 (100.0%)	0 (0.0%)
Other	9 (3.1%)	9 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	226 (76.9%)
Substantial Assistance Departure	35 (11.9%)
Other Downward Departure	30 (10.2%)
Upward Departure	3 (1.0%)

Mode of Conviction ⁶

TOTAL	297 (100.0%)
Plea	268 (90.2%)
Trial	29 (9.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	292 (100.0)	10 (100.0)	22 (100.0)	5 (100.0)	60 (100.0)	96 (100.0)	13 (100.0)	23 (100.0)	0 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	205 (70.2)	10 (100.0)	12 (54.5)	3 (60.0)	40 (66.7)	83 (86.5)	9 (69.2)	18 (78.3)	0 (--)
Prison	195 (66.8)	10 (100.0)	9 (40.9)	3 (60.0)	39 (65.0)	82 (85.4)	8 (61.5)	17 (73.9)	0 (--)
Prison/Community Split	10 (3.4)	0 (0.0)	3 (13.6)	0 (0.0)	1 (1.7)	1 (1.0)	1 (7.7)	1 (4.3)	0 (--)
Prison Term Ordered									
Up to 12 months	51	0	7	2	18	6	6	3	0
13-24 months	41	0	3	1	16	8	2	2	0
25-36 months	17	3	1	0	3	5	1	1	0
37-60 months	22	2	1	0	2	9	0	5	0
Over 60 months	74	5	0	0	1	55	0	7	0
Mean Sentence	68.2	101.4	15.1	6.0	18.1	109.4	11.6	89.1	--
Median Sentence	32.0	75.5	12.0	0.0	15.0	108.0	10.0	51.5	--

CASES INVOLVING PROBATION

Total Receiving Probation	87 (29.8)	0 (0.0)	10 (45.5)	2 (40.0)	20 (33.3)	13 (13.5)	4 (30.8)	5 (21.7)	0 (--)
Probation Only	53 (18.2)	0 (0.0)	7 (31.8)	1 (20.0)	9 (15.0)	6 (6.3)	1 (7.7)	4 (17.4)	0 (--)
Probation and Confinement	34 (11.6)	0 (0.0)	3 (13.6)	1 (20.0)	11 (18.3)	7 (7.3)	3 (23.1)	1 (4.3)	0 (--)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	121 (41.4)	7 (70.0)	9 (40.9)	2 (40.0)	38 (63.3)	12 (12.5)	4 (30.8)	6 (26.1)	0 (--)
Median Dollar Amount	\$5,269	\$5,269	\$3,526	\$7,913	\$18,645	\$6,750	\$150	\$5,135	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, N

**PUERTO RICO
1st Circuit**



Cities Supplying Guideline Documentation¹

- (1) Hato Rey
- (2) Ponce
- (3) San Juan

Number of Court Professionals	District Court Judges ²	9
	Assistant U.S. Attorneys ³	24
	Assistant Federal Defenders ⁴	7
	Probation Officers ⁵	31
Cases Filed	Civil ⁶	1,755
	Criminal ⁷	391
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	948	-
Forcible Rape	401	-
Robbery	18,181	-
Aggravated Assault	6,806	-
Burglary	33,636	-
Larceny/Theft	43,468	-
Motor Vehicle Theft	17,589	-
Crime Index Total	121,029	-

Economic Indicators	Income per Capita ¹²	\$ 4,177
	Percent Unemployed ¹³	12.6

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	36.7
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Per Capita Local Expenditures¹⁸	Police Protection	\$ -
	Education	\$ -
	Health and Hospitals	\$ -
	Public Welfare ¹⁹	\$ -
	Highways	\$ -

FISCAL YEAR 1994 GUIDELINE SENTENCES

PUERTO

Cases Received by USSC (by sentencing month) ¹

October 93	29	April 94	28
November 93	36	May 94	44
December 93	40	June 94	36
January 94	32	July 94	25
February 94	35	August 94	70
March 94	37	September 94	60

TOTAL = 472

Monthly Income ³

	mean	median
TOTAL	\$865	\$490
Male	\$873	\$496
Female	\$814	\$357

Average Age ⁵

	mean	median
TOTAL	33.3	32.0
Male	33.3	32.0
Female	32.9	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	437 (100.0%)	374 (85.6%)	63 (14.4%)
White	21 (4.8%)	17 (81.0%)	4 (19.0%)
Black	19 (4.3%)	14 (73.7%)	5 (26.3%)
Hispanic	392 (89.7%)	338 (86.2%)	54 (13.8%)
Other	5 (1.1%)	5 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	354 (75.5%)
Substantial Assistance Departure	82 (17.5%)
Other Downward Departure	26 (5.5%)
Upward Departure	7 (1.5%)

Mode of Conviction ⁶

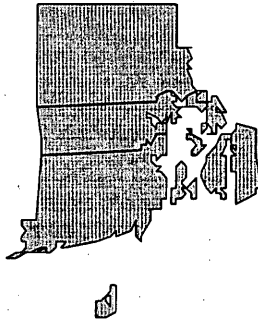
TOTAL	471 (100.0%)
Plea	415 (88.1%)
Trial	56 (11.9%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	470 (100.0)	19 (100.0)	12 (100.0)	1 (100.0)	22 (100.0)	288 (100.0)	3 (100.0)	16 (100.0)	56 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	393 (83.6)	19 (100.0)	2 (16.7)	1 (100.0)	8 (36.4)	286 (99.3)	3 (100.0)	15 (93.8)	34 (60.7)
Prison	385 (81.9)	19 (100.0)	2 (16.7)	0 (0.0)	5 (22.7)	283 (98.3)	3 (100.0)	15 (93.8)	34 (60.7)
Prison/Community Split	8 (1.7)	0 (0.0)	0 (0.0)	1 (100.0)	3 (13.6)	3 (1.0)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	52	0	1	1	6	23	2	4	10
13-24 months	51	0	1	0	2	29	1	2	11
25-36 months	29	1	0	0	0	18	0	3	1
37-60 months	93	2	0	0	0	75	0	5	9
Over 60 months	159	16	0	0	0	139	0	1	1
Mean Sentence	75.9	155.7	13.0	0.3	8.3	83.8	9.3	54.2	25.1
Median Sentence	60.0	97.0	13.0	0.3	5.0	60.0	5.0	27.0	24.0
CASES INVOLVING PROBATION									
Total Receiving Probation	77 (16.4)	0 (0.0)	10 (83.3)	0 (0.0)	14 (63.6)	2 (0.7)	0 (0.0)	1 (6.3)	22 (39.3)
Probation Only	64 (13.6)	0 (0.0)	10 (83.3)	0 (0.0)	9 (40.9)	2 (0.7)	0 (0.0)	1 (6.3)	21 (37.5)
Probation and Confinement	13 (2.8)	0 (0.0)	0 (0.0)	0 (0.0)	5 (22.7)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.8)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	30 (6.4)	3 (15.8)	4 (33.3)	0 (0.0)	7 (31.8)	12 (4.2)	1 (33.3)	0 (0.0)	1 (1.8)
Median Dollar Amount	\$10,000	\$8,667	\$16,451	\$-	\$49,742	\$8,320	\$10,000	\$-	\$1,000

Footnotes and a complete description of all variables in this table are provided in .
SOURCE: U.S. Sentencing Commission, FY1994 Datafile

**RHODE ISLAND
1st Circuit**



Cities Supplying Guideline Documentation¹

- (1) Providence
- (2) Newport

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	11
	Assistant Federal Defenders ⁴	-
	Probation Officers ⁵	12
Cases Filed	Civil ⁶	714
	Criminal ⁷	103
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	39	4
Forcible Rape	286	28
Robbery	1,011	101
Aggravated Assault	2,681	267
Burglary	10,409	1,036
Larceny/Theft	24,101	2,398
Motor Vehicle Theft	6,463	643
Crime Index Total	44,990	4,477

Economic Indicators	Income per Capita ¹²	\$ 14,981
	Percent Unemployed ¹³	7.8

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	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

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1994 GUIDELINE SENTENCES

RHODE IS

Cases Received by USSC (by sentencing month) ¹

October 93	5	April 94	12
November 93	11	May 94	10
December 93	11	June 94	12
January 94	13	July 94	15
February 94	7	August 94	4
March 94	13	September 94	10

TOTAL = 123

Monthly Income ³

	mean	median
TOTAL	\$669	\$479
Male	\$684	\$465
Female	\$506	\$554

Average Age ⁵

	mean	median
TOTAL	35.1	34.0
Male	35.2	34.0
Female	32.4	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	123 (100.0%)	115 (93.5%)	8 (6.5%)
White	61 (49.6%)	59 (96.7%)	2 (3.3%)
Black	20 (16.3%)	20 (100.0%)	0 (0.0%)
Hispanic	40 (32.5%)	34 (85.0%)	6 (15.0%)
Other	2 (1.6%)	2 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	102 (82.9%)
Substantial Assistance Departure	11 (8.9%)
Other Downward Departure	8 (6.5%)
Upward Departure	2 (1.6%)

Mode of Conviction ⁶

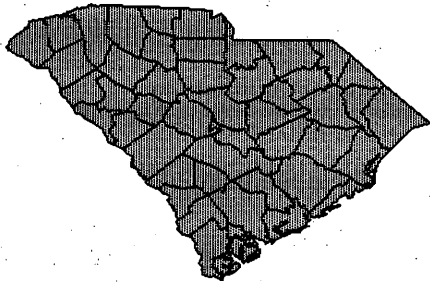
TOTAL	123 (100.0%)
Plea	107 (87.0%)
Trial	16 (13.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	122 (100.0)	0 (100.0)	10 (100.0)	1 (100.0)	8 (100.0)	45 (100.0)	10 (100.0)	14 (100.0)	19 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	115 (94.3)	0 (--)	9 (90.0)	1 (100.0)	7 (87.5)	43 (95.6)	8 (80.0)	14 (100.0)	19 (100.0)
Prison	108 (88.5)	0 (--)	6 (60.0)	1 (100.0)	7 (87.5)	43 (95.6)	7 (70.0)	14 (100.0)	18 (94.7)
Prison/Community Split	7 (5.7)	0 (--)	3 (30.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (10.0)	0 (0.0)	1 (5.3)
Prison Term Ordered									
Up to 12 months	28	0	6	0	3	3	6	1	3
13-24 months	26	0	1	1	3	10	2	5	4
25-36 months	12	0	0	0	1	4	0	0	3
37-60 months	30	0	1	0	0	13	0	4	9
Over 60 months	19	0	1	0	0	13	0	4	0
Mean Sentence	44.2	--	19.3	21.0	15.1	65.2	12.1	61.5	32.6
Median Sentence	28.0	--	6.0	21.0	21.0	41.0	12.0	40.5	30.0
CASES INVOLVING PROBATION									
Total Receiving Probation	7 (5.7)	0 (--)	1 (10.0)	0 (0.0)	1 (12.5)	2 (4.4)	2 (20.0)	0 (0.0)	0 (0.0)
Probation Only	5 (4.1)	0 (--)	0 (0.0)	0 (0.0)	1 (12.5)	2 (4.4)	2 (20.0)	0 (0.0)	0 (0.0)
Probation and Confinement	2 (1.6)	0 (--)	1 (10.0)	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	54 (44.3)	0 (--)	8 (80.0)	1 (100.0)	6 (75.0)	13 (28.9)	7 (70.0)	3 (21.4)	6 (31.6)
Median Dollar Amount	\$6,612	\$--	\$5,413	\$126,753	\$143,439	\$6,612	\$6,612	\$6,562	\$6,562

Footnotes and a complete description of all variables in this table are provided in / SOURCE: U.S. Sentencing Commission, FY1994 Datafile,

SOUTH CAROLINA
4th Circuit



Cities Supplying Guideline Documentation¹

- | | |
|----------------|----------------|
| (1) Greenville | (4) Florence |
| (2) Columbia | (5) Aiken |
| (3) Charleston | (6) Orangeburg |

Number of Court Professionals	District Court Judges ²	12
	Assistant U.S. Attorneys ³	31
	Assistant Federal Defenders ⁴	9
	Probation Officers ⁵	77
Cases Filed	Civil ⁶	3,563
	Criminal ⁷	602
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	387	11
Forcible Rape	1,949	55
Robbery	6,873	193
Aggravated Assault	28,383	797
Burglary	47,859	1,344
Larceny/Theft	117,971	3,314
Motor Vehicle Theft	12,567	353
Crime Index Total	215,989	6,067

Economic Indicators	Income per Capita ¹²	\$ 11,897
	Percent Unemployed ¹³	7.6

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	23.2
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

SOUTH CARO

Cases Received by USSC (by sentencing month) ¹

October 93	54	April 94	48
November 93	53	May 94	87
December 93	41	June 94	44
January 94	56	July 94	37
February 94	83	August 94	52
March 94	53	September 94	61

TOTAL = 669

Monthly Income ³

	mean	median
TOTAL	\$3,161	\$594
Male	\$3,561	\$510
Female	\$1,065	\$727

Average Age ⁵

TOTAL	35.8	35.0
Male	35.7	35.0
Female	36.0	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	669 (100.0%)	560 (83.7%)	109 (16.3%)
White	287 (42.9%)	237 (82.6%)	50 (17.4%)
Black	360 (53.8%)	302 (83.9%)	58 (16.1%)
Hispanic	22 (3.3%)	21 (95.5%)	1 (4.5%)
Other	0 (0.0%)	0 (--%)	0 (--%)

Departure Status ⁴

Sentenced within Guideline Range	508 (76.7%)
Substantial Assistance Departure	132 (19.9%)
Other Downward Departure	18 (2.7%)
Upward Departure	4 (0.6%)

Mode of Conviction ⁶

TOTAL	669 (100.0%)
Plea	632 (94.5%)
Trial	37 (5.5%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezmnt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	667 (100.0)	39 (100.0)	48 (100.0)	14 (100.0)	92 (100.0)	269 (100.0)	33 (100.0)	66 (100.0)	2 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	476 (71.4)	39 (100.0)	14 (29.2)	9 (64.3)	49 (53.3)	230 (85.5)	12 (36.4)	60 (90.9)	2 (100.0)
Prison	443 (66.4)	39 (100.0)	11 (22.9)	4 (28.6)	41 (44.6)	223 (82.9)	11 (33.3)	55 (83.3)	2 (100.0)
Prison/Community Split	33 (4.9)	0 (0.0)	3 (6.3)	5 (35.7)	8 (8.7)	7 (2.6)	1 (3.0)	5 (7.6)	0 (0.0)

Prison Term Ordered

Up to 12 months	125	0	11	7	29	37	9	6	2
13-24 months	92	0	3	2	12	45	0	10	0
25-36 months	51	5	0	0	6	26	2	7	0
37-60 months	86	12	0	0	2	46	1	20	0
Over 60 months	121	22	0	0	0	76	0	16	0
Mean Sentence	58.3	91.5	8.2	4.0	13.7	77.6	12.8	63.1	8.0
Median Sentence	30.0	84.0	7.0	0.0	10.0	37.0	6.0	48.0	8.0

CASES INVOLVING PROBATION

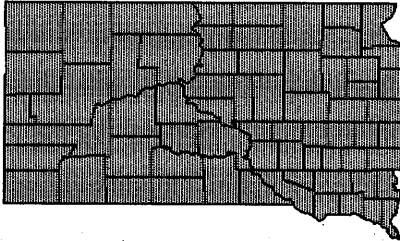
Total Receiving Probation	191 (28.6)	0 (0.0)	34 (70.8)	5 (35.7)	43 (46.7)	39 (14.5)	21 (63.6)	6 (9.1)	0 (0.0)
Probation Only	107 (16.0)	0 (0.0)	25 (52.1)	4 (28.6)	20 (21.7)	14 (5.2)	16 (48.5)	4 (6.1)	0 (0.0)
Probation and Confinement	84 (12.6)	0 (0.0)	9 (18.8)	1 (7.1)	23 (25.0)	25 (9.3)	5 (15.2)	2 (3.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	168 (25.2)	15 (38.5)	18 (37.5)	9 (64.3)	58 (63.0)	14 (5.2)	17 (51.5)	6 (9.1)	0 (0.0)
Median Dollar Amount	\$2,850	\$2,940	\$1,943	\$2,500	\$4,351	\$3,500	\$336	\$1,000	\$--

Footnotes and a complete description of all variables in this table are provided in A SOURCE: U.S. Sentencing Commission, FY1994 Datafile, 1

**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	6
	Assistant U.S. Attorneys ³	11
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	21
Cases Filed	Civil ⁶	461
	Criminal ⁷	262
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	19	3
Forcible Rape	293	42
Robbery	97	14
Aggravated Assault	940	134
Burglary	3,383	481
Larceny/Theft	13,099	1,862
Motor Vehicle Theft	733	104
Crime Index Total	18,564	2,639

Economic Indicators	Income per Capita ¹²	\$ 10,661
	Percent Unemployed ¹³	3.3

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	92.3
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

SOUTH DAK

Cases Received by USSC (by sentencing month) ¹

October 93	14	April 94	15
November 93	15	May 94	19
December 93	19	June 94	10
January 94	7	July 94	16
February 94	17	August 94	19
March 94	13	September 94	10

TOTAL = 174

Monthly Income ³

	mean	median
TOTAL	\$959	\$448
Male	\$940	\$317
Female	\$1,033	\$800

Average Age ⁵

TOTAL	34.8	33.0
Male	34.5	33.0
Female	36.3	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	169 (100.0%)	139 (82.2%)	30 (17.8%)
White	65 (38.5%)	50 (76.9%)	15 (23.1%)
Black	5 (3.0%)	5 (100.0%)	0 (0.0%)
Hispanic	10 (5.9%)	10 (100.0%)	0 (0.0%)
Other	89 (52.7%)	74 (83.1%)	15 (16.9%)

Departure Status ⁴

Sentenced within Guideline Range	153 (88.4%)
Substantial Assistance Departure	8 (4.6%)
Other Downward Departure	10 (5.8%)
Upward Departure	2 (1.2%)

Mode of Conviction ⁶

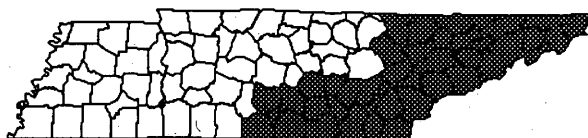
TOTAL	174 (100.0%)
Plea	156 (89.7%)
Trial	18 (10.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr
	173 (100.0)	1 (100.0)	14 (100.0)	6 (100.0)	21 (100.0)	52 (100.0)	0 (100.0)	8 (100.0)	9 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	130 (75.1)	1 (100.0)	8 (57.1)	2 (33.3)	11 (52.4)	41 (78.8)	0 (--)	5 (62.5)	9 (100.0)
Prison	106 (61.3)	1 (100.0)	7 (50.0)	1 (16.7)	8 (38.1)	28 (53.8)	0 (--)	5 (62.5)	9 (100.0)
Prison/Community Split	24 (13.9)	0 (0.0)	1 (7.1)	1 (16.7)	3 (14.3)	13 (25.0)	0 (--)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	49	0	7	2	11	13	0	0	5
13-24 months	21	0	1	0	0	10	0	0	0
25-36 months	13	0	0	0	0	1	0	3	1
37-60 months	20	0	0	0	0	8	0	2	0
Over 60 months	24	1	0	0	0	9	0	0	0
Mean Sentence	42.0	70.0	7.8	2.2	5.0	45.3	--	42.6	8.3
Median Sentence	21.0	70.0	8.0	2.2	4.0	21.0	--	36.0	4.5
CASES INVOLVING PROBATION									
Total Receiving Probation	43 (24.9)	0 (0.0)	6 (42.9)	4 (66.7)	10 (47.6)	11 (21.2)	0 (--)	3 (37.5)	0 (0.0)
Probation Only	36 (20.8)	0 (0.0)	6 (42.9)	3 (50.0)	9 (42.9)	8 (15.4)	0 (--)	3 (37.5)	0 (0.0)
Probation and Confinement	7 (4.0)	0 (0.0)	0 (0.0)	1 (16.7)	1 (4.8)	3 (5.8)	0 (--)	0 (0.0)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	53 (30.6)	1 (100.0)	12 (85.7)	5 (83.3)	18 (85.7)	10 (19.2)	0 (--)	2 (25.0)	0 (0.0)
Median Dollar Amount	\$3,673	\$1,214	\$1,850	\$4,545	\$13,246	\$3,500	\$--	\$15,250	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, M

**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	45

Cases Filed	Civil ⁶	1,932
	Criminal ⁷	394

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	94	5
Forcible Rape	532	26
Robbery	1,723	85
Aggravated Assault	7,435	367
Burglary	15,382	759
Larceny/Theft	36,117	1,782
Motor Vehicle Theft	6,706	331
Crime Index Total	67,989	3,355

Economic Indicators	Income per Capita ¹²	\$ 11,765
	Percent Unemployed ¹³	6.0

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	34.9
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

TENNESSEE, Ea

Cases Received by USSC (by sentencing month) ¹

October 93	16	April 94	38
November 93	28	May 94	28
December 93	21	June 94	27
January 94	33	July 94	27
February 94	30	August 94	34
March 94	39	September 94	19

TOTAL = 340

Monthly Income ³

	mean	median
TOTAL	\$1,372	\$800
Male	\$1,408	\$800
Female	\$1,203	\$996

Average Age ⁵

	mean	median
TOTAL	36.0	35.0
Male	36.0	35.0
Female	35.9	35.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	339 (100.0%)	282 (83.2%)	57 (16.8%)
White	239 (70.5%)	197 (82.4%)	42 (17.6%)
Black	91 (26.8%)	79 (86.8%)	12 (13.2%)
Hispanic	6 (1.8%)	4 (66.7%)	2 (33.3%)
Other	3 (0.9%)	2 (66.7%)	1 (33.3%)

Departure Status ⁴

Sentenced within Guideline Range	247 (73.1%)
Substantial Assistance Departure	78 (23.1%)
Other Downward Departure	11 (3.3%)
Upward Departure	2 (0.6%)

Mode of Conviction ⁶

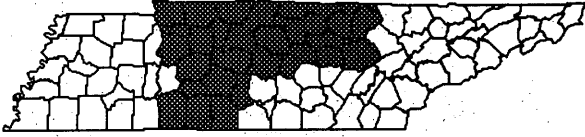
TOTAL	340 (100.0%)
Plea	297 (87.4%)
Trial	43 (12.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	
	339 (100.0)	14 (100.0)	25 (100.0)	6 (100.0)	50 (100.0)	131 (100.0)	22 (100.0)	44 (100.0)	0 (100.0)	
CASES INVOLVING PRISON ⁸										
Total Receiving Prison	257 (75.8)	14 (100.0)	12 (48.0)	4 (66.7)	27 (54.0)	118 (90.1)	10 (45.5)	42 (95.5)	0 (--)	
Prison	251 (74.0)	14 (100.0)	12 (48.0)	3 (50.0)	24 (48.0)	116 (88.5)	10 (45.5)	42 (95.5)	0 (--)	
Prison/Community Split	6 (1.8)	0 (0.0)	0 (0.0)	1 (16.7)	3 (6.0)	2 (1.5)	0 (0.0)	0 (0.0)	0 (--)	
Prison Term Ordered										
Up to 12 months	64	0	8	4	18	19	7	1	0	
13-24 months	45	0	4	0	6	22	2	4	0	
25-36 months	24	0	0	0	3	12	0	1	0	
37-60 months	38	1	0	0	0	21	1	11	0	
Over 60 months	86	13	0	0	0	44	0	25	0	
Mean Sentence	67.0	140.3	10.8	3.3	10.6	74.1	13.6	114.6	--	
Median Sentence	35.0	112.5	9.0	1.0	7.0	47.0	12.0	98.0	--	
CASES INVOLVING PROBATION										
Total Receiving Probation	82 (24.2)	0 (0.0)	13 (52.0)	2 (33.3)	23 (46.0)	13 (9.9)	12 (54.5)	2 (4.5)	0 (--)	
Probation Only	52 (15.3)	0 (0.0)	9 (36.0)	2 (33.3)	17 (34.0)	8 (6.1)	7 (31.8)	1 (2.3)	0 (--)	
Probation and Confinement	30 (8.8)	0 (0.0)	4 (16.0)	0 (0.0)	6 (12.0)	5 (3.8)	5 (22.7)	1 (2.3)	0 (--)	
CASES INVOLVING FINES AND RESTITUTION ⁹										
Total Receiving Fines and Restitution	139 (41.0)	12 (85.7)	15 (60.0)	5 (83.3)	42 (84.0)	22 (16.8)	12 (54.5)	5 (11.4)	0 (--)	
Median Dollar Amount	\$4,671	\$33,262	\$3,095	\$5,360	\$6,571	\$2,000	\$725	\$500	\$--	

Footnotes and a complete description of all variables in this table are provided in Appen
SOURCE: U.S. Sentencing Commission, FY1994 Datafile, MO

**TENNESSEE, Middle
6th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Nashville
- (2) Clarksville
- (3) Cookeville
- (4) Columbia

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	13
	Assistant Federal Defenders ⁴	7
	Probation Officers ⁵	30
Cases Filed	Civil ⁶	1,510
	Criminal ⁷	198
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	118	8
Forcible Rape	856	55
Robbery	3,201	207
Aggravated Assault	8,613	557
Burglary	14,910	964
Larceny/Theft	49,386	3,193
Motor Vehicle Theft	6,064	392
Crime Index Total	83,148	5,376

Economic Indicators	Income per Capita ¹²	\$ 13,082
	Percent Unemployed ¹³	5.0

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	45.3
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

TENNESSEE,

Cases Received by USSC (by sentencing month) ¹

October 93	15	April 94	18
November 93	27	May 94	11
December 93	26	June 94	21
January 94	19	July 94	17
February 94	26	August 94	22
March 94	26	September 94	25

TOTAL = 253

Monthly Income ³

	mean	median
TOTAL	\$1,243	\$712
Male	\$1,330	\$696
Female	\$856	\$785

Average Age ⁵

	mean	median
TOTAL	35.5	35.0
Male	36.0	35.0
Female	32.8	30.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	247 (100.0%)	203 (82.2%)	44 (17.8%)
White	126 (51.0%)	108 (85.7%)	18 (14.3%)
Black	112 (45.3%)	88 (78.6%)	24 (21.4%)
Hispanic	7 (2.8%)	6 (85.7%)	1 (14.3%)
Other	2 (0.8%)	1 (50.0%)	1 (50.0%)

Departure Status ⁴

Sentenced within Guideline Range	175 (79.5%)
Substantial Assistance Departure	29 (13.2%)
Other Downward Departure	8 (3.6%)
Upward Departure	8 (3.6%)

Mode of Conviction ⁶

TOTAL	253 (100.0%)
Plea	232 (91.7%)
Trial	21 (8.3%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	251 (100.0)	27 (100.0)	34 (100.0)	3 (100.0)	50 (100.0)	37 (100.0)	10 (100.0)	15 (100.0)	5 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	178 (70.9)	27 (100.0)	15 (44.1)	1 (33.3)	28 (56.0)	36 (97.3)	6 (60.0)	15 (100.0)	3 (60.0)
Prison	145 (57.8)	22 (81.5)	13 (38.2)	1 (33.3)	20 (40.0)	30 (81.1)	5 (50.0)	11 (73.3)	3 (60.0)
Prison/Community Split	33 (13.1)	5 (18.5)	2 (5.9)	0 (0.0)	8 (16.0)	6 (16.2)	1 (10.0)	4 (26.7)	0 (0.0)

Prison Term Ordered

Up to 12 months	66	0	9	1	16	1	5	2	3
13-24 months	19	0	3	0	5	3	1	3	0
25-36 months	16	1	0	0	4	7	0	2	0
37-60 months	28	7	3	0	3	4	0	4	0
Over 60 months	49	19	0	0	0	21	0	4	0
Mean Sentence	47.5	107.7	16.0	6.0	14.5	82.8	10.0	43.6	5.7
Median Sentence	27.0	90.0	8.0	6.0	12.0	67.5	9.5	38.0	6.0

CASES INVOLVING PROBATION

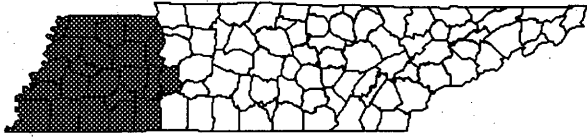
Total Receiving Probation	73 (29.1)	0 (0.0)	19 (55.9)	2 (66.7)	22 (44.0)	1 (2.7)	4 (40.0)	0 (0.0)	2 (40.0)
Probation Only	43 (17.1)	0 (0.0)	10 (29.4)	1 (33.3)	12 (24.0)	0 (0.0)	3 (30.0)	0 (0.0)	1 (20.0)
Probation and Confinement	30 (12.0)	0 (0.0)	9 (26.5)	1 (33.3)	10 (20.0)	1 (2.7)	1 (10.0)	0 (0.0)	1 (20.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	176 (70.1)	23 (85.2)	30 (88.2)	3 (100.0)	46 (92.0)	5 (13.5)	9 (90.0)	1 (6.7)	3 (60.0)
Median Dollar Amount	\$2,038	\$1,120	\$2,877	\$1,986	\$4,750	\$4,000	\$2,788	\$611	\$1,067

Footnotes and a complete description of all variables in this table are provided in A SOURCE: U.S. Sentencing Commission, FY1994 Datafile, |

**TENNESSEE, Western
6th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Memphis
- (2) Jackson
- (3) Dyersburg

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ²⁸	21
	Assistant Federal Defenders ⁷	7
	Probation Officers ³³	33
Cases Filed	Civil ⁶	1,289
	Criminal ⁷	339
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	244	18
Forcible Rape	915	66
Robbery	5,926	430
Aggravated Assault	6,382	463
Burglary	20,949	1,519
Larceny/Theft	37,588	2,725
Motor Vehicle Theft	15,069	1,093
Crime Index Total	87,073	6,313

Economic Indicators	Income per Capita ¹²	\$ 12,053
	Percent Unemployed ¹³	6.1

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	49.5
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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 1994 GUIDELINE SENTENCES

TENNESSEE, W

Cases Received by USSC (by sentencing month) ¹

October 93	39	April 94	40
November 93	32	May 94	29
December 93	29	June 94	36
January 94	24	July 94	53
February 94	30	August 94	42
March 94	25	September 94	37

TOTAL = 416

Monthly Income ³

	mean	median
TOTAL	\$978	\$434
Male	\$965	\$433
Female	\$1,040	\$500

Average Age ⁵

	mean	median
TOTAL	34.5	32.0
Male	34.3	32.0
Female	35.4	33.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	416 (100.0%)	340 (81.7%)	76 (18.3%)
White	181 (43.5%)	148 (81.8%)	33 (18.2%)
Black	215 (51.7%)	172 (80.0%)	43 (20.0%)
Hispanic	18 (4.3%)	18 (100.0%)	0 (0.0%)
Other	2 (0.5%)	2 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	289 (71.0%)
Substantial Assistance Departure	95 (23.3%)
Other Downward Departure	15 (3.7%)
Upward Departure	8 (2.0%)

Mode of Conviction ⁶

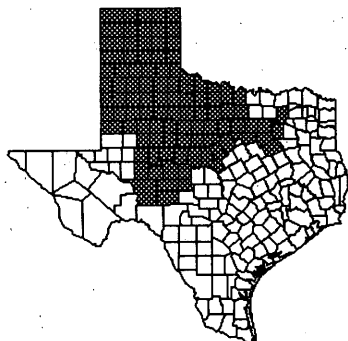
TOTAL	415 (100.0%)
Plea	365 (88.0%)
Trial	50 (12.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr
	415 (100.0)	12 (100.0)	38 (100.0)	11 (100.0)	75 (100.0)	162 (100.0)	12 (100.0)	34 (100.0)	1 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	329 (79.3)	12 (100.0)	20 (52.6)	7 (63.6)	52 (69.3)	147 (90.7)	8 (66.7)	33 (97.1)	1 (100.0)
Prison	313 (75.4)	12 (100.0)	14 (36.8)	2 (18.2)	50 (66.7)	147 (90.7)	6 (50.0)	33 (97.1)	1 (100.0)
Prison/Community Split	16 (3.9)	0 (0.0)	6 (15.8)	5 (45.5)	2 (2.7)	0 (0.0)	2 (16.7)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	51	0	9	6	13	8	5	1	0
13-24 months	64	0	8	1	20	22	1	1	1
25-36 months	28	0	2	0	7	12	1	2	0
37-60 months	62	0	0	0	9	36	0	8	0
Over 60 months	124	12	1	0	3	69	1	21	0
Mean Sentence	77.4	239.1	18.8	3.3	26.7	83.2	18.0	145.8	16.0
Median Sentence	51.0	149.5	14.0	1.0	24.0	60.0	11.0	120.0	16.0
CASES INVOLVING PROBATION									
Total Receiving Probation	86 (20.7)	0 (0.0)	18 (47.4)	4 (36.4)	23 (30.7)	15 (9.3)	4 (33.3)	1 (2.9)	0 (0.0)
Probation Only	48 (11.6)	0 (0.0)	12 (31.6)	0 (0.0)	13 (17.3)	11 (6.8)	2 (16.7)	0 (0.0)	0 (0.0)
Probation and Confinement	38 (9.2)	0 (0.0)	6 (15.8)	4 (36.4)	10 (13.3)	4 (2.5)	2 (16.7)	1 (2.9)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	150 (36.1)	8 (66.7)	28 (73.7)	6 (54.5)	60 (78.9)	15 (9.3)	6 (50.0)	3 (8.8)	0 (0.0)
Median Dollar Amount	\$3,000	\$4,317	\$2,750	\$16,397	\$5,000	\$3,000	\$2,500	\$3,000	\$--

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, N

**TEXAS, Northern
5th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|----------------|-------------------|
| (1) Dallas | (5) San Angelo |
| (2) Fort Worth | (6) Abilene |
| (3) Lubbock | (7) Wichita Falls |
| (4) Amarillo | (8) Arlington |

Number of Court Professionals	District Court Judges ²	14
	Assistant U.S. Attorneys ³	57
	Assistant Federal Defenders ⁴	15
	Probation Officers ⁵	94
Cases Filed	Civil ⁶	4,658
	Criminal ⁷	757
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	665	13
Forcible Rape	3,167	62
Robbery	13,839	272
Aggravated Assault	27,104	533
Burglary	71,810	1,411
Larceny/Theft	205,252	4,033
Motor Vehicle Theft	37,261	732
Crime Index Total	359,098	7,055

Economic Indicators	Income per Capita ¹²	\$ 14,098
	Percent Unemployed ¹³	6.3

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	87.5
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

TEXAS, No

Cases Received by USSC (by sentencing month) ¹

October 93	96	April 94	79
November 93	67	May 94	86
December 93	44	June 94	68
January 94	92	July 94	70
February 94	62	August 94	83
March 94	64	September 94	54

TOTAL = 865

Monthly Income ³

	mean	median
TOTAL	\$1,122	\$550
Male	\$1,136	\$400
Female	\$1,053	\$811

Average Age ⁵

TOTAL	35.0	33.0
Male	35.0	33.0
Female	35.1	33.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	865 (100.0%)	727 (84.0%)	138 (16.0%)
White	361 (41.7%)	295 (81.7%)	66 (18.3%)
Black	286 (33.1%)	236 (82.5%)	50 (17.5%)
Hispanic	209 (24.2%)	190 (90.9%)	19 (9.1%)
Other	9 (1.0%)	6 (66.7%)	3 (33.3%)

Departure Status ⁴

Sentenced within Guideline Range	638 (75.1%)
Substantial Assistance Departure	163 (19.2%)
Other Downward Departure	37 (4.4%)
Upward Departure	12 (1.4%)

Mode of Conviction ⁶

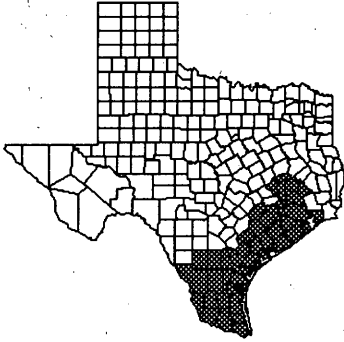
TOTAL	864 (100.0%)
Plea	747 (86.5%)
Trial	117 (13.5%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	864 (100.0)	40 (100.0)	48 (100.0)	12 (100.0)	187 (100.0)	273 (100.0)	21 (100.0)	56 (100.0)	65 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	733 (84.8)	39 (97.5)	27 (56.3)	8 (66.7)	150 (80.2)	267 (97.8)	19 (90.5)	52 (92.9)	60 (92.3)
Prison	714 (82.6)	38 (95.0)	26 (54.2)	7 (58.3)	138 (73.8)	266 (97.4)	19 (90.5)	52 (92.9)	60 (92.3)
Prison/Community Split	19 (2.2)	1 (2.5)	1 (2.1)	1 (8.3)	12 (6.4)	1 (0.4)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	152	2	12	3	60	10	8	2	28
13-24 months	125	1	11	2	48	17	6	6	14
25-36 months	78	2	2	1	23	26	2	7	1
37-60 months	120	9	1	1	16	39	3	14	14
Over 60 months	258	25	1	1	3	175	0	23	3
Mean Sentence	87.8	161.4	17.8	26.6	21.3	147.3	19.2	123.3	25.3
Median Sentence	40.0	84.0	14.0	21.0	16.0	108.0	13.0	60.0	14.5
CASES INVOLVING PROBATION									
Total Receiving Probation	131 (15.2)	1 (2.5)	21 (43.8)	4 (33.3)	37 (19.8)	6 (2.2)	2 (9.5)	4 (7.1)	5 (7.7)
Probation Only	78 (9.0)	0 (0.0)	12 (25.0)	3 (25.0)	19 (10.2)	4 (1.5)	2 (9.5)	1 (1.8)	2 (3.1)
Probation and Confinement	53 (6.1)	1 (2.5)	9 (18.8)	1 (8.3)	18 (9.6)	2 (0.7)	0 (0.0)	3 (5.4)	3 (4.6)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	319 (36.9)	18 (45.0)	30 (62.5)	10 (83.3)	145 (77.5)	23 (8.4)	8 (38.1)	7 (12.5)	5 (7.7)
Median Dollar Amount	\$10,000	\$6,908	\$3,200	\$141,418	\$18,000	\$5,000	\$1,415	\$482	\$500

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, N

**TEXAS, Southern
5th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|-----------------|--------------------|
| (1) Houston | (4) Corpus Christi |
| (2) Laredo | (5) McAllen |
| (3) Brownsville | (6) Galveston |

Number of Court Professionals	District Court Judges ²	19
	Assistant U.S. Attorneys ³	84
	Assistant Federal Defenders ⁴	32
	Probation Officers ⁵	145
Cases Filed	Civil ⁶	6,845
	Criminal ⁷	1,339
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	789	14
Forcible Rape	3,330	58
Robbery	16,079	282
Aggravated Assault	30,589	536
Burglary	77,829	1,363
Larceny/Theft	198,678	3,479
Motor Vehicle Theft	51,397	900
Crime Index Total	378,691	6,631

Economic Indicators	Income per Capita ¹²	\$ 12,922
	Percent Unemployed ¹³	8.1

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	72.3
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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

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1994 GUIDELINE SENTENCES

TEXAS, S

Cases Received by USSC (by sentencing month) ¹

October 93	103	April 94	118
November 93	127	May 94	97
December 93	108	June 94	131
January 94	112	July 94	96
February 94	129	August 94	167
March 94	159	September 94	127

TOTAL = 1,474

Monthly Income ³

	mean	median
TOTAL	\$1,073	\$500
Male	\$1,086	\$474
Female	\$963	\$680

Average Age ⁵

	mean	median
TOTAL	34.3	32.0
Male	34.1	32.0
Female	35.4	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,463 (100.0%)	1,317 (90.0%)	146 (10.0%)
White	240 (16.4%)	210 (87.5%)	30 (12.5%)
Black	130 (8.9%)	106 (81.5%)	24 (18.5%)
Hispanic	1,087 (74.3%)	997 (91.7%)	90 (8.3%)
Other	6 (0.4%)	4 (66.7%)	2 (33.3%)

Departure Status ⁴

Sentenced within Guideline Range	1,114 (76.0%)
Substantial Assistance Departure	266 (18.1%)
Other Downward Departure	74 (5.0%)
Upward Departure	12 (0.8%)

Mode of Conviction ⁶

TOTAL	1,469 (100.0%)
Plea	1,291 (87.9%)
Trial	178 (12.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	1,470 (100.0)	3 (100.0)	21 (100.0)	13 (100.0)	130 (100.0)	830 (100.0)	10 (100.0)	47 (100.0)	219 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	1,292 (87.9)	3 (100.0)	12 (57.1)	9 (69.2)	96 (73.8)	808 (97.3)	6 (60.0)	45 (95.7)	167 (76.3)
Prison	1,260 (85.7)	3 (100.0)	12 (57.1)	6 (46.2)	87 (66.9)	802 (96.6)	6 (60.0)	44 (93.6)	162 (74.0)
Prison/Community Split	32 (2.2)	0 (0.0)	0 (0.0)	3 (23.1)	9 (6.9)	6 (0.7)	0 (0.0)	1 (2.1)	5 (2.3)
Prison Term Ordered									
Up to 12 months	276	0	3	7	36	44	3	11	115
13-24 months	210	0	5	2	27	103	2	13	29
25-36 months	160	0	2	0	13	126	0	1	3
37-60 months	280	0	1	0	17	224	1	8	9
Over 60 months	365	3	1	0	3	311	0	12	11
Mean Sentence	59.2	205.3	23.2	6.6	22.1	76.1	20.5	58.8	16.9
Median Sentence	36.0	130.0	13.0	5.0	18.0	60.0	13.5	24.0	8.0

CASES INVOLVING PROBATION

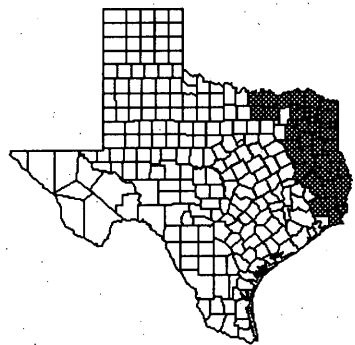
Total Receiving Probation	178 (12.1)	0 (0.0)	9 (42.9)	4 (30.8)	34 (26.2)	22 (2.7)	4 (40.0)	2 (4.3)	52 (23.7)
Probation Only	105 (7.1)	0 (0.0)	8 (38.1)	1 (7.7)	16 (12.3)	16 (1.9)	1 (10.0)	1 (2.1)	28 (12.8)
Probation and Confinement	73 (5.0)	0 (0.0)	1 (4.8)	3 (23.1)	18 (13.8)	6 (0.7)	3 (30.0)	1 (2.1)	24 (11.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	422 (28.7)	3 (100.0)	12 (57.1)	8 (61.5)	81 (62.3)	202 (24.3)	7 (70.0)	8 (17.0)	20 (9.1)
Median Dollar Amount	\$1,000	\$1,000	\$3,528	\$81,130	\$11,250	\$500	\$1,440	\$500	\$500

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, 1

**TEXAS, Eastern
5th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Beaumont
- (2) Tyler
- (3) Plano
- (4) Sherman
- (5) Texarkana
- (6) Marshall

Number of Court Professionals	District Court Judges ²	7
	Assistant U.S. Attorneys ³	27
	Assistant Federal Defenders ⁴	4
	Probation Officers ⁵	38

Cases Filed	Civil ⁶	2,902
	Criminal ⁷	344

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	202	9
Forcible Rape	1,123	48
Robbery	2,595	111
Aggravated Assault	9,540	409
Burglary	26,992	1,157
Larceny/Theft	67,022	2,872
Motor Vehicle Theft	7,882	338
Crime Index Total	115,356	4,944

Economic Indicators	Income per Capita ¹²	\$ 12,780
	Percent Unemployed ¹³	7.4

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	43.9
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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

A complete description of the footnotes is provided in Appendix A.

FISCAL YEAR 1994 GUIDELINE SENTENCES

TEXAS, F

Cases Received by USSC (by sentencing month) ¹

October 93	33	April 94	27
November 93	17	May 94	33
December 93	52	June 94	35
January 94	49	July 94	40
February 94	40	August 94	39
March 94	20	September 94	23

TOTAL = 408

Monthly Income ³

	mean	median
TOTAL	\$1,052	\$437
Male	\$1,037	\$400
Female	\$1,135	\$640

Average Age ⁵

	mean	median
TOTAL	35.8	34.0
Male	35.7	33.0
Female	36.3	34.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	408 (100.0%)	343 (84.1%)	65 (15.9%)
White	213 (52.2%)	175 (82.2%)	38 (17.8%)
Black	165 (40.4%)	142 (86.1%)	23 (13.9%)
Hispanic	28 (6.9%)	24 (85.7%)	4 (14.3%)
Other	2 (0.5%)	2 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	318 (81.7%)
Substantial Assistance Departure	39 (10.0%)
Other Downward Departure	23 (5.9%)
Upward Departure	9 (2.3%)

Mode of Conviction ⁶

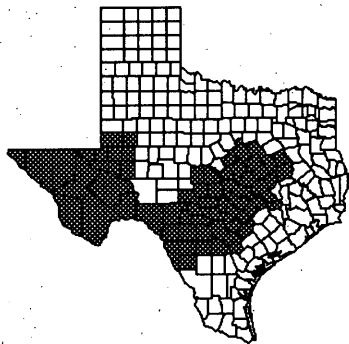
TOTAL	408 (100.0%)
Plea	371 (90.9%)
Trial	37 (9.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr
	403 (100.0)	10 (100.0)	14 (100.0)	8 (100.0)	61 (100.0)	165 (100.0)	8 (100.0)	70 (100.0)	4 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	350 (86.8)	10 (100.0)	8 (57.1)	5 (62.5)	40 (65.6)	160 (97.0)	7 (87.5)	70 (100.0)	4 (100.0)
Prison	340 (84.4)	10 (100.0)	7 (50.0)	3 (37.5)	35 (57.4)	158 (95.8)	7 (87.5)	70 (100.0)	4 (100.0)
Prison/Community Split	10 (2.5)	0 (0.0)	1 (7.1)	2 (25.0)	5 (8.2)	2 (1.2)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	42	0	4	4	17	7	0	2	4
13-24 months	53	0	1	0	11	20	4	2	0
25-36 months	39	0	1	1	7	16	1	9	0
37-60 months	85	4	0	0	5	29	1	37	0
Over 60 months	131	6	2	0	0	88	1	20	0
Mean Sentence	79.7	94.2	26.6	10.8	20.8	103.9	30.9	75.7	6.0
Median Sentence	60.0	81.0	12.5	6.0	18.0	72.5	24.0	60.0	5.0
CASES INVOLVING PROBATION									
Total Receiving Probation	53 (13.2)	0 (0.0)	6 (42.9)	3 (37.5)	21 (34.4)	5 (3.0)	1 (12.5)	0 (0.0)	0 (0.0)
Probation Only	31 (7.7)	0 (0.0)	1 (7.1)	2 (25.0)	11 (18.0)	4 (2.4)	1 (12.5)	0 (0.0)	0 (0.0)
Probation and Confinement	22 (5.5)	0 (0.0)	5 (35.7)	1 (12.5)	10 (16.4)	1 (0.6)	0 (0.0)	0 (0.0)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	156 (38.2)	6 (60.0)	12 (80.0)	9 (100.0)	48 (77.4)	31 (18.8)	4 (50.0)	13 (18.6)	2 (50.0)
Median Dollar Amount	\$8,508	\$1,124	\$19,892	\$19,141	\$75,127	\$2,500	\$3,000	\$1,000	\$6,399

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, N

**TEXAS, Western
5th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|-----------------|--------------------|
| (1) El Paso | (5) Del Rio |
| (2) San Antonio | (6) Midland-Odessa |
| (3) Austin | (7) Pecos |
| (4) Waco | |

Number of Court Professionals

District Court Judges ²	12
Assistant U.S. Attorneys ³	21
Assistant Federal Defenders ⁴	31
Probation Officers ⁵	120

Cases Filed

Civil ⁶	2,945
Criminal ⁷	1,410

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	491	12
Forcible Rape	2,300	55
Robbery	7,950	189
Aggravated Assault	17,623	418
Burglary	57,191	1,357
Larceny/Theft	193,639	4,596
Motor Vehicle Theft	28,273	671
Crime Index Total	307,467	7,298

Economic Indicators

Income per Capita ¹²	\$ 11,498
Percent Unemployed ¹³	6.3

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	81.1
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

TEXAS, V

Cases Received by USSC (by sentencing month) ¹

October 93	121	April 94	154
November 93	134	May 94	95
December 93	141	June 94	133
January 94	118	July 94	77
February 94	130	August 94	120
March 94	118	September 94	143

TOTAL = 1,484

Monthly Income ³

	mean	median
TOTAL	\$1,014	\$519
Male	\$992	\$467
Female	\$1,129	\$820

Average Age ⁵

	mean	median
TOTAL	34.0	32.0
Male	33.9	32.0
Female	34.4	32.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	1,467 (100.0%)	1,262 (86.0%)	205 (14.0%)
White	360 (24.5%)	296 (82.2%)	64 (17.8%)
Black	237 (16.2%)	190 (80.2%)	47 (19.8%)
Hispanic	856 (58.4%)	765 (89.4%)	91 (10.6%)
Other	14 (1.0%)	11 (78.6%)	3 (21.4%)

Departure Status ⁴

Sentenced within Guideline Range	1,076 (76.2%)
Substantial Assistance Departure	248 (17.6%)
Other Downward Departure	58 (4.1%)
Upward Departure	31 (2.2%)

Mode of Conviction ⁶

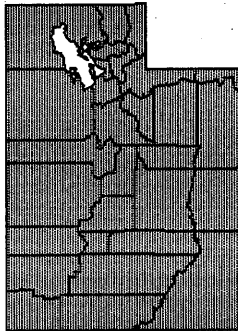
TOTAL	1,484 (100.0%)
Plea	1,365 (92.0%)
Trial	119 (8.0%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	1,471 (100.0)	23 (100.0)	74 (100.0)	11 (100.0)	120 (100.0)	732 (100.0)	15 (100.0)	93 (100.0)	177 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	1,262 (85.8)	23 (100.0)	24 (32.4)	10 (90.9)	80 (66.7)	718 (98.1)	6 (40.0)	87 (93.5)	169 (95.5)
Prison	1,230 (83.6)	23 (100.0)	23 (31.1)	7 (63.6)	65 (54.2)	711 (97.1)	5 (33.3)	87 (93.5)	169 (95.5)
Prison/Community Split	32 (2.2)	0 (0.0)	1 (1.4)	3 (27.3)	15 (12.5)	7 (1.0)	1 (6.7)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	226	0	18	8	45	38	3	5	56
13-24 months	290	0	4	2	20	156	1	11	72
25-36 months	186	1	0	0	8	120	1	15	19
37-60 months	268	4	2	0	7	191	1	24	16
Over 60 months	292	18	0	0	0	213	0	32	6
Mean Sentence	56.2	118.4	11.3	7.0	15.7	65.9	15.2	89.4	22.9
Median Sentence	30.0	106.0	6.0	5.0	12.0	41.0	10.5	60.0	21.0
CASES INVOLVING PROBATION									
Total Receiving Probation	209 (14.2)	0 (0.0)	50 (67.6)	1 (9.1)	40 (33.3)	14 (1.9)	9 (60.0)	6 (6.5)	8 (4.5)
Probation Only	165 (11.2)	0 (0.0)	39 (52.7)	1 (9.1)	28 (23.3)	12 (1.6)	7 (46.7)	4 (4.3)	3 (1.7)
Probation and Confinement	44 (3.0)	0 (0.0)	11 (14.9)	0 (0.0)	12 (10.0)	2 (0.3)	2 (13.3)	2 (2.2)	5 (2.8)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	578 (39.1)	18 (78.3)	67 (82.7)	11 (100.0)	97 (80.8)	186 (25.4)	11 (73.3)	37 (39.8)	4 (2.3)
Median Dollar Amount	\$2,500	\$4,065	\$585	\$27,454	\$27,356	\$2,500	\$3,765	\$1,500	\$1,000

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, I

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	18
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	30
Cases Filed	Civil ⁶	1,321
	Criminal ⁷	223
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	58	3
Forcible Rape	804	45
Robbery	1,079	61
Aggravated Assault	3,539	200
Burglary	14,378	812
Larceny/Theft	70,937	4,008
Motor Vehicle Theft	4,426	250
Crime Index Total	95,221	5,380

Economic Indicators	Income per Capita ¹²	\$ 11,029
	Percent Unemployed ¹³	3.8

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	18.3
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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 1994 GUIDELINE SENTENCES

Cases Received by USSC (by sentencing month) ¹

October 93	37	April 94	22
November 93	32	May 94	19
December 93	24	June 94	12
January 94	22	July 94	11
February 94	20	August 94	27
March 94	32	September 94	19

TOTAL = 277

Monthly Income ³

	mean	median
TOTAL	\$1,325	\$757
Male	\$1,339	\$750
Female	\$1,192	\$768

Average Age ⁵

	mean	median
TOTAL	35.1	34.0
Male	35.2	34.0
Female	35.0	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	277 (100.0%)	251 (90.6%)	26 (9.4%)
White	180 (65.0%)	157 (87.2%)	23 (12.8%)
Black	13 (4.7%)	13 (100.0%)	0 (0.0%)
Hispanic	61 (22.0%)	59 (96.7%)	2 (3.3%)
Other	23 (8.3%)	22 (95.7%)	1 (4.3%)

Departure Status ⁴

Sentenced within Guideline Range	199 (73.2%)
Substantial Assistance Departure	23 (8.5%)
Other Downward Departure	49 (18.0%)
Upward Departure	1 (0.4%)

Mode of Conviction ⁶

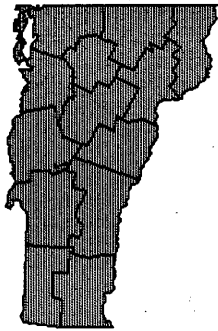
TOTAL	277 (100.0%)
Plea	251 (90.6%)
Trial	26 (9.4%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr
	271 (100.0)	5 (100.0)	14 (100.0)	9 (100.0)	50 (100.0)	89 (100.0)	5 (100.0)	45 (100.0)	7 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	198 (73.1)	5 (100.0)	2 (14.3)	4 (44.4)	29 (58.0)	84 (94.4)	4 (80.0)	40 (88.9)	6 (85.7)
Prison	177 (65.3)	5 (100.0)	2 (14.3)	3 (33.3)	20 (40.0)	80 (89.9)	1 (20.0)	38 (84.4)	6 (85.7)
Prison/Community Split	21 (7.7)	0 (0.0)	0 (0.0)	1 (11.1)	9 (18.0)	4 (4.5)	3 (60.0)	2 (4.4)	0 (0.0)
Prison Term Ordered									
Up to 12 months	53	0	0	3	16	14	4	6	0
13-24 months	38	1	2	1	4	11	0	15	1
25-36 months	17	1	0	0	2	7	0	5	0
37-60 months	43	1	0	0	5	19	0	8	4
Over 60 months	46	2	0	0	2	32	0	6	1
Mean Sentence	47.3	69.8	21.0	9.0	21.6	66.8	6.8	35.2	47.5
Median Sentence	30.0	46.0	21.0	8.5	12.0	60.0	6.5	24.0	46.0
CASES INVOLVING PROBATION									
Total Receiving Probation	73 (26.9)	0 (0.0)	12 (85.7)	5 (55.6)	21 (42.0)	5 (5.6)	1 (20.0)	5 (11.1)	1 (14.3)
Probation Only	53 (19.6)	0 (0.0)	10 (71.4)	3 (33.3)	11 (22.0)	3 (3.4)	0 (0.0)	5 (11.1)	1 (14.3)
Probation and Confinement	20 (7.4)	0 (0.0)	2 (14.3)	2 (22.2)	10 (20.0)	2 (2.2)	1 (20.0)	0 (0.0)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	153 (55.6)	3 (60.0)	11 (78.6)	8 (80.0)	43 (82.7)	35 (39.3)	1 (20.0)	15 (32.6)	2 (28.6)
Median Dollar Amount	\$2,075	\$5,000	\$500	\$9,489	\$5,181	\$2,000	\$2,900	\$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, FY1994 Datafile, MC

**VERMONT
2nd Circuit**



Cities Supplying Guideline Documentation¹

- (1) Burlington
- (2) Rutland

Number of Court Professionals	District Court Judges ²	2
	Assistant U.S. Attorneys ³	10
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	11
Cases Filed	Civil ⁶	402
	Criminal ⁷	83
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	13	2
Forcible Rape	118	21
Robbery	23	4
Aggravated Assault	189	33
Burglary	3,297	582
Larceny/Theft	8,180	1,444
Motor Vehicle Theft	428	76
Crime Index Total	12,248	2,162

Economic Indicators	Income per Capita ¹²	\$ 13,528
	Percent Unemployed ¹³	5.4

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	21.6
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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 1994 GUIDELINE SENTENCES

VERI

Cases Received by USSC (by sentencing month)¹

October 93	5	April 94	18
November 93	9	May 94	11
December 93	4	June 94	13
January 94	5	July 94	8
February 94	9	August 94	7
March 94	6	September 94	4

TOTAL = 99

Monthly Income³

	mean	median
TOTAL	\$2,089	\$750
Male	\$2,222	\$750
Female	\$638	\$770

Average Age⁵

TOTAL	36.4	35.0
Male	36.3	35.0
Female	36.8	35.0

Gender, Race, and Ethnicity²

	TOTAL	Male	Female
TOTAL	99 (100.0%)	89 (89.9%)	10 (10.1%)
White	76 (76.8%)	67 (88.2%)	9 (11.8%)
Black	11 (11.1%)	11 (100.0%)	0 (0.0%)
Hispanic	6 (6.1%)	6 (100.0%)	0 (0.0%)
Other	6 (6.1%)	5 (83.3%)	1 (16.7%)

Departure Status⁴

Sentenced within Guideline Range	66 (66.7%)
Substantial Assistance Departure	22 (22.2%)
Other Downward Departure	11 (11.1%)
Upward Departure	0 (0.0%)

Mode of Conviction⁶

TOTAL	99 (100.0%)
Plea	85 (85.9%)
Trial	14 (14.1%)

SENTENCING INFORMATION BY PRIMARY OFFENSE⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratr
	99 (100.0)	1 (100.0)	3 (100.0)	2 (100.0)	27 (100.0)	41 (100.0)	0 (100.0)	11 (100.0)	6 (100.0)

CASES INVOLVING PRISON⁸

Total Receiving Prison	80 (80.8)	1 (100.0)	2 (66.7)	1 (50.0)	17 (63.0)	37 (90.2)	0 (--)	10 (90.9)	6 (100.0)
Prison	70 (70.7)	1 (100.0)	1 (33.3)	1 (50.0)	13 (48.1)	34 (82.9)	0 (--)	10 (90.9)	6 (100.0)
Prison/Community Split	10 (10.1)	0 (0.0)	1 (33.3)	0 (0.0)	4 (14.8)	3 (7.3)	0 (--)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	27	0	1	1	8	8	0	1	4
13-24 months	14	0	1	0	5	4	0	3	1
25-36 months	6	0	0	0	2	2	0	1	0
37-60 months	21	1	0	0	1	13	0	4	1
Over 60 months	12	0	0	0	1	10	0	1	0
Mean Sentence	46.5	46.0	8.5	0.0	16.9	77.5	--	32.8	14.1
Median Sentence	24.0	46.0	8.5	0.0	15.0	41.0	--	32.0	7.0

CASES INVOLVING PROBATION

Total Receiving Probation	19 (19.2)	0 (0.0)	1 (33.3)	1 (50.0)	10 (37.0)	4 (9.8)	0 (--)	1 (9.1)	0 (0.0)
Probation Only	10 (10.1)	0 (0.0)	0 (0.0)	0 (0.0)	7 (25.9)	1 (2.4)	0 (--)	1 (9.1)	0 (0.0)
Probation and Confinement	9 (9.1)	0 (0.0)	1 (33.3)	1 (50.0)	3 (11.1)	3 (7.3)	0 (--)	0 (0.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION⁹

Total Receiving Fines and Restitution	28 (28.3)	1 (100.0)	2 (66.7)	2 (100.0)	18 (66.7)	1 (2.4)	0 (--)	0 (0.0)	1 (16.7)
Median Dollar Amount	\$31,122	\$1,285	\$30,444	\$12,293	\$160,303	\$17,500	\$--	\$--	\$1,950

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, FY1994 Datafile, 1

VIRGIN ISLANDS
3rd Circuit



Cities Supplying Guideline Documentation¹

- (1) St. Croix
- (2) St. Thomas
- (3) Christiansted

Number of Court Professionals	District Court Judges ²	2
	Assistant U.S. Attorneys ³	14
	Assistant Federal Defenders ⁴	5
	Probation Officers ⁵	12
Cases Filed	Civil ⁶	353
	Criminal ⁷	388
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	27	27
Forcible Rape	78	77
Robbery	713	700
Aggravated Assault	1,875	1,842
Burglary	3,315	3,256
Larceny/Theft	3,526	3,463
Motor Vehicle Theft	1,023	1,005
Crime Index Total	10,557	10,369

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 1994 GUIDELINE SENTENCES

VIRGIN ISI

Cases Received by USSC (by sentencing month) ¹

October 93	16	April 94	15
November 93	6	May 94	8
December 93	13	June 94	0
January 94	12	July 94	0
February 94	13	August 94	0
March 94	5	September 94	0

TOTAL = 88

Monthly Income ³

	mean	median
TOTAL	\$538	\$0
Male	\$546	\$0
Female	\$522	\$0

Average Age ⁵

	mean	median
TOTAL	29.9	29.0
Male	30.5	29.0
Female	28.5	28.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	87 (100.0%)	62 (71.3%)	25 (28.7%)
White	4 (4.6%)	3 (75.0%)	1 (25.0%)
Black	50 (57.5%)	34 (68.0%)	16 (32.0%)
Hispanic	31 (35.6%)	24 (77.4%)	7 (22.6%)
Other	2 (2.3%)	1 (50.0%)	1 (50.0%)

Departure Status ⁴

Sentenced within Guideline Range	81 (92.0%)
Substantial Assistance Departure	5 (5.7%)
Other Downward Departure	0 (0.0%)
Upward Departure	2 (2.3%)

Mode of Conviction ⁶

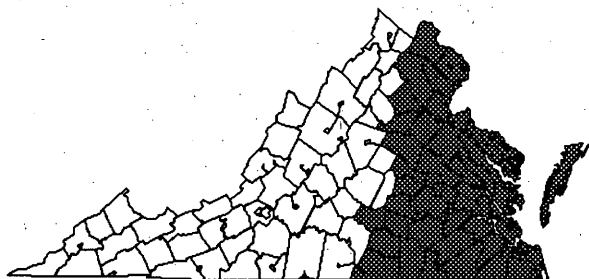
TOTAL	88 (100.0%)
Plea	77 (87.5%)
Trial	11 (12.5%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	88 (100.0)	3 (100.0)	7 (100.0)	0 (100.0)	14 (100.0)	14 (100.0)	2 (100.0)	8 (100.0)	35 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	73 (83.0)	3 (100.0)	3 (42.9)	0 (--)	9 (64.3)	14 (100.0)	1 (50.0)	8 (100.0)	33 (94.3)
Prison	70 (79.5)	3 (100.0)	3 (42.9)	0 (--)	7 (50.0)	14 (100.0)	1 (50.0)	7 (87.5)	33 (94.3)
Prison/Community Split	3 (3.4)	0 (0.0)	0 (0.0)	0 (--)	2 (14.3)	0 (0.0)	0 (0.0)	1 (12.5)	0 (0.0)
Prison Term Ordered									
Up to 12 months	40	0	0	0	6	1	1	1	30
13-24 months	1	0	0	0	1	0	0	0	0
25-36 months	6	0	3	0	1	0	0	2	0
37-60 months	16	2	0	0	1	9	0	2	2
Over 60 months	10	1	0	0	0	4	0	3	1
Mean Sentence	31.9	67.3	30.0	--	14.8	70.9	6.0	75.5	6.8
Median Sentence	10.0	41.0	30.0	--	6.0	60.0	6.0	60.0	1.0
CASES INVOLVING PROBATION									
Total Receiving Probation	15 (17.0)	0 (0.0)	4 (57.1)	0 (--)	5 (35.7)	0 (0.0)	1 (50.0)	0 (0.0)	2 (5.7)
Probation Only	9 (10.2)	0 (0.0)	3 (42.9)	0 (--)	1 (7.1)	0 (0.0)	1 (50.0)	0 (0.0)	2 (5.7)
Probation and Confinement	6 (6.8)	0 (0.0)	1 (14.3)	0 (--)	4 (28.6)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	33 (37.5)	2 (66.7)	5 (71.4)	0 (--)	9 (64.3)	6 (42.9)	1 (50.0)	5 (62.5)	3 (8.6)
Median Dollar Amount	\$2,076	\$1,890	\$48,667	\$--	\$2,000	\$3,500	\$2,076	\$4,000	\$250

Footnotes and a complete description of all variables in this table are provided in Appendix A
SOURCE: U.S. Sentencing Commission, FY1994 Datafile, 1

**VIRGINIA, Eastern
4th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|------------------|----------------------|
| (1) Alexandria | (5) Manassas |
| (2) Norfolk | (6) Colonial Heights |
| (3) Richmond | (7) Falls Church |
| (4) Newport News | (8) Williamsburg |

Number of Court Professionals	District Court Judges ²	17
	Assistant U.S. Attorneys ³	58
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	101

Cases Filed	Civil ⁶	4,088
	Criminal ⁷	2,365

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	418	9
Forcible Rape	1,555	35
Robbery	8,396	191
Aggravated Assault	9,359	213
Burglary	33,454	760
Larceny/Theft	144,732	3,287
Motor Vehicle Theft	15,885	361
Crime Index Total	213,799	4,855

Economic Indicators	Income per Capita ¹²	\$ 17,318
	Percent Unemployed ¹³	4.6

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	30.1
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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 1994 GUIDELINE SENTENCES

VIRGINIA, I

Cases Received by USSC (by sentencing month) ¹

October 93	83	April 94	72
November 93	73	May 94	83
December 93	82	June 94	76
January 94	96	July 94	79
February 94	68	August 94	51
March 94	96	September 94	87

TOTAL = 946

Monthly Income ³

	mean	median
TOTAL	\$1,190	\$555
Male	\$1,185	\$417
Female	\$1,213	\$811

Average Age ⁵

	mean	median
TOTAL	32.8	30.0
Male	32.7	30.0
Female	33.6	31.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	928 (100.0%)	755 (81.4%)	173 (18.6%)
White	328 (35.3%)	260 (79.3%)	68 (20.7%)
Black	506 (54.5%)	427 (84.4%)	79 (15.6%)
Hispanic	72 (7.8%)	53 (73.6%)	19 (26.4%)
Other	22 (2.4%)	15 (68.2%)	7 (31.8%)

Departure Status ⁴

Sentenced within Guideline Range	827 (92.5%)
Substantial Assistance Departure	35 (3.9%)
Other Downward Departure	25 (2.8%)
Upward Departure	7 (0.8%)

Mode of Conviction ⁶

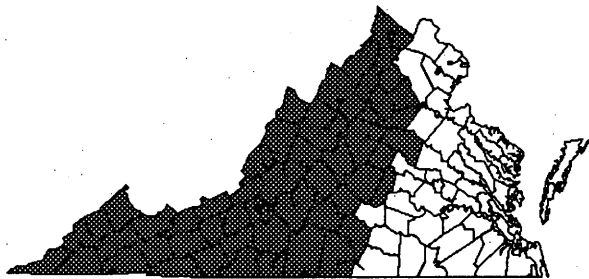
TOTAL	943 (100.0%)
Plea	804 (85.3%)
Trial	139 (14.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	920 (100.0)	24 (100.0)	138 (100.0)	12 (100.0)	136 (100.0)	327 (100.0)	17 (100.0)	52 (100.0)	21 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	727 (79.0)	24 (100.0)	46 (33.3)	10 (83.3)	91 (66.9)	324 (99.1)	12 (70.6)	46 (88.5)	16 (76.2)
Prison	694 (75.4)	24 (100.0)	43 (31.2)	9 (75.0)	76 (55.9)	323 (98.8)	11 (64.7)	44 (84.6)	16 (76.2)
Prison/Community Split	33 (3.6)	0 (0.0)	3 (2.2)	1 (8.3)	15 (11.0)	1 (0.3)	1 (5.9)	2 (3.8)	0 (0.0)
Prison Term Ordered									
Up to 12 months	196	0	38	9	51	5	10	12	9
13-24 months	87	0	5	0	30	16	2	8	1
25-36 months	60	2	2	0	6	20	0	8	0
37-60 months	90	5	1	1	4	48	0	9	2
Over 60 months	290	17	0	0	0	235	0	9	0
Mean Sentence	97.0	190.1	8.5	9.2	13.3	167.8	6.8	48.5	12.0
Median Sentence	41.0	90.0	6.0	4.0	12.0	121.0	5.5	27.5	6.0
CASES INVOLVING PROBATION									
Total Receiving Probation	193 (21.0)	0 (0.0)	92 (66.7)	2 (16.7)	45 (33.1)	3 (0.9)	5 (29.4)	6 (11.5)	5 (23.8)
Probation Only	133 (14.5)	0 (0.0)	77 (55.8)	1 (8.3)	24 (17.6)	1 (0.3)	2 (11.8)	1 (1.9)	5 (23.8)
Probation and Confinement	60 (6.5)	0 (0.0)	15 (10.9)	1 (8.3)	21 (15.4)	2 (0.6)	3 (17.6)	5 (9.6)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	399 (42.2)	17 (70.8)	145 (91.2)	8 (66.7)	103 (75.2)	32 (9.8)	11 (64.7)	8 (15.4)	5 (22.7)
Median Dollar Amount	\$1,703	\$2,292	\$500	\$7,045	\$7,500	\$2,250	\$1,600	\$3,670	\$500

Footnotes and a complete description of all variables in this table are provided in A SOURCE: U.S. Sentencing Commission, FY1994 Datafile,

**VIRGINIA, Western
4th Circuit**



Cities Supplying Guideline Documentation¹

- | | |
|---------------------|-------------------|
| (1) Roanoke | (5) Danville |
| (2) Charlottesville | (6) Big Stone Gap |
| (3) Harrisonburg | (7) Lynchburg |
| (4) Abingdon | |

Number of Court Professionals	District Court Judges ²	5
	Assistant U.S. Attorneys ³	12
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	34

Cases Filed	Civil ⁶	2,021
	Criminal ⁷	292

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	113	6
Forcible Rape	486	26
Robbery	756	40
Aggravated Assault	2,865	153
Burglary	9,688	516
Larceny/Theft	35,284	1,881
Motor Vehicle Theft	2,245	120
Crime Index Total	51,437	2,742

Economic Indicators	Income per Capita ¹²	\$ 11,980
	Percent Unemployed ¹³	5.9

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	35.5
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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 1994 GUIDELINE SENTENCES

VIRGINIA,

Cases Received by USSC (by sentencing month) ¹

October 93	20	April 94	21
November 93	20	May 94	32
December 93	34	June 94	39
January 94	55	July 94	23
February 94	34	August 94	36
March 94	44	September 94	30

TOTAL = 388

Monthly Income ³

	mean	median
TOTAL	\$931	\$445
Male	\$951	\$270
Female	\$847	\$550

Average Age ⁵

TOTAL	34.2	32.0
Male	34.4	32.0
Female	33.5	31.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	388 (100.0%)	317 (81.7%)	71 (18.3%)
White	187 (48.2%)	148 (79.1%)	39 (20.9%)
Black	181 (46.6%)	150 (82.9%)	31 (17.1%)
Hispanic	17 (4.4%)	16 (94.1%)	1 (5.9%)
Other	3 (0.8%)	3 (100.0%)	0 (0.0%)

Departure Status ⁴

Sentenced within Guideline Range	259 (67.3%)
Substantial Assistance Departure	99 (25.7%)
Other Downward Departure	20 (5.2%)
Upward Departure	7 (1.8%)

Mode of Conviction ⁶

TOTAL	386 (100.0%)
Plea	329 (85.2%)
Trial	57 (14.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	385 (100.0)	7 (100.0)	15 (100.0)	10 (100.0)	44 (100.0)	200 (100.0)	2 (100.0)	52 (100.0)	0 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	304 (79.0)	7 (100.0)	5 (33.3)	10 (100.0)	22 (50.0)	182 (91.0)	2 (100.0)	40 (76.9)	0 (--)
Prison	287 (74.5)	7 (100.0)	5 (33.3)	8 (80.0)	13 (29.5)	180 (90.0)	2 (100.0)	37 (71.2)	0 (--)
Prison/Community Split	17 (4.4)	0 (0.0)	0 (0.0)	2 (20.0)	9 (20.5)	2 (1.0)	0 (0.0)	3 (5.8)	0 (--)
Prison Term Ordered									
Up to 12 months	61	0	3	9	14	15	0	8	0
13-24 months	60	0	2	1	5	33	0	10	0
25-36 months	20	0	0	0	1	14	0	3	0
37-60 months	55	3	0	0	2	42	1	3	0
Over 60 months	107	4	0	0	0	78	1	16	0
Mean Sentence	78.6	85.6	11.2	2.0	13.0	93.5	60.5	68.5	--
Median Sentence	41.0	96.0	12.0	0.0	6.0	60.0	60.5	33.0	--

CASES INVOLVING PROBATION

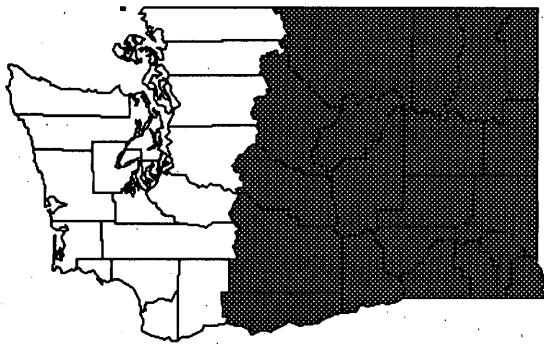
Total Receiving Probation	81 (21.0)	0 (0.0)	10 (66.7)	0 (0.0)	22 (50.0)	18 (9.0)	0 (0.0)	12 (23.1)	0 (--)
Probation Only	52 (13.5)	0 (0.0)	7 (46.7)	0 (0.0)	17 (38.6)	8 (4.0)	0 (0.0)	7 (13.5)	0 (--)
Probation and Confinement	29 (7.5)	0 (0.0)	3 (20.0)	0 (0.0)	5 (11.4)	10 (5.0)	0 (0.0)	5 (9.6)	0 (--)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	206 (53.5)	5 (71.4)	10 (66.7)	9 (90.0)	38 (86.4)	86 (43.0)	2 (100.0)	24 (46.2)	0 (--)
Median Dollar Amount	\$2,000	\$4,701	\$4,330	\$1,357	\$3,500	\$1,500	\$10,113	\$1,300	\$--

Footnotes and a complete description of all variables in this table are provided in / SOURCE: U.S. Sentencing Commission, FY1994 Datafile,

**WASHINGTON, Eastern
9th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Spokane
- (2) Yakima
- (3) Richland
- (4) Pasco

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	12
	Assistant Federal Defenders ⁴	9
	Probation Officers ⁵	23

Cases Filed	Civil ⁶	578
	Criminal ⁷	412

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	712	63
Robbery	841	75
Aggravated Assault	3,617	322
Burglary	12,717	1,133
Larceny/Theft	45,076	4,017
Motor Vehicle Theft	3,168	282
Crime Index Total	66,187	5,899

Economic Indicators	Income per Capita ¹²	\$ 11,869
	Percent Unemployed ¹³	9.1

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	55.5
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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.

FISCAL YEAR 1994 GUIDELINE SENTENCES

WASHINGTON, D.C.

Cases Received by USSC (by sentencing month) ¹

October 93	25	April 94	14
November 93	15	May 94	21
December 93	16	June 94	20
January 94	27	July 94	19
February 94	18	August 94	19
March 94	19	September 94	28

TOTAL = 241

Monthly Income ³

	mean	median
TOTAL	\$917	\$564
Male	\$977	\$557
Female	\$654	\$600

Average Age ⁵

	mean	median
TOTAL	32.9	32.0
Male	32.4	31.0
Female	36.1	34.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	241 (100.0%)	210 (87.1%)	31 (12.9%)
White	115 (47.7%)	94 (81.7%)	21 (18.3%)
Black	17 (7.1%)	17 (100.0%)	0 (0.0%)
Hispanic	96 (39.8%)	88 (91.7%)	8 (8.3%)
Other	13 (5.4%)	11 (84.6%)	2 (15.4%)

Departure Status ⁴

Sentenced within Guideline Range	200 (85.5%)
Substantial Assistance Departure	17 (7.3%)
Other Downward Departure	14 (6.0%)
Upward Departure	3 (1.3%)

Mode of Conviction ⁶

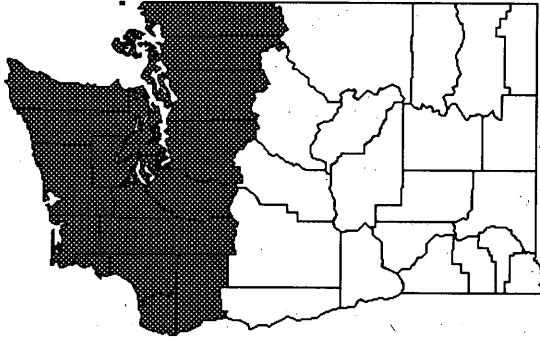
TOTAL	240 (100.0%)
Plea	230 (95.8%)
Trial	10 (4.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	241 (100.0)	3 (100.0)	11 (100.0)	4 (100.0)	12 (100.0)	61 (100.0)	2 (100.0)	40 (100.0)	71 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	204 (84.6)	3 (100.0)	3 (27.3)	3 (75.0)	5 (41.7)	55 (90.2)	1 (50.0)	38 (95.0)	71 (100.0)
Prison	176 (73.0)	3 (100.0)	2 (18.2)	1 (25.0)	3 (25.0)	53 (86.9)	1 (50.0)	38 (95.0)	52 (73.2)
Prison/Community Split	28 (11.6)	0 (0.0)	1 (9.1)	2 (50.0)	2 (16.7)	2 (3.3)	0 (0.0)	0 (0.0)	19 (26.8)
Prison Term Ordered									
Up to 12 months	90	0	3	3	5	10	1	3	57
13-24 months	40	0	0	0	0	9	0	10	14
25-36 months	16	0	0	0	0	5	0	8	0
37-60 months	34	1	0	0	0	17	0	11	0
Over 60 months	24	2	0	0	0	14	0	6	0
Mean Sentence	29.3	86.7	5.0	0.8	6.0	50.1	12.0	42.8	7.0
Median Sentence	15.0	76.0	6.0	1.0	6.0	40.0	12.0	30.0	4.0
CASES INVOLVING PROBATION									
Total Receiving Probation	37 (15.4)	0 (0.0)	8 (72.7)	1 (25.0)	7 (58.3)	6 (9.8)	1 (50.0)	2 (5.0)	0 (0.0)
Probation Only	28 (11.6)	0 (0.0)	7 (63.6)	1 (25.0)	6 (50.0)	2 (3.3)	1 (50.0)	2 (5.0)	0 (0.0)
Probation and Confinement	9 (3.7)	0 (0.0)	1 (9.1)	0 (0.0)	1 (8.3)	4 (6.6)	0 (0.0)	0 (0.0)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	48 (19.9)	2 (66.7)	8 (72.7)	3 (75.0)	8 (66.7)	6 (9.8)	1 (50.0)	2 (5.0)	1 (1.4)
Median Dollar Amount	\$5,000	\$4,544	\$4,872	\$32,906	\$7,664	\$2,000	\$2,000	\$5,000	\$250

Footnotes and a complete description of all variables in this table are provided in SOURCE: U.S. Sentencing Commission, FY1994 Datafile,

**WASHINGTON, Western
9th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Seattle
- (2) Tacoma
- (3) Bellingham

Number of Court Professionals	District Court Judges ²	9
	Assistant U.S. Attorneys ³	35
	Assistant Federal Defenders ⁴	12
	Probation Officers ⁵	54
Cases Filed	Civil ⁶	2,720
	Criminal ⁷	1,290
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	211	5
Forcible Rape	2,584	66
Robbery	6,280	161
Aggravated Assault	12,325	317
Burglary	41,908	1,077
Larceny/Theft	156,390	4,021
Motor Vehicle Theft	20,317	522
Crime Index Total	240,015	6,171

Economic Indicators	Income per Capita ¹²	\$ 15,805
	Percent Unemployed ¹³	7.1

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	5.5
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

WASHINGTON, V

Cases Received by USSC (by sentencing month) ¹

October 93	30	April 94	39
November 93	16	May 94	31
December 93	48	June 94	39
January 94	40	July 94	28
February 94	34	August 94	23
March 94	16	September 94	43

TOTAL = 387

Monthly Income ³

	mean	median
TOTAL	\$1,238	\$650
Male	\$1,240	\$500
Female	\$1,226	\$1,000

Average Age ⁵

TOTAL	34.0	33.0
Male	34.1	33.0
Female	33.3	33.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	384 (100.0%)	319 (83.1%)	65 (16.9%)
White	215 (56.0%)	178 (82.8%)	37 (17.2%)
Black	62 (16.1%)	48 (77.4%)	14 (22.6%)
Hispanic	67 (17.4%)	62 (92.5%)	5 (7.5%)
Other	40 (10.4%)	31 (77.5%)	9 (22.5%)

Departure Status ⁴

Sentenced within Guideline Range	247 (64.5%)
Substantial Assistance Departure	93 (24.3%)
Other Downward Departure	40 (10.4%)
Upward Departure	3 (0.8%)

Mode of Conviction ⁶

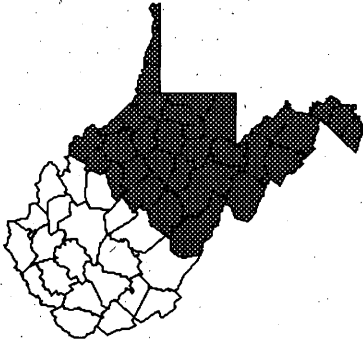
TOTAL	386 (100.0%)
Plea	364 (94.3%)
Trial	22 (5.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	385 (100.0)	18 (100.0)	24 (100.0)	22 (100.0)	48 (100.0)	139 (100.0)	9 (100.0)	27 (100.0)	19 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	295 (76.6)	18 (100.0)	8 (33.3)	8 (36.4)	40 (83.3)	129 (92.8)	8 (88.9)	22 (81.5)	18 (94.7)
Prison	266 (69.1)	16 (88.9)	8 (33.3)	4 (18.2)	30 (62.5)	127 (91.4)	7 (77.8)	21 (77.8)	17 (89.5)
Prison/Community Split	29 (7.5)	2 (11.1)	0 (0.0)	4 (18.2)	10 (20.8)	2 (1.4)	1 (11.1)	1 (3.7)	1 (5.3)
Prison Term Ordered									
Up to 12 months	83	0	6	8	20	16	6	1	5
13-24 months	41	0	0	0	11	14	0	4	5
25-36 months	25	1	0	0	4	11	1	3	0
37-60 months	62	1	2	0	4	34	0	4	8
Over 60 months	84	16	0	0	1	54	1	10	0
Mean Sentence	54.8	134.4	16.1	2.6	16.8	75.5	18.1	65.6	30.9
Median Sentence	36.0	107.0	5.0	1.0	13.5	60.0	10.0	60.0	24.0
CASES INVOLVING PROBATION									
Total Receiving Probation	90 (23.4)	0 (0.0)	16 (66.7)	14 (63.6)	8 (16.7)	10 (7.2)	1 (11.1)	5 (18.5)	1 (5.3)
Probation Only	61 (15.8)	0 (0.0)	14 (58.3)	9 (40.9)	5 (10.4)	2 (1.4)	1 (11.1)	1 (3.7)	1 (5.3)
Probation and Confinement	29 (7.5)	0 (0.0)	2 (8.3)	5 (22.7)	3 (6.3)	8 (5.8)	0 (0.0)	4 (14.8)	0 (0.0)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	164 (42.5)	14 (77.8)	20 (80.0)	18 (81.8)	43 (89.6)	16 (11.5)	4 (44.4)	5 (18.5)	1 (5.3)
Median Dollar Amount	\$8,082	\$12,932	\$943	\$5,250	\$39,982	\$7,500	\$21,737	\$1,500	\$500

Footnotes and a complete description of all variables in this table are provided in / SOURCE: U.S. Sentencing Commission, FY1994 Datafile,

**WEST VIRGINIA, Northern
4th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Wheeling (4) Martinsburg
- (2) Clarksburg
- (3) Elkins

Number of Court Professionals	District Court Judges ²	4
	Assistant U.S. Attorneys ³	8
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	21
Cases Filed	Civil ⁶	515
	Criminal ⁷	126
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	40	5
Forcible Rape	126	16
Robbery	182	23
Aggravated Assault	831	107
Burglary	3,996	515
Larceny/Theft	10,667	1,374
Motor Vehicle Theft	948	122
Crime Index Total	16,790	2,163

Economic Indicators	Income per Capita ¹²	\$ 10,555
	Percent Unemployed ¹³	10.6

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	26.4
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

WEST VIRGINIA, N

Cases Received by USSC (by sentencing month) ¹

October 93	9	April 94	7
November 93	15	May 94	13
December 93	6	June 94	18
January 94	8	July 94	10
February 94	18	August 94	10
March 94	15	September 94	8

TOTAL = 137

Monthly Income ³

	mean	median
TOTAL	\$735	\$250
Male	\$662	\$150
Female	\$1,200	\$792

Average Age ⁵

TOTAL	34.3	33.0
Male	33.8	33.0
Female	38.0	34.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	136 (100.0%)	120 (88.2%)	16 (11.8%)
White	91 (66.9%)	78 (85.7%)	13 (14.3%)
Black	40 (29.4%)	38 (95.0%)	2 (5.0%)
Hispanic	5 (3.7%)	4 (80.0%)	1 (20.0%)
Other	0 (0.0%)	0 (--%)	0 (--%)

Departure Status ⁴

Sentenced within Guideline Range	110 (80.3%)
Substantial Assistance Departure	20 (14.6%)
Other Downward Departure	6 (4.4%)
Upward Departure	1 (0.7%)

Mode of Conviction ⁶

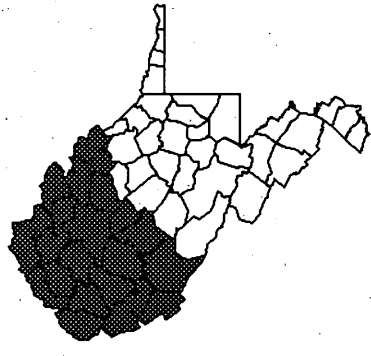
TOTAL	137 (100.0%)
Plea	125 (91.2%)
Trial	12 (8.8%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	137 (100.0)	1 (100.0)	3 (100.0)	1 (100.0)	8 (100.0)	80 (100.0)	0 (100.0)	7 (100.0)	0 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	103 (75.2)	1 (100.0)	1 (33.3)	1 (100.0)	6 (75.0)	66 (82.5)	0 (--)	7 (100.0)	0 (--)
Prison	100 (73.0)	1 (100.0)	1 (33.3)	1 (100.0)	5 (62.5)	65 (81.3)	0 (--)	7 (100.0)	0 (--)
Prison/Community Split	3 (2.2)	0 (0.0)	0 (0.0)	0 (0.0)	1 (12.5)	1 (1.3)	0 (--)	0 (0.0)	0 (--)
Prison Term Ordered									
Up to 12 months	18	0	1	0	2	8	0	0	0
13-24 months	20	0	0	1	3	11	0	0	0
25-36 months	15	0	0	0	1	9	0	2	0
37-60 months	23	0	0	0	0	18	0	1	0
Over 60 months	27	1	0	0	0	20	0	4	0
Mean Sentence	62.9	162.0	5.0	15.0	15.0	70.9	--	103.6	--
Median Sentence	33.0	162.0	5.0	15.0	15.0	37.0	--	75.0	--
CASES INVOLVING PROBATION									
Total Receiving Probation	34 (24.8)	0 (0.0)	2 (66.7)	0 (0.0)	2 (25.0)	14 (17.5)	0 (--)	0 (0.0)	0 (--)
Probation Only	20 (14.6)	0 (0.0)	1 (33.3)	0 (0.0)	0 (0.0)	6 (7.5)	0 (--)	0 (0.0)	0 (--)
Probation and Confinement	14 (10.2)	0 (0.0)	1 (33.3)	0 (0.0)	2 (25.0)	8 (10.0)	0 (--)	0 (0.0)	0 (--)
CASES INVOLVING FINES AND RESTITUTION ⁹									
Total Receiving Fines and Restitution	51 (37.2)	1 (100.0)	1 (33.3)	1 (100.0)	5 (62.5)	19 (23.8)	0 (--)	1 (14.3)	0 (--)
Median Dollar Amount	\$1,800	\$3,500	\$5,507	\$26,379	\$19,429	\$1,000	\$--	\$3,000	\$--

Footnotes and a complete description of all variables in this table are provided in SOURCE: U.S. Sentencing Commission, FY1994 Datafile

**WEST VIRGINIA, Southern
4th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Charleston
- (2) Huntington
- (3) Beckley
- (4) Bluefield
- (5) Parkersburg
- (6) Fayetteville

Number of Court Professionals	District Court Judges ²	6
	Assistant U.S. Attorneys ³	16
	Assistant Federal Defenders ⁴	7
	Probation Officers ⁵	32
Cases Filed	Civil ⁶	1,253
	Criminal ⁷	168
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	86	8
Forcible Rape	238	23
Robbery	599	58
Aggravated Assault	1,686	164
Burglary	6,898	672
Larceny/Theft	17,746	1,729
Motor Vehicle Theft	1,990	194
Crime Index Total	29,243	2,849

Economic Indicators	Income per Capita ¹²	\$ 10,494
	Percent Unemployed ¹³	11.0

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	15.4
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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.

FISCAL YEAR 1994 GUIDELINE SENTENCES

WEST VIRGINIA, S

Cases Received by USSC (by sentencing month) ¹

October 93	41	April 94	20
November 93	36	May 94	25
December 93	18	June 94	24
January 94	38	July 94	24
February 94	43	August 94	21
March 94	17	September 94	9

TOTAL = 316

Monthly Income ³

	mean	median
TOTAL	\$768	\$392
Male	\$791	\$367
Female	\$675	\$537

Average Age ⁵

TOTAL	33.4	32.0
Male	33.3	31.0
Female	33.5	35.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	316 (100.0%)	261 (82.6%)	55 (17.4%)
White	154 (48.7%)	128 (83.1%)	26 (16.9%)
Black	158 (50.0%)	131 (82.9%)	27 (17.1%)
Hispanic	4 (1.3%)	2 (50.0%)	2 (50.0%)
Other	0 (0.0%)	0 (--)	0 (--)

Departure Status ⁴

Sentenced within Guideline Range	273 (87.2%)
Substantial Assistance Departure	21 (6.7%)
Other Downward Departure	18 (5.8%)
Upward Departure	1 (0.3%)

Mode of Conviction ⁶

TOTAL	316 (100.0%)
Plea	298 (94.3%)
Trial	18 (5.7%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffc	Counterftng	Firearms	Immigrat
	315 (100.0)	0 (100.0)	5 (100.0)	5 (100.0)	20 (100.0)	204 (100.0)	5 (100.0)	31 (100.0)	0 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	257 (81.6)	0 (--)	3 (60.0)	4 (80.0)	5 (25.0)	187 (91.7)	2 (40.0)	28 (90.3)	0 (0.0)
Prison	240 (76.2)	0 (--)	3 (60.0)	2 (40.0)	5 (25.0)	177 (86.8)	2 (40.0)	28 (90.3)	0 (0.0)
Prison/Community Split	17 (5.4)	0 (--)	0 (0.0)	2 (40.0)	0 (0.0)	10 (4.9)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	52	0	2	3	2	31	1	2	
13-24 months	58	0	1	0	1	41	1	8	
25-36 months	28	0	0	0	0	17	0	6	
37-60 months	56	0	0	1	2	42	0	9	
Over 60 months	63	0	0	0	0	56	0	3	
Mean Sentence	47.9	--	8.3	13.3	27.6	54.2	10.5	39.0	
Median Sentence	30.0	--	9.0	4.0	18.0	37.0	10.5	33.0	

CASES INVOLVING PROBATION

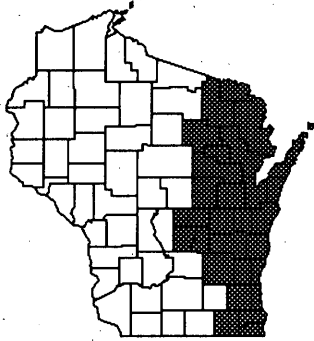
Total Receiving Probation	58 (18.4)	0 (--)	2 (40.0)	1 (20.0)	15 (75.0)	17 (8.3)	3 (60.0)	3 (9.7)	0 (0.0)
Probation Only	27 (8.6)	0 (--)	0 (0.0)	1 (20.0)	8 (40.0)	5 (2.5)	2 (40.0)	0 (0.0)	0 (0.0)
Probation and Confinement	31 (9.8)	0 (--)	2 (40.0)	0 (0.0)	7 (35.0)	12 (5.9)	1 (20.0)	3 (9.7)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	151 (47.8)	0 (--)	2 (40.0)	5 (83.3)	19 (95.0)	83 (40.7)	5 (100.0)	11 (35.5)	0 (0.0)
Median Dollar Amount	\$2,000	\$--	\$3,585	\$37,511	\$5,000	\$2,000	\$3,000	\$1,000	\$--

Footnotes and a complete description of all variables in this table are provided in SOURCE: U.S. Sentencing Commission, FY1994 Datafile

**WISCONSIN, Eastern
7th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Milwaukee
- (2) Elkhorn

Number of Court Professionals	District Court Judges ²	7
	Assistant U.S. Attorneys ³	20
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	30
Cases Filed	Civil ⁶	1,544
	Criminal ⁷	187
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	207	7
Forcible Rape	871	29
Robbery	5,053	169
Aggravated Assault	4,034	135
Burglary	21,663	724
Larceny/Theft	89,003	2,975
Motor Vehicle Theft	15,072	504
Crime Index Total	135,903	4,542

Economic Indicators	Income per Capita ¹²	\$ 13,828
	Percent Unemployed ¹³	4.5

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	44.6
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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

FISCAL YEAR 1994 GUIDELINE SENTENCES

WISCONSIN,

Cases Received by USSC (by sentencing month) ¹

October 93	13	April 94	27
November 93	26	May 94	15
December 93	22	June 94	26
January 94	19	July 94	21
February 94	13	August 94	13
March 94	28	September 94	16

TOTAL = 239

Monthly Income ³

	mean	median
TOTAL	\$1,336	\$895
Male	\$1,378	\$885
Female	\$1,135	\$977

Average Age ⁵

TOTAL	34.6	33.0
Male	35.0	33.0
Female	32.3	30.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	238 (100.0%)	199 (83.6%)	39 (16.4%)
White	103 (43.3%)	86 (83.5%)	17 (16.5%)
Black	91 (38.2%)	74 (81.3%)	17 (18.7%)
Hispanic	34 (14.3%)	30 (88.2%)	4 (11.8%)
Other	10 (4.2%)	9 (90.0%)	1 (10.0%)

Departure Status ⁴

Sentenced within Guideline Range	199 (83.3%)
Substantial Assistance Departure	34 (14.2%)
Other Downward Departure	4 (1.7%)
Upward Departure	2 (0.8%)

Mode of Conviction ⁶

TOTAL	236 (100.0%)
Plea	223 (94.5%)
Trial	13 (5.5%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	239 (100.0)	19 (100.0)	30 (100.0)	10 (100.0)	41 (100.0)	74 (100.0)	5 (100.0)	20 (100.0)	2 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	166 (69.5)	18 (94.7)	8 (26.7)	2 (20.0)	28 (68.3)	71 (95.9)	1 (20.0)	17 (85.0)	2 (100.0)
Prison	145 (60.7)	14 (73.7)	6 (20.0)	2 (20.0)	22 (53.7)	68 (91.9)	1 (20.0)	12 (60.0)	2 (100.0)
Prison/Community Split	21 (8.8)	4 (21.1)	2 (6.7)	0 (0.0)	6 (14.6)	3 (4.1)	0 (0.0)	5 (25.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	29	0	2	0	15	4	1	1	0
13-24 months	31	0	4	2	9	7	0	5	0
25-36 months	16	0	1	0	4	6	0	1	0
37-60 months	26	4	1	0	0	15	0	3	1
Over 60 months	64	14	0	0	0	39	0	7	1
Mean Sentence	68.5	146.2	18.0	16.0	14.3	91.7	8.0	52.5	56.5
Median Sentence	41.0	98.0	15.5	16.0	12.0	66.0	8.0	41.0	56.5

CASES INVOLVING PROBATION

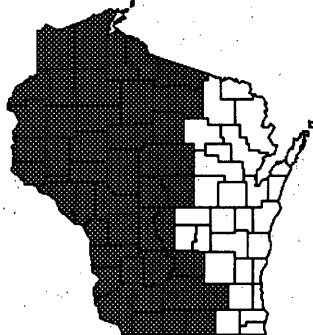
Total Receiving Probation	73 (30.5)	1 (5.3)	22 (73.3)	8 (80.0)	13 (31.7)	3 (4.1)	4 (80.0)	3 (15.0)	0 (0.0)
Probation Only	42 (17.6)	1 (5.3)	18 (60.0)	6 (60.0)	4 (9.8)	1 (1.4)	2 (40.0)	2 (10.0)	0 (0.0)
Probation and Confinement	31 (13.0)	0 (0.0)	4 (13.3)	2 (20.0)	9 (22.0)	2 (2.7)	2 (40.0)	1 (5.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	176 (73.6)	17 (89.5)	27 (90.0)	8 (80.0)	40 (97.6)	38 (51.4)	2 (40.0)	13 (65.0)	0 (0.0)
Median Dollar Amount	\$4,000	\$11,924	\$9,365	\$6,280	\$21,211	\$1,000	\$7,564	\$2,000	\$--

Footnotes and a complete description of all variables in this table are provided in /
SOURCE: U.S. Sentencing Commission, FY1994 Datafile,

**WISCONSIN, Western
7th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Madison
- (2) Eau Claire

Number of Court Professionals	District Court Judges ²	2
	Assistant U.S. Attorneys ³	11
	Assistant Federal Defenders ⁴	0
	Probation Officers ⁵	19
Cases Filed	Civil ⁶	1,157
	Criminal ⁷	103
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	15	1
Forcible Rape	394	20
Robbery	658	34
Aggravated Assault	2,062	105
Burglary	11,671	595
Larceny/Theft	49,751	2,534
Motor Vehicle Theft	3,285	167
Crime Index Total	67,836	3,456

Economic Indicators	Income per Capita ¹²	\$ 12,434
	Percent Unemployed ¹³	4.9

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	44.4
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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.

FISCAL YEAR 1994 GUIDELINE SENTENCES

WISCONSIN,

Cases Received by USSC (by sentencing month) ¹

October 93	11	April 94	10
November 93	17	May 94	12
December 93	6	June 94	6
January 94	12	July 94	3
February 94	10	August 94	8
March 94	5	September 94	5

TOTAL = 105

Monthly Income ³

	mean	median
TOTAL	\$1,669	\$1,019
Male	\$1,679	\$953
Female	\$1,637	\$1,501

Average Age ⁵

	mean	median
TOTAL	36.6	35.0
Male	36.1	33.0
Female	38.6	38.5

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	105 (100.0%)	83 (79.0%)	22 (21.0%)
White	81 (77.1%)	63 (77.8%)	18 (22.2%)
Black	13 (12.4%)	10 (76.9%)	3 (23.1%)
Hispanic	6 (5.7%)	6 (100.0%)	0 (0.0%)
Other	5 (4.8%)	4 (80.0%)	1 (20.0%)

Departure Status ⁴

Sentenced within Guideline Range	90 (86.5%)
Substantial Assistance Departure	9 (8.7%)
Other Downward Departure	2 (1.9%)
Upward Departure	3 (2.9%)

Mode of Conviction ⁶

TOTAL	105 (100.0%)
Plea	96 (91.4%)
Trial	9 (8.6%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratn
	105 (100.0)	1 (100.0)	8 (100.0)	10 (100.0)	23 (100.0)	31 (100.0)	1 (100.0)	8 (100.0)	2 (100.0)
CASES INVOLVING PRISON ⁸									
Total Receiving Prison	96 (91.4)	1 (100.0)	7 (87.5)	6 (60.0)	20 (87.0)	31 (100.0)	1 (100.0)	8 (100.0)	2 (100.0)
Prison	69 (65.7)	0 (0.0)	7 (87.5)	4 (40.0)	16 (69.6)	18 (58.1)	1 (100.0)	4 (50.0)	2 (100.0)
Prison/Community Split	27 (25.7)	1 (100.0)	0 (0.0)	2 (20.0)	4 (17.4)	13 (41.9)	0 (0.0)	4 (50.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	35	0	5	5	11	2	0	1	
13-24 months	13	0	2	1	5	0	0	1	
25-36 months	7	0	0	0	3	0	1	1	
37-60 months	18	0	0	0	1	10	0	3	
Over 60 months	23	1	0	0	0	19	0	2	
Mean Sentence	49.4	147.0	8.4	7.8	13.8	100.5	27.0	72.6	67.0
Median Sentence	25.5	147.0	8.0	9.0	12.0	78.0	27.0	41.5	67.0

CASES INVOLVING PROBATION

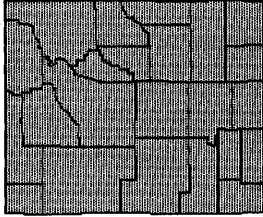
Total Receiving Probation	9 (8.6)	0 (0.0)	1 (12.5)	4 (40.0)	3 (13.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Probation Only	8 (7.6)	0 (0.0)	1 (12.5)	4 (40.0)	2 (8.7)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)
Probation and Confinement	1 (1.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (4.3)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	53 (50.5)	1 (100.0)	5 (62.5)	4 (40.0)	17 (73.9)	14 (45.2)	0 (0.0)	4 (50.0)	0 (0.0)
Median Dollar Amount	\$5,122	\$17,882	\$2,000	\$6,838	\$23,781	\$478	\$--	\$5,626	\$--

Footnotes and a complete description of all variables in this table are provided in SOURCE: U.S. Sentencing Commission, FY1994 Datafile

**WYOMING
10th Circuit**



Cities Supplying Guideline Documentation¹

- (1) Cheyenne
- (2) Casper

Number of Court Professionals	District Court Judges ²	3
	Assistant U.S. Attorneys ³	11
	Assistant Federal Defenders ⁴	15
	Probation Officers ⁵	9
Cases Filed	Civil ⁶	372
	Criminal ⁷	116
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	3
Forcible Rape	167	36
Robbery	80	17
Aggravated Assault	1,093	238
Burglary	3,023	658
Larceny/Theft	14,680	3,197
Motor Vehicle Theft	752	164
Crime Index Total	19,812	4,314

Economic Indicators	Income per Capita ¹²	\$ 12,310
	Percent Unemployed ¹³	5.4

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	52.9
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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 1994 GUIDELINE SENTENCES

WY

Cases Received by USSC (by sentencing month) ¹

October 93	6	April 94	3
November 93	10	May 94	12
December 93	13	June 94	10
January 94	15	July 94	4
February 94	2	August 94	7
March 94	6	September 94	7

TOTAL = 95

Monthly Income ³

	mean	median
TOTAL	\$1,052	\$800
Male	\$1,019	\$800
Female	\$1,195	\$780

Average Age ⁵

	mean	median
TOTAL	34.6	35.0
Male	34.4	35.0
Female	35.7	36.0

Gender, Race, and Ethnicity ²

	TOTAL	Male	Female
TOTAL	95 (100.0%)	80 (84.2%)	15 (15.8%)
White	68 (71.6%)	56 (82.4%)	12 (17.6%)
Black	8 (8.4%)	8 (100.0%)	0 (0.0%)
Hispanic	13 (13.7%)	12 (92.3%)	1 (7.7%)
Other	6 (6.3%)	4 (66.7%)	2 (33.3%)

Departure Status ⁴

Sentenced within Guideline Range	59 (62.1%)
Substantial Assistance Departure	25 (26.3%)
Other Downward Departure	11 (11.6%)
Upward Departure	0 (0.0%)

Mode of Conviction ⁶

TOTAL	95 (100.0%)
Plea	92 (96.8%)
Trial	3 (3.2%)

SENTENCING INFORMATION BY PRIMARY OFFENSE ⁷

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Trafck	Counterftng	Firearms	Immigratn
	94 (100.0)	0 (100.0)	6 (100.0)	2 (100.0)	12 (100.0)	43 (100.0)	1 (100.0)	14 (100.0)	3 (100.0)

CASES INVOLVING PRISON ⁸

Total Receiving Prison	76 (80.9)	0 (--)	2 (33.3)	1 (50.0)	7 (58.3)	40 (93.0)	0 (0.0)	12 (85.7)	3 (100.0)
Prison	73 (77.7)	0 (--)	2 (33.3)	1 (50.0)	6 (50.0)	38 (88.4)	0 (0.0)	12 (85.7)	3 (100.0)
Prison/Community Split	3 (3.2)	0 (--)	0 (0.0)	0 (0.0)	1 (8.3)	2 (4.7)	0 (0.0)	0 (0.0)	0 (0.0)
Prison Term Ordered									
Up to 12 months	20	0	2	1	2	8	0	2	1
13-24 months	16	0	0	0	4	7	0	1	1
25-36 months	7	0	0	0	0	4	0	1	1
37-60 months	17	0	0	0	1	11	0	4	0
Over 60 months	16	0	0	0	0	10	0	4	0
Mean Sentence	49.4	--	9.0	0.0	20.7	57.0	--	56.0	21.3
Median Sentence	30.0	--	9.0	0.0	15.0	40.5	--	43.0	24.0

CASES INVOLVING PROBATION

Total Receiving Probation	18 (19.1)	0 (--)	4 (66.7)	1 (50.0)	5 (41.7)	3 (7.0)	1 (100.0)	2 (14.3)	0 (0.0)
Probation Only	15 (16.0)	0 (--)	4 (66.7)	1 (50.0)	5 (41.7)	2 (4.7)	0 (0.0)	1 (7.1)	0 (0.0)
Probation and Confinement	3 (3.2)	0 (--)	0 (0.0)	0 (0.0)	0 (0.0)	1 (2.3)	1 (100.0)	1 (7.1)	0 (0.0)

CASES INVOLVING FINES AND RESTITUTION ⁹

Total Receiving Fines and Restitution	31 (32.6)	0 (--)	6 (100.0)	1 (50.0)	8 (66.7)	5 (11.6)	1 (100.0)	2 (14.3)	0 (0.0)
Median Dollar Amount	\$2,000	\$--	\$1,500	\$1,515	\$15,000	\$1,000	\$2,000	\$753	\$--

Footnotes and a complete description of all variables in this table are provided in / SOURCE: U.S. Sentencing Commission, FY1994 Datafile,