

United States Sentencing Commission



Statistical Information Packet

Fiscal Year 2013

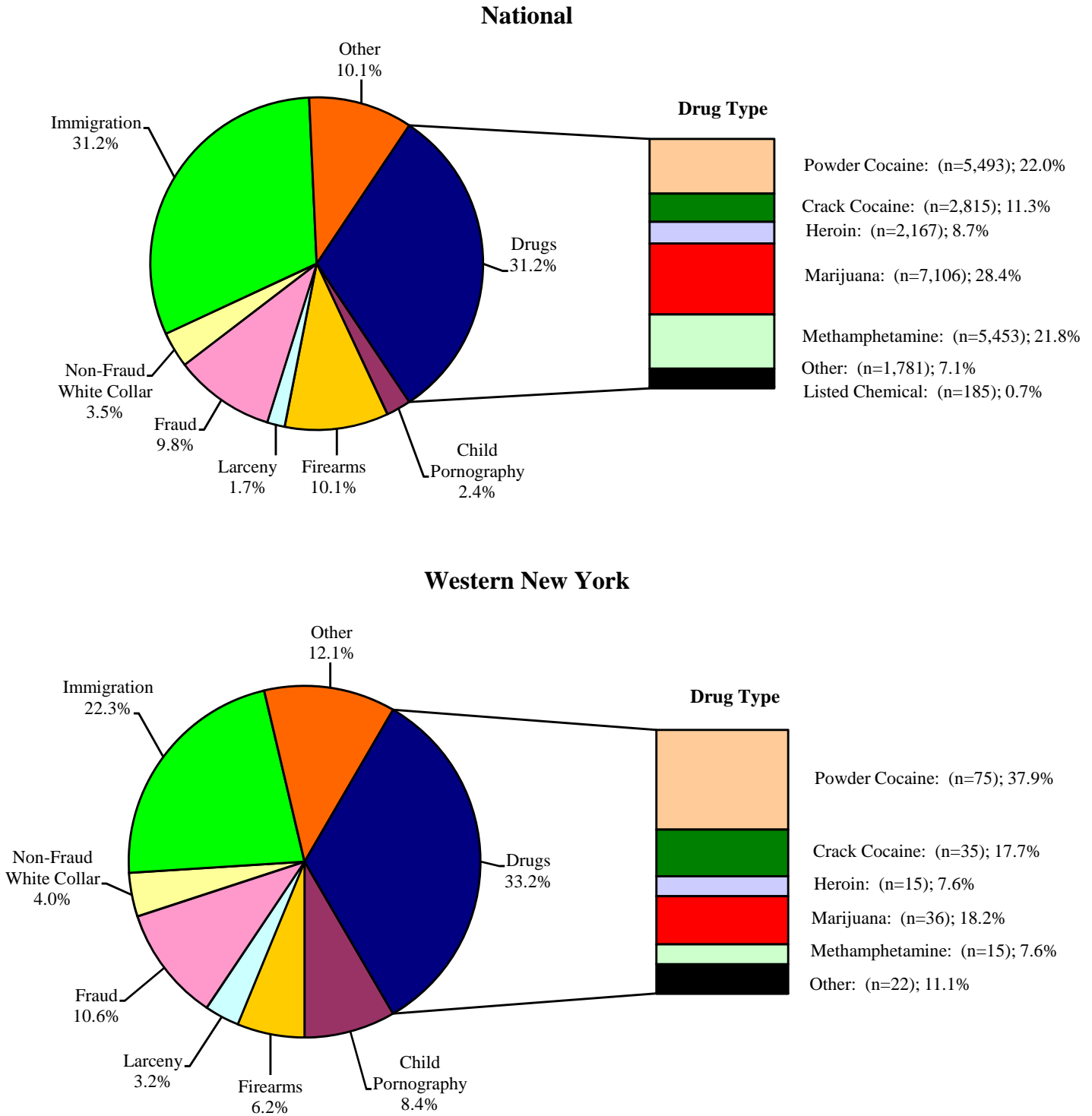
Western District of New York

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Figure A

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2013



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

Of the 596 guideline cases from the Western District of New York, no cases were excluded.

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

Table 1

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

PRIMARY OFFENSE	National		Western New York	
	N	%	N	%
TOTAL	80,035	100.0	596	100.0
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	6	1.0
Assault	724	0.9	4	0.7
Robbery	844	1.1	9	1.5
Arson	69	0.1	0	0.0
Drugs - Trafficking	22,254	27.8	183	30.7
Drugs - Communication Facility	414	0.5	9	1.5
Drugs - Simple Possession	2,332	2.9	6	1.0
Firearms	8,068	10.1	37	6.2
Burglary/B&E	37	0.0	1	0.2
Auto Theft	87	0.1	0	0.0
Larceny	1,372	1.7	19	3.2
Fraud	7,840	9.8	63	10.6
Embezzlement	341	0.4	2	0.3
Forgery/Counterfeiting	731	0.9	9	1.5
Bribery	256	0.3	0	0.0
Tax	616	0.8	7	1.2
Money Laundering	829	1.0	6	1.0
Racketeering/Extortion	871	1.1	6	1.0
Gambling/Lottery	73	0.1	0	0.0
Civil Rights	58	0.1	2	0.3
Immigration	24,972	31.2	133	22.3
Child Pornography	1,922	2.4	50	8.4
Prison Offenses	427	0.5	3	0.5
Administration of Justice Offenses	1,398	1.7	15	2.5
Environmental/Wildlife	182	0.2	3	0.5
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	23	3.9

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

Of the 596 guideline cases from the Western District of New York, no cases were excluded due to missing information on primary offense category.

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

Table 2

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

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

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

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

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

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

Table 3

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

PRIMARY OFFENSE	TOTAL	National				Western New York			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
TOTAL	80,035	77,567	96.9	2,468	3.1	575	96.5	21	3.5
Murder	89	72	80.9	17	19.1	0	--	0	--
Manslaughter	63	62	98.4	1	1.6	0	--	0	--
Kidnapping/Hostage Taking	40	27	67.5	13	32.5	0	--	0	--
Sexual Abuse	423	366	86.5	57	13.5	5	83.3	1	16.7
Assault	724	671	92.7	53	7.3	4	100.0	0	0.0
Robbery	844	825	97.7	19	2.3	8	88.9	1	11.1
Arson	69	56	81.2	13	18.8	0	--	0	--
Drugs - Trafficking	22,254	21,544	96.8	710	3.2	176	96.2	7	3.8
Drugs - Communication Facility	414	412	99.5	2	0.5	9	100.0	0	0.0
Drugs - Simple Possession	2,332	2,329	99.9	3	0.1	6	100.0	0	0.0
Firearms	8,068	7,600	94.2	468	5.8	33	89.2	4	10.8
Burglary/B&E	37	35	94.6	2	5.4	0	0.0	1	100.0
Auto Theft	87	83	95.4	4	4.6	0	--	0	--
Larceny	1,372	1,346	98.1	26	1.9	17	89.5	2	10.5
Fraud	7,840	7,325	93.4	515	6.6	58	92.1	5	7.9
Embezzlement	341	334	97.9	7	2.1	2	100.0	0	0.0
Forgery/Counterfeiting	731	717	98.1	14	1.9	9	100.0	0	0.0
Bribery	256	236	92.2	20	7.8	0	--	0	--
Tax	616	576	93.5	40	6.5	7	100.0	0	0.0
Money Laundering	829	786	94.8	43	5.2	6	100.0	0	0.0
Racketeering/Extortion	871	825	94.7	46	5.3	6	100.0	0	0.0
Gambling/Lottery	73	73	100.0	0	0.0	0	--	0	--
Civil Rights	58	44	75.9	14	24.1	2	100.0	0	0.0
Immigration	24,972	24,817	99.4	155	0.6	133	100.0	0	0.0
Child Pornography	1,922	1,851	96.3	71	3.7	50	100.0	0	0.0
Prison Offenses	427	420	98.4	7	1.6	3	100.0	0	0.0
Administration of Justice Offenses	1,398	1,336	95.6	62	4.4	15	100.0	0	0.0
Environmental/Wildlife	182	174	95.6	8	4.4	3	100.0	0	0.0
National Defense	126	119	94.4	7	5.6	0	--	0	--
Antitrust	16	15	93.8	1	6.3	0	--	0	--
Food & Drug	74	74	100.0	0	0.0	0	--	0	--
Other Miscellaneous Offenses	2,487	2,417	97.2	70	2.8	23	100.0	0	0.0

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

Of the 596 guideline cases from the Western District of New York, no cases were excluded due to missing information on mode of conviction.

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

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

National

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

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

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

Table 5

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2013

Western New York

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
TOTAL	591	478	80.9	8	1.4	21	3.6	84	14.2
Murder	0	0	--	0	--	0	--	0	--
Manslaughter	0	0	--	0	--	0	--	0	--
Kidnapping/Hostage Taking	0	0	--	0	--	0	--	0	--
Sexual Abuse	6	6	100.0	0	0.0	0	0.0	0	0.0
Assault	4	2	50.0	0	0.0	0	0.0	2	50.0
Robbery	9	8	88.9	0	0.0	0	0.0	1	11.1
Arson	0	0	--	0	--	0	--	0	--
Drugs - Trafficking	183	160	87.4	1	0.5	5	2.7	17	9.3
Drugs - Communication Facility	9	2	22.2	0	0.0	3	33.3	4	44.4
Drugs - Simple Possession	6	1	16.7	0	0.0	0	0.0	5	83.3
Firearms	37	34	91.9	0	0.0	0	0.0	3	8.1
Burglary/B&E	1	1	100.0	0	0.0	0	0.0	0	0.0
Auto Theft	0	0	--	0	--	0	--	0	--
Larceny	19	4	21.1	1	5.3	0	0.0	14	73.7
Fraud	59	37	62.7	2	3.4	10	16.9	10	16.9
Embezzlement	2	1	50.0	0	0.0	0	0.0	1	50.0
Forgery/Counterfeiting	9	4	44.4	1	11.1	1	11.1	3	33.3
Bribery	0	0	--	0	--	0	--	0	--
Tax	7	4	57.1	0	0.0	0	0.0	3	42.9
Money Laundering	6	5	83.3	0	0.0	0	0.0	1	16.7
Racketeering/Extortion	6	5	83.3	0	0.0	0	0.0	1	16.7
Gambling/Lottery	0	0	--	0	--	0	--	0	--
Civil Rights	2	1	50.0	0	0.0	1	50.0	0	0.0
Immigration	133	132	99.2	0	0.0	0	0.0	1	0.8
Child Pornography	50	45	90.0	2	4.0	1	2.0	2	4.0
Prison Offenses	3	3	100.0	0	0.0	0	0.0	0	0.0
Administration of Justice Offenses	15	13	86.7	0	0.0	0	0.0	2	13.3
Environmental/Wildlife	2	0	0.0	0	0.0	0	0.0	2	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	23	10	43.5	1	4.3	0	0.0	12	52.2

Of the 596 guideline cases from the Western District of New York, five 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				Western New York			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
TOTAL	4,940	1,844	37.3	3,096	62.7	8	12.9	54	87.1
Fraud	1,263	448	35.5	815	64.5	0	0.0	7	100.0
Larceny	604	118	19.5	486	80.5	1	7.1	13	92.9
Immigration	349	197	56.4	152	43.6	1	50.0	1	50.0
Embezzlement	149	40	26.8	109	73.2	0	0.0	1	100.0
Drugs - Trafficking	451	219	48.6	232	51.4	2	22.2	7	77.8
Drugs - Simple Possession	229	93	40.6	136	59.4	0	0.0	5	100.0
Firearms	204	116	56.9	88	43.1	0	0.0	1	100.0
Forgery/Counterfeiting	184	85	46.2	99	53.8	1	33.3	2	66.7
Other Miscellaneous Offenses	1,507	528	35.0	979	65.0	3	15.0	17	85.0

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 596 guideline cases from the Western District of New York, a U.S. Citizen was the defendant in 401 cases. Of these, 339 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			Western New York		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
TOTAL	52	30	68,721	56	30	433
Murder	268	240	89	--	--	0
Manslaughter	61	40	61	--	--	0
Kidnapping/Hostage Taking	231	204	40	--	--	0
Sexual Abuse	139	120	414	162	104	6
Assault	40	28	588	--	--	2
Robbery	79	63	815	88	80	8
Arson	97	60	66	--	--	0
Drugs - Trafficking	76	60	21,032	75	58	155
Drugs - Communication Facility	40	41	327	--	--	2
Drugs - Simple Possession	6	6	1,988	--	--	0
Firearms	87	60	7,565	98	60	33
Burglary/B&E	19	14	30	--	--	1
Auto Theft	65	41	82	--	--	0
Larceny	19	12	505	4	1	5
Fraud	35	24	5,634	30	24	33
Embezzlement	21	15	171	--	--	1
Forgery/Counterfeiting	23	18	544	18	15	5
Bribery	29	22	182	--	--	0
Tax	20	15	381	8	9	4
Money Laundering	43	29	649	53	45	4
Racketeering/Extortion	95	60	816	142	108	5
Gambling/Lottery	10	9	31	--	--	0
Civil Rights	37	17	40	--	--	1
Immigration	17	12	22,225	7	4	100
Child Pornography	138	97	1,887	90	60	45
Prison Offenses	14	12	397	--	--	2
Administration of Justice Offenses	26	18	1,003	22	23	12
Environmental/Wildlife	14	6	38	--	--	0
National Defense	55	37	111	--	--	0
Antitrust	14	14	10	--	--	0
Food & Drug	15	12	26	--	--	0
Other Miscellaneous Offenses	39	13	974	52	27	9

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 596 guideline cases from the Western District of New York, 163 cases were excluded due to one of the following reasons: zero months of prison ordered (158) or missing or indeterminable sentencing information (5).

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		Western New York	
	N	%	N	%
TOTAL CASES¹	78,628	100.0	595	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	40,233	51.2	308	51.8
CASES SENTENCED ABOVE GUIDELINE RANGE	1,681	2.1	5	0.8
DEPARTURE ABOVE GUIDELINE RANGE	531	0.7	1	0.2
Upward Departure From Guideline Range ²	399	0.5	1	0.2
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	132	0.2	0	0.0
OTHERWISE ABOVE GUIDELINE RANGE	1,150	1.5	4	0.7
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	1,065	1.4	3	0.5
All Remaining Cases Above Guideline Range ⁵	85	0.1	1	0.2
GOVERNMENT SPONSORED BELOW RANGE⁶	21,974	27.9	146	24.5
§5K1.1 Substantial Assistance Departure	9,528	12.1	115	19.3
§5K3.1 Early Disposition Program Departure	8,354	10.6	1	0.2
Other Government Sponsored Below Range	4,092	5.2	30	5.0
NON-GOVERNMENT SPONSORED BELOW RANGE	14,740	18.7	136	22.9
DEPARTURE BELOW GUIDELINE RANGE	2,721	3.5	6	1.0
Downward Departure From Guideline Range ²	2,027	2.6	2	0.3
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	694	0.9	4	0.7
OTHERWISE BELOW GUIDELINE RANGE	12,019	15.3	130	21.8
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	11,519	14.6	128	21.5
All Remaining Cases Below Guideline Range ⁵	500	0.6	2	0.3

¹ This table reflects the 80,035 cases sentenced nationally in Fiscal Year 2013, 596 of which were from the Western District of New York. Of these, 1,407 cases nationally and one case from the Western District of New York were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

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

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

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

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

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

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

Table 9

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

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

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

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

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

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

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

Of the 80,035 cases, 1,407 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Middle Georgia (10.2%), Arizona (8.6%), Western Louisiana (8.3%), and Eastern North Carolina (6.0%).

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

Table 10

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

National

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

Western New York

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	595	308	51.8	1	0.2	0	0.0	3	0.5	1	0.2
Robbery	9	4	44.4	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	183	61	33.3	1	0.5	0	0.0	2	1.1	0	0.0
Drugs - Simple Possession	6	5	83.3	0	0.0	0	0.0	0	0.0	0	0.0
Firearms	37	21	56.8	0	0.0	0	0.0	0	0.0	0	0.0
Larceny	19	11	57.9	0	0.0	0	0.0	0	0.0	0	0.0
Fraud	63	37	58.7	0	0.0	0	0.0	0	0.0	0	0.0
Embezzlement	2	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	9	4	44.4	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	133	112	84.2	0	0.0	0	0.0	1	0.8	0	0.0
Other Miscellaneous Offenses	134	53	39.6	0	0.0	0	0.0	0	0.0	1	0.7

National

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

Western New York

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	115	19.3	1	0.2	30	5.0	2	0.3	4	0.7	128	21.5	2	0.3
Robbery	1	11.1	0	0.0	1	11.1	0	0.0	0	0.0	3	33.3	0	0.0
Drugs - Trafficking	75	41.0	0	0.0	13	7.1	0	0.0	0	0.0	30	16.4	1	0.5
Drugs - Simple Possession	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	16.7	0	0.0
Firearms	6	16.2	0	0.0	3	8.1	0	0.0	0	0.0	7	18.9	0	0.0
Larceny	1	5.3	0	0.0	0	0.0	0	0.0	0	0.0	7	36.8	0	0.0
Fraud	10	15.9	0	0.0	3	4.8	0	0.0	1	1.6	12	19.0	0	0.0
Embezzlement	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2	100.0	0	0.0
Forgery/Counterfeiting	2	22.2	0	0.0	1	11.1	0	0.0	1	11.1	1	11.1	0	0.0
Immigration	0	0.0	1	0.8	3	2.3	0	0.0	0	0.0	16	12.0	0	0.0
Other Miscellaneous Offenses	20	14.9	0	0.0	6	4.5	2	1.5	2	1.5	49	36.6	1	0.7

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 596 guideline cases from the Western District of New York, one case was 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.