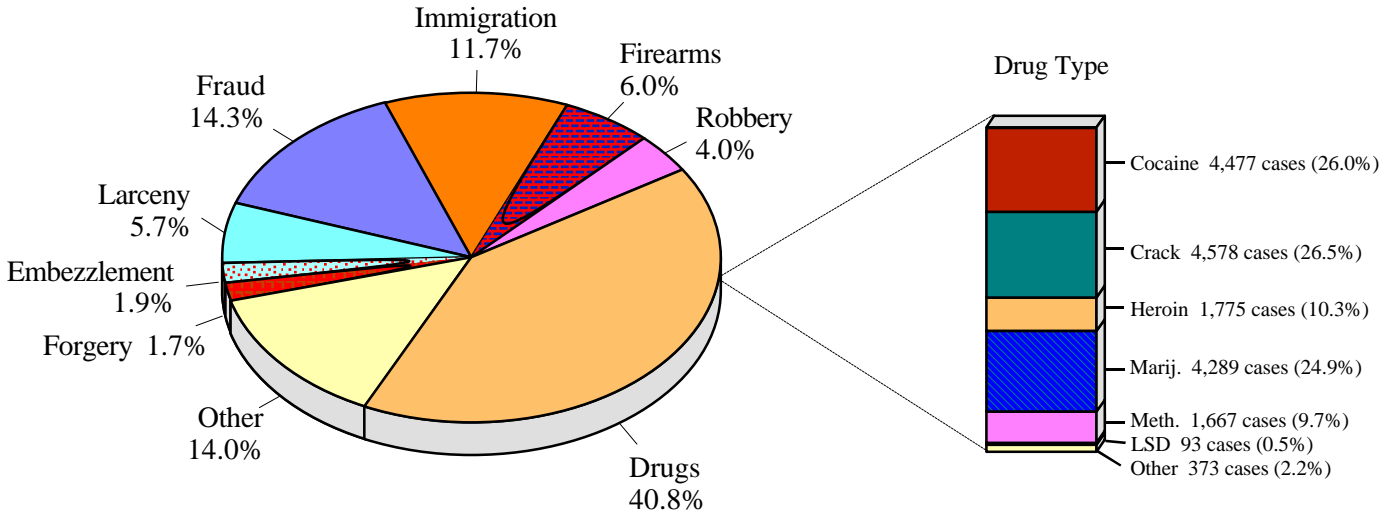


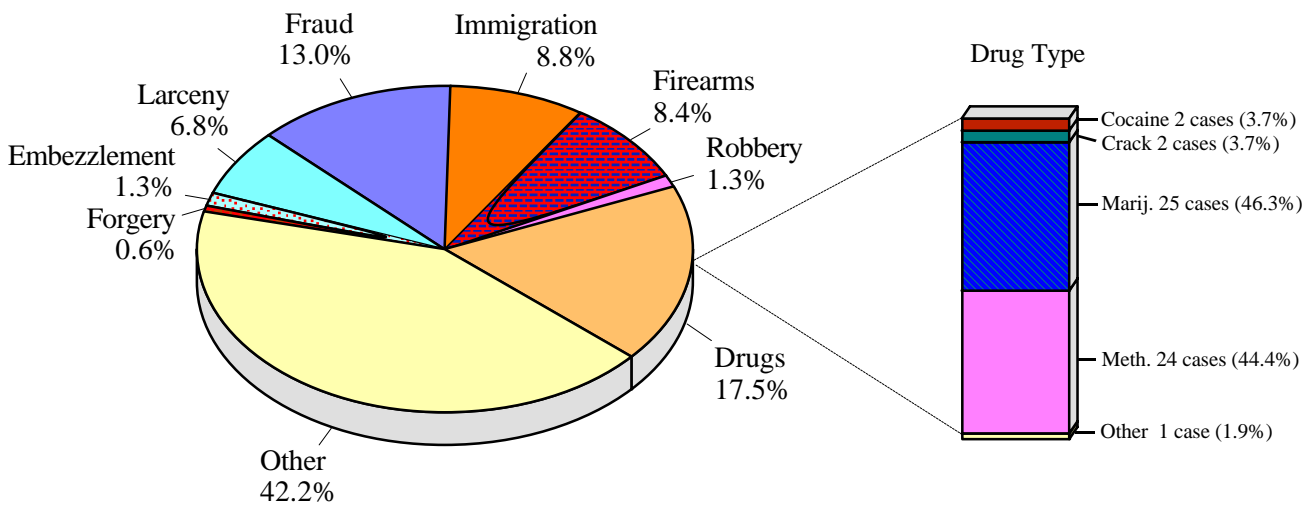
**Figure A**

**GUIDELINE DEFENDANTS SENTENCED BY PRIMARY OFFENSE CATEGORY <sup>1</sup>  
(October 1, 1995, through September 30, 1996)**

**National**



**South Dakota**



<sup>1</sup>Of the 42,436 guideline cases, 75 cases with missing primary offense category were excluded. Of the 17,261 drug cases (including trafficking, use of a communication facility, and simple possession), nine cases with missing drug type were excluded from the bar chart.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MON96.

**Table 1**

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED  
BY PRIMARY OFFENSE CATEGORY  
(October 1, 1995, through September 30, 1996)**

PRIMARY OFFENSE	National		South Dakota	
	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>42,362</b>	<b>100.0</b>	<b>308</b>	<b>100.0</b>
Murder	89	0.2	1	0.3
Manslaughter	53	0.1	7	2.3
Kidnapping/Hostage Taking	85	0.2	5	1.6
Sexual Abuse	171	0.4	38	12.3
Assault	456	1.1	47	15.3
Robbery	1,674	4.0	4	1.3
Arson	105	0.2	3	1.0
Drugs - Trafficking	16,251	38.4	44	14.3
Drugs - Communication Facility	395	0.9	3	1.0
Drugs - Simple Possession	615	1.5	7	2.3
Firearms	2,546	6.0	26	8.4
Burglary/B&E	87	0.2	8	2.6
Auto Theft	127	0.3	0	0.0
Larceny	2,431	5.7	21	6.8
Fraud	6,028	14.2	40	13.0
Embezzlement	787	1.9	4	1.3
Forgery/Counterfeiting	730	1.7	2	0.6
Bribery	256	0.6	0	0.0
Tax	851	2.0	0	0.0
Money Laundering	827	2.0	2	0.6
Racketeering/Extortion	548	1.3	0	0.0
Gambling/Lottery	138	0.3	0	0.0
Civil Rights	109	0.3	0	0.0
Immigration	4,931	11.6	27	8.8
Pornography/Prostitution	191	0.5	1	0.3
Prison Offenses	339	0.8	5	1.6
Administration of Justice Offenses	755	1.8	9	2.9
Environmental/Wildlife	130	0.3	1	0.3
National Defense	24	0.1	0	0.0
Antitrust	15	0.0	0	0.0
Food & Drug	44	0.1	0	0.0
Other Miscellaneous Offenses	574	1.4	3	1.0

Of the 42,436 guideline cases, 74 cases were excluded due to missing information on primary offense category.

Of the 316 guideline cases from the District of South Dakota, eight cases were excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 2

MODE OF CONVICTION BY CIRCUIT AND DISTRICT  
(October 1, 1995, through September 30, 1996)

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>42,398</b>	<b>38,869</b>	<b>91.7</b>	<b>3,529</b>	<b>8.3</b>
<b>D.C. CIRCUIT</b>	378	346	91.5	32	8.5
District of Columbia	378	346	91.5	32	8.5
<b>FIRST CIRCUIT</b>	1,461	1,328	90.9	133	9.1
Maine	146	133	91.1	13	8.9
Massachusetts	461	422	91.5	39	8.5
New Hampshire	147	133	90.5	14	9.5
Puerto Rico	599	550	91.8	49	8.2
Rhode Island	108	90	83.3	18	16.7
<b>SECOND CIRCUIT</b>	3,832	3,551	92.7	281	7.3
Connecticut	258	230	89.1	28	10.9
New York					
Eastern	1,498	1,401	93.5	97	6.5
Northern	433	409	94.5	24	5.5
Southern	1,196	1,091	91.2	105	8.8
Western	354	334	94.4	20	5.6
Vermont	93	86	92.5	7	7.5
<b>THIRD CIRCUIT</b>	2,375	2,161	91.0	214	9.0
Delaware	94	83	88.3	11	11.7
New Jersey	727	669	92.0	58	8.0
Pennsylvania					
Eastern	817	740	90.6	77	9.4
Middle	362	338	93.4	24	6.6
Western	282	253	89.7	29	10.3
Virgin Islands	93	78	83.9	15	16.1
<b>FOURTH CIRCUIT</b>	4,127	3,697	89.6	430	10.4
Maryland	358	302	84.4	56	15.6
North Carolina					
Eastern	537	494	92.0	43	8.0
Middle	367	321	87.5	46	12.5
Western	553	500	90.4	53	9.6
South Carolina	728	692	95.1	36	4.9
Virginia					
Eastern	869	746	85.8	123	14.2
Western	318	281	88.4	37	11.6
West Virginia					
Northern	152	134	88.2	18	11.8
Southern	245	227	92.7	18	7.3

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	6,582	6,075	92.3	507	7.7
Louisiana					
Eastern	395	389	98.5	6	1.5
Middle	82	78	95.1	4	4.9
Western	237	219	92.4	18	7.6
Mississippi					
Northern	153	138	90.2	15	9.8
Southern	206	187	90.8	19	9.2
Texas					
Eastern	522	464	88.9	58	11.1
Northern	980	877	89.5	103	10.5
Southern	2,068	1,872	90.5	196	9.5
Western	1,939	1,851	95.5	88	4.5
<b>SIXTH CIRCUIT</b>	3,511	3,230	92.0	281	8.0
Kentucky					
Eastern	307	280	91.2	27	8.8
Western	343	305	88.9	38	11.1
Michigan					
Eastern	804	740	92.0	64	8.0
Western	308	280	90.9	28	9.1
Ohio					
Northern	547	516	94.3	31	5.7
Southern	371	355	95.7	16	4.3
Tennessee					
Eastern	343	308	89.8	35	10.2
Middle	142	125	88.0	17	12.0
Western	346	321	92.8	25	7.2
<b>SEVENTH CIRCUIT</b>	2,036	1,850	90.9	186	9.1
Illinois					
Central	249	219	88.0	30	12.0
Northern	611	552	90.3	59	9.7
Southern	353	317	89.8	36	10.2
Indiana					
Northern	250	223	89.2	27	10.8
Southern	220	206	93.6	14	6.4
Wisconsin					
Eastern	252	236	93.7	16	6.3
Western	101	97	96.0	4	4.0
<b>EIGHTH CIRCUIT</b>	2,631	2,374	90.2	257	9.8
Arkansas					
Eastern	252	229	90.9	23	9.1
Western	119	107	89.9	12	10.1
Iowa					
Northern	165	154	93.3	11	6.7
Southern	220	200	90.9	20	9.1
Minnesota	290	254	87.6	36	12.4
Missouri					
Eastern	447	393	87.9	54	12.1
Western	396	350	88.4	46	11.6
Nebraska	263	247	93.9	16	6.1
North Dakota	163	161	98.8	2	1.2
South Dakota	316	279	88.3	37	11.7

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>NINTH CIRCUIT</b>	8,410	8,059	95.8	351	4.2
Alaska	86	78	90.7	8	9.3
Arizona	1,348	1,325	98.3	23	1.7
California					
Central	1,295	1,264	97.6	31	2.4
Eastern	701	657	93.7	44	6.3
Northern	591	552	93.4	39	6.6
Southern	2,149	2,088	97.2	61	2.8
Guam	81	65	80.2	16	19.8
Hawaii	303	284	93.7	19	6.3
Idaho	94	87	92.6	7	7.4
Montana	191	177	92.7	14	7.3
Nevada	363	337	92.8	26	7.2
Northern Mariana Islands	15	14	93.3	1	6.7
Oregon	544	525	96.5	19	3.5
Washington					
Eastern	205	194	94.6	11	5.4
Western	444	412	92.8	32	7.2
<b>TENTH CIRCUIT</b>	2,075	1,909	92.0	166	8.0
Colorado	394	374	94.9	20	5.1
Kansas	282	245	86.9	37	13.1
New Mexico	622	583	93.7	39	6.3
Oklahoma					
Eastern	68	59	86.8	9	13.2
Northern	176	162	92.0	14	8.0
Western	195	162	83.1	33	16.9
Utah	238	229	96.2	9	3.8
Wyoming	100	95	95.0	5	5.0
<b>ELEVENTH CIRCUIT</b>	4,980	4,289	86.1	691	13.9
Alabama					
Middle	154	129	83.8	25	16.2
Northern	366	304	83.1	62	16.9
Southern	377	333	88.3	44	11.7
Florida					
Middle	1,117	958	85.8	159	14.2
Northern	325	250	76.9	75	23.1
Southern	1,581	1,371	86.7	210	13.3
Georgia					
Middle	255	230	90.2	25	9.8
Northern	619	549	88.7	70	11.3
Southern	186	165	88.7	21	11.3

Of the 42,436 guideline cases, 38 cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
(October 1, 1995, through September 30, 1996)**

PRIMARY OFFENSE	TOTAL	National				South Dakota			
		PLEA		TRIAL		PLEA		TRIAL	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>42,327</b>	<b>38,800</b>	<b>91.7</b>	<b>3,527</b>	<b>8.3</b>	<b>271</b>	<b>88.0</b>	<b>37</b>	<b>12.0</b>
Murder	88	59	67.0	29	33.0	1	100.0	0	0.0
Manslaughter	53	49	92.5	4	7.5	7	100.0	0	0.0
Kidnapping/Hostage Taking	85	64	75.3	21	24.7	4	80.0	1	20.0
Sexual Abuse	171	148	86.5	23	13.5	28	73.7	10	26.3
Assault	456	388	85.1	68	14.9	42	89.4	5	10.6
Robbery	1,671	1,494	89.4	177	10.6	3	75.0	1	25.0
Arson	105	73	69.5	32	30.5	2	66.7	1	33.3
Drugs - Trafficking	16,233	14,554	89.7	1,679	10.3	42	95.5	2	4.5
Drugs - Communication Facility	395	390	98.7	5	1.3	3	100.0	0	0.0
Drugs - Simple Possession	615	597	97.1	18	2.9	6	85.7	1	14.3
Firearms	2,544	2,206	86.7	338	13.3	25	96.2	1	3.8
Burglary/B&E	87	82	94.3	5	5.7	8	100.0	0	0.0
Auto Theft	127	117	92.1	10	7.9	0	--	0	--
Larceny	2,429	2,319	95.5	110	4.5	18	85.7	3	14.3
Fraud	6,024	5,607	93.1	417	6.9	34	85.0	6	15.0
Embezzlement	787	766	97.3	21	2.7	4	100.0	0	0.0
Forgery/Counterfeiting	730	709	97.1	21	2.9	2	100.0	0	0.0
Bribery	256	230	89.8	26	10.2	0	--	0	--
Tax	850	791	93.1	59	6.9	0	--	0	--
Money Laundering	827	727	87.9	100	12.1	0	0.0	2	100.0
Racketeering/Extortion	548	474	86.5	74	13.5	0	--	0	--
Gambling/Lottery	138	133	96.4	5	3.6	0	--	0	--
Civil Rights	109	92	84.4	17	15.6	0	--	0	--
Immigration	4,931	4,829	97.9	102	2.1	26	96.3	1	3.7
Pornography/Prostitution	190	174	91.6	16	8.4	1	100.0	0	0.0
Prison Offenses	339	309	91.2	30	8.8	5	100.0	0	0.0
Administration of Justice Offenses	753	692	91.9	61	8.1	6	66.7	3	33.3
Environmental/Wildlife	130	121	93.1	9	6.9	1	100.0	0	0.0
National Defense	24	22	91.7	2	8.3	0	--	0	--
Antitrust	15	15	100.0	0	0.0	0	--	0	--
Food & Drug	44	41	93.2	3	6.8	0	--	0	--
Other Miscellaneous Offenses	573	528	92.1	45	7.9	3	100.0	0	0.0

Of the 42,436 guideline cases, 109 cases were excluded due to one or both of the following reasons: missing primary offense category (74) or missing mode of conviction (38). Of the 316 guideline cases from the District of South Dakota, eight cases were excluded due to missing primary offense category.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

**Table 4**

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
(October 1, 1995, through September 30, 1996)**

**National**

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>41,969</b>	<b>32,009</b>	<b>76.3</b>	<b>1,912</b>	<b>4.6</b>	<b>3,041</b>	<b>7.2</b>	<b>5,007</b>	<b>11.9</b>
Murder	88	85	96.6	3	3.4	0	0.0	0	0.0
Manslaughter	53	45	84.9	3	5.7	2	3.8	3	5.7
Kidnapping/Hostage Taking	84	81	96.4	3	3.6	0	0.0	0	0.0
Sexual Abuse	170	150	88.2	3	1.8	8	4.7	9	5.3
Assault	449	341	75.9	17	3.8	28	6.2	63	14.0
Robbery	1,662	1,574	94.7	67	4.0	14	0.8	7	0.4
Arson	105	90	85.7	4	3.8	9	8.6	2	1.9
Drugs - Trafficking	16,145	15,051	93.2	320	2.0	329	2.0	445	2.8
Drugs - Communication Facility	392	320	81.6	18	4.6	34	8.7	20	5.1
Drugs - Simple Possession	598	281	47.0	10	1.7	38	6.4	269	45.0
Firearms	2,531	2,199	86.9	102	4.0	111	4.4	119	4.7
Burglary/B&E	87	70	80.5	6	6.9	6	6.9	5	5.7
Auto Theft	124	91	73.4	5	4.0	10	8.1	18	14.5
Larceny	2,381	801	33.6	150	6.3	460	19.3	970	40.7
Fraud	5,983	3,149	52.6	672	11.2	967	16.2	1,195	20.0
Embezzlement	764	296	38.7	165	21.6	98	12.8	205	26.8
Forgery/Counterfeiting	725	396	54.6	46	6.3	119	16.4	164	22.6
Bribery	254	124	48.8	12	4.7	53	20.9	65	25.6
Tax	828	254	30.7	77	9.3	242	29.2	255	30.8
Money Laundering	823	592	71.9	28	3.4	76	9.2	127	15.4
Racketeering/Extortion	545	488	89.5	9	1.7	21	3.9	27	5.0
Gambling/Lottery	136	33	24.3	10	7.4	37	27.2	56	41.2
Civil Rights	109	78	71.6	5	4.6	10	9.2	16	14.7
Immigration	4,883	4,300	88.1	55	1.1	117	2.4	411	8.4
Pornography/Prostitution	191	146	76.4	11	5.8	14	7.3	20	10.5
Prison Offenses	339	297	87.6	26	7.7	4	1.2	12	3.5
Administration of Justice Offenses	753	435	57.8	39	5.2	94	12.5	185	24.6
Environmental/Wildlife	125	26	20.8	14	11.2	28	22.4	57	45.6
National Defense	22	11	50.0	2	9.1	2	9.1	7	31.8
Antitrust	13	3	23.1	0	0.0	4	30.8	6	46.2
Food & Drug	42	9	21.4	1	2.4	8	19.0	24	57.1
Other Miscellaneous Offenses	565	193	34.2	29	5.1	98	17.3	245	43.4

Of the 42,436 guideline cases, 467 cases were excluded due to one or more of the following reasons: missing sentencing information (229), missing primary offense category (74), or cases in which defendant received no imprisonment or probation (166).

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 5

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
(October 1, 1995, through September 30, 1996)

**South Dakota**

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>305</b>	<b>227</b>	<b>74.4</b>	<b>26</b>	<b>8.5</b>	<b>13</b>	<b>4.3</b>	<b>39</b>	<b>12.8</b>
Murder	1	1	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	7	6	85.7	1	14.3	0	0.0	0	0.0
Kidnapping/Hostage Taking	5	3	60.0	2	40.0	0	0.0	0	0.0
Sexual Abuse	38	33	86.8	2	5.3	1	2.6	2	5.3
Assault	47	41	87.2	1	2.1	1	2.1	4	8.5
Robbery	4	4	100.0	0	0.0	0	0.0	0	0.0
Arson	3	3	100.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	44	38	86.4	2	4.5	1	2.3	3	6.8
Drugs - Communication Facility	3	2	66.7	1	33.3	0	0.0	0	0.0
Drugs - Simple Possession	7	3	42.9	0	0.0	0	0.0	4	57.1
Firearms	25	20	80.0	3	12.0	1	4.0	1	4.0
Burglary/B&E	8	7	87.5	0	0.0	0	0.0	1	12.5
Auto Theft	0	0	--	0	--	0	--	0	--
Larceny	21	8	38.1	0	0.0	1	4.8	12	57.1
Fraud	40	16	40.0	9	22.5	5	12.5	10	25.0
Embezzlement	3	1	33.3	0	0.0	2	66.7	0	0.0
Forgery/Counterfeiting	2	1	50.0	1	50.0	0	0.0	0	0.0
Bribery	0	0	--	0	--	0	--	0	--
Tax	0	0	--	0	--	0	--	0	--
Money Laundering	2	2	100.0	0	0.0	0	0.0	0	0.0
Racketeering/Extortion	0	0	--	0	--	0	--	0	--
Gambling/Lottery	0	0	--	0	--	0	--	0	--
Civil Rights	0	0	--	0	--	0	--	0	--
Immigration	26	24	92.3	2	7.7	0	0.0	0	0.0
Pornography/Prostitution	1	1	100.0	0	0.0	0	0.0	0	0.0
Prison Offenses	5	4	80.0	1	20.0	0	0.0	0	0.0
Administration of Justice Offenses	9	8	88.9	0	0.0	0	0.0	1	11.1
Environmental/Wildlife	1	0	0.0	0	0.0	0	0.0	1	100.0
National Defense	0	0	--	0	--	0	--	0	--
Antitrust	0	0	--	0	--	0	--	0	--
Food & Drug	0	0	--	0	--	0	--	0	--
Other Miscellaneous Offenses	3	1	33.3	1	33.3	1	33.3	0	0.0

Of the 316 guideline cases from the District of South Dakota, 11 cases were excluded due to the following reasons: missing sentencing information (1), missing primary offense category (8), or cases in which the defendant received no imprisonment or probation (2).

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.



**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
(October 1, 1995, through September 30, 1996)**

PRIMARY OFFENSE	National				South Dakota			
	Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>3,378</b>	<b>38.1</b>	<b>5,486</b>	<b>61.9</b>	<b>63</b>	<b>58.3</b>	<b>45</b>	<b>41.7</b>
<b>Fraud</b>	705	32.4	1,470	67.6	7	35.0	13	65.0
<b>Larceny</b>	286	19.0	1,223	81.0	5	27.8	13	72.2
<b>Immigration</b>	1,344	73.5	485	26.5	22	95.7	1	4.3
<b>Embezzlement</b>	180	42.4	245	57.6	1	25.0	3	75.0
<b>Drugs - Trafficking</b>	142	42.4	193	57.6	13	86.7	2	13.3
<b>Drugs - Simple Possession</b>	150	41.7	210	58.3	3	42.9	4	57.1
<b>Firearms</b>	52	38.8	82	61.2	2	100.0	0	0.0
<b>Forgery/Counterfeiting</b>	119	34.8	223	65.2	2	100.0	0	0.0
<b>Other Miscellaneous Offenses</b>	400	22.8	1,355	77.2	8	47.1	9	52.9

Of the 42,436 guideline cases, 33,572 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (33,516), missing sentencing information (229), or missing primary offense category (74).

Of the 316 guideline cases from the District of South Dakota, 208 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (200), missing primary offense category (8), or missing sentencing information (1).

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
(October 1, 1995, through September 30, 1996)**

PRIMARY OFFENSE	National			South Dakota		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
<b>TOTAL</b>	<b>62.3</b>	<b>33.0</b>	<b>33,821</b>	<b>37.7</b>	<b>21.0</b>	<b>247</b>
<b>Murder</b>	295.6	267.0	88	420.0	--	1
<b>Manslaughter</b>	29.5	18.0	48	22.1	15.0	7
<b>Kidnapping/Hostage Taking</b>	180.0	99.5	84	85.4	78.0	5
<b>Sexual Abuse</b>	74.3	48.0	153	70.7	51.0	35
<b>Assault</b>	42.2	27.0	355	34.4	33.0	42
<b>Robbery</b>	112.0	77.0	1,641	38.3	39.0	4
<b>Arson</b>	107.5	57.0	94	40.3	41.0	3
<b>Drugs - Trafficking</b>	86.7	60.0	15,358	47.1	28.5	40
<b>Drugs - Communication Facility</b>	40.1	48.0	338	25.7	24.0	3
<b>Drugs - Simple Possession</b>	11.8	6.0	290	3.7	4.0	3
<b>Firearms</b>	81.8	48.0	2,300	39.0	30.0	23
<b>Burglary/B&amp;E</b>	28.2	20.0	76	19.0	21.0	7
<b>Auto Theft</b>	26.1	18.0	95	--	--	0
<b>Larceny</b>	14.0	10.0	950	13.4	10.0	8
<b>Fraud</b>	18.7	13.0	3,807	16.2	6.0	25
<b>Embezzlement</b>	7.8	5.0	459	8.0	--	1
<b>Forgery/Counterfeiting</b>	15.2	12.0	441	4.0	--	2
<b>Bribery</b>	22.0	15.0	136	--	--	0
<b>Tax</b>	17.5	12.0	331	--	--	0
<b>Money Laundering</b>	43.8	30.0	611	40.5	--	2
<b>Racketeering/Extortion</b>	98.9	60.0	495	--	--	0
<b>Gambling/Lottery</b>	12.8	12.0	43	--	--	0
<b>Civil Rights</b>	47.8	27.0	83	--	--	0
<b>Immigration</b>	20.6	18.0	4,312	11.0	1.0	20
<b>Pornography/Prostitution</b>	34.6	16.0	157	24.0	--	1
<b>Prison Offenses</b>	24.8	18.0	321	11.0	12.0	5
<b>Administration of Justice Offenses</b>	23.1	15.0	470	21.0	12.0	8
<b>Environmental/Wildlife</b>	10.3	6.0	40	--	--	0
<b>National Defense</b>	22.8	24.0	13	--	--	0
<b>Antitrust</b>	5.3	7.0	3	--	--	0
<b>Food &amp; Drug</b>	20.9	15.0	10	--	--	0
<b>Other Miscellaneous Offenses</b>	20.0	10.0	219	17.0	--	2

Of the 42,436 guideline cases, 8,615 cases with zero months prison ordered were excluded. In addition, 370 cases were excluded due to one or both of the following reasons: missing primary offense category (74) or missing or indeterminable sentencing information (330).

Of the 316 guideline cases from the District of South Dakota, 69 cases were excluded due to the following reasons: zero months prison ordered (54), missing primary offense category (8), or missing or indeterminable sentencing information (7).

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 8

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT  
(October 1, 1996, through September 30, 1996)**

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>40,879</b>	<b>28,445</b>	<b>69.6</b>	<b>7,845</b>	<b>19.2</b>	<b>4,201</b>	<b>10.3</b>	<b>388</b>	<b>0.9</b>
<b>D.C. CIRCUIT</b>	371	294	79.2	50	13.5	22	5.9	5	1.3
District of Columbia	371	294	79.2	50	13.5	22	5.9	5	1.3
<b>FIRST CIRCUIT</b>	1,434	1,040	72.5	276	19.2	105	7.3	13	0.9
Maine	145	109	75.2	28	19.3	7	4.8	1	0.7
Massachusetts	450	278	61.8	115	25.6	53	11.8	4	0.9
New Hampshire	145	74	51.0	63	43.4	6	4.1	2	1.4
Puerto Rico	586	489	83.4	65	11.1	30	5.1	2	0.3
Rhode Island	108	90	83.3	5	4.6	9	8.3	4	3.7
<b>SECOND CIRCUIT</b>	3,433	2,221	64.7	665	19.4	523	15.2	24	0.7
Connecticut	258	150	58.1	28	10.9	75	29.1	5	1.9
New York									
Eastern	1,175	704	59.9	244	20.8	221	18.8	6	0.5
Northern	430	254	59.1	124	28.8	51	11.9	1	0.2
Southern	1,130	814	72.0	185	16.4	123	10.9	8	0.7
Western	347	250	72.0	60	17.3	35	10.1	2	0.6
Vermont	93	49	52.7	24	25.8	18	19.4	2	2.2
<b>THIRD CIRCUIT</b>	2,357	1,384	58.7	828	35.1	126	5.3	19	0.8
Delaware	93	78	83.9	14	15.1	1	1.1	0	0.0
New Jersey	724	454	62.7	224	30.9	38	5.2	8	1.1
Pennsylvania									
Eastern	817	389	47.6	388	47.5	32	3.9	8	1.0
Middle	359	198	55.2	134	37.3	26	7.2	1	0.3
Western	273	191	70.0	55	20.1	25	9.2	2	0.7
Virgin Islands	91	74	81.3	13	14.3	4	4.4	0	0.0
<b>FOURTH CIRCUIT</b>	3,973	2,966	74.7	825	20.8	154	3.9	28	0.7
Maryland	356	245	68.8	71	19.9	39	11.0	1	0.3
North Carolina									
Eastern	521	358	68.7	132	25.3	26	5.0	5	1.0
Middle	367	266	72.5	91	24.8	7	1.9	3	0.8
Western	518	276	53.3	214	41.3	20	3.9	8	1.5
South Carolina	704	540	76.7	150	21.3	12	1.7	2	0.3
Virginia									
Eastern	803	721	89.8	58	7.2	19	2.4	5	0.6
Western	313	224	71.6	74	23.6	13	4.2	2	0.6
West Virginia									
Northern	150	129	86.0	15	10.0	6	4.0	0	0.0
Southern	241	207	85.9	20	8.3	12	5.0	2	0.8

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	6,516	4,595	70.5	1,210	18.6	635	9.7	76	1.2
Louisiana									
Eastern	393	302	76.8	65	16.5	23	5.9	3	0.8
Middle	82	56	68.3	22	26.8	1	1.2	3	3.7
Western	231	178	77.1	33	14.3	14	6.1	6	2.6
Mississippi									
Northern	154	96	62.3	45	29.2	9	5.8	4	2.6
Southern	202	152	75.2	33	16.3	16	7.9	1	0.5
Texas									
Eastern	520	432	83.1	56	10.8	25	4.8	7	1.3
Northern	972	673	69.2	229	23.6	59	6.1	11	1.1
Southern	2,058	1,451	70.5	409	19.9	181	8.8	17	0.8
Western	1,904	1,255	65.9	318	16.7	307	16.1	24	1.3
<b>SIXTH CIRCUIT</b>	3,442	2,472	71.8	781	22.7	160	4.6	29	0.8
Kentucky									
Eastern	306	245	80.1	51	16.7	9	2.9	1	0.3
Western	323	271	83.9	32	9.9	12	3.7	8	2.5
Michigan									
Eastern	797	539	67.6	196	24.6	56	7.0	6	0.8
Western	304	226	74.3	68	22.4	9	3.0	1	0.3
Ohio									
Northern	544	396	72.8	107	19.7	41	7.5	0	0.0
Southern	365	213	58.4	138	37.8	11	3.0	3	0.8
Tennessee									
Eastern	338	227	67.2	102	30.2	4	1.2	5	1.5
Middle	127	96	75.6	24	18.9	5	3.9	2	1.6
Western	338	259	76.6	63	18.6	13	3.8	3	0.9
<b>SEVENTH CIRCUIT</b>	2,002	1,509	75.4	369	18.4	98	4.9	26	1.3
Illinois									
Central	248	154	62.1	81	32.7	7	2.8	6	2.4
Northern	589	426	72.3	111	18.8	45	7.6	7	1.2
Southern	352	290	82.4	47	13.4	11	3.1	4	1.1
Indiana									
Northern	248	191	77.0	46	18.5	10	4.0	1	0.4
Southern	215	165	76.7	35	16.3	13	6.0	2	0.9
Wisconsin									
Eastern	251	205	81.7	34	13.5	10	4.0	2	0.8
Western	99	78	78.8	15	15.2	2	2.0	4	4.0
<b>EIGHTH CIRCUIT</b>	2,612	1,795	68.7	628	24.0	161	6.2	28	1.1
Arkansas									
Eastern	251	218	86.9	25	10.0	8	3.2	0	0.0
Western	118	102	86.4	11	9.3	3	2.5	2	1.7
Iowa									
Northern	164	108	65.9	41	25.0	14	8.5	1	0.6
Southern	219	151	68.9	46	21.0	20	9.1	2	0.9
Minnesota	286	167	58.4	81	28.3	35	12.2	3	1.0
Missouri									
Eastern	446	309	69.3	116	26.0	17	3.8	4	0.9
Western	395	226	57.2	151	38.2	11	2.8	7	1.8
Nebraska	260	153	58.8	91	35.0	15	5.8	1	0.4
North Dakota	159	104	65.4	36	22.6	17	10.7	2	1.3
South Dakota	314	257	81.8	30	9.6	21	6.7	6	1.9

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	7,784	5,181	66.6	883	11.3	1,658	21.3	62	0.8
Alaska	84	60	71.4	9	10.7	14	16.7	1	1.2
Arizona	1,314	584	44.4	137	10.4	578	44.0	15	1.1
California									
Central	955	833	87.2	66	6.9	50	5.2	6	0.6
Eastern	679	548	80.7	60	8.8	68	10.0	3	0.4
Northern	532	378	71.1	65	12.2	86	16.2	3	0.6
Southern	2,047	1,194	58.3	195	9.5	637	31.1	21	1.0
Guam	81	61	75.3	14	17.3	5	6.2	1	1.2
Hawaii	292	230	78.8	47	16.1	14	4.8	1	0.3
Idaho	94	63	67.0	25	26.6	6	6.4	0	0.0
Montana	185	131	70.8	28	15.1	25	13.5	1	0.5
Nevada	362	274	75.7	57	15.7	29	8.0	2	0.6
Northern Mariana Islands	14	1	7.1	12	85.7	0	0.0	1	7.1
Oregon	503	385	76.5	62	12.3	51	10.1	5	1.0
Washington									
Eastern	202	161	79.7	9	4.5	32	15.8	0	0.0
Western	440	278	63.2	97	22.0	63	14.3	2	0.5
<b>TENTH CIRCUIT</b>	2,037	1,453	71.3	286	14.0	278	13.6	20	1.0
Colorado	380	224	58.9	116	30.5	36	9.5	4	1.1
Kansas	280	216	77.1	43	15.4	17	6.1	4	1.4
New Mexico	614	395	64.3	46	7.5	168	27.4	5	0.8
Oklahoma									
Eastern	68	62	91.2	3	4.4	3	4.4	0	0.0
Northern	175	148	84.6	15	8.6	12	6.9	0	0.0
Western	191	168	88.0	15	7.9	4	2.1	4	2.1
Utah	229	170	74.2	23	10.0	34	14.8	2	0.9
Wyoming	100	70	70.0	25	25.0	4	4.0	1	1.0
<b>ELEVENTH CIRCUIT</b>	4,918	3,535	71.9	1,044	21.2	281	5.7	58	1.2
Alabama									
Middle	148	115	77.7	31	20.9	2	1.4	0	0.0
Northern	362	248	68.5	88	24.3	24	6.6	2	0.6
Southern	374	238	63.6	122	32.6	11	2.9	3	0.8
Florida									
Middle	1,116	711	63.7	317	28.4	79	7.1	9	0.8
Northern	322	202	62.7	103	32.0	14	4.3	3	0.9
Southern	1,552	1,266	81.6	198	12.8	73	4.7	15	1.0
Georgia									
Middle	250	189	75.6	49	19.6	10	4.0	2	0.8
Northern	610	445	73.0	96	15.7	55	9.0	14	2.3
Southern	184	121	65.8	40	21.7	13	7.1	10	5.4

Of the 42,436 guideline cases, 147 cases with no analogous guidelines were excluded from the table. Of the remaining 42,289 cases, 1,410 cases were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Central California (26.2%), Eastern New York (21.8%), Northern California (9.5%), Eastern Virginia (6.9%), Northern Mariana Islands (6.7%), Oregon (6.1%), Western North Carolina (6.0%), Western Kentucky (5.8%), and Southern New York (5.3%). Descriptions of variables used in this table are provided in Appendix A of the 1995 U.S. Sentencing Commission Annual Report.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
(October 1, 1995, through September 30, 1996)**

**National**

PRIMARY OFFENSE	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>40,818</b>	<b>28,386</b>	<b>69.5</b>	<b>7,844</b>	<b>19.2</b>	<b>4,201</b>	<b>10.3</b>	<b>387</b>	<b>0.9</b>
Robbery	1,625	1,242	76.4	207	12.7	137	8.4	39	2.4
Drugs - Trafficking	15,882	9,332	58.8	5,041	31.7	1,472	9.3	37	0.2
Drugs - Simple Possession	546	515	94.3	14	2.6	7	1.3	10	1.8
Firearms	2,466	1,852	75.1	346	14.0	217	8.8	51	2.1
Larceny	2,311	2,015	87.2	141	6.1	127	5.5	28	1.2
Fraud	5,789	4,363	75.4	913	15.8	446	7.7	67	1.2
Embezzlement	762	634	83.2	31	4.1	96	12.6	1	0.1
Forgery/Counterfeiting	699	596	85.3	68	9.7	28	4.0	7	1.0
Immigration	4,715	3,477	73.7	134	2.8	1,068	22.7	36	0.8
Other Miscellaneous Offenses	6,023	4,360	72.4	949	15.8	603	10.0	111	1.8

**South Dakota**

PRIMARY OFFENSE	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>306</b>	<b>249</b>	<b>81.4</b>	<b>30</b>	<b>9.8</b>	<b>21</b>	<b>6.9</b>	<b>6</b>	<b>2.0</b>
Robbery	4	4	100.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	44	31	70.5	12	27.3	1	2.3	0	0.0
Drugs - Simple Possession	7	7	100.0	0	0.0	0	0.0	0	0.0
Firearms	25	17	68.0	4	16.0	4	16.0	0	0.0
Larceny	21	18	85.7	0	0.0	0	0.0	3	14.3
Fraud	39	32	82.1	4	10.3	3	7.7	0	0.0
Embezzlement	4	4	100.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	2	2	100.0	0	0.0	0	0.0	0	0.0
Immigration	27	24	88.9	2	7.4	1	3.7	0	0.0
Other Miscellaneous Offenses	133	110	82.7	8	6.0	12	9.0	3	2.3

Of the 42,436 guideline cases, 1,619 cases were excluded due to one or both of the following reasons: missing or indeterminable departure information (1,557) or missing primary offense category (74).

Of the 316 guideline cases from the District of South Dakota, ten cases were excluded due to the following reasons: missing or indeterminable departure information (2), or missing primary offense category (8).

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.