

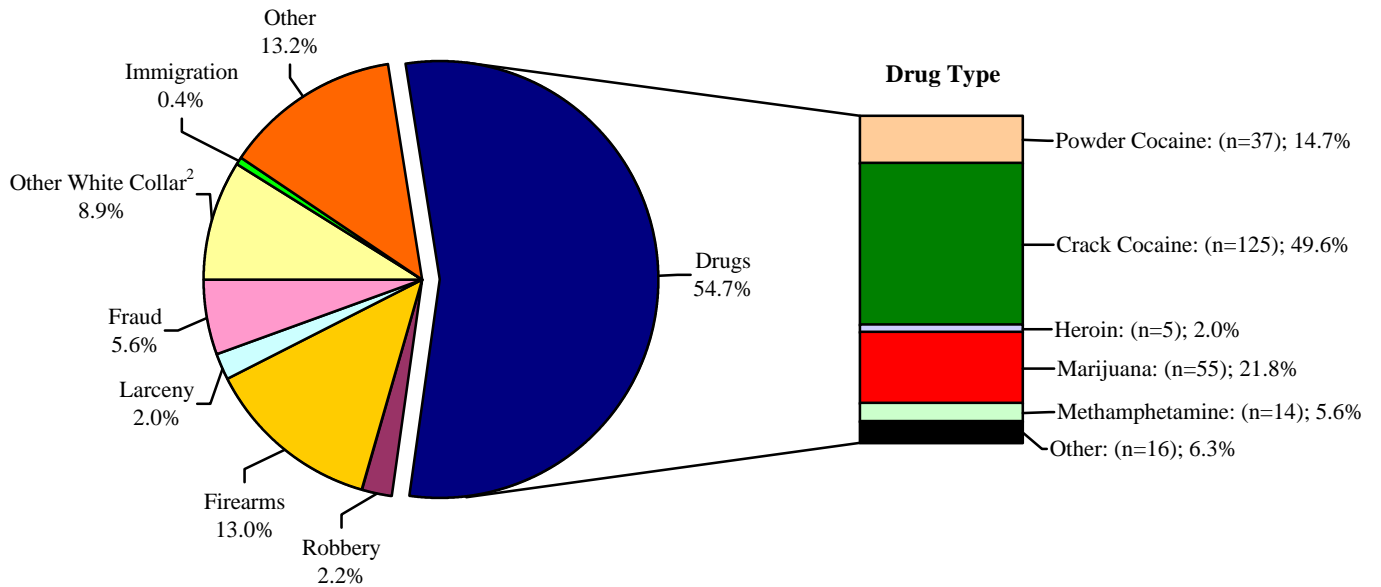
Figure A

DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2000

National



West Virginia



¹Of the 59,846 guideline cases, 1,013 cases were excluded due to one of the following reasons: missing primary offense category (257) or missing drug type (756). Of the 475 guideline cases from the State of West Virginia, 14 cases were excluded due to one of the following reasons: missing primary offense category (5) or missing drug type (9).

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 2000**

| PRIMARY OFFENSE | National | | West Virginia | |
|------------------------------------|---------------|--------------|---------------|--------------|
| | Number | Percent | Number | Percent |
| TOTAL | 59,589 | 100.0 | 470 | 100.0 |
| Murder | 78 | 0.1 | 0 | 0.0 |
| Manslaughter | 49 | 0.1 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 73 | 0.1 | 1 | 0.2 |
| Sexual Abuse | 241 | 0.4 | 0 | 0.0 |
| Assault | 471 | 0.8 | 6 | 1.3 |
| Robbery | 1,721 | 2.9 | 10 | 2.1 |
| Arson | 71 | 0.1 | 0 | 0.0 |
| Drugs - Trafficking | 23,229 | 39.0 | 250 | 53.2 |
| Drugs - Communication Facility | 411 | 0.7 | 2 | 0.4 |
| Drugs - Simple Possession | 539 | 0.9 | 9 | 1.9 |
| Firearms | 3,524 | 5.9 | 60 | 12.8 |
| Burglary/B&E | 53 | 0.1 | 2 | 0.4 |
| Auto Theft | 221 | 0.4 | 5 | 1.1 |
| Larceny | 2,417 | 4.1 | 9 | 1.9 |
| Fraud | 6,286 | 10.5 | 26 | 5.5 |
| Embezzlement | 940 | 1.6 | 11 | 2.3 |
| Forgery/Counterfeiting | 1,314 | 2.2 | 6 | 1.3 |
| Bribery | 257 | 0.4 | 1 | 0.2 |
| Tax | 769 | 1.3 | 9 | 1.9 |
| Money Laundering | 991 | 1.7 | 14 | 3.0 |
| Racketeering/Extortion | 831 | 1.4 | 12 | 2.6 |
| Gambling/Lottery | 99 | 0.2 | 0 | 0.0 |
| Civil Rights | 88 | 0.1 | 1 | 0.2 |
| Immigration | 11,689 | 19.6 | 2 | 0.4 |
| Pornography/Prostitution | 519 | 0.9 | 4 | 0.9 |
| Prison Offenses | 296 | 0.5 | 9 | 1.9 |
| Administration of Justice Offenses | 1,027 | 1.7 | 11 | 2.3 |
| Environmental/Wildlife | 211 | 0.4 | 1 | 0.2 |
| National Defense | 17 | 0.0 | 0 | 0.0 |
| Antitrust | 40 | 0.1 | 0 | 0.0 |
| Food & Drug | 82 | 0.1 | 0 | 0.0 |
| Other Miscellaneous Offenses | 1,035 | 1.7 | 9 | 1.9 |

Of the 59,846 guideline cases, 257 cases were excluded due to missing information on primary offense category.

Of the 475 guideline cases from the State of West Virginia, five cases were excluded due to missing information on primary offense category.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 2

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT
Fiscal Year 2000**

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|-----------------------|---------------|---------------|-------------|--------------|------------|
| | | Number | Percent | Number | Percent |
| TOTAL | 59,508 | 56,814 | 95.5 | 2,694 | 4.5 |
| D.C. CIRCUIT | 347 | 323 | 93.1 | 24 | 6.9 |
| District of Columbia | 347 | 323 | 93.1 | 24 | 6.9 |
| FIRST CIRCUIT | 1,480 | 1,408 | 95.1 | 72 | 4.9 |
| Maine | 159 | 151 | 95.0 | 8 | 5.0 |
| Massachusetts | 548 | 522 | 95.3 | 26 | 4.7 |
| New Hampshire | 117 | 107 | 91.5 | 10 | 8.5 |
| Puerto Rico | 519 | 497 | 95.8 | 22 | 4.2 |
| Rhode Island | 137 | 131 | 95.6 | 6 | 4.4 |
| SECOND CIRCUIT | 4,668 | 4,462 | 95.6 | 206 | 4.4 |
| Connecticut | 249 | 240 | 96.4 | 9 | 3.6 |
| New York | | | | | |
| Eastern | 1,610 | 1,532 | 95.2 | 78 | 4.8 |
| Northern | 496 | 489 | 98.6 | 7 | 1.4 |
| Southern | 1,739 | 1,646 | 94.7 | 93 | 5.3 |
| Western | 409 | 393 | 96.1 | 16 | 3.9 |
| Vermont | 165 | 162 | 98.2 | 3 | 1.8 |
| THIRD CIRCUIT | 2,527 | 2,371 | 93.8 | 156 | 6.2 |
| Delaware | 92 | 87 | 94.6 | 5 | 5.4 |
| New Jersey | 776 | 739 | 95.2 | 37 | 4.8 |
| Pennsylvania | | | | | |
| Eastern | 880 | 818 | 93.0 | 62 | 7.0 |
| Middle | 378 | 352 | 93.1 | 26 | 6.9 |
| Western | 294 | 280 | 95.2 | 14 | 4.8 |
| Virgin Islands | 107 | 95 | 88.8 | 12 | 11.2 |
| FOURTH CIRCUIT | 5,034 | 4,708 | 93.5 | 326 | 6.5 |
| Maryland | 511 | 462 | 90.4 | 49 | 9.6 |
| North Carolina | | | | | |
| Eastern | 482 | 446 | 92.5 | 36 | 7.5 |
| Middle | 306 | 289 | 94.4 | 17 | 5.6 |
| Western | 667 | 643 | 96.4 | 24 | 3.6 |
| South Carolina | 825 | 789 | 95.6 | 36 | 4.4 |
| Virginia | | | | | |
| Eastern | 1,373 | 1,264 | 92.1 | 109 | 7.9 |
| Western | 399 | 373 | 93.5 | 26 | 6.5 |
| West Virginia | | | | | |
| Northern | 198 | 192 | 97.0 | 6 | 3.0 |
| Southern | 273 | 250 | 91.6 | 23 | 8.4 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|------------------------|---------------|---------------|-------------|------------|------------|
| | | Number | Percent | Number | Percent |
| FIFTH CIRCUIT | 11,342 | 10,941 | 96.5 | 401 | 3.5 |
| Louisiana | | | | | |
| Eastern | 451 | 438 | 97.1 | 13 | 2.9 |
| Middle | 111 | 103 | 92.8 | 8 | 7.2 |
| Western | 320 | 308 | 96.3 | 12 | 3.8 |
| Mississippi | | | | | |
| Northern | 128 | 120 | 93.8 | 8 | 6.3 |
| Southern | 270 | 258 | 95.6 | 12 | 4.4 |
| Texas | | | | | |
| Eastern | 581 | 535 | 92.1 | 46 | 7.9 |
| Northern | 1,132 | 1,090 | 96.3 | 42 | 3.7 |
| Southern | 3,743 | 3,581 | 95.7 | 162 | 4.3 |
| Western | 4,606 | 4,508 | 97.9 | 98 | 2.1 |
| SIXTH CIRCUIT | 4,166 | 3,931 | 94.4 | 235 | 5.6 |
| Kentucky | | | | | |
| Eastern | 513 | 484 | 94.3 | 29 | 5.7 |
| Western | 330 | 309 | 93.6 | 21 | 6.4 |
| Michigan | | | | | |
| Eastern | 774 | 729 | 94.2 | 45 | 5.8 |
| Western | 349 | 330 | 94.6 | 19 | 5.4 |
| Ohio | | | | | |
| Northern | 704 | 684 | 97.2 | 20 | 2.8 |
| Southern | 421 | 400 | 95.0 | 21 | 5.0 |
| Tennessee | | | | | |
| Eastern | 431 | 392 | 91.0 | 39 | 9.0 |
| Middle | 222 | 205 | 92.3 | 17 | 7.7 |
| Western | 422 | 398 | 94.3 | 24 | 5.7 |
| SEVENTH CIRCUIT | 2,452 | 2,262 | 92.3 | 190 | 7.7 |
| Illinois | | | | | |
| Central | 339 | 319 | 94.1 | 20 | 5.9 |
| Northern | 853 | 794 | 93.1 | 59 | 6.9 |
| Southern | 378 | 352 | 93.1 | 26 | 6.9 |
| Indiana | | | | | |
| Northern | 307 | 273 | 88.9 | 34 | 11.1 |
| Southern | 223 | 199 | 89.2 | 24 | 10.8 |
| Wisconsin | | | | | |
| Eastern | 241 | 224 | 92.9 | 17 | 7.1 |
| Western | 111 | 101 | 91.0 | 10 | 9.0 |
| EIGHTH CIRCUIT | 3,543 | 3,374 | 95.2 | 169 | 4.8 |
| Arkansas | | | | | |
| Eastern | 225 | 212 | 94.2 | 13 | 5.8 |
| Western | 130 | 122 | 93.8 | 8 | 6.2 |
| Iowa | | | | | |
| Northern | 272 | 252 | 92.6 | 20 | 7.4 |
| Southern | 370 | 354 | 95.7 | 16 | 4.3 |
| Minnesota | 423 | 396 | 93.6 | 27 | 6.4 |
| Missouri | | | | | |
| Eastern | 650 | 629 | 96.8 | 21 | 3.2 |
| Western | 538 | 522 | 97.0 | 16 | 3.0 |
| Nebraska | 496 | 473 | 95.4 | 23 | 4.6 |
| North Dakota | 148 | 141 | 95.3 | 7 | 4.7 |
| South Dakota | 291 | 273 | 93.8 | 18 | 6.2 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|--------------------------|---------------|---------------|-------------|------------|------------|
| | | Number | Percent | Number | Percent |
| NINTH CIRCUIT | 14,039 | 13,702 | 97.6 | 337 | 2.4 |
| Alaska | 188 | 176 | 93.6 | 12 | 6.4 |
| Arizona | 3,336 | 3,303 | 99.0 | 33 | 1.0 |
| California | | | | | |
| Central | 1,540 | 1,498 | 97.3 | 42 | 2.7 |
| Eastern | 825 | 791 | 95.9 | 34 | 4.1 |
| Northern | 749 | 712 | 95.1 | 37 | 4.9 |
| Southern | 4,222 | 4,148 | 98.2 | 74 | 1.8 |
| Guam | 133 | 127 | 95.5 | 6 | 4.5 |
| Hawaii | 292 | 276 | 94.5 | 16 | 5.5 |
| Idaho | 140 | 128 | 91.4 | 12 | 8.6 |
| Montana | 298 | 279 | 93.6 | 19 | 6.4 |
| Nevada | 611 | 596 | 97.5 | 15 | 2.5 |
| Northern Mariana Islands | 54 | 52 | 96.3 | 2 | 3.7 |
| Oregon | 645 | 633 | 98.1 | 12 | 1.9 |
| Washington | | | | | |
| Eastern | 282 | 275 | 97.5 | 7 | 2.5 |
| Western | 724 | 708 | 97.8 | 16 | 2.2 |
| TENTH CIRCUIT | 3,683 | 3,560 | 96.7 | 123 | 3.3 |
| Colorado | 458 | 446 | 97.4 | 12 | 2.6 |
| Kansas | 412 | 391 | 94.9 | 21 | 5.1 |
| New Mexico | 1,636 | 1,609 | 98.3 | 27 | 1.7 |
| Oklahoma | | | | | |
| Eastern | 71 | 62 | 87.3 | 9 | 12.7 |
| Northern | 194 | 178 | 91.8 | 16 | 8.2 |
| Western | 183 | 166 | 90.7 | 17 | 9.3 |
| Utah | 550 | 534 | 97.1 | 16 | 2.9 |
| Wyoming | 179 | 174 | 97.2 | 5 | 2.8 |
| ELEVENTH CIRCUIT | 6,227 | 5,772 | 92.7 | 455 | 7.3 |
| Alabama | | | | | |
| Middle | 196 | 177 | 90.3 | 19 | 9.7 |
| Northern | 404 | 390 | 96.5 | 14 | 3.5 |
| Southern | 254 | 232 | 91.3 | 22 | 8.7 |
| Florida | | | | | |
| Middle | 1,477 | 1,404 | 95.1 | 73 | 4.9 |
| Northern | 368 | 318 | 86.4 | 50 | 13.6 |
| Southern | 2,152 | 1,946 | 90.4 | 206 | 9.6 |
| Georgia | | | | | |
| Middle | 388 | 367 | 94.6 | 21 | 5.4 |
| Northern | 758 | 724 | 95.5 | 34 | 4.5 |
| Southern | 230 | 214 | 93.0 | 16 | 7.0 |

Of the 59,846 guideline cases, 338 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 3

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2000**

| PRIMARY OFFENSE | TOTAL | National | | | | West Virginia | | | |
|---|---------------|---------------|-------------|--------------|------------|---------------|-------------|-----------|------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 59,477 | 56,783 | 95.5 | 2,694 | 4.5 | 440 | 93.8 | 29 | 6.2 |
| Murder | 78 | 56 | 71.8 | 22 | 28.2 | 0 | -- | 0 | -- |
| Manslaughter | 49 | 45 | 91.8 | 4 | 8.2 | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 73 | 57 | 78.1 | 16 | 21.9 | 1 | 100.0 | 0 | 0.0 |
| Sexual Abuse | 239 | 223 | 93.3 | 16 | 6.7 | 0 | -- | 0 | -- |
| Assault | 470 | 419 | 89.1 | 51 | 10.9 | 6 | 100.0 | 0 | 0.0 |
| Robbery | 1,710 | 1,592 | 93.1 | 118 | 6.9 | 10 | 100.0 | 0 | 0.0 |
| Arson | 71 | 56 | 78.9 | 15 | 21.1 | 0 | -- | 0 | -- |
| Drugs - Trafficking | 23,195 | 22,011 | 94.9 | 1,184 | 5.1 | 234 | 94.0 | 15 | 6.0 |
| Drugs - Communication Facility | 410 | 408 | 99.5 | 2 | 0.5 | 2 | 100.0 | 0 | 0.0 |
| Drugs - Simple Possession | 538 | 512 | 95.2 | 26 | 4.8 | 9 | 100.0 | 0 | 0.0 |
| Firearms | 3,517 | 3,249 | 92.4 | 268 | 7.6 | 56 | 93.3 | 4 | 6.7 |
| Burglary/B&E | 52 | 52 | 100.0 | 0 | 0.0 | 2 | 100.0 | 0 | 0.0 |
| Auto Theft | 221 | 197 | 89.1 | 24 | 10.9 | 4 | 80.0 | 1 | 20.0 |
| Larceny | 2,416 | 2,339 | 96.8 | 77 | 3.2 | 8 | 88.9 | 1 | 11.1 |
| Fraud | 6,278 | 5,997 | 95.5 | 281 | 4.5 | 24 | 92.3 | 2 | 7.7 |
| Embezzlement | 939 | 916 | 97.6 | 23 | 2.4 | 11 | 100.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 1,313 | 1,280 | 97.5 | 33 | 2.5 | 6 | 100.0 | 0 | 0.0 |
| Bribery | 257 | 252 | 98.1 | 5 | 1.9 | 1 | 100.0 | 0 | 0.0 |
| Tax | 768 | 719 | 93.6 | 49 | 6.4 | 9 | 100.0 | 0 | 0.0 |
| Money Laundering | 985 | 878 | 89.1 | 107 | 10.9 | 10 | 71.4 | 4 | 28.6 |
| Racketeering/Extortion | 825 | 770 | 93.3 | 55 | 6.7 | 12 | 100.0 | 0 | 0.0 |
| Gambling/Lottery | 99 | 95 | 96.0 | 4 | 4.0 | 0 | -- | 0 | -- |
| Civil Rights | 88 | 77 | 87.5 | 11 | 12.5 | 1 | 100.0 | 0 | 0.0 |
| Immigration | 11,662 | 11,505 | 98.7 | 157 | 1.3 | 2 | 100.0 | 0 | 0.0 |
| Pornography/Prostitution | 519 | 499 | 96.1 | 20 | 3.9 | 4 | 100.0 | 0 | 0.0 |
| Prison Offenses | 296 | 287 | 97.0 | 9 | 3.0 | 9 | 100.0 | 0 | 0.0 |
| Administration of Justice Offenses | 1,025 | 978 | 95.4 | 47 | 4.6 | 9 | 81.8 | 2 | 18.2 |
| Environmental/Wildlife | 210 | 196 | 93.3 | 14 | 6.7 | 1 | 100.0 | 0 | 0.0 |
| National Defense | 17 | 17 | 100.0 | 0 | 0.0 | 0 | -- | 0 | -- |
| Antitrust | 40 | 39 | 97.5 | 1 | 2.5 | 0 | -- | 0 | -- |
| Food & Drug | 82 | 77 | 93.9 | 5 | 6.1 | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 1,035 | 985 | 95.2 | 50 | 4.8 | 9 | 100.0 | 0 | 0.0 |

Of the 59,846 guideline cases, 369 cases were excluded due to one or both of the following reasons: missing primary offense category (257) or missing mode of conviction (338).

Of the 475 guideline cases from the State of West Virginia, six cases were excluded due to one or both of the following reasons: missing primary offense category (5) or missing mode of conviction (4).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 4

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2000**

National

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 58,636 | 47,663 | 81.3 | 2,302 | 3.9 | 3,175 | 5.4 | 5,496 | 9.4 |
| Murder | 77 | 75 | 97.4 | 1 | 1.3 | 1 | 1.3 | 0 | 0.0 |
| Manslaughter | 48 | 41 | 85.4 | 4 | 8.3 | 2 | 4.2 | 1 | 2.1 |
| Kidnapping/Hostage Taking | 73 | 72 | 98.6 | 0 | 0.0 | 1 | 1.4 | 0 | 0.0 |
| Sexual Abuse | 240 | 214 | 89.2 | 3 | 1.3 | 7 | 2.9 | 16 | 6.7 |
| Assault | 462 | 345 | 74.7 | 15 | 3.2 | 28 | 6.1 | 74 | 16.0 |
| Robbery | 1,706 | 1,654 | 97.0 | 27 | 1.6 | 14 | 0.8 | 11 | 0.6 |
| Arson | 71 | 66 | 93.0 | 1 | 1.4 | 3 | 4.2 | 1 | 1.4 |
| Drugs - Trafficking | 23,002 | 21,665 | 94.2 | 453 | 2.0 | 378 | 1.6 | 506 | 2.2 |
| Drugs - Communication Facility | 410 | 334 | 81.5 | 7 | 1.7 | 25 | 6.1 | 44 | 10.7 |
| Drugs - Simple Possession | 519 | 197 | 38.0 | 6 | 1.2 | 38 | 7.3 | 278 | 53.6 |
| Firearms | 3,488 | 3,044 | 87.3 | 120 | 3.4 | 158 | 4.5 | 166 | 4.8 |
| Burglary/B&E | 51 | 45 | 88.2 | 2 | 3.9 | 2 | 3.9 | 2 | 3.9 |
| Auto Theft | 219 | 175 | 79.9 | 4 | 1.8 | 13 | 5.9 | 27 | 12.3 |
| Larceny | 2,351 | 857 | 36.5 | 177 | 7.5 | 421 | 17.9 | 896 | 38.1 |
| Fraud | 6,174 | 3,376 | 54.7 | 736 | 11.9 | 926 | 15.0 | 1,136 | 18.4 |
| Embezzlement | 912 | 335 | 36.7 | 195 | 21.4 | 122 | 13.4 | 260 | 28.5 |
| Forgery/Counterfeiting | 1,300 | 703 | 54.1 | 92 | 7.1 | 201 | 15.5 | 304 | 23.4 |
| Bribery | 253 | 98 | 38.7 | 37 | 14.6 | 46 | 18.2 | 72 | 28.5 |
| Tax | 758 | 316 | 41.7 | 92 | 12.1 | 175 | 23.1 | 175 | 23.1 |
| Money Laundering | 980 | 765 | 78.1 | 40 | 4.1 | 89 | 9.1 | 86 | 8.8 |
| Racketeering/Extortion | 825 | 753 | 91.3 | 19 | 2.3 | 25 | 3.0 | 28 | 3.4 |
| Gambling/Lottery | 98 | 15 | 15.3 | 9 | 9.2 | 23 | 23.5 | 51 | 52.0 |
| Civil Rights | 85 | 50 | 58.8 | 4 | 4.7 | 9 | 10.6 | 22 | 25.9 |
| Immigration | 11,442 | 10,728 | 93.8 | 114 | 1.0 | 142 | 1.2 | 458 | 4.0 |
| Pornography/Prostitution | 510 | 448 | 87.8 | 19 | 3.7 | 25 | 4.9 | 18 | 3.5 |
| Prison Offenses | 295 | 269 | 91.2 | 8 | 2.7 | 5 | 1.7 | 13 | 4.4 |
| Administration of Justice Offenses | 1,008 | 581 | 57.6 | 66 | 6.5 | 122 | 12.1 | 239 | 23.7 |
| Environmental/Wildlife | 196 | 48 | 24.5 | 15 | 7.7 | 32 | 16.3 | 101 | 51.5 |
| National Defense | 17 | 11 | 64.7 | 0 | 0.0 | 1 | 5.9 | 5 | 29.4 |
| Antitrust | 38 | 12 | 31.6 | 2 | 5.3 | 12 | 31.6 | 12 | 31.6 |
| Food & Drug | 77 | 16 | 20.8 | 2 | 2.6 | 12 | 15.6 | 47 | 61.0 |
| Other Miscellaneous Offenses | 951 | 355 | 37.3 | 32 | 3.4 | 117 | 12.3 | 447 | 47.0 |

Of the 59,846 guideline cases, 1,210 cases were excluded due to one or more of the following reasons: missing sentencing information (438), missing primary offense category (257), or cases in which the defendant received no imprisonment or probation (684).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 5
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2000

West Virginia

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|------------|------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 468 | 400 | 85.5 | 17 | 3.6 | 27 | 5.8 | 24 | 5.1 |
| Murder | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Manslaughter | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Sexual Abuse | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Assault | 6 | 5 | 83.3 | 0 | 0.0 | 1 | 16.7 | 0 | 0.0 |
| Robbery | 10 | 10 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Arson | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Drugs - Trafficking | 249 | 239 | 96.0 | 5 | 2.0 | 3 | 1.2 | 2 | 0.8 |
| Drugs - Communication Facility | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Simple Possession | 9 | 2 | 22.2 | 0 | 0.0 | 1 | 11.1 | 6 | 66.7 |
| Firearms | 60 | 58 | 96.7 | 0 | 0.0 | 1 | 1.7 | 1 | 1.7 |
| Burglary/B&E | 2 | 1 | 50.0 | 1 | 50.0 | 0 | 0.0 | 0 | 0.0 |
| Auto Theft | 5 | 4 | 80.0 | 0 | 0.0 | 0 | 0.0 | 1 | 20.0 |
| Larceny | 9 | 2 | 22.2 | 1 | 11.1 | 4 | 44.4 | 2 | 22.2 |
| Fraud | 26 | 12 | 46.2 | 2 | 7.7 | 9 | 34.6 | 3 | 11.5 |
| Embezzlement | 11 | 6 | 54.5 | 4 | 36.4 | 1 | 9.1 | 0 | 0.0 |
| Forgery/Counterfeiting | 6 | 2 | 33.3 | 1 | 16.7 | 2 | 33.3 | 1 | 16.7 |
| Bribery | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Tax | 8 | 4 | 50.0 | 2 | 25.0 | 1 | 12.5 | 1 | 12.5 |
| Money Laundering | 14 | 14 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Racketeering/Extortion | 12 | 9 | 75.0 | 1 | 8.3 | 2 | 16.7 | 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 | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Pornography/Prostitution | 4 | 4 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Prison Offenses | 9 | 9 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Administration of Justice Offenses | 11 | 9 | 81.8 | 0 | 0.0 | 2 | 18.2 | 0 | 0.0 |
| Environmental/Wildlife | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 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 | 2 | 22.2 | 0 | 0.0 | 0 | 0.0 | 7 | 77.8 |

Of the 475 guideline cases from the State of West Virginia, seven cases were excluded due to one or more of the following reasons: missing sentencing information (2), missing primary offense category (5), or cases in which the defendant received no imprisonment or probation (2).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 6

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2000**

| PRIMARY OFFENSE | TOTAL | National | | | | West Virginia | | | |
|-------------------------------------|---------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
| | | Prison Sentence | | Non-Prison Sentence | | Prison Sentence | | Non-Prison Sentence | |
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 11,137 | 5,061 | 45.4 | 6,076 | 54.6 | 18 | 31.0 | 40 | 69.0 |
| Fraud | 2,118 | 755 | 35.6 | 1,363 | 64.4 | 2 | 18.2 | 9 | 81.8 |
| Larceny | 1,471 | 292 | 19.9 | 1,179 | 80.1 | 0 | 0.0 | 5 | 100.0 |
| Immigration | 3,103 | 2,615 | 84.3 | 488 | 15.7 | 2 | 100.0 | 0 | 0.0 |
| Embezzlement | 562 | 221 | 39.3 | 341 | 60.7 | 4 | 80.0 | 1 | 20.0 |
| Drugs - Trafficking | 501 | 243 | 48.5 | 258 | 51.5 | 1 | 50.0 | 1 | 50.0 |
| Drugs - Simple Possession | 452 | 141 | 31.2 | 311 | 68.8 | 1 | 12.5 | 7 | 87.5 |
| Firearms | 200 | 60 | 30.0 | 140 | 70.0 | 0 | 0.0 | 2 | 100.0 |
| Forgery/Counterfeiting | 576 | 168 | 29.2 | 408 | 70.8 | 1 | 25.0 | 3 | 75.0 |
| Other Miscellaneous Offenses | 2,154 | 566 | 26.3 | 1,588 | 73.7 | 7 | 36.8 | 12 | 63.2 |

Of the 59,846 guideline cases, 48,709 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (48,569), missing sentencing information (438) or missing primary offense category (257).

Of the 475 guideline cases from the State of West Virginia, 417 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (416), missing sentencing information (2) or missing primary offense category (5).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 7

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2000**

| PRIMARY OFFENSE | National | | | West Virginia | | |
|---|----------------|------------------|---------------|----------------|------------------|------------|
| | Mean Months | Median Months | Number | Mean Months | Median Months | Number |
| TOTAL | 55.2 | 33.0 | 49,192 | 76.3 | 51.0 | 417 |
| Murder | 271.3 | 240.0 | 76 | -- | -- | 0 |
| Manslaughter | 26.1 | 18.0 | 45 | -- | -- | 0 |
| Kidnapping/Hostage Taking | 167.8 | 97.0 | 71 | -- | -- | 1 |
| Sexual Abuse | 71.5 | 37.0 | 216 | -- | -- | 0 |
| Assault | 44.6 | 27.0 | 350 | 72.2 | 27.0 | 5 |
| Robbery | 110.6 | 77.0 | 1,678 | 123.0 | 58.5 | 10 |
| Arson | 72.0 | 60.0 | 67 | -- | -- | 0 |
| Drugs - Trafficking | 75.3 | 57.0 | 21,908 | 91.3 | 63.0 | 244 |
| Drugs - Communication Facility | 48.2 | 48.0 | 339 | -- | -- | 2 |
| Drugs - Simple Possession | 18.5 | 6.0 | 184 | -- | -- | 2 |
| Firearms | 64.1 | 41.0 | 3,143 | 76.3 | 43.0 | 58 |
| Burglary/B&E | 28.3 | 24.0 | 47 | -- | -- | 2 |
| Auto Theft | 55.5 | 24.0 | 179 | 46.8 | 45.0 | 4 |
| Larceny | 15.6 | 12.0 | 1,021 | 10.0 | 10.0 | 3 |
| Fraud | 18.0 | 12.0 | 4,018 | 22.5 | 15.0 | 14 |
| Embezzlement | 9.9 | 5.0 | 515 | 8.0 | 12.0 | 10 |
| Forgery/Counterfeiting | 17.0 | 13.0 | 776 | 12.3 | 12.0 | 3 |
| Bribery | 16.2 | 12.0 | 135 | -- | -- | 1 |
| Tax | 16.6 | 12.0 | 405 | 10.0 | 9.0 | 6 |
| Money Laundering | 46.3 | 33.0 | 789 | 73.9 | 68.0 | 14 |
| Racketeering/Extortion | 98.0 | 60.0 | 768 | 47.3 | 43.0 | 10 |
| Gambling/Lottery | 14.4 | 11.5 | 24 | -- | -- | 0 |
| Civil Rights | 38.6 | 18.0 | 54 | -- | -- | 1 |
| Immigration | 27.8 | 24.0 | 10,535 | -- | -- | 2 |
| Pornography/Prostitution | 47.0 | 30.0 | 467 | 35.3 | 27.0 | 4 |
| Prison Offenses | 18.8 | 13.0 | 272 | 18.6 | 18.0 | 9 |
| Administration of Justice Offenses | 25.1 | 15.0 | 628 | 33.9 | 33.0 | 9 |
| Environmental/Wildlife | 14.5 | 9.5 | 62 | -- | -- | 1 |
| National Defense | 30.9 | 29.0 | 10 | -- | -- | 0 |
| Antitrust | 12.7 | 6.5 | 14 | -- | -- | 0 |
| Food & Drug | 23.1 | 12.0 | 18 | -- | -- | 0 |
| Other Miscellaneous Offenses | 23.0 | 12.0 | 378 | -- | -- | 2 |

Of the 59,846 guideline cases, 10,654 cases were excluded for one or more of the following reasons: zero months prison ordered (9,357), missing primary offense category (257) or missing or indeterminable sentencing information (1,232).

Of the 475 guideline cases from the State of West Virginia, 58 cases were excluded due to one or more of the following reasons: zero prison months ordered (54), missing primary offense category (5) or missing or indeterminable sentencing information (2).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 8

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT
Fiscal Year 2000**

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANCIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|-----------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 54,617 | 35,219 | 64.5 | 9,754 | 17.9 | 9,286 | 17.0 | 358 | 0.7 |
| D.C. CIRCUIT | 327 | 227 | 69.4 | 63 | 19.3 | 36 | 11.0 | 1 | 0.3 |
| District of Columbia | 327 | 227 | 69.4 | 63 | 19.3 | 36 | 11.0 | 1 | 0.3 |
| FIRST CIRCUIT | 1,450 | 1,014 | 69.9 | 230 | 15.9 | 194 | 13.4 | 12 | 0.8 |
| Maine | 156 | 104 | 66.7 | 38 | 24.4 | 13 | 8.3 | 1 | 0.6 |
| Massachusetts | 526 | 285 | 54.2 | 116 | 22.1 | 120 | 22.8 | 5 | 1.0 |
| New Hampshire | 117 | 75 | 64.1 | 28 | 23.9 | 13 | 11.1 | 1 | 0.9 |
| Puerto Rico | 518 | 447 | 86.3 | 38 | 7.3 | 30 | 5.8 | 3 | 0.6 |
| Rhode Island | 133 | 103 | 77.4 | 10 | 7.5 | 18 | 13.5 | 2 | 1.5 |
| SECOND CIRCUIT | 4,302 | 2,403 | 55.9 | 1,027 | 23.9 | 842 | 19.6 | 30 | 0.7 |
| Connecticut | 216 | 120 | 55.6 | 25 | 11.6 | 69 | 31.9 | 2 | 0.9 |
| New York | | | | | | | | | |
| Eastern | 1,447 | 692 | 47.8 | 333 | 23.0 | 411 | 28.4 | 11 | 0.8 |
| Northern | 456 | 163 | 35.7 | 232 | 50.9 | 59 | 12.9 | 2 | 0.4 |
| Southern | 1,631 | 1,100 | 67.4 | 306 | 18.8 | 212 | 13.0 | 13 | 0.8 |
| Western | 389 | 247 | 63.5 | 100 | 25.7 | 41 | 10.5 | 1 | 0.3 |
| Vermont | 163 | 81 | 49.7 | 31 | 19.0 | 50 | 30.7 | 1 | 0.6 |
| THIRD CIRCUIT | 2,447 | 1,462 | 59.7 | 746 | 30.5 | 223 | 9.1 | 16 | 0.7 |
| Delaware | 90 | 61 | 67.8 | 20 | 22.2 | 8 | 8.9 | 1 | 1.1 |
| New Jersey | 761 | 495 | 65.0 | 207 | 27.2 | 56 | 7.4 | 3 | 0.4 |
| Pennsylvania | | | | | | | | | |
| Eastern | 857 | 447 | 52.2 | 314 | 36.6 | 87 | 10.2 | 9 | 1.1 |
| Middle | 360 | 194 | 53.9 | 130 | 36.1 | 35 | 9.7 | 1 | 0.3 |
| Western | 278 | 186 | 66.9 | 62 | 22.3 | 28 | 10.1 | 2 | 0.7 |
| Virgin Islands | 101 | 79 | 78.2 | 13 | 12.9 | 9 | 8.9 | 0 | 0.0 |
| FOURTH CIRCUIT | 4,363 | 3,202 | 73.4 | 910 | 20.9 | 216 | 5.0 | 35 | 0.8 |
| Maryland | 497 | 287 | 57.7 | 140 | 28.2 | 66 | 13.3 | 4 | 0.8 |
| North Carolina | | | | | | | | | |
| Eastern | 455 | 310 | 68.1 | 112 | 24.6 | 22 | 4.8 | 11 | 2.4 |
| Middle | 303 | 246 | 81.2 | 42 | 13.9 | 9 | 3.0 | 6 | 2.0 |
| Western | 555 | 301 | 54.2 | 215 | 38.7 | 38 | 6.8 | 1 | 0.2 |
| South Carolina | 790 | 575 | 72.8 | 195 | 24.7 | 17 | 2.2 | 3 | 0.4 |
| Virginia | | | | | | | | | |
| Eastern | 907 | 807 | 89.0 | 67 | 7.4 | 32 | 3.5 | 1 | 0.1 |
| Western | 396 | 284 | 71.7 | 90 | 22.7 | 17 | 4.3 | 5 | 1.3 |
| West Virginia | | | | | | | | | |
| Northern | 193 | 169 | 87.6 | 17 | 8.8 | 4 | 2.1 | 3 | 1.6 |
| Southern | 267 | 223 | 83.5 | 32 | 12.0 | 11 | 4.1 | 1 | 0.4 |

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANCIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % |
| FIFTH CIRCUIT | 10,928 | 7,900 | 72.3 | 1,486 | 13.6 | 1,488 | 13.6 | 54 | 0.5 |
| Louisiana | | | | | | | | | |
| Eastern | 444 | 352 | 79.3 | 57 | 12.8 | 32 | 7.2 | 3 | 0.7 |
| Middle | 110 | 80 | 72.7 | 16 | 14.5 | 10 | 9.1 | 4 | 3.6 |
| Western | 311 | 207 | 66.6 | 80 | 25.7 | 18 | 5.8 | 6 | 1.9 |
| Mississippi | | | | | | | | | |
| Northern | 126 | 86 | 68.3 | 23 | 18.3 | 15 | 11.9 | 2 | 1.6 |
| Southern | 261 | 202 | 77.4 | 54 | 20.7 | 5 | 1.9 | 0 | 0.0 |
| Texas | | | | | | | | | |
| Eastern | 575 | 479 | 83.3 | 56 | 9.7 | 39 | 6.8 | 1 | 0.2 |
| Northern | 1,092 | 795 | 72.8 | 234 | 21.4 | 58 | 5.3 | 5 | 0.5 |
| Southern | 3,666 | 2,563 | 69.9 | 579 | 15.8 | 504 | 13.7 | 20 | 0.5 |
| Western | 4,343 | 3,136 | 72.2 | 387 | 8.9 | 807 | 18.6 | 13 | 0.3 |
| SIXTH CIRCUIT | 4,030 | 2,710 | 67.2 | 983 | 24.4 | 312 | 7.7 | 25 | 0.6 |
| Kentucky | | | | | | | | | |
| Eastern | 501 | 334 | 66.7 | 145 | 28.9 | 19 | 3.8 | 3 | 0.6 |
| Western | 310 | 261 | 84.2 | 37 | 11.9 | 12 | 3.9 | 0 | 0.0 |
| Michigan | | | | | | | | | |
| Eastern | 753 | 477 | 63.3 | 184 | 24.4 | 91 | 12.1 | 1 | 0.1 |
| Western | 337 | 235 | 69.7 | 63 | 18.7 | 36 | 10.7 | 3 | 0.9 |
| Ohio | | | | | | | | | |
| Northern | 688 | 468 | 68.0 | 164 | 23.8 | 51 | 7.4 | 5 | 0.7 |
| Southern | 404 | 226 | 55.9 | 123 | 30.4 | 53 | 13.1 | 2 | 0.5 |
| Tennessee | | | | | | | | | |
| Eastern | 427 | 287 | 67.2 | 126 | 29.5 | 14 | 3.3 | 0 | 0.0 |
| Middle | 204 | 144 | 70.6 | 39 | 19.1 | 18 | 8.8 | 3 | 1.5 |
| Western | 406 | 278 | 68.5 | 102 | 25.1 | 18 | 4.4 | 8 | 2.0 |
| SEVENTH CIRCUIT | 2,341 | 1,626 | 69.5 | 509 | 21.7 | 181 | 7.7 | 25 | 1.1 |
| Illinois | | | | | | | | | |
| Central | 328 | 186 | 56.7 | 110 | 33.5 | 27 | 8.2 | 5 | 1.5 |
| Northern | 800 | 496 | 62.0 | 208 | 26.0 | 87 | 10.9 | 9 | 1.1 |
| Southern | 365 | 324 | 88.8 | 28 | 7.7 | 10 | 2.7 | 3 | 0.8 |
| Indiana | | | | | | | | | |
| Northern | 285 | 218 | 76.5 | 54 | 18.9 | 12 | 4.2 | 1 | 0.4 |
| Southern | 217 | 139 | 64.1 | 62 | 28.6 | 14 | 6.5 | 2 | 0.9 |
| Wisconsin | | | | | | | | | |
| Eastern | 240 | 175 | 72.9 | 38 | 15.8 | 23 | 9.6 | 4 | 1.7 |
| Western | 106 | 88 | 83.0 | 9 | 8.5 | 8 | 7.5 | 1 | 0.9 |
| EIGHTH CIRCUIT | 3,466 | 2,267 | 65.4 | 802 | 23.1 | 356 | 10.3 | 41 | 1.2 |
| Arkansas | | | | | | | | | |
| Eastern | 220 | 178 | 80.9 | 27 | 12.3 | 14 | 6.4 | 1 | 0.5 |
| Western | 129 | 110 | 85.3 | 17 | 13.2 | 1 | 0.8 | 1 | 0.8 |
| Iowa | | | | | | | | | |
| Northern | 259 | 151 | 58.3 | 76 | 29.3 | 23 | 8.9 | 9 | 3.5 |
| Southern | 364 | 196 | 53.8 | 114 | 31.3 | 52 | 14.3 | 2 | 0.5 |
| Minnesota | 418 | 260 | 62.2 | 71 | 17.0 | 85 | 20.3 | 2 | 0.5 |
| Missouri | | | | | | | | | |
| Eastern | 641 | 423 | 66.0 | 170 | 26.5 | 38 | 5.9 | 10 | 1.6 |
| Western | 528 | 292 | 55.3 | 218 | 41.3 | 17 | 3.2 | 1 | 0.2 |
| Nebraska | | | | | | | | | |
| Nebraska | 484 | 352 | 72.7 | 68 | 14.0 | 63 | 13.0 | 1 | 0.2 |
| North Dakota | | | | | | | | | |
| North Dakota | 141 | 94 | 66.7 | 21 | 14.9 | 24 | 17.0 | 2 | 1.4 |
| South Dakota | | | | | | | | | |
| South Dakota | 282 | 211 | 74.8 | 20 | 7.1 | 39 | 13.8 | 12 | 4.3 |

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANCIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|--------------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % |
| NINTH CIRCUIT | 11,564 | 5,770 | 49.9 | 1,343 | 11.6 | 4,385 | 37.9 | 66 | 0.6 |
| Alaska | 180 | 131 | 72.8 | 19 | 10.6 | 30 | 16.7 | 0 | 0.0 |
| Arizona | 3,195 | 914 | 28.6 | 231 | 7.2 | 2,030 | 63.5 | 20 | 0.6 |
| California | | | | | | | | | |
| Central | 792 | 577 | 72.9 | 104 | 13.1 | 104 | 13.1 | 7 | 0.9 |
| Eastern | 796 | 607 | 76.3 | 113 | 14.2 | 72 | 9.0 | 4 | 0.5 |
| Northern | 721 | 503 | 69.8 | 57 | 7.9 | 156 | 21.6 | 5 | 0.7 |
| Southern | 3,037 | 1,259 | 41.5 | 308 | 10.1 | 1,459 | 48.0 | 11 | 0.4 |
| Guam | 127 | 95 | 74.8 | 29 | 22.8 | 1 | 0.8 | 2 | 1.6 |
| Hawaii | 280 | 193 | 68.9 | 52 | 18.6 | 34 | 12.1 | 1 | 0.4 |
| Idaho | 139 | 80 | 57.6 | 33 | 23.7 | 25 | 18.0 | 1 | 0.7 |
| Montana | 292 | 177 | 60.6 | 68 | 23.3 | 45 | 15.4 | 2 | 0.7 |
| Nevada | 605 | 430 | 71.1 | 85 | 14.0 | 88 | 14.5 | 2 | 0.3 |
| Northern Mariana Islands | 52 | 28 | 53.8 | 24 | 46.2 | 0 | 0.0 | 0 | 0.0 |
| Oregon | 514 | 316 | 61.5 | 104 | 20.2 | 87 | 16.9 | 7 | 1.4 |
| Washington | | | | | | | | | |
| Eastern | 273 | 136 | 49.8 | 16 | 5.9 | 119 | 43.6 | 2 | 0.7 |
| Western | 561 | 324 | 57.8 | 100 | 17.8 | 135 | 24.1 | 2 | 0.4 |
| TENTH CIRCUIT | 3,403 | 2,378 | 69.9 | 372 | 10.9 | 639 | 18.8 | 14 | 0.4 |
| Colorado | 418 | 254 | 60.8 | 104 | 24.9 | 59 | 14.1 | 1 | 0.2 |
| Kansas | 391 | 261 | 66.8 | 76 | 19.4 | 50 | 12.8 | 4 | 1.0 |
| New Mexico | 1,602 | 1,113 | 69.5 | 86 | 5.4 | 401 | 25.0 | 2 | 0.1 |
| Oklahoma | | | | | | | | | |
| Eastern | 65 | 44 | 67.7 | 2 | 3.1 | 19 | 29.2 | 0 | 0.0 |
| Northern | 190 | 146 | 76.8 | 19 | 10.0 | 23 | 12.1 | 2 | 1.1 |
| Western | 171 | 143 | 83.6 | 21 | 12.3 | 4 | 2.3 | 3 | 1.8 |
| Utah | 392 | 311 | 79.3 | 20 | 5.1 | 60 | 15.3 | 1 | 0.3 |
| Wyoming | 174 | 106 | 60.9 | 44 | 25.3 | 23 | 13.2 | 1 | 0.6 |
| ELEVENTH CIRCUIT | 5,996 | 4,260 | 71.0 | 1,283 | 21.4 | 414 | 6.9 | 39 | 0.7 |
| Alabama | | | | | | | | | |
| Middle | 174 | 94 | 54.0 | 65 | 37.4 | 14 | 8.0 | 1 | 0.6 |
| Northern | 396 | 287 | 72.5 | 93 | 23.5 | 14 | 3.5 | 2 | 0.5 |
| Southern | 252 | 151 | 59.9 | 82 | 32.5 | 17 | 6.7 | 2 | 0.8 |
| Florida | | | | | | | | | |
| Middle | 1,471 | 987 | 67.1 | 386 | 26.2 | 97 | 6.6 | 1 | 0.1 |
| Northern | 358 | 230 | 64.2 | 105 | 29.3 | 18 | 5.0 | 5 | 1.4 |
| Southern | 2,030 | 1,626 | 80.1 | 285 | 14.0 | 113 | 5.6 | 6 | 0.3 |
| Georgia | | | | | | | | | |
| Middle | 362 | 227 | 62.7 | 108 | 29.8 | 17 | 4.7 | 10 | 2.8 |
| Northern | 732 | 479 | 65.4 | 132 | 18.0 | 112 | 15.3 | 9 | 1.2 |
| Southern | 221 | 179 | 81.0 | 27 | 12.2 | 12 | 5.4 | 3 | 1.4 |

Of the 59,846 guideline cases, 390 cases with no analogous guidelines were excluded from the table. Of the remaining 59,456 cases, 4,839 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 (49.0%), Eastern Virginia (32.2%), Utah (28.9%), Southern California (28.7%), Western Washington (18.9%), Oregon (18.9%), Western North Carolina (17.7%), Connecticut (15.0%), Northern New York (12.5%), Eastern New York (11.3%), Eastern North Carolina (7.5%), Northern Indiana (7.2%), District of Columbia (6.8%), Northern Illinois (6.7%), Southern New York (6.5%), Western Kentucky (6.3%), Colorado (6.3%), Eastern Oklahoma (5.8%), Southern Florida (5.7%), Western Texas (5.6%), Virgin Islands (5.6%), Western Pennsylvania (5.4%), and Guam (5.2%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2000**

National

| PRIMARY OFFENSE | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANCIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------------|---------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|-------------|------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 54,569 | 35,198 | 64.5 | 9,743 | 17.9 | 9,270 | 17.0 | 358 | 0.7 |
| Robbery | 1,596 | 1,135 | 71.1 | 209 | 13.1 | 231 | 14.5 | 21 | 1.3 |
| Drugs - Trafficking | 22,253 | 12,596 | 56.6 | 6,197 | 27.8 | 3,410 | 15.3 | 50 | 0.2 |
| Drugs - Simple Possession | 430 | 400 | 93.0 | 15 | 3.5 | 11 | 2.6 | 4 | 0.9 |
| Firearms | 3,288 | 2,485 | 75.6 | 358 | 10.9 | 410 | 12.5 | 35 | 1.1 |
| Larceny | 2,154 | 1,818 | 84.4 | 148 | 6.9 | 171 | 7.9 | 17 | 0.8 |
| Fraud | 5,775 | 3,961 | 68.6 | 1,084 | 18.8 | 669 | 11.6 | 61 | 1.1 |
| Embezzlement | 874 | 710 | 81.2 | 48 | 5.5 | 114 | 13.0 | 2 | 0.2 |
| Forgery/Counterfeiting | 1,242 | 989 | 79.6 | 143 | 11.5 | 97 | 7.8 | 13 | 1.0 |
| Immigration | 9,938 | 6,311 | 63.5 | 355 | 3.6 | 3,233 | 32.5 | 39 | 0.4 |
| Other Miscellaneous Offenses | 7,019 | 4,793 | 68.3 | 1,186 | 16.9 | 924 | 13.2 | 116 | 1.7 |

West Virginia

| PRIMARY OFFENSE | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANCIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------------|------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|------------|------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 459 | 392 | 85.4 | 48 | 10.5 | 15 | 3.3 | 4 | 0.9 |
| Robbery | 10 | 10 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Trafficking | 247 | 209 | 84.6 | 32 | 13.0 | 6 | 2.4 | 0 | 0.0 |
| Drugs - Simple Possession | 9 | 9 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Firearms | 58 | 51 | 87.9 | 2 | 3.4 | 5 | 8.6 | 0 | 0.0 |
| Larceny | 9 | 6 | 66.7 | 1 | 11.1 | 2 | 22.2 | 0 | 0.0 |
| Fraud | 25 | 19 | 76.0 | 4 | 16.0 | 1 | 4.0 | 1 | 4.0 |
| Embezzlement | 11 | 11 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 6 | 6 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Other Miscellaneous Offenses | 82 | 69 | 84.1 | 9 | 11.0 | 1 | 1.2 | 3 | 3.7 |

Of the 59,846 guideline cases, 5,277 cases were excluded due to one or more of the following reasons: no analogous guidelines (390), missing or indeterminable departure information (4,839) or missing primary offense category (257).

Of the 475 guideline cases from the State of West Virginia, 16 cases were excluded due to one or more of the following reasons: no analogous guidelines (4), missing or indeterminable departure information (11) or missing primary offense category (5).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2000 Datafile, OPAFY00.