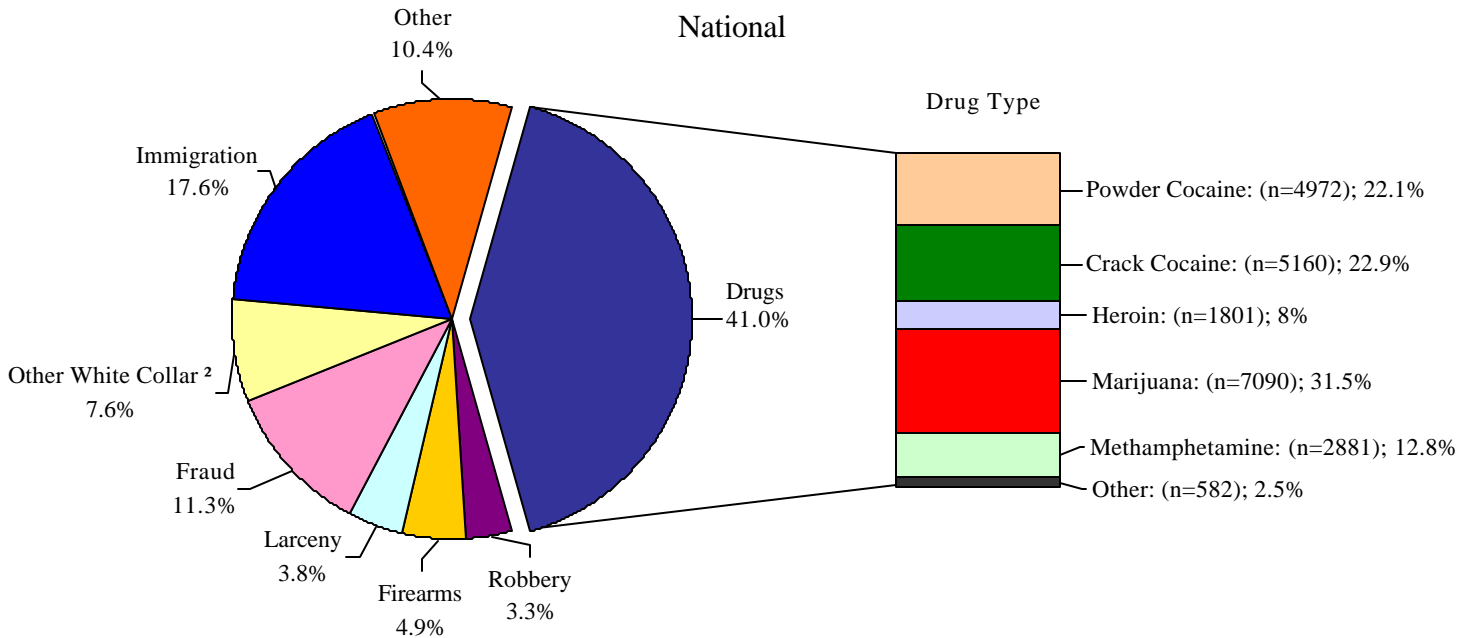
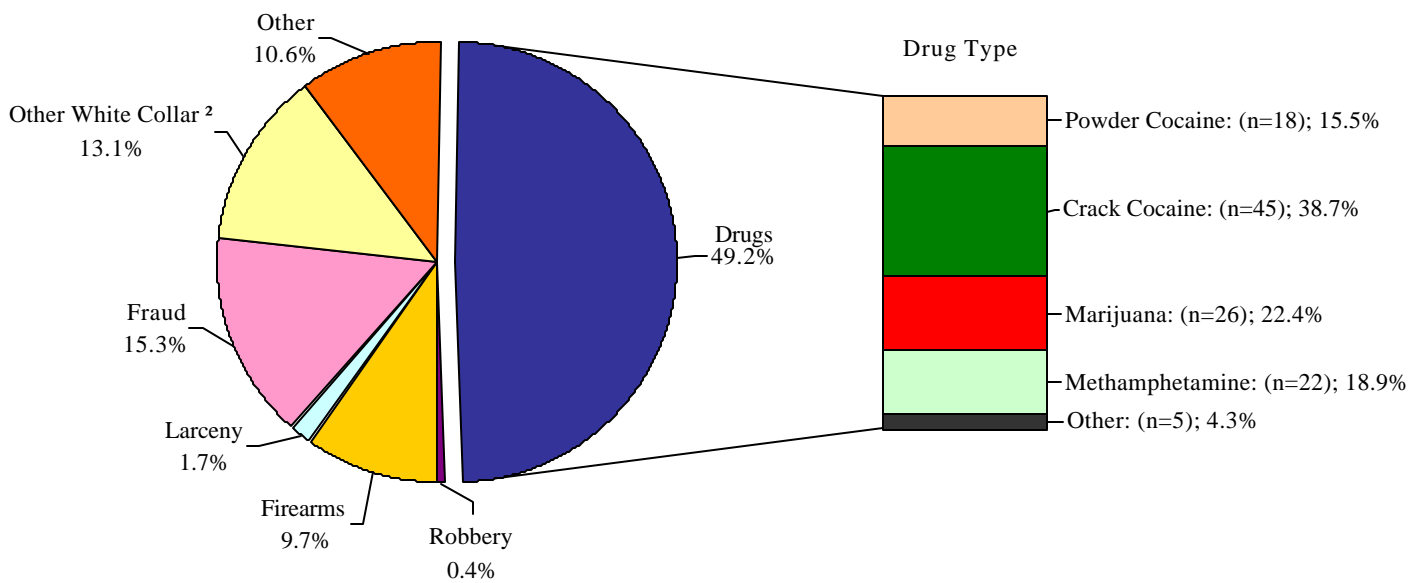


Figure A

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT
PRIMARY OFFENSE CATEGORY¹
FISCAL YEAR 1999**



Western Virginia, Southern



¹Of 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).

²The 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 | | West Virginia, Southern | |
|---|---------------|--------------|-------------------------|--------------|
| | Number | Percent | Number | Percent |
| TOTAL | 55,408 | 100.0 | 236 | 100.0 |
| 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 | 0 | 0.0 |
| Assault | 455 | 0.8 | 2 | 0.8 |
| Robbery | 1,790 | 3.2 | 1 | 0.4 |
| Arson | 82 | 0.1 | 0 | 0.0 |
| Drugs - Trafficking | 21,995 | 39.7 | 113 | 47.9 |
| Drugs - Communication Facility | 397 | 0.7 | 1 | 0.4 |
| Drugs - Simple Possession | 690 | 1.2 | 2 | 0.8 |
| Firearms | 2,679 | 4.8 | 23 | 9.7 |
| Burglary/B&E | 54 | 0.1 | 0 | 0.0 |
| Auto Theft | 189 | 0.3 | 1 | 0.4 |
| Larceny | 2,084 | 3.8 | 4 | 1.7 |
| Fraud | 6,199 | 11.2 | 36 | 15.3 |
| Embezzlement | 959 | 1.7 | 10 | 4.2 |
| Forgery/Counterfeiting | 1,295 | 2.3 | 4 | 1.7 |
| Bribery | 196 | 0.4 | 0 | 0.0 |
| Tax | 728 | 1.3 | 6 | 2.5 |
| Money Laundering | 1,001 | 1.8 | 11 | 4.7 |
| Racketeering/Extortion | 978 | 1.8 | 4 | 1.7 |
| Gambling/Lottery | 136 | 0.2 | 0 | 0.0 |
| Civil Rights | 81 | 0.1 | 1 | 0.4 |
| Immigration | 9,669 | 17.5 | 0 | 0.0 |
| Pornography/Prostitution | 414 | 0.7 | 1 | 0.4 |
| Prison Offenses | 299 | 0.5 | 3 | 1.3 |
| Administration of Justice Offenses | 867 | 1.6 | 0 | 0.0 |
| Environmental/Wildlife | 211 | 0.4 | 4 | 1.7 |
| National Defense | 20 | 0.0 | 0 | 0.0 |
| Antitrust | 44 | 0.1 | 0 | 0.0 |
| Food & Drug | 78 | 0.1 | 0 | 0.0 |
| Other Miscellaneous Offenses | 1,342 | 2.4 | 9 | 3.8 |

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

Of the 236 guideline cases from the District of Southern West Virginia, no 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 District | TOTAL | PLEA | | TRIAL | |
|-----------------------------------|---------------|---------------|----------------|---------------|----------------|
| | | Number | Percent | Number | Percent |
| TOTAL | 54,920 | 51,962 | 94.6 | 2,958 | 5.4 |
| D.C. CIRCUIT | 455 | 433 | 95.2 | 22 | 4.8 |
| District of Columbia | 455 | 433 | 95.2 | 22 | 4.8 |
| FIRST CIRCUIT | 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 |
| SECOND CIRCUIT | 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 |
| THIRD CIRCUIT | 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 |
| FOURTH CIRCUIT | 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 District | TOTAL | PLEA | | TRIAL | |
|------------------------|--------|--------|---------|--------|---------|
| | | Number | Percent | Number | Percent |
| FIFTH CIRCUIT | 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 |
| SIXTH CIRCUIT | 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 |
| SEVENTH CIRCUIT | 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 |
| EIGHTH CIRCUIT | 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 District | TOTAL | PLEA | | TRIAL | |
|--------------------------|--------|--------|---------|--------|---------|
| | | Number | Percent | Number | Percent |
| NINTH CIRCUIT | 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 |
| TENTH CIRCUIT | 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 |
| ELEVENTH CIRCUIT | 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 | | | | West Virginia, Southern | | | |
|------------------------------------|---------------|---------------|-------------|--------------|------------|-------------------------|-------------|-----------|------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 54,903 | 51,945 | 94.6 | 2,958 | 5.4 | 220 | 94.8 | 12 | 5.2 |
| 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 | 0 | -- | 0 | -- |
| Assault | 449 | 409 | 91.1 | 40 | 8.9 | 2 | 100.0 | 0 | 0.0 |
| Robbery | 1,771 | 1,616 | 91.2 | 155 | 8.8 | 1 | 100.0 | 0 | 0.0 |
| Arson | 80 | 64 | 80.0 | 16 | 20.0 | 0 | -- | 0 | -- |
| Drugs - Trafficking | 21,840 | 20,481 | 93.8 | 1,359 | 6.2 | 101 | 91.8 | 9 | 8.2 |
| Drugs - Communication Facility | 396 | 393 | 99.2 | 3 | 0.8 | 1 | 100.0 | 0 | 0.0 |
| Drugs - Simple Possession | 674 | 645 | 95.7 | 29 | 4.3 | 2 | 100.0 | 0 | 0.0 |
| Firearms | 2,645 | 2,394 | 90.5 | 251 | 9.5 | 22 | 95.7 | 1 | 4.3 |
| Burglary/B&E | 53 | 49 | 92.5 | 4 | 7.5 | 0 | -- | 0 | -- |
| Auto Theft | 187 | 172 | 92.0 | 15 | 8.0 | 1 | 100.0 | 0 | 0.0 |
| Larceny | 2,067 | 1,981 | 95.8 | 86 | 4.2 | 4 | 100.0 | 0 | 0.0 |
| Fraud | 6,144 | 5,846 | 95.1 | 298 | 4.9 | 33 | 94.3 | 2 | 5.7 |
| Embezzlement | 949 | 932 | 98.2 | 17 | 1.8 | 10 | 100.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 1,281 | 1,255 | 98.0 | 26 | 2.0 | 4 | 100.0 | 0 | 0.0 |
| Bribery | 195 | 181 | 92.8 | 14 | 7.2 | 0 | -- | 0 | -- |
| Tax | 722 | 670 | 92.8 | 52 | 7.2 | 6 | 100.0 | 0 | 0.0 |
| Money Laundering | 993 | 887 | 89.3 | 106 | 10.7 | 11 | 100.0 | 0 | 0.0 |
| Racketeering/Extortion | 966 | 856 | 88.6 | 110 | 11.4 | 4 | 100.0 | 0 | 0.0 |
| Gambling/Lottery | 135 | 133 | 98.5 | 2 | 1.5 | 0 | -- | 0 | -- |
| Civil Rights | 78 | 66 | 84.6 | 12 | 15.4 | 1 | 100.0 | 0 | 0.0 |
| Immigration | 9,591 | 9,440 | 98.4 | 151 | 1.6 | 0 | -- | 0 | -- |
| Pornography/Prostitution | 411 | 389 | 94.6 | 22 | 5.4 | 1 | 100.0 | 0 | 0.0 |
| Prison Offenses | 297 | 291 | 98.0 | 6 | 2.0 | 3 | 100.0 | 0 | 0.0 |
| Administration of Justice Offenses | 860 | 827 | 96.2 | 33 | 3.8 | 0 | -- | 0 | -- |
| Environmental/Wildlife | 206 | 198 | 96.1 | 8 | 3.9 | 4 | 100.0 | 0 | 0.0 |
| National Defense | 20 | 14 | 70.0 | 6 | 30.0 | 0 | -- | 0 | -- |
| Antitrust | 44 | 37 | 84.1 | 7 | 15.9 | 0 | -- | 0 | -- |
| Food & Drug | 78 | 77 | 98.7 | 1 | 1.3 | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 1,311 | 1,245 | 95.0 | 66 | 5.0 | 9 | 100.0 | 0 | 0.0 |

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 236 guideline cases from the District of Southern West Virginia, 4 cases were excluded due to one or both of the following reasons: missing primary offense category (0) or missing mode of conviction (4).

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 |
| TOTAL | 54,790 | 43,536 | 79.5 | 2,292 | 4.2 | 3,274 | 6.0 | 5,688 | 10.4 |
| 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**

West Virginia, Southern

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|-----------------------------------|------------|------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 233 | 196 | 84.1 | 7 | 3.0 | 12 | 5.2 | 18 | 7.7 |
| Murder | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Manslaughter | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Sexual Abuse | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Assault | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Robbery | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Arson | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Drugs - Trafficking | 113 | 107 | 94.7 | 0 | 0.0 | 2 | 1.8 | 4 | 3.5 |
| Drugs - Communication Facility | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Simple Possession | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Firearms | 23 | 22 | 95.7 | 0 | 0.0 | 1 | 4.3 | 0 | 0.0 |
| Burglary/B&E | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Auto Theft | 1 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 | 0 | 0.0 |
| Larceny | 4 | 3 | 75.0 | 0 | 0.0 | 1 | 25.0 | 0 | 0.0 |
| Fraud | 35 | 22 | 62.9 | 5 | 14.3 | 2 | 5.7 | 6 | 17.1 |
| Embezzlement | 10 | 5 | 50.0 | 1 | 10.0 | 1 | 10.0 | 3 | 30.0 |
| Forgery/Counterfeiting | 4 | 3 | 75.0 | 0 | 0.0 | 0 | 0.0 | 1 | 25.0 |
| Bribery | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Tax | 4 | 1 | 25.0 | 0 | 0.0 | 2 | 50.0 | 1 | 25.0 |
| Money Laundering | 11 | 11 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Racketeering/Extortion | 4 | 3 | 75.0 | 1 | 25.0 | 0 | 0.0 | 0 | 0.0 |
| Gambling/Lottery | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Civil Rights | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Pornography/Prostitution | 1 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 |
| Prison Offenses | 3 | 3 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Administration of Justice Offense | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Environmental/Wildlife | 4 | 3 | 75.0 | 0 | 0.0 | 1 | 25.0 | 0 | 0.0 |
| National Defense | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Antitrust | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Food & Drug | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 9 | 6 | 66.7 | 0 | 0.0 | 1 | 11.1 | 2 | 22.2 |

Of the 236 guideline cases from the District of Southern West Virginia, 3 cases were excluded due to one or more of the following reasons: missing sentencing information (2), missing primary offense category (0) or cases in which the defendant received no imprisonment or probation (1).

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 | | | | West Virginia, Southern | | | |
|-------------------------------------|-----------------|-------------|---------------------|-------------|-------------------------|-------------|---------------------|-------------|
| | Prison Sentence | | Non-Prison Sentence | | Prison Sentence | | Non-Prison Sentence | |
| | n | % | n | % | n | % | n | % |
| TOTAL | 3,839 | 38.4 | 6,147 | 61.6 | 9 | 26.5 | 25 | 73.5 |
| Fraud | 726 | 32.4 | 1,514 | 67.6 | 2 | 20.0 | 8 | 80.0 |
| Larceny | 224 | 17.7 | 1,041 | 82.3 | 1 | 50.0 | 1 | 50.0 |
| Immigration | 1,636 | 76.2 | 510 | 23.8 | 0 | -- | 0 | -- |
| Embezzlement | 247 | 39.2 | 383 | 60.8 | 4 | 50.0 | 4 | 50.0 |
| Drugs - Trafficking | 167 | 42.8 | 223 | 57.2 | 0 | 0.0 | 4 | 100.0 |
| Drugs - Simple Possession | 170 | 32.6 | 352 | 67.4 | 0 | -- | 0 | -- |
| Firearms | 31 | 29.2 | 75 | 70.8 | 1 | 50.0 | 1 | 50.0 |
| Forgery/Counterfeiting | 187 | 32.0 | 397 | 68.0 | 0 | 0.0 | 1 | 100.0 |
| Other Miscellaneous Offenses | 451 | 21.4 | 1,652 | 78.6 | 1 | 14.3 | 6 | 85.7 |

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 236 guideline cases from the District of Southern West Virginia, 202 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (202), missing primary offense category (0) or missing sentencing information (2).

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

Table 7

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

| PRIMARY OFFENSE | National | | | West Virginia, Southern | | |
|---|----------------|------------------|---------------|-------------------------|------------------|------------|
| | Mean Months | Median Months | Number | Mean Months | Median Months | Number |
| TOTAL | 56.9 | 33.0 | 45,379 | 67.9 | 40.0 | 203 |
| Murder | 204.7 | 132.0 | 99 | -- | -- | 0 |
| Manslaughter | 34.1 | 16.0 | 49 | -- | -- | 0 |
| Kidnapping/Hostage Taking | 147.8 | 98.5 | 80 | -- | -- | 0 |
| Sexual Abuse | 71.8 | 36.0 | 203 | -- | -- | 0 |
| Assault | 41.3 | 30.0 | 357 | 42.0 | -- | 2 |
| Robbery | 106.8 | 72.0 | 1,739 | 12.0 | -- | 1 |
| Arson | 78.9 | 60.0 | 78 | -- | -- | 0 |
| Drugs - Trafficking | 76.4 | 51.0 | 20,849 | 97.7 | 63.0 | 107 |
| Drugs - Communication Facility | 45.7 | 48.0 | 351 | 12.0 | -- | 1 |
| Drugs - Simple Possession | 16.4 | 6.0 | 255 | 48.5 | -- | 2 |
| Firearms | 70.5 | 46.0 | 2,460 | 51.7 | 38.5 | 22 |
| Burglary/B&E | 25.5 | 18.0 | 44 | -- | -- | 0 |
| Auto Theft | 71.4 | 24.0 | 140 | -- | -- | 0 |
| Larceny | 15.7 | 12.0 | 817 | 15.7 | 14.0 | 3 |
| Fraud | 18.7 | 12.0 | 3,871 | 33.7 | 21.0 | 27 |
| Embezzlement | 9.1 | 4.0 | 497 | 6.0 | 5.0 | 6 |
| Forgery/Counterfeiting | 15.8 | 12.0 | 793 | 25.0 | 30.0 | 3 |
| Bribery | 19.9 | 15.0 | 99 | -- | -- | 0 |
| Tax | 18.0 | 12.0 | 329 | 27.0 | -- | 1 |
| Money Laundering | 44.6 | 33.0 | 780 | 41.5 | 42.0 | 11 |
| Racketeering/Extortion | 99.0 | 60.0 | 896 | 38.0 | 46.0 | 4 |
| Gambling/Lottery | 11.2 | 10.0 | 37 | -- | -- | 0 |
| Civil Rights | 44.1 | 30.0 | 47 | 12.0 | -- | 1 |
| Immigration | 28.0 | 24.0 | 8,724 | -- | -- | 0 |
| Pornography/Prostitution | 46.1 | 30.0 | 365 | -- | -- | 0 |
| Prison Offenses | 18.1 | 15.0 | 269 | 15.3 | 18.0 | 3 |
| Administration of Justice Offenses | 25.9 | 18.0 | 534 | -- | -- | 0 |
| Environmental/Wildlife | 12.5 | 8.0 | 51 | 12.7 | 12.0 | 3 |
| National Defense | 71.6 | 27.0 | 16 | -- | -- | 0 |
| Antitrust | 9.2 | 4.0 | 25 | -- | -- | 0 |
| Food & Drug | 7.7 | 4.0 | 23 | -- | -- | 0 |
| Other Miscellaneous Offenses | 24.5 | 12.0 | 502 | 31.8 | 25.5 | 6 |

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 236 guideline cases from the District of Southern West Virginia, 33 cases were excluded due to one or more of the following reasons: zero prison months ordered (31), missing primary offense category (0) or missing or indeterminable sentencing information (2).

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

Table 8

GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT
Fiscal Year 1999

| CIRCUIT | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|-----------------------|---------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|-------------|------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 52,425 | 34,020 | 64.9 | 9,788 | 18.7 | 8,304 | 15.8 | 313 | 0.6 |
| D.C. CIRCUIT | 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 |
| FIRST CIRCUIT | 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 |
| SECOND CIRCUIT | 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 |
| THIRD CIRCUIT | 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 |
| FOURTH CIRCUIT | 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 | % |
| FIFTH CIRCUIT | 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 |
| SIXTH CIRCUIT | 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 |
| SEVENTH CIRCUIT | 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 |
| EIGHTH CIRCUIT | 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 | % |
| NINTH CIRCUIT | 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 |
| TENTH CIRCUIT | 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 |
| ELEVENTH CIRCUIT | 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 | % |
| TOTAL | 52,369 | 33,988 | 64.9 | 9,780 | 18.7 | 8,288 | 15.8 | 313 | 0.6 |
| 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 |

West Virginia, Southern

| PRIMARY OFFENSE | TOTAL | SENTENCED | | SUBSTANTIAL | | OTHER | | UPWARD | |
|------------------------------|-------|-----------------|-------|-------------|------|-----------|-----|-----------|-----|
| | | WITHIN | | ASSISTANCE | | DOWNWARD | | DEPARTURE | |
| | | GUIDELINE RANGE | | DEPARTURE | | DEPARTURE | | DEPARTURE | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 229 | 190 | 83.0 | 26 | 11.4 | 10 | 4.4 | 3 | 1.3 |
| Robbery | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Trafficking | 112 | 87 | 77.7 | 20 | 17.9 | 5 | 4.5 | 0 | 0.0 |
| Drugs - Simple Possession | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Firearms | 21 | 18 | 85.7 | 1 | 4.8 | 2 | 9.5 | 0 | 0.0 |
| Larceny | 4 | 4 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Fraud | 34 | 31 | 91.2 | 0 | 0.0 | 1 | 2.9 | 2 | 5.9 |
| Embezzlement | 10 | 10 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 4 | 4 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 41 | 33 | 80.5 | 5 | 12.2 | 2 | 4.9 | 1 | 2.4 |

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 236 guideline cases from the District of Southern West Virginia, 7 cases were excluded due to one or more of the following reasons: missing or indeterminable departure information (4), missing primary offense category (0), or no analogous guideline (3).

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