UPWARD DEPARTURES WITH BOOKER/18 U.S.C. § 3553: DEGREE OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup> Fiscal Year 2008

Table 32A

PRIMARY OFFENSE    N    in Months    Guideline Maximum    Guideline Maximum      TOTAL    129    78.0    23.0    54.1      Murder    1         Manslaughter    1         Kidnapping/Hostage Taking    0         Sexual Abuse    2         Assault    3    60.0    30.0    52.6      Robbery    12    144.0    47.0    69.5      Arson    0         Drugs - Trafficking    16    131.0    41.0    38.2      Drugs - Communication Facility    1         Drugs - Simple Possession    2         Firearms    28    114.0    36.0    49.3			Median Sentence	Median Increase in Months From	Median Percent Increase From
Murder    1	PRIMARY OFFENSE	N	in Months	<b>Guideline Maximum</b>	Guideline Maximum
Manslaughter    1          Kidnapping/Hostage Taking    0          Sexual Abuse    2          Assault    3    60.0    30.0    52.6      Robbery    12    144.0    47.0    69.5      Arson    0          Drugs - Trafficking    16    131.0    41.0    38.2      Drugs - Communication Facility    1          Drugs - Simple Possession    2	TOTAL	129	78.0	23.0	54.1
Kidnapping/Hostage Taking  0        Sexual Abuse  2        Assault  3  60.0  30.0  52.6    Robbery  12  144.0  47.0  69.5    Arson  0       Drugs - Trafficking  16  131.0  41.0  38.2    Drugs - Communication Facility  1       Drugs - Simple Possession  2	Murder	1			
Sexual Abuse  2       Assault  3  60.0  30.0  52.6    Robbery  12  144.0  47.0  69.5    Arson  0       Drugs - Trafficking  16  131.0  41.0  38.2    Drugs - Communication Facility  1       Drugs - Simple Possession  2	Manslaughter	1			
Assault  3  60.0  30.0  52.6    Robbery  12  144.0  47.0  69.5    Arson  0       Drugs - Trafficking  16  131.0  41.0  38.2    Drugs - Communication Facility  1       Drugs - Simple Possession  2	Kidnapping/Hostage Taking	0			
Robbery    12    144.0    47.0    69.5      Arson    0         Drugs - Trafficking    16    131.0    41.0    38.2      Drugs - Communication Facility    1          Drugs - Simple Possession    2	Sexual Abuse	2			
Arson    0          Drugs - Trafficking    16    131.0    41.0    38.2      Drugs - Communication Facility    1          Drugs - Simple Possession    2	Assault	3	60.0	30.0	52.6
Drugs - Trafficking    16    131.0    41.0    38.2      Drugs - Communication Facility    1          Drugs - Simple Possession    2	Robbery	12	144.0	47.0	69.5
Drugs - Communication Facility 1 Drugs - Simple Possession 2	Arson	0			
Drugs - Simple Possession 2	Drugs - Trafficking	16	131.0	41.0	38.2
	<b>Drugs - Communication Facility</b>	1			
Firearms 28 114.0 36.0 49.3	Drugs - Simple Possession	2			
	Firearms	28	114.0	36.0	49.3
Burglary/B&E 0	Burglary/B&E	0			
<b>Auto Theft</b> 0	Auto Theft	0			
<b>Larceny</b> 4 68.0 23.0 121.4	Larceny	4	68.0	23.0	121.4
<b>Fraud</b> 6 53.5 11.0 30.5	Fraud	6	53.5	11.0	30.5
Embezzlement 1	Embezzlement	1			
Forgery/Counterfeiting 4 46.5 12.0 44.5	Forgery/Counterfeiting	4	46.5	12.0	44.5
Bribery 0	Bribery	0			
<b>Tax</b> 2	Tax	2			
Money Laundering 0	Money Laundering	0			
Racketeering/Extortion 0	Racketeering/Extortion	0			
Gambling/Lottery 0	Gambling/Lottery	0			
Civil Rights 0	Civil Rights	0			
<b>Immigration</b> 27 27.0 10.0 100.0	Immigration	27	27.0	10.0	100.0
Pornography/Prostitution 10 237.0 55.0 43.2	Pornography/Prostitution	10	237.0	55.0	43.2
Prison Offenses 2	Prison Offenses	2			
Administration of Justice Offenses 3 24.0 6.0 20.0	Administration of Justice Offenses	3	24.0	6.0	20.0
Environmental/Wildlife 0	Environmental/Wildlife	0			
National Defense 0	National Defense	0			
<b>Antitrust</b> 0	Antitrust	0			
Food & Drug 0	Food & Drug	0			
Other Miscellaneous Offenses 4 33.0 9.5 65.9	Other Miscellaneous Offenses	4	33.0	9.5	65.9

<sup>&</sup>lt;sup>1</sup>Of the 76,478 cases, 147 received an upward departure from the guideline range with *Booker/* 18 U.S.C § 3553. Of these, 132 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional cases was also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2008 Datafile, USSCFY08.