

United States Sentencing Commission



Statistical Information Packet

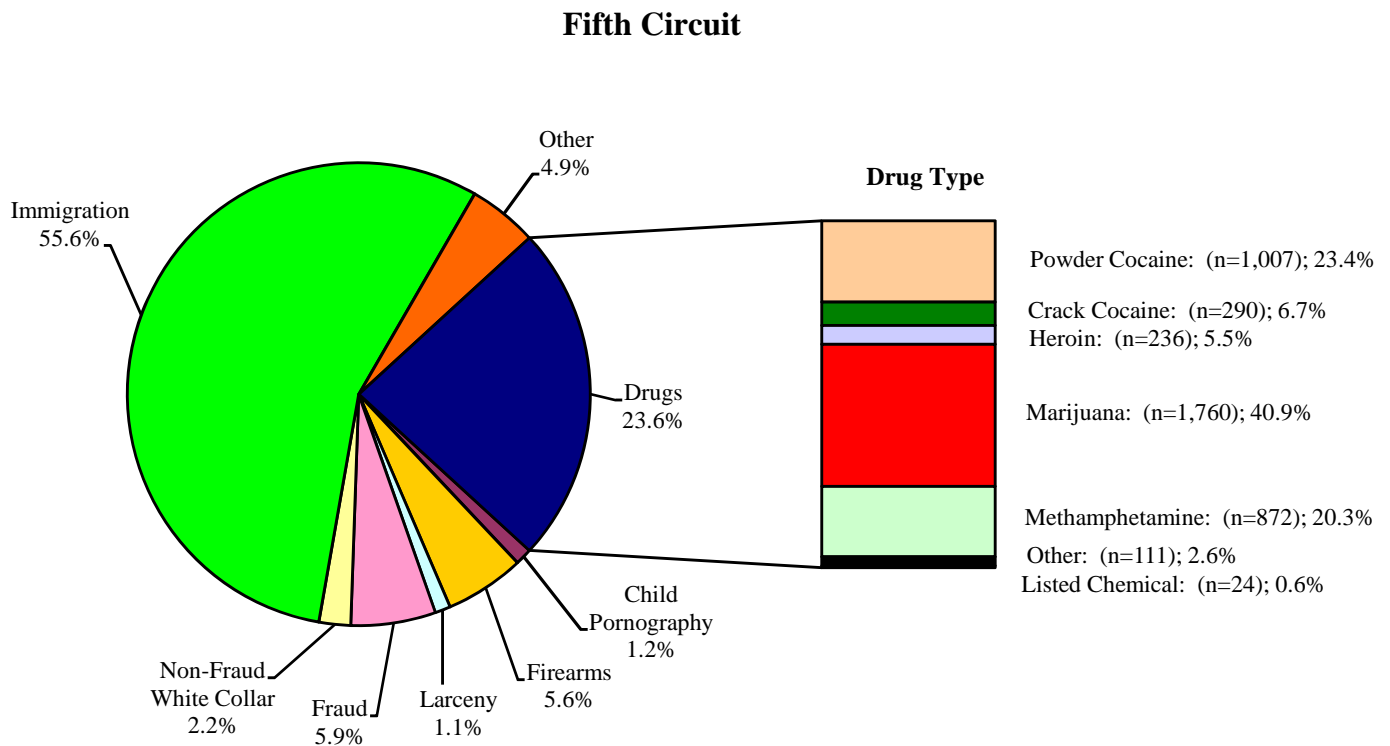
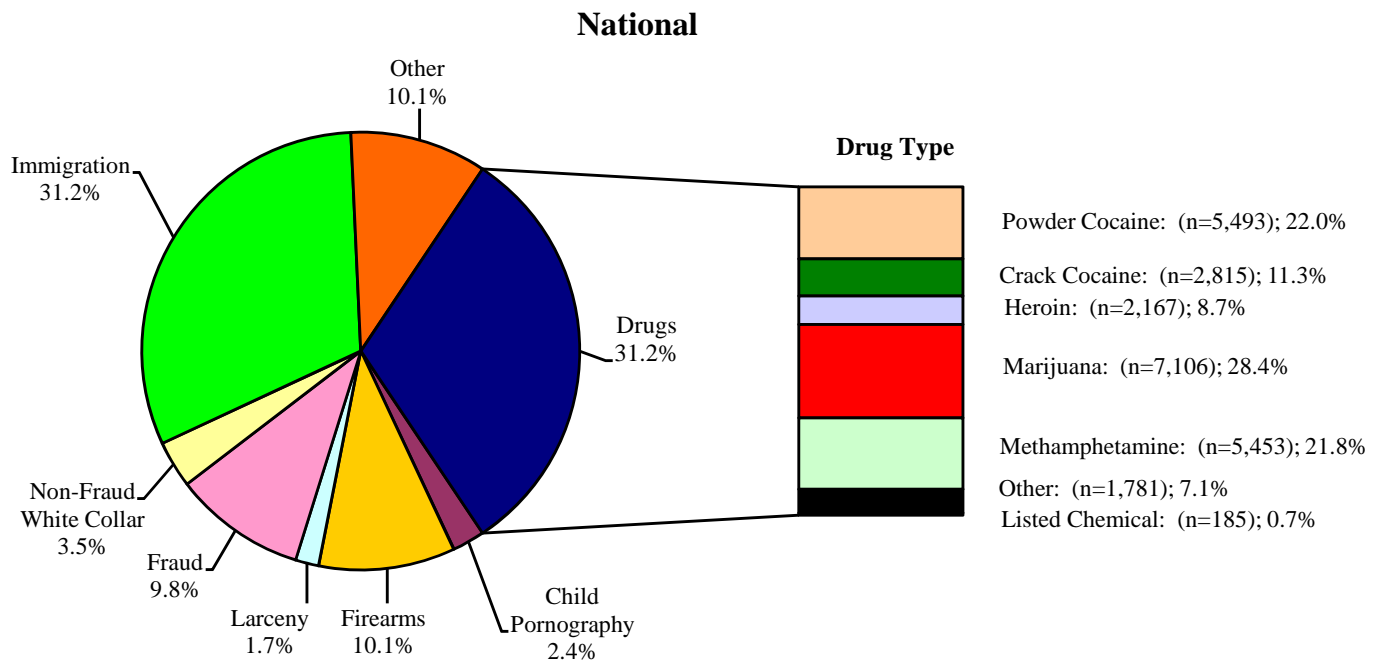
Fiscal Year 2013

Fifth Circuit

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Figure A
OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2013



¹ Of the 80,035 guideline cases, no cases were excluded.

Of the 18,215 guideline cases from the Fifth Circuit, no cases were excluded.

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

SOURCE: U.S. Sentencing Commission, 2013 Datafile, USSCFY13.

Table 1

**DISTRIBUTION OF GUIDELINE OFFENDERS IN EACH
PRIMARY OFFENSE CATEGORY
Fiscal Year 2013**

| PRIMARY OFFENSE | National | | Fifth Circuit | |
|------------------------------------|---------------|--------------|---------------|--------------|
| | N | % | N | % |
| TOTAL | 80,035 | 100.0 | 18,215 | 100.0 |
| Murder | 89 | 0.1 | 7 | 0.0 |
| Manslaughter | 63 | 0.1 | 1 | 0.0 |
| Kidnapping/Hostage Taking | 40 | 0.0 | 10 | 0.1 |
| Sexual Abuse | 423 | 0.5 | 37 | 0.2 |
| Assault | 724 | 0.9 | 68 | 0.4 |
| Robbery | 844 | 1.1 | 77 | 0.4 |
| Arson | 69 | 0.1 | 5 | 0.0 |
| Drugs - Trafficking | 22,254 | 27.8 | 4,112 | 22.6 |
| Drugs - Communication Facility | 414 | 0.5 | 45 | 0.2 |
| Drugs - Simple Possession | 2,332 | 2.9 | 143 | 0.8 |
| Firearms | 8,068 | 10.1 | 1,014 | 5.6 |
| Burglary/B&E | 37 | 0.0 | 1 | 0.0 |
| Auto Theft | 87 | 0.1 | 10 | 0.1 |
| Larceny | 1,372 | 1.7 | 198 | 1.1 |
| Fraud | 7,840 | 9.8 | 1,077 | 5.9 |
| Embezzlement | 341 | 0.4 | 28 | 0.2 |
| Forgery/Counterfeiting | 731 | 0.9 | 114 | 0.6 |
| Bribery | 256 | 0.3 | 55 | 0.3 |
| Tax | 616 | 0.8 | 49 | 0.3 |
| Money Laundering | 829 | 1.0 | 158 | 0.9 |
| Racketeering/Extortion | 871 | 1.1 | 67 | 0.4 |
| Gambling/Lottery | 73 | 0.1 | 6 | 0.0 |
| Civil Rights | 58 | 0.1 | 3 | 0.0 |
| Immigration | 24,972 | 31.2 | 10,124 | 55.6 |
| Child Pornography | 1,922 | 2.4 | 214 | 1.2 |
| Prison Offenses | 427 | 0.5 | 54 | 0.3 |
| Administration of Justice Offenses | 1,398 | 1.7 | 257 | 1.4 |
| Environmental/Wildlife | 182 | 0.2 | 14 | 0.1 |
| National Defense | 126 | 0.2 | 42 | 0.2 |
| Antitrust | 16 | 0.0 | 1 | 0.0 |
| Food & Drug | 74 | 0.1 | 6 | 0.0 |
| Other Miscellaneous Offenses | 2,487 | 3.1 | 218 | 1.2 |

Of the 80,035 guideline cases, no cases were excluded due to missing information on primary offense category.

Of the 18,215 guideline cases from the Fifth Circuit, no cases were excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 2013 Datafile, USSCFY13.

Table 2

**GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2013**

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|-----------------------|---------------|---------------|-------------|--------------|------------|
| | | N | % | N | % |
| TOTAL | 80,035 | 77,567 | 96.9 | 2,468 | 3.1 |
| D.C. CIRCUIT | 344 | 322 | 93.6 | 22 | 6.4 |
| District of Columbia | 344 | 322 | 93.6 | 22 | 6.4 |
| FIRST CIRCUIT | 2,537 | 2,427 | 95.7 | 110 | 4.3 |
| Maine | 239 | 220 | 92.1 | 19 | 7.9 |
| Massachusetts | 492 | 460 | 93.5 | 32 | 6.5 |
| New Hampshire | 166 | 160 | 96.4 | 6 | 3.6 |
| Puerto Rico | 1,488 | 1,445 | 97.1 | 43 | 2.9 |
| Rhode Island | 152 | 142 | 93.4 | 10 | 6.6 |
| SECOND CIRCUIT | 4,208 | 4,039 | 96.0 | 169 | 4.0 |
| Connecticut | 421 | 403 | 95.7 | 18 | 4.3 |
| New York | | | | | |
| Eastern | 903 | 863 | 95.6 | 40 | 4.4 |
| Northern | 519 | 509 | 98.1 | 10 | 1.9 |
| Southern | 1,548 | 1,475 | 95.3 | 73 | 4.7 |
| Western | 596 | 575 | 96.5 | 21 | 3.5 |
| Vermont | 221 | 214 | 96.8 | 7 | 3.2 |
| THIRD CIRCUIT | 2,631 | 2,486 | 94.5 | 145 | 5.5 |
| Delaware | 102 | 99 | 97.1 | 3 | 2.9 |
| New Jersey | 787 | 761 | 96.7 | 26 | 3.3 |
| Pennsylvania | | | | | |
| Eastern | 848 | 778 | 91.7 | 70 | 8.3 |
| Middle | 385 | 366 | 95.1 | 19 | 4.9 |
| Western | 458 | 441 | 96.3 | 17 | 3.7 |
| Virgin Islands | 51 | 41 | 80.4 | 10 | 19.6 |
| FOURTH CIRCUIT | 6,290 | 6,048 | 96.2 | 242 | 3.8 |
| Maryland | 875 | 822 | 93.9 | 53 | 6.1 |
| North Carolina | | | | | |
| Eastern | 782 | 753 | 96.3 | 29 | 3.7 |
| Middle | 436 | 427 | 97.9 | 9 | 2.1 |
| Western | 614 | 591 | 96.3 | 23 | 3.7 |
| South Carolina | 813 | 793 | 97.5 | 20 | 2.5 |
| Virginia | | | | | |
| Eastern | 1,707 | 1,639 | 96.0 | 68 | 4.0 |
| Western | 470 | 447 | 95.1 | 23 | 4.9 |
| West Virginia | | | | | |
| Northern | 358 | 343 | 95.8 | 15 | 4.2 |
| Southern | 235 | 233 | 99.1 | 2 | 0.9 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|------------------------|---------------|---------------|-------------|------------|------------|
| | | N | % | N | % |
| FIFTH CIRCUIT | 18,215 | 17,944 | 98.5 | 271 | 1.5 |
| Louisiana | | | | | |
| Eastern | 323 | 316 | 97.8 | 7 | 2.2 |
| Middle | 194 | 185 | 95.4 | 9 | 4.6 |
| Western | 338 | 316 | 93.5 | 22 | 6.5 |
| Mississippi | | | | | |
| Northern | 202 | 199 | 98.5 | 3 | 1.5 |
| Southern | 362 | 355 | 98.1 | 7 | 1.9 |
| Texas | | | | | |
| Eastern | 943 | 913 | 96.8 | 30 | 3.2 |
| Northern | 1,069 | 1,038 | 97.1 | 31 | 2.9 |
| Southern | 6,992 | 6,911 | 98.8 | 81 | 1.2 |
| Western | 7,792 | 7,711 | 99.0 | 81 | 1.0 |
| SIXTH CIRCUIT | 5,559 | 5,318 | 95.7 | 241 | 4.3 |
| Kentucky | | | | | |
| Eastern | 476 | 457 | 96.0 | 19 | 4.0 |
| Western | 467 | 448 | 95.9 | 19 | 4.1 |
| Michigan | | | | | |
| Eastern | 903 | 845 | 93.6 | 58 | 6.4 |
| Western | 423 | 408 | 96.5 | 15 | 3.5 |
| Ohio | | | | | |
| Northern | 895 | 852 | 95.2 | 43 | 4.8 |
| Southern | 593 | 580 | 97.8 | 13 | 2.2 |
| Tennessee | | | | | |
| Eastern | 817 | 785 | 96.1 | 32 | 3.9 |
| Middle | 296 | 283 | 95.6 | 13 | 4.4 |
| Western | 689 | 660 | 95.8 | 29 | 4.2 |
| SEVENTH CIRCUIT | 3,070 | 2,920 | 95.1 | 150 | 4.9 |
| Illinois | | | | | |
| Central | 367 | 360 | 98.1 | 7 | 1.9 |
| Northern | 870 | 786 | 90.3 | 84 | 9.7 |
| Southern | 433 | 425 | 98.2 | 8 | 1.8 |
| Indiana | | | | | |
| Northern | 427 | 410 | 96.0 | 17 | 4.0 |
| Southern | 385 | 372 | 96.6 | 13 | 3.4 |
| Wisconsin | | | | | |
| Eastern | 435 | 417 | 95.9 | 18 | 4.1 |
| Western | 153 | 150 | 98.0 | 3 | 2.0 |
| EIGHTH CIRCUIT | 4,655 | 4,468 | 96.0 | 187 | 4.0 |
| Arkansas | | | | | |
| Eastern | 413 | 400 | 96.9 | 13 | 3.1 |
| Western | 305 | 301 | 98.7 | 4 | 1.3 |
| Iowa | | | | | |
| Northern | 373 | 349 | 93.6 | 24 | 6.4 |
| Southern | 414 | 398 | 96.1 | 16 | 3.9 |
| Minnesota | 316 | 284 | 89.9 | 32 | 10.1 |
| Missouri | | | | | |
| Eastern | 664 | 632 | 95.2 | 32 | 4.8 |
| Western | 684 | 657 | 96.1 | 27 | 3.9 |
| Nebraska | 612 | 596 | 97.4 | 16 | 2.6 |
| North Dakota | 327 | 319 | 97.6 | 8 | 2.4 |
| South Dakota | 547 | 532 | 97.3 | 15 | 2.7 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|--------------------------|---------------|---------------|-------------|------------|------------|
| | | N | % | N | % |
| NINTH CIRCUIT | 18,883 | 18,468 | 97.8 | 415 | 2.2 |
| Alaska | 200 | 194 | 97.0 | 6 | 3.0 |
| Arizona | 6,903 | 6,831 | 99.0 | 72 | 1.0 |
| California | | | | | |
| Central | 1,684 | 1,609 | 95.5 | 75 | 4.5 |
| Eastern | 994 | 970 | 97.6 | 24 | 2.4 |
| Northern | 706 | 680 | 96.3 | 26 | 3.7 |
| Southern | 4,905 | 4,824 | 98.3 | 81 | 1.7 |
| Guam | 68 | 66 | 97.1 | 2 | 2.9 |
| Hawaii | 252 | 243 | 96.4 | 9 | 3.6 |
| Idaho | 323 | 308 | 95.4 | 15 | 4.6 |
| Montana | 353 | 329 | 93.2 | 24 | 6.8 |
| Nevada | 633 | 610 | 96.4 | 23 | 3.6 |
| Northern Mariana Islands | 31 | 25 | 80.6 | 6 | 19.4 |
| Oregon | 689 | 675 | 98.0 | 14 | 2.0 |
| Washington | | | | | |
| Eastern | 369 | 361 | 97.8 | 8 | 2.2 |
| Western | 773 | 743 | 96.1 | 30 | 3.9 |
| TENTH CIRCUIT | 6,754 | 6,627 | 98.1 | 127 | 1.9 |
| Colorado | 588 | 559 | 95.1 | 29 | 4.9 |
| Kansas | 686 | 662 | 96.5 | 24 | 3.5 |
| New Mexico | 3,822 | 3,802 | 99.5 | 20 | 0.5 |
| Oklahoma | | | | | |
| Eastern | 116 | 108 | 93.1 | 8 | 6.9 |
| Northern | 250 | 236 | 94.4 | 14 | 5.6 |
| Western | 373 | 361 | 96.8 | 12 | 3.2 |
| Utah | 702 | 688 | 98.0 | 14 | 2.0 |
| Wyoming | 217 | 211 | 97.2 | 6 | 2.8 |
| ELEVENTH CIRCUIT | 6,889 | 6,500 | 94.4 | 389 | 5.6 |
| Alabama | | | | | |
| Middle | 236 | 223 | 94.5 | 13 | 5.5 |
| Northern | 506 | 486 | 96.0 | 20 | 4.0 |
| Southern | 351 | 343 | 97.7 | 8 | 2.3 |
| Florida | | | | | |
| Middle | 1,545 | 1,436 | 92.9 | 109 | 7.1 |
| Northern | 357 | 328 | 91.9 | 29 | 8.1 |
| Southern | 2,407 | 2,246 | 93.3 | 161 | 6.7 |
| Georgia | | | | | |
| Middle | 508 | 489 | 96.3 | 19 | 3.7 |
| Northern | 515 | 495 | 96.1 | 20 | 3.9 |
| Southern | 464 | 454 | 97.8 | 10 | 2.2 |

Of the 80,035 guideline cases, no cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 2013 Datafile, USSCFY13.

Table 3

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY
Fiscal Year 2013**

| PRIMARY OFFENSE | TOTAL | National | | | | Fifth Circuit | | | |
|---|---------------|---------------|--------------|--------------|-------------|---------------|--------------|------------|-------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | N | % | N | % | N | % | N | % |
| TOTAL | 80,035 | 77,567 | 96.9 | 2,468 | 3.1 | 17,944 | 98.5 | 271 | 1.5 |
| Murder | 89 | 72 | 80.9 | 17 | 19.1 | 7 | 100.0 | 0 | 0.0 |
| Manslaughter | 63 | 62 | 98.4 | 1 | 1.6 | 1 | 100.0 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 40 | 27 | 67.5 | 13 | 32.5 | 10 | 100.0 | 0 | 0.0 |
| Sexual Abuse | 423 | 366 | 86.5 | 57 | 13.5 | 30 | 81.1 | 7 | 18.9 |
| Assault | 724 | 671 | 92.7 | 53 | 7.3 | 64 | 94.1 | 4 | 5.9 |
| Robbery | 844 | 825 | 97.7 | 19 | 2.3 | 76 | 98.7 | 1 | 1.3 |
| Arson | 69 | 56 | 81.2 | 13 | 18.8 | 5 | 100.0 | 0 | 0.0 |
| Drugs - Trafficking | 22,254 | 21,544 | 96.8 | 710 | 3.2 | 4,013 | 97.6 | 99 | 2.4 |
| Drugs - Communication Facility | 414 | 412 | 99.5 | 2 | 0.5 | 45 | 100.0 | 0 | 0.0 |
| Drugs - Simple Possession | 2,332 | 2,329 | 99.9 | 3 | 0.1 | 142 | 99.3 | 1 | 0.7 |
| Firearms | 8,068 | 7,600 | 94.2 | 468 | 5.8 | 970 | 95.7 | 44 | 4.3 |
| Burglary/B&E | 37 | 35 | 94.6 | 2 | 5.4 | 1 | 100.0 | 0 | 0.0 |
| Auto Theft | 87 | 83 | 95.4 | 4 | 4.6 | 10 | 100.0 | 0 | 0.0 |
| Larceny | 1,372 | 1,346 | 98.1 | 26 | 1.9 | 194 | 98.0 | 4 | 2.0 |
| Fraud | 7,840 | 7,325 | 93.4 | 515 | 6.6 | 1,028 | 95.5 | 49 | 4.5 |
| Embezzlement | 341 | 334 | 97.9 | 7 | 2.1 | 27 | 96.4 | 1 | 3.6 |
| Forgery/Counterfeiting | 731 | 717 | 98.1 | 14 | 1.9 | 113 | 99.1 | 1 | 0.9 |
| Bribery | 256 | 236 | 92.2 | 20 | 7.8 | 55 | 100.0 | 0 | 0.0 |
| Tax | 616 | 576 | 93.5 | 40 | 6.5 | 47 | 95.9 | 2 | 4.1 |
| Money Laundering | 829 | 786 | 94.8 | 43 | 5.2 | 148 | 93.7 | 10 | 6.3 |
| Racketeering/Extortion | 871 | 825 | 94.7 | 46 | 5.3 | 65 | 97.0 | 2 | 3.0 |
| Gambling/Lottery | 73 | 73 | 100.0 | 0 | 0.0 | 6 | 100.0 | 0 | 0.0 |
| Civil Rights | 58 | 44 | 75.9 | 14 | 24.1 | 3 | 100.0 | 0 | 0.0 |
| Immigration | 24,972 | 24,817 | 99.4 | 155 | 0.6 | 10,092 | 99.7 | 32 | 0.3 |
| Child Pornography | 1,922 | 1,851 | 96.3 | 71 | 3.7 | 208 | 97.2 | 6 | 2.8 |
| Prison Offenses | 427 | 420 | 98.4 | 7 | 1.6 | 54 | 100.0 | 0 | 0.0 |
| Administration of Justice Offenses | 1,398 | 1,336 | 95.6 | 62 | 4.4 | 253 | 98.4 | 4 | 1.6 |
| Environmental/Wildlife | 182 | 174 | 95.6 | 8 | 4.4 | 13 | 92.9 | 1 | 7.1 |
| National Defense | 126 | 119 | 94.4 | 7 | 5.6 | 40 | 95.2 | 2 | 4.8 |
| Antitrust | 16 | 15 | 93.8 | 1 | 6.3 | 1 | 100.0 | 0 | 0.0 |
| Food & Drug | 74 | 74 | 100.0 | 0 | 0.0 | 6 | 100.0 | 0 | 0.0 |
| Other Miscellaneous Offenses | 2,487 | 2,417 | 97.2 | 70 | 2.8 | 217 | 99.5 | 1 | 0.5 |

Of the 80,035 guideline cases, no cases were excluded due to missing information on mode of conviction.

Of the 18,215 guideline cases from the Fifth Circuit, no cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 2013 Datafile, USSCFY13.

Table 4
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2013

National

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | N | % | N | % | N | % | N | % |
| TOTAL | 79,386 | 69,519 | 87.6 | 2,197 | 2.8 | 2,060 | 2.6 | 5,610 | 7.1 |
| Murder | 89 | 87 | 97.8 | 2 | 2.2 | 0 | 0.0 | 0 | 0.0 |
| Manslaughter | 63 | 58 | 92.1 | 3 | 4.8 | 2 | 3.2 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 40 | 40 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Sexual Abuse | 423 | 403 | 95.3 | 14 | 3.3 | 4 | 0.9 | 2 | 0.5 |
| Assault | 718 | 583 | 81.2 | 36 | 5.0 | 24 | 3.3 | 75 | 10.4 |
| Robbery | 844 | 799 | 94.7 | 21 | 2.5 | 11 | 1.3 | 13 | 1.5 |
| Arson | 69 | 64 | 92.8 | 2 | 2.9 | 1 | 1.4 | 2 | 2.9 |
| Drugs - Trafficking | 22,247 | 20,825 | 93.6 | 633 | 2.8 | 301 | 1.4 | 488 | 2.2 |
| Drugs - Communication Facility | 413 | 327 | 79.2 | 8 | 1.9 | 26 | 6.3 | 52 | 12.6 |
| Drugs - Simple Possession | 2,307 | 2,044 | 88.6 | 4 | 0.2 | 27 | 1.2 | 232 | 10.1 |
| Firearms | 8,057 | 7,437 | 92.3 | 211 | 2.6 | 147 | 1.8 | 262 | 3.3 |
| Burglary/B&E | 37 | 24 | 64.9 | 8 | 21.6 | 5 | 13.5 | 0 | 0.0 |
| Auto Theft | 87 | 80 | 92.0 | 3 | 3.4 | 0 | 0.0 | 4 | 4.6 |
| Larceny | 1,274 | 452 | 35.5 | 77 | 6.0 | 186 | 14.6 | 559 | 43.9 |
| Fraud | 7,788 | 5,567 | 71.5 | 504 | 6.5 | 549 | 7.0 | 1,168 | 15.0 |
| Embezzlement | 337 | 143 | 42.4 | 41 | 12.2 | 39 | 11.6 | 114 | 33.8 |
| Forgery/Counterfeiting | 728 | 514 | 70.6 | 47 | 6.5 | 62 | 8.5 | 105 | 14.4 |
| Bribery | 255 | 166 | 65.1 | 22 | 8.6 | 27 | 10.6 | 40 | 15.7 |
| Tax | 613 | 328 | 53.5 | 60 | 9.8 | 88 | 14.4 | 137 | 22.3 |
| Money Laundering | 829 | 641 | 77.3 | 35 | 4.2 | 62 | 7.5 | 91 | 11.0 |
| Racketeering/Extortion | 871 | 803 | 92.2 | 30 | 3.4 | 19 | 2.2 | 19 | 2.2 |
| Gambling/Lottery | 73 | 27 | 37.0 | 5 | 6.8 | 17 | 23.3 | 24 | 32.9 |
| Civil Rights | 58 | 35 | 60.3 | 5 | 8.6 | 9 | 15.5 | 9 | 15.5 |
| Immigration | 24,952 | 23,696 | 95.0 | 217 | 0.9 | 130 | 0.5 | 909 | 3.6 |
| Child Pornography | 1,920 | 1,872 | 97.5 | 31 | 1.6 | 7 | 0.4 | 10 | 0.5 |
| Prison Offenses | 427 | 394 | 92.3 | 13 | 3.0 | 4 | 0.9 | 16 | 3.7 |
| Administration of Justice Offenses | 1,393 | 977 | 70.1 | 72 | 5.2 | 89 | 6.4 | 255 | 18.3 |
| Environmental/Wildlife | 168 | 40 | 23.8 | 4 | 2.4 | 26 | 15.5 | 98 | 58.3 |
| National Defense | 126 | 114 | 90.5 | 2 | 1.6 | 2 | 1.6 | 8 | 6.3 |
| Antitrust | 16 | 10 | 62.5 | 1 | 6.3 | 2 | 12.5 | 3 | 18.8 |
| Food & Drug | 69 | 25 | 36.2 | 1 | 1.4 | 3 | 4.3 | 40 | 58.0 |
| Other Miscellaneous Offenses | 2,095 | 944 | 45.1 | 85 | 4.1 | 191 | 9.1 | 875 | 41.8 |

Of the 80,035 guideline cases, 649 cases were excluded due to one of the following reasons: missing sentencing information (7), or cases in which the defendant received no imprisonment or probation (642).

SOURCE: U.S. Sentencing Commission, 2013 Datafile, USSCFY13.

Table 5

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2013**

Fifth Circuit

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | N | % | N | % | N | % | N | % |
| TOTAL | 18,188 | 16,344 | 89.9 | 249 | 1.4 | 262 | 1.4 | 1,333 | 7.3 |
| Murder | 7 | 7 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Manslaughter | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 10 | 10 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Sexual Abuse | 37 | 34 | 91.9 | 1 | 2.7 | 2 | 5.4 | 0 | 0.0 |
| Assault | 68 | 56 | 82.4 | 2 | 2.9 | 3 | 4.4 | 7 | 10.3 |
| Robbery | 77 | 74 | 96.1 | 1 | 1.3 | 0 | 0.0 | 2 | 2.6 |
| Arson | 5 | 4 | 80.0 | 0 | 0.0 | 1 | 20.0 | 0 | 0.0 |
| Drugs - Trafficking | 4,110 | 3,956 | 96.3 | 55 | 1.3 | 33 | 0.8 | 66 | 1.6 |
| Drugs - Communication Facility | 45 | 42 | 93.3 | 1 | 2.2 | 0 | 0.0 | 2 | 4.4 |
| Drugs - Simple Possession | 143 | 73 | 51.0 | 0 | 0.0 | 6 | 4.2 | 64 | 44.8 |
| Firearms | 1,014 | 887 | 87.5 | 18 | 1.8 | 24 | 2.4 | 85 | 8.4 |
| Burglary/B&E | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Auto Theft | 10 | 8 | 80.0 | 1 | 10.0 | 0 | 0.0 | 1 | 10.0 |
| Larceny | 193 | 83 | 43.0 | 7 | 3.6 | 17 | 8.8 | 86 | 44.6 |
| Fraud | 1,074 | 812 | 75.6 | 31 | 2.9 | 48 | 4.5 | 183 | 17.0 |
| Embezzlement | 28 | 15 | 53.6 | 4 | 14.3 | 1 | 3.6 | 8 | 28.6 |
| Forgery/Counterfeiting | 114 | 102 | 89.5 | 1 | 0.9 | 4 | 3.5 | 7 | 6.1 |
| Bribery | 55 | 43 | 78.2 | 1 | 1.8 | 2 | 3.6 | 9 | 16.4 |
| Tax | 49 | 27 | 55.1 | 4 | 8.2 | 4 | 8.2 | 14 | 28.6 |
| Money Laundering | 158 | 134 | 84.8 | 3 | 1.9 | 7 | 4.4 | 14 | 8.9 |
| Racketeering/Extortion | 67 | 63 | 94.0 | 0 | 0.0 | 2 | 3.0 | 2 | 3.0 |
| Gambling/Lottery | 6 | 2 | 33.3 | 0 | 0.0 | 1 | 16.7 | 3 | 50.0 |
| Civil Rights | 3 | 3 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 10,110 | 9,282 | 91.8 | 103 | 1.0 | 73 | 0.7 | 652 | 6.4 |
| Child Pornography | 213 | 209 | 98.1 | 3 | 1.4 | 1 | 0.5 | 0 | 0.0 |
| Prison Offenses | 54 | 49 | 90.7 | 0 | 0.0 | 0 | 0.0 | 5 | 9.3 |
| Administration of Justice Offenses | 257 | 180 | 70.0 | 3 | 1.2 | 21 | 8.2 | 53 | 20.6 |
| Environmental/Wildlife | 14 | 2 | 14.3 | 0 | 0.0 | 0 | 0.0 | 12 | 85.7 |
| National Defense | 42 | 41 | 97.6 | 1 | 2.4 | 0 | 0.0 | 0 | 0.0 |
| Antitrust | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Food & Drug | 6 | 5 | 83.3 | 0 | 0.0 | 1 | 16.7 | 0 | 0.0 |
| Other Miscellaneous Offenses | 216 | 138 | 63.9 | 9 | 4.2 | 11 | 5.1 | 58 | 26.9 |

Of the 18,215 guideline cases from the Fifth Circuit, 27 cases were excluded due to one of the following reasons: missing sentencing information (4) or cases in which the defendant received no imprisonment or probation (23).

SOURCE: U.S. Sentencing Commission, 2013 Datafile, USSCFY13.

Table 6

**INCARCERATION RATE OF U.S. CITIZEN DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2013**

| PRIMARY OFFENSE | TOTAL | National | | | | Fifth Circuit | | | |
|-------------------------------------|--------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
| | | Prison Sentence | | Non-Prison Sentence | | Prison Sentence | | Non-Prison Sentence | |
| | | N | % | N | % | N | % | N | % |
| TOTAL | 4,940 | 1,844 | 37.3 | 3,096 | 62.7 | 293 | 39.1 | 457 | 60.9 |
| Fraud | 1,263 | 448 | 35.5 | 815 | 64.5 | 55 | 32.2 | 116 | 67.8 |
| Larceny | 604 | 118 | 19.5 | 486 | 80.5 | 24 | 26.7 | 66 | 73.3 |
| Immigration | 349 | 197 | 56.4 | 152 | 43.6 | 52 | 45.2 | 63 | 54.8 |
| Embezzlement | 149 | 40 | 26.8 | 109 | 73.2 | 5 | 41.7 | 7 | 58.3 |
| Drugs - Trafficking | 451 | 219 | 48.6 | 232 | 51.4 | 35 | 46.1 | 41 | 53.9 |
| Drugs - Simple Possession | 229 | 93 | 40.6 | 136 | 59.4 | 7 | 19.4 | 29 | 80.6 |
| Firearms | 204 | 116 | 56.9 | 88 | 43.1 | 16 | 33.3 | 32 | 66.7 |
| Forgery/Counterfeiting | 184 | 85 | 46.2 | 99 | 53.8 | 19 | 73.1 | 7 | 26.9 |
| Other Miscellaneous Offenses | 1,507 | 528 | 35.0 | 979 | 65.0 | 80 | 45.5 | 96 | 54.5 |

Of the 80,035 guideline cases, a U.S. Citizen was the defendant in 42,976 cases. Of these, 38,036 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison sentence (38,036), or missing sentencing information (7).

Of the 18,215 guideline cases from the Fifth Circuit, a U.S. Citizen was the defendant in 6,324 cases. Of these, 5,574 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison sentence (5,574) or missing sentencing information (4).

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

SOURCE: U.S. Sentencing Commission, 2013 Datafile, USSCFY13.

Table 7

**LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2013**

| PRIMARY OFFENSE | National | | | Fifth Circuit | | |
|---|-------------|---------------|---------------|---------------|---------------|---------------|
| | Mean Months | Median Months | Number | Mean Months | Median Months | Number |
| TOTAL | 52 | 30 | 68,721 | 43 | 24 | 15,590 |
| Murder | 268 | 240 | 89 | 237 | 240 | 7 |
| Manslaughter | 61 | 40 | 61 | -- | -- | 1 |
| Kidnapping/Hostage Taking | 231 | 204 | 40 | 258 | 222 | 10 |
| Sexual Abuse | 139 | 120 | 414 | 128 | 120 | 34 |
| Assault | 40 | 28 | 588 | 51 | 24 | 56 |
| Robbery | 79 | 63 | 815 | 79 | 76 | 75 |
| Arson | 97 | 60 | 66 | 126 | 124 | 4 |
| Drugs - Trafficking | 76 | 60 | 21,032 | 79 | 60 | 3,992 |
| Drugs - Communication Facility | 40 | 41 | 327 | 36 | 37 | 43 |
| Drugs - Simple Possession | 6 | 6 | 1,988 | 3 | 2 | 52 |
| Firearms | 87 | 60 | 7,565 | 72 | 48 | 900 |
| Burglary/B&E | 19 | 14 | 30 | -- | -- | 1 |
| Auto Theft | 65 | 41 | 82 | 21 | 13 | 9 |
| Larceny | 19 | 12 | 505 | 20 | 14 | 83 |
| Fraud | 35 | 24 | 5,634 | 32 | 21 | 668 |
| Embezzlement | 21 | 15 | 171 | 33 | 17 | 18 |
| Forgery/Counterfeiting | 23 | 18 | 544 | 28 | 21 | 100 |
| Bribery | 29 | 22 | 182 | 42 | 26 | 42 |
| Tax | 20 | 15 | 381 | 20 | 18 | 31 |
| Money Laundering | 43 | 29 | 649 | 50 | 30 | 137 |
| Racketeering/Extortion | 95 | 60 | 816 | 119 | 60 | 63 |
| Gambling/Lottery | 10 | 9 | 31 | -- | -- | 2 |
| Civil Rights | 37 | 17 | 40 | 19 | 12 | 3 |
| Immigration | 17 | 12 | 22,225 | 21 | 15 | 8,624 |
| Child Pornography | 138 | 97 | 1,887 | 147 | 120 | 211 |
| Prison Offenses | 14 | 12 | 397 | 15 | 13 | 48 |
| Administration of Justice Offenses | 26 | 18 | 1,003 | 26 | 21 | 180 |
| Environmental/Wildlife | 14 | 6 | 38 | -- | -- | 2 |
| National Defense | 55 | 37 | 111 | 51 | 40 | 42 |
| Antitrust | 14 | 14 | 10 | -- | -- | 1 |
| Food & Drug | 15 | 12 | 26 | 11 | 6 | 5 |
| Other Miscellaneous Offenses | 39 | 13 | 974 | 38 | 22 | 146 |

Of the 80,035 guideline cases, 11,314 cases were excluded for one or both of the following reasons: zero months of prison ordered (10,672), or missing or indeterminable sentencing information (642).

Of the 18,215 guideline cases from the Fifth Circuit, 2,625 cases were excluded due to one of the following reasons: zero months of prison ordered (2,602) or missing or indeterminable sentencing information (23).

SOURCE: U.S. Sentencing Commission, 2013 Datafile, USSCFY13.

Table 8

**COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE
Fiscal Year 2013**

| | National | | Fifth Circuit | |
|---|---------------|--------------|---------------|--------------|
| | N | % | N | % |
| TOTAL CASES¹ | 78,628 | 100.0 | 17,857 | 100.0 |
| CASES SENTENCED WITHIN GUIDELINE RANGE | 40,233 | 51.2 | 11,990 | 67.1 |
| CASES SENTENCED ABOVE GUIDELINE RANGE | 1,681 | 2.1 | 375 | 2.1 |
| DEPARTURE ABOVE GUIDELINE RANGE | 531 | 0.7 | 135 | 0.8 |
| Upward Departure From Guideline Range ² | 399 | 0.5 | 89 | 0.5 |
| Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³ | 132 | 0.2 | 46 | 0.3 |
| OTHERWISE ABOVE GUIDELINE RANGE | 1,150 | 1.5 | 240 | 1.3 |
| Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴ | 1,065 | 1.4 | 228 | 1.3 |
| All Remaining Cases Above Guideline Range ⁵ | 85 | 0.1 | 12 | 0.1 |
| GOVERNMENT SPONSORED BELOW RANGE⁶ | 21,974 | 27.9 | 2,659 | 14.9 |
| §5K1.1 Substantial Assistance Departure | 9,528 | 12.1 | 1,449 | 8.1 |
| §5K3.1 Early Disposition Program Departure | 8,354 | 10.6 | 761 | 4.3 |
| Other Government Sponsored Below Range | 4,092 | 5.2 | 449 | 2.5 |
| NON-GOVERNMENT SPONSORED BELOW RANGE | 14,740 | 18.7 | 2,833 | 15.9 |
| DEPARTURE BELOW GUIDELINE RANGE | 2,721 | 3.5 | 869 | 4.9 |
| Downward Departure From Guideline Range ² | 2,027 | 2.6 | 819 | 4.6 |
| Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³ | 694 | 0.9 | 50 | 0.3 |
| OTHERWISE BELOW GUIDELINE RANGE | 12,019 | 15.3 | 1,964 | 11.0 |
| Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴ | 11,519 | 14.6 | 1,796 | 10.1 |
| All Remaining Cases Below Guideline Range ⁵ | 500 | 0.6 | 168 | 0.9 |

¹ This table reflects the 80,035 cases sentenced nationally in Fiscal Year 2013, 18,215 of which were from the Fifth Circuit. Of these, 1,407 cases nationally and 358 cases from the Fifth Circuit were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

² 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*.

³ 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.

⁴ 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.

⁵ 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.

⁶ 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, 2013 Datafile, USSCFY13.

Table 9

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT
Fiscal Year 2013**

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | ABOVE RANGE DEPARTURE | | ABOVE RANGE DEPARTURE W/BOOKER | | ABOVE RANGE W/BOOKER | | REMAINING ABOVE RANGE | |
|-----------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|-------------------------|------------|--------------------------|------------|
| | | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 78,628 | 40,233 | 51.2 | 399 | 0.5 | 132 | 0.2 | 1,065 | 1.4 | 85 | 0.1 |
| D.C. CIRCUIT | 344 | 112 | 32.6 | 3 | 0.9 | 0 | 0.0 | 4 | 1.2 | 0 | 0.0 |
| District of Columbia | 344 | 112 | 32.6 | 3 | 0.9 | 0 | 0.0 | 4 | 1.2 | 0 | 0.0 |
| FIRST CIRCUIT | 2,527 | 1,453 | 57.5 | 23 | 0.9 | 7 | 0.3 | 108 | 4.3 | 15 | 0.6 |
| Maine | 239 | 91 | 38.1 | 4 | 1.7 | 0 | 0.0 | 1 | 0.4 | 0 | 0.0 |
| Massachusetts | 489 | 193 | 39.5 | 7 | 1.4 | 1 | 0.2 | 3 | 0.6 | 0 | 0.0 |
| New Hampshire | 166 | 77 | 46.4 | 0 | 0.0 | 1 | 0.6 | 3 | 1.8 | 0 | 0.0 |
| Puerto Rico | 1,481 | 1,015 | 68.5 | 11 | 0.7 | 5 | 0.3 | 101 | 6.8 | 15 | 1.0 |
| Rhode Island | 152 | 77 | 50.7 | 1 | 0.7 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| SECOND CIRCUIT | 4,161 | 1,436 | 34.5 | 9 | 0.2 | 5 | 0.1 | 20 | 0.5 | 5 | 0.1 |
| Connecticut | 419 | 183 | 43.7 | 3 | 0.7 | 0 | 0.0 | 5 | 1.2 | 0 | 0.0 |
| New York | | | | | | | | | | | |
| Eastern | 903 | 226 | 25.0 | 1 | 0.1 | 3 | 0.3 | 3 | 0.3 | 2 | 0.2 |
| Northern | 498 | 193 | 38.8 | 2 | 0.4 | 2 | 0.4 | 1 | 0.2 | 1 | 0.2 |
| Southern | 1,525 | 451 | 29.6 | 1 | 0.1 | 0 | 0.0 | 8 | 0.5 | 1 | 0.1 |
| Western | 595 | 308 | 51.8 | 1 | 0.2 | 0 | 0.0 | 3 | 0.5 | 1 | 0.2 |
| Vermont | 221 | 75 | 33.9 | 1 | 0.5 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| THIRD CIRCUIT | 2,618 | 1,053 | 40.2 | 9 | 0.3 | 3 | 0.1 | 29 | 1.1 | 3 | 0.1 |
| Delaware | 102 | 41 | 40.2 | 0 | 0.0 | 0 | 0.0 | 2 | 2.0 | 1 | 1.0 |
| New Jersey | 776 | 325 | 41.9 | 0 | 0.0 | 0 | 0.0 | 3 | 0.4 | 0 | 0.0 |
| Pennsylvania | | | | | | | | | | | |
| Eastern | 846 | 278 | 32.9 | 4 | 0.5 | 2 | 0.2 | 16 | 1.9 | 1 | 0.1 |
| Middle | 385 | 145 | 37.7 | 4 | 1.0 | 0 | 0.0 | 2 | 0.5 | 0 | 0.0 |
| Western | 458 | 222 | 48.5 | 1 | 0.2 | 1 | 0.2 | 6 | 1.3 | 0 | 0.0 |
| Virgin Islands | 51 | 42 | 82.4 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 2.0 |
| FOURTH CIRCUIT | 6,195 | 3,637 | 58.7 | 37 | 0.6 | 19 | 0.3 | 94 | 1.5 | 3 | 0.0 |
| Maryland | 847 | 308 | 36.4 | 9 | 1.1 | 0 | 0.0 | 20 | 2.4 | 1 | 0.1 |
| North Carolina | | | | | | | | | | | |
| Eastern | 735 | 419 | 57.0 | 12 | 1.6 | 11 | 1.5 | 13 | 1.8 | 0 | 0.0 |
| Middle | 435 | 322 | 74.0 | 1 | 0.2 | 3 | 0.7 | 6 | 1.4 | 0 | 0.0 |
| Western | 614 | 356 | 58.0 | 3 | 0.5 | 1 | 0.2 | 13 | 2.1 | 0 | 0.0 |
| South Carolina | 811 | 471 | 58.1 | 3 | 0.4 | 0 | 0.0 | 2 | 0.2 | 0 | 0.0 |
| Virginia | | | | | | | | | | | |
| Eastern | 1,697 | 1,200 | 70.7 | 4 | 0.2 | 2 | 0.1 | 18 | 1.1 | 2 | 0.1 |
| Western | 465 | 230 | 49.5 | 4 | 0.9 | 0 | 0.0 | 13 | 2.8 | 0 | 0.0 |
| West Virginia | | | | | | | | | | | |
| Northern | 357 | 192 | 53.8 | 1 | 0.3 | 2 | 0.6 | 4 | 1.1 | 0 | 0.0 |
| Southern | 234 | 139 | 59.4 | 0 | 0.0 | 0 | 0.0 | 5 | 2.1 | 0 | 0.0 |

| CIRCUIT | §5K1.1 SUBSTANTIAL ASSISTANCE | | §5K3.1 EARLY DISPOSITION | | OTHER GOV'T SPONSORED | | BELOW RANGE DEPARTURE | | BELOW RANGE DEPARTURE W/BOOKER | | BELOW RANGE DEPARTURE W/BOOKER | | REMAINING BELOW RANGE | |
|-----------------------|-------------------------------------|-------------|--------------------------------|-------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|---|-------------|-----------------------------|------------|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 9,528 | 12.1 | 8,354 | 10.6 | 4,092 | 5.2 | 2,027 | 2.6 | 694 | 0.9 | 11,519 | 14.6 | 500 | 0.6 |
| D.C. CIRCUIT | 99 | 28.8 | 4 | 1.2 | 33 | 9.6 | 22 | 6.4 | 13 | 3.8 | 49 | 14.2 | 5 | 1.5 |
| District of Columbia | 99 | 28.8 | 4 | 1.2 | 33 | 9.6 | 22 | 6.4 | 13 | 3.8 | 49 | 14.2 | 5 | 1.5 |
| FIRST CIRCUIT | 250 | 9.9 | 26 | 1.0 | 239 | 9.5 | 56 | 2.2 | 15 | 0.6 | 318 | 12.6 | 17 | 0.7 |
| Maine | 61 | 25.5 | 0 | 0.0 | 5 | 2.1 | 9 | 3.8 | 3 | 1.3 | 62 | 25.9 | 3 | 1.3 |
| Massachusetts | 69 | 14.1 | 0 | 0.0 | 104 | 21.3 | 8 | 1.6 | 5 | 1.0 | 99 | 20.2 | 0 | 0.0 |
| New Hampshire | 27 | 16.3 | 3 | 1.8 | 18 | 10.8 | 13 | 7.8 | 2 | 1.2 | 22 | 13.3 | 0 | 0.0 |
| Puerto Rico | 87 | 5.9 | 22 | 1.5 | 105 | 7.1 | 25 | 1.7 | 5 | 0.3 | 76 | 5.1 | 14 | 0.9 |
| Rhode Island | 6 | 3.9 | 1 | 0.7 | 7 | 4.6 | 1 | 0.7 | 0 | 0.0 | 59 | 38.8 | 0 | 0.0 |
| SECOND CIRCUIT | 810 | 19.5 | 58 | 1.4 | 159 | 3.8 | 182 | 4.4 | 96 | 2.3 | 1,355 | 32.6 | 26 | 0.6 |
| Connecticut | 57 | 13.6 | 0 | 0.0 | 12 | 2.9 | 21 | 5.0 | 6 | 1.4 | 131 | 31.3 | 1 | 0.2 |
| New York | | | | | | | | | | | | | | |
| Eastern | 197 | 21.8 | 29 | 3.2 | 71 | 7.9 | 65 | 7.2 | 28 | 3.1 | 272 | 30.1 | 6 | 0.7 |
| Northern | 139 | 27.9 | 1 | 0.2 | 2 | 0.4 | 14 | 2.8 | 9 | 1.8 | 131 | 26.3 | 3 | 0.6 |
| Southern | 254 | 16.7 | 26 | 1.7 | 27 | 1.8 | 58 | 3.8 | 41 | 2.7 | 644 | 42.2 | 14 | 0.9 |
| Western | 115 | 19.3 | 1 | 0.2 | 30 | 5.0 | 2 | 0.3 | 4 | 0.7 | 128 | 21.5 | 2 | 0.3 |
| Vermont | 48 | 21.7 | 1 | 0.5 | 17 | 7.7 | 22 | 10.0 | 8 | 3.6 | 49 | 22.2 | 0 | 0.0 |
| THIRD CIRCUIT | 716 | 27.3 | 13 | 0.5 | 127 | 4.9 | 34 | 1.3 | 33 | 1.3 | 578 | 22.1 | 20 | 0.8 |
| Delaware | 19 | 18.6 | 0 | 0.0 | 4 | 3.9 | 1 | 1.0 | 1 | 1.0 | 33 | 32.4 | 0 | 0.0 |
| New Jersey | 216 | 27.8 | 3 | 0.4 | 22 | 2.8 | 10 | 1.3 | 7 | 0.9 | 185 | 23.8 | 5 | 0.6 |
| Pennsylvania | | | | | | | | | | | | | | |
| Eastern | 285 | 33.7 | 6 | 0.7 | 37 | 4.4 | 3 | 0.4 | 11 | 1.3 | 192 | 22.7 | 11 | 1.3 |
| Middle | 119 | 30.9 | 3 | 0.8 | 48 | 12.5 | 4 | 1.0 | 4 | 1.0 | 55 | 14.3 | 1 | 0.3 |
| Western | 72 | 15.7 | 1 | 0.2 | 16 | 3.5 | 16 | 3.5 | 10 | 2.2 | 111 | 24.2 | 2 | 0.4 |
| Virgin Islands | 5 | 9.8 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 2 | 3.9 | 1 | 2.0 |
| FOURTH CIRCUIT | 988 | 15.9 | 17 | 0.3 | 289 | 4.7 | 101 | 1.6 | 48 | 0.8 | 938 | 15.1 | 24 | 0.4 |
| Maryland | 230 | 27.2 | 3 | 0.4 | 117 | 13.8 | 18 | 2.1 | 16 | 1.9 | 122 | 14.4 | 3 | 0.4 |
| North Carolina | | | | | | | | | | | | | | |
| Eastern | 199 | 27.1 | 0 | 0.0 | 1 | 0.1 | 12 | 1.6 | 4 | 0.5 | 58 | 7.9 | 6 | 0.8 |
| Middle | 35 | 8.0 | 0 | 0.0 | 1 | 0.2 | 0 | 0.0 | 3 | 0.7 | 62 | 14.3 | 2 | 0.5 |
| Western | 121 | 19.7 | 0 | 0.0 | 36 | 5.9 | 6 | 1.0 | 2 | 0.3 | 72 | 11.7 | 4 | 0.7 |
| South Carolina | 145 | 17.9 | 12 | 1.5 | 41 | 5.1 | 8 | 1.0 | 3 | 0.4 | 122 | 15.0 | 4 | 0.5 |
| Virginia | | | | | | | | | | | | | | |
| Eastern | 71 | 4.2 | 2 | 0.1 | 40 | 2.4 | 45 | 2.7 | 14 | 0.8 | 295 | 17.4 | 4 | 0.2 |
| Western | 97 | 20.9 | 0 | 0.0 | 28 | 6.0 | 9 | 1.9 | 6 | 1.3 | 77 | 16.6 | 1 | 0.2 |
| West Virginia | | | | | | | | | | | | | | |
| Northern | 72 | 20.2 | 0 | 0.0 | 24 | 6.7 | 3 | 0.8 | 0 | 0.0 | 59 | 16.5 | 0 | 0.0 |
| Southern | 18 | 7.7 | 0 | 0.0 | 1 | 0.4 | 0 | 0.0 | 0 | 0.0 | 71 | 30.3 | 0 | 0.0 |

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | ABOVE RANGE DEPARTURE | | ABOVE RANGE DEPARTURE W/BOOKER | | ABOVE RANGE W/BOOKER | | REMAINING ABOVE RANGE | |
|------------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|-------------------------|------------|--------------------------|------------|
| | | N | % | N | % | N | % | N | % | N | % |
| FIFTH CIRCUIT | 17,857 | 11,990 | 67.1 | 89 | 0.5 | 46 | 0.3 | 228 | 1.3 | 12 | 0.1 |
| Louisiana | | | | | | | | | | | |
| Eastern | 322 | 175 | 54.3 | 2 | 0.6 | 2 | 0.6 | 14 | 4.3 | 0 | 0.0 |
| Middle | 192 | 117 | 60.9 | 1 | 0.5 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Western | 310 | 200 | 64.5 | 2 | 0.6 | 1 | 0.3 | 9 | 2.9 | 2 | 0.6 |
| Mississippi | | | | | | | | | | | |
| Northern | 202 | 104 | 51.5 | 0 | 0.0 | 0 | 0.0 | 9 | 4.5 | 0 | 0.0 |
| Southern | 359 | 281 | 78.3 | 0 | 0.0 | 0 | 0.0 | 8 | 2.2 | 0 | 0.0 |
| Texas | | | | | | | | | | | |
| Eastern | 942 | 651 | 69.1 | 13 | 1.4 | 0 | 0.0 | 17 | 1.8 | 0 | 0.0 |
| Northern | 1,069 | 639 | 59.8 | 14 | 1.3 | 30 | 2.8 | 27 | 2.5 | 1 | 0.1 |
| Southern | 6,982 | 4,292 | 61.5 | 42 | 0.6 | 12 | 0.2 | 40 | 0.6 | 1 | 0.0 |
| Western | 7,479 | 5,531 | 74.0 | 15 | 0.2 | 1 | 0.0 | 104 | 1.4 | 8 | 0.1 |
| SIXTH CIRCUIT | 5,537 | 2,620 | 47.3 | 18 | 0.3 | 9 | 0.2 | 70 | 1.3 | 4 | 0.1 |
| Kentucky | | | | | | | | | | | |
| Eastern | 476 | 261 | 54.8 | 0 | 0.0 | 0 | 0.0 | 11 | 2.3 | 0 | 0.0 |
| Western | 467 | 266 | 57.0 | 1 | 0.2 | 0 | 0.0 | 0 | 0.0 | 1 | 0.2 |
| Michigan | | | | | | | | | | | |
| Eastern | 897 | 427 | 47.6 | 2 | 0.2 | 3 | 0.3 | 3 | 0.3 | 1 | 0.1 |
| Western | 423 | 221 | 52.2 | 1 | 0.2 | 3 | 0.7 | 8 | 1.9 | 2 | 0.5 |
| Ohio | | | | | | | | | | | |
| Northern | 894 | 372 | 41.6 | 0 | 0.0 | 0 | 0.0 | 11 | 1.2 | 0 | 0.0 |
| Southern | 593 | 184 | 31.0 | 2 | 0.3 | 0 | 0.0 | 6 | 1.0 | 0 | 0.0 |
| Tennessee | | | | | | | | | | | |
| Eastern | 816 | 444 | 54.4 | 4 | 0.5 | 0 | 0.0 | 9 | 1.1 | 0 | 0.0 |
| Middle | 285 | 107 | 37.5 | 5 | 1.8 | 3 | 1.1 | 16 | 5.6 | 0 | 0.0 |
| Western | 686 | 338 | 49.3 | 3 | 0.4 | 0 | 0.0 | 6 | 0.9 | 0 | 0.0 |
| SEVENTH CIRCUIT | 3,054 | 1,354 | 44.3 | 9 | 0.3 | 5 | 0.2 | 50 | 1.6 | 2 | 0.1 |
| Illinois | | | | | | | | | | | |
| Central | 361 | 191 | 52.9 | 1 | 0.3 | 0 | 0.0 | 10 | 2.8 | 0 | 0.0 |
| Northern | 868 | 323 | 37.2 | 1 | 0.1 | 1 | 0.1 | 5 | 0.6 | 0 | 0.0 |
| Southern | 431 | 290 | 67.3 | 2 | 0.5 | 2 | 0.5 | 10 | 2.3 | 2 | 0.5 |
| Indiana | | | | | | | | | | | |
| Northern | 424 | 222 | 52.4 | 2 | 0.5 | 1 | 0.2 | 12 | 2.8 | 0 | 0.0 |
| Southern | 384 | 187 | 48.7 | 1 | 0.3 | 0 | 0.0 | 6 | 1.6 | 0 | 0.0 |
| Wisconsin | | | | | | | | | | | |
| Eastern | 435 | 79 | 18.2 | 0 | 0.0 | 0 | 0.0 | 4 | 0.9 | 0 | 0.0 |
| Western | 151 | 62 | 41.1 | 2 | 1.3 | 1 | 0.7 | 3 | 2.0 | 0 | 0.0 |
| EIGHTH CIRCUIT | 4,643 | 2,472 | 53.2 | 32 | 0.7 | 8 | 0.2 | 61 | 1.3 | 2 | 0.0 |
| Arkansas | | | | | | | | | | | |
| Eastern | 413 | 247 | 59.8 | 5 | 1.2 | 0 | 0.0 | 10 | 2.4 | 0 | 0.0 |
| Western | 301 | 189 | 62.8 | 1 | 0.3 | 1 | 0.3 | 1 | 0.3 | 0 | 0.0 |
| Iowa | | | | | | | | | | | |
| Northern | 373 | 201 | 53.9 | 11 | 2.9 | 3 | 0.8 | 5 | 1.3 | 0 | 0.0 |
| Southern | 413 | 173 | 41.9 | 0 | 0.0 | 1 | 0.2 | 6 | 1.5 | 0 | 0.0 |
| Minnesota | 316 | 81 | 25.6 | 3 | 0.9 | 1 | 0.3 | 5 | 1.6 | 0 | 0.0 |
| Missouri | | | | | | | | | | | |
| Eastern | 664 | 319 | 48.0 | 0 | 0.0 | 2 | 0.3 | 4 | 0.6 | 0 | 0.0 |
| Western | 679 | 362 | 53.3 | 1 | 0.1 | 0 | 0.0 | 22 | 3.2 | 0 | 0.0 |
| Nebraska | 611 | 361 | 59.1 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| North Dakota | 327 | 159 | 48.6 | 2 | 0.6 | 0 | 0.0 | 2 | 0.6 | 1 | 0.3 |
| South Dakota | 546 | 380 | 69.6 | 9 | 1.6 | 0 | 0.0 | 6 | 1.1 | 1 | 0.2 |

| CIRCUIT District | §5K1.1 SUBSTANTIAL ASSISTANCE | | §5K3.1 EARLY DISPOSITION | | OTHER GOV'T SPONSORED | | BELOW RANGE DEPARTURE | | BELOW RANGE DEPARTURE W/BOOKER | | BELOW RANGE W/BOOKER | | REMAINING BELOW RANGE | |
|------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|-------------------------|-------------|-----------------------------|------------|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| FIFTH CIRCUIT | 1,449 | 8.1 | 761 | 4.3 | 449 | 2.5 | 819 | 4.6 | 50 | 0.3 | 1,796 | 10.1 | 168 | 0.9 |
| Louisiana | | | | | | | | | | | | | | |
| Eastern | 48 | 14.9 | 0 | 0.0 | 12 | 3.7 | 7 | 2.2 | 4 | 1.2 | 56 | 17.4 | 2 | 0.6 |
| Middle | 28 | 14.6 | 13 | 6.8 | 1 | 0.5 | 2 | 1.0 | 0 | 0.0 | 30 | 15.6 | 0 | 0.0 |
| Western | 28 | 9.0 | 4 | 1.3 | 5 | 1.6 | 3 | 1.0 | 5 | 1.6 | 45 | 14.5 | 6 | 1.9 |
| Mississippi | | | | | | | | | | | | | | |
| Northern | 61 | 30.2 | 0 | 0.0 | 2 | 1.0 | 1 | 0.5 | 1 | 0.5 | 24 | 11.9 | 0 | 0.0 |
| Southern | 33 | 9.2 | 0 | 0.0 | 6 | 1.7 | 2 | 0.6 | 0 | 0.0 | 28 | 7.8 | 1 | 0.3 |
| Texas | | | | | | | | | | | | | | |
| Eastern | 89 | 9.4 | 11 | 1.2 | 111 | 11.8 | 9 | 1.0 | 2 | 0.2 | 38 | 4.0 | 1 | 0.1 |
| Northern | 176 | 16.5 | 7 | 0.7 | 40 | 3.7 | 12 | 1.1 | 5 | 0.5 | 117 | 10.9 | 1 | 0.1 |
| Southern | 463 | 6.6 | 553 | 7.9 | 119 | 1.7 | 601 | 8.6 | 16 | 0.2 | 836 | 12.0 | 7 | 0.1 |
| Western | 523 | 7.0 | 173 | 2.3 | 153 | 2.0 | 182 | 2.4 | 17 | 0.2 | 622 | 8.3 | 150 | 2.0 |
| SIXTH CIRCUIT | 1,249 | 22.6 | 41 | 0.7 | 317 | 5.7 | 116 | 2.1 | 70 | 1.3 | 987 | 17.8 | 36 | 0.7 |
| Kentucky | | | | | | | | | | | | | | |
| Eastern | 107 | 22.5 | 0 | 0.0 | 14 | 2.9 | 4 | 0.8 | 2 | 0.4 | 77 | 16.2 | 0 | 0.0 |
| Western | 88 | 18.8 | 22 | 4.7 | 25 | 5.4 | 14 | 3.0 | 6 | 1.3 | 40 | 8.6 | 4 | 0.9 |
| Michigan | | | | | | | | | | | | | | |
| Eastern | 158 | 17.6 | 5 | 0.6 | 34 | 3.8 | 9 | 1.0 | 10 | 1.1 | 244 | 27.2 | 1 | 0.1 |
| Western | 73 | 17.3 | 6 | 1.4 | 5 | 1.2 | 12 | 2.8 | 5 | 1.2 | 84 | 19.9 | 3 | 0.7 |
| Ohio | | | | | | | | | | | | | | |
| Northern | 284 | 31.8 | 0 | 0.0 | 20 | 2.2 | 19 | 2.1 | 4 | 0.4 | 175 | 19.6 | 9 | 1.0 |
| Southern | 150 | 25.3 | 5 | 0.8 | 99 | 16.7 | 20 | 3.4 | 13 | 2.2 | 107 | 18.0 | 7 | 1.2 |
| Tennessee | | | | | | | | | | | | | | |
| Eastern | 224 | 27.5 | 2 | 0.2 | 20 | 2.5 | 18 | 2.2 | 6 | 0.7 | 86 | 10.5 | 3 | 0.4 |
| Middle | 43 | 15.1 | 0 | 0.0 | 46 | 16.1 | 13 | 4.6 | 8 | 2.8 | 42 | 14.7 | 2 | 0.7 |
| Western | 122 | 17.8 | 1 | 0.1 | 54 | 7.9 | 7 | 1.0 | 16 | 2.3 | 132 | 19.2 | 7 | 1.0 |
| SEVENTH CIRCUIT | 410 | 13.4 | 16 | 0.5 | 192 | 6.3 | 87 | 2.8 | 131 | 4.3 | 756 | 24.8 | 42 | 1.4 |
| Illinois | | | | | | | | | | | | | | |
| Central | 48 | 13.3 | 0 | 0.0 | 17 | 4.7 | 2 | 0.6 | 5 | 1.4 | 85 | 23.5 | 2 | 0.6 |
| Northern | 102 | 11.8 | 9 | 1.0 | 25 | 2.9 | 43 | 5.0 | 88 | 10.1 | 251 | 28.9 | 20 | 2.3 |
| Southern | 31 | 7.2 | 4 | 0.9 | 7 | 1.6 | 5 | 1.2 | 25 | 5.8 | 47 | 10.9 | 6 | 1.4 |
| Indiana | | | | | | | | | | | | | | |
| Northern | 94 | 22.2 | 0 | 0.0 | 26 | 6.1 | 3 | 0.7 | 6 | 1.4 | 45 | 10.6 | 13 | 3.1 |
| Southern | 53 | 13.8 | 0 | 0.0 | 30 | 7.8 | 10 | 2.6 | 1 | 0.3 | 95 | 24.7 | 1 | 0.3 |
| Wisconsin | | | | | | | | | | | | | | |
| Eastern | 72 | 16.6 | 0 | 0.0 | 87 | 20.0 | 4 | 0.9 | 0 | 0.0 | 189 | 43.4 | 0 | 0.0 |
| Western | 10 | 6.6 | 3 | 2.0 | 0 | 0.0 | 20 | 13.2 | 6 | 4.0 | 44 | 29.1 | 0 | 0.0 |
| EIGHTH CIRCUIT | 640 | 13.8 | 110 | 2.4 | 299 | 6.4 | 80 | 1.7 | 52 | 1.1 | 869 | 18.7 | 18 | 0.4 |
| Arkansas | | | | | | | | | | | | | | |
| Eastern | 42 | 10.2 | 0 | 0.0 | 17 | 4.1 | 3 | 0.7 | 8 | 1.9 | 79 | 19.1 | 2 | 0.5 |
| Western | 58 | 19.3 | 5 | 1.7 | 1 | 0.3 | 3 | 1.0 | 0 | 0.0 | 41 | 13.6 | 1 | 0.3 |
| Iowa | | | | | | | | | | | | | | |
| Northern | 94 | 25.2 | 0 | 0.0 | 8 | 2.1 | 0 | 0.0 | 0 | 0.0 | 51 | 13.7 | 0 | 0.0 |
| Southern | 67 | 16.2 | 7 | 1.7 | 55 | 13.3 | 1 | 0.2 | 1 | 0.2 | 102 | 24.7 | 0 | 0.0 |
| Minnesota | | | | | | | | | | | | | | |
| Northern | 68 | 21.5 | 2 | 0.6 | 18 | 5.7 | 4 | 1.3 | 10 | 3.2 | 124 | 39.2 | 0 | 0.0 |
| Missouri | | | | | | | | | | | | | | |
| Eastern | 82 | 12.3 | 0 | 0.0 | 78 | 11.7 | 8 | 1.2 | 11 | 1.7 | 159 | 23.9 | 1 | 0.2 |
| Western | 107 | 15.8 | 0 | 0.0 | 54 | 8.0 | 6 | 0.9 | 2 | 0.3 | 118 | 17.4 | 7 | 1.0 |
| Nebraska | | | | | | | | | | | | | | |
| Northern | 30 | 4.9 | 71 | 11.6 | 33 | 5.4 | 15 | 2.5 | 1 | 0.2 | 97 | 15.9 | 3 | 0.5 |
| North Dakota | | | | | | | | | | | | | | |
| Northern | 83 | 25.4 | 14 | 4.3 | 13 | 4.0 | 9 | 2.8 | 2 | 0.6 | 40 | 12.2 | 2 | 0.6 |
| South Dakota | | | | | | | | | | | | | | |
| Northern | 9 | 1.6 | 11 | 2.0 | 22 | 4.0 | 31 | 5.7 | 17 | 3.1 | 58 | 10.6 | 2 | 0.4 |

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | ABOVE RANGE DEPARTURE | | ABOVE RANGE DEPARTURE W/BOOKER | | ABOVE RANGE W/BOOKER | | REMAINING ABOVE RANGE | |
|--------------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|-------------------------|------------|--------------------------|------------|
| | | N | % | N | % | N | % | N | % | N | % |
| NINTH CIRCUIT | 18,241 | 6,466 | 35.4 | 127 | 0.7 | 14 | 0.1 | 250 | 1.4 | 21 | 0.1 |
| Alaska | 200 | 71 | 35.5 | 1 | 0.5 | 0 | 0.0 | 2 | 1.0 | 0 | 0.0 |
| Arizona | 6,306 | 2,827 | 44.8 | 95 | 1.5 | 7 | 0.1 | 143 | 2.3 | 2 | 0.0 |
| California | | | | | | | | | | | |
| Central | 1,681 | 443 | 26.4 | 6 | 0.4 | 1 | 0.1 | 12 | 0.7 | 5 | 0.3 |
| Eastern | 985 | 384 | 39.0 | 8 | 0.8 | 0 | 0.0 | 9 | 0.9 | 0 | 0.0 |
| Northern | 703 | 272 | 38.7 | 1 | 0.1 | 1 | 0.1 | 10 | 1.4 | 1 | 0.1 |
| Southern | 4,902 | 986 | 20.1 | 2 | 0.0 | 1 | 0.0 | 15 | 0.3 | 11 | 0.2 |
| Guam | 67 | 52 | 77.6 | 0 | 0.0 | 0 | 0.0 | 1 | 1.5 | 0 | 0.0 |
| Hawaii | 251 | 104 | 41.4 | 0 | 0.0 | 0 | 0.0 | 3 | 1.2 | 0 | 0.0 |
| Idaho | 323 | 143 | 44.3 | 2 | 0.6 | 0 | 0.0 | 1 | 0.3 | 0 | 0.0 |
| Montana | 351 | 194 | 55.3 | 0 | 0.0 | 0 | 0.0 | 3 | 0.9 | 1 | 0.3 |
| Nevada | 633 | 348 | 55.0 | 5 | 0.8 | 0 | 0.0 | 9 | 1.4 | 1 | 0.2 |
| Northern Mariana Islands | 31 | 25 | 80.6 | 1 | 3.2 | 0 | 0.0 | 1 | 3.2 | 0 | 0.0 |
| Oregon | 676 | 209 | 30.9 | 1 | 0.1 | 0 | 0.0 | 18 | 2.7 | 0 | 0.0 |
| Washington | | | | | | | | | | | |
| Eastern | 369 | 141 | 38.2 | 3 | 0.8 | 2 | 0.5 | 10 | 2.7 | 0 | 0.0 |
| Western | 763 | 267 | 35.0 | 2 | 0.3 | 2 | 0.3 | 13 | 1.7 | 0 | 0.0 |
| TENTH CIRCUIT | 6,735 | 3,786 | 56.2 | 28 | 0.4 | 4 | 0.1 | 57 | 0.8 | 3 | 0.0 |
| Colorado | 586 | 213 | 36.3 | 2 | 0.3 | 0 | 0.0 | 11 | 1.9 | 1 | 0.2 |
| Kansas | 673 | 325 | 48.3 | 2 | 0.3 | 1 | 0.1 | 20 | 3.0 | 0 | 0.0 |
| New Mexico | 3,820 | 2,494 | 65.3 | 14 | 0.4 | 3 | 0.1 | 7 | 0.2 | 1 | 0.0 |
| Oklahoma | | | | | | | | | | | |
| Eastern | 116 | 78 | 67.2 | 0 | 0.0 | 0 | 0.0 | 5 | 4.3 | 0 | 0.0 |
| Northern | 250 | 128 | 51.2 | 0 | 0.0 | 0 | 0.0 | 1 | 0.4 | 0 | 0.0 |
| Western | 373 | 209 | 56.0 | 0 | 0.0 | 0 | 0.0 | 7 | 1.9 | 0 | 0.0 |
| Utah | 701 | 237 | 33.8 | 8 | 1.1 | 0 | 0.0 | 5 | 0.7 | 1 | 0.1 |
| Wyoming | 216 | 102 | 47.2 | 2 | 0.9 | 0 | 0.0 | 1 | 0.5 | 0 | 0.0 |
| ELEVENTH CIRCUIT | 6,716 | 3,854 | 57.4 | 15 | 0.2 | 12 | 0.2 | 94 | 1.4 | 15 | 0.2 |
| Alabama | | | | | | | | | | | |
| Middle | 236 | 117 | 49.6 | 0 | 0.0 | 0 | 0.0 | 4 | 1.7 | 2 | 0.8 |
| Northern | 495 | 293 | 59.2 | 0 | 0.0 | 0 | 0.0 | 3 | 0.6 | 1 | 0.2 |
| Southern | 351 | 206 | 58.7 | 1 | 0.3 | 0 | 0.0 | 3 | 0.9 | 0 | 0.0 |
| Florida | | | | | | | | | | | |
| Middle | 1,543 | 687 | 44.5 | 5 | 0.3 | 2 | 0.1 | 13 | 0.8 | 3 | 0.2 |
| Northern | 354 | 204 | 57.6 | 0 | 0.0 | 4 | 1.1 | 2 | 0.6 | 0 | 0.0 |
| Southern | 2,326 | 1,410 | 60.6 | 2 | 0.1 | 3 | 0.1 | 30 | 1.3 | 9 | 0.4 |
| Georgia | | | | | | | | | | | |
| Middle | 456 | 345 | 75.7 | 3 | 0.7 | 2 | 0.4 | 8 | 1.8 | 0 | 0.0 |
| Northern | 491 | 216 | 44.0 | 4 | 0.8 | 1 | 0.2 | 12 | 2.4 | 0 | 0.0 |
| Southern | 464 | 376 | 81.0 | 0 | 0.0 | 0 | 0.0 | 19 | 4.1 | 0 | 0.0 |

| CIRCUIT District | §5K1.1 SUBSTANTIAL ASSISTANCE | | §5K3.1 EARLY DISPOSITION | | OTHER GOV'T SPONSORED | | BELOW RANGE DEPARTURE | | BELOW RANGE DEPARTURE W/BOOKER | | BELOW RANGE W/BOOKER | | REMAINING BELOW RANGE | |
|--------------------------|-------------------------------------|-------------|--------------------------------|-------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| NINTH CIRCUIT | 1,510 | 8.3 | 6,033 | 33.1 | 1,403 | 7.7 | 376 | 2.1 | 99 | 0.5 | 1,847 | 10.1 | 95 | 0.5 |
| Alaska | 29 | 14.5 | 0 | 0.0 | 39 | 19.5 | 3 | 1.5 | 2 | 1.0 | 52 | 26.0 | 1 | 0.5 |
| Arizona | 219 | 3.5 | 2,295 | 36.4 | 254 | 4.0 | 67 | 1.1 | 20 | 0.3 | 367 | 5.8 | 10 | 0.2 |
| California | | | | | | | | | | | | | | |
| Central | 238 | 14.2 | 302 | 18.0 | 178 | 10.6 | 84 | 5.0 | 25 | 1.5 | 336 | 20.0 | 51 | 3.0 |
| Eastern | 165 | 16.8 | 254 | 25.8 | 52 | 5.3 | 6 | 0.6 | 1 | 0.1 | 101 | 10.3 | 5 | 0.5 |
| Northern | 88 | 12.5 | 46 | 6.5 | 133 | 18.9 | 11 | 1.6 | 11 | 1.6 | 128 | 18.2 | 1 | 0.1 |
| Southern | 330 | 6.7 | 2,893 | 59.0 | 205 | 4.2 | 173 | 3.5 | 21 | 0.4 | 245 | 5.0 | 20 | 0.4 |
| Guam | 6 | 9.0 | 0 | 0.0 | 3 | 4.5 | 0 | 0.0 | 1 | 1.5 | 4 | 6.0 | 0 | 0.0 |
| Hawaii | 65 | 25.9 | 0 | 0.0 | 4 | 1.6 | 0 | 0.0 | 2 | 0.8 | 72 | 28.7 | 1 | 0.4 |
| Idaho | 83 | 25.7 | 19 | 5.9 | 9 | 2.8 | 8 | 2.5 | 3 | 0.9 | 54 | 16.7 | 1 | 0.3 |
| Montana | 50 | 14.2 | 0 | 0.0 | 8 | 2.3 | 1 | 0.3 | 4 | 1.1 | 90 | 25.6 | 0 | 0.0 |
| Nevada | 63 | 10.0 | 53 | 8.4 | 65 | 10.3 | 14 | 2.2 | 4 | 0.6 | 70 | 11.1 | 1 | 0.2 |
| Northern Mariana Islands | 1 | 3.2 | 0 | 0.0 | 1 | 3.2 | 1 | 3.2 | 0 | 0.0 | 1 | 3.2 | 0 | 0.0 |
| Oregon | 107 | 15.8 | 73 | 10.8 | 147 | 21.7 | 1 | 0.1 | 1 | 0.1 | 117 | 17.3 | 2 | 0.3 |
| Washington | | | | | | | | | | | | | | |
| Eastern | 29 | 7.9 | 39 | 10.6 | 96 | 26.0 | 2 | 0.5 | 2 | 0.5 | 45 | 12.2 | 0 | 0.0 |
| Western | 37 | 4.8 | 59 | 7.7 | 209 | 27.4 | 5 | 0.7 | 2 | 0.3 | 165 | 21.6 | 2 | 0.3 |
| TENTH CIRCUIT | 429 | 6.4 | 1,185 | 17.6 | 370 | 5.5 | 80 | 1.2 | 31 | 0.5 | 744 | 11.0 | 18 | 0.3 |
| Colorado | 120 | 20.5 | 90 | 15.4 | 42 | 7.2 | 6 | 1.0 | 5 | 0.9 | 95 | 16.2 | 1 | 0.2 |
| Kansas | 109 | 16.2 | 17 | 2.5 | 105 | 15.6 | 10 | 1.5 | 4 | 0.6 | 79 | 11.7 | 1 | 0.1 |
| New Mexico | 67 | 1.8 | 857 | 22.4 | 105 | 2.7 | 48 | 1.3 | 12 | 0.3 | 204 | 5.3 | 8 | 0.2 |
| Oklahoma | | | | | | | | | | | | | | |
| Eastern | 16 | 13.8 | 0 | 0.0 | 7 | 6.0 | 0 | 0.0 | 1 | 0.9 | 9 | 7.8 | 0 | 0.0 |
| Northern | 46 | 18.4 | 5 | 2.0 | 5 | 2.0 | 7 | 2.8 | 3 | 1.2 | 55 | 22.0 | 0 | 0.0 |
| Western | 24 | 6.4 | 0 | 0.0 | 2 | 0.5 | 2 | 0.5 | 0 | 0.0 | 128 | 34.3 | 1 | 0.3 |
| Utah | 32 | 4.6 | 196 | 28.0 | 74 | 10.6 | 6 | 0.9 | 2 | 0.3 | 133 | 19.0 | 7 | 1.0 |
| Wyoming | 15 | 6.9 | 20 | 9.3 | 30 | 13.9 | 1 | 0.5 | 4 | 1.9 | 41 | 19.0 | 0 | 0.0 |
| ELEVENTH CIRCUIT | 978 | 14.6 | 90 | 1.3 | 215 | 3.2 | 74 | 1.1 | 56 | 0.8 | 1,282 | 19.1 | 31 | 0.5 |
| Alabama | | | | | | | | | | | | | | |
| Middle | 56 | 23.7 | 1 | 0.4 | 12 | 5.1 | 0 | 0.0 | 1 | 0.4 | 39 | 16.5 | 4 | 1.7 |
| Northern | 116 | 23.4 | 0 | 0.0 | 10 | 2.0 | 2 | 0.4 | 1 | 0.2 | 69 | 13.9 | 0 | 0.0 |
| Southern | 60 | 17.1 | 0 | 0.0 | 2 | 0.6 | 4 | 1.1 | 0 | 0.0 | 74 | 21.1 | 1 | 0.3 |
| Florida | | | | | | | | | | | | | | |
| Middle | 327 | 21.2 | 43 | 2.8 | 28 | 1.8 | 22 | 1.4 | 11 | 0.7 | 395 | 25.6 | 7 | 0.5 |
| Northern | 65 | 18.4 | 4 | 1.1 | 0 | 0.0 | 10 | 2.8 | 11 | 3.1 | 54 | 15.3 | 0 | 0.0 |
| Southern | 215 | 9.2 | 18 | 0.8 | 60 | 2.6 | 20 | 0.9 | 29 | 1.2 | 515 | 22.1 | 15 | 0.6 |
| Georgia | | | | | | | | | | | | | | |
| Middle | 44 | 9.6 | 22 | 4.8 | 4 | 0.9 | 0 | 0.0 | 0 | 0.0 | 26 | 5.7 | 2 | 0.4 |
| Northern | 58 | 11.8 | 1 | 0.2 | 94 | 19.1 | 14 | 2.9 | 3 | 0.6 | 86 | 17.5 | 2 | 0.4 |
| Southern | 37 | 8.0 | 1 | 0.2 | 5 | 1.1 | 2 | 0.4 | 0 | 0.0 | 24 | 5.2 | 0 | 0.0 |

Of the 80,035 cases, 1,407 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 (10.2%), Arizona (8.6%), Western Louisiana (8.3%), and Eastern North Carolina (6.0%).

SOURCE: U.S. Sentencing Commission, 2013 Datafile, USSCFY13.

Table 10

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY SELECTED PRIMARY OFFENSE CATEGORY
Fiscal Year 2013**

National

| PRIMARY OFFENSE | TOTAL | WITHIN GUIDELINE RANGE | | ABOVE RANGE DEPARTURE | | ABOVE RANGE DEPARTURE W/BOOKER | | ABOVE RANGE W/BOOKER | | REMAINING ABOVE RANGE | |
|------------------------------|---------------|------------------------------|-------------|-----------------------------|------------|--------------------------------------|------------|-------------------------|------------|--------------------------|------------|
| | | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 78,628 | 40,233 | 51.2 | 399 | 0.5 | 132 | 0.2 | 1,065 | 1.4 | 85 | 0.1 |
| Robbery | 837 | 456 | 54.5 | 9 | 1.1 | 5 | 0.6 | 24 | 2.9 | 0 | 0.0 |
| Drugs - Trafficking | 22,230 | 8,624 | 38.8 | 78 | 0.4 | 17 | 0.1 | 134 | 0.6 | 13 | 0.1 |
| Drugs - Simple Possession | 1,840 | 1,720 | 93.5 | 2 | 0.1 | 1 | 0.1 | 103 | 5.6 | 4 | 0.2 |
| Firearms | 8,052 | 4,620 | 57.4 | 67 | 0.8 | 24 | 0.3 | 277 | 3.4 | 22 | 0.3 |
| Larceny | 1,314 | 895 | 68.1 | 6 | 0.5 | 1 | 0.1 | 7 | 0.5 | 4 | 0.3 |
| Fraud | 7,543 | 3,575 | 47.4 | 22 | 0.3 | 15 | 0.2 | 121 | 1.6 | 10 | 0.1 |
| Embezzlement | 338 | 204 | 60.4 | 1 | 0.3 | 0 | 0.0 | 2 | 0.6 | 3 | 0.9 |
| Forgery/Counterfeiting | 728 | 438 | 60.2 | 2 | 0.3 | 9 | 1.2 | 10 | 1.4 | 2 | 0.3 |
| Immigration | 24,758 | 14,073 | 56.8 | 114 | 0.5 | 34 | 0.1 | 191 | 0.8 | 18 | 0.1 |
| Other Miscellaneous Offenses | 10,988 | 5,628 | 51.2 | 98 | 0.9 | 26 | 0.2 | 196 | 1.8 | 9 | 0.1 |

Fifth Circuit

| PRIMARY OFFENSE | TOTAL | WITHIN GUIDELINE RANGE | | ABOVE RANGE DEPARTURE | | ABOVE RANGE DEPARTURE W/BOOKER | | ABOVE RANGE W/BOOKER | | REMAINING ABOVE RANGE | |
|------------------------------|---------------|------------------------------|-------------|-----------------------------|------------|--------------------------------------|------------|-------------------------|------------|--------------------------|------------|
| | | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 17,857 | 11,990 | 67.1 | 89 | 0.5 | 46 | 0.3 | 228 | 1.3 | 12 | 0.1 |
| Robbery | 75 | 63 | 84.0 | 0 | 0.0 | 1 | 1.3 | 2 | 2.7 | 0 | 0.0 |
| Drugs - Trafficking | 4,112 | 2,435 | 59.2 | 18 | 0.4 | 1 | 0.0 | 29 | 0.7 | 1 | 0.0 |
| Drugs - Simple Possession | 134 | 133 | 99.3 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 0.7 |
| Firearms | 1,014 | 643 | 63.4 | 8 | 0.8 | 5 | 0.5 | 14 | 1.4 | 0 | 0.0 |
| Larceny | 183 | 133 | 72.7 | 4 | 2.2 | 1 | 0.5 | 5 | 2.7 | 1 | 0.5 |
| Fraud | 867 | 517 | 59.6 | 5 | 0.6 | 6 | 0.7 | 27 | 3.1 | 1 | 0.1 |
| Embezzlement | 28 | 19 | 67.9 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 112 | 79 | 70.5 | 0 | 0.0 | 8 | 7.1 | 3 | 2.7 | 0 | 0.0 |
| Immigration | 10,022 | 7,211 | 72.0 | 42 | 0.4 | 21 | 0.2 | 108 | 1.1 | 6 | 0.1 |
| Other Miscellaneous Offenses | 1,310 | 757 | 57.8 | 12 | 0.9 | 3 | 0.2 | 40 | 3.1 | 2 | 0.2 |

National

| PRIMARY OFFENSE | §5K1.1 | | §5K3.1 | | OTHER | | BELOW | | BELOW RANGE | | BELOW | | REMAINING | |
|------------------------------|--------------|-------------|--------------|-------------|--------------|------------|--------------|------------|-------------|------------|---------------|-------------|------------|------------|
| | SUBSTANTIAL | | EARLY | | GOV'T | | RANGE | | DEPARTURE | | RANGE | | BELOW | |
| | ASSISTANCE | DISPOSITION | SPONSORED | DEPARTURE | W/BOOKER | W/BOOKER | RANGE | DEPARTURE | W/BOOKER | W/BOOKER | RANGE | BELOW | RANGE | |
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 9,528 | 12.1 | 8,354 | 10.6 | 4,092 | 5.2 | 2,027 | 2.6 | 694 | 0.9 | 11,519 | 14.6 | 500 | 0.6 |
| Robbery | 75 | 9.0 | 3 | 0.4 | 54 | 6.5 | 40 | 4.8 | 15 | 1.8 | 153 | 18.3 | 3 | 0.4 |
| Drugs - Trafficking | 5,751 | 25.9 | 1,484 | 6.7 | 1,513 | 6.8 | 488 | 2.2 | 248 | 1.1 | 3,770 | 17.0 | 110 | 0.5 |
| Drugs - Simple Possession | 1 | 0.1 | 0 | 0.0 | 2 | 0.1 | 1 | 0.1 | 0 | 0.0 | 5 | 0.3 | 1 | 0.1 |
| Firearms | 824 | 10.2 | 11 | 0.1 | 583 | 7.2 | 182 | 2.3 | 72 | 0.9 | 1,326 | 16.5 | 44 | 0.5 |
| Larceny | 63 | 4.8 | 3 | 0.2 | 51 | 3.9 | 22 | 1.7 | 7 | 0.5 | 238 | 18.1 | 17 | 1.3 |
| Fraud | 1,384 | 18.3 | 5 | 0.1 | 455 | 6.0 | 154 | 2.0 | 113 | 1.5 | 1,613 | 21.4 | 76 | 1.0 |
| Embezzlement | 16 | 4.7 | 0 | 0.0 | 18 | 5.3 | 7 | 2.1 | 4 | 1.2 | 81 | 24.0 | 2 | 0.6 |
| Forgery/Counterfeiting | 77 | 10.6 | 0 | 0.0 | 29 | 4.0 | 11 | 1.5 | 8 | 1.1 | 133 | 18.3 | 9 | 1.2 |
| Immigration | 293 | 1.2 | 6,812 | 27.5 | 281 | 1.1 | 867 | 3.5 | 83 | 0.3 | 1,840 | 7.4 | 152 | 0.6 |
| Other Miscellaneous Offenses | 1,044 | 9.5 | 36 | 0.3 | 1,106 | 10.1 | 255 | 2.3 | 144 | 1.3 | 2,360 | 21.5 | 86 | 0.8 |

Fifth Circuit

| PRIMARY OFFENSE | §5K1.1 | | §5K3.1 | | OTHER | | BELOW | | BELOW RANGE | | BELOW | | REMAINING | |
|------------------------------|--------------|-------------|------------|------------|------------|------------|------------|------------|-------------|------------|--------------|-------------|------------|------------|
| | SUBSTANTIAL | | EARLY | | GOV'T | | RANGE | | DEPARTURE | | RANGE | | BELOW | |
| | ASSISTANCE | DISPOSITION | SPONSORED | DEPARTURE | W/BOOKER | W/BOOKER | RANGE | DEPARTURE | W/BOOKER | W/BOOKER | RANGE | BELOW | RANGE | |
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 1,449 | 8.1 | 761 | 4.3 | 449 | 2.5 | 819 | 4.6 | 50 | 0.3 | 1,796 | 10.1 | 168 | 0.9 |
| Robbery | 4 | 5.3 | 0 | 0.0 | 0 | 0.0 | 1 | 1.3 | 0 | 0.0 | 4 | 5.3 | 0 | 0.0 |
| Drugs - Trafficking | 951 | 23.1 | 3 | 0.1 | 183 | 4.5 | 80 | 1.9 | 15 | 0.4 | 381 | 9.3 | 15 | 0.4 |
| Drugs - Simple Possession | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Firearms | 104 | 10.3 | 0 | 0.0 | 48 | 4.7 | 26 | 2.6 | 6 | 0.6 | 154 | 15.2 | 6 | 0.6 |
| Larceny | 10 | 5.5 | 0 | 0.0 | 3 | 1.6 | 4 | 2.2 | 1 | 0.5 | 20 | 10.9 | 1 | 0.5 |
| Fraud | 104 | 12.0 | 0 | 0.0 | 61 | 7.0 | 19 | 2.2 | 3 | 0.3 | 110 | 12.7 | 14 | 1.6 |
| Embezzlement | 2 | 7.1 | 0 | 0.0 | 1 | 3.6 | 0 | 0.0 | 1 | 3.6 | 5 | 17.9 | 0 | 0.0 |
| Forgery/Counterfeiting | 5 | 4.5 | 0 | 0.0 | 2 | 1.8 | 1 | 0.9 | 0 | 0.0 | 13 | 11.6 | 1 | 0.9 |
| Immigration | 114 | 1.1 | 757 | 7.6 | 52 | 0.5 | 664 | 6.6 | 18 | 0.2 | 910 | 9.1 | 119 | 1.2 |
| Other Miscellaneous Offenses | 155 | 11.8 | 1 | 0.1 | 99 | 7.6 | 24 | 1.8 | 6 | 0.5 | 199 | 15.2 | 12 | 0.9 |

Of the 80,035 guideline cases, 1,407 cases were excluded due to missing information from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 18,215 guideline cases from the Fifth Circuit, 358 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, 2013 Datafile, USSCFY13.