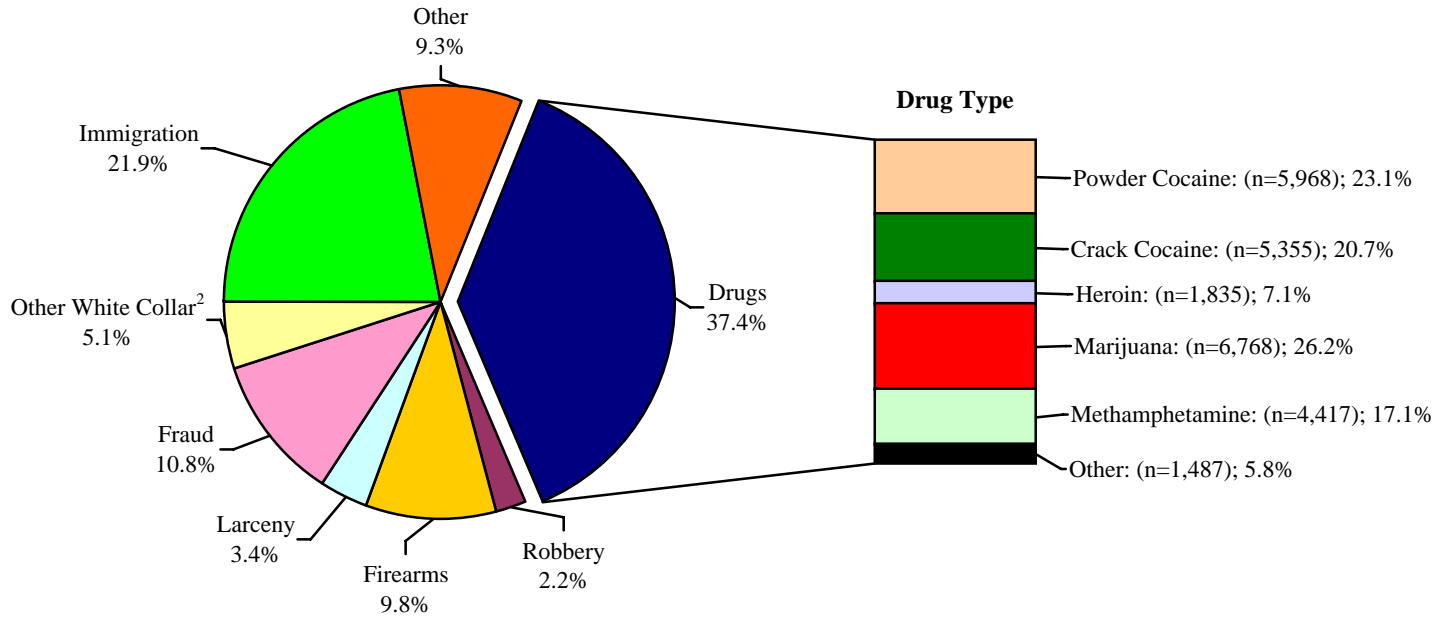


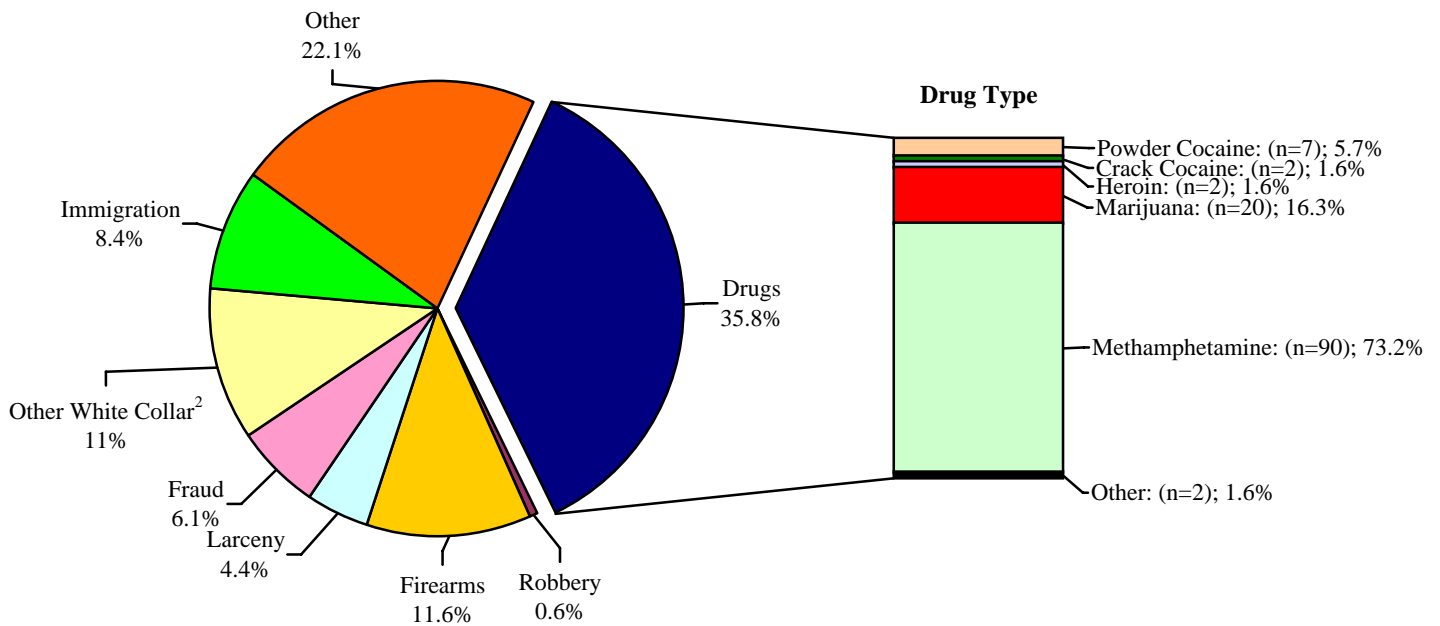
Figure A

DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2003

National



Montana



¹Of the 70,258 guideline cases, 1,245 cases were excluded due to one of the following reasons: missing primary offense category (578) or missing drug type (667). Of the 351 guideline cases from the District of Montana, seven cases were excluded due to one of the following reasons: missing primary offense category (5) or missing drug type (2).

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 2003**

| PRIMARY OFFENSE | National | | Montana | |
|------------------------------------|---------------|--------------|------------|--------------|
| | Number | Percent | Number | Percent |
| TOTAL | 69,680 | 100.0 | 346 | 100.0 |
| Murder | 80 | 0.1 | 0 | 0.0 |
| Manslaughter | 48 | 0.1 | 4 | 1.2 |
| Kidnapping/Hostage Taking | 59 | 0.1 | 0 | 0.0 |
| Sexual Abuse | 272 | 0.4 | 22 | 6.4 |
| Assault | 546 | 0.8 | 18 | 5.2 |
| Robbery | 1,537 | 2.2 | 2 | 0.6 |
| Arson | 82 | 0.1 | 1 | 0.3 |
| Drugs - Trafficking | 24,882 | 35.7 | 121 | 35.0 |
| Drugs - Communication Facility | 393 | 0.6 | 1 | 0.3 |
| Drugs - Simple Possession | 1,222 | 1.8 | 3 | 0.9 |
| Firearms | 6,795 | 9.8 | 40 | 11.6 |
| Burglary/B&E | 51 | 0.1 | 8 | 2.3 |
| Auto Theft | 142 | 0.2 | 1 | 0.3 |
| Larceny | 2,362 | 3.4 | 15 | 4.3 |
| Fraud | 7,468 | 10.7 | 21 | 6.1 |
| Embezzlement | 761 | 1.1 | 5 | 1.4 |
| Forgery/Counterfeiting | 1,267 | 1.8 | 16 | 4.6 |
| Bribery | 169 | 0.2 | 7 | 2.0 |
| Tax | 490 | 0.7 | 1 | 0.3 |
| Money Laundering | 831 | 1.2 | 9 | 2.6 |
| Racketeering/Extortion | 823 | 1.2 | 1 | 0.3 |
| Gambling/Lottery | 90 | 0.1 | 0 | 0.0 |
| Civil Rights | 66 | 0.1 | 0 | 0.0 |
| Immigration | 15,081 | 21.6 | 29 | 8.4 |
| Pornography/Prostitution | 801 | 1.1 | 6 | 1.7 |
| Prison Offenses | 370 | 0.5 | 1 | 0.3 |
| Administration of Justice Offenses | 1,044 | 1.5 | 6 | 1.7 |
| Environmental/Wildlife | 143 | 0.2 | 4 | 1.2 |
| National Defense | 21 | 0.0 | 0 | 0.0 |
| Antitrust | 12 | 0.0 | 0 | 0.0 |
| Food & Drug | 78 | 0.1 | 0 | 0.0 |
| Other Miscellaneous Offenses | 1,694 | 2.4 | 4 | 1.2 |

Of the 70,258 guideline cases, 578 cases were excluded due to missing information on primary offense category.

Of the 351 guideline cases from the District of Montana, five cases were excluded due to missing information on primary offense category.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.

Table 2

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT
Fiscal Year 2003**

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|-----------------------|---------------|---------------|-------------|--------------|------------|
| | | Number | Percent | Number | Percent |
| TOTAL | 69,624 | 66,628 | 95.7 | 2,996 | 4.3 |
| D.C. CIRCUIT | 504 | 463 | 91.9 | 41 | 8.1 |
| District of Columbia | 504 | 463 | 91.9 | 41 | 8.1 |
| FIRST CIRCUIT | 1,886 | 1,788 | 94.8 | 98 | 5.2 |
| Maine | 170 | 159 | 93.5 | 11 | 6.5 |
| Massachusetts | 565 | 519 | 91.9 | 46 | 8.1 |
| New Hampshire | 187 | 183 | 97.9 | 4 | 2.1 |
| Puerto Rico | 840 | 809 | 96.3 | 31 | 3.7 |
| Rhode Island | 124 | 118 | 95.2 | 6 | 4.8 |
| SECOND CIRCUIT | 5,144 | 4,889 | 95.0 | 255 | 5.0 |
| Connecticut | 402 | 379 | 94.3 | 23 | 5.7 |
| New York | | | | | |
| Eastern | 1,854 | 1,785 | 96.3 | 69 | 3.7 |
| Northern | 394 | 381 | 96.7 | 13 | 3.3 |
| Southern | 1,823 | 1,695 | 93.0 | 128 | 7.0 |
| Western | 497 | 479 | 96.4 | 18 | 3.6 |
| Vermont | 174 | 170 | 97.7 | 4 | 2.3 |
| THIRD CIRCUIT | 2,819 | 2,662 | 94.4 | 157 | 5.6 |
| Delaware | 153 | 146 | 95.4 | 7 | 4.6 |
| New Jersey | 871 | 836 | 96.0 | 35 | 4.0 |
| Pennsylvania | | | | | |
| Eastern | 975 | 903 | 92.6 | 72 | 7.4 |
| Middle | 341 | 322 | 94.4 | 19 | 5.6 |
| Western | 386 | 371 | 96.1 | 15 | 3.9 |
| Virgin Islands | 93 | 84 | 90.3 | 9 | 9.7 |
| FOURTH CIRCUIT | 6,363 | 6,002 | 94.3 | 361 | 5.7 |
| Maryland | 594 | 540 | 90.9 | 54 | 9.1 |
| North Carolina | | | | | |
| Eastern | 654 | 624 | 95.4 | 30 | 4.6 |
| Middle | 352 | 329 | 93.5 | 23 | 6.5 |
| Western | 592 | 554 | 93.6 | 38 | 6.4 |
| South Carolina | 1,045 | 1,006 | 96.3 | 39 | 3.7 |
| Virginia | | | | | |
| Eastern | 1,975 | 1,868 | 94.6 | 107 | 5.4 |
| Western | 573 | 537 | 93.7 | 36 | 6.3 |
| West Virginia | | | | | |
| Northern | 264 | 255 | 96.6 | 9 | 3.4 |
| Southern | 314 | 289 | 92.0 | 25 | 8.0 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|------------------------|---------------|---------------|-------------|------------|------------|
| | | Number | Percent | Number | Percent |
| FIFTH CIRCUIT | 13,439 | 13,070 | 97.3 | 369 | 2.7 |
| Louisiana | | | | | |
| Eastern | 497 | 485 | 97.6 | 12 | 2.4 |
| Middle | 121 | 113 | 93.4 | 8 | 6.6 |
| Western | 361 | 343 | 95.0 | 18 | 5.0 |
| Mississippi | | | | | |
| Northern | 168 | 154 | 91.7 | 14 | 8.3 |
| Southern | 435 | 421 | 96.8 | 14 | 3.2 |
| Texas | | | | | |
| Eastern | 639 | 608 | 95.1 | 31 | 4.9 |
| Northern | 1,131 | 1,101 | 97.3 | 30 | 2.7 |
| Southern | 5,040 | 4,899 | 97.2 | 141 | 2.8 |
| Western | 5,047 | 4,946 | 98.0 | 101 | 2.0 |
| SIXTH CIRCUIT | 4,921 | 4,677 | 95.0 | 244 | 5.0 |
| Kentucky | | | | | |
| Eastern | 482 | 463 | 96.1 | 19 | 3.9 |
| Western | 440 | 423 | 96.1 | 17 | 3.9 |
| Michigan | | | | | |
| Eastern | 702 | 653 | 93.0 | 49 | 7.0 |
| Western | 447 | 418 | 93.5 | 29 | 6.5 |
| Ohio | | | | | |
| Northern | 924 | 894 | 96.8 | 30 | 3.2 |
| Southern | 525 | 504 | 96.0 | 21 | 4.0 |
| Tennessee | | | | | |
| Eastern | 623 | 593 | 95.2 | 30 | 4.8 |
| Middle | 274 | 262 | 95.6 | 12 | 4.4 |
| Western | 504 | 467 | 92.7 | 37 | 7.3 |
| SEVENTH CIRCUIT | 3,119 | 2,905 | 93.1 | 214 | 6.9 |
| Illinois | | | | | |
| Central | 372 | 349 | 93.8 | 23 | 6.2 |
| Northern | 1,265 | 1,182 | 93.4 | 83 | 6.6 |
| Southern | 352 | 338 | 96.0 | 14 | 4.0 |
| Indiana | | | | | |
| Northern | 393 | 365 | 92.9 | 28 | 7.1 |
| Southern | 278 | 247 | 88.8 | 31 | 11.2 |
| Wisconsin | | | | | |
| Eastern | 286 | 264 | 92.3 | 22 | 7.7 |
| Western | 173 | 160 | 92.5 | 13 | 7.5 |
| EIGHTH CIRCUIT | 4,401 | 4,165 | 94.6 | 236 | 5.4 |
| Arkansas | | | | | |
| Eastern | 239 | 230 | 96.2 | 9 | 3.8 |
| Western | 193 | 187 | 96.9 | 6 | 3.1 |
| Iowa | | | | | |
| Northern | 420 | 391 | 93.1 | 29 | 6.9 |
| Southern | 402 | 376 | 93.5 | 26 | 6.5 |
| Minnesota | 472 | 437 | 92.6 | 35 | 7.4 |
| Missouri | | | | | |
| Eastern | 751 | 725 | 96.5 | 26 | 3.5 |
| Western | 698 | 669 | 95.8 | 29 | 4.2 |
| Nebraska | 706 | 671 | 95.0 | 35 | 5.0 |
| North Dakota | 212 | 194 | 91.5 | 18 | 8.5 |
| South Dakota | 308 | 285 | 92.5 | 23 | 7.5 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|--------------------------|---------------|---------------|-------------|------------|------------|
| | | Number | Percent | Number | Percent |
| NINTH CIRCUIT | 15,342 | 14,906 | 97.2 | 436 | 2.8 |
| Alaska | 156 | 145 | 92.9 | 11 | 7.1 |
| Arizona | 4,560 | 4,516 | 99.0 | 44 | 1.0 |
| California | | | | | |
| Central | 1,733 | 1,644 | 94.9 | 89 | 5.1 |
| Eastern | 934 | 902 | 96.6 | 32 | 3.4 |
| Northern | 679 | 651 | 95.9 | 28 | 4.1 |
| Southern | 3,774 | 3,702 | 98.1 | 72 | 1.9 |
| Guam | 94 | 90 | 95.7 | 4 | 4.3 |
| Hawaii | 333 | 321 | 96.4 | 12 | 3.6 |
| Idaho | 271 | 254 | 93.7 | 17 | 6.3 |
| Montana | 346 | 305 | 88.2 | 41 | 11.8 |
| Nevada | 710 | 686 | 96.6 | 24 | 3.4 |
| Northern Mariana Islands | 23 | 16 | 69.6 | 7 | 30.4 |
| Oregon | 653 | 624 | 95.6 | 29 | 4.4 |
| Washington | | | | | |
| Eastern | 375 | 360 | 96.0 | 15 | 4.0 |
| Western | 701 | 690 | 98.4 | 11 | 1.6 |
| TENTH CIRCUIT | 4,714 | 4,567 | 96.9 | 147 | 3.1 |
| Colorado | 600 | 583 | 97.2 | 17 | 2.8 |
| Kansas | 564 | 541 | 95.9 | 23 | 4.1 |
| New Mexico | 2,035 | 1,999 | 98.2 | 36 | 1.8 |
| Oklahoma | | | | | |
| Eastern | 81 | 79 | 97.5 | 2 | 2.5 |
| Northern | 174 | 163 | 93.7 | 11 | 6.3 |
| Western | 172 | 160 | 93.0 | 12 | 7.0 |
| Utah | 867 | 841 | 97.0 | 26 | 3.0 |
| Wyoming | 221 | 201 | 91.0 | 20 | 9.0 |
| ELEVENTH CIRCUIT | 6,972 | 6,534 | 93.7 | 438 | 6.3 |
| Alabama | | | | | |
| Middle | 174 | 154 | 88.5 | 20 | 11.5 |
| Northern | 505 | 477 | 94.5 | 28 | 5.5 |
| Southern | 321 | 300 | 93.5 | 21 | 6.5 |
| Florida | | | | | |
| Middle | 1,568 | 1,468 | 93.6 | 100 | 6.4 |
| Northern | 377 | 346 | 91.8 | 31 | 8.2 |
| Southern | 2,284 | 2,118 | 92.7 | 166 | 7.3 |
| Georgia | | | | | |
| Middle | 564 | 544 | 96.5 | 20 | 3.5 |
| Northern | 769 | 726 | 94.4 | 43 | 5.6 |
| Southern | 410 | 401 | 97.8 | 9 | 2.2 |

Of the 70,258 guideline cases, 634 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.

Table 3

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2003**

| PRIMARY OFFENSE | TOTAL | National | | | | Montana | | | |
|------------------------------------|---------------|---------------|-------------|--------------|------------|------------|-------------|-----------|-------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 69,584 | 66,591 | 95.7 | 2,993 | 4.3 | 304 | 88.1 | 41 | 11.9 |
| Murder | 80 | 65 | 81.3 | 15 | 18.8 | 0 | -- | 0 | -- |
| Manslaughter | 48 | 48 | 100.0 | 0 | 0.0 | 4 | 100.0 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 59 | 40 | 67.8 | 19 | 32.2 | 0 | -- | 0 | -- |
| Sexual Abuse | 272 | 242 | 89.0 | 30 | 11.0 | 15 | 68.2 | 7 | 31.8 |
| Assault | 543 | 494 | 91.0 | 49 | 9.0 | 15 | 83.3 | 3 | 16.7 |
| Robbery | 1,535 | 1,446 | 94.2 | 89 | 5.8 | 2 | 100.0 | 0 | 0.0 |
| Arson | 82 | 71 | 86.6 | 11 | 13.4 | 1 | 100.0 | 0 | 0.0 |
| Drugs - Trafficking | 24,857 | 23,720 | 95.4 | 1,137 | 4.6 | 105 | 86.8 | 16 | 13.2 |
| Drugs - Communication Facility | 392 | 392 | 100.0 | 0 | 0.0 | 1 | 100.0 | 0 | 0.0 |
| Drugs - Simple Possession | 1,220 | 1,184 | 97.0 | 36 | 3.0 | 3 | 100.0 | 0 | 0.0 |
| Firearms | 6,783 | 6,237 | 92.0 | 546 | 8.0 | 33 | 84.6 | 6 | 15.4 |
| Burglary/B&E | 51 | 48 | 94.1 | 3 | 5.9 | 8 | 100.0 | 0 | 0.0 |
| Auto Theft | 142 | 133 | 93.7 | 9 | 6.3 | 1 | 100.0 | 0 | 0.0 |
| Larceny | 2,360 | 2,299 | 97.4 | 61 | 2.6 | 14 | 93.3 | 1 | 6.7 |
| Fraud | 7,462 | 7,103 | 95.2 | 359 | 4.8 | 19 | 90.5 | 2 | 9.5 |
| Embezzlement | 761 | 749 | 98.4 | 12 | 1.6 | 5 | 100.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 1,267 | 1,246 | 98.3 | 21 | 1.7 | 16 | 100.0 | 0 | 0.0 |
| Bribery | 168 | 162 | 96.4 | 6 | 3.6 | 7 | 100.0 | 0 | 0.0 |
| Tax | 489 | 449 | 91.8 | 40 | 8.2 | 1 | 100.0 | 0 | 0.0 |
| Money Laundering | 827 | 731 | 88.4 | 96 | 11.6 | 9 | 100.0 | 0 | 0.0 |
| Racketeering/Extortion | 821 | 731 | 89.0 | 90 | 11.0 | 0 | 0.0 | 1 | 100.0 |
| Gambling/Lottery | 90 | 87 | 96.7 | 3 | 3.3 | 0 | -- | 0 | -- |
| Civil Rights | 66 | 56 | 84.8 | 10 | 15.2 | 0 | -- | 0 | -- |
| Immigration | 15,066 | 14,896 | 98.9 | 170 | 1.1 | 27 | 93.1 | 2 | 6.9 |
| Pornography/Prostitution | 801 | 762 | 95.1 | 39 | 4.9 | 5 | 83.3 | 1 | 16.7 |
| Prison Offenses | 370 | 360 | 97.3 | 10 | 2.7 | 1 | 100.0 | 0 | 0.0 |
| Administration of Justice Offenses | 1,041 | 984 | 94.5 | 57 | 5.5 | 6 | 100.0 | 0 | 0.0 |
| Environmental/Wildlife | 143 | 133 | 93.0 | 10 | 7.0 | 3 | 75.0 | 1 | 25.0 |
| National Defense | 21 | 17 | 81.0 | 4 | 19.0 | 0 | -- | 0 | -- |
| Antitrust | 12 | 12 | 100.0 | 0 | 0.0 | 0 | -- | 0 | -- |
| Food & Drug | 77 | 73 | 94.8 | 4 | 5.2 | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 1,678 | 1,621 | 96.6 | 57 | 3.4 | 3 | 75.0 | 1 | 25.0 |

Of the 70,258 guideline cases, 674 cases were excluded due to one or both of the following reasons: missing primary offense category (578) or missing mode of conviction (634).

Of the 351 guideline cases from the District of Montana, six cases were excluded due to one or both of the following reasons: missing primary offense category (5) or missing mode of conviction (5).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.

Table 4
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2003

National

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 69,023 | 57,509 | 83.3 | 2,045 | 3.0 | 3,272 | 4.7 | 6,197 | 9.0 |
| Murder | 80 | 80 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Manslaughter | 48 | 39 | 81.3 | 5 | 10.4 | 4 | 8.3 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 59 | 58 | 98.3 | 0 | 0.0 | 1 | 1.7 | 0 | 0.0 |
| Sexual Abuse | 271 | 247 | 91.1 | 5 | 1.8 | 10 | 3.7 | 9 | 3.3 |
| Assault | 536 | 415 | 77.4 | 17 | 3.2 | 30 | 5.6 | 74 | 13.8 |
| Robbery | 1,530 | 1,484 | 97.0 | 20 | 1.3 | 16 | 1.0 | 10 | 0.7 |
| Arson | 82 | 74 | 90.2 | 0 | 0.0 | 5 | 6.1 | 3 | 3.7 |
| Drugs - Trafficking | 24,779 | 23,348 | 94.2 | 428 | 1.7 | 469 | 1.9 | 534 | 2.2 |
| Drugs - Communication Facility | 389 | 328 | 84.3 | 6 | 1.5 | 24 | 6.2 | 31 | 8.0 |
| Drugs - Simple Possession | 1,162 | 662 | 57.0 | 3 | 0.3 | 42 | 3.6 | 455 | 39.2 |
| Firearms | 6,761 | 6,035 | 89.3 | 195 | 2.9 | 241 | 3.6 | 290 | 4.3 |
| Burglary/B&E | 51 | 44 | 86.3 | 4 | 7.8 | 3 | 5.9 | 0 | 0.0 |
| Auto Theft | 141 | 112 | 79.4 | 5 | 3.5 | 10 | 7.1 | 14 | 9.9 |
| Larceny | 2,306 | 861 | 37.3 | 148 | 6.4 | 394 | 17.1 | 903 | 39.2 |
| Fraud | 7,397 | 4,407 | 59.6 | 578 | 7.8 | 924 | 12.5 | 1,488 | 20.1 |
| Embezzlement | 748 | 272 | 36.4 | 127 | 17.0 | 105 | 14.0 | 244 | 32.6 |
| Forgery/Counterfeiting | 1,261 | 765 | 60.7 | 69 | 5.5 | 170 | 13.5 | 257 | 20.4 |
| Bribery | 167 | 74 | 44.3 | 11 | 6.6 | 36 | 21.6 | 46 | 27.5 |
| Tax | 480 | 216 | 45.0 | 56 | 11.7 | 106 | 22.1 | 102 | 21.3 |
| Money Laundering | 826 | 636 | 77.0 | 42 | 5.1 | 68 | 8.2 | 80 | 9.7 |
| Racketeering/Extortion | 815 | 712 | 87.4 | 34 | 4.2 | 32 | 3.9 | 37 | 4.5 |
| Gambling/Lottery | 90 | 20 | 22.2 | 7 | 7.8 | 41 | 45.6 | 22 | 24.4 |
| Civil Rights | 66 | 37 | 56.1 | 8 | 12.1 | 8 | 12.1 | 13 | 19.7 |
| Immigration | 14,994 | 14,313 | 95.5 | 141 | 0.9 | 172 | 1.1 | 368 | 2.5 |
| Pornography/Prostitution | 796 | 718 | 90.2 | 13 | 1.6 | 27 | 3.4 | 38 | 4.8 |
| Prison Offenses | 368 | 336 | 91.3 | 11 | 3.0 | 6 | 1.6 | 15 | 4.1 |
| Administration of Justice Offenses | 1,032 | 576 | 55.8 | 60 | 5.8 | 135 | 13.1 | 261 | 25.3 |
| Environmental/Wildlife | 131 | 26 | 19.8 | 13 | 9.9 | 27 | 20.6 | 65 | 49.6 |
| National Defense | 21 | 19 | 90.5 | 0 | 0.0 | 0 | 0.0 | 2 | 9.5 |
| Antitrust | 10 | 5 | 50.0 | 0 | 0.0 | 5 | 50.0 | 0 | 0.0 |
| Food & Drug | 73 | 20 | 27.4 | 1 | 1.4 | 16 | 21.9 | 36 | 49.3 |
| Other Miscellaneous Offenses | 1,553 | 570 | 36.7 | 38 | 2.4 | 145 | 9.3 | 800 | 51.5 |

Of the 70,258 guideline cases, 1,235 cases were excluded due to one or more of the following reasons: missing sentencing information (427), missing primary offense category (578), or cases in which the defendant received no imprisonment or probation (775).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.

Table 5
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2003

Montana

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|------------|------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 344 | 280 | 81.4 | 9 | 2.6 | 21 | 6.1 | 34 | 9.9 |
| Murder | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Manslaughter | 4 | 4 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Sexual Abuse | 22 | 22 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Assault | 18 | 15 | 83.3 | 0 | 0.0 | 2 | 11.1 | 1 | 5.6 |
| Robbery | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Arson | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Trafficking | 121 | 109 | 90.1 | 2 | 1.7 | 7 | 5.8 | 3 | 2.5 |
| Drugs - Communication Facility | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Simple Possession | 3 | 2 | 66.7 | 0 | 0.0 | 0 | 0.0 | 1 | 33.3 |
| Firearms | 38 | 36 | 94.7 | 0 | 0.0 | 0 | 0.0 | 2 | 5.3 |
| Burglary/B&E | 8 | 8 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Auto Theft | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Larceny | 15 | 5 | 33.3 | 1 | 6.7 | 0 | 0.0 | 9 | 60.0 |
| Fraud | 21 | 14 | 66.7 | 1 | 4.8 | 1 | 4.8 | 5 | 23.8 |
| Embezzlement | 5 | 1 | 20.0 | 0 | 0.0 | 1 | 20.0 | 3 | 60.0 |
| Forgery/Counterfeiting | 16 | 12 | 75.0 | 0 | 0.0 | 2 | 12.5 | 2 | 12.5 |
| Bribery | 7 | 4 | 57.1 | 0 | 0.0 | 1 | 14.3 | 2 | 28.6 |
| Tax | 1 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 | 0 | 0.0 |
| Money Laundering | 9 | 7 | 77.8 | 2 | 22.2 | 0 | 0.0 | 0 | 0.0 |
| Racketeering/Extortion | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Gambling/Lottery | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Civil Rights | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Immigration | 29 | 26 | 89.7 | 2 | 6.9 | 1 | 3.4 | 0 | 0.0 |
| Pornography/Prostitution | 6 | 5 | 83.3 | 0 | 0.0 | 0 | 0.0 | 1 | 16.7 |
| Prison Offenses | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Administration of Justice Offenses | 6 | 3 | 50.0 | 0 | 0.0 | 3 | 50.0 | 0 | 0.0 |
| Environmental/Wildlife | 4 | 0 | 0.0 | 1 | 25.0 | 1 | 25.0 | 2 | 50.0 |
| National Defense | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Antitrust | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Food & Drug | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 4 | 0 | 0.0 | 0 | 0.0 | 1 | 25.0 | 3 | 75.0 |

Of the 351 guideline cases from the District of Montana, seven cases were excluded due to one or more of the following reasons: missing sentencing information (1), missing primary offense category (5), or cases in which the defendant received no imprisonment or probation (5).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03

Table 6

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2003**

| PRIMARY OFFENSE | TOTAL | National | | | | Montana | | | |
|-------------------------------------|---------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
| | | Prison Sentence | | Non-Prison Sentence | | Prison Sentence | | Non-Prison Sentence | |
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 13,232 | 6,808 | 51.5 | 6,424 | 48.5 | 28 | 38.4 | 45 | 61.6 |
| Fraud | 2,880 | 1,197 | 41.6 | 1,683 | 58.4 | 5 | 45.5 | 6 | 54.5 |
| Larceny | 1,456 | 298 | 20.5 | 1,158 | 79.5 | 3 | 25.0 | 9 | 75.0 |
| Immigration | 3,808 | 3,376 | 88.7 | 432 | 11.3 | 6 | 85.7 | 1 | 14.3 |
| Embezzlement | 481 | 172 | 35.8 | 309 | 64.2 | 1 | 25.0 | 3 | 75.0 |
| Drugs - Trafficking | 707 | 338 | 47.8 | 369 | 52.2 | 2 | 33.3 | 4 | 66.7 |
| Drugs - Simple Possession | 1,049 | 588 | 56.1 | 461 | 43.9 | 1 | 50.0 | 1 | 50.0 |
| Firearms | 345 | 131 | 38.0 | 214 | 62.0 | 0 | 0.0 | 3 | 100.0 |
| Forgery/Counterfeiting | 509 | 161 | 31.6 | 348 | 68.4 | 5 | 62.5 | 3 | 37.5 |
| Other Miscellaneous Offenses | 1,997 | 547 | 27.4 | 1,450 | 72.6 | 5 | 25.0 | 15 | 75.0 |

Of the 70,258 guideline cases, 57,026 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (56,641), missing sentencing information (427) or missing primary offense category (578).

Of the 351 guideline cases from the District of Montana, 278 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (273), missing sentencing information (1) or missing primary offense category (5).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.

Table 7

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2003**

| PRIMARY OFFENSE | National | | | Montana | | |
|---|----------------|------------------|---------------|----------------|------------------|------------|
| | Mean Months | Median Months | Number | Mean Months | Median Months | Number |
| TOTAL | 56.0 | 33.0 | 58,816 | 65.9 | 40.0 | 289 |
| Murder | 247.5 | 180.0 | 80 | -- | -- | 0 |
| Manslaughter | 34.8 | 21.0 | 44 | 35.5 | 36.5 | 4 |
| Kidnapping/Hostage Taking | 162.7 | 120.5 | 58 | -- | -- | 0 |
| Sexual Abuse | 78.2 | 48.0 | 252 | 104.7 | 59.0 | 22 |
| Assault | 38.5 | 30.0 | 422 | 39.5 | 41.0 | 15 |
| Robbery | 103.5 | 72.0 | 1,504 | -- | -- | 2 |
| Arson | 96.2 | 60.0 | 74 | -- | -- | 1 |
| Drugs - Trafficking | 80.1 | 60.0 | 23,724 | 99.9 | 71.0 | 111 |
| Drugs - Communication Facility | 47.4 | 48.0 | 333 | -- | -- | 1 |
| Drugs - Simple Possession | 8.5 | 6.0 | 648 | -- | -- | 2 |
| Firearms | 75.8 | 46.0 | 6,218 | 61.6 | 51.5 | 36 |
| Burglary/B&E | 25.4 | 24.0 | 48 | 23.5 | 25.0 | 8 |
| Auto Theft | 73.0 | 27.0 | 117 | -- | -- | 1 |
| Larceny | 16.6 | 12.0 | 1,004 | 19.8 | 15.0 | 6 |
| Fraud | 20.1 | 14.0 | 4,898 | 18.5 | 12.0 | 15 |
| Embezzlement | 9.6 | 5.0 | 395 | -- | -- | 1 |
| Forgery/Counterfeiting | 17.9 | 15.0 | 830 | 18.2 | 11.0 | 12 |
| Bribery | 16.2 | 12.0 | 85 | 37.0 | 29.0 | 4 |
| Tax | 18.6 | 12.0 | 271 | -- | -- | 0 |
| Money Laundering | 54.7 | 33.0 | 672 | 19.3 | 12.0 | 9 |
| Racketeering/Extortion | 77.8 | 46.0 | 746 | -- | -- | 1 |
| Gambling/Lottery | 12.9 | 13.3 | 27 | -- | -- | 0 |
| Civil Rights | 55.9 | 24.0 | 45 | -- | -- | 0 |
| Immigration | 24.1 | 21.0 | 13,967 | 26.9 | 24.0 | 28 |
| Pornography/Prostitution | 69.0 | 37.0 | 731 | 44.4 | 27.0 | 5 |
| Prison Offenses | 18.0 | 14.0 | 346 | -- | -- | 1 |
| Administration of Justice Offenses | 24.5 | 15.0 | 627 | 39.3 | 18.0 | 3 |
| Environmental/Wildlife | 13.3 | 6.5 | 38 | -- | -- | 1 |
| National Defense | 83.5 | 30.0 | 19 | -- | -- | 0 |
| Antitrust | 12.8 | 10.0 | 5 | -- | -- | 0 |
| Food & Drug | 43.6 | 13.0 | 21 | -- | -- | 0 |
| Other Miscellaneous Offenses | 19.7 | 10.0 | 567 | -- | -- | 0 |

Of the 70,258 guideline cases, 11,442 cases were excluded for one or more of the following reasons: zero months prison ordered (10,134), missing primary offense category (578) or missing or indeterminable sentencing information (1,281).

Of the 351 guideline cases from the District of Montana, 62 cases were excluded due to one or more of the following reasons: zero prison months ordered (55), missing primary offense category (5) or missing or indeterminable sentencing information (6).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.

Table 8

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT
Fiscal Year 2003**

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | GOVERNMENT INITIATED DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|-----------------------|---------------|--|-------------|--|-------------|--------------------------------------|------------|--------------------------------|------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| TOTAL | 65,171 | 45,253 | 69.4 | 10,360 | 15.9 | 4,121 | 6.3 | 4,896 | 7.5 | 541 | 0.8 |
| D.C. CIRCUIT | 477 | 308 | 64.6 | 126 | 26.4 | 21 | 4.4 | 21 | 4.4 | 1 | 0.2 |
| District of Columbia | 477 | 308 | 64.6 | 126 | 26.4 | 21 | 4.4 | 21 | 4.4 | 1 | 0.2 |
| FIRST CIRCUIT | 1,832 | 1,417 | 77.3 | 247 | 13.5 | 12 | 0.7 | 143 | 7.8 | 13 | 0.7 |
| Maine | 167 | 130 | 77.8 | 32 | 19.2 | 0 | 0.0 | 4 | 2.4 | 1 | 0.6 |
| Massachusetts | 557 | 382 | 68.6 | 72 | 12.9 | 4 | 0.7 | 96 | 17.2 | 3 | 0.5 |
| New Hampshire | 187 | 105 | 56.1 | 61 | 32.6 | 2 | 1.1 | 12 | 6.4 | 7 | 3.7 |
| Puerto Rico | 803 | 705 | 87.8 | 70 | 8.7 | 6 | 0.7 | 21 | 2.6 | 1 | 0.1 |
| Rhode Island | 118 | 95 | 80.5 | 12 | 10.2 | 0 | 0.0 | 10 | 8.5 | 1 | 0.8 |
| SECOND CIRCUIT | | | | | | | | | | | |
| Connecticut | 399 | 202 | 50.6 | 39 | 9.8 | 28 | 7.0 | 125 | 31.3 | 5 | 1.3 |
| New York | | | | | | | | | | | |
| Eastern | 1,688 | 933 | 55.3 | 276 | 16.4 | 90 | 5.3 | 385 | 22.8 | 4 | 0.2 |
| Northern | 371 | 221 | 59.6 | 93 | 25.1 | 2 | 0.5 | 49 | 13.2 | 6 | 1.6 |
| Southern | 1,647 | 1,292 | 78.4 | 214 | 13.0 | 3 | 0.2 | 136 | 8.3 | 2 | 0.1 |
| Western | 484 | 268 | 55.4 | 161 | 33.3 | 10 | 2.1 | 42 | 8.7 | 3 | 0.6 |
| Vermont | 174 | 96 | 55.2 | 49 | 28.2 | 0 | 0.0 | 27 | 15.5 | 2 | 1.1 |
| THIRD CIRCUIT | 2,783 | 1,734 | 62.3 | 801 | 28.8 | 17 | 0.6 | 206 | 7.4 | 25 | 0.9 |
| Delaware | 153 | 103 | 67.3 | 26 | 17.0 | 3 | 2.0 | 20 | 13.1 | 1 | 0.7 |
| New Jersey | 866 | 560 | 64.7 | 229 | 26.4 | 2 | 0.2 | 73 | 8.4 | 2 | 0.2 |
| Pennsylvania | | | | | | | | | | | |
| Eastern | 969 | 503 | 51.9 | 376 | 38.8 | 5 | 0.5 | 74 | 7.6 | 11 | 1.1 |
| Middle | 327 | 209 | 63.9 | 96 | 29.4 | 1 | 0.3 | 15 | 4.6 | 6 | 1.8 |
| Western | 379 | 289 | 76.3 | 65 | 17.2 | 1 | 0.3 | 21 | 5.5 | 3 | 0.8 |
| Virgin Islands | 89 | 70 | 78.7 | 9 | 10.1 | 5 | 5.6 | 3 | 3.4 | 2 | 2.2 |
| FOURTH CIRCUIT | 5,698 | 4,388 | 77.0 | 1,045 | 18.3 | 17 | 0.3 | 216 | 3.8 | 32 | 0.6 |
| Maryland | 556 | 350 | 62.9 | 147 | 26.4 | 3 | 0.5 | 52 | 9.4 | 4 | 0.7 |
| North Carolina | | | | | | | | | | | |
| Eastern | 620 | 379 | 61.1 | 191 | 30.8 | 2 | 0.3 | 42 | 6.8 | 6 | 1.0 |
| Middle | 351 | 298 | 84.9 | 41 | 11.7 | 0 | 0.0 | 9 | 2.6 | 3 | 0.9 |
| Western | 575 | 366 | 63.7 | 184 | 32.0 | 3 | 0.5 | 18 | 3.1 | 4 | 0.7 |
| South Carolina | 1,013 | 765 | 75.5 | 222 | 21.9 | 1 | 0.1 | 21 | 2.1 | 4 | 0.4 |
| Virginia | | | | | | | | | | | |
| Eastern | 1,454 | 1,292 | 88.9 | 109 | 7.5 | 0 | 0.0 | 48 | 3.3 | 5 | 0.3 |
| Western | 555 | 398 | 71.7 | 129 | 23.2 | 8 | 1.4 | 15 | 2.7 | 5 | 0.9 |
| West Virginia | | | | | | | | | | | |
| Northern | 266 | 246 | 92.5 | 14 | 5.3 | 0 | 0.0 | 6 | 2.3 | 0 | 0.0 |
| Southern | 308 | 294 | 95.5 | 8 | 2.6 | 0 | 0.0 | 5 | 1.6 | 1 | 0.3 |

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | GOVERNMENT INITIATED DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------|---------------|--|-------------|--|-------------|--------------------------------------|------------|--------------------------------|------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| FIFTH CIRCUIT | 13,298 | 9,796 | 73.7 | 1,667 | 12.5 | 714 | 5.4 | 999 | 7.5 | 122 | 0.9 |
| Louisiana | | | | | | | | | | | |
| Eastern | 495 | 405 | 81.8 | 57 | 11.5 | 11 | 2.2 | 15 | 3.0 | 7 | 1.4 |
| Middle | 121 | 85 | 70.2 | 28 | 23.1 | 0 | 0.0 | 3 | 2.5 | 5 | 4.1 |
| Western | 351 | 280 | 79.8 | 56 | 16.0 | 1 | 0.3 | 8 | 2.3 | 6 | 1.7 |
| Mississippi | | | | | | | | | | | |
| Northern | 165 | 107 | 64.8 | 45 | 27.3 | 5 | 3.0 | 5 | 3.0 | 3 | 1.8 |
| Southern | 430 | 350 | 81.4 | 62 | 14.4 | 0 | 0.0 | 16 | 3.7 | 2 | 0.5 |
| Texas | | | | | | | | | | | |
| Eastern | 621 | 528 | 85.0 | 56 | 9.0 | 2 | 0.3 | 30 | 4.8 | 5 | 0.8 |
| Northern | 1,114 | 890 | 79.9 | 149 | 13.4 | 5 | 0.4 | 50 | 4.5 | 20 | 1.8 |
| Southern | 5,004 | 3,424 | 68.4 | 466 | 9.3 | 562 | 11.2 | 519 | 10.4 | 33 | 0.7 |
| Western | 4,997 | 3,727 | 74.6 | 748 | 15.0 | 128 | 2.6 | 353 | 7.1 | 41 | 0.8 |
| SIXTH CIRCUIT | 4,789 | 3,311 | 69.1 | 1,179 | 24.6 | 22 | 0.5 | 256 | 5.3 | 21 | 0.4 |
| Kentucky | | | | | | | | | | | |
| Eastern | 474 | 304 | 64.1 | 156 | 32.9 | 2 | 0.4 | 9 | 1.9 | 3 | 0.6 |
| Western | 397 | 328 | 82.6 | 43 | 10.8 | 4 | 1.0 | 20 | 5.0 | 2 | 0.5 |
| Michigan | | | | | | | | | | | |
| Eastern | 693 | 488 | 70.4 | 151 | 21.8 | 4 | 0.6 | 48 | 6.9 | 2 | 0.3 |
| Western | 441 | 295 | 66.9 | 109 | 24.7 | 3 | 0.7 | 27 | 6.1 | 7 | 1.6 |
| Ohio | | | | | | | | | | | |
| Northern | 907 | 595 | 65.6 | 231 | 25.5 | 6 | 0.7 | 74 | 8.2 | 1 | 0.1 |
| Southern | 513 | 323 | 63.0 | 152 | 29.6 | 0 | 0.0 | 35 | 6.8 | 3 | 0.6 |
| Tennessee | | | | | | | | | | | |
| Eastern | 616 | 438 | 71.1 | 161 | 26.1 | 0 | 0.0 | 16 | 2.6 | 1 | 0.2 |
| Middle | 256 | 174 | 68.0 | 70 | 27.3 | 0 | 0.0 | 11 | 4.3 | 1 | 0.4 |
| Western | 492 | 366 | 74.4 | 106 | 21.5 | 3 | 0.6 | 16 | 3.3 | 1 | 0.2 |
| SEVENTH CIRCUIT | 3,041 | 2,205 | 72.5 | 646 | 21.2 | 24 | 0.8 | 136 | 4.5 | 30 | 1.0 |
| Illinois | | | | | | | | | | | |
| Central | 370 | 261 | 70.5 | 88 | 23.8 | 3 | 0.8 | 14 | 3.8 | 4 | 1.1 |
| Northern | 1,223 | 837 | 68.4 | 304 | 24.9 | 5 | 0.4 | 67 | 5.5 | 10 | 0.8 |
| Southern | 349 | 256 | 73.4 | 77 | 22.1 | 0 | 0.0 | 15 | 4.3 | 1 | 0.3 |
| Indiana | | | | | | | | | | | |
| Northern | 375 | 277 | 73.9 | 82 | 21.9 | 4 | 1.1 | 7 | 1.9 | 5 | 1.3 |
| Southern | 270 | 184 | 68.1 | 64 | 23.7 | 9 | 3.3 | 11 | 4.1 | 2 | 0.7 |
| Wisconsin | | | | | | | | | | | |
| Eastern | 282 | 237 | 84.0 | 19 | 6.7 | 3 | 1.1 | 21 | 7.4 | 2 | 0.7 |
| Western | 172 | 153 | 89.0 | 12 | 7.0 | 0 | 0.0 | 1 | 0.6 | 6 | 3.5 |
| EIGHTH CIRCUIT | 4,329 | 3,125 | 72.2 | 761 | 17.6 | 87 | 2.0 | 308 | 7.1 | 48 | 1.1 |
| Arkansas | | | | | | | | | | | |
| Eastern | 237 | 206 | 86.9 | 21 | 8.9 | 1 | 0.4 | 8 | 3.4 | 1 | 0.4 |
| Western | 191 | 151 | 79.1 | 33 | 17.3 | 0 | 0.0 | 5 | 2.6 | 2 | 1.0 |
| Iowa | | | | | | | | | | | |
| Northern | 420 | 290 | 69.0 | 114 | 27.1 | 2 | 0.5 | 9 | 2.1 | 5 | 1.2 |
| Southern | 392 | 277 | 70.7 | 80 | 20.4 | 2 | 0.5 | 31 | 7.9 | 2 | 0.5 |
| Minnesota | 465 | 293 | 63.0 | 106 | 22.8 | 5 | 1.1 | 55 | 11.8 | 6 | 1.3 |
| Missouri | | | | | | | | | | | |
| Eastern | 739 | 540 | 73.1 | 153 | 20.7 | 9 | 1.2 | 32 | 4.3 | 5 | 0.7 |
| Western | 681 | 478 | 70.2 | 157 | 23.1 | 9 | 1.3 | 27 | 4.0 | 10 | 1.5 |
| Nebraska | 693 | 488 | 70.4 | 55 | 7.9 | 54 | 7.8 | 94 | 13.6 | 2 | 0.3 |
| North Dakota | 206 | 159 | 77.2 | 23 | 11.2 | 3 | 1.5 | 20 | 9.7 | 1 | 0.5 |
| South Dakota | 305 | 243 | 79.7 | 19 | 6.2 | 2 | 0.7 | 27 | 8.9 | 14 | 4.6 |

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | GOVERNMENT INITIATED DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|--------------------------|---------------|--|-------------|--|-------------|--------------------------------------|-------------|--------------------------------|------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| NINTH CIRCUIT | 13,286 | 7,917 | 59.6 | 1,360 | 10.2 | 2,546 | 19.2 | 1,311 | 9.9 | 152 | 1.1 |
| Alaska | 153 | 114 | 74.5 | 28 | 18.3 | 0 | 0.0 | 10 | 6.5 | 1 | 0.7 |
| Arizona | 4,430 | 1,815 | 41.0 | 259 | 5.8 | 1,853 | 41.8 | 399 | 9.0 | 104 | 2.3 |
| California | | | | | | | | | | | |
| Central | 1,296 | 1,051 | 81.1 | 153 | 11.8 | 9 | 0.7 | 80 | 6.2 | 3 | 0.2 |
| Eastern | 885 | 680 | 76.8 | 152 | 17.2 | 7 | 0.8 | 46 | 5.2 | 0 | 0.0 |
| Northern | 644 | 433 | 67.2 | 90 | 14.0 | 24 | 3.7 | 92 | 14.3 | 5 | 0.8 |
| Southern | 2,578 | 1,574 | 61.1 | 125 | 4.8 | 528 | 20.5 | 342 | 13.3 | 9 | 0.3 |
| Guam | 94 | 64 | 68.1 | 29 | 30.9 | 0 | 0.0 | 1 | 1.1 | 0 | 0.0 |
| Hawaii | 331 | 212 | 64.0 | 98 | 29.6 | 0 | 0.0 | 19 | 5.7 | 2 | 0.6 |
| Idaho | 258 | 126 | 48.8 | 83 | 32.2 | 32 | 12.4 | 15 | 5.8 | 2 | 0.8 |
| Montana | 343 | 287 | 83.7 | 34 | 9.9 | 1 | 0.3 | 15 | 4.4 | 6 | 1.7 |
| Nevada | 688 | 560 | 81.4 | 43 | 6.3 | 34 | 4.9 | 46 | 6.7 | 5 | 0.7 |
| Northern Mariana Islands | 22 | 17 | 77.3 | 5 | 22.7 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Oregon | 606 | 392 | 64.7 | 120 | 19.8 | 8 | 1.3 | 83 | 13.7 | 3 | 0.5 |
| Washington | | | | | | | | | | | |
| Eastern | 367 | 251 | 68.4 | 18 | 4.9 | 30 | 8.2 | 65 | 17.7 | 3 | 0.8 |
| Western | 591 | 341 | 57.7 | 123 | 20.8 | 20 | 3.4 | 98 | 16.6 | 9 | 1.5 |
| TENTH CIRCUIT | 4,476 | 3,271 | 73.1 | 422 | 9.4 | 512 | 11.4 | 246 | 5.5 | 25 | 0.6 |
| Colorado | 547 | 340 | 62.2 | 159 | 29.1 | 4 | 0.7 | 41 | 7.5 | 3 | 0.5 |
| Kansas | 543 | 447 | 82.3 | 65 | 12.0 | 0 | 0.0 | 29 | 5.3 | 2 | 0.4 |
| New Mexico | 1,956 | 1,305 | 66.7 | 78 | 4.0 | 483 | 24.7 | 85 | 4.3 | 5 | 0.3 |
| Oklahoma | | | | | | | | | | | |
| Eastern | 80 | 59 | 73.8 | 6 | 7.5 | 10 | 12.5 | 5 | 6.3 | 0 | 0.0 |
| Northern | 164 | 139 | 84.8 | 19 | 11.6 | 0 | 0.0 | 2 | 1.2 | 4 | 2.4 |
| Western | 171 | 152 | 88.9 | 13 | 7.6 | 0 | 0.0 | 4 | 2.3 | 2 | 1.2 |
| Utah | 815 | 669 | 82.1 | 65 | 8.0 | 11 | 1.3 | 66 | 8.1 | 4 | 0.5 |
| Wyoming | 200 | 160 | 80.0 | 17 | 8.5 | 4 | 2.0 | 14 | 7.0 | 5 | 2.5 |
| ELEVENTH CIRCUIT | 6,399 | 4,769 | 74.5 | 1,274 | 19.9 | 16 | 0.3 | 290 | 4.5 | 50 | 0.8 |
| Alabama | | | | | | | | | | | |
| Middle | 167 | 111 | 66.5 | 47 | 28.1 | 1 | 0.6 | 7 | 4.2 | 1 | 0.6 |
| Northern | 482 | 362 | 75.1 | 102 | 21.2 | 1 | 0.2 | 12 | 2.5 | 5 | 1.0 |
| Southern | 318 | 234 | 73.6 | 64 | 20.1 | 6 | 1.9 | 13 | 4.1 | 1 | 0.3 |
| Florida | | | | | | | | | | | |
| Middle | 1,517 | 1,000 | 65.9 | 413 | 27.2 | 2 | 0.1 | 95 | 6.3 | 7 | 0.5 |
| Northern | 364 | 226 | 62.1 | 127 | 34.9 | 0 | 0.0 | 9 | 2.5 | 2 | 0.5 |
| Southern | 2,144 | 1,792 | 83.6 | 248 | 11.6 | 1 | 0.0 | 83 | 3.9 | 20 | 0.9 |
| Georgia | | | | | | | | | | | |
| Middle | 391 | 284 | 72.6 | 90 | 23.0 | 3 | 0.8 | 8 | 2.0 | 6 | 1.5 |
| Northern | 722 | 545 | 75.5 | 120 | 16.6 | 2 | 0.3 | 51 | 7.1 | 4 | 0.6 |
| Southern | 294 | 215 | 73.1 | 63 | 21.4 | 0 | 0.0 | 12 | 4.1 | 4 | 1.4 |

Of the 70,258 guideline cases, 481 cases with no analogous guidelines were excluded from the table. Of the remaining 69,777 cases, 4,606 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Southern California (32.3%), Central California (29.6%), Southern Georgia (27.8%), Eastern Virginia (24.4%), Maryland (19.8%), Middle Georgia (16.6%), Western Washington (15.0%), Southern New York (9.9%), Eastern New York (9.5%), Southern Florida (8.8%), Colorado (8.2%), Oregon (7.3%), Northern California (7.2%), Western Kentucky (7.2%), Wyoming (7.0%), Northern New York (6.3%), Utah (5.8%), Northern Georgia (5.7%), Virgin Islands (5.3%), Eastern California (5.2%), and Eastern North Carolina (5.1%).

This data was collected prior to the issuance of AO Form 245B, Revision 12/03, which now provides specific entries for the sentencing court to indicate whether a departure was initiated by one of the parties. As a result, the Commission could not definitively determine the attribution for every case. However, based on a review of the available sentencing documentation by USSC legal staff the Commission believes that the overwhelming majority of the government initiated departures listed in this table are properly categorized. For a list of the reasons used in the category see Table 25 in the 2003 Sourcebook of Federal Sentencing Statistics.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2003**

National

| PRIMARY OFFENSE | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | GOVERNMENT INITIATED DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------------|---------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------------|------------|--------------------------|------------|------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| TOTAL | 64,990 | 45,124 | 69.4 | 10,323 | 15.9 | 4,116 | 6.3 | 4,887 | 7.5 | 540 | 0.8 |
| Robbery | 1,470 | 1,082 | 73.6 | 215 | 14.6 | 17 | 1.2 | 135 | 9.2 | 21 | 1.4 |
| Drugs - Trafficking | 24,060 | 14,678 | 61.0 | 6,579 | 27.3 | 1,153 | 4.8 | 1,599 | 6.6 | 51 | 0.2 |
| Drugs - Simple Possession | 1,038 | 922 | 88.8 | 9 | 0.9 | 2 | 0.2 | 8 | 0.8 | 97 | 9.3 |
| Firearms | 6,445 | 4,968 | 77.1 | 783 | 12.1 | 88 | 1.4 | 521 | 8.1 | 85 | 1.3 |
| Larceny | 2,207 | 1,910 | 86.5 | 143 | 6.5 | 13 | 0.6 | 123 | 5.6 | 18 | 0.8 |
| Fraud | 6,864 | 5,136 | 74.8 | 1,090 | 15.9 | 57 | 0.8 | 502 | 7.3 | 79 | 1.2 |
| Embezzlement | 726 | 609 | 83.9 | 41 | 5.6 | 2 | 0.3 | 74 | 10.2 | 0 | 0.0 |
| Forgery/Counterfeiting | 1,214 | 984 | 81.1 | 149 | 12.3 | 11 | 0.9 | 62 | 5.1 | 8 | 0.7 |
| Immigration | 13,931 | 9,762 | 70.1 | 364 | 2.6 | 2,551 | 18.3 | 1,210 | 8.7 | 44 | 0.3 |
| Other Miscellaneous Offenses | 7,035 | 5,073 | 72.1 | 950 | 13.5 | 222 | 3.2 | 653 | 9.3 | 137 | 1.9 |

Montana

| PRIMARY OFFENSE | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | GOVERNMENT INITIATED DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------------|------------|----------------------------------|-------------|----------------------------------|------------|--------------------------------|------------|--------------------------|------------|------------------|------------|
| | | n | % | n | % | n | % | n | % | n | % |
| TOTAL | 343 | 287 | 83.7 | 34 | 9.9 | 1 | 0.3 | 15 | 4.4 | 6 | 1.7 |
| Robbery | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Trafficking | 121 | 91 | 75.2 | 24 | 19.8 | 0 | 0.0 | 4 | 3.3 | 2 | 1.7 |
| Drugs - Simple Possession | 3 | 3 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Firearms | 38 | 32 | 84.2 | 4 | 10.5 | 0 | 0.0 | 2 | 5.3 | 0 | 0.0 |
| Larceny | 15 | 13 | 86.7 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 2 | 13.3 |
| Fraud | 21 | 19 | 90.5 | 0 | 0.0 | 0 | 0.0 | 2 | 9.5 | 0 | 0.0 |
| Embezzlement | 5 | 4 | 80.0 | 1 | 20.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 16 | 14 | 87.5 | 1 | 6.3 | 0 | 0.0 | 0 | 0.0 | 1 | 6.3 |
| Immigration | 29 | 26 | 89.7 | 0 | 0.0 | 0 | 0.0 | 3 | 10.3 | 0 | 0.0 |
| Other Miscellaneous Offenses | 93 | 83 | 89.2 | 4 | 4.3 | 1 | 1.1 | 4 | 4.3 | 1 | 1.1 |

Of the 70,258 guideline cases, 5,268 cases were excluded due to one or more of the following reasons: no analogous guidelines (481), missing or indeterminable departure information (4,606) or missing primary offense category (578).

Of the 351 guideline cases from the District of Montana, eight cases were excluded due to one or both of the following reasons: missing or indeterminable departure information (8) or missing primary offense category (5).

This data was collected prior to the issuance of AO Form 245B, Revision 12/03, which now provides specific entries for the sentencing court to indicate whether a departure was initiated by one of the parties. As a result, the Commission could not definitively determine the attribution for every case. However, based on a review of the available sentencing documentation by USSC legal staff the Commission believes that the overwhelming majority of the government initiated departures listed in this table are properly categorized. For a list of the reasons used in the category see Table 25 in the 2003 Sourcebook of Federal Sentencing Statistics.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2003 Datafile, OPAFY03.