

# United States Sentencing Commission



## *Statistical Information Packet*

*Fiscal Year 2011*

*Eastern District of Virginia*

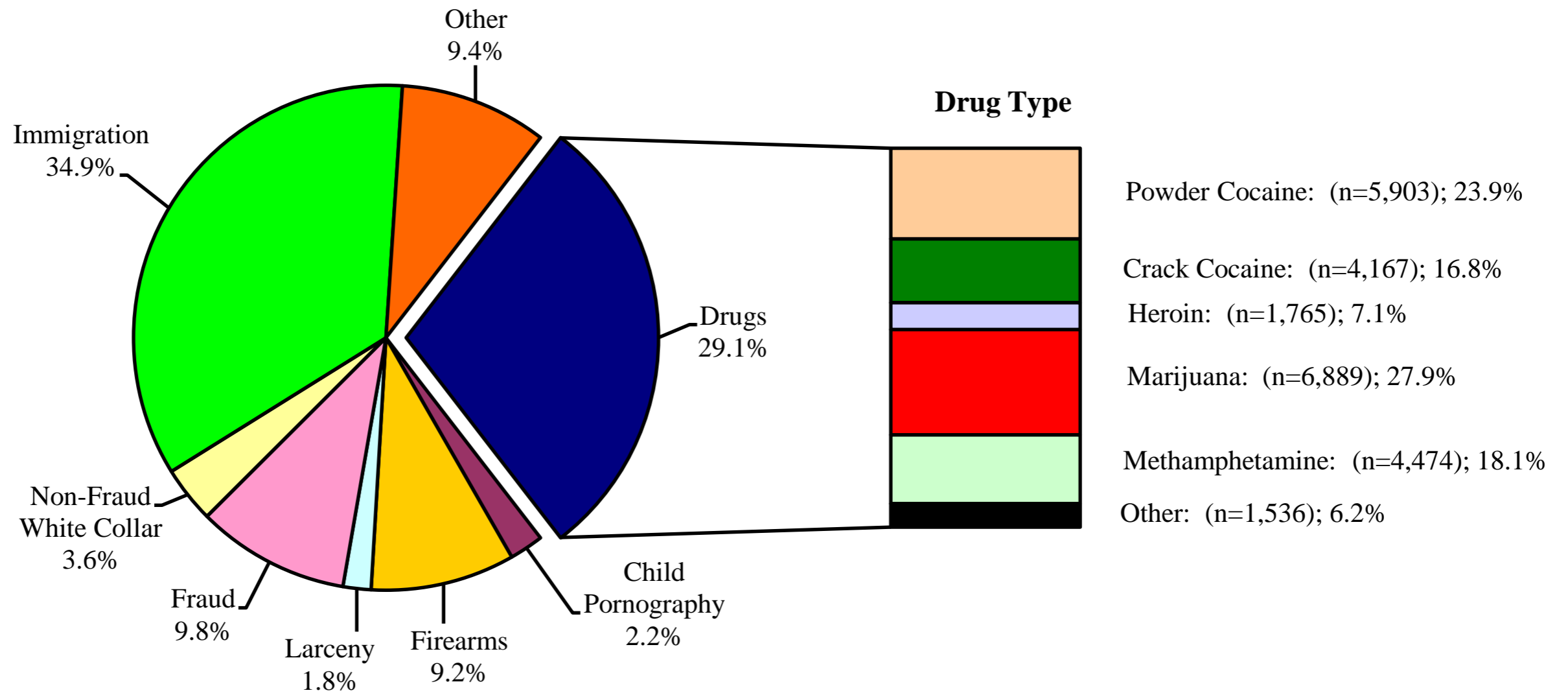
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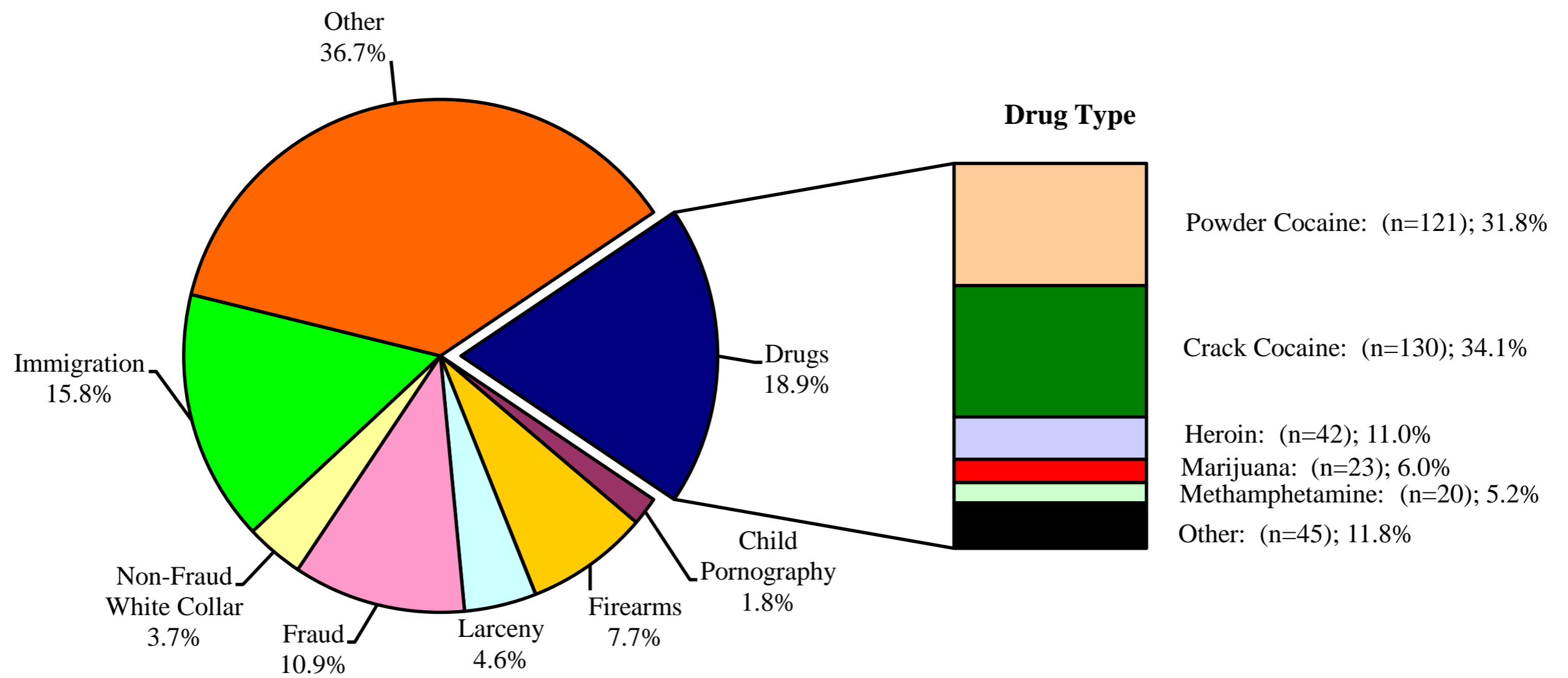
**Figure A**

**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2011**

**National**



**Eastern Virginia**



<sup>1</sup> Of the 86,201 guideline cases, 1,079 cases were excluded due to missing drug type.

Of the 2,067 guideline cases from the Eastern District of Virginia, 49 cases were excluded due to missing drug type.

<sup>2</sup> The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax.

SOURCE: U.S. Sentencing Commission, 2011 Datafile, OPAFY11.

**Table 1**

**DISTRIBUTION OF GUIDELINE OFFENDERS IN EACH  
PRIMARY OFFENSE CATEGORY  
Fiscal Year 2011**

| PRIMARY OFFENSE                    | National      |              | Eastern Virginia |              |
|------------------------------------|---------------|--------------|------------------|--------------|
|                                    | N             | %            | N                | %            |
| <b>TOTAL</b>                       | <b>86,201</b> | <b>100.0</b> | <b>2,067</b>     | <b>100.0</b> |
| Murder                             | 74            | 0.1          | 3                | 0.1          |
| Manslaughter                       | 65            | 0.1          | 2                | 0.1          |
| Kidnapping/Hostage Taking          | 69            | 0.1          | 0                | 0.0          |
| Sexual Abuse                       | 395           | 0.5          | 6                | 0.3          |
| Assault                            | 680           | 0.8          | 19               | 0.9          |
| Robbery                            | 957           | 1.1          | 6                | 0.3          |
| Arson                              | 55            | 0.1          | 1                | 0.0          |
| Drugs - Trafficking                | 24,442        | 28.4         | 379              | 18.3         |
| Drugs - Communication Facility     | 469           | 0.5          | 1                | 0.0          |
| Drugs - Simple Possession          | 902           | 1.0          | 50               | 2.4          |
| Firearms                           | 7,858         | 9.1          | 156              | 7.5          |
| Burglary/B&E                       | 52            | 0.1          | 0                | 0.0          |
| Auto Theft                         | 85            | 0.1          | 9                | 0.4          |
| Larceny                            | 1,528         | 1.8          | 92               | 4.5          |
| Fraud                              | 8,332         | 9.7          | 219              | 10.6         |
| Embezzlement                       | 391           | 0.5          | 7                | 0.3          |
| Forgery/Counterfeiting             | 941           | 1.1          | 15               | 0.7          |
| Bribery                            | 221           | 0.3          | 8                | 0.4          |
| Tax                                | 677           | 0.8          | 22               | 1.1          |
| Money Laundering                   | 844           | 1.0          | 22               | 1.1          |
| Racketeering/Extortion             | 731           | 0.8          | 37               | 1.8          |
| Gambling/Lottery                   | 80            | 0.1          | 2                | 0.1          |
| Civil Rights                       | 59            | 0.1          | 0                | 0.0          |
| Immigration                        | 29,717        | 34.5         | 319              | 15.4         |
| Child Pornography                  | 1,855         | 2.2          | 36               | 1.7          |
| Prison Offenses                    | 419           | 0.5          | 9                | 0.4          |
| Administration of Justice Offenses | 1,188         | 1.4          | 16               | 0.8          |
| Environmental/Wildlife             | 201           | 0.2          | 0                | 0.0          |
| National Defense                   | 88            | 0.1          | 4                | 0.2          |
| Antitrust                          | 10            | 0.0          | 0                | 0.0          |
| Food & Drug                        | 55            | 0.1          | 2                | 0.1          |
| Other Miscellaneous Offenses       | 2,761         | 3.2          | 625              | 30.2         |

Of the 86,201 guideline cases, no cases were excluded due to missing information on primary offense category.

Of the 2,067 guideline cases from the Eastern District of Virginia, no cases were excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 2011 Datafile, OPAFY11.

**Table 2**

**GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT  
Fiscal Year 2011**

| CIRCUIT<br>District   | TOTAL         | PLEA          |             | TRIAL        |            |
|-----------------------|---------------|---------------|-------------|--------------|------------|
|                       |               | N             | %           | N            | %          |
| <b>TOTAL</b>          | <b>86,200</b> | <b>83,509</b> | <b>96.9</b> | <b>2,691</b> | <b>3.1</b> |
| <b>D.C. CIRCUIT</b>   | <b>365</b>    | <b>340</b>    | <b>93.2</b> | <b>25</b>    | <b>6.8</b> |
| District of Columbia  | 365           | 340           | 93.2        | 25           | 6.8        |
| <b>FIRST CIRCUIT</b>  | <b>2,375</b>  | <b>2,276</b>  | <b>95.8</b> | <b>99</b>    | <b>4.2</b> |
| Maine                 | 193           | 178           | 92.2        | 15           | 7.8        |
| Massachusetts         | 570           | 524           | 91.9        | 46           | 8.1        |
| New Hampshire         | 204           | 199           | 97.5        | 5            | 2.5        |
| Puerto Rico           | 1,196         | 1,174         | 98.2        | 22           | 1.8        |
| Rhode Island          | 212           | 201           | 94.8        | 11           | 5.2        |
| <b>SECOND CIRCUIT</b> | <b>4,634</b>  | <b>4,433</b>  | <b>95.7</b> | <b>201</b>   | <b>4.3</b> |
| Connecticut           | 342           | 328           | 95.9        | 14           | 4.1        |
| New York              |               |               |             |              |            |
| Eastern               | 1,150         | 1,087         | 94.5        | 63           | 5.5        |
| Northern              | 583           | 561           | 96.2        | 22           | 3.8        |
| Southern              | 1,593         | 1,508         | 94.7        | 85           | 5.3        |
| Western               | 803           | 788           | 98.1        | 15           | 1.9        |
| Vermont               | 163           | 161           | 98.8        | 2            | 1.2        |
| <b>THIRD CIRCUIT</b>  | <b>2,966</b>  | <b>2,776</b>  | <b>93.6</b> | <b>190</b>   | <b>6.4</b> |
| Delaware              | 121           | 115           | 95.0        | 6            | 5.0        |
| New Jersey            | 805           | 776           | 96.4        | 29           | 3.6        |
| Pennsylvania          |               |               |             |              |            |
| Eastern               | 987           | 895           | 90.7        | 92           | 9.3        |
| Middle                | 500           | 470           | 94.0        | 30           | 6.0        |
| Western               | 491           | 479           | 97.6        | 12           | 2.4        |
| Virgin Islands        | 62            | 41            | 66.1        | 21           | 33.9       |
| <b>FOURTH CIRCUIT</b> | <b>6,951</b>  | <b>6,608</b>  | <b>95.1</b> | <b>343</b>   | <b>4.9</b> |
| Maryland              | 901           | 854           | 94.8        | 47           | 5.2        |
| North Carolina        |               |               |             |              |            |
| Eastern               | 853           | 827           | 97.0        | 26           | 3.0        |
| Middle                | 529           | 510           | 96.4        | 19           | 3.6        |
| Western               | 551           | 515           | 93.5        | 36           | 6.5        |
| South Carolina        | 1,048         | 1,010         | 96.4        | 38           | 3.6        |
| Virginia              |               |               |             |              |            |
| Eastern               | 2,066         | 1,931         | 93.5        | 135          | 6.5        |
| Western               | 379           | 363           | 95.8        | 16           | 4.2        |
| West Virginia         |               |               |             |              |            |
| Northern              | 312           | 300           | 96.2        | 12           | 3.8        |
| Southern              | 312           | 298           | 95.5        | 14           | 4.5        |

| CIRCUIT<br>District    | TOTAL         | PLEA          |             | TRIAL      |            |
|------------------------|---------------|---------------|-------------|------------|------------|
|                        |               | N             | %           | N          | %          |
| <b>FIFTH CIRCUIT</b>   | <b>20,054</b> | <b>19,708</b> | <b>98.3</b> | <b>346</b> | <b>1.7</b> |
| <b>Louisiana</b>       |               |               |             |            |            |
| Eastern                | 347           | 331           | 95.4        | 16         | 4.6        |
| Middle                 | 140           | 135           | 96.4        | 5          | 3.6        |
| Western                | 305           | 283           | 92.8        | 22         | 7.2        |
| <b>Mississippi</b>     |               |               |             |            |            |
| Northern               | 184           | 171           | 92.9        | 13         | 7.1        |
| Southern               | 309           | 294           | 95.1        | 15         | 4.9        |
| <b>Texas</b>           |               |               |             |            |            |
| Eastern                | 1,010         | 987           | 97.7        | 23         | 2.3        |
| Northern               | 919           | 881           | 95.9        | 38         | 4.1        |
| Southern               | 8,314         | 8,200         | 98.6        | 114        | 1.4        |
| Western                | 8,526         | 8,426         | 98.8        | 100        | 1.2        |
| <b>SIXTH CIRCUIT</b>   | <b>5,646</b>  | <b>5,388</b>  | <b>95.4</b> | <b>258</b> | <b>4.6</b> |
| <b>Kentucky</b>        |               |               |             |            |            |
| Eastern                | 608           | 579           | 95.2        | 29         | 4.8        |
| Western                | 435           | 416           | 95.6        | 19         | 4.4        |
| <b>Michigan</b>        |               |               |             |            |            |
| Eastern                | 827           | 787           | 95.2        | 40         | 4.8        |
| Western                | 501           | 478           | 95.4        | 23         | 4.6        |
| <b>Ohio</b>            |               |               |             |            |            |
| Northern               | 631           | 608           | 96.4        | 23         | 3.6        |
| Southern               | 744           | 726           | 97.6        | 18         | 2.4        |
| <b>Tennessee</b>       |               |               |             |            |            |
| Eastern                | 913           | 847           | 92.8        | 66         | 7.2        |
| Middle                 | 347           | 331           | 95.4        | 16         | 4.6        |
| Western                | 640           | 616           | 96.3        | 24         | 3.8        |
| <b>SEVENTH CIRCUIT</b> | <b>3,064</b>  | <b>2,905</b>  | <b>94.8</b> | <b>159</b> | <b>5.2</b> |
| <b>Illinois</b>        |               |               |             |            |            |
| Central                | 360           | 345           | 95.8        | 15         | 4.2        |
| Northern               | 928           | 861           | 92.8        | 67         | 7.2        |
| Southern               | 345           | 330           | 95.7        | 15         | 4.3        |
| <b>Indiana</b>         |               |               |             |            |            |
| Northern               | 454           | 430           | 94.7        | 24         | 5.3        |
| Southern               | 289           | 272           | 94.1        | 17         | 5.9        |
| <b>Wisconsin</b>       |               |               |             |            |            |
| Eastern                | 501           | 493           | 98.4        | 8          | 1.6        |
| Western                | 187           | 174           | 93.0        | 13         | 7.0        |
| <b>EIGHTH CIRCUIT</b>  | <b>4,772</b>  | <b>4,600</b>  | <b>96.4</b> | <b>172</b> | <b>3.6</b> |
| <b>Arkansas</b>        |               |               |             |            |            |
| Eastern                | 325           | 306           | 94.2        | 19         | 5.8        |
| Western                | 318           | 313           | 98.4        | 5          | 1.6        |
| <b>Iowa</b>            |               |               |             |            |            |
| Northern               | 520           | 506           | 97.3        | 14         | 2.7        |
| Southern               | 407           | 387           | 95.1        | 20         | 4.9        |
| <b>Minnesota</b>       | 454           | 429           | 94.5        | 25         | 5.5        |
| <b>Missouri</b>        |               |               |             |            |            |
| Eastern                | 817           | 795           | 97.3        | 22         | 2.7        |
| Western                | 658           | 632           | 96.0        | 26         | 4.0        |
| <b>Nebraska</b>        | 563           | 549           | 97.5        | 14         | 2.5        |
| <b>North Dakota</b>    | 275           | 268           | 97.5        | 7          | 2.5        |
| <b>South Dakota</b>    | 435           | 415           | 95.4        | 20         | 4.6        |

| CIRCUIT<br>District      | TOTAL         | PLEA          |             | TRIAL      |            |
|--------------------------|---------------|---------------|-------------|------------|------------|
|                          |               | N             | %           | N          | %          |
| <b>NINTH CIRCUIT</b>     | <b>21,514</b> | <b>21,106</b> | <b>98.1</b> | <b>408</b> | <b>1.9</b> |
| Alaska                   | 153           | 146           | 95.4        | 7          | 4.6        |
| Arizona                  | 9,362         | 9,277         | 99.1        | 85         | 0.9        |
| California               |               |               |             |            |            |
| Central                  | 1,895         | 1,824         | 96.3        | 71         | 3.7        |
| Eastern                  | 1,046         | 1,017         | 97.2        | 29         | 2.8        |
| Northern                 | 814           | 788           | 96.8        | 26         | 3.2        |
| Southern                 | 4,835         | 4,766         | 98.6        | 69         | 1.4        |
| Guam                     | 54            | 49            | 90.7        | 5          | 9.3        |
| Hawaii                   | 206           | 197           | 95.6        | 9          | 4.4        |
| Idaho                    | 348           | 338           | 97.1        | 10         | 2.9        |
| Montana                  | 312           | 296           | 94.9        | 16         | 5.1        |
| Nevada                   | 651           | 632           | 97.1        | 19         | 2.9        |
| Northern Mariana Islands | 10            | 10            | 100.0       | 0          | 0.0        |
| Oregon                   | 665           | 652           | 98.0        | 13         | 2.0        |
| Washington               |               |               |             |            |            |
| Eastern                  | 371           | 359           | 96.8        | 12         | 3.2        |
| Western                  | 792           | 755           | 95.3        | 37         | 4.7        |
| <b>TENTH CIRCUIT</b>     | <b>6,768</b>  | <b>6,637</b>  | <b>98.1</b> | <b>131</b> | <b>1.9</b> |
| Colorado                 | 667           | 647           | 97.0        | 20         | 3.0        |
| Kansas                   | 699           | 674           | 96.4        | 25         | 3.6        |
| New Mexico               | 3,152         | 3,130         | 99.3        | 22         | 0.7        |
| Oklahoma                 |               |               |             |            |            |
| Eastern                  | 104           | 100           | 96.2        | 4          | 3.8        |
| Northern                 | 197           | 187           | 94.9        | 10         | 5.1        |
| Western                  | 508           | 484           | 95.3        | 24         | 4.7        |
| Utah                     | 1,086         | 1,071         | 98.6        | 15         | 1.4        |
| Wyoming                  | 355           | 344           | 96.9        | 11         | 3.1        |
| <b>ELEVENTH CIRCUIT</b>  | <b>7,091</b>  | <b>6,732</b>  | <b>94.9</b> | <b>359</b> | <b>5.1</b> |
| Alabama                  |               |               |             |            |            |
| Middle                   | 230           | 211           | 91.7        | 19         | 8.3        |
| Northern                 | 473           | 460           | 97.3        | 13         | 2.7        |
| Southern                 | 439           | 415           | 94.5        | 24         | 5.5        |
| Florida                  |               |               |             |            |            |
| Middle                   | 1,529         | 1,444         | 94.4        | 85         | 5.6        |
| Northern                 | 374           | 336           | 89.8        | 38         | 10.2       |
| Southern                 | 2,138         | 2,031         | 95.0        | 107        | 5.0        |
| Georgia                  |               |               |             |            |            |
| Middle                   | 445           | 431           | 96.9        | 14         | 3.1        |
| Northern                 | 711           | 672           | 94.5        | 39         | 5.5        |
| Southern                 | 752           | 732           | 97.3        | 20         | 2.7        |

Of the 86,201 guideline cases, one case was excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 2011 Datafile, OPAFY11.

**Table 3**

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY  
Fiscal Year 2011**

| PRIMARY OFFENSE                           | TOTAL         | National      |             |              |            | Eastern Virginia |             |            |            |
|---|---------------|---------------|-------------|--------------|------------|------------------|-------------|------------|------------|
|   |               | PLEA          |             | TRIAL        |            | PLEA             |             | TRIAL      |            |
|   |               | N             | %           | N            | %          | N                | %           | N          | %          |
| <b>TOTAL</b>                              | <b>86,200</b> | <b>83,509</b> | <b>96.9</b> | <b>2,691</b> | <b>3.1</b> | <b>1,931</b>     | <b>93.5</b> | <b>135</b> | <b>6.5</b> |
| <b>Murder</b>                             | <b>74</b>     | 55            | 74.3        | 19           | 25.7       | 1                | 33.3        | 2          | 66.7       |
| <b>Manslaughter</b>                       | <b>65</b>     | 61            | 93.8        | 4            | 6.2        | 1                | 50.0        | 1          | 50.0       |
| <b>Kidnapping/Hostage Taking</b>          | <b>69</b>     | 51            | 73.9        | 18           | 26.1       | 0                | --          | 0          | --         |
| <b>Sexual Abuse</b>                       | <b>395</b>    | 345           | 87.3        | 50           | 12.7       | 5                | 83.3        | 1          | 16.7       |
| <b>Assault</b>                            | <b>680</b>    | 608           | 89.4        | 72           | 10.6       | 17               | 89.5        | 2          | 10.5       |
| <b>Robbery</b>                            | <b>957</b>    | 920           | 96.1        | 37           | 3.9        | 6                | 100.0       | 0          | 0.0        |
| <b>Arson</b>                              | <b>55</b>     | 51            | 92.7        | 4            | 7.3        | 0                | 0.0         | 1          | 100.0      |
| <b>Drugs - Trafficking</b>                | <b>24,442</b> | 23,632        | 96.7        | 810          | 3.3        | 356              | 93.9        | 23         | 6.1        |
| <b>Drugs - Communication Facility</b>     | <b>469</b>    | 469           | 100.0       | 0            | 0.0        | 1                | 100.0       | 0          | 0.0        |
| <b>Drugs - Simple Possession</b>          | <b>902</b>    | 890           | 98.7        | 12           | 1.3        | 48               | 96.0        | 2          | 4.0        |
| <b>Firearms</b>                           | <b>7,858</b>  | 7,357         | 93.6        | 501          | 6.4        | 129              | 82.7        | 27         | 17.3       |
| <b>Burglary/B&amp;E</b>                   | <b>52</b>     | 49            | 94.2        | 3            | 5.8        | 0                | --          | 0          | --         |
| <b>Auto Theft</b>                         | <b>85</b>     | 77            | 90.6        | 8            | 9.4        | 9                | 100.0       | 0          | 0.0        |
| <b>Larceny</b>                            | <b>1,528</b>  | 1,491         | 97.6        | 37           | 2.4        | 86               | 93.5        | 6          | 6.5        |
| <b>Fraud</b>                              | <b>8,332</b>  | 7,876         | 94.5        | 456          | 5.5        | 208              | 95.0        | 11         | 5.0        |
| <b>Embezzlement</b>                       | <b>391</b>    | 384           | 98.2        | 7            | 1.8        | 7                | 100.0       | 0          | 0.0        |
| <b>Forgery/Counterfeiting</b>             | <b>941</b>    | 924           | 98.2        | 17           | 1.8        | 12               | 80.0        | 3          | 20.0       |
| <b>Bribery</b>                            | <b>221</b>    | 209           | 94.6        | 12           | 5.4        | 8                | 100.0       | 0          | 0.0        |
| <b>Tax</b>                                | <b>677</b>    | 617           | 91.1        | 60           | 8.9        | 21               | 95.5        | 1          | 4.5        |
| <b>Money Laundering</b>                   | <b>844</b>    | 806           | 95.5        | 38           | 4.5        | 18               | 81.8        | 4          | 18.2       |
| <b>Racketeering/Extortion</b>             | <b>731</b>    | 668           | 91.4        | 63           | 8.6        | 31               | 83.8        | 6          | 16.2       |
| <b>Gambling/Lottery</b>                   | <b>80</b>     | 78            | 97.5        | 2            | 2.5        | 2                | 100.0       | 0          | 0.0        |
| <b>Civil Rights</b>                       | <b>59</b>     | 49            | 83.1        | 10           | 16.9       | 0                | --          | 0          | --         |
| <b>Immigration</b>                        | <b>29,717</b> | 29,553        | 99.4        | 164          | 0.6        | 313              | 98.1        | 6          | 1.9        |
| <b>Child Pornography</b>                  | <b>1,855</b>  | 1,797         | 96.9        | 58           | 3.1        | 36               | 100.0       | 0          | 0.0        |
| <b>Prison Offenses</b>                    | <b>419</b>    | 411           | 98.1        | 8            | 1.9        | 9                | 100.0       | 0          | 0.0        |
| <b>Administration of Justice Offenses</b> | <b>1,188</b>  | 1,126         | 94.8        | 62           | 5.2        | 15               | 93.8        | 1          | 6.3        |
| <b>Environmental/Wildlife</b>             | <b>201</b>    | 188           | 93.5        | 13           | 6.5        | 0                | --          | 0          | --         |
| <b>National Defense</b>                   | <b>88</b>     | 80            | 90.9        | 8            | 9.1        | 4                | 100.0       | 0          | 0.0        |
| <b>Antitrust</b>                          | <b>10</b>     | 10            | 100.0       | 0            | 0.0        | 0                | --          | 0          | --         |
| <b>Food &amp; Drug</b>                    | <b>55</b>     | 55            | 100.0       | 0            | 0.0        | 2                | 100.0       | 0          | 0.0        |
| <b>Other Miscellaneous Offenses</b>       | <b>2,760</b>  | 2,622         | 95.0        | 138          | 5.0        | 586              | 93.9        | 38         | 6.1        |

Of the 86,201 guideline cases, one case was excluded due to missing information on mode of conviction.

Of the 2,067 guideline cases from the Eastern District of Virginia, one case was excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 2011 Datafile, OPAFY11.



**Table 4**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2011**

**National**

| PRIMARY OFFENSE                    | TOTAL         | Prison        |             | Prison/Community Split Sentence |            | Probation and Confinement |            | Probation Only |            |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
|                                    |               | N             | %           | N                               | %          | N                         | %          | N              | %          |
| <b>TOTAL</b>                       | <b>85,440</b> | <b>74,261</b> | <b>86.9</b> | <b>2,497</b>                    | <b>2.9</b> | <b>2,630</b>              | <b>3.1</b> | <b>6,052</b>   | <b>7.1</b> |
| Murder                             | 74            | 70            | 94.6        | 3                               | 4.1        | 1                         | 1.4        | 0              | 0.0        |
| Manslaughter                       | 65            | 56            | 86.2        | 6                               | 9.2        | 2                         | 3.1        | 1              | 1.5        |
| Kidnapping/Hostage Taking          | 69            | 69            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Sexual Abuse                       | 395           | 367           | 92.9        | 23                              | 5.8        | 1                         | 0.3        | 4              | 1.0        |
| Assault                            | 675           | 523           | 77.5        | 49                              | 7.3        | 30                        | 4.4        | 73             | 10.8       |
| Robbery                            | 957           | 899           | 93.9        | 35                              | 3.7        | 8                         | 0.8        | 15             | 1.6        |
| Arson                              | 54            | 51            | 94.4        | 2                               | 3.7        | 1                         | 1.9        | 0              | 0.0        |
| Drugs - Trafficking                | 24,433        | 22,792        | 93.3        | 716                             | 2.9        | 402                       | 1.6        | 523            | 2.1        |
| Drugs - Communication Facility     | 469           | 353           | 75.3        | 17                              | 3.6        | 44                        | 9.4        | 55             | 11.7       |
| Drugs - Simple Possession          | 864           | 543           | 62.8        | 5                               | 0.6        | 15                        | 1.7        | 301            | 34.8       |
| Firearms                           | 7,846         | 7,217         | 92.0        | 218                             | 2.8        | 178                       | 2.3        | 233            | 3.0        |
| Burglary/B&E                       | 52            | 41            | 78.8        | 6                               | 11.5       | 5                         | 9.6        | 0              | 0.0        |
| Auto Theft                         | 85            | 55            | 64.7        | 7                               | 8.2        | 12                        | 14.1       | 11             | 12.9       |
| Larceny                            | 1,438         | 525           | 36.5        | 59                              | 4.1        | 222                       | 15.4       | 632            | 43.9       |
| Fraud                              | 8,298         | 5,918         | 71.3        | 565                             | 6.8        | 675                       | 8.1        | 1,140          | 13.7       |
| Embezzlement                       | 382           | 147           | 38.5        | 44                              | 11.5       | 54                        | 14.1       | 137            | 35.9       |
| Forgery/Counterfeiting             | 940           | 630           | 67.0        | 70                              | 7.4        | 119                       | 12.7       | 121            | 12.9       |
| Bribery                            | 219           | 136           | 62.1        | 19                              | 8.7        | 34                        | 15.5       | 30             | 13.7       |
| Tax                                | 674           | 341           | 50.6        | 72                              | 10.7       | 121                       | 18.0       | 140            | 20.8       |
| Money Laundering                   | 841           | 626           | 74.4        | 45                              | 5.4        | 63                        | 7.5        | 107            | 12.7       |
| Racketeering/Extortion             | 731           | 661           | 90.4        | 27                              | 3.7        | 23                        | 3.1        | 20             | 2.7        |
| Gambling/Lottery                   | 80            | 21            | 26.3        | 5                               | 6.3        | 34                        | 42.5       | 20             | 25.0       |
| Civil Rights                       | 58            | 31            | 53.4        | 8                               | 13.8       | 6                         | 10.3       | 13             | 22.4       |
| Immigration                        | 29,713        | 28,201        | 94.9        | 284                             | 1.0        | 199                       | 0.7        | 1,029          | 3.5        |
| Child Pornography                  | 1,853         | 1,785         | 96.3        | 43                              | 2.3        | 13                        | 0.7        | 12             | 0.6        |
| Prison Offenses                    | 419           | 380           | 90.7        | 18                              | 4.3        | 7                         | 1.7        | 14             | 3.3        |
| Administration of Justice Offenses | 1,176         | 807           | 68.6        | 63                              | 5.4        | 82                        | 7.0        | 224            | 19.0       |
| Environmental/Wildlife             | 186           | 47            | 25.3        | 8                               | 4.3        | 21                        | 11.3       | 110            | 59.1       |
| National Defense                   | 87            | 74            | 85.1        | 4                               | 4.6        | 4                         | 4.6        | 5              | 5.7        |
| Antitrust                          | 10            | 7             | 70.0        | 1                               | 10.0       | 1                         | 10.0       | 1              | 10.0       |
| Food & Drug                        | 52            | 17            | 32.7        | 2                               | 3.8        | 2                         | 3.8        | 31             | 59.6       |
| Other Miscellaneous Offenses       | 2,245         | 871           | 38.8        | 73                              | 3.3        | 251                       | 11.2       | 1,050          | 46.8       |

Of the 86,201 guideline cases, 761 cases were excluded due to one or both of the following reasons: missing sentencing information (5), or cases in which the defendant received no imprisonment or probation (756).

SOURCE: U.S. Sentencing Commission, 2011 Datafile, OPAFY11.

**Table 5**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2011**

**Eastern Virginia**

| PRIMARY OFFENSE                    | TOTAL        | Prison       |             | Prison/Community Split Sentence |            | Probation and Confinement |            | Probation Only |             |
|------------------------------------|--------------|--------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|-------------|
|                                    |              | N            | %           | N                               | %          | N                         | %          | N              | %           |
| <b>TOTAL</b>                       | <b>1,765</b> | <b>1,304</b> | <b>73.9</b> | <b>37</b>                       | <b>2.1</b> | <b>71</b>                 | <b>4.0</b> | <b>353</b>     | <b>20.0</b> |
| Murder                             | 3            | 3            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Manslaughter                       | 2            | 2            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Kidnapping/Hostage Taking          | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Sexual Abuse                       | 6            | 6            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Assault                            | 18           | 12           | 66.7        | 0                               | 0.0        | 3                         | 16.7       | 3              | 16.7        |
| Robbery                            | 6            | 5            | 83.3        | 1                               | 16.7       | 0                         | 0.0        | 0              | 0.0         |
| Arson                              | 1            | 1            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Drugs - Trafficking                | 379          | 368          | 97.1        | 3                               | 0.8        | 3                         | 0.8        | 5              | 1.3         |
| Drugs - Communication Facility     | 1            | 1            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Drugs - Simple Possession          | 47           | 15           | 31.9        | 0                               | 0.0        | 1                         | 2.1        | 31             | 66.0        |
| Firearms                           | 154          | 149          | 96.8        | 1                               | 0.6        | 3                         | 1.9        | 1              | 0.6         |
| Burglary/B&E                       | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Auto Theft                         | 9            | 8            | 88.9        | 0                               | 0.0        | 1                         | 11.1       | 0              | 0.0         |
| Larceny                            | 75           | 23           | 30.7        | 1                               | 1.3        | 5                         | 6.7        | 46             | 61.3        |
| Fraud                              | 215          | 163          | 75.8        | 16                              | 7.4        | 11                        | 5.1        | 25             | 11.6        |
| Embezzlement                       | 5            | 1            | 20.0        | 0                               | 0.0        | 0                         | 0.0        | 4              | 80.0        |
| Forgery/Counterfeiting             | 15           | 7            | 46.7        | 1                               | 6.7        | 5                         | 33.3       | 2              | 13.3        |
| Bribery                            | 8            | 6            | 75.0        | 0                               | 0.0        | 1                         | 12.5       | 1              | 12.5        |
| Tax                                | 21           | 12           | 57.1        | 3                               | 14.3       | 2                         | 9.5        | 4              | 19.0        |
| Money Laundering                   | 22           | 14           | 63.6        | 1                               | 4.5        | 2                         | 9.1        | 5              | 22.7        |
| Racketeering/Extortion             | 37           | 36           | 97.3        | 1                               | 2.7        | 0                         | 0.0        | 0              | 0.0         |
| Gambling/Lottery                   | 2            | 1            | 50.0        | 1                               | 50.0       | 0                         | 0.0        | 0              | 0.0         |
| Civil Rights                       | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Immigration                        | 319          | 308          | 96.6        | 0                               | 0.0        | 5                         | 1.6        | 6              | 1.9         |
| Child Pornography                  | 36           | 36           | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Prison Offenses                    | 9            | 5            | 55.6        | 0                               | 0.0        | 0                         | 0.0        | 4              | 44.4        |
| Administration of Justice Offenses | 16           | 9            | 56.3        | 4                               | 25.0       | 0                         | 0.0        | 3              | 18.8        |
| Environmental/Wildlife             | 0            | 0            | --          | 0                               | --         | 0                         | --         | 0              | --          |
| National Defense                   | 3            | 3            | 100.0       | 0                               | 0.0        | 0                         | 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       | 354          | 109          | 30.8        | 4                               | 1.1        | 29                        | 8.2        | 212            | 59.9        |

Of the 2,067 guideline cases from the Eastern District of Virginia, 302 cases were excluded due to cases in which the defendant received no imprisonment or probation.

SOURCE: U.S. Sentencing Commission, 2011 Datafile, OPAFY11.

**Table 6**

**INCARCERATION RATE OF U.S. CITIZEN DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2011**

| PRIMARY OFFENSE                     | TOTAL        | National        |             |                     |             | Eastern Virginia |             |                     |             |
|-------------------------------------|--------------|-----------------|-------------|---------------------|-------------|------------------|-------------|---------------------|-------------|
|                                     |              | Prison Sentence |             | Non-Prison Sentence |             | Prison Sentence  |             | Non-Prison Sentence |             |
|                                     |              | N               | %           | N                   | %           | N                | %           | N                   | %           |
| <b>TOTAL</b>                        | <b>5,541</b> | <b>1,851</b>    | <b>33.4</b> | <b>3,690</b>        | <b>66.6</b> | <b>47</b>        | <b>27.2</b> | <b>126</b>          | <b>72.8</b> |
| <b>Fraud</b>                        | <b>1,329</b> | 479             | 36.0        | 850                 | 64.0        | 12               | 40.0        | 18                  | 60.0        |
| <b>Larceny</b>                      | <b>731</b>   | 136             | 18.6        | 595                 | 81.4        | 6                | 33.3        | 12                  | 66.7        |
| <b>Immigration</b>                  | <b>469</b>   | 237             | 50.5        | 232                 | 49.5        | 0                | 0.0         | 4                   | 100.0       |
| <b>Embezzlement</b>                 | <b>189</b>   | 43              | 22.8        | 146                 | 77.2        | 0                | --          | 0                   | --          |
| <b>Drugs - Trafficking</b>          | <b>426</b>   | 162             | 38.0        | 264                 | 62.0        | 0                | 0.0         | 2                   | 100.0       |
| <b>Drugs - Simple Possession</b>    | <b>333</b>   | 163             | 48.9        | 170                 | 51.1        | 2                | 25.0        | 6                   | 75.0        |
| <b>Firearms</b>                     | <b>191</b>   | 79              | 41.4        | 112                 | 58.6        | 4                | 100.0       | 0                   | 0.0         |
| <b>Forgery/Counterfeiting</b>       | <b>257</b>   | 103             | 40.1        | 154                 | 59.9        | 0                | 0.0         | 6                   | 100.0       |
| <b>Other Miscellaneous Offenses</b> | <b>1,616</b> | 449             | 27.8        | 1,167               | 72.2        | 23               | 22.8        | 78                  | 77.2        |

Of the 86,201 guideline cases, a U.S. Citizen was the defendant in 43,553 cases. Of these, 38,012 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison sentence (38,012), or missing sentencing information (4).

Of the 2,067 guideline cases from the Eastern District of Virginia, a U.S. Citizen was the defendant in 936 cases. Of these, 763 cases were excluded because the defendant was ineligible for a non-prison sentence.

This table was limited to U.S. Citizens beginning in Fiscal Year 2010.

SOURCE: U.S. Sentencing Commission, 2011 Datafile, OPAFY11.

**Table 7**

**LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2011**

| PRIMARY OFFENSE                           | National    |               |               | Eastern Virginia |               |              |
|---|-------------|---------------|---------------|------------------|---------------|--------------|
|   | Mean Months | Median Months | Number        | Mean Months      | Median Months | Number       |
| <b>TOTAL</b>                              | <b>49</b>   | <b>27</b>     | <b>73,891</b> | <b>76</b>        | <b>36</b>     | <b>1,248</b> |
| <b>Murder</b>                             | 241         | 210           | 73            | 147              | 80            | 3            |
| <b>Manslaughter</b>                       | 57          | 39            | 60            | --               | --            | 2            |
| <b>Kidnapping/Hostage Taking</b>          | 226         | 188           | 69            | --               | --            | 0            |
| <b>Sexual Abuse</b>                       | 125         | 108           | 389           | 108              | 108           | 6            |
| <b>Assault</b>                            | 44          | 30            | 559           | 14               | 8             | 11           |
| <b>Robbery</b>                            | 85          | 65            | 931           | 117              | 92            | 6            |
| <b>Arson</b>                              | 64          | 60            | 52            | --               | --            | 1            |
| <b>Drugs - Trafficking</b>                | 74          | 60            | 23,129        | 107              | 78            | 370          |
| <b>Drugs - Communication Facility</b>     | 40          | 41            | 362           | --               | --            | 1            |
| <b>Drugs - Simple Possession</b>          | 5           | 3             | 494           | 2                | 0             | 12           |
| <b>Firearms</b>                           | 89          | 60            | 7,350         | 175              | 96            | 150          |
| <b>Burglary/B&amp;E</b>                   | 24          | 23            | 46            | --               | --            | 0            |
| <b>Auto Theft</b>                         | 77          | 27            | 60            | 311              | 415           | 8            |
| <b>Larceny</b>                            | 18          | 12            | 566           | 9                | 2             | 24           |
| <b>Fraud</b>                              | 30          | 18            | 6,064         | 46               | 27            | 176          |
| <b>Embezzlement</b>                       | 17          | 12            | 184           | --               | --            | 1            |
| <b>Forgery/Counterfeiting</b>             | 23          | 18            | 669           | 31               | 34            | 8            |
| <b>Bribery</b>                            | 25          | 18            | 153           | 41               | 33            | 6            |
| <b>Tax</b>                                | 23          | 18            | 406           | 21               | 18            | 15           |
| <b>Money Laundering</b>                   | 37          | 24            | 629           | 42               | 44            | 12           |
| <b>Racketeering/Extortion</b>             | 89          | 60            | 671           | 75               | 50            | 37           |
| <b>Gambling/Lottery</b>                   | 11          | 12            | 22            | --               | --            | 2            |
| <b>Civil Rights</b>                       | 46          | 24            | 37            | --               | --            | 0            |
| <b>Immigration</b>                        | 18          | 12            | 26,808        | 15               | 8             | 228          |
| <b>Child Pornography</b>                  | 121         | 84            | 1,817         | 163              | 120           | 36           |
| <b>Prison Offenses</b>                    | 15          | 12            | 394           | 16               | 8             | 5            |
| <b>Administration of Justice Offenses</b> | 25          | 18            | 845           | 26               | 7             | 13           |
| <b>Environmental/Wildlife</b>             | 12          | 6             | 52            | --               | --            | 0            |
| <b>National Defense</b>                   | 70          | 37            | 78            | 208              | 276           | 3            |
| <b>Antitrust</b>                          | 14          | 10            | 8             | --               | --            | 0            |
| <b>Food &amp; Drug</b>                    | 28          | 16            | 18            | --               | --            | 1            |
| <b>Other Miscellaneous Offenses</b>       | 34          | 12            | 896           | 15               | 0             | 111          |

Of the 86,201 guideline cases, 12,310 cases were excluded for one or both of the following reasons: zero months of prison ordered (11,546), or missing or indeterminable sentencing information (764).

Of the 2,067 guideline cases from the Eastern District of Virginia, 819 cases were excluded due to one of the following reasons: zero months of prison ordered (517) or missing or indeterminable sentencing information (302).

SOURCE: U.S. Sentencing Commission, 2011 Datafile, OPAFY11.

**Table 8**

**COMPARISON OF SENTENCE IMPOSED AND POSITION  
RELATIVE TO THE GUIDELINE RANGE  
Fiscal Year 2011**

|   | National      |              | Eastern Virginia |              |
|---|---------------|--------------|------------------|--------------|
|   | N             | %            | N                | %            |
| <b>TOTAL CASES<sup>1</sup></b>  | <b>84,744</b> | <b>100.0</b> | <b>2,020</b>     | <b>100.0</b> |
| <b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>                           | <b>46,160</b> | <b>54.5</b>  | <b>1,513</b>     | <b>74.9</b>  |
| <b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>                            | <b>1,527</b>  | <b>1.8</b>   | <b>34</b>        | <b>1.7</b>   |
| <b>DEPARTURE ABOVE GUIDELINE RANGE</b>                                  | <b>488</b>    | <b>0.6</b>   | <b>12</b>        | <b>0.6</b>   |
| Upward Departure From Guideline Range <sup>2</sup>                      | 379           | 0.4          | 7                | 0.3          |
| Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>      | 109           | 0.1          | 5                | 0.2          |
| <b>OTHERWISE ABOVE GUIDELINE RANGE</b>                                  | <b>1,039</b>  | <b>1.2</b>   | <b>22</b>        | <b>1.1</b>   |
| Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup> | 947           | 1.1          | 22               | 1.1          |
| All Remaining Cases Above Guideline Range <sup>5</sup>                  | 92            | 0.1          | 0                | 0.0          |
| <b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>                     | <b>22,295</b> | <b>26.3</b>  | <b>114</b>       | <b>5.6</b>   |
| §5K1.1 Substantial Assistance Departure                                 | 9,522         | 11.2         | 72               | 3.6          |
| §5K3.1 Early Disposition Program Departure                              | 9,057         | 10.7         | 0                | 0.0          |
| Other Government Sponsored Below Range                                  | 3,716         | 4.4          | 42               | 2.1          |
| <b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>                             | <b>14,762</b> | <b>17.4</b>  | <b>359</b>       | <b>17.8</b>  |
| <b>DEPARTURE BELOW GUIDELINE RANGE</b>                                  | <b>2,893</b>  | <b>3.4</b>   | <b>62</b>        | <b>3.1</b>   |
| Downward Departure From Guideline Range <sup>2</sup>                    | 1,976         | 2.3          | 42               | 2.1          |
| Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>    | 917           | 1.1          | 20               | 1.0          |
| <b>OTHERWISE BELOW GUIDELINE RANGE</b>                                  | <b>11,869</b> | <b>14.0</b>  | <b>297</b>       | <b>14.7</b>  |
| Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup> | 11,371        | 13.4         | 284              | 14.1         |
| All Remaining Cases Below Guideline Range <sup>5</sup>                  | 498           | 0.6          | 13               | 0.6          |

<sup>1</sup> This table reflects the 86,201 cases sentenced nationally in Fiscal Year 2011, 2,067 of which were from the Eastern District of Virginia. Of these, 1,457 cases nationally and 47 cases from the Eastern District of Virginia were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

<sup>2</sup> All cases with departures in which the court did not indicate as a reason either *United States 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*.

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

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

<sup>5</sup> All 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.

<sup>6</sup> Cases 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: U.S. Sentencing Commission, 2011 Datafile, OPAFY11.

**Table 9**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT  
Fiscal Year 2011**

| CIRCUIT<br>District   | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|-----------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                       |               | N                                      | %           | N                           | %          | N                                    | %          | N                          | %          | N                           | %          |
| <b>TOTAL</b>          | <b>84,744</b> | <b>46,160</b>                          | <b>54.5</b> | <b>379</b>                  | <b>0.4</b> | <b>109</b>                           | <b>0.1</b> | <b>947</b>                 | <b>1.1</b> | <b>92</b>                   | <b>0.1</b> |
| <b>D.C. CIRCUIT</b>   | <b>359</b>    | <b>138</b>                             | <b>38.4</b> | <b>3</b>                    | <b>0.8</b> | <b>1</b>                             | <b>0.3</b> | <b>4</b>                   | <b>1.1</b> | <b>0</b>                    | <b>0.0</b> |
| District of Columbia  | 359           | 138                                    | 38.4        | 3                           | 0.8        | 1                                    | 0.3        | 4                          | 1.1        | 0                           | 0.0        |
| <b>FIRST CIRCUIT</b>  | <b>2,328</b>  | <b>1,340</b>                           | <b>57.6</b> | <b>6</b>                    | <b>0.3</b> | <b>6</b>                             | <b>0.3</b> | <b>37</b>                  | <b>1.6</b> | <b>3</b>                    | <b>0.1</b> |
| Maine                 | 193           | 83                                     | 43.0        | 1                           | 0.5        | 0                                    | 0.0        | 1                          | 0.5        | 0                           | 0.0        |
| Massachusetts         | 566           | 207                                    | 36.6        | 3                           | 0.5        | 3                                    | 0.5        | 12                         | 2.1        | 1                           | 0.2        |
| New Hampshire         | 204           | 85                                     | 41.7        | 0                           | 0.0        | 1                                    | 0.5        | 8                          | 3.9        | 0                           | 0.0        |
| Puerto Rico           | 1,155         | 863                                    | 74.7        | 2                           | 0.2        | 2                                    | 0.2        | 16                         | 1.4        | 2                           | 0.2        |
| Rhode Island          | 210           | 102                                    | 48.6        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| <b>SECOND CIRCUIT</b> | <b>4,604</b>  | <b>1,797</b>                           | <b>39.0</b> | <b>13</b>                   | <b>0.3</b> | <b>3</b>                             | <b>0.1</b> | <b>22</b>                  | <b>0.5</b> | <b>6</b>                    | <b>0.1</b> |
| Connecticut           | 341           | 144                                    | 42.2        | 2                           | 0.6        | 0                                    | 0.0        | 2                          | 0.6        | 0                           | 0.0        |
| New York              |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 1,147         | 350                                    | 30.5        | 1                           | 0.1        | 2                                    | 0.2        | 12                         | 1.0        | 3                           | 0.3        |
| Northern              | 573           | 298                                    | 52.0        | 3                           | 0.5        | 1                                    | 0.2        | 0                          | 0.0        | 1                           | 0.2        |
| Southern              | 1,579         | 551                                    | 34.9        | 1                           | 0.1        | 0                                    | 0.0        | 6                          | 0.4        | 1                           | 0.1        |
| Western               | 803           | 403                                    | 50.2        | 5                           | 0.6        | 0                                    | 0.0        | 1                          | 0.1        | 1                           | 0.1        |
| Vermont               | 161           | 51                                     | 31.7        | 1                           | 0.6        | 0                                    | 0.0        | 1                          | 0.6        | 0                           | 0.0        |
| <b>THIRD CIRCUIT</b>  | <b>2,955</b>  | <b>1,344</b>                           | <b>45.5</b> | <b>7</b>                    | <b>0.2</b> | <b>3</b>                             | <b>0.1</b> | <b>27</b>                  | <b>0.9</b> | <b>5</b>                    | <b>0.2</b> |
| Delaware              | 121           | 47                                     | 38.8        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 0.8        | 0                           | 0.0        |
| New Jersey            | 803           | 384                                    | 47.8        | 1                           | 0.1        | 1                                    | 0.1        | 3                          | 0.4        | 0                           | 0.0        |
| Pennsylvania          |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 979           | 384                                    | 39.2        | 3                           | 0.3        | 1                                    | 0.1        | 18                         | 1.8        | 3                           | 0.3        |
| Middle                | 500           | 234                                    | 46.8        | 2                           | 0.4        | 0                                    | 0.0        | 2                          | 0.4        | 0                           | 0.0        |
| Western               | 490           | 252                                    | 51.4        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 0.2        | 1                           | 0.2        |
| Virgin Islands        | 62            | 43                                     | 69.4        | 1                           | 1.6        | 1                                    | 1.6        | 2                          | 3.2        | 1                           | 1.6        |
| <b>FOURTH CIRCUIT</b> | <b>6,794</b>  | <b>4,119</b>                           | <b>60.6</b> | <b>43</b>                   | <b>0.6</b> | <b>17</b>                            | <b>0.3</b> | <b>83</b>                  | <b>1.2</b> | <b>4</b>                    | <b>0.1</b> |
| Maryland              | 853           | 353                                    | 41.4        | 8                           | 0.9        | 5                                    | 0.6        | 12                         | 1.4        | 1                           | 0.1        |
| North Carolina        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 805           | 441                                    | 54.8        | 13                          | 1.6        | 4                                    | 0.5        | 12                         | 1.5        | 0                           | 0.0        |
| Middle                | 527           | 372                                    | 70.6        | 6                           | 1.1        | 0                                    | 0.0        | 10                         | 1.9        | 0                           | 0.0        |
| Western               | 550           | 312                                    | 56.7        | 1                           | 0.2        | 1                                    | 0.2        | 6                          | 1.1        | 0                           | 0.0        |
| South Carolina        | 1,044         | 613                                    | 58.7        | 6                           | 0.6        | 1                                    | 0.1        | 7                          | 0.7        | 2                           | 0.2        |
| Virginia              |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 2,020         | 1,513                                  | 74.9        | 7                           | 0.3        | 5                                    | 0.2        | 22                         | 1.1        | 0                           | 0.0        |
| Western               | 374           | 181                                    | 48.4        | 1                           | 0.3        | 1                                    | 0.3        | 6                          | 1.6        | 0                           | 0.0        |
| West Virginia         |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern              | 311           | 177                                    | 56.9        | 1                           | 0.3        | 0                                    | 0.0        | 5                          | 1.6        | 0                           | 0.0        |
| Southern              | 310           | 157                                    | 50.6        | 0                           | 0.0        | 0                                    | 0.0        | 3                          | 1.0        | 1                           | 0.3        |

| CIRCUIT<br>District   | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |             | OTHER<br>GOV'T<br>SPONSORED |             | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|-----------------------|-------------------------------------|-------------|--------------------------------|-------------|-----------------------------|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
|                       | N                                   | %           | N                              | %           | N                           | %           | N                           | %          | N                                    | %          | N                          | %           | N                           | %          |
| <b>TOTAL</b>          | <b>9,522</b>                        | <b>11.2</b> | <b>9,057</b>                   | <b>10.7</b> | <b>3,716</b>                | <b>4.4</b>  | <b>1,976</b>                | <b>2.3</b> | <b>917</b>                           | <b>1.1</b> | <b>11,371</b>              | <b>13.4</b> | <b>498</b>                  | <b>0.6</b> |
| <b>D.C. CIRCUIT</b>   | <b>84</b>                           | <b>23.4</b> | <b>0</b>                       | <b>0.0</b>  | <b>57</b>                   | <b>15.9</b> | <b>12</b>                   | <b>3.3</b> | <b>20</b>                            | <b>5.6</b> | <b>33</b>                  | <b>9.2</b>  | <b>7</b>                    | <b>1.9</b> |
| District of Columbia  | 84                                  | 23.4        | 0                              | 0.0         | 57                          | 15.9        | 12                          | 3.3        | 20                                   | 5.6        | 33                         | 9.2         | 7                           | 1.9        |
| <b>FIRST CIRCUIT</b>  | <b>247</b>                          | <b>10.6</b> | <b>17</b>                      | <b>0.7</b>  | <b>205</b>                  | <b>8.8</b>  | <b>59</b>                   | <b>2.5</b> | <b>26</b>                            | <b>1.1</b> | <b>362</b>                 | <b>15.5</b> | <b>20</b>                   | <b>0.9</b> |
| Maine                 | 62                                  | 32.1        | 0                              | 0.0         | 2                           | 1.0         | 9                           | 4.7        | 3                                    | 1.6        | 32                         | 16.6        | 0                           | 0.0        |
| Massachusetts         | 68                                  | 12.0        | 2                              | 0.4         | 96                          | 17.0        | 16                          | 2.8        | 6                                    | 1.1        | 147                        | 26.0        | 5                           | 0.9        |
| New Hampshire         | 34                                  | 16.7        | 0                              | 0.0         | 26                          | 12.7        | 4                           | 2.0        | 6                                    | 2.9        | 40                         | 19.6        | 0                           | 0.0        |
| Puerto Rico           | 71                                  | 6.1         | 15                             | 1.3         | 75                          | 6.5         | 29                          | 2.5        | 11                                   | 1.0        | 54                         | 4.7         | 15                          | 1.3        |
| Rhode Island          | 12                                  | 5.7         | 0                              | 0.0         | 6                           | 2.9         | 1                           | 0.5        | 0                                    | 0.0        | 89                         | 42.4        | 0                           | 0.0        |
| <b>SECOND CIRCUIT</b> | <b>871</b>                          | <b>18.9</b> | <b>0</b>                       | <b>0.0</b>  | <b>120</b>                  | <b>2.6</b>  | <b>142</b>                  | <b>3.1</b> | <b>148</b>                           | <b>3.2</b> | <b>1,443</b>               | <b>31.3</b> | <b>39</b>                   | <b>0.8</b> |
| Connecticut           | 52                                  | 15.2        | 0                              | 0.0         | 5                           | 1.5         | 22                          | 6.5        | 14                                   | 4.1        | 99                         | 29.0        | 1                           | 0.3        |
| New York              |                                     |             |                                |             |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Eastern               | 232                                 | 20.2        | 0                              | 0.0         | 38                          | 3.3         | 41                          | 3.6        | 60                                   | 5.2        | 395                        | 34.4        | 13                          | 1.1        |
| Northern              | 119                                 | 20.8        | 0                              | 0.0         | 7                           | 1.2         | 18                          | 3.1        | 11                                   | 1.9        | 111                        | 19.4        | 4                           | 0.7        |
| Southern              | 228                                 | 14.4        | 0                              | 0.0         | 18                          | 1.1         | 34                          | 2.2        | 37                                   | 2.3        | 687                        | 43.5        | 16                          | 1.0        |
| Western               | 218                                 | 27.1        | 0                              | 0.0         | 38                          | 4.7         | 3                           | 0.4        | 6                                    | 0.7        | 123                        | 15.3        | 5                           | 0.6        |
| Vermont               | 22                                  | 13.7        | 0                              | 0.0         | 14                          | 8.7         | 24                          | 14.9       | 20                                   | 12.4       | 28                         | 17.4        | 0                           | 0.0        |
| <b>THIRD CIRCUIT</b>  | <b>729</b>                          | <b>24.7</b> | <b>0</b>                       | <b>0.0</b>  | <b>147</b>                  | <b>5.0</b>  | <b>39</b>                   | <b>1.3</b> | <b>55</b>                            | <b>1.9</b> | <b>574</b>                 | <b>19.4</b> | <b>25</b>                   | <b>0.8</b> |
| Delaware              | 19                                  | 15.7        | 0                              | 0.0         | 12                          | 9.9         | 0                           | 0.0        | 0                                    | 0.0        | 40                         | 33.1        | 2                           | 1.7        |
| New Jersey            | 219                                 | 27.3        | 0                              | 0.0         | 25                          | 3.1         | 10                          | 1.2        | 11                                   | 1.4        | 146                        | 18.2        | 3                           | 0.4        |
| Pennsylvania          |                                     |             |                                |             |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Eastern               | 303                                 | 30.9        | 0                              | 0.0         | 38                          | 3.9         | 10                          | 1.0        | 6                                    | 0.6        | 197                        | 20.1        | 16                          | 1.6        |
| Middle                | 92                                  | 18.4        | 0                              | 0.0         | 59                          | 11.8        | 12                          | 2.4        | 11                                   | 2.2        | 88                         | 17.6        | 0                           | 0.0        |
| Western               | 88                                  | 18.0        | 0                              | 0.0         | 12                          | 2.4         | 6                           | 1.2        | 27                                   | 5.5        | 101                        | 20.6        | 2                           | 0.4        |
| Virgin Islands        | 8                                   | 12.9        | 0                              | 0.0         | 1                           | 1.6         | 1                           | 1.6        | 0                                    | 0.0        | 2                          | 3.2         | 2                           | 3.2        |
| <b>FOURTH CIRCUIT</b> | <b>1,060</b>                        | <b>15.6</b> | <b>0</b>                       | <b>0.0</b>  | <b>242</b>                  | <b>3.6</b>  | <b>100</b>                  | <b>1.5</b> | <b>65</b>                            | <b>1.0</b> | <b>1,028</b>               | <b>15.1</b> | <b>33</b>                   | <b>0.5</b> |
| Maryland              | 213                                 | 25.0        | 0                              | 0.0         | 78                          | 9.1         | 17                          | 2.0        | 23                                   | 2.7        | 137                        | 16.1        | 6                           | 0.7        |
| North Carolina        |                                     |             |                                |             |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Eastern               | 263                                 | 32.7        | 0                              | 0.0         | 2                           | 0.2         | 6                           | 0.7        | 3                                    | 0.4        | 59                         | 7.3         | 2                           | 0.2        |
| Middle                | 59                                  | 11.2        | 0                              | 0.0         | 1                           | 0.2         | 6                           | 1.1        | 1                                    | 0.2        | 72                         | 13.7        | 0                           | 0.0        |
| Western               | 121                                 | 22.0        | 0                              | 0.0         | 28                          | 5.1         | 6                           | 1.1        | 5                                    | 0.9        | 69                         | 12.5        | 1                           | 0.2        |
| South Carolina        | 186                                 | 17.8        | 0                              | 0.0         | 27                          | 2.6         | 12                          | 1.1        | 7                                    | 0.7        | 175                        | 16.8        | 8                           | 0.8        |
| Virginia              |                                     |             |                                |             |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Eastern               | 72                                  | 3.6         | 0                              | 0.0         | 42                          | 2.1         | 42                          | 2.1        | 20                                   | 1.0        | 284                        | 14.1        | 13                          | 0.6        |
| Western               | 82                                  | 21.9        | 0                              | 0.0         | 24                          | 6.4         | 8                           | 2.1        | 3                                    | 0.8        | 67                         | 17.9        | 1                           | 0.3        |
| West Virginia         |                                     |             |                                |             |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Northern              | 28                                  | 9.0         | 0                              | 0.0         | 36                          | 11.6        | 0                           | 0.0        | 1                                    | 0.3        | 62                         | 19.9        | 1                           | 0.3        |
| Southern              | 36                                  | 11.6        | 0                              | 0.0         | 4                           | 1.3         | 3                           | 1.0        | 2                                    | 0.6        | 103                        | 33.2        | 1                           | 0.3        |

| CIRCUIT<br>District    | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|------------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                        |               | N                                      | %           | N                           | %          | N                                    | %          | N                          | %          | N                           | %          |
| <b>FIFTH CIRCUIT</b>   | <b>19,363</b> | <b>13,662</b>                          | <b>70.6</b> | <b>98</b>                   | <b>0.5</b> | <b>22</b>                            | <b>0.1</b> | <b>319</b>                 | <b>1.6</b> | <b>22</b>                   | <b>0.1</b> |
| <b>Louisiana</b>       |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 347           | 242                                    | 69.7        | 5                           | 1.4        | 5                                    | 1.4        | 7                          | 2.0        | 1                           | 0.3        |
| Middle                 | 138           | 75                                     | 54.3        | 3                           | 2.2        | 2                                    | 1.4        | 5                          | 3.6        | 0                           | 0.0        |
| Western                | 285           | 205                                    | 71.9        | 4                           | 1.4        | 1                                    | 0.4        | 15                         | 5.3        | 2                           | 0.7        |
| <b>Mississippi</b>     |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 183           | 120                                    | 65.6        | 0                           | 0.0        | 0                                    | 0.0        | 9                          | 4.9        | 0                           | 0.0        |
| Southern               | 306           | 246                                    | 80.4        | 1                           | 0.3        | 0                                    | 0.0        | 2                          | 0.7        | 0                           | 0.0        |
| <b>Texas</b>           |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 1,008         | 700                                    | 69.4        | 7                           | 0.7        | 0                                    | 0.0        | 8                          | 0.8        | 1                           | 0.1        |
| Northern               | 914           | 554                                    | 60.6        | 15                          | 1.6        | 8                                    | 0.9        | 61                         | 6.7        | 0                           | 0.0        |
| Southern               | 8,302         | 5,477                                  | 66.0        | 50                          | 0.6        | 4                                    | 0.0        | 58                         | 0.7        | 0                           | 0.0        |
| Western                | 7,880         | 6,043                                  | 76.7        | 13                          | 0.2        | 2                                    | 0.0        | 154                        | 2.0        | 18                          | 0.2        |
| <b>SIXTH CIRCUIT</b>   | <b>5,608</b>  | <b>2,831</b>                           | <b>50.5</b> | <b>31</b>                   | <b>0.6</b> | <b>4</b>                             | <b>0.1</b> | <b>69</b>                  | <b>1.2</b> | <b>5</b>                    | <b>0.1</b> |
| <b>Kentucky</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 607           | 293                                    | 48.3        | 0                           | 0.0        | 0                                    | 0.0        | 9                          | 1.5        | 0                           | 0.0        |
| Western                | 431           | 219                                    | 50.8        | 3                           | 0.7        | 0                                    | 0.0        | 1                          | 0.2        | 1                           | 0.2        |
| <b>Michigan</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 825           | 404                                    | 49.0        | 2                           | 0.2        | 1                                    | 0.1        | 5                          | 0.6        | 1                           | 0.1        |
| Western                | 499           | 325                                    | 65.1        | 5                           | 1.0        | 1                                    | 0.2        | 10                         | 2.0        | 2                           | 0.4        |
| <b>Ohio</b>            |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 628           | 300                                    | 47.8        | 1                           | 0.2        | 0                                    | 0.0        | 8                          | 1.3        | 0                           | 0.0        |
| Southern               | 741           | 255                                    | 34.4        | 3                           | 0.4        | 2                                    | 0.3        | 8                          | 1.1        | 1                           | 0.1        |
| <b>Tennessee</b>       |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 912           | 559                                    | 61.3        | 6                           | 0.7        | 0                                    | 0.0        | 8                          | 0.9        | 0                           | 0.0        |
| Middle                 | 335           | 140                                    | 41.8        | 3                           | 0.9        | 0                                    | 0.0        | 6                          | 1.8        | 0                           | 0.0        |
| Western                | 630           | 336                                    | 53.3        | 8                           | 1.3        | 0                                    | 0.0        | 14                         | 2.2        | 0                           | 0.0        |
| <b>SEVENTH CIRCUIT</b> | <b>3,037</b>  | <b>1,481</b>                           | <b>48.8</b> | <b>18</b>                   | <b>0.6</b> | <b>5</b>                             | <b>0.2</b> | <b>54</b>                  | <b>1.8</b> | <b>1</b>                    | <b>0.0</b> |
| <b>Illinois</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Central                | 358           | 196                                    | 54.7        | 2                           | 0.6        | 0                                    | 0.0        | 3                          | 0.8        | 0                           | 0.0        |
| Northern               | 921           | 417                                    | 45.3        | 4                           | 0.4        | 0                                    | 0.0        | 7                          | 0.8        | 0                           | 0.0        |
| Southern               | 332           | 253                                    | 76.2        | 4                           | 1.2        | 1                                    | 0.3        | 4                          | 1.2        | 0                           | 0.0        |
| <b>Indiana</b>         |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 451           | 269                                    | 59.6        | 2                           | 0.4        | 2                                    | 0.4        | 7                          | 1.6        | 1                           | 0.2        |
| Southern               | 288           | 146                                    | 50.7        | 2                           | 0.7        | 0                                    | 0.0        | 25                         | 8.7        | 0                           | 0.0        |
| <b>Wisconsin</b>       |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 500           | 123                                    | 24.6        | 2                           | 0.4        | 1                                    | 0.2        | 7                          | 1.4        | 0                           | 0.0        |
| Western                | 187           | 77                                     | 41.2        | 2                           | 1.1        | 1                                    | 0.5        | 1                          | 0.5        | 0                           | 0.0        |
| <b>EIGHTH CIRCUIT</b>  | <b>4,760</b>  | <b>2,613</b>                           | <b>54.9</b> | <b>37</b>                   | <b>0.8</b> | <b>16</b>                            | <b>0.3</b> | <b>69</b>                  | <b>1.4</b> | <b>6</b>                    | <b>0.1</b> |
| <b>Arkansas</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 325           | 204                                    | 62.8        | 2                           | 0.6        | 1                                    | 0.3        | 8                          | 2.5        | 0                           | 0.0        |
| Western                | 318           | 243                                    | 76.4        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 2                           | 0.6        |
| <b>Iowa</b>            |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 520           | 327                                    | 62.9        | 13                          | 2.5        | 4                                    | 0.8        | 16                         | 3.1        | 0                           | 0.0        |
| Southern               | 407           | 154                                    | 37.8        | 3                           | 0.7        | 0                                    | 0.0        | 5                          | 1.2        | 0                           | 0.0        |
| Minnesota              | 451           | 141                                    | 31.3        | 1                           | 0.2        | 5                                    | 1.1        | 1                          | 0.2        | 0                           | 0.0        |
| <b>Missouri</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 817           | 400                                    | 49.0        | 3                           | 0.4        | 3                                    | 0.4        | 11                         | 1.3        | 3                           | 0.4        |
| Western                | 654           | 360                                    | 55.0        | 2                           | 0.3        | 1                                    | 0.2        | 18                         | 2.8        | 1                           | 0.2        |
| Nebraska               | 561           | 339                                    | 60.4        | 5                           | 0.9        | 0                                    | 0.0        | 3                          | 0.5        | 0                           | 0.0        |
| North Dakota           | 275           | 153                                    | 55.6        | 0                           | 0.0        | 2                                    | 0.7        | 5                          | 1.8        | 0                           | 0.0        |
| South Dakota           | 432           | 292                                    | 67.6        | 8                           | 1.9        | 0                                    | 0.0        | 2                          | 0.5        | 0                           | 0.0        |



| CIRCUIT<br>District    | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |            | OTHER<br>GOV'T<br>SPONSORED |            | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
|                        | N                                   | %           | N                              | %          | N                           | %          | N                           | %          | N                                    | %          | N                          | %           | N                           | %          |
| <b>FIFTH CIRCUIT</b>   | <b>1,371</b>                        | <b>7.1</b>  | <b>851</b>                     | <b>4.4</b> | <b>365</b>                  | <b>1.9</b> | <b>741</b>                  | <b>3.8</b> | <b>56</b>                            | <b>0.3</b> | <b>1,728</b>               | <b>8.9</b>  | <b>128</b>                  | <b>0.7</b> |
| <b>Louisiana</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 37                                  | 10.7        | 0                              | 0.0        | 7                           | 2.0        | 5                           | 1.4        | 5                                    | 1.4        | 30                         | 8.6         | 3                           | 0.9        |
| Middle                 | 30                                  | 21.7        | 0                              | 0.0        | 2                           | 1.4        | 1                           | 0.7        | 1                                    | 0.7        | 19                         | 13.8        | 0                           | 0.0        |
| Western                | 25                                  | 8.8         | 0                              | 0.0        | 1                           | 0.4        | 1                           | 0.4        | 0                                    | 0.0        | 29                         | 10.2        | 2                           | 0.7        |
| <b>Mississippi</b>     |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Northern               | 32                                  | 17.5        | 0                              | 0.0        | 4                           | 2.2        | 0                           | 0.0        | 0                                    | 0.0        | 18                         | 9.8         | 0                           | 0.0        |
| Southern               | 26                                  | 8.5         | 0                              | 0.0        | 0                           | 0.0        | 3                           | 1.0        | 0                                    | 0.0        | 20                         | 6.5         | 8                           | 2.6        |
| <b>Texas</b>           |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 94                                  | 9.3         | 0                              | 0.0        | 104                         | 10.3       | 30                          | 3.0        | 10                                   | 1.0        | 51                         | 5.1         | 3                           | 0.3        |
| Northern               | 118                                 | 12.9        | 0                              | 0.0        | 18                          | 2.0        | 4                           | 0.4        | 1                                    | 0.1        | 134                        | 14.7        | 1                           | 0.1        |
| Southern               | 436                                 | 5.3         | 842                            | 10.1       | 123                         | 1.5        | 517                         | 6.2        | 18                                   | 0.2        | 765                        | 9.2         | 12                          | 0.1        |
| Western                | 573                                 | 7.3         | 9                              | 0.1        | 106                         | 1.3        | 180                         | 2.3        | 21                                   | 0.3        | 662                        | 8.4         | 99                          | 1.3        |
| <b>SIXTH CIRCUIT</b>   | <b>1,296</b>                        | <b>23.1</b> | <b>1</b>                       | <b>0.0</b> | <b>236</b>                  | <b>4.2</b> | <b>125</b>                  | <b>2.2</b> | <b>106</b>                           | <b>1.9</b> | <b>862</b>                 | <b>15.4</b> | <b>42</b>                   | <b>0.7</b> |
| <b>Kentucky</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 228                                 | 37.6        | 0                              | 0.0        | 12                          | 2.0        | 0                           | 0.0        | 3                                    | 0.5        | 61                         | 10.0        | 1                           | 0.2        |
| Western                | 98                                  | 22.7        | 0                              | 0.0        | 45                          | 10.4       | 13                          | 3.0        | 3                                    | 0.7        | 47                         | 10.9        | 1                           | 0.2        |
| <b>Michigan</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 147                                 | 17.8        | 1                              | 0.1        | 27                          | 3.3        | 16                          | 1.9        | 12                                   | 1.5        | 205                        | 24.8        | 4                           | 0.5        |
| Western                | 58                                  | 11.6        | 0                              | 0.0        | 2                           | 0.4        | 10                          | 2.0        | 7                                    | 1.4        | 76                         | 15.2        | 3                           | 0.6        |
| <b>Ohio</b>            |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Northern               | 167                                 | 26.6        | 0                              | 0.0        | 18                          | 2.9        | 15                          | 2.4        | 7                                    | 1.1        | 106                        | 16.9        | 6                           | 1.0        |
| Southern               | 220                                 | 29.7        | 0                              | 0.0        | 53                          | 7.2        | 36                          | 4.9        | 44                                   | 5.9        | 104                        | 14.0        | 15                          | 2.0        |
| <b>Tennessee</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 220                                 | 24.1        | 0                              | 0.0        | 14                          | 1.5        | 11                          | 1.2        | 5                                    | 0.5        | 82                         | 9.0         | 7                           | 0.8        |
| Middle                 | 54                                  | 16.1        | 0                              | 0.0        | 47                          | 14.0       | 13                          | 3.9        | 5                                    | 1.5        | 67                         | 20.0        | 0                           | 0.0        |
| Western                | 104                                 | 16.5        | 0                              | 0.0        | 18                          | 2.9        | 11                          | 1.7        | 20                                   | 3.2        | 114                        | 18.1        | 5                           | 0.8        |
| <b>SEVENTH CIRCUIT</b> | <b>501</b>                          | <b>16.5</b> | <b>1</b>                       | <b>0.0</b> | <b>147</b>                  | <b>4.8</b> | <b>73</b>                   | <b>2.4</b> | <b>104</b>                           | <b>3.4</b> | <b>619</b>                 | <b>20.4</b> | <b>33</b>                   | <b>1.1</b> |
| <b>Illinois</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Central                | 53                                  | 14.8        | 0                              | 0.0        | 17                          | 4.7        | 1                           | 0.3        | 3                                    | 0.8        | 81                         | 22.6        | 2                           | 0.6        |
| Northern               | 133                                 | 14.4        | 0                              | 0.0        | 14                          | 1.5        | 19                          | 2.1        | 72                                   | 7.8        | 238                        | 25.8        | 17                          | 1.8        |
| Southern               | 23                                  | 6.9         | 0                              | 0.0        | 11                          | 3.3        | 4                           | 1.2        | 6                                    | 1.8        | 23                         | 6.9         | 3                           | 0.9        |
| <b>Indiana</b>         |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Northern               | 98                                  | 21.7        | 0                              | 0.0        | 21                          | 4.7        | 15                          | 3.3        | 5                                    | 1.1        | 31                         | 6.9         | 0                           | 0.0        |
| Southern               | 32                                  | 11.1        | 0                              | 0.0        | 20                          | 6.9        | 8                           | 2.8        | 1                                    | 0.3        | 54                         | 18.8        | 0                           | 0.0        |
| <b>Wisconsin</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 146                                 | 29.2        | 0                              | 0.0        | 64                          | 12.8       | 3                           | 0.6        | 0                                    | 0.0        | 143                        | 28.6        | 11                          | 2.2        |
| Western                | 16                                  | 8.6         | 1                              | 0.5        | 0                           | 0.0        | 23                          | 12.3       | 17                                   | 9.1        | 49                         | 26.2        | 0                           | 0.0        |
| <b>EIGHTH CIRCUIT</b>  | <b>658</b>                          | <b>13.8</b> | <b>37</b>                      | <b>0.8</b> | <b>199</b>                  | <b>4.2</b> | <b>109</b>                  | <b>2.3</b> | <b>64</b>                            | <b>1.3</b> | <b>929</b>                 | <b>19.5</b> | <b>23</b>                   | <b>0.5</b> |
| <b>Arkansas</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 33                                  | 10.2        | 0                              | 0.0        | 11                          | 3.4        | 6                           | 1.8        | 4                                    | 1.2        | 53                         | 16.3        | 3                           | 0.9        |
| Western                | 36                                  | 11.3        | 0                              | 0.0        | 1                           | 0.3        | 1                           | 0.3        | 3                                    | 0.9        | 31                         | 9.7         | 1                           | 0.3        |
| <b>Iowa</b>            |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Northern               | 100                                 | 19.2        | 0                              | 0.0        | 5                           | 1.0        | 3                           | 0.6        | 0                                    | 0.0        | 52                         | 10.0        | 0                           | 0.0        |
| Southern               | 84                                  | 20.6        | 0                              | 0.0        | 42                          | 10.3       | 2                           | 0.5        | 5                                    | 1.2        | 110                        | 27.0        | 2                           | 0.5        |
| Minnesota              | 94                                  | 20.8        | 1                              | 0.2        | 7                           | 1.6        | 15                          | 3.3        | 10                                   | 2.2        | 176                        | 39.0        | 0                           | 0.0        |
| <b>Missouri</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 105                                 | 12.9        | 0                              | 0.0        | 53                          | 6.5        | 10                          | 1.2        | 20                                   | 2.4        | 202                        | 24.7        | 7                           | 0.9        |
| Western                | 124                                 | 19.0        | 0                              | 0.0        | 22                          | 3.4        | 12                          | 1.8        | 6                                    | 0.9        | 106                        | 16.2        | 2                           | 0.3        |
| Nebraska               | 15                                  | 2.7         | 36                             | 6.4        | 36                          | 6.4        | 10                          | 1.8        | 5                                    | 0.9        | 106                        | 18.9        | 6                           | 1.1        |
| North Dakota           | 57                                  | 20.7        | 0                              | 0.0        | 13                          | 4.7        | 13                          | 4.7        | 2                                    | 0.7        | 29                         | 10.5        | 1                           | 0.4        |
| South Dakota           | 10                                  | 2.3         | 0                              | 0.0        | 9                           | 2.1        | 37                          | 8.6        | 9                                    | 2.1        | 64                         | 14.8        | 1                           | 0.2        |

| CIRCUIT<br>District      | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|--------------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                          |               | N                                      | %           | N                           | %          | N                                    | %          | N                          | %          | N                           | %          |
| <b>NINTH CIRCUIT</b>     | <b>21,265</b> | <b>8,668</b>                           | <b>40.8</b> | <b>79</b>                   | <b>0.4</b> | <b>22</b>                            | <b>0.1</b> | <b>97</b>                  | <b>0.5</b> | <b>21</b>                   | <b>0.1</b> |
| Alaska                   | 153           | 61                                     | 39.9        | 2                           | 1.3        | 3                                    | 2.0        | 0                          | 0.0        | 0                           | 0.0        |
| Arizona                  | 9,185         | 4,273                                  | 46.5        | 48                          | 0.5        | 5                                    | 0.1        | 15                         | 0.2        | 5                           | 0.1        |
| California               |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Central                  | 1,886         | 613                                    | 32.5        | 5                           | 0.3        | 8                                    | 0.4        | 11                         | 0.6        | 3                           | 0.2        |
| Eastern                  | 1,038         | 405                                    | 39.0        | 5                           | 0.5        | 0                                    | 0.0        | 7                          | 0.7        | 3                           | 0.3        |
| Northern                 | 811           | 362                                    | 44.6        | 0                           | 0.0        | 2                                    | 0.2        | 8                          | 1.0        | 0                           | 0.0        |
| Southern                 | 4,834         | 1,367                                  | 28.3        | 7                           | 0.1        | 1                                    | 0.0        | 7                          | 0.1        | 8                           | 0.2        |
| Guam                     | 50            | 27                                     | 54.0        | 0                           | 0.0        | 1                                    | 2.0        | 0                          | 0.0        | 0                           | 0.0        |
| Hawaii                   | 206           | 82                                     | 39.8        | 0                           | 0.0        | 1                                    | 0.5        | 3                          | 1.5        | 0                           | 0.0        |
| Idaho                    | 347           | 146                                    | 42.1        | 1                           | 0.3        | 0                                    | 0.0        | 4                          | 1.2        | 0                           | 0.0        |
| Montana                  | 311           | 209                                    | 67.2        | 1                           | 0.3        | 0                                    | 0.0        | 4                          | 1.3        | 0                           | 0.0        |
| Nevada                   | 649           | 400                                    | 61.6        | 1                           | 0.2        | 0                                    | 0.0        | 9                          | 1.4        | 1                           | 0.2        |
| Northern Mariana Islands | 10            | 7                                      | 70.0        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Oregon                   | 631           | 232                                    | 36.8        | 2                           | 0.3        | 0                                    | 0.0        | 14                         | 2.2        | 0                           | 0.0        |
| Washington               |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                  | 369           | 129                                    | 35.0        | 6                           | 1.6        | 1                                    | 0.3        | 7                          | 1.9        | 1                           | 0.3        |
| Western                  | 785           | 355                                    | 45.2        | 1                           | 0.1        | 0                                    | 0.0        | 8                          | 1.0        | 0                           | 0.0        |
| <b>TENTH CIRCUIT</b>     | <b>6,739</b>  | <b>3,797</b>                           | <b>56.3</b> | <b>28</b>                   | <b>0.4</b> | <b>3</b>                             | <b>0.0</b> | <b>50</b>                  | <b>0.7</b> | <b>7</b>                    | <b>0.1</b> |
| Colorado                 | 657           | 360                                    | 54.8        | 2                           | 0.3        | 2                                    | 0.3        | 3                          | 0.5        | 1                           | 0.2        |
| Kansas                   | 688           | 341                                    | 49.6        | 9                           | 1.3        | 0                                    | 0.0        | 27                         | 3.9        | 1                           | 0.1        |
| New Mexico               | 3,149         | 1,964                                  | 62.4        | 8                           | 0.3        | 1                                    | 0.0        | 4                          | 0.1        | 3                           | 0.1        |
| Oklahoma                 |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                  | 104           | 79                                     | 76.0        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Northern                 | 197           | 123                                    | 62.4        | 2                           | 1.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Western                  | 503           | 342                                    | 68.0        | 1                           | 0.2        | 0                                    | 0.0        | 6                          | 1.2        | 0                           | 0.0        |
| Utah                     | 1,086         | 390                                    | 35.9        | 4                           | 0.4        | 0                                    | 0.0        | 6                          | 0.6        | 1                           | 0.1        |
| Wyoming                  | 355           | 198                                    | 55.8        | 2                           | 0.6        | 0                                    | 0.0        | 4                          | 1.1        | 1                           | 0.3        |
| <b>ELEVENTH CIRCUIT</b>  | <b>6,932</b>  | <b>4,370</b>                           | <b>63.0</b> | <b>16</b>                   | <b>0.2</b> | <b>7</b>                             | <b>0.1</b> | <b>116</b>                 | <b>1.7</b> | <b>12</b>                   | <b>0.2</b> |
| Alabama                  |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 230           | 135                                    | 58.7        | 0                           | 0.0        | 1                                    | 0.4        | 12                         | 5.2        | 0                           | 0.0        |
| Northern                 | 456           | 307                                    | 67.3        | 0                           | 0.0        | 0                                    | 0.0        | 5                          | 1.1        | 0                           | 0.0        |
| Southern                 | 439           | 273                                    | 62.2        | 2                           | 0.5        | 0                                    | 0.0        | 3                          | 0.7        | 0                           | 0.0        |
| Florida                  |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 1,526         | 789                                    | 51.7        | 3                           | 0.2        | 0                                    | 0.0        | 33                         | 2.2        | 2                           | 0.1        |
| Northern                 | 369           | 240                                    | 65.0        | 3                           | 0.8        | 2                                    | 0.5        | 5                          | 1.4        | 0                           | 0.0        |
| Southern                 | 2,093         | 1,346                                  | 64.3        | 4                           | 0.2        | 3                                    | 0.1        | 24                         | 1.1        | 9                           | 0.4        |
| Georgia                  |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 396           | 317                                    | 80.1        | 0                           | 0.0        | 1                                    | 0.3        | 3                          | 0.8        | 0                           | 0.0        |
| Northern                 | 671           | 360                                    | 53.7        | 2                           | 0.3        | 0                                    | 0.0        | 11                         | 1.6        | 0                           | 0.0        |
| Southern                 | 752           | 603                                    | 80.2        | 2                           | 0.3        | 0                                    | 0.0        | 20                         | 2.7        | 1                           | 0.1        |

| CIRCUIT<br>District      | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |             | OTHER<br>GOV'T<br>SPONSORED |            | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|--------------------------|-------------------------------------|-------------|--------------------------------|-------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
|                          | N                                   | %           | N                              | %           | N                           | %          | N                           | %          | N                                    | %          | N                          | %           | N                           | %          |
| <b>NINTH CIRCUIT</b>     | <b>1,314</b>                        | <b>6.2</b>  | <b>7,358</b>                   | <b>34.6</b> | <b>1,227</b>                | <b>5.8</b> | <b>387</b>                  | <b>1.8</b> | <b>169</b>                           | <b>0.8</b> | <b>1,828</b>               | <b>8.6</b>  | <b>95</b>                   | <b>0.4</b> |
| Alaska                   | 22                                  | 14.4        | 0                              | 0.0         | 16                          | 10.5       | 6                           | 3.9        | 10                                   | 6.5        | 32                         | 20.9        | 1                           | 0.7        |
| Arizona                  | 158                                 | 1.7         | 3,839                          | 41.8        | 272                         | 3.0        | 114                         | 1.2        | 36                                   | 0.4        | 406                        | 4.4         | 14                          | 0.2        |
| <b>California</b>        |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| <b>Central</b>           | 205                                 | 10.9        | 401                            | 21.3        | 198                         | 10.5       | 53                          | 2.8        | 25                                   | 1.3        | 325                        | 17.2        | 39                          | 2.1        |
| <b>Eastern</b>           | 139                                 | 13.4        | 332                            | 32.0        | 28                          | 2.7        | 12                          | 1.2        | 5                                    | 0.5        | 99                         | 9.5         | 3                           | 0.3        |
| <b>Northern</b>          | 79                                  | 9.7         | 103                            | 12.7        | 126                         | 15.5       | 14                          | 1.7        | 27                                   | 3.3        | 88                         | 10.9        | 2                           | 0.2        |
| <b>Southern</b>          | 265                                 | 5.5         | 2,514                          | 52.0        | 148                         | 3.1        | 142                         | 2.9        | 32                                   | 0.7        | 322                        | 6.7         | 21                          | 0.4        |
| Guam                     | 7                                   | 14.0        | 0                              | 0.0         | 0                           | 0.0        | 1                           | 2.0        | 0                                    | 0.0        | 12                         | 24.0        | 2                           | 4.0        |
| Hawaii                   | 55                                  | 26.7        | 0                              | 0.0         | 2                           | 1.0        | 3                           | 1.5        | 2                                    | 1.0        | 58                         | 28.2        | 0                           | 0.0        |
| Idaho                    | 93                                  | 26.8        | 26                             | 7.5         | 8                           | 2.3        | 4                           | 1.2        | 3                                    | 0.9        | 61                         | 17.6        | 1                           | 0.3        |
| Montana                  | 48                                  | 15.4        | 0                              | 0.0         | 3                           | 1.0        | 1                           | 0.3        | 2                                    | 0.6        | 42                         | 13.5        | 1                           | 0.3        |
| Nevada                   | 55                                  | 8.5         | 0                              | 0.0         | 65                          | 10.0       | 15                          | 2.3        | 4                                    | 0.6        | 93                         | 14.3        | 6                           | 0.9        |
| Northern Mariana Islands | 1                                   | 10.0        | 0                              | 0.0         | 1                           | 10.0       | 0                           | 0.0        | 1                                    | 10.0       | 0                          | 0.0         | 0                           | 0.0        |
| Oregon                   | 107                                 | 17.0        | 53                             | 8.4         | 102                         | 16.2       | 9                           | 1.4        | 9                                    | 1.4        | 101                        | 16.0        | 2                           | 0.3        |
| <b>Washington</b>        |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| <b>Eastern</b>           | 33                                  | 8.9         | 48                             | 13.0        | 62                          | 16.8       | 8                           | 2.2        | 6                                    | 1.6        | 68                         | 18.4        | 0                           | 0.0        |
| <b>Western</b>           | 47                                  | 6.0         | 42                             | 5.4         | 196                         | 25.0       | 5                           | 0.6        | 7                                    | 0.9        | 121                        | 15.4        | 3                           | 0.4        |
| <b>TENTH CIRCUIT</b>     | <b>497</b>                          | <b>7.4</b>  | <b>792</b>                     | <b>11.8</b> | <b>644</b>                  | <b>9.6</b> | <b>109</b>                  | <b>1.6</b> | <b>43</b>                            | <b>0.6</b> | <b>750</b>                 | <b>11.1</b> | <b>19</b>                   | <b>0.3</b> |
| Colorado                 | 140                                 | 21.3        | 0                              | 0.0         | 33                          | 5.0        | 13                          | 2.0        | 8                                    | 1.2        | 95                         | 14.5        | 0                           | 0.0        |
| Kansas                   | 112                                 | 16.3        | 0                              | 0.0         | 111                         | 16.1       | 7                           | 1.0        | 1                                    | 0.1        | 78                         | 11.3        | 1                           | 0.1        |
| New Mexico               | 91                                  | 2.9         | 408                            | 13.0        | 411                         | 13.1       | 52                          | 1.7        | 20                                   | 0.6        | 175                        | 5.6         | 12                          | 0.4        |
| <b>Oklahoma</b>          |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| <b>Eastern</b>           | 14                                  | 13.5        | 0                              | 0.0         | 4                           | 3.8        | 0                           | 0.0        | 0                                    | 0.0        | 7                          | 6.7         | 0                           | 0.0        |
| <b>Northern</b>          | 34                                  | 17.3        | 0                              | 0.0         | 0                           | 0.0        | 1                           | 0.5        | 1                                    | 0.5        | 36                         | 18.3        | 0                           | 0.0        |
| <b>Western</b>           | 36                                  | 7.2         | 0                              | 0.0         | 2                           | 0.4        | 9                           | 1.8        | 3                                    | 0.6        | 103                        | 20.5        | 1                           | 0.2        |
| Utah                     | 30                                  | 2.8         | 377                            | 34.7        | 54                          | 5.0        | 19                          | 1.7        | 0                                    | 0.0        | 200                        | 18.4        | 5                           | 0.5        |
| Wyoming                  | 40                                  | 11.3        | 7                              | 2.0         | 29                          | 8.2        | 8                           | 2.3        | 10                                   | 2.8        | 56                         | 15.8        | 0                           | 0.0        |
| <b>ELEVENTH CIRCUIT</b>  | <b>894</b>                          | <b>12.9</b> | <b>0</b>                       | <b>0.0</b>  | <b>127</b>                  | <b>1.8</b> | <b>80</b>                   | <b>1.2</b> | <b>61</b>                            | <b>0.9</b> | <b>1,215</b>               | <b>17.5</b> | <b>34</b>                   | <b>0.5</b> |
| <b>Alabama</b>           |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| <b>Middle</b>            | 47                                  | 20.4        | 0                              | 0.0         | 5                           | 2.2        | 3                           | 1.3        | 0                                    | 0.0        | 27                         | 11.7        | 0                           | 0.0        |
| <b>Northern</b>          | 82                                  | 18.0        | 0                              | 0.0         | 7                           | 1.5        | 2                           | 0.4        | 1                                    | 0.2        | 52                         | 11.4        | 0                           | 0.0        |
| <b>Southern</b>          | 81                                  | 18.5        | 0                              | 0.0         | 6                           | 1.4        | 4                           | 0.9        | 4                                    | 0.9        | 66                         | 15.0        | 0                           | 0.0        |
| <b>Florida</b>           |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| <b>Middle</b>            | 244                                 | 16.0        | 0                              | 0.0         | 17                          | 1.1        | 28                          | 1.8        | 22                                   | 1.4        | 378                        | 24.8        | 10                          | 0.7        |
| <b>Northern</b>          | 50                                  | 13.6        | 0                              | 0.0         | 0                           | 0.0        | 8                           | 2.2        | 2                                    | 0.5        | 59                         | 16.0        | 0                           | 0.0        |
| <b>Southern</b>          | 197                                 | 9.4         | 0                              | 0.0         | 37                          | 1.8        | 17                          | 0.8        | 21                                   | 1.0        | 416                        | 19.9        | 19                          | 0.9        |
| <b>Georgia</b>           |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| <b>Middle</b>            | 50                                  | 12.6        | 0                              | 0.0         | 4                           | 1.0        | 2                           | 0.5        | 2                                    | 0.5        | 17                         | 4.3         | 0                           | 0.0        |
| <b>Northern</b>          | 73                                  | 10.9        | 0                              | 0.0         | 42                          | 6.3        | 11                          | 1.6        | 8                                    | 1.2        | 161                        | 24.0        | 3                           | 0.4        |
| <b>Southern</b>          | 70                                  | 9.3         | 0                              | 0.0         | 9                           | 1.2        | 5                           | 0.7        | 1                                    | 0.1        | 39                         | 5.2         | 2                           | 0.3        |

Of the 86,201 cases, 1,457 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Middle Georgia (11.0%), Western Texas (7.6%), Guam (7.4%), Western Louisiana (6.6%), Eastern North Carolina (5.6%), Northern Georgia (5.6%), Maryland (5.3%), and Oregon (5.1%).

SOURCE: U.S. Sentencing Commission, 2011 Datafile, OPAFY11.

**Table 10**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY SELECTED PRIMARY OFFENSE CATEGORY  
Fiscal Year 2011**

**National**

| PRIMARY OFFENSE              | TOTAL         | WITHIN<br>GUIDELINE<br>RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|------------------------------|---------------|------------------------------|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                              |               | N                            | %           | N                           | %          | N                                    | %          | N                          | %          | N                           | %          |
| <b>TOTAL</b>                 | <b>84,744</b> | <b>46,160</b>                | <b>54.5</b> | <b>379</b>                  | <b>0.4</b> | <b>109</b>                           | <b>0.1</b> | <b>947</b>                 | <b>1.1</b> | <b>92</b>                   | <b>0.1</b> |
| Robbery                      | 957           | 576                          | 60.2        | 9                           | 0.9        | 5                                    | 0.5        | 24                         | 2.5        | 1                           | 0.1        |
| Drugs - Trafficking          | 24,401        | 11,283                       | 46.2        | 62                          | 0.3        | 11                                   | 0.0        | 130                        | 0.5        | 18                          | 0.1        |
| Drugs - Simple Possession    | 764           | 725                          | 94.9        | 5                           | 0.7        | 3                                    | 0.4        | 7                          | 0.9        | 1                           | 0.1        |
| Firearms                     | 7,837         | 4,640                        | 59.2        | 85                          | 1.1        | 13                                   | 0.2        | 183                        | 2.3        | 12                          | 0.2        |
| Larceny                      | 1,472         | 1,083                        | 73.6        | 4                           | 0.3        | 4                                    | 0.3        | 15                         | 1.0        | 2                           | 0.1        |
| Fraud                        | 7,887         | 4,304                        | 54.6        | 33                          | 0.4        | 24                                   | 0.3        | 106                        | 1.3        | 11                          | 0.1        |
| Embezzlement                 | 385           | 246                          | 63.9        | 0                           | 0.0        | 0                                    | 0.0        | 2                          | 0.5        | 1                           | 0.3        |
| Forgery/Counterfeiting       | 937           | 601                          | 64.1        | 3                           | 0.3        | 2                                    | 0.2        | 16                         | 1.7        | 1                           | 0.1        |
| Immigration                  | 29,327        | 16,913                       | 57.7        | 97                          | 0.3        | 24                                   | 0.1        | 291                        | 1.0        | 21                          | 0.1        |
| Other Miscellaneous Offenses | 10,777        | 5,789                        | 53.7        | 81                          | 0.8        | 23                                   | 0.2        | 173                        | 1.6        | 24                          | 0.2        |

**Eastern Virginia**

| PRIMARY OFFENSE              | TOTAL        | WITHIN<br>GUIDELINE<br>RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|------------------------------|--------------|------------------------------|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                              |              | N                            | %           | N                           | %          | N                                    | %          | N                          | %          | N                           | %          |
| <b>TOTAL</b>                 | <b>2,020</b> | <b>1,513</b>                 | <b>74.9</b> | <b>7</b>                    | <b>0.3</b> | <b>5</b>                             | <b>0.2</b> | <b>22</b>                  | <b>1.1</b> | <b>0</b>                    | <b>0.0</b> |
| Robbery                      | 6            | 3                            | 50.0        | 1                           | 16.7       | 0                                    | 0.0        | 1                          | 16.7       | 0                           | 0.0        |
| Drugs - Trafficking          | 378          | 219                          | 57.9        | 0                           | 0.0        | 0                                    | 0.0        | 2                          | 0.5        | 0                           | 0.0        |
| Drugs - Simple Possession    | 46           | 45                           | 97.8        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Firearms                     | 156          | 107                          | 68.6        | 1                           | 0.6        | 1                                    | 0.6        | 5                          | 3.2        | 0                           | 0.0        |
| Larceny                      | 92           | 84                           | 91.3        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Fraud                        | 219          | 122                          | 55.7        | 3                           | 1.4        | 0                                    | 0.0        | 3                          | 1.4        | 0                           | 0.0        |
| Embezzlement                 | 7            | 6                            | 85.7        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Forgery/Counterfeiting       | 15           | 7                            | 46.7        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 6.7        | 0                           | 0.0        |
| Immigration                  | 316          | 249                          | 78.8        | 1                           | 0.3        | 2                                    | 0.6        | 5                          | 1.6        | 0                           | 0.0        |
| Other Miscellaneous Offenses | 785          | 671                          | 85.5        | 1                           | 0.1        | 2                                    | 0.3        | 5                          | 0.6        | 0                           | 0.0        |

### National

| PRIMARY OFFENSE              | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |             | OTHER<br>GOV'T<br>SPONSORED |            | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|------------------------------|-------------------------------------|-------------|--------------------------------|-------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
|                              | N                                   | %           | N                              | %           | N                           | %          | N                           | %          | N                                    | %          | N                          | %           | N                           | %          |
| <b>TOTAL</b>                 | <b>9,522</b>                        | <b>11.2</b> | <b>9,057</b>                   | <b>10.7</b> | <b>3,716</b>                | <b>4.4</b> | <b>1,976</b>                | <b>2.3</b> | <b>917</b>                           | <b>1.1</b> | <b>11,371</b>              | <b>13.4</b> | <b>498</b>                  | <b>0.6</b> |
| Robbery                      | 104                                 | 10.9        | 3                              | 0.3         | 40                          | 4.2        | 25                          | 2.6        | 12                                   | 1.3        | 155                        | 16.2        | 3                           | 0.3        |
| Drugs - Trafficking          | 5,766                               | 23.6        | 1,364                          | 5.6         | 1,199                       | 4.9        | 502                         | 2.1        | 305                                  | 1.2        | 3,653                      | 15.0        | 108                         | 0.4        |
| Drugs - Simple Possession    | 5                                   | 0.7         | 0                              | 0.0         | 3                           | 0.4        | 2                           | 0.3        | 0                                    | 0.0        | 11                         | 1.4         | 2                           | 0.3        |
| Firearms                     | 894                                 | 11.4        | 12                             | 0.2         | 418                         | 5.3        | 167                         | 2.1        | 103                                  | 1.3        | 1,272                      | 16.2        | 38                          | 0.5        |
| Larceny                      | 65                                  | 4.4         | 2                              | 0.1         | 62                          | 4.2        | 24                          | 1.6        | 11                                   | 0.7        | 184                        | 12.5        | 16                          | 1.1        |
| Fraud                        | 1,281                               | 16.2        | 10                             | 0.1         | 333                         | 4.2        | 141                         | 1.8        | 145                                  | 1.8        | 1,418                      | 18.0        | 81                          | 1.0        |
| Embezzlement                 | 15                                  | 3.9         | 1                              | 0.3         | 16                          | 4.2        | 7                           | 1.8        | 5                                    | 1.3        | 87                         | 22.6        | 5                           | 1.3        |
| Forgery/Counterfeiting       | 112                                 | 12.0        | 1                              | 0.1         | 27                          | 2.9        | 15                          | 1.6        | 8                                    | 0.9        | 143                        | 15.3        | 8                           | 0.9        |
| Immigration                  | 281                                 | 1.0         | 7,626                          | 26.0        | 668                         | 2.3        | 828                         | 2.8        | 141                                  | 0.5        | 2,296                      | 7.8         | 141                         | 0.5        |
| Other Miscellaneous Offenses | 999                                 | 9.3         | 38                             | 0.4         | 950                         | 8.8        | 265                         | 2.5        | 187                                  | 1.7        | 2,152                      | 20.0        | 96                          | 0.9        |

### Eastern Virginia

| PRIMARY OFFENSE              | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |            | §5K3.1<br>EARLY<br>DISPOSITION |            | OTHER<br>GOV'T<br>SPONSORED |            | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|------------------------------|-------------------------------------|------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
|                              | N                                   | %          | N                              | %          | N                           | %          | N                           | %          | N                                    | %          | N                          | %           | N                           | %          |
| <b>TOTAL</b>                 | <b>72</b>                           | <b>3.6</b> | <b>0</b>                       | <b>0.0</b> | <b>42</b>                   | <b>2.1</b> | <b>42</b>                   | <b>2.1</b> | <b>20</b>                            | <b>1.0</b> | <b>284</b>                 | <b>14.1</b> | <b>13</b>                   | <b>0.6</b> |
| Robbery                      | 0                                   | 0.0        | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 16.7        | 0                           | 0.0        |
| Drugs - Trafficking          | 25                                  | 6.6        | 0                              | 0.0        | 6                           | 1.6        | 16                          | 4.2        | 6                                    | 1.6        | 104                        | 27.5        | 0                           | 0.0        |
| Drugs - Simple Possession    | 0                                   | 0.0        | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0         | 1                           | 2.2        |
| Firearms                     | 6                                   | 3.8        | 0                              | 0.0        | 3                           | 1.9        | 1                           | 0.6        | 3                                    | 1.9        | 26                         | 16.7        | 3                           | 1.9        |
| Larceny                      | 1                                   | 1.1        | 0                              | 0.0        | 2                           | 2.2        | 0                           | 0.0        | 0                                    | 0.0        | 5                          | 5.4         | 0                           | 0.0        |
| Fraud                        | 24                                  | 11.0       | 0                              | 0.0        | 6                           | 2.7        | 5                           | 2.3        | 4                                    | 1.8        | 51                         | 23.3        | 1                           | 0.5        |
| Embezzlement                 | 0                                   | 0.0        | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 14.3        | 0                           | 0.0        |
| Forgery/Counterfeiting       | 0                                   | 0.0        | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 7                          | 46.7        | 0                           | 0.0        |
| Immigration                  | 4                                   | 1.3        | 0                              | 0.0        | 5                           | 1.6        | 5                           | 1.6        | 5                                    | 1.6        | 37                         | 11.7        | 3                           | 0.9        |
| Other Miscellaneous Offenses | 12                                  | 1.5        | 0                              | 0.0        | 20                          | 2.5        | 15                          | 1.9        | 2                                    | 0.3        | 52                         | 6.6         | 5                           | 0.6        |

Of the 86,201 guideline cases, 1,457 cases were excluded due to missing information from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 2,067 guideline cases from the Eastern District of Virginia, 47 cases were excluded due to missing information from the from the submitted documents that prevented the comparison of the sentence and the guideline range.

SOURCE: U.S. Sentencing Commission, 2011 Datafile, OPAFY11.