

Table 26

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2005, Pre-Booker (October 1, 2004, through January 11, 2005)**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		DEPARTURES BELOW THE GUIDELINE RANGE <sup>2</sup>		DEPARTURES ABOVE THE GUIDELINE RANGE <sup>3</sup>	
		n	%	n	%	n	%
<b>TOTAL</b>	<b>17,504</b>	<b>12,406</b>	<b>70.9</b>	<b>4,970</b>	<b>28.4</b>	<b>128</b>	<b>0.7</b>
<b>D.C. CIRCUIT</b>	<b>141</b>	<b>101</b>	<b>71.6</b>	<b>40</b>	<b>28.4</b>	<b>0</b>	<b>0.0</b>
District of Columbia	141	101	71.6	40	28.4	0	0.0
<b>FIRST CIRCUIT</b>	<b>390</b>	<b>315</b>	<b>80.8</b>	<b>72</b>	<b>18.5</b>	<b>3</b>	<b>0.8</b>
Maine	69	50	72.5	19	27.5	0	0.0
Massachusetts	103	74	71.8	29	28.2	0	0.0
New Hampshire	34	18	52.9	16	47.1	0	0.0
Puerto Rico	162	157	96.9	4	2.5	1	0.6
Rhode Island	22	16	72.7	4	18.2	2	9.1
<b>SECOND CIRCUIT</b>	<b>1,037</b>	<b>620</b>	<b>59.8</b>	<b>414</b>	<b>39.9</b>	<b>3</b>	<b>0.3</b>
Connecticut	93	60	64.5	32	34.4	1	1.1
New York							
Eastern	312	153	49.0	158	50.6	1	0.3
Northern	136	76	55.9	60	44.1	0	0.0
Southern	273	201	73.6	72	26.4	0	0.0
Western	168	106	63.1	61	36.3	1	0.6
Vermont	55	24	43.6	31	56.4	0	0.0
<b>THIRD CIRCUIT</b>	<b>713</b>	<b>481</b>	<b>67.5</b>	<b>229</b>	<b>32.1</b>	<b>3</b>	<b>0.4</b>
Delaware	13	9	69.2	4	30.8	0	0.0
New Jersey	260	188	72.3	71	27.3	1	0.4
Pennsylvania							
Eastern	212	110	51.9	102	48.1	0	0.0
Middle	141	106	75.2	34	24.1	1	0.7
Western	71	56	78.9	14	19.7	1	1.4
Virgin Islands	16	12	75.0	4	25.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>1,489</b>	<b>1,148</b>	<b>77.1</b>	<b>331</b>	<b>22.2</b>	<b>10</b>	<b>0.7</b>
Maryland	153	91	59.5	61	39.9	1	0.7
North Carolina							
Eastern	190	104	54.7	86	45.3	0	0.0
Middle	71	61	85.9	10	14.1	0	0.0
Western	175	117	66.9	58	33.1	0	0.0
South Carolina	224	182	81.3	41	18.3	1	0.4
Virginia							
Eastern	417	389	93.3	23	5.5	5	1.2
Western	131	91	69.5	39	29.8	1	0.8
West Virginia							
Northern	70	60	85.7	9	12.9	1	1.4
Southern	58	53	91.4	4	6.9	1	1.7

**Table 26 (cont.)**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		DEPARTURES BELOW THE GUIDELINE RANGE <sup>2</sup>		DEPARTURES ABOVE THE GUIDELINE RANGE <sup>3</sup>	
		n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>4,052</b>	<b>3,127</b>	<b>77.2</b>	<b>889</b>	<b>21.9</b>	<b>36</b>	<b>0.9</b>
Louisiana							
Eastern	103	77	74.8	25	24.3	1	1.0
Middle	25	20	80.0	5	20.0	0	0.0
Western	102	82	80.4	17	16.7	3	2.9
Mississippi							
Northern	46	28	60.9	17	37.0	1	2.2
Southern	149	123	82.6	25	16.8	1	0.7
Texas							
Eastern	162	149	92.0	13	8.0	0	0.0
Northern	249	212	85.1	33	13.3	4	1.6
Southern	1,607	1,099	68.4	493	30.7	15	0.9
Western	1,609	1,337	83.1	261	16.2	11	0.7
<b>SIXTH CIRCUIT</b>	<b>1,302</b>	<b>908</b>	<b>69.7</b>	<b>388</b>	<b>29.8</b>	<b>6</b>	<b>0.5</b>
Kentucky							
Eastern	131	68	51.9	63	48.1	0	0.0
Western	86	67	77.9	18	20.9	1	1.2
Michigan							
Eastern	204	140	68.6	64	31.4	0	0.0
Western	104	80	76.9	24	23.1	0	0.0
Ohio							
Northern	250	187	74.8	61	24.4	2	0.8
Southern	133	90	67.7	43	32.3	0	0.0
Tennessee							
Eastern	154	103	66.9	49	31.8	2	1.3
Middle	75	57	76.0	17	22.7	1	1.3
Western	165	116	70.3	49	29.7	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>480</b>	<b>359</b>	<b>74.8</b>	<b>116</b>	<b>24.2</b>	<b>5</b>	<b>1.0</b>
Illinois							
Central	40	30	75.0	10	25.0	0	0.0
Northern	156	106	67.9	48	30.8	2	1.3
Southern	55	48	87.3	7	12.7	0	0.0
Indiana							
Northern	69	53	76.8	15	21.7	1	1.4
Southern	75	47	62.7	27	36.0	1	1.3
Wisconsin							
Eastern	29	22	75.9	7	24.1	0	0.0
Western	56	53	94.6	2	3.6	1	1.8
<b>EIGHTH CIRCUIT</b>	<b>1,214</b>	<b>902</b>	<b>74.3</b>	<b>306</b>	<b>25.2</b>	<b>6</b>	<b>0.5</b>
Arkansas							
Eastern	51	41	80.4	9	17.6	1	2.0
Western	62	48	77.4	14	22.6	0	0.0
Iowa							
Northern	122	102	83.6	19	15.6	1	0.8
Southern	95	65	68.4	29	30.5	1	1.1
Minnesota	139	92	66.2	47	33.8	0	0.0
Missouri							
Eastern	220	167	75.9	52	23.6	1	0.5
Western	188	142	75.5	46	24.5	0	0.0
Nebraska	197	142	72.1	55	27.9	0	0.0
North Dakota	81	54	66.7	27	33.3	0	0.0
South Dakota	59	49	83.1	8	13.6	2	3.4

**Table 26 (cont.)**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		DEPARTURES BELOW THE GUIDELINE RANGE <sup>2</sup>		DEPARTURES ABOVE THE GUIDELINE RANGE <sup>3</sup>	
		n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>3,463</b>	<b>2,036</b>	<b>58.8</b>	<b>1,394</b>	<b>40.3</b>	<b>33</b>	<b>1.0</b>
Alaska	34	22	64.7	10	29.4	2	5.9
Arizona	1,094	340	31.1	732	66.9	22	2.0
California							
Central	325	284	87.4	41	12.6	0	0.0
Eastern	234	148	63.2	85	36.3	1	0.4
Northern	215	154	71.6	61	28.4	0	0.0
Southern	697	502	72.0	194	27.8	1	0.1
Guam	15	11	73.3	4	26.7	0	0.0
Hawaii	46	32	69.6	13	28.3	1	2.2
Idaho	68	31	45.6	36	52.9	1	1.5
Montana	127	112	88.2	14	11.0	1	0.8
Nevada	126	107	84.9	19	15.1	0	0.0
Northern Mariana Islands	5	5	100.0	0	0.0	0	0.0
Oregon	159	95	59.7	62	39.0	2	1.3
Washington							
Eastern	103	77	74.8	26	25.2	0	0.0
Western	215	116	54.0	97	45.1	2	0.9
<b>TENTH CIRCUIT</b>	<b>1,462</b>	<b>1,037</b>	<b>70.9</b>	<b>415</b>	<b>28.4</b>	<b>10</b>	<b>0.7</b>
Colorado	177	116	65.5	61	34.5	0	0.0
Kansas	201	161	80.1	38	18.9	2	1.0
New Mexico	657	410	62.4	245	37.3	2	0.3
Oklahoma							
Eastern	30	26	86.7	3	10.0	1	3.3
Northern	52	41	78.8	11	21.2	0	0.0
Western	75	57	76.0	16	21.3	2	2.7
Utah	211	187	88.6	22	10.4	2	0.9
Wyoming	59	39	66.1	19	32.2	1	1.7
<b>ELEVENTH CIRCUIT</b>	<b>1,761</b>	<b>1,372</b>	<b>77.9</b>	<b>376</b>	<b>21.4</b>	<b>13</b>	<b>0.7</b>
Alabama							
Middle	48	34	70.8	14	29.2	0	0.0
Northern	124	83	66.9	41	33.1	0	0.0
Southern	84	55	65.5	28	33.3	1	1.2
Florida							
Middle	399	270	67.7	127	31.8	2	0.5
Northern	95	73	76.8	21	22.1	1	1.1
Southern	651	572	87.9	77	11.8	2	0.3
Georgia							
Middle	91	67	73.6	23	25.3	1	1.1
Northern	152	128	84.2	21	13.8	3	2.0
Southern	117	90	76.9	24	20.5	3	2.6

<sup>1</sup>Of the 18,788 cases, 91 cases with no analogous guidelines were excluded from the table. Of the remaining 18,697 cases, 1,193 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: South Dakota (56.3%), Eastern Wisconsin (50.0%), Eastern Arkansas (45.7%), Central California (32.6%), Middle Georgia (31.6%), Eastern Virginia (24.0%), New Hampshire (22.7%), Western Wisconsin (20.0%), Arizona (19.6%), Southern Georgia (17.0%), Western Oklahoma (16.7%), Northern Mariana Islands (16.7%), Northern Iowa (14.1%), Southern Indiana (12.8%), Western Washington (12.2%), Oregon (9.1%), Middle Tennessee (8.5%), Alaska (8.1%), Southern West Virginia (7.9%), Middle Alabama (7.7%), Northern New York (7.5%), Delaware (7.1%), Eastern Pennsylvania (7.0%), Southern California (6.9%), Northern Alabama (6.8%), Southern Florida (6.2%), Virgin Islands (5.9%), Utah (5.8%), Western Louisiana (5.6%), Western Kentucky (5.5%), Massachusetts (5.5%), Western Pennsylvania (5.3%), Colorado (5.3%), and Maryland (5.0%). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup>Departures below the guideline range include §5K1.1 substantial assistance, government sponsored departures (see Appendix A for reasons), and other downward departures (see Table 25 for reasons).

<sup>3</sup>See Table 24 for a list of departure reasons comprising this category.