

United States Sentencing Commission



Statistical Information Packet

Fiscal Year 2014

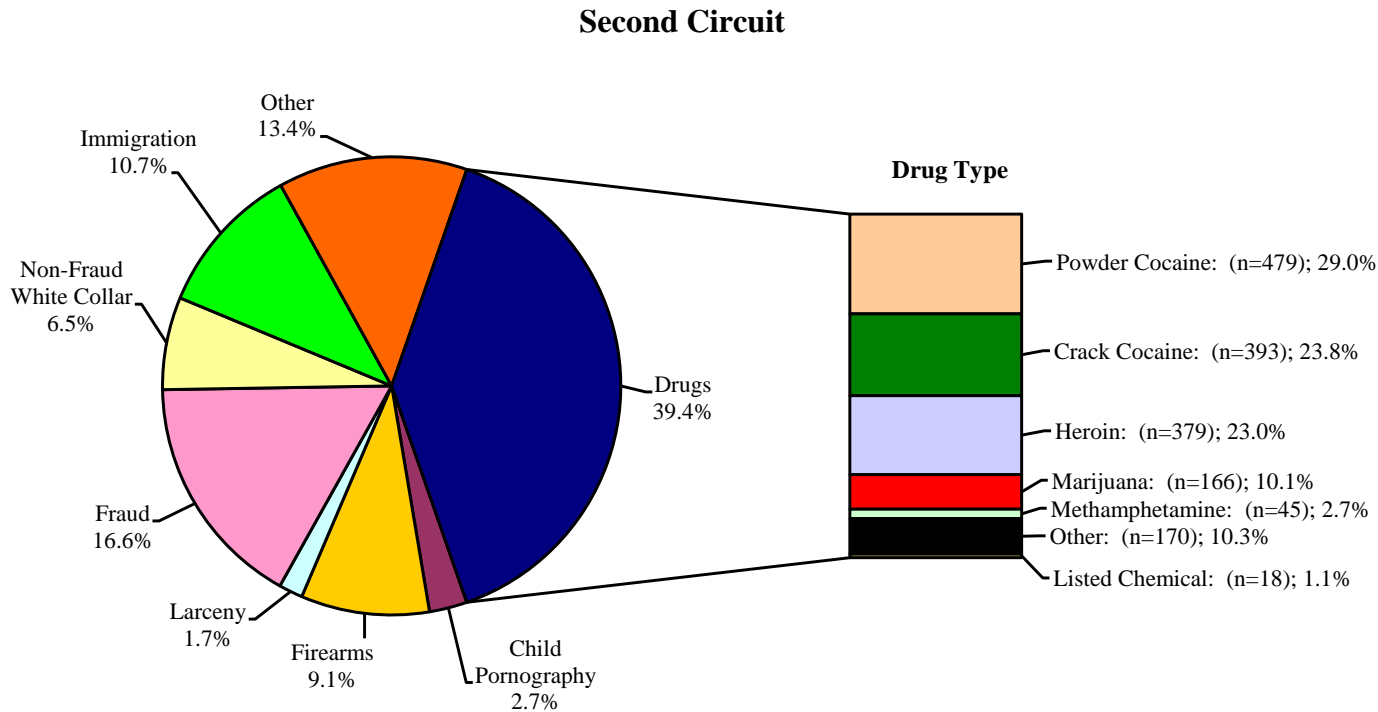
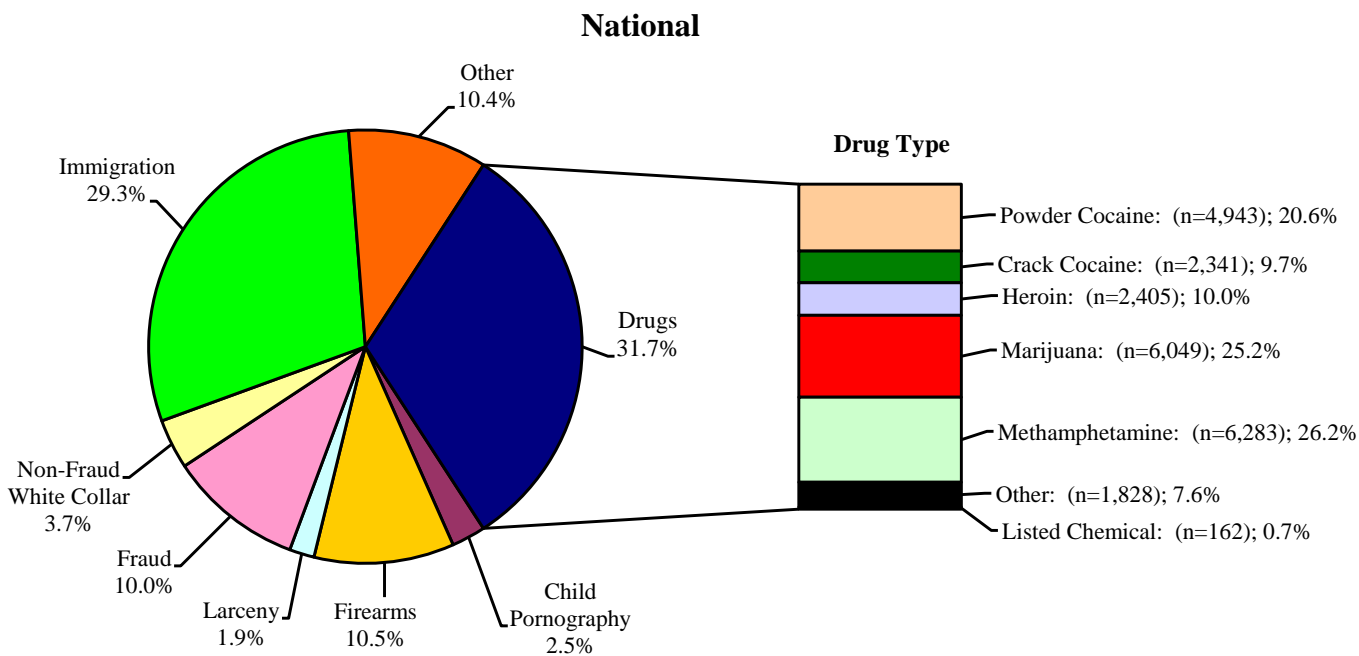
Second Circuit

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Figure A

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2014



¹ Of the 75,836 guideline cases, no cases were excluded.

Of the 4,192 guideline cases from the Second Circuit, no cases were excluded.

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

SOURCE: U.S. Sentencing Commission, 2014 Datafile, USSCFY14.

Table 1

**DISTRIBUTION OF GUIDELINE OFFENDERS IN EACH
PRIMARY OFFENSE CATEGORY
Fiscal Year 2014**

PRIMARY OFFENSE	National		Second Circuit	
	N	%	N	%
TOTAL	75,836	100.0	4,192	100.0
Murder	75	0.1	8	0.2
Manslaughter	49	0.1	0	0.0
Kidnapping/Hostage Taking	50	0.1	2	0.0
Sexual Abuse	545	0.7	23	0.5
Assault	775	1.0	17	0.4
Robbery	782	1.0	32	0.8
Arson	54	0.1	5	0.1
Drugs - Trafficking	21,323	28.1	1,608	38.4
Drugs - Communication Facility	344	0.5	21	0.5
Drugs - Simple Possession	2,344	3.1	21	0.5
Firearms	7,925	10.5	380	9.1
Burglary/B&E	37	0.0	1	0.0
Auto Theft	86	0.1	1	0.0
Larceny	1,408	1.9	71	1.7
Fraud	7,614	10.0	697	16.6
Embezzlement	334	0.4	28	0.7
Forgery/Counterfeiting	713	0.9	31	0.7
Bribery	241	0.3	18	0.4
Tax	649	0.9	95	2.3
Money Laundering	886	1.2	102	2.4
Racketeering/Extortion	864	1.1	194	4.6
Gambling/Lottery	117	0.2	26	0.6
Civil Rights	58	0.1	3	0.1
Immigration	22,238	29.3	448	10.7
Child Pornography	1,925	2.5	112	2.7
Prison Offenses	448	0.6	31	0.7
Administration of Justice Offenses	1,242	1.6	71	1.7
Environmental/Wildlife	202	0.3	13	0.3
National Defense	108	0.1	13	0.3
Antitrust	19	0.0	0	0.0
Food & Drug	114	0.2	9	0.2
Other Miscellaneous Offenses	2,267	3.0	111	2.6

Of the 75,836 guideline cases, no cases were excluded due to missing information on primary offense category.

Of the 4,192 guideline cases from the Second Circuit, no cases were excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 2014 Datafile, USSCFY14.

Table 2

**GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2014**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	75,836	73,612	97.1	2,224	2.9
D.C. CIRCUIT	339	324	95.6	15	4.4
District of Columbia	339	324	95.6	15	4.4
FIRST CIRCUIT	2,450	2,350	95.9	100	4.1
Maine	199	185	93.0	14	7.0
Massachusetts	451	417	92.5	34	7.5
New Hampshire	150	146	97.3	4	2.7
Puerto Rico	1,477	1,437	97.3	40	2.7
Rhode Island	173	165	95.4	8	4.6
SECOND CIRCUIT	4,192	4,008	95.6	184	4.4
Connecticut	355	337	94.9	18	5.1
New York					
Eastern	971	921	94.9	50	5.1
Northern	417	403	96.6	14	3.4
Southern	1,690	1,617	95.7	73	4.3
Western	554	528	95.3	26	4.7
Vermont	205	202	98.5	3	1.5
THIRD CIRCUIT	2,501	2,356	94.2	145	5.8
Delaware	97	92	94.8	5	5.2
New Jersey	668	651	97.5	17	2.5
Pennsylvania					
Eastern	772	709	91.8	63	8.2
Middle	416	393	94.5	23	5.5
Western	486	462	95.1	24	4.9
Virgin Islands	62	49	79.0	13	21.0
FOURTH CIRCUIT	6,064	5,834	96.2	230	3.8
Maryland	816	778	95.3	38	4.7
North Carolina					
Eastern	696	683	98.1	13	1.9
Middle	497	479	96.4	18	3.6
Western	629	605	96.2	24	3.8
South Carolina	752	727	96.7	25	3.3
Virginia					
Eastern	1,630	1,555	95.4	75	4.6
Western	402	381	94.8	21	5.2
West Virginia					
Northern	345	338	98.0	7	2.0
Southern	297	288	97.0	9	3.0

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
FIFTH CIRCUIT	16,711	16,480	98.6	231	1.4
Louisiana					
Eastern	313	301	96.2	12	3.8
Middle	180	178	98.9	2	1.1
Western	293	273	93.2	20	6.8
Mississippi					
Northern	224	220	98.2	4	1.8
Southern	270	262	97.0	8	3.0
Texas					
Eastern	926	899	97.1	27	2.9
Northern	1,377	1,349	98.0	28	2.0
Southern	6,380	6,321	99.1	59	0.9
Western	6,748	6,677	98.9	71	1.1
SIXTH CIRCUIT	5,250	5,049	96.2	201	3.8
Kentucky					
Eastern	598	579	96.8	19	3.2
Western	289	288	99.7	1	0.3
Michigan					
Eastern	960	905	94.3	55	5.7
Western	387	370	95.6	17	4.4
Ohio					
Northern	773	747	96.6	26	3.4
Southern	644	634	98.4	10	1.6
Tennessee					
Eastern	815	780	95.7	35	4.3
Middle	291	274	94.2	17	5.8
Western	493	472	95.7	21	4.3
SEVENTH CIRCUIT	2,931	2,795	95.4	136	4.6
Illinois					
Central	419	399	95.2	20	4.8
Northern	872	803	92.1	69	7.9
Southern	373	365	97.9	8	2.1
Indiana					
Northern	371	352	94.9	19	5.1
Southern	394	385	97.7	9	2.3
Wisconsin					
Eastern	350	341	97.4	9	2.6
Western	152	150	98.7	2	1.3
EIGHTH CIRCUIT	4,628	4,483	96.9	145	3.1
Arkansas					
Eastern	354	341	96.3	13	3.7
Western	320	317	99.1	3	0.9
Iowa					
Northern	368	355	96.5	13	3.5
Southern	300	286	95.3	14	4.7
Minnesota	291	266	91.4	25	8.6
Missouri					
Eastern	697	681	97.7	16	2.3
Western	830	810	97.6	20	2.4
Nebraska	595	585	98.3	10	1.7
North Dakota	339	326	96.2	13	3.8
South Dakota	534	516	96.6	18	3.4

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
NINTH CIRCUIT	16,755	16,348	97.6	407	2.4
Alaska	156	146	93.6	10	6.4
Arizona	6,599	6,538	99.1	61	0.9
California					
Central	1,263	1,184	93.7	79	6.3
Eastern	912	891	97.7	21	2.3
Northern	703	669	95.2	34	4.8
Southern	3,915	3,829	97.8	86	2.2
Guam	99	98	99.0	1	1.0
Hawaii	291	283	97.3	8	2.7
Idaho	313	301	96.2	12	3.8
Montana	311	288	92.6	23	7.4
Nevada	510	485	95.1	25	4.9
Northern Mariana Islands	15	12	80.0	3	20.0
Oregon	602	590	98.0	12	2.0
Washington					
Eastern	390	380	97.4	10	2.6
Western	676	654	96.7	22	3.3
TENTH CIRCUIT	7,173	7,096	98.9	77	1.1
Colorado	541	530	98.0	11	2.0
Kansas	675	656	97.2	19	2.8
New Mexico	4,329	4,315	99.7	14	0.3
Oklahoma					
Eastern	89	86	96.6	3	3.4
Northern	251	246	98.0	5	2.0
Western	374	366	97.9	8	2.1
Utah	624	617	98.9	7	1.1
Wyoming	290	280	96.6	10	3.4
ELEVENTH CIRCUIT	6,842	6,489	94.8	353	5.2
Alabama					
Middle	223	213	95.5	10	4.5
Northern	448	436	97.3	12	2.7
Southern	397	381	96.0	16	4.0
Florida					
Middle	1,433	1,359	94.8	74	5.2
Northern	324	290	89.5	34	10.5
Southern	2,261	2,117	93.6	144	6.4
Georgia					
Middle	508	497	97.8	11	2.2
Northern	609	581	95.4	28	4.6
Southern	639	615	96.2	24	3.8

Of the 75,836 guideline cases, no cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 2014 Datafile, USSCFY14.

Table 3

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY
Fiscal Year 2014**

PRIMARY OFFENSE	TOTAL	National				Second Circuit			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
TOTAL	75,836	73,612	97.1	2,224	2.9	4,008	95.6	184	4.4
Murder	75	62	82.7	13	17.3	6	75.0	2	25.0
Manslaughter	49	47	95.9	2	4.1	0	--	0	--
Kidnapping/Hostage Taking	50	43	86.0	7	14.0	2	100.0	0	0.0
Sexual Abuse	545	475	87.2	70	12.8	21	91.3	2	8.7
Assault	775	723	93.3	52	6.7	12	70.6	5	29.4
Robbery	782	752	96.2	30	3.8	32	100.0	0	0.0
Arson	54	46	85.2	8	14.8	3	60.0	2	40.0
Drugs - Trafficking	21,323	20,763	97.4	560	2.6	1,553	96.6	55	3.4
Drugs - Communication Facility	344	343	99.7	1	0.3	21	100.0	0	0.0
Drugs - Simple Possession	2,344	2,342	99.9	2	0.1	21	100.0	0	0.0
Firearms	7,925	7,466	94.2	459	5.8	352	92.6	28	7.4
Burglary/B&E	37	36	97.3	1	2.7	0	0.0	1	100.0
Auto Theft	86	81	94.2	5	5.8	1	100.0	0	0.0
Larceny	1,408	1,389	98.7	19	1.3	71	100.0	0	0.0
Fraud	7,614	7,164	94.1	450	5.9	643	92.3	54	7.7
Embezzlement	334	328	98.2	6	1.8	27	96.4	1	3.6
Forgery/Counterfeiting	713	704	98.7	9	1.3	31	100.0	0	0.0
Bribery	241	234	97.1	7	2.9	16	88.9	2	11.1
Tax	649	606	93.4	43	6.6	91	95.8	4	4.2
Money Laundering	886	846	95.5	40	4.5	98	96.1	4	3.9
Racketeering/Extortion	864	800	92.6	64	7.4	186	95.9	8	4.1
Gambling/Lottery	117	112	95.7	5	4.3	26	100.0	0	0.0
Civil Rights	58	50	86.2	8	13.8	1	33.3	2	66.7
Immigration	22,238	22,077	99.3	161	0.7	444	99.1	4	0.9
Child Pornography	1,925	1,855	96.4	70	3.6	108	96.4	4	3.6
Prison Offenses	448	441	98.4	7	1.6	31	100.0	0	0.0
Administration of Justice Offenses	1,242	1,199	96.5	43	3.5	68	95.8	3	4.2
Environmental/Wildlife	202	199	98.5	3	1.5	13	100.0	0	0.0
National Defense	108	96	88.9	12	11.1	12	92.3	1	7.7
Antitrust	19	17	89.5	2	10.5	0	--	0	--
Food & Drug	114	109	95.6	5	4.4	9	100.0	0	0.0
Other Miscellaneous Offenses	2,267	2,207	97.4	60	2.6	109	98.2	2	1.8

Of the 75,836 guideline cases, no cases were excluded due to missing information on mode of conviction.

Of the 4,192 guideline cases from the Second Circuit, no cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 2014 Datafile, USSCFY14.

Table 4
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2014

National

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
TOTAL	75,175	65,407	87.0	2,223	3.0	2,104	2.8	5,441	7.2
Murder	75	74	98.7	1	1.3	0	0.0	0	0.0
Manslaughter	49	44	89.8	4	8.2	0	0.0	1	2.0
Kidnapping/Hostage Taking	49	46	93.9	3	6.1	0	0.0	0	0.0
Sexual Abuse	545	516	94.7	23	4.2	3	0.6	3	0.6
Assault	769	617	80.2	44	5.7	27	3.5	81	10.5
Robbery	782	745	95.3	21	2.7	8	1.0	8	1.0
Arson	54	50	92.6	1	1.9	1	1.9	2	3.7
Drugs - Trafficking	21,318	19,728	92.5	674	3.2	323	1.5	593	2.8
Drugs - Communication Facility	344	275	79.9	9	2.6	22	6.4	38	11.0
Drugs - Simple Possession	2,324	2,098	90.3	7	0.3	9	0.4	210	9.0
Firearms	7,918	7,314	92.4	203	2.6	153	1.9	248	3.1
Burglary/B&E	37	35	94.6	2	5.4	0	0.0	0	0.0
Auto Theft	86	80	93.0	1	1.2	4	4.7	1	1.2
Larceny	1,331	512	38.5	95	7.1	172	12.9	552	41.5
Fraud	7,588	5,430	71.6	457	6.0	628	8.3	1,073	14.1
Embezzlement	329	138	41.9	34	10.3	39	11.9	118	35.9
Forgery/Counterfeiting	710	505	71.1	59	8.3	56	7.9	90	12.7
Bribery	240	152	63.3	19	7.9	32	13.3	37	15.4
Tax	639	316	49.5	51	8.0	111	17.4	161	25.2
Money Laundering	886	616	69.5	56	6.3	61	6.9	153	17.3
Racketeering/Extortion	863	796	92.2	24	2.8	13	1.5	30	3.5
Gambling/Lottery	116	27	23.3	11	9.5	29	25.0	49	42.2
Civil Rights	58	41	70.7	1	1.7	8	13.8	8	13.8
Immigration	22,226	21,103	94.9	187	0.8	146	0.7	790	3.6
Child Pornography	1,925	1,871	97.2	43	2.2	4	0.2	7	0.4
Prison Offenses	447	399	89.3	25	5.6	2	0.4	21	4.7
Administration of Justice Offenses	1,235	868	70.3	71	5.7	77	6.2	219	17.7
Environmental/Wildlife	188	38	20.2	14	7.4	10	5.3	126	67.0
National Defense	108	97	89.8	0	0.0	2	1.9	9	8.3
Antitrust	19	17	89.5	0	0.0	2	10.5	0	0.0
Food & Drug	109	21	19.3	5	4.6	17	15.6	66	60.6
Other Miscellaneous Offenses	1,808	838	46.3	78	4.3	145	8.0	747	41.3

Of the 75,836 guideline cases, 661 cases were excluded due to one or both of the following reasons: missing sentencing information (1), or cases in which the defendant received no imprisonment or probation (660).

SOURCE: U.S. Sentencing Commission, 2014 Datafile, USSCFY14.

Table 5
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2014

Second Circuit

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
TOTAL	4,163	3,441	82.7	193	4.6	174	4.2	355	8.5
Murder	8	8	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	0	0	--	0	--	0	--	0	--
Kidnapping/Hostage Taking	2	2	100.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	23	22	95.7	1	4.3	0	0.0	0	0.0
Assault	17	15	88.2	0	0.0	0	0.0	2	11.8
Robbery	32	31	96.9	1	3.1	0	0.0	0	0.0
Arson	5	4	80.0	0	0.0	0	0.0	1	20.0
Drugs - Trafficking	1,607	1,420	88.4	80	5.0	25	1.6	82	5.1
Drugs - Communication Facility	21	16	76.2	1	4.8	1	4.8	3	14.3
Drugs - Simple Possession	21	7	33.3	0	0.0	2	9.5	12	57.1
Firearms	380	348	91.6	15	3.9	5	1.3	12	3.2
Burglary/B&E	1	1	100.0	0	0.0	0	0.0	0	0.0
Auto Theft	1	1	100.0	0	0.0	0	0.0	0	0.0
Larceny	69	36	52.2	11	15.9	13	18.8	9	13.0
Fraud	688	503	73.1	36	5.2	57	8.3	92	13.4
Embezzlement	28	14	50.0	2	7.1	5	17.9	7	25.0
Forgery/Counterfeiting	31	22	71.0	4	12.9	1	3.2	4	12.9
Bribery	18	10	55.6	2	11.1	4	22.2	2	11.1
Tax	88	35	39.8	5	5.7	22	25.0	26	29.5
Money Laundering	102	70	68.6	6	5.9	7	6.9	19	18.6
Racketeering/Extortion	194	177	91.2	6	3.1	1	0.5	10	5.2
Gambling/Lottery	26	8	30.8	4	15.4	6	23.1	8	30.8
Civil Rights	3	3	100.0	0	0.0	0	0.0	0	0.0
Immigration	448	418	93.3	5	1.1	10	2.2	15	3.3
Child Pornography	112	107	95.5	3	2.7	2	1.8	0	0.0
Prison Offenses	30	24	80.0	4	13.3	0	0.0	2	6.7
Administration of Justice Offenses	71	47	66.2	3	4.2	5	7.0	16	22.5
Environmental/Wildlife	12	5	41.7	0	0.0	0	0.0	7	58.3
National Defense	13	13	100.0	0	0.0	0	0.0	0	0.0
Antitrust	0	0	--	0	--	0	--	0	--
Food & Drug	8	6	75.0	0	0.0	0	0.0	2	25.0
Other Miscellaneous Offenses	104	68	65.4	4	3.8	8	7.7	24	23.1

Of the 4,192 guideline cases from the Second Circuit, 29 cases were excluded due to cases in which the defendant received no imprisonment or probation.

SOURCE: U.S. Sentencing Commission, 2014 Datafile, USSCFY14.

Table 6

**INCARCERATION RATE OF U.S. CITIZEN DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2014**

PRIMARY OFFENSE	TOTAL	National				Second Circuit			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
TOTAL	5,181	1,881	36.3	3,300	63.7	101	35.7	182	64.3
Fraud	1,190	412	34.6	778	65.4	27	33.8	53	66.3
Larceny	637	133	20.9	504	79.1	4	25.0	12	75.0
Immigration	362	199	55.0	163	45.0	11	55.0	9	45.0
Embezzlement	156	37	23.7	119	76.3	3	42.9	4	57.1
Drugs - Trafficking	395	181	45.8	214	54.2	12	40.0	18	60.0
Drugs - Simple Possession	294	140	47.6	154	52.4	2	14.3	12	85.7
Firearms	190	122	64.2	68	35.8	6	42.9	8	57.1
Forgery/Counterfeiting	199	102	51.3	97	48.7	4	66.7	2	33.3
Other Miscellaneous Offenses	1,758	555	31.6	1,203	68.4	32	33.3	64	66.7

Of the 75,836 guideline cases, a U.S. Citizen was the defendant in 43,479 cases. Of these, 38,298 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison sentence (38,298), or missing sentencing information (1).

Of the 4,192 guideline cases from the Second Circuit, a U.S. Citizen was the defendant in 2,947 cases. Of these, 2,664 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, 2014 Datafile, USSCFY14.

Table 7

**LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2014**

PRIMARY OFFENSE	National			Second Circuit		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
TOTAL	51	30	65,244	56	33	3,310
Murder	273	240	75	218	210	8
Manslaughter	55	37	48	--	--	0
Kidnapping/Hostage Taking	209	168	48	--	--	2
Sexual Abuse	135	120	538	144	120	23
Assault	38	24	634	80	33	15
Robbery	80	60	760	60	57	31
Arson	69	60	49	115	43	4
Drugs - Trafficking	73	57	19,974	57	39	1,371
Drugs - Communication Facility	38	36	271	51	46	15
Drugs - Simple Possession	6	6	2,039	25	25	5
Firearms	87	60	7,430	97	60	356
Burglary/B&E	30	21	37	--	--	1
Auto Theft	66	46	79	--	--	1
Larceny	21	14	581	17	12	40
Fraud	35	24	5,549	37	24	462
Embezzlement	18	12	163	19	13	14
Forgery/Counterfeiting	22	18	546	15	12	25
Bribery	28	20	168	20	12	10
Tax	20	15	357	16	12	37
Money Laundering	42	30	648	48	33	68
Racketeering/Extortion	94	60	804	97	53	177
Gambling/Lottery	9	9	37	8	6	12
Civil Rights	49	30	41	30	30	3
Immigration	17	12	20,106	14	8	365
Child Pornography	138	97	1,898	133	84	104
Prison Offenses	16	12	414	11	9	27
Administration of Justice Offenses	24	18	892	24	22	44
Environmental/Wildlife	12	6	49	18	14	5
National Defense	52	36	94	89	57	11
Antitrust	24	16	17	--	--	0
Food & Drug	37	12	22	27	18	4
Other Miscellaneous Offenses	44	12	876	46	20	70

Of the 75,836 guideline cases, 10,592 cases were excluded for one or both of the following reasons: zero months of prison ordered (9,932), or missing or indeterminable sentencing information (660).

Of the 4,192 guideline cases from the Second Circuit, 882 cases were excluded due to one of the following reasons: zero months of prison ordered (853) or missing or indeterminable sentencing information (29).

SOURCE: U.S. Sentencing Commission, 2014 Datafile, USSCFY14.

Table 8

**COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE
Fiscal Year 2014**

	National		Second Circuit	
	N	%	N	%
TOTAL CASES¹	74,126	100.0	4,176	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	34,117	46.0	1,258	30.1
CASES SENTENCED ABOVE GUIDELINE RANGE	1,645	2.2	62	1.5
DEPARTURE ABOVE GUIDELINE RANGE	466	0.6	25	0.6
Upward Departure From Guideline Range ²	343	0.5	11	0.3
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	123	0.2	14	0.3
OTHERWISE ABOVE GUIDELINE RANGE	1,179	1.6	37	0.9
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	1,104	1.5	36	0.9
All Remaining Cases Above Guideline Range ⁵	75	0.1	1	0.0
GOVERNMENT SPONSORED BELOW RANGE⁶	22,494	30.3	1,197	28.7
§5K1.1 Substantial Assistance Departure	9,482	12.8	845	20.2
§5K3.1 Early Disposition Program Departure	6,944	9.4	129	3.1
Other Government Sponsored Below Range	6,068	8.2	223	5.3
NON-GOVERNMENT SPONSORED BELOW RANGE	15,870	21.4	1,659	39.7
DEPARTURE BELOW GUIDELINE RANGE	2,564	3.5	207	5.0
Downward Departure From Guideline Range ²	1,757	2.4	117	2.8
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	807	1.1	90	2.2
OTHERWISE BELOW GUIDELINE RANGE	13,306	18.0	1,452	34.8
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	12,894	17.4	1,433	34.3
All Remaining Cases Below Guideline Range ⁵	412	0.6	19	0.5

¹ This table reflects the 75,836 cases sentenced nationally in Fiscal Year 2014, 4,192 of which were from the Second Circuit. Of these, 1,710 cases nationally and 16 cases from the Second Circuit were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

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

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

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

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

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

SOURCE: U.S. Sentencing Commission, 2014 Datafile, USSCFY14.

Table 9

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT
Fiscal Year 2014**

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	74,126	34,117	46.0	343	0.5	123	0.2	1,104	1.5	75	0.1
D.C. CIRCUIT	338	105	31.1	0	0.0	0	0.0	4	1.2	0	0.0
District of Columbia	338	105	31.1	0	0.0	0	0.0	4	1.2	0	0.0
FIRST CIRCUIT	2,448	1,299	53.1	9	0.4	5	0.2	82	3.3	13	0.5
Maine	199	69	34.7	0	0.0	0	0.0	4	2.0	0	0.0
Massachusetts	450	107	23.8	2	0.4	0	0.0	6	1.3	0	0.0
New Hampshire	150	62	41.3	0	0.0	1	0.7	4	2.7	0	0.0
Puerto Rico	1,477	1,003	67.9	7	0.5	4	0.3	67	4.5	13	0.9
Rhode Island	172	58	33.7	0	0.0	0	0.0	1	0.6	0	0.0
SECOND CIRCUIT	4,176	1,258	30.1	11	0.3	14	0.3	36	0.9	1	0.0
Connecticut	355	94	26.5	1	0.3	1	0.3	3	0.8	0	0.0
New York											
Eastern	968	242	25.0	3	0.3	6	0.6	9	0.9	0	0.0
Northern	405	198	48.9	0	0.0	2	0.5	2	0.5	0	0.0
Southern	1,689	450	26.6	2	0.1	4	0.2	21	1.2	0	0.0
Western	554	226	40.8	3	0.5	1	0.2	1	0.2	1	0.2
Vermont	205	48	23.4	2	1.0	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	2,488	887	35.7	6	0.2	3	0.1	26	1.0	3	0.1
Delaware	97	35	36.1	0	0.0	0	0.0	3	3.1	0	0.0
New Jersey	661	248	37.5	1	0.2	0	0.0	3	0.5	0	0.0
Pennsylvania											
Eastern	768	213	27.7	0	0.0	3	0.4	7	0.9	2	0.3
Middle	416	181	43.5	3	0.7	0	0.0	0	0.0	0	0.0
Western	486	181	37.2	2	0.4	0	0.0	11	2.3	1	0.2
Virgin Islands	60	29	48.3	0	0.0	0	0.0	2	3.3	0	0.0
FOURTH CIRCUIT	5,965	3,178	53.3	33	0.6	20	0.3	83	1.4	8	0.1
Maryland	796	243	30.5	6	0.8	3	0.4	22	2.8	2	0.3
North Carolina											
Eastern	637	325	51.0	4	0.6	8	1.3	5	0.8	3	0.5
Middle	497	328	66.0	3	0.6	3	0.6	6	1.2	1	0.2
Western	629	323	51.4	1	0.2	1	0.2	5	0.8	0	0.0
South Carolina	750	418	55.7	9	1.2	1	0.1	6	0.8	1	0.1
Virginia											
Eastern	1,620	1,049	64.8	9	0.6	3	0.2	22	1.4	0	0.0
Western	401	149	37.2	0	0.0	0	0.0	8	2.0	0	0.0
West Virginia											
Northern	341	186	54.5	1	0.3	1	0.3	4	1.2	0	0.0
Southern	294	157	53.4	0	0.0	0	0.0	5	1.7	1	0.3

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	%
TOTAL	9,482	12.8	6,944	9.4	6,068	8.2	1,757	2.4	807	1.1	12,894	17.4	412	0.6
D.C. CIRCUIT	83	24.6	5	1.5	50	14.8	17	5.0	18	5.3	52	15.4	4	1.2
District of Columbia	83	24.6	5	1.5	50	14.8	17	5.0	18	5.3	52	15.4	4	1.2
FIRST CIRCUIT	263	10.7	41	1.7	278	11.4	36	1.5	23	0.9	375	15.3	24	1.0
Maine	50	25.1	0	0.0	4	2.0	2	1.0	4	2.0	64	32.2	2	1.0
Massachusetts	62	13.8	5	1.1	131	29.1	8	1.8	6	1.3	121	26.9	2	0.4
New Hampshire	13	8.7	1	0.7	26	17.3	6	4.0	1	0.7	36	24.0	0	0.0
Puerto Rico	123	8.3	35	2.4	79	5.3	20	1.4	12	0.8	94	6.4	20	1.4
Rhode Island	15	8.7	0	0.0	38	22.1	0	0.0	0	0.0	60	34.9	0	0.0
SECOND CIRCUIT	845	20.2	129	3.1	223	5.3	117	2.8	90	2.2	1,433	34.3	19	0.5
Connecticut	62	17.5	0	0.0	37	10.4	25	7.0	3	0.8	128	36.1	1	0.3
New York														
Eastern	212	21.9	101	10.4	82	8.5	23	2.4	43	4.4	243	25.1	4	0.4
Northern	97	24.0	4	1.0	6	1.5	4	1.0	3	0.7	88	21.7	1	0.2
Southern	291	17.2	23	1.4	43	2.5	48	2.8	31	1.8	765	45.3	11	0.7
Western	143	25.8	1	0.2	29	5.2	4	0.7	2	0.4	141	25.5	2	0.4
Vermont	40	19.5	0	0.0	26	12.7	13	6.3	8	3.9	68	33.2	0	0.0
THIRD CIRCUIT	733	29.5	18	0.7	179	7.2	34	1.4	32	1.3	555	22.3	12	0.5
Delaware	9	9.3	0	0.0	13	13.4	1	1.0	0	0.0	35	36.1	1	1.0
New Jersey	204	30.9	8	1.2	40	6.1	6	0.9	14	2.1	137	20.7	0	0.0
Pennsylvania														
Eastern	321	41.8	5	0.7	37	4.8	5	0.7	5	0.7	164	21.4	6	0.8
Middle	93	22.4	5	1.2	31	7.5	5	1.2	5	1.2	91	21.9	2	0.5
Western	93	19.1	0	0.0	51	10.5	17	3.5	8	1.6	120	24.7	2	0.4
Virgin Islands	13	21.7	0	0.0	7	11.7	0	0.0	0	0.0	8	13.3	1	1.7
FOURTH CIRCUIT	988	16.6	12	0.2	434	7.3	75	1.3	68	1.1	1,039	17.4	27	0.5
Maryland	226	28.4	2	0.3	134	16.8	6	0.8	17	2.1	135	17.0	0	0.0
North Carolina														
Eastern	190	29.8	0	0.0	9	1.4	4	0.6	7	1.1	76	11.9	6	0.9
Middle	59	11.9	0	0.0	2	0.4	3	0.6	0	0.0	91	18.3	1	0.2
Western	148	23.5	0	0.0	65	10.3	6	1.0	7	1.1	72	11.4	1	0.2
South Carolina	134	17.9	3	0.4	57	7.6	5	0.7	4	0.5	109	14.5	3	0.4
Virginia														
Eastern	64	4.0	3	0.2	43	2.7	49	3.0	26	1.6	337	20.8	15	0.9
Western	115	28.7	0	0.0	57	14.2	2	0.5	3	0.7	66	16.5	1	0.2
West Virginia														
Northern	25	7.3	3	0.9	48	14.1	0	0.0	1	0.3	72	21.1	0	0.0
Southern	27	9.2	1	0.3	19	6.5	0	0.0	3	1.0	81	27.6	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	16,462	9,992	60.7	90	0.5	34	0.2	227	1.4	9	0.1
Louisiana											
Eastern	311	176	56.6	1	0.3	0	0.0	4	1.3	0	0.0
Middle	180	97	53.9	1	0.6	0	0.0	0	0.0	0	0.0
Western	267	165	61.8	4	1.5	1	0.4	5	1.9	0	0.0
Mississippi											
Northern	217	129	59.4	0	0.0	0	0.0	4	1.8	0	0.0
Southern	268	180	67.2	1	0.4	0	0.0	1	0.4	1	0.4
Texas											
Eastern	924	533	57.7	14	1.5	2	0.2	7	0.8	1	0.1
Northern	1,370	717	52.3	7	0.5	18	1.3	43	3.1	1	0.1
Southern	6,375	3,546	55.6	52	0.8	13	0.2	58	0.9	1	0.0
Western	6,550	4,449	67.9	10	0.2	0	0.0	105	1.6	5	0.1
SIXTH CIRCUIT	5,200	2,160	41.5	21	0.4	11	0.2	52	1.0	2	0.0
Kentucky											
Eastern	596	286	48.0	3	0.5	4	0.7	12	2.0	0	0.0
Western	289	130	45.0	0	0.0	0	0.0	0	0.0	0	0.0
Michigan											
Eastern	955	397	41.6	2	0.2	0	0.0	8	0.8	0	0.0
Western	386	215	55.7	3	0.8	3	0.8	5	1.3	0	0.0
Ohio											
Northern	760	299	39.3	2	0.3	1	0.1	4	0.5	1	0.1
Southern	640	172	26.9	2	0.3	2	0.3	10	1.6	0	0.0
Tennessee											
Eastern	814	381	46.8	4	0.5	1	0.1	7	0.9	0	0.0
Middle	268	81	30.2	4	1.5	0	0.0	3	1.1	0	0.0
Western	492	199	40.4	1	0.2	0	0.0	3	0.6	1	0.2
SEVENTH CIRCUIT	2,921	1,077	36.9	8	0.3	9	0.3	44	1.5	3	0.1
Illinois											
Central	416	152	36.5	1	0.2	1	0.2	9	2.2	0	0.0
Northern	872	234	26.8	3	0.3	0	0.0	3	0.3	1	0.1
Southern	373	230	61.7	1	0.3	7	1.9	8	2.1	1	0.3
Indiana											
Northern	369	178	48.2	1	0.3	0	0.0	4	1.1	0	0.0
Southern	389	160	41.1	1	0.3	1	0.3	9	2.3	1	0.3
Wisconsin											
Eastern	350	72	20.6	0	0.0	0	0.0	10	2.9	0	0.0
Western	152	51	33.6	1	0.7	0	0.0	1	0.7	0	0.0
EIGHTH CIRCUIT	4,621	2,106	45.6	30	0.6	11	0.2	85	1.8	2	0.0
Arkansas											
Eastern	354	165	46.6	3	0.8	1	0.3	8	2.3	1	0.3
Western	319	167	52.4	2	0.6	0	0.0	5	1.6	0	0.0
Iowa											
Northern	368	212	57.6	10	2.7	1	0.3	6	1.6	0	0.0
Southern	299	82	27.4	0	0.0	2	0.7	10	3.3	0	0.0
Minnesota	291	107	36.8	2	0.7	0	0.0	4	1.4	0	0.0
Missouri											
Eastern	697	298	42.8	0	0.0	3	0.4	15	2.2	0	0.0
Western	827	345	41.7	2	0.2	0	0.0	24	2.9	0	0.0
Nebraska	594	253	42.6	1	0.2	0	0.0	5	0.8	0	0.0
North Dakota	338	156	46.2	2	0.6	1	0.3	0	0.0	1	0.3
South Dakota	534	321	60.1	8	1.5	3	0.6	8	1.5	0	0.0

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,513	9.2	715	4.3	742	4.5	846	5.1	96	0.6	2,046	12.4	152	0.9
Louisiana														
Eastern	44	14.1	0	0.0	6	1.9	8	2.6	4	1.3	67	21.5	1	0.3
Middle	35	19.4	8	4.4	1	0.6	0	0.0	0	0.0	37	20.6	1	0.6
Western	33	12.4	0	0.0	2	0.7	4	1.5	5	1.9	48	18.0	0	0.0
Mississippi														
Northern	41	18.9	0	0.0	6	2.8	1	0.5	0	0.0	36	16.6	0	0.0
Southern	35	13.1	0	0.0	4	1.5	2	0.7	2	0.7	37	13.8	5	1.9
Texas														
Eastern	108	11.7	6	0.6	168	18.2	4	0.4	5	0.5	76	8.2	0	0.0
Northern	255	18.6	6	0.4	66	4.8	17	1.2	6	0.4	232	16.9	2	0.1
Southern	476	7.5	552	8.7	290	4.5	633	9.9	27	0.4	720	11.3	7	0.1
Western	486	7.4	143	2.2	199	3.0	177	2.7	47	0.7	793	12.1	136	2.1
SIXTH CIRCUIT	1,170	22.5	25	0.5	505	9.7	76	1.5	48	0.9	1,110	21.3	20	0.4
Kentucky														
Eastern	82	13.8	0	0.0	46	7.7	3	0.5	1	0.2	158	26.5	1	0.2
Western	58	20.1	8	2.8	51	17.6	10	3.5	2	0.7	29	10.0	1	0.3
Michigan														
Eastern	189	19.8	2	0.2	60	6.3	12	1.3	8	0.8	277	29.0	0	0.0
Western	59	15.3	1	0.3	8	2.1	10	2.6	7	1.8	73	18.9	2	0.5
Ohio														
Northern	214	28.2	0	0.0	57	7.5	9	1.2	3	0.4	165	21.7	5	0.7
Southern	172	26.9	9	1.4	136	21.3	8	1.3	13	2.0	112	17.5	4	0.6
Tennessee														
Eastern	233	28.6	0	0.0	47	5.8	5	0.6	1	0.1	132	16.2	3	0.4
Middle	61	22.8	0	0.0	62	23.1	13	4.9	5	1.9	39	14.6	0	0.0
Western	102	20.7	5	1.0	38	7.7	6	1.2	8	1.6	125	25.4	4	0.8
SEVENTH CIRCUIT	421	14.4	9	0.3	242	8.3	73	2.5	157	5.4	847	29.0	31	1.1
Illinois														
Central	97	23.3	0	0.0	44	10.6	8	1.9	8	1.9	96	23.1	0	0.0
Northern	102	11.7	6	0.7	24	2.8	37	4.2	97	11.1	351	40.3	14	1.6
Southern	27	7.2	0	0.0	16	4.3	4	1.1	35	9.4	38	10.2	6	1.6
Indiana														
Northern	68	18.4	1	0.3	20	5.4	4	1.1	2	0.5	83	22.5	8	2.2
Southern	60	15.4	0	0.0	63	16.2	1	0.3	3	0.8	90	23.1	0	0.0
Wisconsin														
Eastern	62	17.7	0	0.0	64	18.3	3	0.9	3	0.9	133	38.0	3	0.9
Western	5	3.3	2	1.3	11	7.2	16	10.5	9	5.9	56	36.8	0	0.0
EIGHTH CIRCUIT	649	14.0	86	1.9	416	9.0	63	1.4	45	1.0	1,106	23.9	22	0.5
Arkansas														
Eastern	43	12.1	0	0.0	20	5.6	7	2.0	6	1.7	96	27.1	4	1.1
Western	62	19.4	5	1.6	9	2.8	4	1.3	1	0.3	62	19.4	2	0.6
Iowa														
Northern	85	23.1	0	0.0	9	2.4	2	0.5	2	0.5	41	11.1	0	0.0
Southern	41	13.7	5	1.7	69	23.1	0	0.0	3	1.0	85	28.4	2	0.7
Minnesota														
Northern	41	14.1	6	2.1	12	4.1	6	2.1	3	1.0	109	37.5	1	0.3
Missouri														
Eastern	57	8.2	0	0.0	115	16.5	1	0.1	5	0.7	201	28.8	2	0.3
Western	176	21.3	0	0.0	68	8.2	3	0.4	0	0.0	203	24.5	6	0.7
Nebraska														
Northern	28	4.7	55	9.3	63	10.6	14	2.4	9	1.5	164	27.6	2	0.3
North Dakota														
Northern	101	29.9	8	2.4	23	6.8	6	1.8	6	1.8	34	10.1	0	0.0
South Dakota														
Northern	15	2.8	7	1.3	28	5.2	20	3.7	10	1.9	111	20.8	3	0.6

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	15,629	4,873	31.2	108	0.7	12	0.1	328	2.1	26	0.2
Alaska	156	48	30.8	0	0.0	1	0.6	1	0.6	0	0.0
Arizona	5,518	2,051	37.2	83	1.5	4	0.1	223	4.0	18	0.3
California											
Central	1,257	292	23.2	4	0.3	2	0.2	10	0.8	2	0.2
Eastern	909	313	34.4	2	0.2	0	0.0	9	1.0	1	0.1
Northern	700	251	35.9	1	0.1	0	0.0	14	2.0	1	0.1
Southern	3,911	644	16.5	7	0.2	2	0.1	19	0.5	3	0.1
Guam	99	45	45.5	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	290	100	34.5	0	0.0	0	0.0	4	1.4	0	0.0
Idaho	313	119	38.0	0	0.0	0	0.0	2	0.6	0	0.0
Montana	310	166	53.5	3	1.0	0	0.0	7	2.3	0	0.0
Nevada	508	257	50.6	3	0.6	1	0.2	8	1.6	0	0.0
Northern Mariana Islands	15	9	60.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	586	206	35.2	1	0.2	0	0.0	9	1.5	1	0.2
Washington											
Eastern	389	176	45.2	2	0.5	1	0.3	20	5.1	0	0.0
Western	668	196	29.3	2	0.3	1	0.1	2	0.3	0	0.0
TENTH CIRCUIT	7,147	3,661	51.2	20	0.3	1	0.0	45	0.6	1	0.0
Colorado	539	162	30.1	0	0.0	0	0.0	9	1.7	0	0.0
Kansas	662	247	37.3	2	0.3	0	0.0	19	2.9	0	0.0
New Mexico	4,324	2,577	59.6	8	0.2	1	0.0	6	0.1	0	0.0
Oklahoma											
Eastern	89	51	57.3	0	0.0	0	0.0	1	1.1	0	0.0
Northern	250	94	37.6	0	0.0	0	0.0	1	0.4	0	0.0
Western	373	193	51.7	0	0.0	0	0.0	4	1.1	0	0.0
Utah	622	203	32.6	8	1.3	0	0.0	3	0.5	1	0.2
Wyoming	288	134	46.5	2	0.7	0	0.0	2	0.7	0	0.0
ELEVENTH CIRCUIT	6,731	3,521	52.3	7	0.1	3	0.0	92	1.4	7	0.1
Alabama											
Middle	223	97	43.5	1	0.4	0	0.0	3	1.3	1	0.4
Northern	440	258	58.6	1	0.2	0	0.0	10	2.3	1	0.2
Southern	397	209	52.6	0	0.0	0	0.0	2	0.5	0	0.0
Florida											
Middle	1,431	582	40.7	1	0.1	1	0.1	8	0.6	2	0.1
Northern	320	146	45.6	0	0.0	2	0.6	5	1.6	0	0.0
Southern	2,199	1,190	54.1	2	0.1	0	0.0	28	1.3	3	0.1
Georgia											
Middle	485	341	70.3	1	0.2	0	0.0	5	1.0	0	0.0
Northern	597	210	35.2	0	0.0	0	0.0	13	2.2	0	0.0
Southern	639	488	76.4	1	0.2	0	0.0	18	2.8	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	1,422	9.1	4,576	29.3	1,900	12.2	273	1.7	121	0.8	1,928	12.3	62	0.4
Alaska	21	13.5	0	0.0	33	21.2	1	0.6	2	1.3	49	31.4	0	0.0
Arizona	216	3.9	1,909	34.6	455	8.2	35	0.6	11	0.2	507	9.2	6	0.1
California														
Central	203	16.1	173	13.8	216	17.2	35	2.8	44	3.5	250	19.9	26	2.1
Eastern	151	16.6	128	14.1	120	13.2	9	1.0	9	1.0	164	18.0	3	0.3
Northern	67	9.6	41	5.9	157	22.4	6	0.9	5	0.7	156	22.3	1	0.1
Southern	314	8.0	2,192	56.0	293	7.5	153	3.9	24	0.6	237	6.1	23	0.6
Guam	37	37.4	0	0.0	2	2.0	1	1.0	0	0.0	13	13.1	1	1.0
Hawaii	87	30.0	0	0.0	5	1.7	1	0.3	2	0.7	91	31.4	0	0.0
Idaho	87	27.8	11	3.5	23	7.3	10	3.2	5	1.6	56	17.9	0	0.0
Montana	48	15.5	0	0.0	30	9.7	2	0.6	2	0.6	52	16.8	0	0.0
Nevada	54	10.6	26	5.1	74	14.6	12	2.4	1	0.2	70	13.8	2	0.4
Northern Mariana Islands	3	20.0	0	0.0	1	6.7	1	6.7	0	0.0	1	6.7	0	0.0
Oregon	74	12.6	16	2.7	163	27.8	1	0.2	2	0.3	113	19.3	0	0.0
Washington														
Eastern	26	6.7	24	6.2	85	21.9	4	1.0	7	1.8	44	11.3	0	0.0
Western	34	5.1	56	8.4	243	36.4	2	0.3	7	1.0	125	18.7	0	0.0
TENTH CIRCUIT	471	6.6	1,283	18.0	637	8.9	66	0.9	62	0.9	887	12.4	13	0.2
Colorado	134	24.9	80	14.8	43	8.0	6	1.1	6	1.1	98	18.2	1	0.2
Kansas	130	19.6	10	1.5	164	24.8	8	1.2	3	0.5	78	11.8	1	0.2
New Mexico	73	1.7	1,028	23.8	253	5.9	33	0.8	43	1.0	296	6.8	6	0.1
Oklahoma														
Eastern	15	16.9	0	0.0	8	9.0	2	2.2	0	0.0	12	13.5	0	0.0
Northern	41	16.4	2	0.8	5	2.0	4	1.6	3	1.2	100	40.0	0	0.0
Western	30	8.0	0	0.0	2	0.5	0	0.0	0	0.0	142	38.1	2	0.5
Utah	25	4.0	150	24.1	115	18.5	8	1.3	3	0.5	104	16.7	2	0.3
Wyoming	23	8.0	13	4.5	47	16.3	5	1.7	4	1.4	57	19.8	1	0.3
ELEVENTH CIRCUIT	924	13.7	45	0.7	462	6.9	81	1.2	47	0.7	1,516	22.5	26	0.4
Alabama														
Middle	65	29.1	3	1.3	14	6.3	0	0.0	3	1.3	36	16.1	0	0.0
Northern	77	17.5	0	0.0	20	4.5	3	0.7	3	0.7	66	15.0	1	0.2
Southern	71	17.9	0	0.0	3	0.8	2	0.5	0	0.0	110	27.7	0	0.0
Florida														
Middle	275	19.2	23	1.6	46	3.2	22	1.5	17	1.2	444	31.0	10	0.7
Northern	69	21.6	1	0.3	5	1.6	18	5.6	4	1.3	69	21.6	1	0.3
Southern	190	8.6	11	0.5	150	6.8	22	1.0	18	0.8	573	26.1	12	0.5
Georgia														
Middle	52	10.7	6	1.2	13	2.7	2	0.4	0	0.0	64	13.2	1	0.2
Northern	60	10.1	0	0.0	182	30.5	10	1.7	1	0.2	121	20.3	0	0.0
Southern	65	10.2	1	0.2	29	4.5	2	0.3	1	0.2	33	5.2	1	0.2

Of the 75,836 cases, 1,710 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: Arizona (16.4%), Western Louisiana (8.9%), Eastern North Carolina (8.5%), and Middle Tennessee (7.9%).

SOURCE: U.S. Sentencing Commission, 2014 Datafile, USSCFY14.

Table 10

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY SELECTED PRIMARY OFFENSE CATEGORY
Fiscal Year 2014**

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	74,126	34,117	46.0	343	0.5	123	0.2	1,104	1.5	75	0.1
Robbery	777	403	51.9	7	0.9	7	0.9	21	2.7	1	0.1
Drugs - Trafficking	21,312	5,816	27.3	56	0.3	18	0.1	87	0.4	14	0.1
Drugs - Simple Possession	1,392	1,162	83.5	7	0.5	1	0.1	195	14.0	6	0.4
Firearms	7,913	4,250	53.7	61	0.8	36	0.5	238	3.0	17	0.2
Larceny	1,344	829	61.7	4	0.3	2	0.1	9	0.7	1	0.1
Fraud	7,391	3,202	43.3	23	0.3	9	0.1	91	1.2	8	0.1
Embezzlement	328	192	58.5	0	0.0	0	0.0	2	0.6	0	0.0
Forgery/Counterfeiting	710	418	58.9	5	0.7	0	0.0	22	3.1	3	0.4
Immigration	22,064	12,558	56.9	97	0.4	22	0.1	221	1.0	15	0.1
Other Miscellaneous Offenses	10,895	5,287	48.5	83	0.8	28	0.3	218	2.0	10	0.1

Second Circuit

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	4,176	1,258	30.1	11	0.3	14	0.3	36	0.9	1	0.0
Robbery	32	14	43.8	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	1,607	267	16.6	2	0.1	1	0.1	1	0.1	1	0.1
Drugs - Simple Possession	20	15	75.0	1	5.0	0	0.0	0	0.0	0	0.0
Firearms	380	134	35.3	0	0.0	2	0.5	5	1.3	0	0.0
Larceny	71	25	35.2	0	0.0	0	0.0	2	2.8	0	0.0
Fraud	693	213	30.7	4	0.6	2	0.3	3	0.4	0	0.0
Embezzlement	28	11	39.3	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	31	13	41.9	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	448	277	61.8	1	0.2	1	0.2	5	1.1	0	0.0
Other Miscellaneous Offenses	866	289	33.4	3	0.3	8	0.9	20	2.3	0	0.0

National

PRIMARY OFFENSE	§5K1.1		§5K3.1		OTHER		BELOW		BELOW RANGE		BELOW		REMAINING	
	SUBSTANTIAL		EARLY		GOV'T		RANGE		DEPARTURE		RANGE		BELOW	
	ASSISTANCE	DISPOSITION	SPONSORED	DEPARTURE	W/BOOKER	W/BOOKER	RANGE	DEPARTURE	W/BOOKER	W/BOOKER	RANGE	BELOW	RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	9,482	12.8	6,944	9.4	6,068	8.2	1,757	2.4	807	1.1	12,894	17.4	412	0.6
Robbery	95	12.2	0	0.0	69	8.9	16	2.1	12	1.5	139	17.9	7	0.9
Drugs - Trafficking	5,589	26.2	1,480	6.9	2,980	14.0	328	1.5	331	1.6	4,548	21.3	65	0.3
Drugs - Simple Possession	2	0.1	2	0.1	4	0.3	3	0.2	1	0.1	8	0.6	1	0.1
Firearms	861	10.9	15	0.2	661	8.4	153	1.9	85	1.1	1,502	19.0	34	0.4
Larceny	82	6.1	4	0.3	88	6.5	25	1.9	16	1.2	265	19.7	19	1.4
Fraud	1,414	19.1	6	0.1	545	7.4	148	2.0	114	1.5	1,777	24.0	54	0.7
Embezzlement	16	4.9	0	0.0	19	5.8	6	1.8	2	0.6	89	27.1	2	0.6
Forgery/Counterfeiting	68	9.6	0	0.0	28	3.9	8	1.1	11	1.5	138	19.4	9	1.3
Immigration	295	1.3	5,411	24.5	371	1.7	857	3.9	102	0.5	1,952	8.8	163	0.7
Other Miscellaneous Offenses	1,060	9.7	26	0.2	1,303	12.0	213	2.0	133	1.2	2,476	22.7	58	0.5

Second Circuit

PRIMARY OFFENSE	§5K1.1		§5K3.1		OTHER		BELOW		BELOW RANGE		BELOW		REMAINING	
	SUBSTANTIAL		EARLY		GOV'T		RANGE		DEPARTURE		RANGE		BELOW	
	ASSISTANCE	DISPOSITION	SPONSORED	DEPARTURE	W/BOOKER	W/BOOKER	RANGE	DEPARTURE	W/BOOKER	W/BOOKER	RANGE	BELOW	RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	845	20.2	129	3.1	223	5.3	117	2.8	90	2.2	1,433	34.3	19	0.5
Robbery	4	12.5	0	0.0	3	9.4	1	3.1	0	0.0	10	31.3	0	0.0
Drugs - Trafficking	457	28.4	81	5.0	129	8.0	33	2.1	38	2.4	593	36.9	4	0.2
Drugs - Simple Possession	2	10.0	0	0.0	0	0.0	1	5.0	0	0.0	1	5.0	0	0.0
Firearms	81	21.3	0	0.0	13	3.4	16	4.2	6	1.6	120	31.6	3	0.8
Larceny	6	8.5	0	0.0	1	1.4	5	7.0	0	0.0	30	42.3	2	2.8
Fraud	174	25.1	0	0.0	17	2.5	28	4.0	14	2.0	233	33.6	5	0.7
Embezzlement	2	7.1	0	0.0	0	0.0	1	3.6	1	3.6	13	46.4	0	0.0
Forgery/Counterfeiting	4	12.9	0	0.0	1	3.2	0	0.0	1	3.2	12	38.7	0	0.0
Immigration	11	2.5	48	10.7	2	0.4	9	2.0	9	2.0	81	18.1	4	0.9
Other Miscellaneous Offenses	104	12.0	0	0.0	57	6.6	23	2.7	21	2.4	340	39.3	1	0.1

Of the 75,836 guideline cases, 1,710 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 4,192 guideline cases from the Second Circuit, 16 cases were excluded because information was missing from the from the submitted documents that prevented the comparison of the sentence and the guideline range.

SOURCE: U.S. Sentencing Commission, 2014 Datafile, USSCFY14.