

Table 30

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2019**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	76,034	39,078	51.4	364	0.5	7,272	9.6	7,119	9.4	3,162	4.2	19,039	25.0
D.C. CIRCUIT	330	139	42.1	3	0.9	32	9.7	2	0.6	35	10.6	119	36.1
District of Columbia	330	139	42.1	3	0.9	32	9.7	2	0.6	35	10.6	119	36.1
FIRST CIRCUIT	2,134	1,042	48.8	15	0.7	172	8.1	1	0.0	85	4.0	819	38.4
Maine	162	58	35.8	2	1.2	25	15.4	0	0.0	6	3.7	71	43.8
Massachusetts	476	177	37.2	7	1.5	46	9.7	1	0.2	26	5.5	219	46.0
New Hampshire	196	72	36.7	0	0.0	29	14.8	0	0.0	7	3.6	88	44.9
Puerto Rico	1,165	708	60.8	6	0.5	59	5.1	0	0.0	46	3.9	346	29.7
Rhode Island	135	27	20.0	0	0.0	13	9.6	0	0.0	0	0.0	95	70.4
SECOND CIRCUIT	3,549	1,119	31.5	10	0.3	627	17.7	9	0.3	150	4.2	1,634	46.0
Connecticut	349	120	34.4	3	0.9	51	14.6	0	0.0	46	13.2	129	37.0
New York													
Eastern	622	166	26.7	2	0.3	114	18.3	0	0.0	60	9.6	280	45.0
Northern	381	216	56.7	2	0.5	56	14.7	1	0.3	8	2.1	98	25.7
Southern	1,514	377	24.9	0	0.0	241	15.9	8	0.5	28	1.8	860	56.8
Western	518	204	39.4	2	0.4	142	27.4	0	0.0	7	1.4	163	31.5
Vermont	165	36	21.8	1	0.6	23	13.9	0	0.0	1	0.6	104	63.0
THIRD CIRCUIT	2,336	1,019	43.6	11	0.5	432	18.5	19	0.8	61	2.6	794	34.0
Delaware	122	53	43.4	4	3.3	11	9.0	12	9.8	3	2.5	39	32.0
New Jersey	615	261	42.4	0	0.0	107	17.4	0	0.0	8	1.3	239	38.9
Pennsylvania													
Eastern	627	248	39.6	2	0.3	163	26.0	2	0.3	31	4.9	181	28.9
Middle	505	257	50.9	1	0.2	97	19.2	5	1.0	15	3.0	130	25.7
Western	382	150	39.3	3	0.8	49	12.8	0	0.0	3	0.8	177	46.3
Virgin Islands	85	50	58.8	1	1.2	5	5.9	0	0.0	1	1.2	28	32.9
FOURTH CIRCUIT	5,691	3,209	56.4	47	0.8	700	12.3	3	0.1	176	3.1	1,556	27.3
Maryland	759	263	34.7	8	1.1	137	18.1	0	0.0	52	6.9	299	39.4
North Carolina													
Eastern	822	501	60.9	14	1.7	161	19.6	1	0.1	10	1.2	135	16.4
Middle	490	267	54.5	5	1.0	59	12.0	0	0.0	6	1.2	153	31.2
Western	538	317	58.9	2	0.4	102	19.0	0	0.0	6	1.1	111	20.6
South Carolina	1,049	587	56.0	8	0.8	128	12.2	0	0.0	38	3.6	288	27.5
Virginia													
Eastern	1,200	782	65.2	7	0.6	54	4.5	0	0.0	41	3.4	316	26.3
Western	241	124	51.5	1	0.4	27	11.2	2	0.8	14	5.8	73	30.3
West Virginia													
Northern	280	182	65.0	0	0.0	26	9.3	0	0.0	4	1.4	68	24.3
Southern	312	186	59.6	2	0.6	6	1.9	0	0.0	5	1.6	113	36.2

Table 30 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	21,294	14,911	70.0	125	0.6	1,124	5.3	716	3.4	1,208	5.7	3,210	15.1
Louisiana													
Eastern	288	169	58.7	2	0.7	44	15.3	0	0.0	6	2.1	67	23.3
Middle	182	95	52.2	2	1.1	40	22.0	1	0.5	1	0.5	43	23.6
Western	372	266	71.5	4	1.1	36	9.7	0	0.0	3	0.8	63	16.9
Mississippi													
Northern	185	69	37.3	1	0.5	50	27.0	0	0.0	4	2.2	61	33.0
Southern	453	330	72.8	2	0.4	46	10.2	8	1.8	3	0.7	64	14.1
Texas													
Eastern	724	517	71.4	3	0.4	24	3.3	1	0.1	10	1.4	169	23.3
Northern	1,556	971	62.4	16	1.0	184	11.8	0	0.0	31	2.0	354	22.8
Southern	7,809	4,587	58.7	88	1.1	422	5.4	489	6.3	897	11.5	1,326	17.0
Western	9,725	7,907	81.3	7	0.1	278	2.9	217	2.2	253	2.6	1,063	10.9
SIXTH CIRCUIT	5,297	2,444	46.1	13	0.2	1,055	19.9	10	0.2	198	3.7	1,577	29.8
Kentucky													
Eastern	557	318	57.1	0	0.0	91	16.3	0	0.0	9	1.6	139	25.0
Western	348	161	46.3	3	0.9	87	25.0	2	0.6	12	3.4	83	23.9
Michigan													
Eastern	879	376	42.8	1	0.1	116	13.2	1	0.1	26	3.0	359	40.8
Western	392	201	51.3	2	0.5	68	17.3	0	0.0	4	1.0	117	29.8
Ohio													
Northern	900	447	49.7	4	0.4	190	21.1	0	0.0	24	2.7	235	26.1
Southern	561	164	29.2	1	0.2	133	23.7	5	0.9	89	15.9	169	30.1
Tennessee													
Eastern	743	388	52.2	2	0.3	210	28.3	0	0.0	14	1.9	129	17.4
Middle	315	89	28.3	0	0.0	71	22.5	0	0.0	15	4.8	140	44.4
Western	602	300	49.8	0	0.0	89	14.8	2	0.3	5	0.8	206	34.2
SEVENTH CIRCUIT	2,448	899	36.7	5	0.2	243	9.9	2	0.1	127	5.2	1,172	47.9
Illinois													
Central	225	81	36.0	0	0.0	32	14.2	0	0.0	7	3.1	105	46.7
Northern	655	192	29.3	2	0.3	46	7.0	2	0.3	50	7.6	363	55.4
Southern	285	146	51.2	2	0.7	35	12.3	0	0.0	2	0.7	100	35.1
Indiana													
Northern	356	148	41.6	0	0.0	44	12.4	0	0.0	19	5.3	145	40.7
Southern	472	219	46.4	0	0.0	51	10.8	0	0.0	5	1.1	197	41.7
Wisconsin													
Eastern	267	41	15.4	0	0.0	29	10.9	0	0.0	2	0.7	195	73.0
Western	188	72	38.3	1	0.5	6	3.2	0	0.0	42	22.3	67	35.6
EIGHTH CIRCUIT	5,423	2,437	44.9	35	0.6	674	12.4	73	1.3	116	2.1	2,088	38.5
Arkansas													
Eastern	552	334	60.5	3	0.5	42	7.6	0	0.0	12	2.2	161	29.2
Western	258	128	49.6	0	0.0	39	15.1	2	0.8	3	1.2	86	33.3
Iowa													
Northern	415	217	52.3	11	2.7	89	21.4	0	0.0	6	1.4	92	22.2
Southern	493	196	39.8	1	0.2	73	14.8	0	0.0	5	1.0	218	44.2
Minnesota	380	116	30.5	2	0.5	71	18.7	2	0.5	17	4.5	172	45.3
Missouri													
Eastern	1,190	465	39.1	4	0.3	87	7.3	0	0.0	9	0.8	625	52.5
Western	772	297	38.5	2	0.3	115	14.9	0	0.0	29	3.8	329	42.6
Nebraska	527	266	50.5	1	0.2	18	3.4	57	10.8	5	0.9	180	34.2
North Dakota	328	100	30.5	0	0.0	130	39.6	10	3.0	4	1.2	84	25.6
South Dakota	508	318	62.6	11	2.2	10	2.0	2	0.4	26	5.1	141	27.8

Table 30 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	14,689	4,552	31.0	53	0.4	1,098	7.5	5,358	36.5	581	4.0	3,047	20.7
Alaska	193	56	29.0	2	1.0	25	13.0	0	0.0	4	2.1	106	54.9
Arizona	5,529	1,951	35.3	33	0.6	130	2.4	2,735	49.5	88	1.6	592	10.7
California													
Central	1,138	386	33.9	1	0.1	147	12.9	94	8.3	87	7.6	423	37.2
Eastern	510	228	44.7	1	0.2	80	15.7	21	4.1	17	3.3	163	32.0
Northern	483	146	30.2	0	0.0	60	12.4	9	1.9	15	3.1	253	52.4
Southern	4,087	746	18.3	8	0.2	235	5.7	2,426	59.4	295	7.2	377	9.2
Guam	49	30	61.2	0	0.0	12	24.5	0	0.0	2	4.1	5	10.2
Hawaii	154	59	38.3	0	0.0	36	23.4	0	0.0	1	0.6	58	37.7
Idaho	372	151	40.6	1	0.3	82	22.0	24	6.5	19	5.1	95	25.5
Montana	384	139	36.2	2	0.5	99	25.8	1	0.3	4	1.0	139	36.2
Nevada	482	190	39.4	2	0.4	39	8.1	2	0.4	14	2.9	235	48.8
Northern Mariana Islands	11	8	72.7	0	0.0	1	9.1	0	0.0	0	0.0	2	18.2
Oregon	473	118	24.9	2	0.4	70	14.8	0	0.0	25	5.3	258	54.5
Washington													
Eastern	358	153	42.7	0	0.0	64	17.9	14	3.9	4	1.1	123	34.4
Western	466	191	41.0	1	0.2	18	3.9	32	6.9	6	1.3	218	46.8
TENTH CIRCUIT	6,478	3,731	57.6	35	0.5	368	5.7	895	13.8	355	5.5	1,094	16.9
Colorado	523	186	35.6	1	0.2	99	18.9	76	14.5	13	2.5	148	28.3
Kansas	451	192	42.6	5	1.1	84	18.6	2	0.4	5	1.1	163	36.1
New Mexico	3,948	2,736	69.3	7	0.2	56	1.4	690	17.5	183	4.6	276	7.0
Oklahoma													
Eastern	100	60	60.0	1	1.0	18	18.0	0	0.0	0	0.0	21	21.0
Northern	215	88	40.9	10	4.7	30	14.0	0	0.0	34	15.8	53	24.7
Western	407	227	55.8	0	0.0	24	5.9	4	1.0	3	0.7	149	36.6
Utah	656	187	28.5	9	1.4	39	5.9	110	16.8	101	15.4	210	32.0
Wyoming	178	55	30.9	2	1.1	18	10.1	13	7.3	16	9.0	74	41.6
ELEVENTH CIRCUIT	6,365	3,576	56.2	12	0.2	747	11.7	31	0.5	70	1.1	1,929	30.3
Alabama													
Middle	260	145	55.8	0	0.0	43	16.5	2	0.8	5	1.9	65	25.0
Northern	542	317	58.5	2	0.4	100	18.5	1	0.2	5	0.9	117	21.6
Southern	376	267	71.0	0	0.0	42	11.2	2	0.5	3	0.8	62	16.5
Florida													
Middle	1,594	772	48.4	4	0.3	265	16.6	20	1.3	15	0.9	518	32.5
Northern	302	144	47.7	2	0.7	54	17.9	6	2.0	3	1.0	93	30.8
Southern	1,903	1,128	59.3	1	0.1	106	5.6	0	0.0	14	0.7	654	34.4
Georgia													
Middle	407	280	68.8	1	0.2	39	9.6	0	0.0	7	1.7	80	19.7
Northern	507	176	34.7	2	0.4	30	5.9	0	0.0	17	3.4	282	55.6
Southern	474	347	73.2	0	0.0	68	14.3	0	0.0	1	0.2	58	12.2

¹ Of the 76,538 cases, 504 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.