

# United States Sentencing Commission



## *Statistical Information Packet*

*Fiscal Year 2013*

*State of Arkansas*

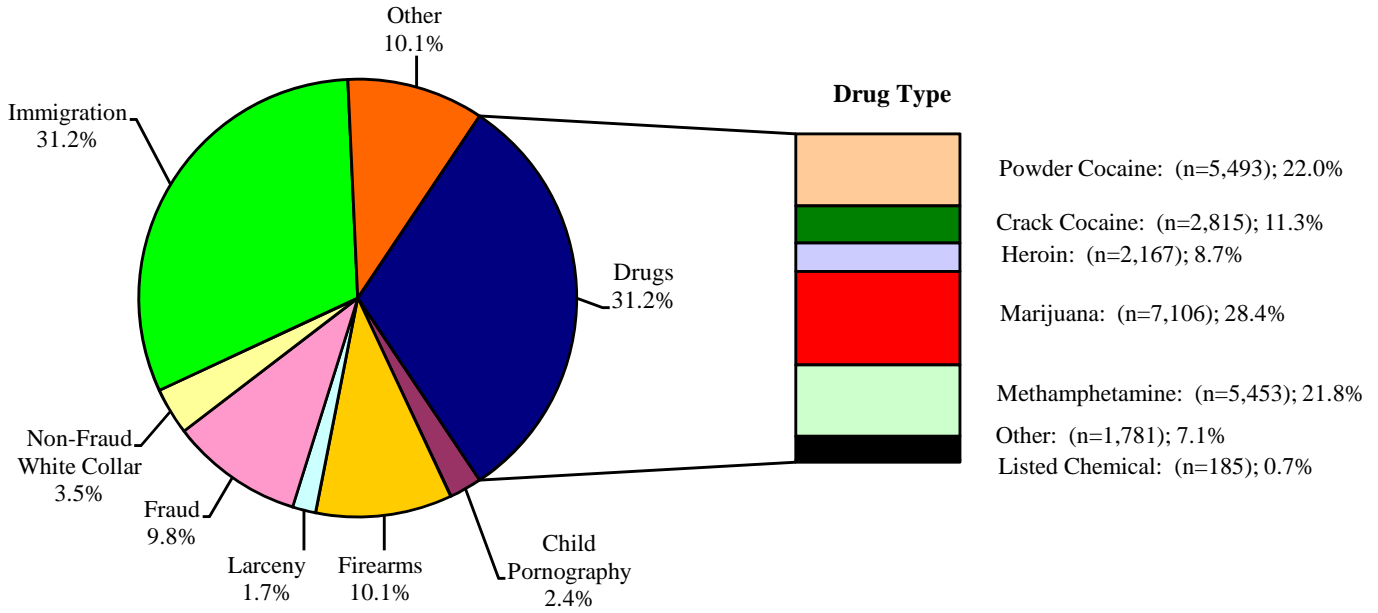
## TABLE OF CONTENTS

|                 |   |    |
|-----------------|---|----|
| <b>Figure A</b> | Offenders in Each Primary Offense Category  | 1  |
| <b>Table 1</b>  | Distribution of Guideline Offenders in Each Primary Offense Category  | 2  |
| <b>Table 2</b>  | Guilty Pleas and Trials in Each Circuit and District  | 3  |
| <b>Table 3</b>  | Guilty Pleas and Trials in Each Primary Offense Category  | 6  |
| <b>Table 4</b>  | Type of Sentence Imposed by Primary Offense Category (National)   | 7  |
| <b>Table 5</b>  | Type of Sentence Imposed by Primary Offense Category (District)   | 8  |
| <b>Table 6</b>  | Incarceration Rate of U.S. Citizen Defendants Eligible for Non-Prison Sentences by Primary Offense Category | 9  |
| <b>Table 7</b>  | Length of Imprisonment by Primary Offense Category  | 10 |
| <b>Table 8</b>  | Comparison of Sentence Imposed and Position Relative to the Guideline Range                                 | 11 |
| <b>Table 9</b>  | Sentences Relative to the Guideline Range by Circuit and District   | 12 |
| <b>Table 10</b> | Sentences Relative to the Guideline Range by Selected Primary Offense Category                              | 18 |

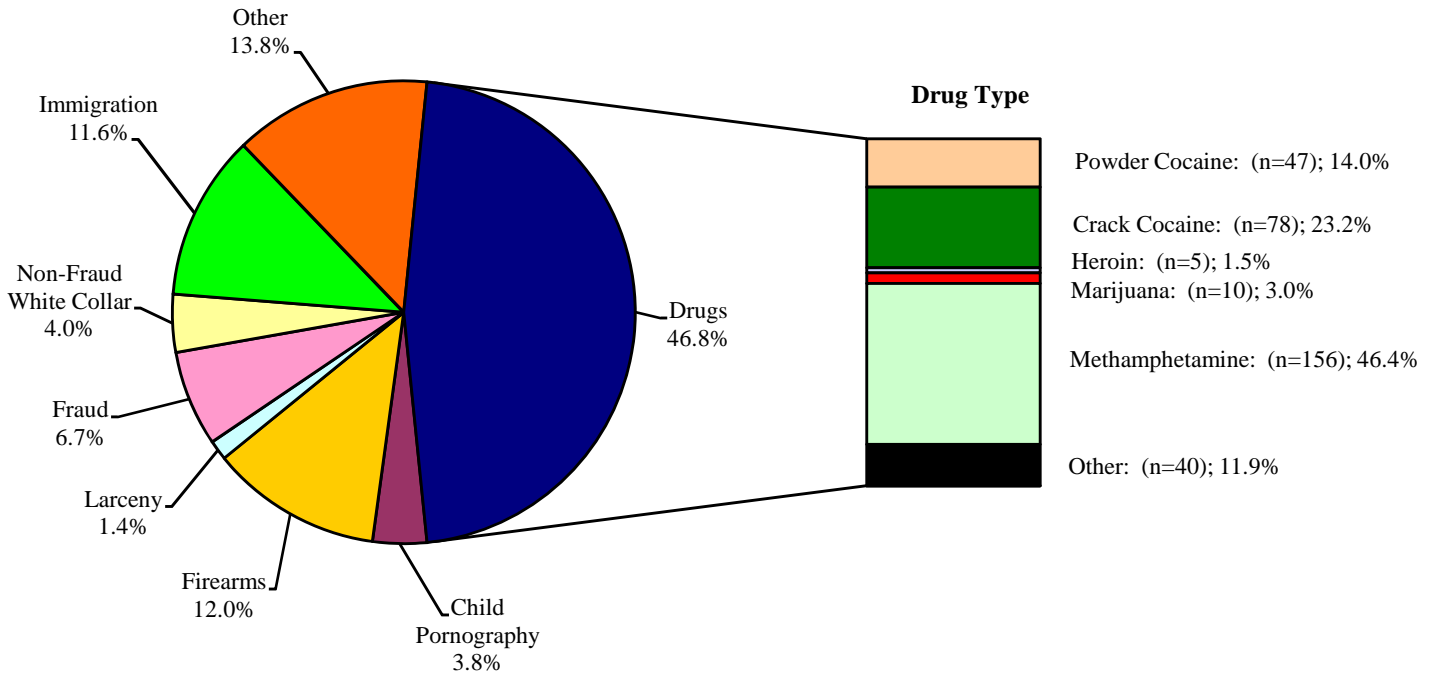
**Figure A**

**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2013**

**National**



**Arkansas**



<sup>1</sup> Of the 80,035 guideline cases, no cases were excluded.

Of the 718 guideline cases from the State of Arkansas, no cases were excluded.

<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, 2013 Datafile, USSCFY13.

**Table 1**

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

| PRIMARY OFFENSE                    | National      |              | Arkansas   |              |
|------------------------------------|---------------|--------------|------------|--------------|
|                                    | N             | %            | N          | %            |
| <b>TOTAL</b>                       | <b>80,035</b> | <b>100.0</b> | <b>718</b> | <b>100.0</b> |
| Murder                             | 89            | 0.1          | 0          | 0.0          |
| Manslaughter                       | 63            | 0.1          | 0          | 0.0          |
| Kidnapping/Hostage Taking          | 40            | 0.0          | 0          | 0.0          |
| Sexual Abuse                       | 423           | 0.5          | 2          | 0.3          |
| Assault                            | 724           | 0.9          | 8          | 1.1          |
| Robbery                            | 844           | 1.1          | 10         | 1.4          |
| Arson                              | 69            | 0.1          | 0          | 0.0          |
| Drugs - Trafficking                | 22,254        | 27.8         | 312        | 43.5         |
| Drugs - Communication Facility     | 414           | 0.5          | 20         | 2.8          |
| Drugs - Simple Possession          | 2,332         | 2.9          | 4          | 0.6          |
| Firearms                           | 8,068         | 10.1         | 86         | 12.0         |
| Burglary/B&E                       | 37            | 0.0          | 1          | 0.1          |
| Auto Theft                         | 87            | 0.1          | 0          | 0.0          |
| Larceny                            | 1,372         | 1.7          | 10         | 1.4          |
| Fraud                              | 7,840         | 9.8          | 48         | 6.7          |
| Embezzlement                       | 341           | 0.4          | 4          | 0.6          |
| Forgery/Counterfeiting             | 731           | 0.9          | 9          | 1.3          |
| Bribery                            | 256           | 0.3          | 1          | 0.1          |
| Tax                                | 616           | 0.8          | 4          | 0.6          |
| Money Laundering                   | 829           | 1.0          | 11         | 1.5          |
| Racketeering/Extortion             | 871           | 1.1          | 4          | 0.6          |
| Gambling/Lottery                   | 73            | 0.1          | 0          | 0.0          |
| Civil Rights                       | 58            | 0.1          | 1          | 0.1          |
| Immigration                        | 24,972        | 31.2         | 83         | 11.6         |
| Child Pornography                  | 1,922         | 2.4          | 27         | 3.8          |
| Prison Offenses                    | 427           | 0.5          | 21         | 2.9          |
| Administration of Justice Offenses | 1,398         | 1.7          | 29         | 4.0          |
| Environmental/Wildlife             | 182           | 0.2          | 2          | 0.3          |
| National Defense                   | 126           | 0.2          | 0          | 0.0          |
| Antitrust                          | 16            | 0.0          | 0          | 0.0          |
| Food & Drug                        | 74            | 0.1          | 0          | 0.0          |
| Other Miscellaneous Offenses       | 2,487         | 3.1          | 21         | 2.9          |

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

Of the 718 guideline cases from the State of Arkansas, 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<br>District   | TOTAL         | PLEA          |             | TRIAL        |            |
|-----------------------|---------------|---------------|-------------|--------------|------------|
|                       |               | N             | %           | N            | %          |
| <b>TOTAL</b>          | <b>80,035</b> | <b>77,567</b> | <b>96.9</b> | <b>2,468</b> | <b>3.1</b> |
| <b>D.C. CIRCUIT</b>   | <b>344</b>    | <b>322</b>    | <b>93.6</b> | <b>22</b>    | <b>6.4</b> |
| District of Columbia  | 344           | 322           | 93.6        | 22           | 6.4        |
| <b>FIRST CIRCUIT</b>  | <b>2,537</b>  | <b>2,427</b>  | <b>95.7</b> | <b>110</b>   | <b>4.3</b> |
| 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        |
| <b>SECOND CIRCUIT</b> | <b>4,208</b>  | <b>4,039</b>  | <b>96.0</b> | <b>169</b>   | <b>4.0</b> |
| 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        |
| <b>THIRD CIRCUIT</b>  | <b>2,631</b>  | <b>2,486</b>  | <b>94.5</b> | <b>145</b>   | <b>5.5</b> |
| 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       |
| <b>FOURTH CIRCUIT</b> | <b>6,290</b>  | <b>6,048</b>  | <b>96.2</b> | <b>242</b>   | <b>3.8</b> |
| 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<br>District    | TOTAL         | PLEA          |             | TRIAL      |            |
|------------------------|---------------|---------------|-------------|------------|------------|
|                        |               | N             | %           | N          | %          |
| <b>FIFTH CIRCUIT</b>   | <b>18,215</b> | <b>17,944</b> | <b>98.5</b> | <b>271</b> | <b>1.5</b> |
| 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        |
| <b>SIXTH CIRCUIT</b>   | <b>5,559</b>  | <b>5,318</b>  | <b>95.7</b> | <b>241</b> | <b>4.3</b> |
| 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        |
| <b>SEVENTH CIRCUIT</b> | <b>3,070</b>  | <b>2,920</b>  | <b>95.1</b> | <b>150</b> | <b>4.9</b> |
| 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        |
| <b>EIGHTH CIRCUIT</b>  | <b>4,655</b>  | <b>4,468</b>  | <b>96.0</b> | <b>187</b> | <b>4.0</b> |
| 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<br>District      | TOTAL         | PLEA          |             | TRIAL      |            |
|--------------------------|---------------|---------------|-------------|------------|------------|
|                          |               | N             | %           | N          | %          |
| <b>NINTH CIRCUIT</b>     | <b>18,883</b> | <b>18,468</b> | <b>97.8</b> | <b>415</b> | <b>2.2</b> |
| 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        |
| <b>TENTH CIRCUIT</b>     | <b>6,754</b>  | <b>6,627</b>  | <b>98.1</b> | <b>127</b> | <b>1.9</b> |
| 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        |
| <b>ELEVENTH CIRCUIT</b>  | <b>6,889</b>  | <b>6,500</b>  | <b>94.4</b> | <b>389</b> | <b>5.6</b> |
| 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      |              |              |             | Arkansas   |              |           |             |
|---|---------------|---------------|--------------|--------------|-------------|------------|--------------|-----------|-------------|
|   |               | PLEA          |              | TRIAL        |             | PLEA       |              | TRIAL     |             |
|   |               | N             | %            | N            | %           | N          | %            | N         | %           |
| <b>TOTAL</b>                              | <b>80,035</b> | <b>77,567</b> | <b>96.9</b>  | <b>2,468</b> | <b>3.1</b>  | <b>701</b> | <b>97.6</b>  | <b>17</b> | <b>2.4</b>  |
| <b>Murder</b>                             | <b>89</b>     | <b>72</b>     | <b>80.9</b>  | <b>17</b>    | <b>19.1</b> | <b>0</b>   | <b>--</b>    | <b>0</b>  | <b>--</b>   |
| <b>Manslaughter</b>                       | <b>63</b>     | <b>62</b>     | <b>98.4</b>  | <b>1</b>     | <b>1.6</b>  | <b>0</b>   | <b>--</b>    | <b>0</b>  | <b>--</b>   |
| <b>Kidnapping/Hostage Taking</b>          | <b>40</b>     | <b>27</b>     | <b>67.5</b>  | <b>13</b>    | <b>32.5</b> | <b>0</b>   | <b>--</b>    | <b>0</b>  | <b>--</b>   |
| <b>Sexual Abuse</b>                       | <b>423</b>    | <b>366</b>    | <b>86.5</b>  | <b>57</b>    | <b>13.5</b> | <b>2</b>   | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Assault</b>                            | <b>724</b>    | <b>671</b>    | <b>92.7</b>  | <b>53</b>    | <b>7.3</b>  | <b>8</b>   | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Robbery</b>                            | <b>844</b>    | <b>825</b>    | <b>97.7</b>  | <b>19</b>    | <b>2.3</b>  | <b>10</b>  | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Arson</b>                              | <b>69</b>     | <b>56</b>     | <b>81.2</b>  | <b>13</b>    | <b>18.8</b> | <b>0</b>   | <b>--</b>    | <b>0</b>  | <b>--</b>   |
| <b>Drugs - Trafficking</b>                | <b>22,254</b> | <b>21,544</b> | <b>96.8</b>  | <b>710</b>   | <b>3.2</b>  | <b>304</b> | <b>97.4</b>  | <b>8</b>  | <b>2.6</b>  |
| <b>Drugs - Communication Facility</b>     | <b>414</b>    | <b>412</b>    | <b>99.5</b>  | <b>2</b>     | <b>0.5</b>  | <b>20</b>  | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Drugs - Simple Possession</b>          | <b>2,332</b>  | <b>2,329</b>  | <b>99.9</b>  | <b>3</b>     | <b>0.1</b>  | <b>4</b>   | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Firearms</b>                           | <b>8,068</b>  | <b>7,600</b>  | <b>94.2</b>  | <b>468</b>   | <b>5.8</b>  | <b>84</b>  | <b>97.7</b>  | <b>2</b>  | <b>2.3</b>  |
| <b>Burglary/B&amp;E</b>                   | <b>37</b>     | <b>35</b>     | <b>94.6</b>  | <b>2</b>     | <b>5.4</b>  | <b>1</b>   | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Auto Theft</b>                         | <b>87</b>     | <b>83</b>     | <b>95.4</b>  | <b>4</b>     | <b>4.6</b>  | <b>0</b>   | <b>--</b>    | <b>0</b>  | <b>--</b>   |
| <b>Larceny</b>                            | <b>1,372</b>  | <b>1,346</b>  | <b>98.1</b>  | <b>26</b>    | <b>1.9</b>  | <b>10</b>  | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Fraud</b>                              | <b>7,840</b>  | <b>7,325</b>  | <b>93.4</b>  | <b>515</b>   | <b>6.6</b>  | <b>44</b>  | <b>91.7</b>  | <b>4</b>  | <b>8.3</b>  |
| <b>Embezzlement</b>                       | <b>341</b>    | <b>334</b>    | <b>97.9</b>  | <b>7</b>     | <b>2.1</b>  | <b>4</b>   | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Forgery/Counterfeiting</b>             | <b>731</b>    | <b>717</b>    | <b>98.1</b>  | <b>14</b>    | <b>1.9</b>  | <b>9</b>   | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Bribery</b>                            | <b>256</b>    | <b>236</b>    | <b>92.2</b>  | <b>20</b>    | <b>7.8</b>  | <b>1</b>   | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Tax</b>                                | <b>616</b>    | <b>576</b>    | <b>93.5</b>  | <b>40</b>    | <b>6.5</b>  | <b>4</b>   | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Money Laundering</b>                   | <b>829</b>    | <b>786</b>    | <b>94.8</b>  | <b>43</b>    | <b>5.2</b>  | <b>11</b>  | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Racketeering/Extortion</b>             | <b>871</b>    | <b>825</b>    | <b>94.7</b>  | <b>46</b>    | <b>5.3</b>  | <b>3</b>   | <b>75.0</b>  | <b>1</b>  | <b>25.0</b> |
| <b>Gambling/Lottery</b>                   | <b>73</b>     | <b>73</b>     | <b>100.0</b> | <b>0</b>     | <b>0.0</b>  | <b>0</b>   | <b>--</b>    | <b>0</b>  | <b>--</b>   |
| <b>Civil Rights</b>                       | <b>58</b>     | <b>44</b>     | <b>75.9</b>  | <b>14</b>    | <b>24.1</b> | <b>1</b>   | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Immigration</b>                        | <b>24,972</b> | <b>24,817</b> | <b>99.4</b>  | <b>155</b>   | <b>0.6</b>  | <b>83</b>  | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Child Pornography</b>                  | <b>1,922</b>  | <b>1,851</b>  | <b>96.3</b>  | <b>71</b>    | <b>3.7</b>  | <b>26</b>  | <b>96.3</b>  | <b>1</b>  | <b>3.7</b>  |
| <b>Prison Offenses</b>                    | <b>427</b>    | <b>420</b>    | <b>98.4</b>  | <b>7</b>     | <b>1.6</b>  | <b>20</b>  | <b>95.2</b>  | <b>1</b>  | <b>4.8</b>  |
| <b>Administration of Justice Offenses</b> | <b>1,398</b>  | <b>1,336</b>  | <b>95.6</b>  | <b>62</b>    | <b>4.4</b>  | <b>29</b>  | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>Environmental/Wildlife</b>             | <b>182</b>    | <b>174</b>    | <b>95.6</b>  | <b>8</b>     | <b>4.4</b>  | <b>2</b>   | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |
| <b>National Defense</b>                   | <b>126</b>    | <b>119</b>    | <b>94.4</b>  | <b>7</b>     | <b>5.6</b>  | <b>0</b>   | <b>--</b>    | <b>0</b>  | <b>--</b>   |
| <b>Antitrust</b>                          | <b>16</b>     | <b>15</b>     | <b>93.8</b>  | <b>1</b>     | <b>6.3</b>  | <b>0</b>   | <b>--</b>    | <b>0</b>  | <b>--</b>   |
| <b>Food &amp; Drug</b>                    | <b>74</b>     | <b>74</b>     | <b>100.0</b> | <b>0</b>     | <b>0.0</b>  | <b>0</b>   | <b>--</b>    | <b>0</b>  | <b>--</b>   |
| <b>Other Miscellaneous Offenses</b>       | <b>2,487</b>  | <b>2,417</b>  | <b>97.2</b>  | <b>70</b>    | <b>2.8</b>  | <b>21</b>  | <b>100.0</b> | <b>0</b>  | <b>0.0</b>  |

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

Of the 718 guideline cases from the State of Arkansas, 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              | %          |
| <b>TOTAL</b>                       | <b>79,386</b> | <b>69,519</b> | <b>87.6</b> | <b>2,197</b>                    | <b>2.8</b> | <b>2,060</b>              | <b>2.6</b> | <b>5,610</b>   | <b>7.1</b> |
| 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**

## Arkansas

| PRIMARY OFFENSE                    | TOTAL      | Prison     |             | Prison/Community Split Sentence |            | Probation and Confinement |            | Probation Only |             |
|------------------------------------|------------|------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|-------------|
|                                    |            | N          | %           | N                               | %          | N                         | %          | N              | %           |
| <b>TOTAL</b>                       | <b>715</b> | <b>600</b> | <b>83.9</b> | <b>14</b>                       | <b>2.0</b> | <b>21</b>                 | <b>2.9</b> | <b>80</b>      | <b>11.2</b> |
| Murder                             | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Manslaughter                       | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Kidnapping/Hostage Taking          | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Sexual Abuse                       | 2          | 2          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Assault                            | 8          | 8          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Robbery                            | 10         | 9          | 90.0        | 0                               | 0.0        | 1                         | 10.0       | 0              | 0.0         |
| Arson                              | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Drugs - Trafficking                | 312        | 290        | 92.9        | 2                               | 0.6        | 3                         | 1.0        | 17             | 5.4         |
| Drugs - Communication Facility     | 20         | 15         | 75.0        | 1                               | 5.0        | 1                         | 5.0        | 3              | 15.0        |
| Drugs - Simple Possession          | 4          | 0          | 0.0         | 0                               | 0.0        | 0                         | 0.0        | 4              | 100.0       |
| Firearms                           | 86         | 79         | 91.9        | 2                               | 2.3        | 1                         | 1.2        | 4              | 4.7         |
| Burglary/B&E                       | 1          | 0          | 0.0         | 0                               | 0.0        | 1                         | 100.0      | 0              | 0.0         |
| Auto Theft                         | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Larceny                            | 10         | 3          | 30.0        | 0                               | 0.0        | 2                         | 20.0       | 5              | 50.0        |
| Fraud                              | 48         | 27         | 56.3        | 3                               | 6.3        | 6                         | 12.5       | 12             | 25.0        |
| Embezzlement                       | 4          | 1          | 25.0        | 1                               | 25.0       | 0                         | 0.0        | 2              | 50.0        |
| Forgery/Counterfeiting             | 9          | 7          | 77.8        | 0                               | 0.0        | 0                         | 0.0        | 2              | 22.2        |
| Bribery                            | 1          | 1          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Tax                                | 4          | 4          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Money Laundering                   | 11         | 6          | 54.5        | 0                               | 0.0        | 1                         | 9.1        | 4              | 36.4        |
| Racketeering/Extortion             | 4          | 2          | 50.0        | 0                               | 0.0        | 2                         | 50.0       | 0              | 0.0         |
| Gambling/Lottery                   | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Civil Rights                       | 1          | 0          | 0.0         | 0                               | 0.0        | 1                         | 100.0      | 0              | 0.0         |
| Immigration                        | 83         | 81         | 97.6        | 0                               | 0.0        | 0                         | 0.0        | 2              | 2.4         |
| Child Pornography                  | 27         | 25         | 92.6        | 1                               | 3.7        | 0                         | 0.0        | 1              | 3.7         |
| Prison Offenses                    | 21         | 21         | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Administration of Justice Offenses | 29         | 14         | 48.3        | 2                               | 6.9        | 2                         | 6.9        | 11             | 37.9        |
| Environmental/Wildlife             | 1          | 0          | 0.0         | 0                               | 0.0        | 0                         | 0.0        | 1              | 100.0       |
| National Defense                   | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Antitrust                          | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Food & Drug                        | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Other Miscellaneous Offenses       | 19         | 5          | 26.3        | 2                               | 10.5       | 0                         | 0.0        | 12             | 63.2        |

Of the 718 guideline cases from the State of Arkansas, three cases were excluded due to cases in which the defendant received no imprisonment or probation.

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        |             |                     |             | Arkansas        |             |                     |             |
|-------------------------------------|--------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
|                                     |              | Prison Sentence |             | Non-Prison Sentence |             | Prison Sentence |             | Non-Prison Sentence |             |
|                                     |              | N               | %           | N                   | %           | N               | %           | N                   | %           |
| <b>TOTAL</b>                        | <b>4,940</b> | <b>1,844</b>    | <b>37.3</b> | <b>3,096</b>        | <b>62.7</b> | <b>14</b>       | <b>20.9</b> | <b>53</b>           | <b>79.1</b> |
| <b>Fraud</b>                        | <b>1,263</b> | 448             | 35.5        | 815                 | 64.5        | 1               | 7.7         | 12                  | 92.3        |
| <b>Larceny</b>                      | <b>604</b>   | 118             | 19.5        | 486                 | 80.5        | 0               | 0.0         | 6                   | 100.0       |
| <b>Immigration</b>                  | <b>349</b>   | 197             | 56.4        | 152                 | 43.6        | 0               | --          | 0                   | --          |
| <b>Embezzlement</b>                 | <b>149</b>   | 40              | 26.8        | 109                 | 73.2        | 0               | 0.0         | 2                   | 100.0       |
| <b>Drugs - Trafficking</b>          | <b>451</b>   | 219             | 48.6        | 232                 | 51.4        | 1               | 33.3        | 2                   | 66.7        |
| <b>Drugs - Simple Possession</b>    | <b>229</b>   | 93              | 40.6        | 136                 | 59.4        | 0               | 0.0         | 4                   | 100.0       |
| <b>Firearms</b>                     | <b>204</b>   | 116             | 56.9        | 88                  | 43.1        | 1               | 50.0        | 1                   | 50.0        |
| <b>Forgery/Counterfeiting</b>       | <b>184</b>   | 85              | 46.2        | 99                  | 53.8        | 1               | 33.3        | 2                   | 66.7        |
| <b>Other Miscellaneous Offenses</b> | <b>1,507</b> | 528             | 35.0        | 979                 | 65.0        | 10              | 29.4        | 24                  | 70.6        |

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 718 guideline cases from the State of Arkansas, a U.S. Citizen was the defendant in 530 cases. Of these, 463 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, 2013 Datafile, USSCFY13.

**Table 7**

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

| PRIMARY OFFENSE                           | National    |               |               | Arkansas    |               |            |
|---|-------------|---------------|---------------|-------------|---------------|------------|
|   | Mean Months | Median Months | Number        | Mean Months | Median Months | Number     |
| <b>TOTAL</b>                              | <b>52</b>   | <b>30</b>     | <b>68,721</b> | <b>71</b>   | <b>51</b>     | <b>602</b> |
| <b>Murder</b>                             | 268         | 240           | 89            | --          | --            | 0          |
| <b>Manslaughter</b>                       | 61          | 40            | 61            | --          | --            | 0          |
| <b>Kidnapping/Hostage Taking</b>          | 231         | 204           | 40            | --          | --            | 0          |
| <b>Sexual Abuse</b>                       | 139         | 120           | 414           | --          | --            | 2          |
| <b>Assault</b>                            | 40          | 28            | 588           | 77          | 49            | 8          |
| <b>Robbery</b>                            | 79          | 63            | 815           | 97          | 120           | 9          |
| <b>Arson</b>                              | 97          | 60            | 66            | --          | --            | 0          |
| <b>Drugs - Trafficking</b>                | 76          | 60            | 21,032        | 91          | 70            | 290        |
| <b>Drugs - Communication Facility</b>     | 40          | 41            | 327           | 34          | 27            | 16         |
| <b>Drugs - Simple Possession</b>          | 6           | 6             | 1,988         | --          | --            | 0          |
| <b>Firearms</b>                           | 87          | 60            | 7,565         | 74          | 60            | 79         |
| <b>Burglary/B&amp;E</b>                   | 19          | 14            | 30            | --          | --            | 0          |
| <b>Auto Theft</b>                         | 65          | 41            | 82            | --          | --            | 0          |
| <b>Larceny</b>                            | 19          | 12            | 505           | 19          | 18            | 3          |
| <b>Fraud</b>                              | 35          | 24            | 5,634         | 38          | 29            | 28         |
| <b>Embezzlement</b>                       | 21          | 15            | 171           | --          | --            | 2          |
| <b>Forgery/Counterfeiting</b>             | 23          | 18            | 544           | 30          | 18            | 7          |
| <b>Bribery</b>                            | 29          | 22            | 182           | --          | --            | 1          |
| <b>Tax</b>                                | 20          | 15            | 381           | 34          | 30            | 4          |
| <b>Money Laundering</b>                   | 43          | 29            | 649           | 47          | 39            | 6          |
| <b>Racketeering/Extortion</b>             | 95          | 60            | 816           | --          | --            | 2          |
| <b>Gambling/Lottery</b>                   | 10          | 9             | 31            | --          | --            | 0          |
| <b>Civil Rights</b>                       | 37          | 17            | 40            | --          | --            | 0          |
| <b>Immigration</b>                        | 17          | 12            | 22,225        | 18          | 12            | 76         |
| <b>Child Pornography</b>                  | 138         | 97            | 1,887         | 166         | 108           | 26         |
| <b>Prison Offenses</b>                    | 14          | 12            | 397           | 18          | 12            | 21         |
| <b>Administration of Justice Offenses</b> | 26          | 18            | 1,003         | 22          | 23            | 16         |
| <b>Environmental/Wildlife</b>             | 14          | 6             | 38            | --          | --            | 0          |
| <b>National Defense</b>                   | 55          | 37            | 111           | --          | --            | 0          |
| <b>Antitrust</b>                          | 14          | 14            | 10            | --          | --            | 0          |
| <b>Food &amp; Drug</b>                    | 15          | 12            | 26            | --          | --            | 0          |
| <b>Other Miscellaneous Offenses</b>       | 39          | 13            | 974           | 32          | 18            | 6          |

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 718 guideline cases from the State of Arkansas, 116 cases were excluded due to one of the following reasons: zero months of prison ordered (113) or missing or indeterminable sentencing information (3).

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      |              | Arkansas   |              |
|---|---------------|--------------|------------|--------------|
|   | N             | %            | N          | %            |
| <b>TOTAL CASES<sup>1</sup></b>  | <b>78,628</b> | <b>100.0</b> | <b>714</b> | <b>100.0</b> |
| <b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>                           | <b>40,233</b> | <b>51.2</b>  | <b>436</b> | <b>61.1</b>  |
| <b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>                            | <b>1,681</b>  | <b>2.1</b>   | <b>18</b>  | <b>2.5</b>   |
| <b>DEPARTURE ABOVE GUIDELINE RANGE</b>                                  | <b>531</b>    | <b>0.7</b>   | <b>7</b>   | <b>1.0</b>   |
| Upward Departure From Guideline Range <sup>2</sup>                      | 399           | 0.5          | 6          | 0.8          |
| Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>      | 132           | 0.2          | 1          | 0.1          |
| <b>OTHERWISE ABOVE GUIDELINE RANGE</b>                                  | <b>1,150</b>  | <b>1.5</b>   | <b>11</b>  | <b>1.5</b>   |
| Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup> | 1,065         | 1.4          | 11         | 1.5          |
| All Remaining Cases Above Guideline Range <sup>5</sup>                  | 85            | 0.1          | 0          | 0.0          |
| <b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>                     | <b>21,974</b> | <b>27.9</b>  | <b>123</b> | <b>17.2</b>  |
| §5K1.1 Substantial Assistance Departure                                 | 9,528         | 12.1         | 100        | 14.0         |
| §5K3.1 Early Disposition Program Departure                              | 8,354         | 10.6         | 5          | 0.7          |
| Other Government Sponsored Below Range                                  | 4,092         | 5.2          | 18         | 2.5          |
| <b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>                             | <b>14,740</b> | <b>18.7</b>  | <b>137</b> | <b>19.2</b>  |
| <b>DEPARTURE BELOW GUIDELINE RANGE</b>                                  | <b>2,721</b>  | <b>3.5</b>   | <b>14</b>  | <b>2.0</b>   |
| Downward Departure From Guideline Range <sup>2</sup>                    | 2,027         | 2.6          | 6          | 0.8          |
| Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>    | 694           | 0.9          | 8          | 1.1          |
| <b>OTHERWISE BELOW GUIDELINE RANGE</b>                                  | <b>12,019</b> | <b>15.3</b>  | <b>123</b> | <b>17.2</b>  |
| Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup> | 11,519        | 14.6         | 120        | 16.8         |
| All Remaining Cases Below Guideline Range <sup>5</sup>                  | 500           | 0.6          | 3          | 0.4          |

<sup>1</sup> This table reflects the 80,035 cases sentenced nationally in Fiscal Year 2013, 718 of which were from the State of Arkansas. Of these, 1,407 cases nationally and four cases from the State of Arkansas 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, 2013 Datafile, USSCFY13.

**Table 9**

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

| CIRCUIT<br>District   | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE RANGE |            |
|-----------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|-------------------------|------------|--------------------------|------------|
|                       |               | N                                      | %           | N                           | %          | N                                    | %          | N                       | %          | N                        | %          |
| <b>TOTAL</b>          | <b>78,628</b> | <b>40,233</b>                          | <b>51.2</b> | <b>399</b>                  | <b>0.5</b> | <b>132</b>                           | <b>0.2</b> | <b>1,065</b>            | <b>1.4</b> | <b>85</b>                | <b>0.1</b> |
| <b>D.C. CIRCUIT</b>   | <b>344</b>    | <b>112</b>                             | <b>32.6</b> | <b>3</b>                    | <b>0.9</b> | <b>0</b>                             | <b>0.0</b> | <b>4</b>                | <b>1.2</b> | <b>0</b>                 | <b>0.0</b> |
| District of Columbia  | 344           | 112                                    | 32.6        | 3                           | 0.9        | 0                                    | 0.0        | 4                       | 1.2        | 0                        | 0.0        |
| <b>FIRST CIRCUIT</b>  | <b>2,527</b>  | <b>1,453</b>                           | <b>57.5</b> | <b>23</b>                   | <b>0.9</b> | <b>7</b>                             | <b>0.3</b> | <b>108</b>              | <b>4.3</b> | <b>15</b>                | <b>0.6</b> |
| 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        |
| <b>SECOND CIRCUIT</b> | <b>4,161</b>  | <b>1,436</b>                           | <b>34.5</b> | <b>9</b>                    | <b>0.2</b> | <b>5</b>                             | <b>0.1</b> | <b>20</b>               | <b>0.5</b> | <b>5</b>                 | <b>0.1</b> |
| 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        |
| <b>THIRD CIRCUIT</b>  | <b>2,618</b>  | <b>1,053</b>                           | <b>40.2</b> | <b>9</b>                    | <b>0.3</b> | <b>3</b>                             | <b>0.1</b> | <b>29</b>               | <b>1.1</b> | <b>3</b>                 | <b>0.1</b> |
| 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        |
| <b>FOURTH CIRCUIT</b> | <b>6,195</b>  | <b>3,637</b>                           | <b>58.7</b> | <b>37</b>                   | <b>0.6</b> | <b>19</b>                            | <b>0.3</b> | <b>94</b>               | <b>1.5</b> | <b>3</b>                 | <b>0.0</b> |
| 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<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>9,528</b>                        | <b>12.1</b> | <b>8,354</b>                   | <b>10.6</b> | <b>4,092</b>                | <b>5.2</b> | <b>2,027</b>                | <b>2.6</b> | <b>694</b>                           | <b>0.9</b> | <b>11,519</b>              | <b>14.6</b> | <b>500</b>                  | <b>0.6</b> |
| <b>D.C. CIRCUIT</b>   | <b>99</b>                           | <b>28.8</b> | <b>4</b>                       | <b>1.2</b>  | <b>33</b>                   | <b>9.6</b> | <b>22</b>                   | <b>6.4</b> | <b>13</b>                            | <b>3.8</b> | <b>49</b>                  | <b>14.2</b> | <b>5</b>                    | <b>1.5</b> |
| District of Columbia  | 99                                  | 28.8        | 4                              | 1.2         | 33                          | 9.6        | 22                          | 6.4        | 13                                   | 3.8        | 49                         | 14.2        | 5                           | 1.5        |
| <b>FIRST CIRCUIT</b>  | <b>250</b>                          | <b>9.9</b>  | <b>26</b>                      | <b>1.0</b>  | <b>239</b>                  | <b>9.5</b> | <b>56</b>                   | <b>2.2</b> | <b>15</b>                            | <b>0.6</b> | <b>318</b>                 | <b>12.6</b> | <b>17</b>                   | <b>0.7</b> |
| 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        |
| <b>SECOND CIRCUIT</b> | <b>810</b>                          | <b>19.5</b> | <b>58</b>                      | <b>1.4</b>  | <b>159</b>                  | <b>3.8</b> | <b>182</b>                  | <b>4.4</b> | <b>96</b>                            | <b>2.3</b> | <b>1,355</b>               | <b>32.6</b> | <b>26</b>                   | <b>0.6</b> |
| 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        |
| <b>THIRD CIRCUIT</b>  | <b>716</b>                          | <b>27.3</b> | <b>13</b>                      | <b>0.5</b>  | <b>127</b>                  | <b>4.9</b> | <b>34</b>                   | <b>1.3</b> | <b>33</b>                            | <b>1.3</b> | <b>578</b>                 | <b>22.1</b> | <b>20</b>                   | <b>0.8</b> |
| 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        |
| <b>FOURTH CIRCUIT</b> | <b>988</b>                          | <b>15.9</b> | <b>17</b>                      | <b>0.3</b>  | <b>289</b>                  | <b>4.7</b> | <b>101</b>                  | <b>1.6</b> | <b>48</b>                            | <b>0.8</b> | <b>938</b>                 | <b>15.1</b> | <b>24</b>                   | <b>0.4</b> |
| 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<br>District    | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | REMAINING<br>ABOVE RANGE |            |
|------------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|--------------------------------------|------------|--------------------------|------------|
|                        |               | N                                      | %           | N                           | %          | N                                    | %          | N                                    | %          | N                        | %          |
| <b>FIFTH CIRCUIT</b>   | <b>17,857</b> | <b>11,990</b>                          | <b>67.1</b> | <b>89</b>                   | <b>0.5</b> | <b>46</b>                            | <b>0.3</b> | <b>228</b>                           | <b>1.3</b> | <b>12</b>                | <b>0.1</b> |
| <b>Louisiana</b>       |               |  |             |                             |            |                                      |            |                                      |            |                          |            |
| 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        |
| <b>Mississippi</b>     |               |  |             |                             |            |                                      |            |                                      |            |                          |            |
| 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        |
| <b>Texas</b>           |               |  |             |                             |            |                                      |            |                                      |            |                          |            |
| 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        |
| <b>SIXTH CIRCUIT</b>   | <b>5,537</b>  | <b>2,620</b>                           | <b>47.3</b> | <b>18</b>                   | <b>0.3</b> | <b>9</b>                             | <b>0.2</b> | <b>70</b>                            | <b>1.3</b> | <b>4</b>                 | <b>0.1</b> |
| <b>Kentucky</b>        |               |  |             |                             |            |                                      |            |                                      |            |                          |            |
| 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        |
| <b>Michigan</b>        |               |  |             |                             |            |                                      |            |                                      |            |                          |            |
| 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        |
| <b>Ohio</b>            |               |  |             |                             |            |                                      |            |                                      |            |                          |            |
| 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        |
| <b>Tennessee</b>       |               |  |             |                             |            |                                      |            |                                      |            |                          |            |
| 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        |
| <b>SEVENTH CIRCUIT</b> | <b>3,054</b>  | <b>1,354</b>                           | <b>44.3</b> | <b>9</b>                    | <b>0.3</b> | <b>5</b>                             | <b>0.2</b> | <b>50</b>                            | <b>1.6</b> | <b>2</b>                 | <b>0.1</b> |
| <b>Illinois</b>        |               |  |             |                             |            |                                      |            |                                      |            |                          |            |
| 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        |
| <b>Indiana</b>         |               |  |             |                             |            |                                      |            |                                      |            |                          |            |
| 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        |
| <b>Wisconsin</b>       |               |  |             |                             |            |                                      |            |                                      |            |                          |            |
| 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        |
| <b>EIGHTH CIRCUIT</b>  | <b>4,643</b>  | <b>2,472</b>                           | <b>53.2</b> | <b>32</b>                   | <b>0.7</b> | <b>8</b>                             | <b>0.2</b> | <b>61</b>                            | <b>1.3</b> | <b>2</b>                 | <b>0.0</b> |
| <b>Arkansas</b>        |               |  |             |                             |            |                                      |            |                                      |            |                          |            |
| 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        |
| <b>Iowa</b>            |               |  |             |                             |            |                                      |            |                                      |            |                          |            |
| 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        |
| <b>Missouri</b>        |               |  |             |                             |            |                                      |            |                                      |            |                          |            |
| 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<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 RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|-------------------------|-------------|-----------------------------|------------|
|                        | N                                   | %           | N                              | %          | N                           | %          | N                           | %          | N                                    | %          | N                       | %           | N                           | %          |
| <b>FIFTH CIRCUIT</b>   | <b>1,449</b>                        | <b>8.1</b>  | <b>761</b>                     | <b>4.3</b> | <b>449</b>                  | <b>2.5</b> | <b>819</b>                  | <b>4.6</b> | <b>50</b>                            | <b>0.3</b> | <b>1,796</b>            | <b>10.1</b> | <b>168</b>                  | <b>0.9</b> |
| <b>Louisiana</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| 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        |
| <b>Mississippi</b>     |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| 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        |
| <b>Texas</b>           |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| 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        |
| <b>SIXTH CIRCUIT</b>   | <b>1,249</b>                        | <b>22.6</b> | <b>41</b>                      | <b>0.7</b> | <b>317</b>                  | <b>5.7</b> | <b>116</b>                  | <b>2.1</b> | <b>70</b>                            | <b>1.3</b> | <b>987</b>              | <b>17.8</b> | <b>36</b>                   | <b>0.7</b> |
| <b>Kentucky</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| 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        |
| <b>Michigan</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| 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        |
| <b>Ohio</b>            |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| 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        |
| <b>Tennessee</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| 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        |
| <b>SEVENTH CIRCUIT</b> | <b>410</b>                          | <b>13.4</b> | <b>16</b>                      | <b>0.5</b> | <b>192</b>                  | <b>6.3</b> | <b>87</b>                   | <b>2.8</b> | <b>131</b>                           | <b>4.3</b> | <b>756</b>              | <b>24.8</b> | <b>42</b>                   | <b>1.4</b> |
| <b>Illinois</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| 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        |
| <b>Indiana</b>         |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| 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        |
| <b>Wisconsin</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| 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        |
| <b>EIGHTH CIRCUIT</b>  | <b>640</b>                          | <b>13.8</b> | <b>110</b>                     | <b>2.4</b> | <b>299</b>                  | <b>6.4</b> | <b>80</b>                   | <b>1.7</b> | <b>52</b>                            | <b>1.1</b> | <b>869</b>              | <b>18.7</b> | <b>18</b>                   | <b>0.4</b> |
| <b>Arkansas</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| 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        |
| <b>Iowa</b>            |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| 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              | 68                                  | 21.5        | 2                              | 0.6        | 18                          | 5.7        | 4                           | 1.3        | 10                                   | 3.2        | 124                     | 39.2        | 0                           | 0.0        |
| <b>Missouri</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| 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               | 30                                  | 4.9         | 71                             | 11.6       | 33                          | 5.4        | 15                          | 2.5        | 1                                    | 0.2        | 97                      | 15.9        | 3                           | 0.5        |
| North Dakota           | 83                                  | 25.4        | 14                             | 4.3        | 13                          | 4.0        | 9                           | 2.8        | 2                                    | 0.6        | 40                      | 12.2        | 2                           | 0.6        |
| South Dakota           | 9                                   | 1.6         | 11                             | 2.0        | 22                          | 4.0        | 31                          | 5.7        | 17                                   | 3.1        | 58                      | 10.6        | 2                           | 0.4        |

| CIRCUIT<br>District      | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE RANGE |            |
|--------------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|-------------------------|------------|--------------------------|------------|
|                          |               | N                                      | %           | N                           | %          | N                                    | %          | N                       | %          | N                        | %          |
| <b>NINTH CIRCUIT</b>     | <b>18,241</b> | <b>6,466</b>                           | <b>35.4</b> | <b>127</b>                  | <b>0.7</b> | <b>14</b>                            | <b>0.1</b> | <b>250</b>              | <b>1.4</b> | <b>21</b>                | <b>0.1</b> |
| 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        |
| <b>TENTH CIRCUIT</b>     | <b>6,735</b>  | <b>3,786</b>                           | <b>56.2</b> | <b>28</b>                   | <b>0.4</b> | <b>4</b>                             | <b>0.1</b> | <b>57</b>               | <b>0.8</b> | <b>3</b>                 | <b>0.0</b> |
| 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        |
| <b>ELEVENTH CIRCUIT</b>  | <b>6,716</b>  | <b>3,854</b>                           | <b>57.4</b> | <b>15</b>                   | <b>0.2</b> | <b>12</b>                            | <b>0.2</b> | <b>94</b>               | <b>1.4</b> | <b>15</b>                | <b>0.2</b> |
| 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<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>1,510</b>                        | <b>8.3</b>  | <b>6,033</b>                   | <b>33.1</b> | <b>1,403</b>                | <b>7.7</b> | <b>376</b>                  | <b>2.1</b> | <b>99</b>                            | <b>0.5</b> | <b>1,847</b>               | <b>10.1</b> | <b>95</b>                   | <b>0.5</b> |
| 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        |
| <b>California</b>        |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| 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        |
| <b>Washington</b>        |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| 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        |
| <b>TENTH CIRCUIT</b>     | <b>429</b>                          | <b>6.4</b>  | <b>1,185</b>                   | <b>17.6</b> | <b>370</b>                  | <b>5.5</b> | <b>80</b>                   | <b>1.2</b> | <b>31</b>                            | <b>0.5</b> | <b>744</b>                 | <b>11.0</b> | <b>18</b>                   | <b>0.3</b> |
| 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        |
| <b>Oklahoma</b>          |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| 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        |
| <b>ELEVENTH CIRCUIT</b>  | <b>978</b>                          | <b>14.6</b> | <b>90</b>                      | <b>1.3</b>  | <b>215</b>                  | <b>3.2</b> | <b>74</b>                   | <b>1.1</b> | <b>56</b>                            | <b>0.8</b> | <b>1,282</b>               | <b>19.1</b> | <b>31</b>                   | <b>0.5</b> |
| <b>Alabama</b>           |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| 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        |
| <b>Florida</b>           |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| 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        |
| <b>Georgia</b>           |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| 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<br>GUIDELINE<br>RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE RANGE |            |
|------------------------------|---------------|------------------------------|-------------|-----------------------------|------------|--------------------------------------|------------|-------------------------|------------|--------------------------|------------|
|                              |               | N                            | %           | N                           | %          | N                                    | %          | N                       | %          | N                        | %          |
| <b>TOTAL</b>                 | <b>78,628</b> | <b>40,233</b>                | <b>51.2</b> | <b>399</b>                  | <b>0.5</b> | <b>132</b>                           | <b>0.2</b> | <b>1,065</b>            | <b>1.4</b> | <b>85</b>                | <b>0.1</b> |
| 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        |

**Arkansas**

| PRIMARY OFFENSE              | TOTAL      | WITHIN<br>GUIDELINE<br>RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE RANGE |            |
|------------------------------|------------|------------------------------|-------------|-----------------------------|------------|--------------------------------------|------------|-------------------------|------------|--------------------------|------------|
|                              |            | N                            | %           | N                           | %          | N                                    | %          | N                       | %          | N                        | %          |
| <b>TOTAL</b>                 | <b>714</b> | <b>436</b>                   | <b>61.1</b> | <b>6</b>                    | <b>0.8</b> | <b>1</b>                             | <b>0.1</b> | <b>11</b>               | <b>1.5</b> | <b>0</b>                 | <b>0.0</b> |
| Robbery                      | 10         | 7                            | 70.0        | 1                           | 10.0       | 0                                    | 0.0        | 0                       | 0.0        | 0                        | 0.0        |
| Drugs - Trafficking          | 312        | 169                          | 54.2        | 1                           | 0.3        | 0                                    | 0.0        | 1                       | 0.3        | 0                        | 0.0        |
| Drugs - Simple Possession    | 4          | 4                            | 100.0       | 0                           | 0.0        | 0                                    | 0.0        | 0                       | 0.0        | 0                        | 0.0        |
| Firearms                     | 86         | 59                           | 68.6        | 1                           | 1.2        | 0                                    | 0.0        | 2                       | 2.3        | 0                        | 0.0        |
| Larceny                      | 10         | 6                            | 60.0        | 0                           | 0.0        | 0                                    | 0.0        | 0                       | 0.0        | 0                        | 0.0        |
| Fraud                        | 48         | 31                           | 64.6        | 0                           | 0.0        | 1                                    | 2.1        | 0                       | 0.0        | 0                        | 0.0        |
| Embezzlement                 | 4          | 3                            | 75.0        | 0                           | 0.0        | 0                                    | 0.0        | 0                       | 0.0        | 0                        | 0.0        |
| Forgery/Counterfeiting       | 9          | 8                            | 88.9        | 1                           | 11.1       | 0                                    | 0.0        | 0                       | 0.0        | 0                        | 0.0        |
| Immigration                  | 82         | 65                           | 79.3        | 0                           | 0.0        | 0                                    | 0.0        | 1                       | 1.2        | 0                        | 0.0        |
| Other Miscellaneous Offenses | 149        | 84                           | 56.4        | 2                           | 1.3        | 0                                    | 0.0        | 7                       | 4.7        | 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>9,528</b>                        | <b>12.1</b> | <b>8,354</b>                   | <b>10.6</b> | <b>4,092</b>                | <b>5.2</b> | <b>2,027</b>                | <b>2.6</b> | <b>694</b>                           | <b>0.9</b> | <b>11,519</b>              | <b>14.6</b> | <b>500</b>                  | <b>0.6</b> |
| 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        |

### Arkansas

| 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>100</b>                          | <b>14.0</b> | <b>5</b>                       | <b>0.7</b> | <b>18</b>                   | <b>2.5</b> | <b>6</b>                    | <b>0.8</b> | <b>8</b>                             | <b>1.1</b> | <b>120</b>                 | <b>16.8</b> | <b>3</b>                    | <b>0.4</b> |
| Robbery                      | 0                                   | 0.0         | 0                              | 0.0        | 1                           | 10.0       | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 10.0        | 0                           | 0.0        |
| Drugs - Trafficking          | 74                                  | 23.7        | 0                              | 0.0        | 6                           | 1.9        | 4                           | 1.3        | 5                                    | 1.6        | 51                         | 16.3        | 1                           | 0.3        |
| 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                     | 6                                   | 7.0         | 0                              | 0.0        | 5                           | 5.8        | 2                           | 2.3        | 0                                    | 0.0        | 11                         | 12.8        | 0                           | 0.0        |
| Larceny                      | 0                                   | 0.0         | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 3                          | 30.0        | 1                           | 10.0       |
| Fraud                        | 3                                   | 6.3         | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 2                                    | 4.2        | 10                         | 20.8        | 1                           | 2.1        |
| Embezzlement                 | 0                                   | 0.0         | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 25.0        | 0                           | 0.0        |
| Forgery/Counterfeiting       | 0                                   | 0.0         | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0         | 0                           | 0.0        |
| Immigration                  | 1                                   | 1.2         | 5                              | 6.1        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 10                         | 12.2        | 0                           | 0.0        |
| Other Miscellaneous Offenses | 16                                  | 10.7        | 0                              | 0.0        | 6                           | 4.0        | 0                           | 0.0        | 1                                    | 0.7        | 33                         | 22.1        | 0                           | 0.0        |

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 718 guideline cases from the State of Arkansas, four 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.