

**Table 30**

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>  
Fiscal Year 2023**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
<b>TOTAL</b>	<b>63,812</b>	<b>27,087</b>	<b>42.4</b>	<b>314</b>	<b>0.5</b>	<b>6,499</b>	<b>10.2</b>	<b>6,363</b>	<b>10.0</b>	<b>2,421</b>	<b>3.8</b>	<b>21,128</b>	<b>33.1</b>
<b>D.C. CIRCUIT</b>	<b>503</b>	<b>231</b>	<b>45.9</b>	<b>12</b>	<b>2.4</b>	<b>37</b>	<b>7.4</b>	<b>0</b>	<b>0.0</b>	<b>21</b>	<b>4.2</b>	<b>202</b>	<b>40.2</b>
District of Columbia	503	231	45.9	12	2.4	37	7.4	0	0.0	21	4.2	202	40.2
<b>FIRST CIRCUIT</b>	<b>1,947</b>	<b>712</b>	<b>36.6</b>	<b>6</b>	<b>0.3</b>	<b>178</b>	<b>9.1</b>	<b>1</b>	<b>0.1</b>	<b>126</b>	<b>6.5</b>	<b>924</b>	<b>47.5</b>
Maine	116	28	24.1	1	0.9	24	20.7	0	0.0	2	1.7	61	52.6
Massachusetts	477	93	19.5	1	0.2	62	13.0	1	0.2	43	9.0	277	58.1
New Hampshire	158	33	20.9	0	0.0	20	12.7	0	0.0	8	5.1	97	61.4
Puerto Rico	1,090	541	49.6	4	0.4	67	6.1	0	0.0	69	6.3	409	37.5
Rhode Island	106	17	16.0	0	0.0	5	4.7	0	0.0	4	3.8	80	75.5
<b>SECOND CIRCUIT</b>	<b>3,204</b>	<b>882</b>	<b>27.5</b>	<b>10</b>	<b>0.3</b>	<b>521</b>	<b>16.3</b>	<b>5</b>	<b>0.2</b>	<b>102</b>	<b>3.2</b>	<b>1,684</b>	<b>52.6</b>
Connecticut	355	78	22.0	1	0.3	64	18.0	0	0.0	41	11.5	171	48.2
New York													
Eastern	709	159	22.4	1	0.1	138	19.5	2	0.3	36	5.1	373	52.6
Northern	453	238	52.5	3	0.7	87	19.2	2	0.4	11	2.4	112	24.7
Southern	1,142	224	19.6	1	0.1	124	10.9	1	0.1	11	1.0	781	68.4
Western	410	153	37.3	3	0.7	82	20.0	0	0.0	1	0.2	171	41.7
Vermont	135	30	22.2	1	0.7	26	19.3	0	0.0	2	1.5	76	56.3
<b>THIRD CIRCUIT</b>	<b>2,358</b>	<b>862</b>	<b>36.6</b>	<b>9</b>	<b>0.4</b>	<b>432</b>	<b>18.3</b>	<b>8</b>	<b>0.3</b>	<b>51</b>	<b>2.2</b>	<b>996</b>	<b>42.2</b>
Delaware	104	48	46.2	1	1.0	11	10.6	6	5.8	6	5.8	32	30.8
New Jersey	722	237	32.8	1	0.1	133	18.4	0	0.0	9	1.2	342	47.4
Pennsylvania													
Eastern	526	145	27.6	0	0.0	149	28.3	0	0.0	8	1.5	224	42.6
Middle	409	176	43.0	4	1.0	71	17.4	2	0.5	13	3.2	143	35.0
Western	530	206	38.9	2	0.4	60	11.3	0	0.0	13	2.5	249	47.0
Virgin Islands	67	50	74.6	1	1.5	8	11.9	0	0.0	2	3.0	6	9.0
<b>FOURTH CIRCUIT</b>	<b>4,263</b>	<b>1,789</b>	<b>42.0</b>	<b>30</b>	<b>0.7</b>	<b>718</b>	<b>16.8</b>	<b>4</b>	<b>0.1</b>	<b>91</b>	<b>2.1</b>	<b>1,631</b>	<b>38.3</b>
Maryland	484	120	24.8	4	0.8	99	20.5	2	0.4	26	5.4	233	48.1
North Carolina													
Eastern	825	434	52.6	10	1.2	240	29.1	0	0.0	5	0.6	136	16.5
Middle	326	137	42.0	4	1.2	17	5.2	0	0.0	5	1.5	163	50.0
Western	362	166	45.9	1	0.3	61	16.9	0	0.0	3	0.8	131	36.2
South Carolina	644	190	29.5	0	0.0	173	26.9	0	0.0	12	1.9	269	41.8
Virginia													
Eastern	877	430	49.0	7	0.8	33	3.8	2	0.2	38	4.3	367	41.8
Western	209	65	31.1	3	1.4	49	23.4	0	0.0	0	0.0	92	44.0
West Virginia													
Northern	310	150	48.4	1	0.3	28	9.0	0	0.0	1	0.3	130	41.9
Southern	226	97	42.9	0	0.0	18	8.0	0	0.0	1	0.4	110	48.7

**Table 30 (cont.)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>17,480</b>	<b>11,170</b>	<b>63.9</b>	<b>68</b>	<b>0.4</b>	<b>1,079</b>	<b>6.2</b>	<b>917</b>	<b>5.2</b>	<b>588</b>	<b>3.4</b>	<b>3,658</b>	<b>20.9</b>
Louisiana													
Eastern	331	168	50.8	9	2.7	66	19.9	0	0.0	5	1.5	83	25.1
Middle	96	49	51.0	0	0.0	18	18.8	0	0.0	1	1.0	28	29.2
Western	324	224	69.1	2	0.6	24	7.4	0	0.0	3	0.9	71	21.9
Mississippi													
Northern	157	61	38.9	2	1.3	35	22.3	0	0.0	0	0.0	59	37.6
Southern	372	232	62.4	2	0.5	48	12.9	0	0.0	3	0.8	87	23.4
Texas													
Eastern	714	421	59.0	9	1.3	33	4.6	0	0.0	10	1.4	241	33.8
Northern	1,557	931	59.8	10	0.6	148	9.5	0	0.0	13	0.8	455	29.2
Southern	6,422	3,417	53.2	31	0.5	408	6.4	886	13.8	449	7.0	1,231	19.2
Western	7,507	5,667	75.5	3	0.0	299	4.0	31	0.4	104	1.4	1,403	18.7
<b>SIXTH CIRCUIT</b>	<b>4,586</b>	<b>1,684</b>	<b>36.7</b>	<b>19</b>	<b>0.4</b>	<b>822</b>	<b>17.9</b>	<b>10</b>	<b>0.2</b>	<b>179</b>	<b>3.9</b>	<b>1,872</b>	<b>40.8</b>
Kentucky													
Eastern	444	220	49.5	3	0.7	90	20.3	0	0.0	6	1.4	125	28.2
Western	337	96	28.5	1	0.3	90	26.7	7	2.1	24	7.1	119	35.3
Michigan													
Eastern	694	225	32.4	1	0.1	65	9.4	0	0.0	14	2.0	389	56.1
Western	239	119	49.8	3	1.3	40	16.7	0	0.0	6	2.5	71	29.7
Ohio													
Northern	880	345	39.2	2	0.2	171	19.4	1	0.1	21	2.4	340	38.6
Southern	621	141	22.7	3	0.5	132	21.3	1	0.2	90	14.5	254	40.9
Tennessee													
Eastern	640	293	45.8	5	0.8	138	21.6	0	0.0	9	1.4	195	30.5
Middle	276	70	25.4	1	0.4	29	10.5	1	0.4	4	1.4	171	62.0
Western	455	175	38.5	0	0.0	67	14.7	0	0.0	5	1.1	208	45.7
<b>SEVENTH CIRCUIT</b>	<b>2,267</b>	<b>755</b>	<b>33.3</b>	<b>14</b>	<b>0.6</b>	<b>231</b>	<b>10.2</b>	<b>1</b>	<b>0.0</b>	<b>80</b>	<b>3.5</b>	<b>1,186</b>	<b>52.3</b>
Illinois													
Central	260	77	29.6	0	0.0	32	12.3	0	0.0	3	1.2	148	56.9
Northern	617	182	29.5	2	0.3	53	8.6	1	0.2	19	3.1	360	58.3
Southern	261	132	50.6	9	3.4	35	13.4	0	0.0	14	5.4	71	27.2
Indiana													
Northern	262	126	48.1	0	0.0	33	12.6	0	0.0	1	0.4	102	38.9
Southern	393	153	38.9	0	0.0	49	12.5	0	0.0	2	0.5	189	48.1
Wisconsin													
Eastern	328	50	15.2	2	0.6	23	7.0	0	0.0	4	1.2	249	75.9
Western	146	35	24.0	1	0.7	6	4.1	0	0.0	37	25.3	67	45.9
<b>EIGHTH CIRCUIT</b>	<b>5,141</b>	<b>2,070</b>	<b>40.3</b>	<b>32</b>	<b>0.6</b>	<b>696</b>	<b>13.5</b>	<b>23</b>	<b>0.4</b>	<b>114</b>	<b>2.2</b>	<b>2,206</b>	<b>42.9</b>
Arkansas													
Eastern	548	251	45.8	1	0.2	65	11.9	0	0.0	3	0.5	228	41.6
Western	177	82	46.3	0	0.0	20	11.3	0	0.0	1	0.6	74	41.8
Iowa													
Northern	338	169	50.0	11	3.3	63	18.6	0	0.0	5	1.5	90	26.6
Southern	440	146	33.2	2	0.5	66	15.0	0	0.0	4	0.9	222	50.5
Minnesota	353	96	27.2	1	0.3	47	13.3	2	0.6	25	7.1	182	51.6
Missouri													
Eastern	953	389	40.8	2	0.2	95	10.0	0	0.0	24	2.5	443	46.5
Western	840	280	33.3	1	0.1	154	18.3	0	0.0	13	1.5	392	46.7
Nebraska	567	252	44.4	0	0.0	20	3.5	17	3.0	4	0.7	274	48.3
North Dakota	413	139	33.7	6	1.5	160	38.7	3	0.7	3	0.7	102	24.7
South Dakota	512	266	52.0	8	1.6	6	1.2	1	0.2	32	6.3	199	38.9

**Table 30 (cont.)**

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
District		N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>12,091</b>	<b>2,723</b>	<b>22.5</b>	<b>48</b>	<b>0.4</b>	<b>895</b>	<b>7.4</b>	<b>4,728</b>	<b>39.1</b>	<b>640</b>	<b>5.3</b>	<b>3,057</b>	<b>25.3</b>
Alaska	177	55	31.1	0	0.0	31	17.5	0	0.0	7	4.0	84	47.5
Arizona	4,776	1,253	26.2	16	0.3	104	2.2	2,748	57.5	65	1.4	590	12.4
California													
Central	941	247	26.2	8	0.9	123	13.1	12	1.3	68	7.2	483	51.3
Eastern	383	158	41.3	0	0.0	76	19.8	3	0.8	7	1.8	139	36.3
Northern	384	45	11.7	3	0.8	48	12.5	2	0.5	31	8.1	255	66.4
Southern	3,184	339	10.6	13	0.4	172	5.4	1,906	59.9	428	13.4	326	10.2
Guam	26	10	38.5	0	0.0	8	30.8	0	0.0	0	0.0	8	30.8
Hawaii	119	32	26.9	0	0.0	37	31.1	0	0.0	1	0.8	49	41.2
Idaho	291	98	33.7	0	0.0	62	21.3	12	4.1	9	3.1	110	37.8
Montana	368	113	30.7	1	0.3	79	21.5	0	0.0	8	2.2	167	45.4
Nevada	360	63	17.5	1	0.3	16	4.4	41	11.4	9	2.5	230	63.9
Northern Mariana Islands	25	19	76.0	0	0.0	3	12.0	0	0.0	0	0.0	3	12.0
Oregon	409	66	16.1	2	0.5	78	19.1	0	0.0	2	0.5	261	63.8
Washington													
Eastern	289	103	35.6	4	1.4	46	15.9	4	1.4	3	1.0	129	44.6
Western	359	122	34.0	0	0.0	12	3.3	0	0.0	2	0.6	223	62.1
<b>TENTH CIRCUIT</b>	<b>4,835</b>	<b>1,811</b>	<b>37.5</b>	<b>42</b>	<b>0.9</b>	<b>272</b>	<b>5.6</b>	<b>664</b>	<b>13.7</b>	<b>356</b>	<b>7.4</b>	<b>1,690</b>	<b>35.0</b>
Colorado	328	97	29.6	2	0.6	66	20.1	20	6.1	4	1.2	139	42.4
Kansas	330	149	45.2	2	0.6	45	13.6	2	0.6	6	1.8	126	38.2
New Mexico	2,003	701	35.0	21	1.0	50	2.5	535	26.7	208	10.4	488	24.4
Oklahoma													
Eastern	213	136	63.8	3	1.4	8	3.8	0	0.0	5	2.3	61	28.6
Northern	398	207	52.0	10	2.5	31	7.8	0	0.0	100	25.1	50	12.6
Western	669	355	53.1	2	0.3	21	3.1	1	0.1	6	0.9	284	42.5
Utah	757	135	17.8	0	0.0	40	5.3	102	13.5	22	2.9	458	60.5
Wyoming	137	31	22.6	2	1.5	11	8.0	4	2.9	5	3.6	84	61.3
<b>ELEVENTH CIRCUIT</b>	<b>5,137</b>	<b>2,398</b>	<b>46.7</b>	<b>24</b>	<b>0.5</b>	<b>618</b>	<b>12.0</b>	<b>2</b>	<b>0.0</b>	<b>73</b>	<b>1.4</b>	<b>2,022</b>	<b>39.4</b>
Alabama													
Middle	218	79	36.2	0	0.0	29	13.3	0	0.0	5	2.3	105	48.2
Northern	405	228	56.3	1	0.2	54	13.3	0	0.0	6	1.5	116	28.6
Southern	308	154	50.0	6	1.9	36	11.7	1	0.3	8	2.6	103	33.4
Florida													
Middle	1,102	448	40.7	3	0.3	162	14.7	0	0.0	9	0.8	480	43.6
Northern	254	100	39.4	1	0.4	61	24.0	1	0.4	5	2.0	86	33.9
Southern	1,514	745	49.2	4	0.3	108	7.1	0	0.0	16	1.1	641	42.3
Georgia													
Middle	380	248	65.3	2	0.5	38	10.0	0	0.0	3	0.8	89	23.4
Northern	585	165	28.2	3	0.5	62	10.6	0	0.0	19	3.2	336	57.4
Southern	371	231	62.3	4	1.1	68	18.3	0	0.0	2	0.5	66	17.8

<sup>1</sup> Of the 64,124 cases, 312 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, 2023 Datafile, USSCFY23.