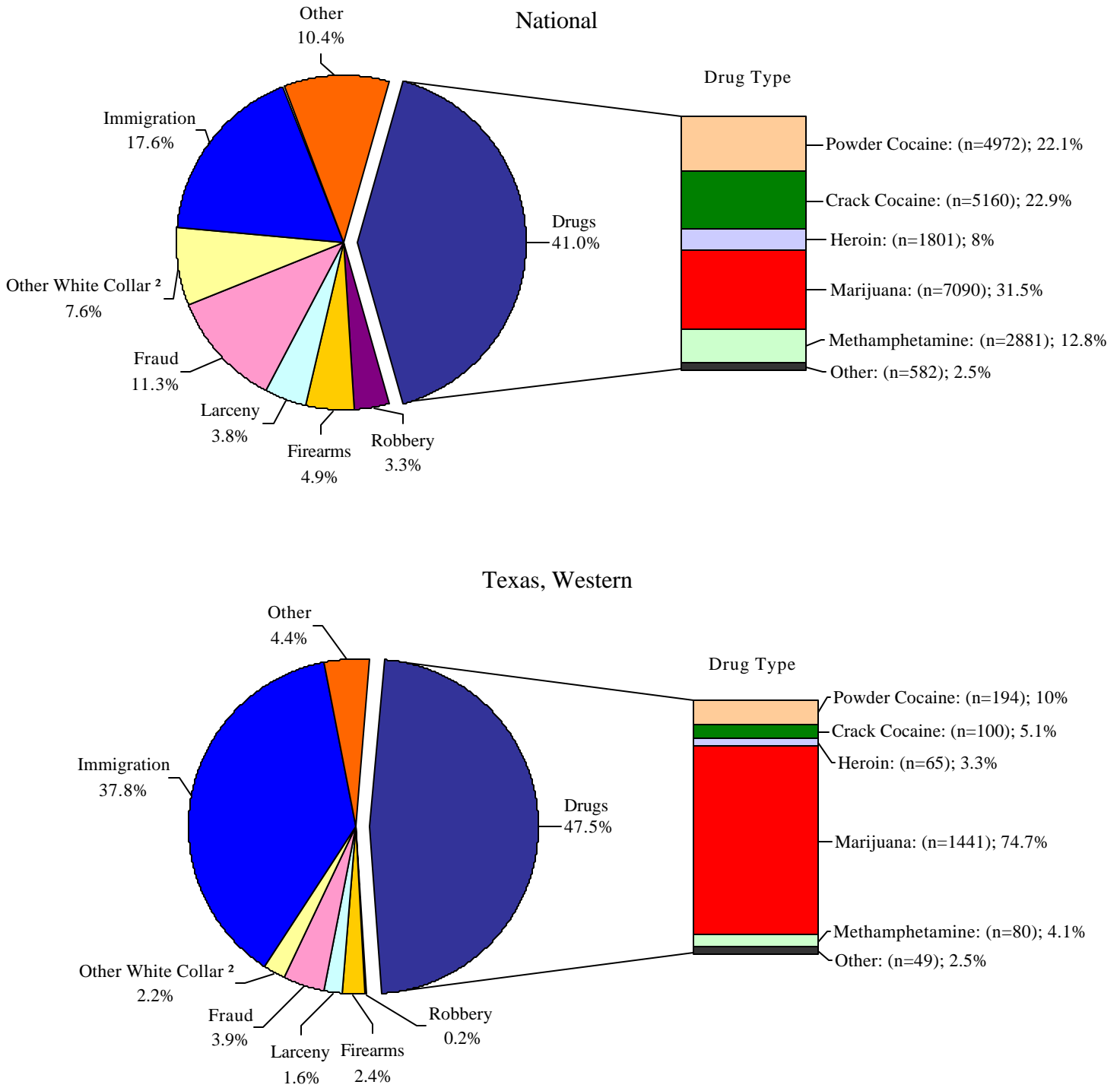


**Figure A**

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT  
PRIMARY OFFENSE CATEGORY<sup>1</sup>  
FISCAL YEAR 1999**



<sup>1</sup>Of the 55,557 guideline cases, 745 cases were excluded due to one of the following reasons: missing primary offense category (149) or missing drug type (596).

<sup>2</sup>The Other White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering and Tax.

**Table 1**

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1999**

| PRIMARY OFFENSE                    | National      |              | Texas, Western |              |
|------------------------------------|---------------|--------------|----------------|--------------|
|                                    | Number        | Percent      | Number         | Percent      |
| <b>TOTAL</b>                       | <b>55,408</b> | <b>100.0</b> | <b>4,105</b>   | <b>100.0</b> |
| Murder                             | 108           | 0.2          | 0              | 0.0          |
| Manslaughter                       | 57            | 0.1          | 0              | 0.0          |
| Kidnapping/Hostage Taking          | 81            | 0.1          | 0              | 0.0          |
| Sexual Abuse                       | 230           | 0.4          | 1              | 0.0          |
| Assault                            | 455           | 0.8          | 16             | 0.4          |
| Robbery                            | 1,790         | 3.2          | 7              | 0.2          |
| Arson                              | 82            | 0.1          | 2              | 0.0          |
| Drugs - Trafficking                | 21,995        | 39.7         | 1,946          | 47.4         |
| Drugs - Communication Facility     | 397           | 0.7          | 4              | 0.1          |
| Drugs - Simple Possession          | 690           | 1.2          | 25             | 0.6          |
| Firearms                           | 2,679         | 4.8          | 96             | 2.3          |
| Burglary/B&E                       | 54            | 0.1          | 1              | 0.0          |
| Auto Theft                         | 189           | 0.3          | 2              | 0.0          |
| Larceny                            | 2,084         | 3.8          | 66             | 1.6          |
| Fraud                              | 6,199         | 11.2         | 158            | 3.8          |
| Embezzlement                       | 959           | 1.7          | 6              | 0.1          |
| Forgery/Counterfeiting             | 1,295         | 2.3          | 41             | 1.0          |
| Bribery                            | 196           | 0.4          | 6              | 0.1          |
| Tax                                | 728           | 1.3          | 9              | 0.2          |
| Money Laundering                   | 1,001         | 1.8          | 27             | 0.7          |
| Racketeering/Extortion             | 978           | 1.8          | 18             | 0.4          |
| Gambling/Lottery                   | 136           | 0.2          | 5              | 0.1          |
| Civil Rights                       | 81            | 0.1          | 0              | 0.0          |
| Immigration                        | 9,669         | 17.5         | 1,535          | 37.4         |
| Pornography/Prostitution           | 414           | 0.7          | 7              | 0.2          |
| Prison Offenses                    | 299           | 0.5          | 16             | 0.4          |
| Administration of Justice Offenses | 867           | 1.6          | 75             | 1.8          |
| Environmental/Wildlife             | 211           | 0.4          | 0              | 0.0          |
| National Defense                   | 20            | 0.0          | 1              | 0.0          |
| Antitrust                          | 44            | 0.1          | 0              | 0.0          |
| Food & Drug                        | 78            | 0.1          | 1              | 0.0          |
| Other Miscellaneous Offenses       | 1,342         | 2.4          | 34             | 0.8          |

Of the 55,557 guideline cases, 149 cases were excluded due to missing information on primary offense category.

Of the 4,109 guideline cases from the District of Western Texas, 4 cases were excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.

Table 2

MODE OF CONVICTION BY CIRCUIT AND DISTRICT  
Fiscal Year 1999

| CIRCUIT<br>District   | TOTAL         | PLEA          |             | TRIAL        |            |
|-----------------------|---------------|---------------|-------------|--------------|------------|
|                       |               | Number        | Percent     | Number       | Percent    |
| <b>TOTAL</b>          | <b>54,920</b> | <b>51,962</b> | <b>94.6</b> | <b>2,958</b> | <b>5.4</b> |
| <b>D.C. CIRCUIT</b>   | 455           | 433           | 95.2        | 22           | 4.8        |
| District of Columbia  | 455           | 433           | 95.2        | 22           | 4.8        |
| <b>FIRST CIRCUIT</b>  | 1,357         | 1,269         | 93.5        | 88           | 6.5        |
| Maine                 | 123           | 119           | 96.7        | 4            | 3.3        |
| Massachusetts         | 461           | 434           | 94.1        | 27           | 5.9        |
| New Hampshire         | 142           | 138           | 97.2        | 4            | 2.8        |
| Puerto Rico           | 518           | 474           | 91.5        | 44           | 8.5        |
| Rhode Island          | 113           | 104           | 92.0        | 9            | 8.0        |
| <b>SECOND CIRCUIT</b> | 4,347         | 4,138         | 95.2        | 209          | 4.8        |
| Connecticut           | 263           | 245           | 93.2        | 18           | 6.8        |
| New York              |               |               |             |              |            |
| Eastern               | 1,431         | 1,369         | 95.7        | 62           | 4.3        |
| Northern              | 358           | 352           | 98.3        | 6            | 1.7        |
| Southern              | 1,793         | 1,692         | 94.4        | 101          | 5.6        |
| Western               | 344           | 334           | 97.1        | 10           | 2.9        |
| Vermont               | 158           | 146           | 92.4        | 12           | 7.6        |
| <b>THIRD CIRCUIT</b>  | 2,485         | 2,356         | 94.8        | 129          | 5.2        |
| Delaware              | 86            | 82            | 95.3        | 4            | 4.7        |
| New Jersey            | 856           | 818           | 95.6        | 38           | 4.4        |
| Pennsylvania          |               |               |             |              |            |
| Eastern               | 842           | 792           | 94.1        | 50           | 5.9        |
| Middle                | 321           | 303           | 94.4        | 18           | 5.6        |
| Western               | 287           | 277           | 96.5        | 10           | 3.5        |
| Virgin Islands        | 93            | 84            | 90.3        | 9            | 9.7        |
| <b>FOURTH CIRCUIT</b> | 4,879         | 4,481         | 91.8        | 398          | 8.2        |
| Maryland              | 459           | 397           | 86.5        | 62           | 13.5       |
| North Carolina        |               |               |             |              |            |
| Eastern               | 511           | 479           | 93.7        | 32           | 6.3        |
| Middle                | 425           | 391           | 92.0        | 34           | 8.0        |
| Western               | 650           | 618           | 95.1        | 32           | 4.9        |
| South Carolina        | 835           | 798           | 95.6        | 37           | 4.4        |
| Virginia              |               |               |             |              |            |
| Eastern               | 1,267         | 1,118         | 88.2        | 149          | 11.8       |
| Western               | 344           | 313           | 91.0        | 31           | 9.0        |
| West Virginia         |               |               |             |              |            |
| Northern              | 156           | 147           | 94.2        | 9            | 5.8        |
| Southern              | 232           | 220           | 94.8        | 12           | 5.2        |

| CIRCUIT<br>District    | TOTAL  | PLEA   |         | TRIAL  |         |
|------------------------|--------|--------|---------|--------|---------|
|                        |        | Number | Percent | Number | Percent |
| <b>FIFTH CIRCUIT</b>   | 10,167 | 9,788  | 96.3    | 379    | 3.7     |
| Louisiana              |        |        |         |        |         |
| Eastern                | 386    | 382    | 99.0    | 4      | 1.0     |
| Middle                 | 139    | 136    | 97.8    | 3      | 2.2     |
| Western                | 256    | 230    | 89.8    | 26     | 10.2    |
| Mississippi            |        |        |         |        |         |
| Northern               | 161    | 153    | 95.0    | 8      | 5.0     |
| Southern               | 280    | 257    | 91.8    | 23     | 8.2     |
| Texas                  |        |        |         |        |         |
| Eastern                | 599    | 564    | 94.2    | 35     | 5.8     |
| Northern               | 1,172  | 1,134  | 96.8    | 38     | 3.2     |
| Southern               | 3,086  | 2,966  | 96.1    | 120    | 3.9     |
| Western                | 4,088  | 3,966  | 97.0    | 122    | 3.0     |
| <b>SIXTH CIRCUIT</b>   | 4,042  | 3,780  | 93.5    | 262    | 6.5     |
| Kentucky               |        |        |         |        |         |
| Eastern                | 422    | 397    | 94.1    | 25     | 5.9     |
| Western                | 407    | 370    | 90.9    | 37     | 9.1     |
| Michigan               |        |        |         |        |         |
| Eastern                | 700    | 644    | 92.0    | 56     | 8.0     |
| Western                | 300    | 288    | 96.0    | 12     | 4.0     |
| Ohio                   |        |        |         |        |         |
| Northern               | 648    | 615    | 94.9    | 33     | 5.1     |
| Southern               | 574    | 554    | 96.5    | 20     | 3.5     |
| Tennessee              |        |        |         |        |         |
| Eastern                | 413    | 380    | 92.0    | 33     | 8.0     |
| Middle                 | 197    | 178    | 90.4    | 19     | 9.6     |
| Western                | 381    | 354    | 92.9    | 27     | 7.1     |
| <b>SEVENTH CIRCUIT</b> | 2,262  | 2,079  | 91.9    | 183    | 8.1     |
| Illinois               |        |        |         |        |         |
| Central                | 311    | 296    | 95.2    | 15     | 4.8     |
| Northern               | 623    | 543    | 87.2    | 80     | 12.8    |
| Southern               | 361    | 340    | 94.2    | 21     | 5.8     |
| Indiana                |        |        |         |        |         |
| Northern               | 332    | 300    | 90.4    | 32     | 9.6     |
| Southern               | 230    | 216    | 93.9    | 14     | 6.1     |
| Wisconsin              |        |        |         |        |         |
| Eastern                | 276    | 263    | 95.3    | 13     | 4.7     |
| Western                | 129    | 121    | 93.8    | 8      | 6.2     |
| <b>EIGHTH CIRCUIT</b>  | 3,410  | 3,186  | 93.4    | 224    | 6.6     |
| Arkansas               |        |        |         |        |         |
| Eastern                | 266    | 245    | 92.1    | 21     | 7.9     |
| Western                | 124    | 119    | 96.0    | 5      | 4.0     |
| Iowa                   |        |        |         |        |         |
| Northern               | 201    | 184    | 91.5    | 17     | 8.5     |
| Southern               | 366    | 343    | 93.7    | 23     | 6.3     |
| Minnesota              | 448    | 408    | 91.1    | 40     | 8.9     |
| Missouri               |        |        |         |        |         |
| Eastern                | 594    | 561    | 94.4    | 33     | 5.6     |
| Western                | 467    | 441    | 94.4    | 26     | 5.6     |
| Nebraska               | 404    | 383    | 94.8    | 21     | 5.2     |
| North Dakota           | 161    | 156    | 96.9    | 5      | 3.1     |
| South Dakota           | 379    | 346    | 91.3    | 33     | 8.7     |

| CIRCUIT<br>District      | TOTAL  | PLEA   |         | TRIAL  |         |
|--------------------------|--------|--------|---------|--------|---------|
|                          |        | Number | Percent | Number | Percent |
| <b>NINTH CIRCUIT</b>     | 12,428 | 12,041 | 96.9    | 387    | 3.1     |
| Alaska                   | 158    | 149    | 94.3    | 9      | 5.7     |
| Arizona                  | 2,804  | 2,781  | 99.2    | 23     | 0.8     |
| California               |        |        |         |        |         |
| Central                  | 1,358  | 1,303  | 95.9    | 55     | 4.1     |
| Eastern                  | 758    | 721    | 95.1    | 37     | 4.9     |
| Northern                 | 507    | 464    | 91.5    | 43     | 8.5     |
| Southern                 | 3,940  | 3,857  | 97.9    | 83     | 2.1     |
| Guam                     | 91     | 87     | 95.6    | 4      | 4.4     |
| Hawaii                   | 352    | 332    | 94.3    | 20     | 5.7     |
| Idaho                    | 126    | 115    | 91.3    | 11     | 8.7     |
| Montana                  | 278    | 248    | 89.2    | 30     | 10.8    |
| Nevada                   | 454    | 425    | 93.6    | 29     | 6.4     |
| Northern Mariana Islands | 14     | 12     | 85.7    | 2      | 14.3    |
| Oregon                   | 640    | 630    | 98.4    | 10     | 1.6     |
| Washington               |        |        |         |        |         |
| Eastern                  | 289    | 277    | 95.8    | 12     | 4.2     |
| Western                  | 659    | 640    | 97.1    | 19     | 2.9     |
| <b>TENTH CIRCUIT</b>     | 3,136  | 2,982  | 95.1    | 154    | 4.9     |
| Colorado                 | 422    | 406    | 96.2    | 16     | 3.8     |
| Kansas                   | 396    | 359    | 90.7    | 37     | 9.3     |
| New Mexico               | 1,130  | 1,104  | 97.7    | 26     | 2.3     |
| Oklahoma                 |        |        |         |        |         |
| Eastern                  | 87     | 81     | 93.1    | 6      | 6.9     |
| Northern                 | 190    | 171    | 90.0    | 19     | 10.0    |
| Western                  | 218    | 197    | 90.4    | 21     | 9.6     |
| Utah                     | 524    | 508    | 96.9    | 16     | 3.1     |
| Wyoming                  | 169    | 156    | 92.3    | 13     | 7.7     |
| <b>ELEVENTH CIRCUIT</b>  | 5,952  | 5,429  | 91.2    | 523    | 8.8     |
| Alabama                  |        |        |         |        |         |
| Middle                   | 218    | 201    | 92.2    | 17     | 7.8     |
| Northern                 | 318    | 293    | 92.1    | 25     | 7.9     |
| Southern                 | 296    | 262    | 88.5    | 34     | 11.5    |
| Florida                  |        |        |         |        |         |
| Middle                   | 1,459  | 1,354  | 92.8    | 105    | 7.2     |
| Northern                 | 390    | 331    | 84.9    | 59     | 15.1    |
| Southern                 | 1,987  | 1,795  | 90.3    | 192    | 9.7     |
| Georgia                  |        |        |         |        |         |
| Middle                   | 361    | 337    | 93.4    | 24     | 6.6     |
| Northern                 | 691    | 647    | 93.6    | 44     | 6.4     |
| Southern                 | 232    | 209    | 90.1    | 23     | 9.9     |

Of the 55,557 guideline cases, 637 cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1999**

| PRIMARY OFFENSE                    | TOTAL         | National      |             |              |            | Texas, Western |             |            |            |
|------------------------------------|---------------|---------------|-------------|--------------|------------|----------------|-------------|------------|------------|
|                                    |               | PLEA          |             | TRIAL        |            | PLEA           |             | TRIAL      |            |
|                                    |               | n             | %           | n            | %          | n              | %           | n          | %          |
| <b>TOTAL</b>                       | <b>54,903</b> | <b>51,945</b> | <b>94.6</b> | <b>2,958</b> | <b>5.4</b> | <b>3,966</b>   | <b>97.0</b> | <b>122</b> | <b>3.0</b> |
| Murder                             | 96            | 77            | 80.2        | 19           | 19.8       | 0              | --          | 0          | --         |
| Manslaughter                       | 55            | 53            | 96.4        | 2            | 3.6        | 0              | --          | 0          | --         |
| Kidnapping/Hostage Taking          | 80            | 65            | 81.3        | 15           | 18.8       | 0              | --          | 0          | --         |
| Sexual Abuse                       | 229           | 202           | 88.2        | 27           | 11.8       | 1              | 100.0       | 0          | 0.0        |
| Assault                            | 449           | 409           | 91.1        | 40           | 8.9        | 13             | 81.3        | 3          | 18.8       |
| Robbery                            | 1,771         | 1,616         | 91.2        | 155          | 8.8        | 7              | 100.0       | 0          | 0.0        |
| Arson                              | 80            | 64            | 80.0        | 16           | 20.0       | 1              | 50.0        | 1          | 50.0       |
| Drugs - Trafficking                | 21,840        | 20,481        | 93.8        | 1,359        | 6.2        | 1,870          | 96.3        | 72         | 3.7        |
| Drugs - Communication Facility     | 396           | 393           | 99.2        | 3            | 0.8        | 4              | 100.0       | 0          | 0.0        |
| Drugs - Simple Possession          | 674           | 645           | 95.7        | 29           | 4.3        | 25             | 100.0       | 0          | 0.0        |
| Firearms                           | 2,645         | 2,394         | 90.5        | 251          | 9.5        | 89             | 93.7        | 6          | 6.3        |
| Burglary/B&E                       | 53            | 49            | 92.5        | 4            | 7.5        | 1              | 100.0       | 0          | 0.0        |
| Auto Theft                         | 187           | 172           | 92.0        | 15           | 8.0        | 2              | 100.0       | 0          | 0.0        |
| Larceny                            | 2,067         | 1,981         | 95.8        | 86           | 4.2        | 63             | 95.5        | 3          | 4.5        |
| Fraud                              | 6,144         | 5,846         | 95.1        | 298          | 4.9        | 145            | 92.9        | 11         | 7.1        |
| Embezzlement                       | 949           | 932           | 98.2        | 17           | 1.8        | 6              | 100.0       | 0          | 0.0        |
| Forgery/Counterfeiting             | 1,281         | 1,255         | 98.0        | 26           | 2.0        | 39             | 100.0       | 0          | 0.0        |
| Bribery                            | 195           | 181           | 92.8        | 14           | 7.2        | 5              | 83.3        | 1          | 16.7       |
| Tax                                | 722           | 670           | 92.8        | 52           | 7.2        | 9              | 100.0       | 0          | 0.0        |
| Money Laundering                   | 993           | 887           | 89.3        | 106          | 10.7       | 25             | 96.2        | 1          | 3.8        |
| Racketeering/Extortion             | 966           | 856           | 88.6        | 110          | 11.4       | 10             | 55.6        | 8          | 44.4       |
| Gambling/Lottery                   | 135           | 133           | 98.5        | 2            | 1.5        | 5              | 100.0       | 0          | 0.0        |
| Civil Rights                       | 78            | 66            | 84.6        | 12           | 15.4       | 0              | --          | 0          | --         |
| Immigration                        | 9,591         | 9,440         | 98.4        | 151          | 1.6        | 1,514          | 99.1        | 14         | 0.9        |
| Pornography/Prostitution           | 411           | 389           | 94.6        | 22           | 5.4        | 6              | 85.7        | 1          | 14.3       |
| Prison Offenses                    | 297           | 291           | 98.0        | 6            | 2.0        | 16             | 100.0       | 0          | 0.0        |
| Administration of Justice Offenses | 860           | 827           | 96.2        | 33           | 3.8        | 75             | 100.0       | 0          | 0.0        |
| Environmental/Wildlife             | 206           | 198           | 96.1        | 8            | 3.9        | 0              | --          | 0          | --         |
| National Defense                   | 20            | 14            | 70.0        | 6            | 30.0       | 1              | 100.0       | 0          | 0.0        |
| Antitrust                          | 44            | 37            | 84.1        | 7            | 15.9       | 0              | --          | 0          | --         |
| Food & Drug                        | 78            | 77            | 98.7        | 1            | 1.3        | 1              | 100.0       | 0          | 0.0        |
| Other Miscellaneous Offenses       | 1,311         | 1,245         | 95.0        | 66           | 5.0        | 33             | 97.1        | 1          | 2.9        |

Of the 55,557 guideline cases, 654 cases were excluded due to one or both of the following reasons: missing primary offense category (149) or missing mode of conviction (637). Of the 4,109 guideline cases from the District of Western Texas, 21 cases were excluded due to one or both of the following reasons: missing primary offense category (4) or missing mode of conviction (21).

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.

**Table 4**

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1999**

**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>54,790</b> | <b>43,536</b> | <b>79.5</b> | <b>2,292</b>                    | <b>4.2</b> | <b>3,274</b>              | <b>6.0</b> | <b>5,688</b>   | <b>10.4</b> |
| Murder                            | 102           | 99            | 97.1        | 0                               | 0.0        | 1                         | 1.0        | 2              | 2.0         |
| Manslaughter                      | 55            | 43            | 78.2        | 6                               | 10.9       | 2                         | 3.6        | 4              | 7.3         |
| Kidnapping/Hostage Taking         | 80            | 79            | 98.8        | 1                               | 1.3        | 0                         | 0.0        | 0              | 0.0         |
| Sexual Abuse                      | 230           | 199           | 86.5        | 4                               | 1.7        | 14                        | 6.1        | 13             | 5.7         |
| Assault                           | 452           | 341           | 75.4        | 21                              | 4.6        | 30                        | 6.6        | 60             | 13.3        |
| Robbery                           | 1,777         | 1,711         | 96.3        | 32                              | 1.8        | 18                        | 1.0        | 16             | 0.9         |
| Arson                             | 81            | 78            | 96.3        | 0                               | 0.0        | 3                         | 3.7        | 0              | 0.0         |
| Drugs - Trafficking               | 21,862        | 20,482        | 93.7        | 493                             | 2.3        | 412                       | 1.9        | 475            | 2.2         |
| Drugs - Communication Facility    | 395           | 341           | 86.3        | 13                              | 3.3        | 18                        | 4.6        | 23             | 5.8         |
| Drugs - Simple Possession         | 671           | 258           | 38.5        | 9                               | 1.3        | 43                        | 6.4        | 361            | 53.8        |
| Firearms                          | 2,660         | 2,379         | 89.4        | 92                              | 3.5        | 102                       | 3.8        | 87             | 3.3         |
| Burglary/B&E                      | 51            | 40            | 78.4        | 4                               | 7.8        | 6                         | 11.8       | 1              | 2.0         |
| Auto Theft                        | 187           | 130           | 69.5        | 12                              | 6.4        | 21                        | 11.2       | 24             | 12.8        |
| Larceny                           | 2,025         | 695           | 34.3        | 124                             | 6.1        | 388                       | 19.2       | 818            | 40.4        |
| Fraud                             | 6,118         | 3,242         | 53.0        | 698                             | 11.4       | 916                       | 15.0       | 1,262          | 20.6        |
| Embezzlement                      | 942           | 319           | 33.9        | 191                             | 20.3       | 135                       | 14.3       | 297            | 31.5        |
| Forgery/Counterfeiting            | 1,275         | 708           | 55.5        | 94                              | 7.4        | 207                       | 16.2       | 266            | 20.9        |
| Bribery                           | 195           | 88            | 45.1        | 12                              | 6.2        | 48                        | 24.6       | 47             | 24.1        |
| Tax                               | 717           | 235           | 32.8        | 95                              | 13.2       | 199                       | 27.8       | 188            | 26.2        |
| Money Laundering                  | 998           | 734           | 73.5        | 52                              | 5.2        | 87                        | 8.7        | 125            | 12.5        |
| Racketeering/Extortion            | 968           | 871           | 90.0        | 28                              | 2.9        | 36                        | 3.7        | 33             | 3.4         |
| Gambling/Lottery                  | 136           | 28            | 20.6        | 9                               | 6.6        | 41                        | 30.1       | 58             | 42.6        |
| Civil Rights                      | 80            | 43            | 53.8        | 5                               | 6.3        | 11                        | 13.8       | 21             | 26.3        |
| Immigration                       | 9,554         | 8,762         | 91.7        | 120                             | 1.3        | 134                       | 1.4        | 538            | 5.6         |
| Pornography/Prostitution          | 411           | 349           | 84.9        | 18                              | 4.4        | 24                        | 5.8        | 20             | 4.9         |
| Prison Offenses                   | 294           | 262           | 89.1        | 7                               | 2.4        | 7                         | 2.4        | 18             | 6.1         |
| Administration of Justice Offense | 855           | 492           | 57.5        | 51                              | 6.0        | 122                       | 14.3       | 190            | 22.2        |
| Environmental/Wildlife            | 200           | 38            | 19.0        | 13                              | 6.5        | 59                        | 29.5       | 90             | 45.0        |
| National Defense                  | 18            | 12            | 66.7        | 4                               | 22.2       | 0                         | 0.0        | 2              | 11.1        |
| Antitrust                         | 44            | 14            | 31.8        | 12                              | 27.3       | 5                         | 11.4       | 13             | 29.5        |
| Food & Drug                       | 75            | 17            | 22.7        | 6                               | 8.0        | 17                        | 22.7       | 35             | 46.7        |
| Other Miscellaneous Offenses      | 1,282         | 447           | 34.9        | 66                              | 5.1        | 168                       | 13.1       | 601            | 46.9        |

Of the 55,557 guideline cases, 767 cases were excluded due to one or more of the following reasons: missing sentencing information (412), missing primary offense category (149) or cases in which defendant received no imprisonment or probation (285).

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.

Table 5

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1999

Texas, Western

| 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>4,064</b> | <b>3,471</b> | <b>85.4</b> | <b>63</b>                       | <b>1.6</b> | <b>44</b>                 | <b>1.1</b> | <b>486</b>     | <b>12.0</b> |
| Murder                            | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Manslaughter                      | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Kidnapping/Hostage Taking         | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Sexual Abuse                      | 1            | 1            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Assault                           | 16           | 13           | 81.3        | 0                               | 0.0        | 0                         | 0.0        | 3              | 18.8        |
| Robbery                           | 7            | 7            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Arson                             | 2            | 2            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Drugs - Trafficking               | 1,927        | 1,863        | 96.7        | 14                              | 0.7        | 7                         | 0.4        | 43             | 2.2         |
| Drugs - Communication Facility    | 4            | 4            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Drugs - Simple Possession         | 25           | 10           | 40.0        | 1                               | 4.0        | 0                         | 0.0        | 14             | 56.0        |
| Firearms                          | 95           | 94           | 98.9        | 0                               | 0.0        | 1                         | 1.1        | 0              | 0.0         |
| Burglary/B&E                      | 1            | 1            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Auto Theft                        | 2            | 2            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Larceny                           | 66           | 18           | 27.3        | 1                               | 1.5        | 5                         | 7.6        | 42             | 63.6        |
| Fraud                             | 156          | 69           | 44.2        | 5                               | 3.2        | 4                         | 2.6        | 78             | 50.0        |
| Embezzlement                      | 6            | 6            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Forgery/Counterfeiting            | 39           | 21           | 53.8        | 1                               | 2.6        | 4                         | 10.3       | 13             | 33.3        |
| Bribery                           | 6            | 5            | 83.3        | 0                               | 0.0        | 0                         | 0.0        | 1              | 16.7        |
| Tax                               | 9            | 2            | 22.2        | 0                               | 0.0        | 2                         | 22.2       | 5              | 55.6        |
| Money Laundering                  | 27           | 22           | 81.5        | 0                               | 0.0        | 1                         | 3.7        | 4              | 14.8        |
| Racketeering/Extortion            | 18           | 18           | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Gambling/Lottery                  | 5            | 2            | 40.0        | 0                               | 0.0        | 0                         | 0.0        | 3              | 60.0        |
| Civil Rights                      | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Immigration                       | 1,522        | 1,231        | 80.9        | 36                              | 2.4        | 14                        | 0.9        | 241            | 15.8        |
| Pornography/Prostitution          | 7            | 7            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Prison Offenses                   | 15           | 15           | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Administration of Justice Offense | 75           | 45           | 60.0        | 4                               | 5.3        | 4                         | 5.3        | 22             | 29.3        |
| Environmental/Wildlife            | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| National Defense                  | 1            | 1            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Antitrust                         | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Food & Drug                       | 1            | 0            | 0.0         | 0                               | 0.0        | 0                         | 0.0        | 1              | 100.0       |
| Other Miscellaneous Offenses      | 31           | 12           | 38.7        | 1                               | 3.2        | 2                         | 6.5        | 16             | 51.6        |

Of the 4,109 guideline cases from the District of Western Texas, 45 cases were excluded due to one or more of the following reasons: missing sentencing information (34), missing primary offense category (4) or cases in which the defendant received no imprisonment or probation (11).

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.



**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1999**

| PRIMARY OFFENSE                     | National        |             |                     |             | Texas, Western  |             |                     |             |
|-------------------------------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
|                                     | Prison Sentence |             | Non-Prison Sentence |             | Prison Sentence |             | Non-Prison Sentence |             |
|                                     | n               | %           | n                   | %           | n               | %           | n                   | %           |
| <b>TOTAL</b>                        | <b>3,839</b>    | <b>38.4</b> | <b>6,147</b>        | <b>61.6</b> | <b>316</b>      | <b>43.4</b> | <b>412</b>          | <b>56.6</b> |
| <b>Fraud</b>                        | 726             | 32.4        | 1,514               | 67.6        | 17              | 18.7        | 74                  | 81.3        |
| <b>Larceny</b>                      | 224             | 17.7        | 1,041               | 82.3        | 12              | 22.2        | 42                  | 77.8        |
| <b>Immigration</b>                  | 1,636           | 76.2        | 510                 | 23.8        | 240             | 54.2        | 203                 | 45.8        |
| <b>Embezzlement</b>                 | 247             | 39.2        | 383                 | 60.8        | 3               | 100.0       | 0                   | 0.0         |
| <b>Drugs - Trafficking</b>          | 167             | 42.8        | 223                 | 57.2        | 9               | 45.0        | 11                  | 55.0        |
| <b>Drugs - Simple Possession</b>    | 170             | 32.6        | 352                 | 67.4        | 4               | 22.2        | 14                  | 77.8        |
| <b>Firearms</b>                     | 31              | 29.2        | 75                  | 70.8        | 1               | 50.0        | 1                   | 50.0        |
| <b>Forgery/Counterfeiting</b>       | 187             | 32.0        | 397                 | 68.0        | 5               | 23.8        | 16                  | 76.2        |
| <b>Other Miscellaneous Offenses</b> | 451             | 21.4        | 1,652               | 78.6        | 25              | 32.9        | 51                  | 67.1        |

Of the 55,557 guideline cases, 45,571 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (45,548), missing sentencing information (412) or missing primary offense category (149).

Of the 4,109 guideline cases from the District of Western Texas, 3,381 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (3,381), missing primary offense category (4) or missing sentencing information (34).

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1999**

| PRIMARY OFFENSE                           | National       |                  |               | Texas, Western |                  |              |
|---|----------------|------------------|---------------|----------------|------------------|--------------|
|   | Mean<br>Months | Median<br>Months | Number        | Mean<br>Months | Median<br>Months | Number       |
| <b>TOTAL</b>                              | <b>56.9</b>    | <b>33.0</b>      | <b>45,379</b> | <b>37.2</b>    | <b>24.0</b>      | <b>3,512</b> |
| <b>Murder</b>                             | 204.7          | 132.0            | 99            | --             | --               | 0            |
| <b>Manslaughter</b>                       | 34.1           | 16.0             | 49            | --             | --               | 0            |
| <b>Kidnapping/Hostage Taking</b>          | 147.8          | 98.5             | 80            | --             | --               | 0            |
| <b>Sexual Abuse</b>                       | 71.8           | 36.0             | 203           | 48.0           | --               | 1            |
| <b>Assault</b>                            | 41.3           | 30.0             | 357           | 17.4           | 6.0              | 13           |
| <b>Robbery</b>                            | 106.8          | 72.0             | 1,739         | 124.9          | 111.0            | 7            |
| <b>Arson</b>                              | 78.9           | 60.0             | 78            | 210.0          | --               | 2            |
| <b>Drugs - Trafficking</b>                | 76.4           | 51.0             | 20,849        | 38.6           | 24.0             | 1,876        |
| <b>Drugs - Communication Facility</b>     | 45.7           | 48.0             | 351           | 36.0           | 36.0             | 4            |
| <b>Drugs - Simple Possession</b>          | 16.4           | 6.0              | 255           | 23.6           | 12.0             | 11           |
| <b>Firearms</b>                           | 70.5           | 46.0             | 2,460         | 49.8           | 37.0             | 94           |
| <b>Burglary/B&amp;E</b>                   | 25.5           | 18.0             | 44            | 24.0           | --               | 1            |
| <b>Auto Theft</b>                         | 71.4           | 24.0             | 140           | 280.5          | --               | 2            |
| <b>Larceny</b>                            | 15.7           | 12.0             | 817           | 14.4           | 8.0              | 19           |
| <b>Fraud</b>                              | 18.7           | 12.0             | 3,871         | 32.7           | 18.0             | 74           |
| <b>Embezzlement</b>                       | 9.1            | 4.0              | 497           | 71.2           | 13.5             | 6            |
| <b>Forgery/Counterfeiting</b>             | 15.8           | 12.0             | 793           | 15.9           | 12.0             | 21           |
| <b>Bribery</b>                            | 19.9           | 15.0             | 99            | 32.2           | 8.0              | 5            |
| <b>Tax</b>                                | 18.0           | 12.0             | 329           | 18.0           | --               | 2            |
| <b>Money Laundering</b>                   | 44.6           | 33.0             | 780           | 45.0           | 40.5             | 22           |
| <b>Racketeering/Extortion</b>             | 99.0           | 60.0             | 896           | 320.9          | 470.0            | 18           |
| <b>Gambling/Lottery</b>                   | 11.2           | 10.0             | 37            | 12.0           | --               | 2            |
| <b>Civil Rights</b>                       | 44.1           | 30.0             | 47            | --             | --               | 0            |
| <b>Immigration</b>                        | 28.0           | 24.0             | 8,724         | 30.6           | 24.0             | 1,251        |
| <b>Pornography/Prostitution</b>           | 46.1           | 30.0             | 365           | 99.1           | 60.0             | 7            |
| <b>Prison Offenses</b>                    | 18.1           | 15.0             | 269           | 16.7           | 12.0             | 15           |
| <b>Administration of Justice Offenses</b> | 25.9           | 18.0             | 534           | 17.6           | 15.0             | 45           |
| <b>Environmental/Wildlife</b>             | 12.5           | 8.0              | 51            | --             | --               | 0            |
| <b>National Defense</b>                   | 71.6           | 27.0             | 16            | 12.0           | --               | 1            |
| <b>Antitrust</b>                          | 9.2            | 4.0              | 25            | --             | --               | 0            |
| <b>Food &amp; Drug</b>                    | 7.7            | 4.0              | 23            | --             | --               | 0            |
| <b>Other Miscellaneous Offenses</b>       | 24.5           | 12.0             | 502           | 39.3           | 24.0             | 13           |

Of the 55,557 guideline cases, 9,215 cases with zero months prison ordered were excluded. In addition, 963 cases were excluded due to one or both of the following reasons: missing primary offense category (149) or missing or indeterminable sentencing information (906).

Of the 4,109 guideline cases from the District of Western Texas, 597 cases were excluded due to one or more of the following reasons: zero prison months ordered (538), missing primary offense category (4) or missing or indeterminable sentencing information (59).

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.

Table 8

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT**  
**Fiscal Year 1999**

| CIRCUIT               | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | SUBSTANTIAL<br>ASSISTANCE<br>DEPARTURE |             | OTHER<br>DOWNWARD<br>DEPARTURE |             | UPWARD<br>DEPARTURE |            |
|-----------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
|                       |               | n                                      | %           | n                                      | %           | n                              | %           | n                   | %          |
| <b>TOTAL</b>          | <b>52,425</b> | <b>34,020</b>                          | <b>64.9</b> | <b>9,788</b>                           | <b>18.7</b> | <b>8,304</b>                   | <b>15.8</b> | <b>313</b>          | <b>0.6</b> |
| <b>D.C. CIRCUIT</b>   | 453           | 315                                    | 69.5        | 89                                     | 19.6        | 41                             | 9.1         | 8                   | 1.8        |
| District of Columbia  | 453           | 315                                    | 69.5        | 89                                     | 19.6        | 41                             | 9.1         | 8                   | 1.8        |
| <b>FIRST CIRCUIT</b>  | 1,337         | 963                                    | 72.0        | 207                                    | 15.5        | 160                            | 12.0        | 7                   | 0.5        |
| Maine                 | 122           | 90                                     | 73.8        | 27                                     | 22.1        | 4                              | 3.3         | 1                   | 0.8        |
| Massachusetts         | 443           | 257                                    | 58.0        | 83                                     | 18.7        | 100                            | 22.6        | 3                   | 0.7        |
| New Hampshire         | 142           | 84                                     | 59.2        | 49                                     | 34.5        | 8                              | 5.6         | 1                   | 0.7        |
| Puerto Rico           | 516           | 443                                    | 85.9        | 40                                     | 7.8         | 32                             | 6.2         | 1                   | 0.2        |
| Rhode Island          | 114           | 89                                     | 78.1        | 8                                      | 7.0         | 16                             | 14.0        | 1                   | 0.9        |
| <b>SECOND CIRCUIT</b> | 4,119         | 2,338                                  | 56.8        | 953                                    | 23.1        | 802                            | 19.5        | 26                  | 0.6        |
| Connecticut           | 249           | 132                                    | 53.0        | 35                                     | 14.1        | 79                             | 31.7        | 3                   | 1.2        |
| New York              |               |  |             |  |             |                                |             |                     |            |
| Eastern               | 1,341         | 589                                    | 43.9        | 331                                    | 24.7        | 410                            | 30.6        | 11                  | 0.8        |
| Northern              | 348           | 156                                    | 44.8        | 150                                    | 43.1        | 41                             | 11.8        | 1                   | 0.3        |
| Southern              | 1,680         | 1,160                                  | 69.0        | 318                                    | 18.9        | 197                            | 11.7        | 5                   | 0.3        |
| Western               | 342           | 226                                    | 66.1        | 83                                     | 24.3        | 30                             | 8.8         | 3                   | 0.9        |
| Vermont               | 159           | 75                                     | 47.2        | 36                                     | 22.6        | 45                             | 28.3        | 3                   | 1.9        |
| <b>THIRD CIRCUIT</b>  | 2,466         | 1,453                                  | 58.9        | 794                                    | 32.2        | 206                            | 8.4         | 13                  | 0.5        |
| Delaware              | 87            | 64                                     | 73.6        | 19                                     | 21.8        | 4                              | 4.6         | 0                   | 0.0        |
| New Jersey            | 858           | 545                                    | 63.5        | 238                                    | 27.7        | 67                             | 7.8         | 8                   | 0.9        |
| Pennsylvania          |               |  |             |  |             |                                |             |                     |            |
| Eastern               | 839           | 412                                    | 49.1        | 362                                    | 43.1        | 64                             | 7.6         | 1                   | 0.1        |
| Middle                | 315           | 180                                    | 57.1        | 100                                    | 31.7        | 33                             | 10.5        | 2                   | 0.6        |
| Western               | 278           | 172                                    | 61.9        | 69                                     | 24.8        | 36                             | 12.9        | 1                   | 0.4        |
| Virgin Islands        | 89            | 80                                     | 89.9        | 6                                      | 6.7         | 2                              | 2.2         | 1                   | 1.1        |
| <b>FOURTH CIRCUIT</b> | 4,493         | 3,228                                  | 71.8        | 1,021                                  | 22.7        | 208                            | 4.6         | 36                  | 0.8        |
| Maryland              | 446           | 282                                    | 63.2        | 85                                     | 19.1        | 77                             | 17.3        | 2                   | 0.4        |
| North Carolina        |               |  |             |  |             |                                |             |                     |            |
| Eastern               | 496           | 345                                    | 69.6        | 128                                    | 25.8        | 18                             | 3.6         | 5                   | 1.0        |
| Middle                | 427           | 281                                    | 65.8        | 121                                    | 28.3        | 14                             | 3.3         | 11                  | 2.6        |
| Western               | 640           | 274                                    | 42.8        | 335                                    | 52.3        | 31                             | 4.8         | 0                   | 0.0        |
| South Carolina        | 795           | 608                                    | 76.5        | 156                                    | 19.6        | 26                             | 3.3         | 5                   | 0.6        |
| Virginia              |               |  |             |  |             |                                |             |                     |            |
| Eastern               | 960           | 873                                    | 90.9        | 67                                     | 7.0         | 17                             | 1.8         | 3                   | 0.3        |
| Western               | 345           | 235                                    | 68.1        | 93                                     | 27.0        | 12                             | 3.5         | 5                   | 1.4        |
| West Virginia         |               |  |             |  |             |                                |             |                     |            |
| Northern              | 155           | 140                                    | 90.3        | 10                                     | 6.5         | 3                              | 1.9         | 2                   | 1.3        |
| Southern              | 229           | 190                                    | 83.0        | 26                                     | 11.4        | 10                             | 4.4         | 3                   | 1.3        |

| CIRCUIT                | TOTAL  | SENTENCED WITHIN GUIDELINE RANGE |      | SUBSTANTIAL ASSISTANCE DEPARTURE |      | OTHER DOWNWARD DEPARTURE |      | UPWARD DEPARTURE |     |
|------------------------|--------|----------------------------------|------|----------------------------------|------|--------------------------|------|------------------|-----|
|                        |        | n                                | %    | n                                | %    | n                        | %    | n                | %   |
| <b>FIFTH CIRCUIT</b>   | 10,012 | 7,220                            | 72.1 | 1,542                            | 15.4 | 1,205                    | 12.0 | 45               | 0.4 |
| Louisiana              |        |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 387    | 308                              | 79.6 | 48                               | 12.4 | 31                       | 8.0  | 0                | 0.0 |
| Middle                 | 138    | 102                              | 73.9 | 25                               | 18.1 | 5                        | 3.6  | 6                | 4.3 |
| Western                | 256    | 201                              | 78.5 | 44                               | 17.2 | 9                        | 3.5  | 2                | 0.8 |
| Mississippi            |        |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 164    | 86                               | 52.4 | 65                               | 39.6 | 13                       | 7.9  | 0                | 0.0 |
| Southern               | 275    | 177                              | 64.4 | 85                               | 30.9 | 11                       | 4.0  | 2                | 0.7 |
| Texas                  |        |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 592    | 513                              | 86.7 | 58                               | 9.8  | 20                       | 3.4  | 1                | 0.2 |
| Northern               | 1,160  | 864                              | 74.5 | 214                              | 18.4 | 74                       | 6.4  | 8                | 0.7 |
| Southern               | 3,011  | 1,905                            | 63.3 | 688                              | 22.8 | 411                      | 13.6 | 7                | 0.2 |
| Western                | 4,029  | 3,064                            | 76.0 | 315                              | 7.8  | 631                      | 15.7 | 19               | 0.5 |
| <b>SIXTH CIRCUIT</b>   | 3,991  | 2,691                            | 67.4 | 1,021                            | 25.6 | 266                      | 6.7  | 13               | 0.3 |
| Kentucky               |        |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 427    | 293                              | 68.6 | 115                              | 26.9 | 18                       | 4.2  | 1                | 0.2 |
| Western                | 397    | 362                              | 91.2 | 25                               | 6.3  | 9                        | 2.3  | 1                | 0.3 |
| Michigan               |        |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 695    | 440                              | 63.3 | 186                              | 26.8 | 66                       | 9.5  | 3                | 0.4 |
| Western                | 298    | 196                              | 65.8 | 79                               | 26.5 | 21                       | 7.0  | 2                | 0.7 |
| Ohio                   |        |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 645    | 444                              | 68.8 | 146                              | 22.6 | 55                       | 8.5  | 0                | 0.0 |
| Southern               | 567    | 310                              | 54.7 | 216                              | 38.1 | 41                       | 7.2  | 0                | 0.0 |
| Tennessee              |        |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 417    | 265                              | 63.5 | 131                              | 31.4 | 18                       | 4.3  | 3                | 0.7 |
| Middle                 | 173    | 132                              | 76.3 | 26                               | 15.0 | 15                       | 8.7  | 0                | 0.0 |
| Western                | 372    | 249                              | 66.9 | 97                               | 26.1 | 23                       | 6.2  | 3                | 0.8 |
| <b>SEVENTH CIRCUIT</b> | 2,178  | 1,556                            | 71.4 | 445                              | 20.4 | 155                      | 7.1  | 22               | 1.0 |
| Illinois               |        |                                  |      |                                  |      |                          |      |                  |     |
| Central                | 300    | 172                              | 57.3 | 101                              | 33.7 | 24                       | 8.0  | 3                | 1.0 |
| Northern               | 584    | 417                              | 71.4 | 107                              | 18.3 | 56                       | 9.6  | 4                | 0.7 |
| Southern               | 354    | 308                              | 87.0 | 31                               | 8.8  | 15                       | 4.2  | 0                | 0.0 |
| Indiana                |        |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 311    | 245                              | 78.8 | 45                               | 14.5 | 18                       | 5.8  | 3                | 1.0 |
| Southern               | 225    | 116                              | 51.6 | 86                               | 38.2 | 18                       | 8.0  | 5                | 2.2 |
| Wisconsin              |        |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 278    | 198                              | 71.2 | 59                               | 21.2 | 20                       | 7.2  | 1                | 0.4 |
| Western                | 126    | 100                              | 79.4 | 16                               | 12.7 | 4                        | 3.2  | 6                | 4.8 |
| <b>EIGHTH CIRCUIT</b>  | 3,390  | 2,169                            | 64.0 | 880                              | 26.0 | 317                      | 9.4  | 24               | 0.7 |
| Arkansas               |        |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 263    | 212                              | 80.6 | 45                               | 17.1 | 6                        | 2.3  | 0                | 0.0 |
| Western                | 126    | 99                               | 78.6 | 20                               | 15.9 | 7                        | 5.6  | 0                | 0.0 |
| Iowa                   |        |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 191    | 116                              | 60.7 | 58                               | 30.4 | 12                       | 6.3  | 5                | 2.6 |
| Southern               | 369    | 193                              | 52.3 | 130                              | 35.2 | 46                       | 12.5 | 0                | 0.0 |
| Minnesota              | 447    | 278                              | 62.2 | 90                               | 20.1 | 76                       | 17.0 | 3                | 0.7 |
| Missouri               |        |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 588    | 362                              | 61.6 | 182                              | 31.0 | 44                       | 7.5  | 0                | 0.0 |
| Western                | 466    | 242                              | 51.9 | 193                              | 41.4 | 26                       | 5.6  | 5                | 1.1 |
| Nebraska               | 402    | 236                              | 58.7 | 120                              | 29.9 | 46                       | 11.4 | 0                | 0.0 |
| North Dakota           | 162    | 125                              | 77.2 | 22                               | 13.6 | 15                       | 9.3  | 0                | 0.0 |
| South Dakota           | 376    | 306                              | 81.4 | 20                               | 5.3  | 39                       | 10.4 | 11               | 2.9 |

| CIRCUIT                  | TOTAL  | SENTENCED WITHIN GUIDELINE RANGE |      | SUBSTANTIAL ASSISTANCE DEPARTURE |      | OTHER DOWNWARD DEPARTURE |      | UPWARD DEPARTURE |     |
|--------------------------|--------|----------------------------------|------|----------------------------------|------|--------------------------|------|------------------|-----|
|                          |        | n                                | %    | n                                | %    | n                        | %    | n                | %   |
| <b>NINTH CIRCUIT</b>     | 11,061 | 5,827                            | 52.7 | 1,145                            | 10.4 | 4,029                    | 36.4 | 60               | 0.5 |
| Alaska                   | 152    | 112                              | 73.7 | 9                                | 5.9  | 31                       | 20.4 | 0                | 0.0 |
| Arizona                  | 2,641  | 899                              | 34.0 | 194                              | 7.3  | 1,529                    | 57.9 | 19               | 0.7 |
| California               |        |                                  |      |                                  |      |                          |      |                  |     |
| Central                  | 798    | 649                              | 81.3 | 67                               | 8.4  | 77                       | 9.6  | 5                | 0.6 |
| Eastern                  | 748    | 580                              | 77.5 | 99                               | 13.2 | 67                       | 9.0  | 2                | 0.3 |
| Northern                 | 488    | 341                              | 69.9 | 40                               | 8.2  | 103                      | 21.1 | 4                | 0.8 |
| Southern                 | 3,578  | 1,513                            | 42.3 | 298                              | 8.3  | 1,755                    | 49.0 | 12               | 0.3 |
| Guam                     | 85     | 61                               | 71.8 | 19                               | 22.4 | 5                        | 5.9  | 0                | 0.0 |
| Hawaii                   | 347    | 234                              | 67.4 | 89                               | 25.6 | 24                       | 6.9  | 0                | 0.0 |
| Idaho                    | 128    | 76                               | 59.4 | 31                               | 24.2 | 16                       | 12.5 | 5                | 3.9 |
| Montana                  | 278    | 193                              | 69.4 | 48                               | 17.3 | 36                       | 12.9 | 1                | 0.4 |
| Nevada                   | 450    | 338                              | 75.1 | 59                               | 13.1 | 50                       | 11.1 | 3                | 0.7 |
| Northern Mariana Islands | 14     | 7                                | 50.0 | 7                                | 50.0 | 0                        | 0.0  | 0                | 0.0 |
| Oregon                   | 560    | 377                              | 67.3 | 93                               | 16.6 | 86                       | 15.4 | 4                | 0.7 |
| Washington               |        |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                  | 284    | 147                              | 51.8 | 19                               | 6.7  | 116                      | 40.8 | 2                | 0.7 |
| Western                  | 510    | 300                              | 58.8 | 73                               | 14.3 | 134                      | 26.3 | 3                | 0.6 |
| <b>TENTH CIRCUIT</b>     | 3,060  | 2,118                            | 69.2 | 393                              | 12.8 | 531                      | 17.4 | 18               | 0.6 |
| Colorado                 | 392    | 238                              | 60.7 | 110                              | 28.1 | 43                       | 11.0 | 1                | 0.3 |
| Kansas                   | 376    | 271                              | 72.1 | 72                               | 19.1 | 30                       | 8.0  | 3                | 0.8 |
| New Mexico               | 1,124  | 737                              | 65.6 | 91                               | 8.1  | 291                      | 25.9 | 5                | 0.4 |
| Oklahoma                 |        |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                  | 84     | 55                               | 65.5 | 8                                | 9.5  | 21                       | 25.0 | 0                | 0.0 |
| Northern                 | 191    | 141                              | 73.8 | 23                               | 12.0 | 23                       | 12.0 | 4                | 2.1 |
| Western                  | 216    | 177                              | 81.9 | 23                               | 10.6 | 15                       | 6.9  | 1                | 0.5 |
| Utah                     | 509    | 392                              | 77.0 | 30                               | 5.9  | 84                       | 16.5 | 3                | 0.6 |
| Wyoming                  | 168    | 107                              | 63.7 | 36                               | 21.4 | 24                       | 14.3 | 1                | 0.6 |
| <b>ELEVENTH CIRCUIT</b>  | 5,865  | 4,142                            | 70.6 | 1,298                            | 22.1 | 384                      | 6.5  | 41               | 0.7 |
| Alabama                  |        |                                  |      |                                  |      |                          |      |                  |     |
| Middle                   | 197    | 121                              | 61.4 | 68                               | 34.5 | 8                        | 4.1  | 0                | 0.0 |
| Northern                 | 316    | 212                              | 67.1 | 96                               | 30.4 | 6                        | 1.9  | 2                | 0.6 |
| Southern                 | 294    | 178                              | 60.5 | 99                               | 33.7 | 15                       | 5.1  | 2                | 0.7 |
| Florida                  |        |                                  |      |                                  |      |                          |      |                  |     |
| Middle                   | 1,459  | 947                              | 64.9 | 405                              | 27.8 | 103                      | 7.1  | 4                | 0.3 |
| Northern                 | 386    | 276                              | 71.5 | 91                               | 23.6 | 13                       | 3.4  | 6                | 1.6 |
| Southern                 | 1,956  | 1,538                            | 78.6 | 260                              | 13.3 | 142                      | 7.3  | 16               | 0.8 |
| Georgia                  |        |                                  |      |                                  |      |                          |      |                  |     |
| Middle                   | 349    | 244                              | 69.9 | 84                               | 24.1 | 16                       | 4.6  | 5                | 1.4 |
| Northern                 | 675    | 456                              | 67.6 | 144                              | 21.3 | 70                       | 10.4 | 5                | 0.7 |
| Southern                 | 233    | 170                              | 73.0 | 51                               | 21.9 | 11                       | 4.7  | 1                | 0.4 |

Of the 55,557 guideline cases, 322 cases with no analogous guidelines were excluded from the table. Of the remaining 55,235 cases, 2,810 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 (41.5%), Eastern Virginia (23.4%), Western Washington (22.3%), Oregon (11.2%), Southern California (10.5%), Eastern New York (8.3%), Guam (7.6%), Connecticut (7.8%), Northern New York (7.5%), Southern New York (6.9%), Middle Georgia (6.7%), Arizona (6.6%), Northern Illinois (6.3%), Northern Indiana (6.3%), Colorado (5.8%), Western Pennsylvania (5.8%), South Carolina (5.5%), Northern Iowa (5.5%), and Central Illinois (5.4%). Descriptions of variables used in this table are provided in Appendix A of the 1999 U.S. Sentencing Commission Annual Report.

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1999**

National

| PRIMARY OFFENSE              | TOTAL         | SENTENCED       |             | SUBSTANTIAL  |             | OTHER        |             | UPWARD     |            |
|------------------------------|---------------|-----------------|-------------|--------------|-------------|--------------|-------------|------------|------------|
|                              |               | WITHIN          |             | ASSISTANCE   |             | DOWNWARD     |             | DEPARTURE  |            |
|                              |               | GUIDELINE RANGE |             | DEPARTURE    |             | DEPARTURE    |             | DEPARTURE  |            |
|                              |               | n               | %           | n            | %           | n            | %           | n          | %          |
| <b>TOTAL</b>                 | <b>52,369</b> | <b>33,988</b>   | <b>64.9</b> | <b>9,780</b> | <b>18.7</b> | <b>8,288</b> | <b>15.8</b> | <b>313</b> | <b>0.6</b> |
| Robbery                      | 1,724         | 1,191           | 69.1        | 264          | 15.3        | 236          | 13.7        | 33         | 1.9        |
| Drugs - Trafficking          | 21,414        | 11,756          | 54.9        | 6,276        | 29.3        | 3,347        | 15.6        | 35         | 0.2        |
| Drugs - Simple Possession    | 566           | 531             | 93.8        | 25           | 4.4         | 6            | 1.1         | 4          | 0.7        |
| Firearms                     | 2,518         | 1,922           | 76.3        | 289          | 11.5        | 276          | 11.0        | 31         | 1.2        |
| Larceny                      | 1,942         | 1,646           | 84.8        | 154          | 7.9         | 136          | 7.0         | 6          | 0.3        |
| Fraud                        | 5,842         | 4,224           | 72.3        | 1,008        | 17.3        | 567          | 9.7         | 43         | 0.7        |
| Embezzlement                 | 908           | 763             | 84.0        | 41           | 4.5         | 101          | 11.1        | 3          | 0.3        |
| Forgery/Counterfeiting       | 1,230         | 988             | 80.3        | 153          | 12.4        | 79           | 6.4         | 10         | 0.8        |
| Immigration                  | 8,880         | 5,862           | 66.0        | 367          | 4.1         | 2,614        | 29.4        | 37         | 0.4        |
| Other Miscellaneous Offenses | 7,345         | 5,105           | 69.5        | 1,203        | 16.4        | 926          | 12.6        | 111        | 1.5        |

Texas, Western

| PRIMARY OFFENSE              | TOTAL        | SENTENCED       |             | SUBSTANTIAL |            | OTHER      |             | UPWARD    |            |
|------------------------------|--------------|-----------------|-------------|-------------|------------|------------|-------------|-----------|------------|
|                              |              | WITHIN          |             | ASSISTANCE  |            | DOWNWARD   |             | DEPARTURE |            |
|                              |              | GUIDELINE RANGE |             | DEPARTURE   |            | DEPARTURE  |             | DEPARTURE |            |
|                              |              | n               | %           | n           | %          | n          | %           | n         | %          |
| <b>TOTAL</b>                 | <b>4,029</b> | <b>3,064</b>    | <b>76.0</b> | <b>315</b>  | <b>7.8</b> | <b>631</b> | <b>15.7</b> | <b>19</b> | <b>0.5</b> |
| Robbery                      | 7            | 6               | 85.7        | 1           | 14.3       | 0          | 0.0         | 0         | 0.0        |
| Drugs - Trafficking          | 1,929        | 1,515           | 78.5        | 216         | 11.2       | 197        | 10.2        | 1         | 0.1        |
| Drugs - Simple Possession    | 23           | 20              | 87.0        | 2           | 8.7        | 1          | 4.3         | 0         | 0.0        |
| Firearms                     | 93           | 79              | 84.9        | 4           | 4.3        | 8          | 8.6         | 2         | 2.2        |
| Larceny                      | 66           | 61              | 92.4        | 4           | 6.1        | 1          | 1.5         | 0         | 0.0        |
| Fraud                        | 152          | 138             | 90.8        | 7           | 4.6        | 5          | 3.3         | 2         | 1.3        |
| Embezzlement                 | 5            | 3               | 60.0        | 0           | 0.0        | 1          | 20.0        | 1         | 20.0       |
| Forgery/Counterfeiting       | 40           | 31              | 77.5        | 6           | 15.0       | 3          | 7.5         | 0         | 0.0        |
| Immigration                  | 1,496        | 1,049           | 70.1        | 48          | 3.2        | 393        | 26.3        | 6         | 0.4        |
| Other Miscellaneous Offenses | 218          | 162             | 74.3        | 27          | 12.4       | 22         | 10.1        | 7         | 3.2        |

Of the 55,557 guideline cases, 3,188 cases were excluded due to one or more of the following reasons: missing or indeterminable departure information (2,810), missing primary offense category (149), or no analogous guideline (322).

Of the 4,109 guideline cases from the District of Western Texas, 80 cases were excluded due to one or more of the following reasons: missing or indeterminable departure information (71), missing primary offense category (4), or no analogous guideline (9).

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.