

United States Sentencing Commission



Statistical Information Packet

Fiscal Year 2006

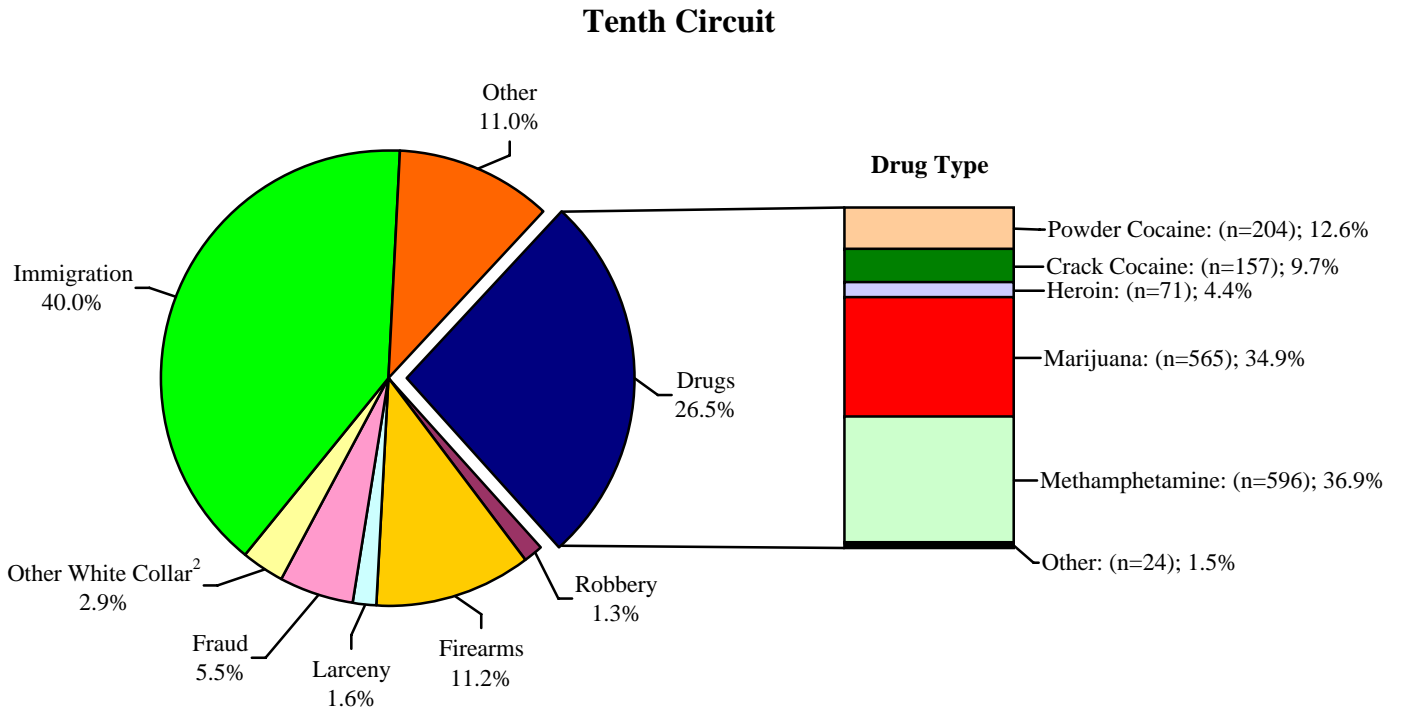
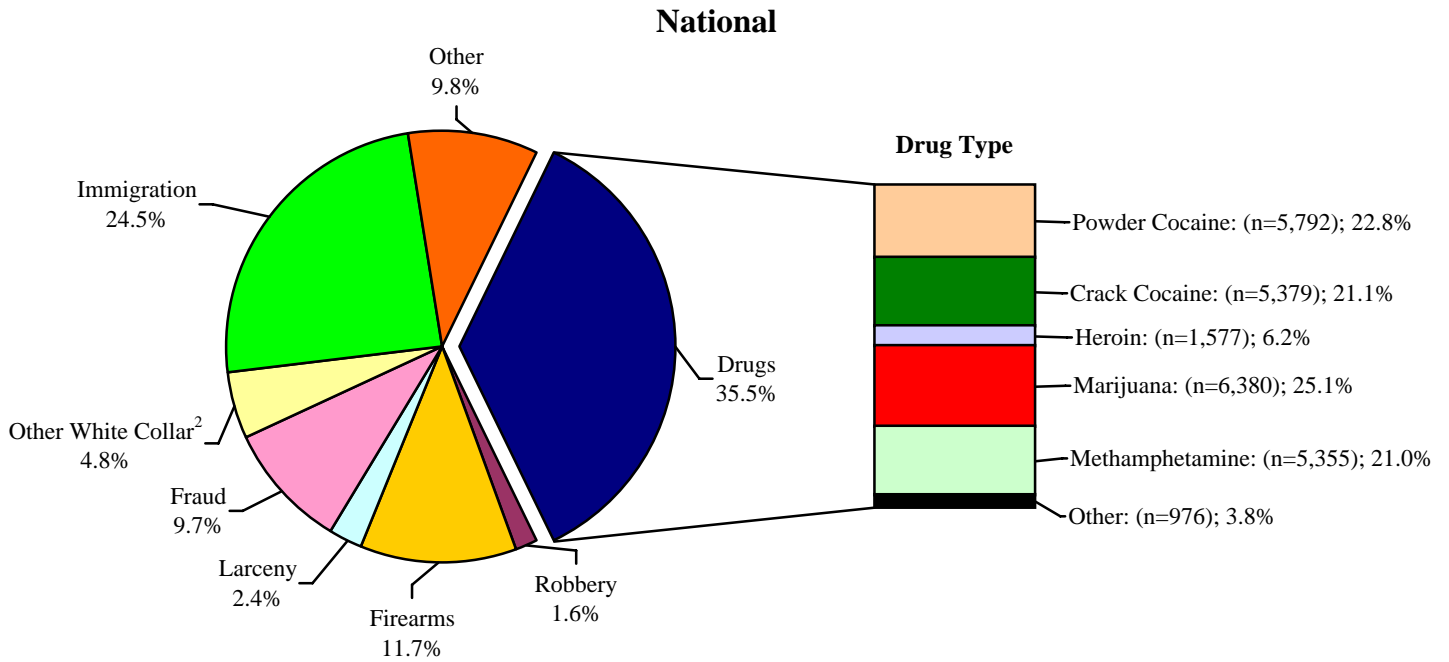
Tenth Circuit

TABLE OF CONTENTS

Figure A	Guideline Defendants Sentenced by Primary Offense	1
Table 1	Distribution of Guideline Defendants Sentenced by Primary Offense Category	2
Table 2	Mode of Conviction by Circuit and District	3
Table 3	Mode of Conviction by Primary Offense Category	6
Table 4	Type of Sentence Imposed by Primary Offense Category (National)	7
Table 5	Type of Sentence Imposed by Primary Offense Category (District)	8
Table 6	Incarceration Rate of Defendants Eligible for Non-Prison Sentences by Primary Offense Category	9
Table 7	Average Length of Imprisonment by Primary Offense	10
Table 8	Comparison of Sentence Imposed and Position Relative to the Guideline Range	11
Table 9	Guideline Departure Rate by Circuit and District	12
Table 10	Guideline Departure Rate by Primary Offense Category	18

Figure A

DISTRIBUTION OF SENTENCED GUIDELINE DEFENDANTS BY SELECT PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2006



¹Of the 72,585 guideline cases, 875 cases were excluded due to one of the following reasons: missing primary offense category (67) or missing drug type (808). Of the 6,189 guideline cases from the Tenth Circuit, 86 cases were excluded due to one of the following reasons: missing primary offense category (3) or missing drug type (83).

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 2006**

PRIMARY OFFENSE	National		Tenth Circuit	
	Number	Percent	Number	Percent
TOTAL	72,518	100.0	6,186	100.0
Murder	81	0.1	10	0.2
Manslaughter	60	0.1	9	0.1
Kidnapping/Hostage Taking	61	0.1	3	0.0
Sexual Abuse	265	0.4	54	0.9
Assault	620	0.9	93	1.5
Robbery	1,166	1.6	77	1.2
Arson	72	0.1	6	0.1
Drugs - Trafficking	25,086	34.6	1,542	24.9
Drugs - Communication Facility	412	0.6	33	0.5
Drugs - Simple Possession	769	1.1	125	2.0
Firearms	8,384	11.6	685	11.1
Burglary/B&E	48	0.1	2	0.0
Auto Theft	62	0.1	1	0.0
Larceny	1,714	2.4	98	1.6
Fraud	6,958	9.6	334	5.4
Embezzlement	584	0.8	56	0.9
Forgery/Counterfeiting	1,172	1.6	54	0.9
Bribery	184	0.3	8	0.1
Tax	608	0.8	35	0.6
Money Laundering	912	1.3	25	0.4
Racketeering/Extortion	622	0.9	39	0.6
Gambling/Lottery	116	0.2	0	0.0
Civil Rights	68	0.1	6	0.1
Immigration	17,574	24.2	2,441	39.5
Pornography/Prostitution	1,293	1.8	95	1.5
Prison Offenses	346	0.5	22	0.4
Administration of Justice Offenses	1,112	1.5	93	1.5
Environmental/Wildlife	177	0.2	14	0.2
National Defense	36	0.0	0	0.0
Antitrust	12	0.0	0	0.0
Food & Drug	64	0.1	2	0.0
Other Miscellaneous Offenses	1,880	2.6	224	3.6

Of the 72,585 guideline cases, 67 cases were excluded due to missing information on primary offense category.

Of the 6,189 guideline cases from the Tenth Circuit, three cases were excluded due to missing information on primary offense category.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 2

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT
Fiscal Year 2006**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	72,510	69,403	95.7	3,107	4.3
D.C. CIRCUIT	459	402	87.6	57	12.4
District of Columbia	459	402	87.6	57	12.4
FIRST CIRCUIT	1,635	1,504	92.0	131	8.0
Maine	205	195	95.1	10	4.9
Massachusetts	516	460	89.1	56	10.9
New Hampshire	219	212	96.8	7	3.2
Puerto Rico	569	521	91.6	48	8.4
Rhode Island	126	116	92.1	10	7.9
SECOND CIRCUIT	4,435	4,224	95.2	211	4.8
Connecticut	362	354	97.8	8	2.2
New York					
Eastern	1,104	1,041	94.3	63	5.7
Northern	409	398	97.3	11	2.7
Southern	1,762	1,663	94.4	99	5.6
Western	596	573	96.1	23	3.9
Vermont	202	195	96.5	7	3.5
THIRD CIRCUIT	3,015	2,814	93.3	201	6.7
Delaware	101	95	94.1	6	5.9
New Jersey	941	902	95.9	39	4.1
Pennsylvania					
Eastern	863	759	87.9	104	12.1
Middle	499	488	97.8	11	2.2
Western	494	466	94.3	28	5.7
Virgin Islands	117	104	88.9	13	11.1
FOURTH CIRCUIT	6,698	6,342	94.7	356	5.3
Maryland	670	608	90.7	62	9.3
North Carolina					
Eastern	674	651	96.6	23	3.4
Middle	416	399	95.9	17	4.1
Western	812	776	95.6	36	4.4
South Carolina	1,141	1,112	97.5	29	2.5
Virginia					
Eastern	1,740	1,634	93.9	106	6.1
Western	599	554	92.5	45	7.5
West Virginia					
Northern	377	355	94.2	22	5.8
Southern	269	253	94.1	16	5.9

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
FIFTH CIRCUIT	15,749	15,334	97.4	415	2.6
Louisiana					
Eastern	366	354	96.7	12	3.3
Middle	172	171	99.4	1	0.6
Western	493	464	94.1	29	5.9
Mississippi					
Northern	174	162	93.1	12	6.9
Southern	386	355	92.0	31	8.0
Texas					
Eastern	845	820	97.0	25	3.0
Northern	1,068	1,001	93.7	67	6.3
Southern	6,264	6,129	97.8	135	2.2
Western	5,981	5,878	98.3	103	1.7
SIXTH CIRCUIT	5,220	4,950	94.8	270	5.2
Kentucky					
Eastern	530	506	95.5	24	4.5
Western	445	425	95.5	20	4.5
Michigan					
Eastern	793	751	94.7	42	5.3
Western	435	408	93.8	27	6.2
Ohio					
Northern	976	939	96.2	37	3.8
Southern	709	681	96.1	28	3.9
Tennessee					
Eastern	528	492	93.2	36	6.8
Middle	296	274	92.6	22	7.4
Western	508	474	93.3	34	6.7
SEVENTH CIRCUIT	3,078	2,852	92.7	226	7.3
Illinois					
Central	332	319	96.1	13	3.9
Northern	1,104	1,003	90.9	101	9.1
Southern	374	354	94.7	20	5.3
Indiana					
Northern	405	374	92.3	31	7.7
Southern	315	290	92.1	25	7.9
Wisconsin					
Eastern	328	303	92.4	25	7.6
Western	220	209	95.0	11	5.0
EIGHTH CIRCUIT	5,195	4,983	95.9	212	4.1
Arkansas					
Eastern	380	362	95.3	18	4.7
Western	186	184	98.9	2	1.1
Iowa					
Northern	421	391	92.9	30	7.1
Southern	366	343	93.7	23	6.3
Minnesota	558	522	93.5	36	6.5
Missouri					
Eastern	987	968	98.1	19	1.9
Western	911	883	96.9	28	3.1
Nebraska	703	681	96.9	22	3.1
North Dakota	252	240	95.2	12	4.8
South Dakota	431	409	94.9	22	5.1

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
NINTH CIRCUIT	13,746	13,310	96.8	436	3.2
Alaska	146	133	91.1	13	8.9
Arizona	4,308	4,225	98.1	83	1.9
California					
Central	1,590	1,524	95.8	66	4.2
Eastern	1,043	1,024	98.2	19	1.8
Northern	662	630	95.2	32	4.8
Southern	2,637	2,559	97.0	78	3.0
Guam	82	77	93.9	5	6.1
Hawaii	452	440	97.3	12	2.7
Idaho	263	256	97.3	7	2.7
Montana	434	384	88.5	50	11.5
Nevada	392	371	94.6	21	5.4
Northern Mariana Islands	11	9	81.8	2	18.2
Oregon	526	514	97.7	12	2.3
Washington					
Eastern	363	352	97.0	11	3.0
Western	837	812	97.0	25	3.0
TENTH CIRCUIT	6,182	5,993	96.9	189	3.1
Colorado	682	663	97.2	19	2.8
Kansas	701	665	94.9	36	5.1
New Mexico	2,842	2,798	98.5	44	1.5
Oklahoma					
Eastern	80	67	83.8	13	16.3
Northern	202	186	92.1	16	7.9
Western	354	338	95.5	16	4.5
Utah	976	938	96.1	38	3.9
Wyoming	345	338	98.0	7	2.0
ELEVENTH CIRCUIT	7,098	6,695	94.3	403	5.7
Alabama					
Middle	252	242	96.0	10	4.0
Northern	517	495	95.7	22	4.3
Southern	394	369	93.7	25	6.3
Florida					
Middle	1,723	1,647	95.6	76	4.4
Northern	429	395	92.1	34	7.9
Southern	2,029	1,900	93.6	129	6.4
Georgia					
Middle	493	473	95.9	20	4.1
Northern	757	699	92.3	58	7.7
Southern	504	475	94.2	29	5.8

Of the 72,585 guideline cases, 75 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 3

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2006**

PRIMARY OFFENSE	TOTAL	National				Tenth Circuit			
		PLEA		TRIAL		PLEA		TRIAL	
		n	%	n	%	n	%	n	%
TOTAL	72,506	69,399	95.7	3,107	4.3	5,992	96.9	189	3.1
Murder	81	55	67.9	26	32.1	7	70.0	3	30.0
Manslaughter	60	55	91.7	5	8.3	8	88.9	1	11.1
Kidnapping/Hostage Taking	61	46	75.4	15	24.6	3	100.0	0	0.0
Sexual Abuse	265	237	89.4	28	10.6	54	100.0	0	0.0
Assault	618	556	90.0	62	10.0	84	92.3	7	7.7
Robbery	1,166	1,111	95.3	55	4.7	76	98.7	1	1.3
Arson	72	64	88.9	8	11.1	5	83.3	1	16.7
Drugs - Trafficking	25,086	23,958	95.5	1,128	4.5	1,476	95.7	66	4.3
Drugs - Communication Facility	412	410	99.5	2	0.5	33	100.0	0	0.0
Drugs - Simple Possession	768	736	95.8	32	4.2	121	97.6	3	2.4
Firearms	8,384	7,749	92.4	635	7.6	649	94.7	36	5.3
Burglary/B&E	48	46	95.8	2	4.2	2	100.0	0	0.0
Auto Theft	62	57	91.9	5	8.1	1	100.0	0	0.0
Larceny	1,714	1,670	97.4	44	2.6	95	96.9	3	3.1
Fraud	6,957	6,602	94.9	355	5.1	313	93.7	21	6.3
Embezzlement	583	567	97.3	16	2.7	55	100.0	0	0.0
Forgery/Counterfeiting	1,172	1,150	98.1	22	1.9	53	98.1	1	1.9
Bribery	184	175	95.1	9	4.9	8	100.0	0	0.0
Tax	608	543	89.3	65	10.7	26	74.3	9	25.7
Money Laundering	912	835	91.6	77	8.4	23	92.0	2	8.0
Racketeering/Extortion	622	551	88.6	71	11.4	39	100.0	0	0.0
Gambling/Lottery	116	116	100.0	0	0.0	0	--	0	--
Civil Rights	68	56	82.4	12	17.6	3	50.0	3	50.0
Immigration	17,570	17,345	98.7	225	1.3	2,427	99.5	13	0.5
Pornography/Prostitution	1,293	1,240	95.9	53	4.1	91	95.8	4	4.2
Prison Offenses	346	337	97.4	9	2.6	22	100.0	0	0.0
Administration of Justice Offenses	1,112	1,072	96.4	40	3.6	89	95.7	4	4.3
Environmental/Wildlife	177	168	94.9	9	5.1	14	100.0	0	0.0
National Defense	36	29	80.6	7	19.4	0	--	0	--
Antitrust	12	12	100.0	0	0.0	0	--	0	--
Food & Drug	64	61	95.3	3	4.7	2	100.0	0	0.0
Other Miscellaneous Offenses	1,877	1,790	95.4	87	4.6	213	95.1	11	4.9

Of the 72,585 guideline cases, 79 cases were excluded due to one or both of the following reasons: missing primary offense category (67) or missing mode of conviction (75).

Of the 6,189 guideline cases from the Tenth Circuit, eight cases were excluded due to one or both of the following reasons: missing primary offense category (3) or missing mode of conviction (7).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 4
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2006

National

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	71,865	61,561	85.7	2,094	2.9	2,836	3.9	5,374	7.5
Murder	80	79	98.8	0	0.0	1	1.3	0	0.0
Manslaughter	60	58	96.7	1	1.7	0	0.0	1	1.7
Kidnapping/Hostage Taking	61	60	98.4	1	1.6	0	0.0	0	0.0
Sexual Abuse	264	254	96.2	4	1.5	1	0.4	5	1.9
Assault	611	485	79.4	26	4.3	34	5.6	66	10.8
Robbery	1,163	1,113	95.7	20	1.7	13	1.1	17	1.5
Arson	70	65	92.9	1	1.4	2	2.9	2	2.9
Drugs - Trafficking	25,055	23,840	95.2	480	1.9	321	1.3	414	1.7
Drugs - Communication Facility	411	345	83.9	10	2.4	20	4.9	36	8.8
Drugs - Simple Possession	684	308	45.0	12	1.8	21	3.1	343	50.1
Firearms	8,364	7,674	91.8	201	2.4	240	2.9	249	3.0
Burglary/B&E	48	37	77.1	4	8.3	2	4.2	5	10.4
Auto Theft	62	53	85.5	1	1.6	5	8.1	3	4.8
Larceny	1,598	643	40.2	92	5.8	241	15.1	622	38.9
Fraud	6,905	4,234	61.3	520	7.5	828	12.0	1,323	19.2
Embezzlement	578	229	39.6	70	12.1	80	13.8	199	34.4
Forgery/Counterfeiting	1,168	729	62.4	63	5.4	138	11.8	238	20.4
Bribery	183	91	49.7	18	9.8	41	22.4	33	18.0
Tax	601	282	46.9	82	13.6	95	15.8	142	23.6
Money Laundering	910	693	76.2	38	4.2	84	9.2	95	10.4
Racketeering/Extortion	620	562	90.6	15	2.4	18	2.9	25	4.0
Gambling/Lottery	116	28	24.1	12	10.3	43	37.1	33	28.4
Civil Rights	68	40	58.8	1	1.5	12	17.6	15	22.1
Immigration	17,527	16,767	95.7	239	1.4	193	1.1	328	1.9
Pornography/Prostitution	1,291	1,235	95.7	28	2.2	13	1.0	15	1.2
Prison Offenses	346	309	89.3	17	4.9	10	2.9	10	2.9
Administration of Justice Offenses	1,095	651	59.5	61	5.6	117	10.7	266	24.3
Environmental/Wildlife	167	40	24.0	3	1.8	35	21.0	89	53.3
National Defense	36	29	80.6	5	13.9	1	2.8	1	2.8
Antitrust	12	3	25.0	5	41.7	3	25.0	1	8.3
Food & Drug	61	15	24.6	2	3.3	7	11.5	37	60.7
Other Miscellaneous Offenses	1,650	610	37.0	62	3.8	217	13.2	761	46.1

Of the 72,585 guideline cases, 720 cases were excluded due to one or more of the following reasons: missing sentencing information (211), missing primary offense category (67), or cases in which the defendant received no imprisonment or probation (507).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 5
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2006

Tenth Circuit

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	6,074	5,395	88.8	128	2.1	132	2.2	419	6.9
Murder	10	9	90.0	0	0.0	1	10.0	0	0.0
Manslaughter	9	8	88.9	0	0.0	0	0.0	1	11.1
Kidnapping/Hostage Taking	3	3	100.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	54	52	96.3	1	1.9	0	0.0	1	1.9
Assault	90	71	78.9	6	6.7	6	6.7	7	7.8
Robbery	77	74	96.1	1	1.3	0	0.0	2	2.6
Arson	5	3	60.0	0	0.0	0	0.0	2	40.0
Drugs - Trafficking	1,539	1,472	95.6	32	2.1	18	1.2	17	1.1
Drugs - Communication Facility	33	28	84.8	3	9.1	1	3.0	1	3.0
Drugs - Simple Possession	113	30	26.5	0	0.0	3	2.7	80	70.8
Firearms	683	630	92.2	20	2.9	14	2.0	19	2.8
Burglary/B&E	2	2	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	98	39	39.8	3	3.1	12	12.2	44	44.9
Fraud	330	206	62.4	29	8.8	26	7.9	69	20.9
Embezzlement	55	27	49.1	3	5.5	6	10.9	19	34.5
Forgery/Counterfeiting	54	34	63.0	3	5.6	6	11.1	11	20.4
Bribery	8	4	50.0	1	12.5	1	12.5	2	25.0
Tax	34	22	64.7	5	14.7	3	8.8	4	11.8
Money Laundering	25	20	80.0	3	12.0	1	4.0	1	4.0
Racketeering/Extortion	39	39	100.0	0	0.0	0	0.0	0	0.0
Gambling/Lottery	0	0	--	0	--	0	--	0	--
Civil Rights	6	5	83.3	0	0.0	0	0.0	1	16.7
Immigration	2,432	2,396	98.5	11	0.5	11	0.5	14	0.6
Pornography/Prostitution	95	91	95.8	1	1.1	3	3.2	0	0.0
Prison Offenses	22	20	90.9	1	4.5	0	0.0	1	4.5
Administration of Justice Offenses	84	56	66.7	3	3.6	7	8.3	18	21.4
Environmental/Wildlife	12	3	25.0	0	0.0	2	16.7	7	58.3
National Defense	0	0	--	0	--	0	--	0	--
Antitrust	0	0	--	0	--	0	--	0	--
Food & Drug	2	1	50.0	0	0.0	0	0.0	1	50.0
Other Miscellaneous Offenses	159	49	30.8	2	1.3	11	6.9	97	61.0

Of the 6,189 guideline cases from the Tenth Circuit, 115 cases were excluded due to one or more of the following reasons: missing sentencing information (21), missing primary offense category (3), or cases in which the defendant received no imprisonment or probation (94).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 6

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2006**

PRIMARY OFFENSE	TOTAL	National				Tenth Circuit			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	11,628	6,485	55.8	5,143	44.2	1,106	78.6	302	21.4
Fraud	2,393	923	38.6	1,470	61.4	45	36.6	78	63.4
Larceny	987	223	22.6	764	77.4	9	19.1	38	80.9
Immigration	4,511	4,101	90.9	410	9.1	935	98.1	18	1.9
Embezzlement	313	71	22.7	242	77.3	9	29.0	22	71.0
Drugs - Trafficking	474	209	44.1	265	55.9	24	66.7	12	33.3
Drugs - Simple Possession	493	180	36.5	313	63.5	23	31.9	49	68.1
Firearms	326	170	52.1	156	47.9	16	69.6	7	30.4
Forgery/Counterfeiting	421	141	33.5	280	66.5	7	33.3	14	66.7
Other Miscellaneous Offenses	1,710	467	27.3	1,243	72.7	38	37.3	64	62.7

Of the 72,585 guideline cases, 60,957 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (60,953), missing sentencing information (211) or missing primary offense category (67).

Of the 6,189 guideline cases from the Tenth Circuit, 4,781 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (4,781), missing sentencing information (21) or missing primary offense category (3).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 7

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2006**

PRIMARY OFFENSE	National			Tenth Circuit		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
TOTAL	59.1	36.0	62,963	42.6	24.0	5,493
Murder	253.1	240.0	77	185.3	180.0	9
Manslaughter	46.7	37.0	59	39.9	31.5	8
Kidnapping/Hostage Taking	216.5	204.0	61	116.0	60.0	3
Sexual Abuse	103.5	60.0	256	81.4	60.0	51
Assault	41.3	30.0	502	39.6	33.0	76
Robbery	91.5	70.0	1,131	80.8	63.0	75
Arson	82.7	60.0	66	120.0	60.0	3
Drugs - Trafficking	84.4	60.0	24,248	71.0	51.0	1,502
Drugs - Communication Facility	47.0	48.0	354	36.2	48.0	31
Drugs - Simple Possession	16.1	4.0	294	8.3	2.5	27
Firearms	82.1	56.0	7,851	69.4	42.0	648
Burglary/B&E	19.7	16.0	41	--	--	2
Auto Theft	86.4	42.0	53	--	--	1
Larceny	18.3	12.0	728	23.8	18.0	41
Fraud	26.2	18.0	4,637	26.5	18.0	233
Embezzlement	15.1	12.0	294	16.4	12.0	30
Forgery/Counterfeiting	22.4	15.0	777	17.1	15.0	37
Bribery	20.9	15.0	108	10.6	8.0	5
Tax	22.4	15.0	361	38.7	33.0	27
Money Laundering	43.9	30.0	726	48.4	30.0	23
Racketeering/Extortion	95.6	60.0	576	59.8	60.0	39
Gambling/Lottery	12.7	8.5	39	--	--	0
Civil Rights	66.3	21.0	40	175.2	120.0	5
Immigration	23.5	18.0	16,653	16.8	11.2	2,394
Pornography/Prostitution	98.6	63.0	1,262	85.7	66.5	92
Prison Offenses	18.5	12.0	324	16.4	12.0	21
Administration of Justice Offenses	26.9	18.0	694	33.9	21.0	56
Environmental/Wildlife	15.1	13.5	42	8.3	6.0	3
National Defense	49.2	29.0	34	--	--	0
Antitrust	5.8	5.0	8	--	--	0
Food & Drug	25.2	19.0	16	--	--	0
Other Miscellaneous Offenses	18.8	6.0	651	17.3	1.5	51

Of the 72,585 guideline cases, 9,622 cases were excluded for one or more of the following reasons: zero months prison ordered (8,871), missing primary offense category (67) or missing or indeterminable sentencing information (751).

Of the 6,189 guideline cases from the Tenth Circuit, 696 cases were excluded due to one or more of the following reasons: zero prison months ordered (577), missing primary offense category (3) or missing or indeterminable sentencing information (119).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 8

**COMPARISON OF SENTENCE IMPOSED AND POSITION
RELATIVE TO THE GUIDELINE RANGE
Fiscal Year 2006**

	National		Tenth Circuit	
	N	%	N	%
TOTAL CASES¹	70,187	100.0	5,974	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	43,307	61.7	3,705	62.0
CASES SENTENCED ABOVE GUIDELINE RANGE	1,129	1.6	82	1.4
DEPARTURE ABOVE GUIDELINE RANGE	589	0.9	27	0.4
Upward Departure From Guideline Range ²	412	0.6	25	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	177	0.3	2	0.0
OTHERWISE ABOVE GUIDELINE RANGE	540	0.7	55	1.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	455	0.6	39	0.7
All Remaining Cases Above Guideline Range ⁵	85	0.1	16	0.3
GOVERNMENT SPONSORED BELOW RANGE⁶	17,244	24.6	1,510	25.3
§5K1.1 Substantial Assistance Departure	10,139	14.4	521	8.7
§5K3.1 Early Disposition Program Departure	5,166	7.4	553	9.3
Other Government Sponsored Below Range	1,939	2.8	436	7.3
NON-GOVERNMENT SPONSORED BELOW RANGE	8,507	12.0	677	11.4
DEPARTURE BELOW GUIDELINE RANGE	3,335	4.7	315	5.3
Downward Departure From Guideline Range ²	1,903	2.7	202	3.4
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	1,432	2.0	113	1.9
OTHERWISE BELOW GUIDELINE RANGE	5,172	7.3	362	6.1
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	4,243	6.0	299	5.0
All Remaining Cases Below Guideline Range ⁵	929	1.3	63	1.1

¹Of the 72,585 guideline cases, 2,398 were excluded. Some excluded cases involved certain Class A misdemeanors or other offenses which do not reference a sentencing guideline. In others, information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Note that for this table, total percentages may not add up to exactly 100 percent due to rounding. Of the 6,189 cases from the Tenth Circuit, 215 cases were excluded.

²All cases with departures in which the court did not indicate as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

³All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

⁴All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

⁵All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

⁶Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 9

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT
Fiscal Year 2006**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
TOTAL	70,187	43,307	61.7	412	0.6	177	0.3	455	0.6	85	0.1
D.C. CIRCUIT	456	237	52.0	5	1.1	3	0.7	5	1.1	1	0.2
District of Columbia	456	237	52.0	5	1.1	3	0.7	5	1.1	1	0.2
FIRST CIRCUIT	1,620	1,096	67.7	6	0.4	3	0.2	13	0.8	2	0.1
Maine	205	143	69.8	1	0.5	0	0.0	1	0.5	0	0.0
Massachusetts	509	291	57.2	2	0.4	0	0.0	4	0.8	0	0.0
New Hampshire	218	126	57.8	1	0.5	1	0.5	2	0.9	0	0.0
Puerto Rico	564	460	81.6	1	0.2	1	0.2	5	0.9	1	0.2
Rhode Island	124	76	61.3	1	0.8	1	0.8	1	0.8	1	0.8
SECOND CIRCUIT	4,387	2,247	51.2	25	0.6	7	0.2	14	0.3	5	0.1
Connecticut	360	172	47.8	6	1.7	0	0.0	0	0.0	1	0.3
New York											
Eastern	1,099	457	41.6	7	0.6	3	0.3	7	0.6	2	0.2
Northern	388	213	54.9	1	0.3	0	0.0	0	0.0	1	0.3
Southern	1,752	1,020	58.2	2	0.1	3	0.2	2	0.1	1	0.1
Western	586	306	52.2	6	1.0	1	0.2	5	0.9	0	0.0
Vermont	202	79	39.1	3	1.5	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	2,972	1,596	53.7	6	0.2	9	0.3	22	0.7	3	0.1
Delaware	101	66	65.3	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	924	468	50.6	0	0.0	0	0.0	3	0.3	2	0.2
Pennsylvania											
Eastern	840	354	42.1	1	0.1	6	0.7	5	0.6	0	0.0
Middle	497	258	51.9	4	0.8	1	0.2	5	1.0	0	0.0
Western	494	357	72.3	1	0.2	1	0.2	8	1.6	0	0.0
Virgin Islands	116	93	80.2	0	0.0	1	0.9	1	0.9	1	0.9
FOURTH CIRCUIT	6,301	4,412	70.0	36	0.6	22	0.3	40	0.6	4	0.1
Maryland	626	333	53.2	7	1.1	0	0.0	5	0.8	1	0.2
North Carolina											
Eastern	648	389	60.0	3	0.5	2	0.3	1	0.2	0	0.0
Middle	416	307	73.8	3	0.7	0	0.0	1	0.2	0	0.0
Western	807	515	63.8	2	0.2	0	0.0	5	0.6	0	0.0
South Carolina	1,139	806	70.8	6	0.5	0	0.0	7	0.6	3	0.3
Virginia											
Eastern	1,424	1,133	79.6	10	0.7	18	1.3	12	0.8	0	0.0
Western	595	388	65.2	5	0.8	1	0.2	3	0.5	0	0.0
West Virginia											
Northern	377	313	83.0	0	0.0	0	0.0	3	0.8	0	0.0
Southern	269	228	84.8	0	0.0	1	0.4	3	1.1	0	0.0

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/BOOKER		BELOW RANGE DEPARTURE W/BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	10,139	14.4	5,166	7.4	1,939	2.8	1,903	2.7	1,432	2.0	4,243	6.0	929	1.3
D.C. CIRCUIT	84	18.4	0	0.0	52	11.4	7	1.5	16	3.5	41	9.0	5	1.1
District of Columbia	84	18.4	0	0.0	52	11.4	7	1.5	16	3.5	41	9.0	5	1.1
FIRST CIRCUIT	220	13.6	0	0.0	46	2.8	51	3.1	27	1.7	131	8.1	25	1.5
Maine	45	22.0	0	0.0	1	0.5	6	2.9	1	0.5	7	3.4	0	0.0
Massachusetts	70	13.8	0	0.0	16	3.1	32	6.3	17	3.3	66	13.0	11	2.2
New Hampshire	57	26.1	0	0.0	15	6.9	5	2.3	1	0.5	9	4.1	1	0.5
Puerto Rico	38	6.7	0	0.0	12	2.1	6	1.1	6	1.1	22	3.9	12	2.1
Rhode Island	10	8.1	0	0.0	2	1.6	2	1.6	2	1.6	27	21.8	1	0.8
SECOND CIRCUIT	931	21.2	0	0.0	101	2.3	236	5.4	234	5.3	479	10.9	108	2.5
Connecticut	70	19.4	0	0.0	1	0.3	47	13.1	23	6.4	33	9.2	7	1.9
New York														
Eastern	255	23.2	0	0.0	36	3.3	71	6.5	112	10.2	115	10.5	34	3.1
Northern	111	28.6	0	0.0	8	2.1	23	5.9	7	1.8	24	6.2	0	0.0
Southern	237	13.5	0	0.0	30	1.7	63	3.6	75	4.3	263	15.0	56	3.2
Western	184	31.4	0	0.0	22	3.8	7	1.2	3	0.5	41	7.0	11	1.9
Vermont	74	36.6	0	0.0	4	2.0	25	12.4	14	6.9	3	1.5	0	0.0
THIRD CIRCUIT	815	27.4	0	0.0	55	1.9	86	2.9	65	2.2	273	9.2	42	1.4
Delaware	9	8.9	0	0.0	0	0.0	6	5.9	4	4.0	13	12.9	3	3.0
New Jersey	301	32.6	0	0.0	15	1.6	36	3.9	8	0.9	79	8.5	12	1.3
Pennsylvania														
Eastern	282	33.6	0	0.0	17	2.0	14	1.7	30	3.6	112	13.3	19	2.3
Middle	159	32.0	0	0.0	18	3.6	9	1.8	9	1.8	31	6.2	3	0.6
Western	55	11.1	0	0.0	4	0.8	18	3.6	12	2.4	36	7.3	2	0.4
Virgin Islands	9	7.8	0	0.0	1	0.9	3	2.6	2	1.7	2	1.7	3	2.6
FOURTH CIRCUIT	1,093	17.3	0	0.0	57	0.9	126	2.0	88	1.4	359	5.7	64	1.0
Maryland	167	26.7	0	0.0	16	2.6	26	4.2	19	3.0	39	6.2	13	2.1
North Carolina														
Eastern	207	31.9	0	0.0	0	0.0	15	2.3	5	0.8	19	2.9	7	1.1
Middle	65	15.6	0	0.0	1	0.2	6	1.4	10	2.4	23	5.5	0	0.0
Western	213	26.4	0	0.0	8	1.0	6	0.7	6	0.7	49	6.1	3	0.4
South Carolina	181	15.9	0	0.0	9	0.8	41	3.6	9	0.8	60	5.3	17	1.5
Virginia														
Eastern	74	5.2	0	0.0	6	0.4	18	1.3	31	2.2	100	7.0	22	1.5
Western	143	24.0	0	0.0	9	1.5	6	1.0	3	0.5	35	5.9	2	0.3
West Virginia														
Northern	23	6.1	0	0.0	6	1.6	7	1.9	4	1.1	21	5.6	0	0.0
Southern	20	7.4	0	0.0	2	0.7	1	0.4	1	0.4	13	4.8	0	0.0

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	15,661	11,569	73.9	104	0.7	36	0.2	125	0.8	19	0.1
Louisiana											
Eastern	368	285	77.4	1	0.3	3	0.8	4	1.1	0	0.0
Middle	172	135	78.5	7	4.1	1	0.6	2	1.2	0	0.0
Western	488	384	78.7	7	1.4	2	0.4	17	3.5	2	0.4
Mississippi											
Northern	173	93	53.8	1	0.6	3	1.7	3	1.7	0	0.0
Southern	376	316	84.0	0	0.0	0	0.0	5	1.3	1	0.3
Texas											
Eastern	842	676	80.3	5	0.6	2	0.2	6	0.7	2	0.2
Northern	1,065	818	76.8	15	1.4	8	0.8	21	2.0	2	0.2
Southern	6,260	4,188	66.9	30	0.5	7	0.1	24	0.4	3	0.0
Western	5,917	4,674	79.0	38	0.6	10	0.2	43	0.7	9	0.2
SIXTH CIRCUIT	5,124	2,880	56.2	18	0.4	17	0.3	37	0.7	5	0.1
Kentucky											
Eastern	523	262	50.1	1	0.2	1	0.2	7	1.3	0	0.0
Western	397	279	70.3	0	0.0	0	0.0	0	0.0	0	0.0
Michigan											
Eastern	793	395	49.8	4	0.5	1	0.1	5	0.6	2	0.3
Western	431	260	60.3	5	1.2	3	0.7	8	1.9	0	0.0
Ohio											
Northern	975	583	59.8	3	0.3	2	0.2	5	0.5	2	0.2
Southern	687	314	45.7	0	0.0	6	0.9	3	0.4	0	0.0
Tennessee											
Eastern	528	323	61.2	2	0.4	1	0.2	5	0.9	0	0.0
Middle	285	162	56.8	2	0.7	2	0.7	0	0.0	0	0.0
Western	505	302	59.8	1	0.2	1	0.2	4	0.8	1	0.2
SEVENTH CIRCUIT	3,055	1,994	65.3	11	0.4	9	0.3	8	0.3	1	0.0
Illinois											
Central	331	211	63.7	0	0.0	2	0.6	1	0.3	0	0.0
Northern	1,094	595	54.4	6	0.5	1	0.1	0	0.0	0	0.0
Southern	373	311	83.4	0	0.0	3	0.8	0	0.0	0	0.0
Indiana											
Northern	402	288	71.6	1	0.2	2	0.5	0	0.0	0	0.0
Southern	310	199	64.2	3	1.0	1	0.3	2	0.6	0	0.0
Wisconsin											
Eastern	328	192	58.5	0	0.0	0	0.0	5	1.5	0	0.0
Western	217	198	91.2	1	0.5	0	0.0	0	0.0	1	0.5
EIGHTH CIRCUIT	5,172	3,384	65.4	31	0.6	16	0.3	31	0.6	1	0.0
Arkansas											
Eastern	379	257	67.8	1	0.3	1	0.3	3	0.8	0	0.0
Western	182	122	67.0	0	0.0	0	0.0	1	0.5	0	0.0
Iowa											
Northern	418	292	69.9	12	2.9	3	0.7	8	1.9	0	0.0
Southern	366	183	50.0	0	0.0	0	0.0	6	1.6	0	0.0
Minnesota	557	282	50.6	1	0.2	2	0.4	0	0.0	0	0.0
Missouri											
Eastern	984	665	67.6	2	0.2	1	0.1	1	0.1	1	0.1
Western	904	610	67.5	3	0.3	0	0.0	7	0.8	0	0.0
Nebraska	703	494	70.3	2	0.3	0	0.0	2	0.3	0	0.0
North Dakota	249	156	62.7	1	0.4	1	0.4	1	0.4	0	0.0
South Dakota	430	323	75.1	9	2.1	8	1.9	2	0.5	0	0.0

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	1,237	7.9	1,124	7.2	305	1.9	393	2.5	75	0.5	576	3.7	98	0.6
Louisiana														
Eastern	36	9.8	0	0.0	10	2.7	5	1.4	6	1.6	15	4.1	3	0.8
Middle	21	12.2	0	0.0	0	0.0	2	1.2	1	0.6	3	1.7	0	0.0
Western	37	7.6	0	0.0	0	0.0	9	1.8	7	1.4	16	3.3	7	1.4
Mississippi														
Northern	45	26.0	0	0.0	18	10.4	5	2.9	0	0.0	5	2.9	0	0.0
Southern	28	7.4	0	0.0	3	0.8	1	0.3	2	0.5	15	4.0	5	1.3
Texas														
Eastern	60	7.1	0	0.0	21	2.5	28	3.3	18	2.1	23	2.7	1	0.1
Northern	129	12.1	0	0.0	8	0.8	4	0.4	11	1.0	44	4.1	5	0.5
Southern	454	7.3	879	14.0	201	3.2	227	3.6	18	0.3	211	3.4	18	0.3
Western	427	7.2	245	4.1	44	0.7	112	1.9	12	0.2	244	4.1	59	1.0
SIXTH CIRCUIT	1,304	25.4	1	0.0	89	1.7	136	2.7	133	2.6	418	8.2	86	1.7
Kentucky														
Eastern	209	40.0	0	0.0	2	0.4	3	0.6	8	1.5	27	5.2	3	0.6
Western	63	15.9	1	0.3	12	3.0	11	2.8	2	0.5	24	6.0	5	1.3
Michigan														
Eastern	239	30.1	0	0.0	10	1.3	23	2.9	37	4.7	68	8.6	9	1.1
Western	75	17.4	0	0.0	2	0.5	15	3.5	9	2.1	50	11.6	4	0.9
Ohio														
Northern	208	21.3	0	0.0	16	1.6	29	3.0	25	2.6	81	8.3	21	2.2
Southern	223	32.5	0	0.0	13	1.9	32	4.7	34	4.9	52	7.6	10	1.5
Tennessee														
Eastern	146	27.7	0	0.0	6	1.1	3	0.6	5	0.9	33	6.3	4	0.8
Middle	54	18.9	0	0.0	9	3.2	8	2.8	6	2.1	28	9.8	14	4.9
Western	87	17.2	0	0.0	19	3.8	12	2.4	7	1.4	55	10.9	16	3.2
SEVENTH CIRCUIT	531	17.4	0	0.0	62	2.0	96	3.1	79	2.6	194	6.4	70	2.3
Illinois														
Central	66	19.9	0	0.0	12	3.6	7	2.1	4	1.2	23	6.9	5	1.5
Northern	247	22.6	0	0.0	13	1.2	54	4.9	61	5.6	67	6.1	50	4.6
Southern	20	5.4	0	0.0	7	1.9	10	2.7	7	1.9	12	3.2	3	0.8
Indiana														
Northern	86	21.4	0	0.0	5	1.2	4	1.0	1	0.2	7	1.7	8	2.0
Southern	55	17.7	0	0.0	8	2.6	10	3.2	2	0.6	29	9.4	1	0.3
Wisconsin														
Eastern	55	16.8	0	0.0	17	5.2	7	2.1	4	1.2	45	13.7	3	0.9
Western	2	0.9	0	0.0	0	0.0	4	1.8	0	0.0	11	5.1	0	0.0
EIGHTH CIRCUIT	822	15.9	58	1.1	129	2.5	119	2.3	88	1.7	417	8.1	76	1.5
Arkansas														
Eastern	58	15.3	0	0.0	7	1.8	7	1.8	9	2.4	29	7.7	7	1.8
Western	48	26.4	0	0.0	1	0.5	0	0.0	1	0.5	8	4.4	1	0.5
Iowa														
Northern	62	14.8	0	0.0	5	1.2	6	1.4	1	0.2	28	6.7	1	0.2
Southern	84	23.0	0	0.0	6	1.6	4	1.1	5	1.4	73	19.9	5	1.4
Minnesota	117	21.0	0	0.0	12	2.2	23	4.1	37	6.6	69	12.4	14	2.5
Missouri														
Eastern	166	16.9	0	0.0	20	2.0	21	2.1	6	0.6	83	8.4	18	1.8
Western	173	19.1	0	0.0	11	1.2	13	1.4	12	1.3	55	6.1	20	2.2
Nebraska	32	4.6	51	7.3	51	7.3	31	4.4	5	0.7	28	4.0	7	1.0
North Dakota	53	21.3	7	2.8	9	3.6	6	2.4	3	1.2	9	3.6	3	1.2
South Dakota	29	6.7	0	0.0	7	1.6	8	1.9	9	2.1	35	8.1	0	0.0

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	12,832	5,638	43.9	111	0.9	37	0.3	55	0.4	22	0.2
Alaska	135	74	54.8	0	0.0	3	2.2	2	1.5	0	0.0
Arizona	4,019	1,181	29.4	78	1.9	15	0.4	5	0.1	10	0.2
California											
Central	1,287	723	56.2	0	0.0	5	0.4	10	0.8	3	0.2
Eastern	1,038	590	56.8	4	0.4	1	0.1	3	0.3	0	0.0
Northern	647	360	55.6	4	0.6	1	0.2	8	1.2	3	0.5
Southern	2,491	1,002	40.2	4	0.2	4	0.2	5	0.2	2	0.1
Guam	80	42	52.5	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	448	232	51.8	2	0.4	0	0.0	2	0.4	2	0.4
Idaho	259	100	38.6	2	0.8	0	0.0	3	1.2	1	0.4
Montana	432	332	76.9	5	1.2	3	0.7	7	1.6	0	0.0
Nevada	387	275	71.1	1	0.3	2	0.5	2	0.5	1	0.3
Northern Mariana Islands	11	7	63.6	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	496	256	51.6	2	0.4	1	0.2	3	0.6	0	0.0
Washington											
Eastern	359	190	52.9	3	0.8	1	0.3	5	1.4	0	0.0
Western	743	274	36.9	6	0.8	1	0.1	0	0.0	0	0.0
TENTH CIRCUIT	5,974	3,705	62.0	25	0.4	2	0.0	39	0.7	16	0.3
Colorado	652	377	57.8	1	0.2	0	0.0	2	0.3	0	0.0
Kansas	692	434	62.7	9	1.3	0	0.0	27	3.9	9	1.3
New Mexico	2,834	1,593	56.2	5	0.2	0	0.0	0	0.0	7	0.2
Oklahoma											
Eastern	80	60	75.0	0	0.0	0	0.0	0	0.0	0	0.0
Northern	202	169	83.7	0	0.0	0	0.0	0	0.0	0	0.0
Western	224	154	68.8	1	0.4	0	0.0	6	2.7	0	0.0
Utah	951	662	69.6	6	0.6	2	0.2	3	0.3	0	0.0
Wyoming	339	256	75.5	3	0.9	0	0.0	1	0.3	0	0.0
ELEVENTH CIRCUIT	6,633	4,549	68.6	34	0.5	16	0.2	66	1.0	6	0.1
Alabama											
Middle	248	152	61.3	2	0.8	0	0.0	2	0.8	0	0.0
Northern	479	288	60.1	1	0.2	1	0.2	7	1.5	0	0.0
Southern	393	258	65.6	1	0.3	1	0.3	5	1.3	0	0.0
Florida											
Middle	1,716	1,112	64.8	3	0.2	0	0.0	12	0.7	2	0.1
Northern	414	294	71.0	0	0.0	2	0.5	3	0.7	1	0.2
Southern	1,939	1,443	74.4	4	0.2	6	0.3	11	0.6	2	0.1
Georgia											
Middle	397	287	72.3	2	0.5	1	0.3	5	1.3	1	0.3
Northern	730	477	65.3	9	1.2	1	0.1	5	0.7	0	0.0
Southern	317	238	75.1	12	3.8	4	1.3	16	5.0	0	0.0

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	1,364	10.6	3,428	26.7	528	4.1	357	2.8	442	3.4	619	4.8	231	1.8
Alaska	18	13.3	0	0.0	14	10.4	4	3.0	6	4.4	7	5.2	7	5.2
Arizona	232	5.8	2,124	52.8	116	2.9	66	1.6	87	2.2	85	2.1	20	0.5
California														
Central	171	13.3	38	3.0	70	5.4	31	2.4	65	5.1	107	8.3	64	5.0
Eastern	134	12.9	175	16.9	28	2.7	26	2.5	19	1.8	38	3.7	20	1.9
Northern	88	13.6	13	2.0	56	8.7	14	2.2	40	6.2	47	7.3	13	2.0
Southern	152	6.1	1,003	40.3	75	3.0	106	4.3	12	0.5	71	2.9	55	2.2
Guam	28	35.0	0	0.0	1	1.3	1	1.3	1	1.3	7	8.8	0	0.0
Hawaii	140	31.3	0	0.0	8	1.8	10	2.2	11	2.5	39	8.7	2	0.4
Idaho	75	29.0	39	15.1	3	1.2	6	2.3	4	1.5	20	7.7	6	2.3
Montana	53	12.3	0	0.0	0	0.0	8	1.9	1	0.2	15	3.5	8	1.9
Nevada	30	7.8	0	0.0	16	4.1	5	1.3	9	2.3	37	9.6	9	2.3
Northern Mariana Islands	4	36.4	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	84	16.9	17	3.4	16	3.2	40	8.1	24	4.8	45	9.1	8	1.6
Washington														
Eastern	32	8.9	3	0.8	34	9.5	13	3.6	13	3.6	62	17.3	3	0.8
Western	123	16.6	16	2.2	91	12.2	27	3.6	150	20.2	39	5.2	16	2.2
TENTH CIRCUIT	521	8.7	553	9.3	436	7.3	202	3.4	113	1.9	299	5.0	63	1.1
Colorado	179	27.5	0	0.0	8	1.2	27	4.1	21	3.2	32	4.9	5	0.8
Kansas	94	13.6	1	0.1	41	5.9	5	0.7	8	1.2	63	9.1	1	0.1
New Mexico	110	3.9	525	18.5	337	11.9	96	3.4	32	1.1	101	3.6	28	1.0
Oklahoma														
Eastern	13	16.3	0	0.0	2	2.5	3	3.8	0	0.0	2	2.5	0	0.0
Northern	19	9.4	0	0.0	1	0.5	3	1.5	0	0.0	9	4.5	1	0.5
Western	12	5.4	0	0.0	2	0.9	2	0.9	1	0.4	45	20.1	1	0.4
Utah	69	7.3	27	2.8	35	3.7	56	5.9	42	4.4	30	3.2	19	2.0
Wyoming	25	7.4	0	0.0	10	2.9	10	2.9	9	2.7	17	5.0	8	2.4
ELEVENTH CIRCUIT	1,217	18.3	2	0.0	79	1.2	94	1.4	72	1.1	437	6.6	61	0.9
Alabama														
Middle	76	30.6	0	0.0	6	2.4	0	0.0	0	0.0	7	2.8	3	1.2
Northern	133	27.8	0	0.0	2	0.4	4	0.8	2	0.4	38	7.9	3	0.6
Southern	90	22.9	0	0.0	2	0.5	3	0.8	7	1.8	23	5.9	3	0.8
Florida														
Middle	400	23.3	2	0.1	15	0.9	38	2.2	12	0.7	111	6.5	9	0.5
Northern	91	22.0	0	0.0	0	0.0	1	0.2	3	0.7	17	4.1	2	0.5
Southern	244	12.6	0	0.0	23	1.2	20	1.0	20	1.0	138	7.1	28	1.4
Georgia														
Middle	61	15.4	0	0.0	7	1.8	5	1.3	0	0.0	25	6.3	3	0.8
Northern	105	14.4	0	0.0	23	3.2	14	1.9	25	3.4	61	8.4	10	1.4
Southern	17	5.4	0	0.0	1	0.3	9	2.8	3	0.9	17	5.4	0	0.0

Of the 72,585 guideline cases, 2,398 were excluded due to missing information needed to determine the relationship between the sentence imposed and the guideline range. Districts for which information needed to determine the relationship between the sentence imposed and the guideline range is missing in five percent or more of the cases received included: Western Oklahoma (37.1%), Southern Georgia (37.1%), Central California (21.2%), Middle Georgia (19.6%), Eastern Virginia (18.4%), Western Washington (11.4%), Western Kentucky (10.8%), Alaska (7.5%), Northern Alabama (7.4%), Maryland (6.8%), Arizona (6.7%), Oregon (5.9%), Southern California (5.6%), and Northern New York (5.1%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.

Table 10

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2006**

National

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
TOTAL	70,128	43,271	61.7	412	0.6	177	0.3	455	0.6	84	0.1
Robbery	1,152	758	65.8	13	1.1	8	0.7	9	0.8	2	0.2
Drugs - Trafficking	24,881	13,351	53.7	43	0.2	18	0.1	51	0.2	16	0.1
Drugs - Simple Possession	606	565	93.2	7	1.2	2	0.3	4	0.7	2	0.3
Firearms	8,330	5,809	69.7	74	0.9	31	0.4	93	1.1	7	0.1
Larceny	1,579	1,246	78.9	6	0.4	5	0.3	17	1.1	4	0.3
Fraud	6,787	4,374	64.4	38	0.6	34	0.5	68	1.0	15	0.2
Embezzlement	563	433	76.9	0	0.0	1	0.2	2	0.4	0	0.0
Forgery/Counterfeiting	1,157	846	73.1	14	1.2	3	0.3	10	0.9	3	0.3
Immigration	17,049	10,843	63.6	113	0.7	28	0.2	103	0.6	18	0.1
Other Miscellaneous Offenses	8,024	5,046	62.9	104	1.3	47	0.6	98	1.2	17	0.2

Tenth Circuit

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
TOTAL	5,972	3,703	62.0	25	0.4	2	0.0	39	0.7	16	0.3
Robbery	77	51	66.2	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	1,536	792	51.6	1	0.1	0	0.0	3	0.2	1	0.1
Drugs - Simple Possession	108	108	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Firearms	683	480	70.3	4	0.6	1	0.1	3	0.4	0	0.0
Larceny	84	64	76.2	0	0.0	0	0.0	0	0.0	0	0.0
Fraud	329	235	71.4	0	0.0	1	0.3	7	2.1	3	0.9
Embezzlement	55	45	81.8	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	54	41	75.9	1	1.9	0	0.0	0	0.0	0	0.0
Immigration	2,435	1,475	60.6	10	0.4	0	0.0	21	0.9	10	0.4
Other Miscellaneous Offenses	611	412	67.4	9	1.5	0	0.0	5	0.8	2	0.3

National

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	10,134	14.5	5,163	7.4	1,930	2.8	1,901	2.7	1,432	2.0	4,240	6.0	929	1.3
Robbery	144	12.5	0	0.0	30	2.6	48	4.2	49	4.3	78	6.8	13	1.1
Drugs - Trafficking	6,465	26.0	1,390	5.6	630	2.5	599	2.4	527	2.1	1,485	6.0	306	1.2
Drugs - Simple Possession	4	0.7	0	0.0	7	1.2	2	0.3	2	0.3	9	1.5	2	0.3
Firearms	960	11.5	41	0.5	209	2.5	247	3.0	178	2.1	563	6.8	118	1.4
Larceny	103	6.5	6	0.4	23	1.5	40	2.5	30	1.9	73	4.6	26	1.6
Fraud	1,035	15.2	5	0.1	142	2.1	205	3.0	199	2.9	522	7.7	150	2.2
Embezzlement	17	3.0	0	0.0	9	1.6	17	3.0	19	3.4	50	8.9	15	2.7
Forgery/Counterfeiting	98	8.5	3	0.3	21	1.8	32	2.8	22	1.9	85	7.3	20	1.7
Immigration	328	1.9	3,682	21.6	521	3.1	477	2.8	164	1.0	635	3.7	137	0.8
Other Miscellaneous Offenses	980	12.2	36	0.4	338	4.2	234	2.9	242	3.0	740	9.2	142	1.8

Tenth Circuit

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	521	8.7	553	9.3	436	7.3	202	3.4	113	1.9	299	5.0	63	1.1
Robbery	8	10.4	0	0.0	6	7.8	7	9.1	1	1.3	4	5.2	0	0.0
Drugs - Trafficking	349	22.7	139	9.0	66	4.3	47	3.1	24	1.6	86	5.6	28	1.8
Drugs - Simple Possession	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Firearms	57	8.3	0	0.0	25	3.7	35	5.1	22	3.2	46	6.7	10	1.5
Larceny	6	7.1	0	0.0	0	0.0	3	3.6	1	1.2	8	9.5	2	2.4
Fraud	30	9.1	0	0.0	6	1.8	11	3.3	10	3.0	24	7.3	2	0.6
Embezzlement	1	1.8	0	0.0	1	1.8	1	1.8	2	3.6	4	7.3	1	1.8
Forgery/Counterfeiting	6	11.1	0	0.0	1	1.9	0	0.0	1	1.9	2	3.7	2	3.7
Immigration	21	0.9	414	17.0	289	11.9	86	3.5	37	1.5	59	2.4	13	0.5
Other Miscellaneous Offenses	43	7.0	0	0.0	42	6.9	12	2.0	15	2.5	66	10.8	5	0.8

Of the 72,585 guideline cases, 2,457 cases were excluded due to one or both of the following reasons: missing information needed to determine the relationship between the sentence imposed and the guideline range (2,398) or missing primary offense (67).

Of the 6,189 guideline cases from the Tenth Circuit, 217 cases were excluded due to one or both of the following reasons: missing information needed to determine the relationship between the sentence imposed and the guideline range (215) or missing primary offense category (3).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2006 Datafile, OPAFY06.