

United States Sentencing Commission



Statistical Information Packet

Fiscal Year 2015

Western District of New York

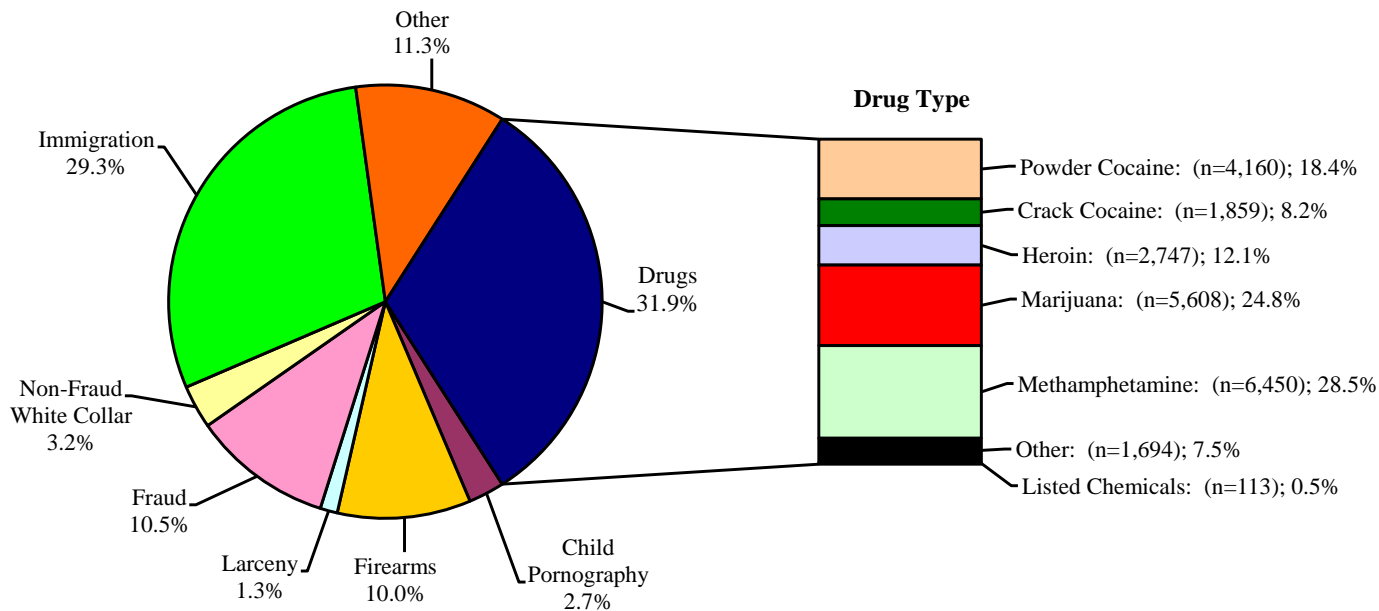
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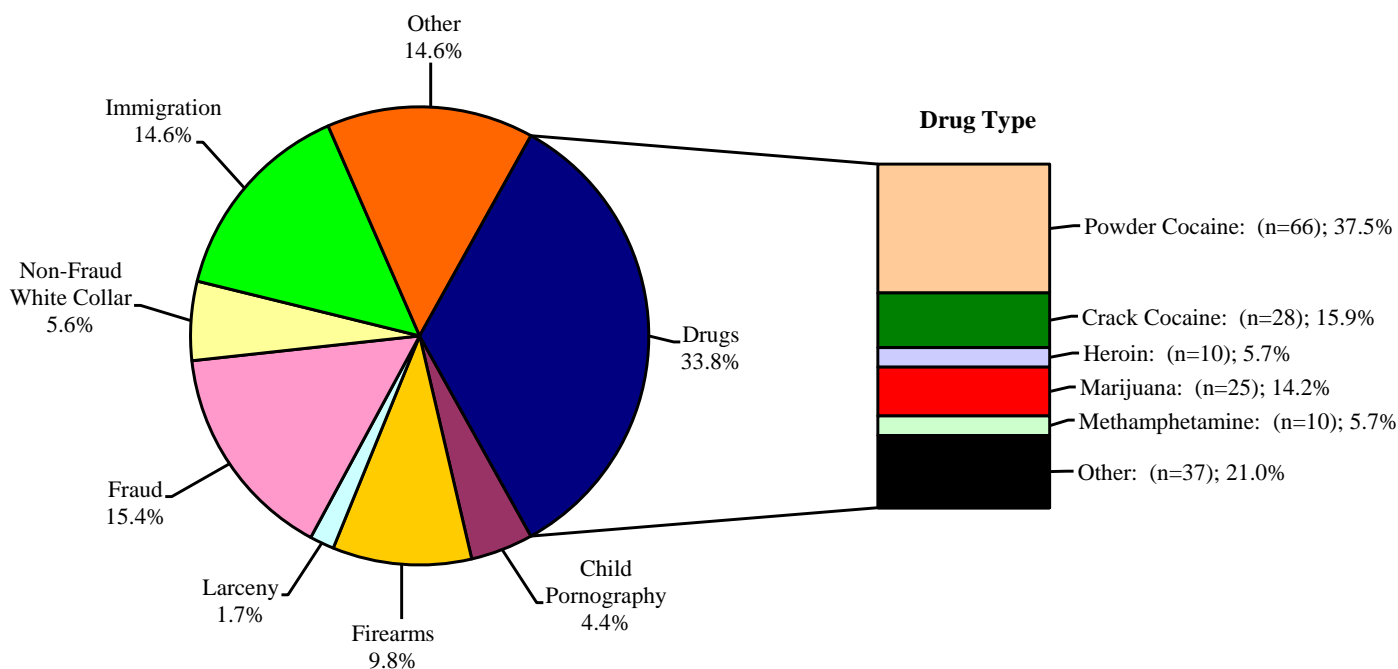
Figure A

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2015

National



Western New York



¹ Of the 71,003 guideline cases, no cases were excluded.

Of the 520 guideline cases from the Western District of New York, no cases were excluded.

The Drugs category includes the following offense types: trafficking, use of a communication facility, and simple possession. 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 2015**

PRIMARY OFFENSE	National		Western New York	
	N	%	N	%
TOTAL	71,003	100.0	520	100.0
Murder	93	0.1	1	0.2
Manslaughter	52	0.1	0	0.0
Kidnapping/Hostage Taking	43	0.1	1	0.2
Sexual Abuse	528	0.7	3	0.6
Assault	757	1.1	4	0.8
Robbery	739	1.0	20	3.8
Arson	59	0.1	1	0.2
Drugs - Trafficking	20,038	28.2	172	33.1
Drugs - Communication Facility	316	0.4	2	0.4
Drugs - Simple Possession	2,277	3.2	2	0.4
Firearms	7,069	10.0	51	9.8
Burglary/B&E	36	0.1	1	0.2
Auto Theft	62	0.1	0	0.0
Larceny	914	1.3	9	1.7
Fraud	7,420	10.5	80	15.4
Embezzlement	342	0.5	3	0.6
Forgery/Counterfeiting	511	0.7	7	1.3
Bribery	217	0.3	0	0.0
Tax	561	0.8	9	1.7
Money Laundering	669	0.9	10	1.9
Racketeering/Extortion	1,006	1.4	20	3.8
Gambling/Lottery	77	0.1	0	0.0
Civil Rights	48	0.1	1	0.2
Immigration	20,771	29.3	76	14.6
Child Pornography	1,903	2.7	23	4.4
Prison Offenses	485	0.7	2	0.4
Administration of Justice Offenses	1,175	1.7	6	1.2
Environmental/Wildlife	158	0.2	0	0.0
National Defense	100	0.1	0	0.0
Antitrust	15	0.0	0	0.0
Food & Drug	147	0.2	0	0.0
Other Miscellaneous Offenses	2,415	3.4	16	3.1

Of the 71,003 guideline cases, no cases were excluded.

Of the 520 guideline cases from the Western District of New York, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2015 Datafile, USSCFY15.

Table 2

**GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2015**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	71,003	68,915	97.1	2,088	2.9
D.C. CIRCUIT	256	233	91.0	23	9.0
District of Columbia	256	233	91.0	23	9.0
FIRST CIRCUIT	2,454	2,362	96.3	92	3.7
Maine	188	173	92.0	15	8.0
Massachusetts	524	489	93.3	35	6.7
New Hampshire	144	140	97.2	4	2.8
Puerto Rico	1,478	1,447	97.9	31	2.1
Rhode Island	120	113	94.2	7	5.8
SECOND CIRCUIT	3,820	3,630	95.0	190	5.0
Connecticut	334	321	96.1	13	3.9
New York					
Eastern	795	760	95.6	35	4.4
Northern	344	325	94.5	19	5.5
Southern	1,648	1,546	93.8	102	6.2
Western	520	504	96.9	16	3.1
Vermont	179	174	97.2	5	2.8
THIRD CIRCUIT	2,424	2,310	95.3	114	4.7
Delaware	90	87	96.7	3	3.3
New Jersey	701	670	95.6	31	4.4
Pennsylvania					
Eastern	717	677	94.4	40	5.6
Middle	382	374	97.9	8	2.1
Western	474	455	96.0	19	4.0
Virgin Islands	60	47	78.3	13	21.7
FOURTH CIRCUIT	5,744	5,553	96.7	191	3.3
Maryland	775	732	94.5	43	5.5
North Carolina					
Eastern	586	573	97.8	13	2.2
Middle	508	497	97.8	11	2.2
Western	693	655	94.5	38	5.5
South Carolina	642	625	97.4	17	2.6
Virginia					
Eastern	1,461	1,414	96.8	47	3.2
Western	376	366	97.3	10	2.7
West Virginia					
Northern	419	411	98.1	8	1.9
Southern	284	280	98.6	4	1.4

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
FIFTH CIRCUIT	16,344	16,111	98.6	233	1.4
Louisiana					
Eastern	389	378	97.2	11	2.8
Middle	167	157	94.0	10	6.0
Western	238	231	97.1	7	2.9
Mississippi					
Northern	158	154	97.5	4	2.5
Southern	278	264	95.0	14	5.0
Texas					
Eastern	1,031	1,008	97.8	23	2.2
Northern	1,375	1,341	97.5	34	2.5
Southern	6,229	6,152	98.8	77	1.2
Western	6,479	6,426	99.2	53	0.8
SIXTH CIRCUIT	4,725	4,512	95.5	213	4.5
Kentucky					
Eastern	513	483	94.2	30	5.8
Western	270	263	97.4	7	2.6
Michigan					
Eastern	849	779	91.8	70	8.2
Western	394	378	95.9	16	4.1
Ohio					
Northern	680	642	94.4	38	5.6
Southern	590	582	98.6	8	1.4
Tennessee					
Eastern	668	652	97.6	16	2.4
Middle	272	260	95.6	12	4.4
Western	489	473	96.7	16	3.3
SEVENTH CIRCUIT	2,476	2,351	95.0	125	5.0
Illinois					
Central	329	316	96.0	13	4.0
Northern	725	665	91.7	60	8.3
Southern	398	384	96.5	14	3.5
Indiana					
Northern	273	264	96.7	9	3.3
Southern	375	359	95.7	16	4.3
Wisconsin					
Eastern	257	252	98.1	5	1.9
Western	119	111	93.3	8	6.7
EIGHTH CIRCUIT	4,578	4,411	96.4	167	3.6
Arkansas					
Eastern	353	334	94.6	19	5.4
Western	277	270	97.5	7	2.5
Iowa					
Northern	361	348	96.4	13	3.6
Southern	309	291	94.2	18	5.8
Minnesota	377	351	93.1	26	6.9
Missouri					
Eastern	554	537	96.9	17	3.1
Western	897	878	97.9	19	2.1
Nebraska	590	571	96.8	19	3.2
North Dakota	424	412	97.2	12	2.8
South Dakota	436	419	96.1	17	3.9

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
NINTH CIRCUIT	15,082	14,728	97.7	354	2.3
Alaska	165	155	93.9	10	6.1
Arizona	6,154	6,109	99.3	45	0.7
California					
Central	1,078	995	92.3	83	7.7
Eastern	734	716	97.5	18	2.5
Northern	568	542	95.4	26	4.6
Southern	3,391	3,326	98.1	65	1.9
Guam	91	86	94.5	5	5.5
Hawaii	239	229	95.8	10	4.2
Idaho	264	261	98.9	3	1.1
Montana	363	338	93.1	25	6.9
Nevada	552	526	95.3	26	4.7
Northern Mariana Islands	13	13	100.0	0	0.0
Oregon	582	576	99.0	6	1.0
Washington					
Eastern	380	361	95.0	19	5.0
Western	508	495	97.4	13	2.6
TENTH CIRCUIT	6,959	6,865	98.6	94	1.4
Colorado	437	424	97.0	13	3.0
Kansas	595	577	97.0	18	3.0
New Mexico	4,434	4,415	99.6	19	0.4
Oklahoma					
Eastern	99	92	92.9	7	7.1
Northern	186	175	94.1	11	5.9
Western	337	327	97.0	10	3.0
Utah	618	610	98.7	8	1.3
Wyoming	253	245	96.8	8	3.2
ELEVENTH CIRCUIT	6,141	5,849	95.2	292	4.8
Alabama					
Middle	201	191	95.0	10	5.0
Northern	347	337	97.1	10	2.9
Southern	329	320	97.3	9	2.7
Florida					
Middle	1,384	1,304	94.2	80	5.8
Northern	255	237	92.9	18	7.1
Southern	2,236	2,119	94.8	117	5.2
Georgia					
Middle	377	360	95.5	17	4.5
Northern	592	573	96.8	19	3.2
Southern	420	408	97.1	12	2.9

Of the 71,003 guideline cases, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2015 Datafile, USSCFY15.

Table 3

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY
Fiscal Year 2015**

PRIMARY OFFENSE	TOTAL	National				Western New York			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
TOTAL	71,003	68,915	97.1	2,088	2.9	504	96.9	16	3.1
Murder	93	71	76.3	22	23.7	1	100.0	0	0.0
Manslaughter	52	47	90.4	5	9.6	0	--	0	--
Kidnapping/Hostage Taking	43	38	88.4	5	11.6	1	100.0	0	0.0
Sexual Abuse	528	475	90.0	53	10.0	3	100.0	0	0.0
Assault	757	709	93.7	48	6.3	4	100.0	0	0.0
Robbery	739	715	96.8	24	3.2	20	100.0	0	0.0
Arson	59	51	86.4	8	13.6	1	100.0	0	0.0
Drugs - Trafficking	20,038	19,479	97.2	559	2.8	166	96.5	6	3.5
Drugs - Communication Facility	316	316	100.0	0	0.0	2	100.0	0	0.0
Drugs - Simple Possession	2,277	2,272	99.8	5	0.2	2	100.0	0	0.0
Firearms	7,069	6,707	94.9	362	5.1	51	100.0	0	0.0
Burglary/B&E	36	35	97.2	1	2.8	1	100.0	0	0.0
Auto Theft	62	58	93.5	4	6.5	0	--	0	--
Larceny	914	890	97.4	24	2.6	9	100.0	0	0.0
Fraud	7,420	6,954	93.7	466	6.3	78	97.5	2	2.5
Embezzlement	342	331	96.8	11	3.2	3	100.0	0	0.0
Forgery/Counterfeiting	511	500	97.8	11	2.2	7	100.0	0	0.0
Bribery	217	208	95.9	9	4.1	0	--	0	--
Tax	561	530	94.5	31	5.5	8	88.9	1	11.1
Money Laundering	669	634	94.8	35	5.2	9	90.0	1	10.0
Racketeering/Extortion	1,006	919	91.4	87	8.6	20	100.0	0	0.0
Gambling/Lottery	77	76	98.7	1	1.3	0	--	0	--
Civil Rights	48	41	85.4	7	14.6	1	100.0	0	0.0
Immigration	20,771	20,655	99.4	116	0.6	75	98.7	1	1.3
Child Pornography	1,903	1,837	96.5	66	3.5	20	87.0	3	13.0
Prison Offenses	485	478	98.6	7	1.4	2	100.0	0	0.0
Administration of Justice Offenses	1,175	1,131	96.3	44	3.7	5	83.3	1	16.7
Environmental/Wildlife	158	147	93.0	11	7.0	0	--	0	--
National Defense	100	90	90.0	10	10.0	0	--	0	--
Antitrust	15	12	80.0	3	20.0	0	--	0	--
Food & Drug	147	146	99.3	1	0.7	0	--	0	--
Other Miscellaneous Offenses	2,415	2,363	97.8	52	2.2	15	93.8	1	6.3

Of the 71,003 guideline cases, no cases were excluded.

Of the 520 guideline cases from the Western District of New York, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2015 Datafile, USSCFY15.

Table 4

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2015**

National

PRIMARY OFFENSE	TOTAL	Prison Only		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
TOTAL	70,428	61,450	87.3	2,046	2.9	1,849	2.6	5,083	7.2
Murder	93	93	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	52	49	94.2	1	1.9	1	1.9	1	1.9
Kidnapping/Hostage Taking	43	41	95.3	1	2.3	0	0.0	1	2.3
Sexual Abuse	528	499	94.5	24	4.5	2	0.4	3	0.6
Assault	751	581	77.4	59	7.9	23	3.1	88	11.7
Robbery	739	686	92.8	35	4.7	5	0.7	13	1.8
Arson	59	52	88.1	2	3.4	0	0.0	5	8.5
Drugs - Trafficking	20,037	18,540	92.5	626	3.1	310	1.5	561	2.8
Drugs - Communication Facility	316	242	76.6	10	3.2	17	5.4	47	14.9
Drugs - Simple Possession	2,230	1,965	88.1	6	0.3	9	0.4	250	11.2
Firearms	7,051	6,542	92.8	199	2.8	119	1.7	191	2.7
Burglary/B&E	36	25	69.4	6	16.7	2	5.6	3	8.3
Auto Theft	62	51	82.3	3	4.8	3	4.8	5	8.1
Larceny	882	361	40.9	56	6.3	97	11.0	368	41.7
Fraud	7,394	5,332	72.1	431	5.8	544	7.4	1,087	14.7
Embezzlement	330	127	38.5	21	6.4	43	13.0	139	42.1
Forgery/Counterfeiting	508	355	69.9	45	8.9	40	7.9	68	13.4
Bribery	217	146	67.3	9	4.1	25	11.5	37	17.1
Tax	559	291	52.1	42	7.5	91	16.3	135	24.2
Money Laundering	668	462	69.2	42	6.3	61	9.1	103	15.4
Racketeering/Extortion	1,006	899	89.4	40	4.0	35	3.5	32	3.2
Gambling/Lottery	75	18	24.0	13	17.3	16	21.3	28	37.3
Civil Rights	47	31	66.0	3	6.4	3	6.4	10	21.3
Immigration	20,762	19,859	95.7	160	0.8	106	0.5	637	3.1
Child Pornography	1,903	1,847	97.1	29	1.5	8	0.4	19	1.0
Prison Offenses	485	446	92.0	23	4.7	3	0.6	13	2.7
Administration of Justice Offenses	1,163	802	69.0	72	6.2	71	6.1	218	18.7
Environmental/Wildlife	148	44	29.7	11	7.4	19	12.8	74	50.0
National Defense	99	87	87.9	0	0.0	5	5.1	7	7.1
Antitrust	15	13	86.7	0	0.0	0	0.0	2	13.3
Food & Drug	138	46	33.3	4	2.9	10	7.2	78	56.5
Other Miscellaneous Offenses	2,032	918	45.2	73	3.6	181	8.9	860	42.3

Of the 71,003 guideline cases, 575 cases were excluded due to one of the following reasons: missing sentencing information (6), or cases in which the defendant received no imprisonment or probation (569).

SOURCE: U.S. Sentencing Commission, 2015 Datafile, USSCFY15.

Table 5

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2015

Western New York

PRIMARY OFFENSE	TOTAL	Prison Only		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
TOTAL	519	433	83.4	15	2.9	15	2.9	56	10.8
Murder	1	1	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	0	0	--	0	--	0	--	0	--
Kidnapping/Hostage Taking	1	1	100.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	3	3	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	20	20	100.0	0	0.0	0	0.0	0	0.0
Arson	1	1	100.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	172	153	89.0	9	5.2	2	1.2	8	4.7
Drugs - Communication Facility	2	0	0.0	0	0.0	1	50.0	1	50.0
Drugs - Simple Possession	2	2	100.0	0	0.0	0	0.0	0	0.0
Firearms	51	48	94.1	1	2.0	1	2.0	1	2.0
Burglary/B&E	1	0	0.0	0	0.0	0	0.0	1	100.0
Auto Theft	0	0	--	0	--	0	--	0	--
Larceny	9	2	22.2	0	0.0	1	11.1	6	66.7
Fraud	80	59	73.8	4	5.0	2	2.5	15	18.8
Embezzlement	3	1	33.3	0	0.0	0	0.0	2	66.7
Forgery/Counterfeiting	7	5	71.4	1	14.3	0	0.0	1	14.3
Bribery	0	0	--	0	--	0	--	0	--
Tax	8	3	37.5	0	0.0	2	25.0	3	37.5
Money Laundering	10	6	60.0	0	0.0	3	30.0	1	10.0
Racketeering/Extortion	20	19	95.0	0	0.0	1	5.0	0	0.0
Gambling/Lottery	0	0	--	0	--	0	--	0	--
Civil Rights	1	0	0.0	0	0.0	0	0.0	1	100.0
Immigration	76	73	96.1	0	0.0	1	1.3	2	2.6
Child Pornography	23	22	95.7	0	0.0	0	0.0	1	4.3
Prison Offenses	2	2	100.0	0	0.0	0	0.0	0	0.0
Administration of Justice Offenses	6	4	66.7	0	0.0	1	16.7	1	16.7
Environmental/Wildlife	0	0	--	0	--	0	--	0	--
National Defense	0	0	--	0	--	0	--	0	--
Antitrust	0	0	--	0	--	0	--	0	--
Food & Drug	0	0	--	0	--	0	--	0	--
Other Miscellaneous Offenses	16	6	37.5	0	0.0	0	0.0	10	62.5

Of the 520 guideline cases from the Western District of New York, one case was excluded due to cases in which the defendant received no imprisonment or probation.

SOURCE: U.S. Sentencing Commission, 2015 Datafile, USSCFY15.

Table 6

**INCARCERATION RATE OF U.S. CITIZEN DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2015**

PRIMARY OFFENSE	TOTAL	National				Western New York			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
TOTAL	4,976	1,873	37.6	3,103	62.4	23	40.4	34	59.6
Fraud	1,153	415	36.0	738	64.0	6	40.0	9	60.0
Larceny	393	84	21.4	309	78.6	0	0.0	6	100.0
Immigration	362	216	59.7	146	40.3	0	0.0	1	100.0
Embezzlement	147	24	16.3	123	83.7	1	33.3	2	66.7
Drugs - Trafficking	458	218	47.6	240	52.4	3	60.0	2	40.0
Drugs - Simple Possession	291	103	35.4	188	64.6	2	100.0	0	0.0
Firearms	149	94	63.1	55	36.9	4	100.0	0	0.0
Forgery/Counterfeiting	125	62	49.6	63	50.4	2	100.0	0	0.0
Other Miscellaneous Offenses	1,898	657	34.6	1,241	65.4	5	26.3	14	73.7

Of the 71,003 guideline cases, a U.S. Citizen was the defendant in 41,059 cases. Of these, 36,083 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison sentence (36,083), or missing sentencing information (5).

Of the 520 guideline cases from the Western District of New York, a U.S. Citizen was the defendant in 412 cases. Of these, 355 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, 2015 Datafile, USSCFY15.

Table 7

**LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2015**

PRIMARY OFFENSE	National			Western New York		
	Mean Months	Median Months	N	Mean Months	Median Months	N
TOTAL	50	28	61,130	56	36	404
Murder	287	300	93	--	--	1
Manslaughter	81	65	50	--	--	0
Kidnapping/Hostage Taking	240	240	42	--	--	1
Sexual Abuse	129	120	520	106	121	3
Assault	36	24	611	--	--	2
Robbery	80	63	709	62	57	19
Arson	89	60	54	--	--	1
Drugs - Trafficking	71	57	18,792	64	43	150
Drugs - Communication Facility	36	33	248	--	--	0
Drugs - Simple Possession	6	6	1,904	--	--	2
Firearms	83	60	6,658	70	66	47
Burglary/B&E	29	20	30	--	--	0
Auto Theft	95	66	54	--	--	0
Larceny	22	13	395	--	--	2
Fraud	35	24	5,420	23	12	60
Embezzlement	21	12	141	--	--	1
Forgery/Counterfeiting	20	18	382	10	11	6
Bribery	38	29	151	--	--	0
Tax	20	18	322	29	10	3
Money Laundering	38	26	480	41	32	6
Racketeering/Extortion	86	60	915	112	86	18
Gambling/Lottery	8	6	29	--	--	0
Civil Rights	43	12	33	--	--	0
Immigration	16	11	18,833	10	6	50
Child Pornography	157	97	1,858	132	84	21
Prison Offenses	13	12	458	--	--	2
Administration of Justice Offenses	23	18	826	21	21	4
Environmental/Wildlife	11	6	51	--	--	0
National Defense	71	46	85	--	--	0
Antitrust	48	18	13	--	--	0
Food & Drug	17	13	46	--	--	0
Other Miscellaneous Offenses	40	12	927	151	168	5

Of the 71,003 guideline cases, 9,873 cases were excluded due to one of the following reasons: zero months of prison ordered (9,303), or missing or indeterminable sentencing information (570).

Of the 520 guideline cases from the Western District of New York, 116 cases were excluded due to one of the following reasons: zero months of prison ordered (115) or missing or indeterminable sentencing information (1).

SOURCE: U.S. Sentencing Commission, 2015 Datafile, USSCFY15.

Table 8

**COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE
Fiscal Year 2015**

	National		Western New York	
	N	%	N	%
TOTAL CASES¹	68,270	100.0	520	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	32,262	47.3	230	44.2
CASES SENTENCED ABOVE GUIDELINE RANGE	1,506	2.2	7	1.3
DEPARTURE ABOVE GUIDELINE RANGE	444	0.7	5	1.0
Upward Departure From Guideline Range ²	349	0.5	5	1.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	95	0.1	0	0.0
OTHERWISE ABOVE GUIDELINE RANGE	1,062	1.6	2	0.4
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	1,002	1.5	2	0.4
All Remaining Cases Above Guideline Range ⁵	60	0.1	0	0.0
GOVERNMENT SPONSORED BELOW RANGE⁶	19,988	29.3	169	32.5
§5K1.1 Substantial Assistance Departure	8,470	12.4	145	27.9
§5K3.1 Early Disposition Program Departure	6,294	9.2	0	0.0
Other Government Sponsored Below Range	5,224	7.7	24	4.6
NON-GOVERNMENT SPONSORED BELOW RANGE	14,514	21.3	114	21.9
DEPARTURE BELOW GUIDELINE RANGE	2,104	3.1	3	0.6
Downward Departure From Guideline Range ²	1,521	2.2	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	583	0.9	3	0.6
OTHERWISE BELOW GUIDELINE RANGE	12,410	18.2	111	21.3
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	12,032	17.6	108	20.8
All Remaining Cases Below Guideline Range ⁵	378	0.6	3	0.6

¹ This table reflects the 71,003 cases sentenced nationally in Fiscal Year 2015, 520 of which were from the Western District of New York. Of these, 2,733 cases nationally were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range, while none from the Western District of New York were excluded.

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, 2015 Datafile, USSCFY15.

Table 9

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT
Fiscal Year 2015**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	68,270	32,262	47.3	349	0.5	95	0.1	1,002	1.5	60	0.1
D.C. CIRCUIT	255	79	31.0	0	0.0	2	0.8	3	1.2	0	0.0
District of Columbia	255	79	31.0	0	0.0	2	0.8	3	1.2	0	0.0
FIRST CIRCUIT	2,442	1,301	53.3	15	0.6	5	0.2	96	3.9	5	0.2
Maine	188	63	33.5	1	0.5	0	0.0	1	0.5	0	0.0
Massachusetts	520	130	25.0	3	0.6	2	0.4	12	2.3	0	0.0
New Hampshire	144	70	48.6	1	0.7	0	0.0	6	4.2	0	0.0
Puerto Rico	1,470	1,009	68.6	10	0.7	3	0.2	77	5.2	5	0.3
Rhode Island	120	29	24.2	0	0.0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	3,813	1,098	28.8	11	0.3	2	0.1	16	0.4	3	0.1
Connecticut	333	91	27.3	2	0.6	0	0.0	0	0.0	1	0.3
New York											
Eastern	794	175	22.0	1	0.1	2	0.3	5	0.6	1	0.1
Northern	341	181	53.1	1	0.3	0	0.0	1	0.3	0	0.0
Southern	1,646	387	23.5	1	0.1	0	0.0	7	0.4	1	0.1
Western	520	230	44.2	5	1.0	0	0.0	2	0.4	0	0.0
Vermont	179	34	19.0	1	0.6	0	0.0	1	0.6	0	0.0
THIRD CIRCUIT	2,415	885	36.6	4	0.2	0	0.0	28	1.2	1	0.0
Delaware	90	26	28.9	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	696	255	36.6	2	0.3	0	0.0	3	0.4	0	0.0
Pennsylvania											
Eastern	715	203	28.4	1	0.1	0	0.0	10	1.4	0	0.0
Middle	381	172	45.1	1	0.3	0	0.0	4	1.0	0	0.0
Western	473	177	37.4	0	0.0	0	0.0	10	2.1	0	0.0
Virgin Islands	60	52	86.7	0	0.0	0	0.0	1	1.7	1	1.7
FOURTH CIRCUIT	5,605	3,090	55.1	38	0.7	15	0.3	88	1.6	3	0.1
Maryland	745	222	29.8	7	0.9	2	0.3	26	3.5	1	0.1
North Carolina											
Eastern	510	259	50.8	12	2.4	7	1.4	9	1.8	0	0.0
Middle	507	318	62.7	3	0.6	3	0.6	14	2.8	1	0.2
Western	693	362	52.2	1	0.1	2	0.3	5	0.7	0	0.0
South Carolina	639	354	55.4	6	0.9	0	0.0	6	0.9	0	0.0
Virginia											
Eastern	1,454	1,007	69.3	4	0.3	0	0.0	12	0.8	1	0.1
Western	375	160	42.7	5	1.3	1	0.3	10	2.7	0	0.0
West Virginia											
Northern	419	255	60.9	0	0.0	0	0.0	3	0.7	0	0.0
Southern	263	153	58.2	0	0.0	0	0.0	3	1.1	0	0.0

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	8,470	12.4	6,294	9.2	5,224	7.7	1,521	2.2	583	0.9	12,032	17.6	378	0.6
D.C. CIRCUIT	76	29.8	3	1.2	24	9.4	9	3.5	11	4.3	44	17.3	4	1.6
District of Columbia	76	29.8	3	1.2	24	9.4	9	3.5	11	4.3	44	17.3	4	1.6
FIRST CIRCUIT	238	9.7	26	1.1	285	11.7	55	2.3	18	0.7	372	15.2	26	1.1
Maine	42	22.3	0	0.0	6	3.2	6	3.2	3	1.6	66	35.1	0	0.0
Massachusetts	78	15.0	14	2.7	130	25.0	12	2.3	10	1.9	127	24.4	2	0.4
New Hampshire	14	9.7	0	0.0	16	11.1	9	6.3	2	1.4	26	18.1	0	0.0
Puerto Rico	92	6.3	12	0.8	89	6.1	28	1.9	3	0.2	118	8.0	24	1.6
Rhode Island	12	10.0	0	0.0	44	36.7	0	0.0	0	0.0	35	29.2	0	0.0
SECOND CIRCUIT	834	21.9	77	2.0	150	3.9	100	2.6	64	1.7	1,436	37.7	22	0.6
Connecticut	46	13.8	1	0.3	30	9.0	19	5.7	8	2.4	135	40.5	0	0.0
New York														
Eastern	189	23.8	44	5.5	47	5.9	45	5.7	25	3.1	254	32.0	6	0.8
Northern	71	20.8	2	0.6	6	1.8	3	0.9	5	1.5	70	20.5	1	0.3
Southern	340	20.7	30	1.8	14	0.9	27	1.6	19	1.2	808	49.1	12	0.7
Western	145	27.9	0	0.0	24	4.6	0	0.0	3	0.6	108	20.8	3	0.6
Vermont	43	24.0	0	0.0	29	16.2	6	3.4	4	2.2	61	34.1	0	0.0
THIRD CIRCUIT	670	27.7	12	0.5	179	7.4	27	1.1	22	0.9	566	23.4	21	0.9
Delaware	21	23.3	0	0.0	8	8.9	1	1.1	2	2.2	32	35.6	0	0.0
New Jersey	190	27.3	3	0.4	49	7.0	7	1.0	8	1.1	171	24.6	8	1.1
Pennsylvania														
Eastern	254	35.5	3	0.4	59	8.3	2	0.3	3	0.4	169	23.6	11	1.5
Middle	97	25.5	6	1.6	12	3.1	11	2.9	4	1.0	73	19.2	1	0.3
Western	103	21.8	0	0.0	51	10.8	6	1.3	5	1.1	120	25.4	1	0.2
Virgin Islands	5	8.3	0	0.0	0	0.0	0	0.0	0	0.0	1	1.7	0	0.0
FOURTH CIRCUIT	858	15.3	13	0.2	373	6.7	80	1.4	38	0.7	975	17.4	34	0.6
Maryland	193	25.9	1	0.1	141	18.9	13	1.7	14	1.9	121	16.2	4	0.5
North Carolina														
Eastern	149	29.2	0	0.0	4	0.8	4	0.8	3	0.6	61	12.0	2	0.4
Middle	68	13.4	0	0.0	7	1.4	3	0.6	1	0.2	89	17.6	0	0.0
Western	146	21.1	0	0.0	44	6.3	6	0.9	3	0.4	122	17.6	2	0.3
South Carolina	96	15.0	4	0.6	58	9.1	10	1.6	4	0.6	97	15.2	4	0.6
Virginia														
Eastern	55	3.8	4	0.3	38	2.6	34	2.3	3	0.2	277	19.1	19	1.3
Western	88	23.5	0	0.0	46	12.3	9	2.4	7	1.9	48	12.8	1	0.3
West Virginia														
Northern	36	8.6	2	0.5	30	7.2	0	0.0	2	0.5	90	21.5	1	0.2
Southern	27	10.3	2	0.8	5	1.9	1	0.4	1	0.4	70	26.6	1	0.4

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	16,058	10,241	63.8	108	0.7	25	0.2	273	1.7	14	0.1
Louisiana											
Eastern	389	222	57.1	4	1.0	0	0.0	14	3.6	1	0.3
Middle	165	78	47.3	3	1.8	1	0.6	0	0.0	2	1.2
Western	207	129	62.3	3	1.4	0	0.0	7	3.4	2	1.0
Mississippi											
Northern	156	86	55.1	1	0.6	0	0.0	5	3.2	0	0.0
Southern	270	170	63.0	4	1.5	0	0.0	7	2.6	0	0.0
Texas											
Eastern	1,030	661	64.2	15	1.5	0	0.0	24	2.3	0	0.0
Northern	1,373	839	61.1	8	0.6	10	0.7	48	3.5	0	0.0
Southern	6,225	3,572	57.4	54	0.9	14	0.2	56	0.9	8	0.1
Western	6,243	4,484	71.8	16	0.3	0	0.0	112	1.8	1	0.0
SIXTH CIRCUIT	4,686	2,020	43.1	15	0.3	5	0.1	65	1.4	0	0.0
Kentucky											
Eastern	513	294	57.3	1	0.2	0	0.0	14	2.7	0	0.0
Western	268	119	44.4	3	1.1	0	0.0	2	0.7	0	0.0
Michigan											
Eastern	835	349	41.8	1	0.1	0	0.0	8	1.0	0	0.0
Western	391	224	57.3	4	1.0	2	0.5	10	2.6	0	0.0
Ohio											
Northern	675	280	41.5	0	0.0	0	0.0	9	1.3	0	0.0
Southern	590	157	26.6	1	0.2	0	0.0	5	0.8	0	0.0
Tennessee											
Eastern	667	341	51.1	2	0.3	0	0.0	8	1.2	0	0.0
Middle	260	72	27.7	1	0.4	0	0.0	4	1.5	0	0.0
Western	487	184	37.8	2	0.4	3	0.6	5	1.0	0	0.0
SEVENTH CIRCUIT	2,467	932	37.8	2	0.1	9	0.4	45	1.8	3	0.1
Illinois											
Central	328	133	40.5	0	0.0	1	0.3	12	3.7	0	0.0
Northern	722	195	27.0	0	0.0	3	0.4	6	0.8	1	0.1
Southern	398	253	63.6	1	0.3	5	1.3	4	1.0	1	0.3
Indiana											
Northern	272	124	45.6	0	0.0	0	0.0	5	1.8	0	0.0
Southern	374	136	36.4	0	0.0	0	0.0	12	3.2	1	0.3
Wisconsin											
Eastern	254	54	21.3	0	0.0	0	0.0	5	2.0	0	0.0
Western	119	37	31.1	1	0.8	0	0.0	1	0.8	0	0.0
EIGHTH CIRCUIT	4,563	2,020	44.3	24	0.5	6	0.1	108	2.4	6	0.1
Arkansas											
Eastern	350	180	51.4	0	0.0	0	0.0	11	3.1	1	0.3
Western	273	126	46.2	0	0.0	0	0.0	4	1.5	2	0.7
Iowa											
Northern	361	220	60.9	12	3.3	1	0.3	11	3.0	1	0.3
Southern	309	98	31.7	0	0.0	0	0.0	5	1.6	0	0.0
Minnesota	377	119	31.6	1	0.3	1	0.3	9	2.4	0	0.0
Missouri											
Eastern	554	220	39.7	0	0.0	1	0.2	8	1.4	0	0.0
Western	892	358	40.1	4	0.4	0	0.0	42	4.7	0	0.0
Nebraska	589	276	46.9	0	0.0	0	0.0	8	1.4	0	0.0
North Dakota	423	185	43.7	1	0.2	0	0.0	3	0.7	2	0.5
South Dakota	435	238	54.7	6	1.4	3	0.7	7	1.6	0	0.0

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,323	8.2	697	4.3	561	3.5	748	4.7	52	0.3	1,922	12.0	94	0.6
Louisiana														
Eastern	48	12.3	1	0.3	7	1.8	5	1.3	2	0.5	81	20.8	4	1.0
Middle	24	14.5	1	0.6	1	0.6	0	0.0	0	0.0	54	32.7	1	0.6
Western	26	12.6	0	0.0	1	0.5	1	0.5	0	0.0	37	17.9	1	0.5
Mississippi														
Northern	30	19.2	1	0.6	7	4.5	0	0.0	0	0.0	26	16.7	0	0.0
Southern	41	15.2	0	0.0	2	0.7	0	0.0	0	0.0	46	17.0	0	0.0
Texas														
Eastern	76	7.4	7	0.7	174	16.9	6	0.6	4	0.4	61	5.9	2	0.2
Northern	188	13.7	0	0.0	34	2.5	9	0.7	6	0.4	230	16.8	1	0.1
Southern	447	7.2	510	8.2	192	3.1	579	9.3	25	0.4	766	12.3	2	0.0
Western	443	7.1	177	2.8	143	2.3	148	2.4	15	0.2	621	9.9	83	1.3
SIXTH CIRCUIT	995	21.2	11	0.2	430	9.2	54	1.2	65	1.4	1,013	21.6	13	0.3
Kentucky														
Eastern	63	12.3	0	0.0	22	4.3	3	0.6	1	0.2	115	22.4	0	0.0
Western	56	20.9	4	1.5	49	18.3	3	1.1	3	1.1	28	10.4	1	0.4
Michigan														
Eastern	147	17.6	0	0.0	44	5.3	9	1.1	6	0.7	269	32.2	2	0.2
Western	60	15.3	0	0.0	1	0.3	6	1.5	13	3.3	71	18.2	0	0.0
Ohio														
Northern	175	25.9	0	0.0	27	4.0	12	1.8	6	0.9	164	24.3	2	0.3
Southern	124	21.0	4	0.7	151	25.6	10	1.7	20	3.4	114	19.3	4	0.7
Tennessee														
Eastern	201	30.1	0	0.0	35	5.2	4	0.6	2	0.3	73	10.9	1	0.1
Middle	72	27.7	0	0.0	57	21.9	5	1.9	11	4.2	38	14.6	0	0.0
Western	97	19.9	3	0.6	44	9.0	2	0.4	3	0.6	141	29.0	3	0.6
SEVENTH CIRCUIT	343	13.9	6	0.2	184	7.5	60	2.4	97	3.9	764	31.0	22	0.9
Illinois														
Central	51	15.5	0	0.0	34	10.4	3	0.9	3	0.9	90	27.4	1	0.3
Northern	87	12.0	5	0.7	15	2.1	21	2.9	53	7.3	320	44.3	16	2.2
Southern	41	10.3	1	0.3	15	3.8	5	1.3	19	4.8	49	12.3	4	1.0
Indiana														
Northern	56	20.6	0	0.0	17	6.3	6	2.2	4	1.5	59	21.7	1	0.4
Southern	70	18.7	0	0.0	47	12.6	3	0.8	3	0.8	102	27.3	0	0.0
Wisconsin														
Eastern	35	13.8	0	0.0	51	20.1	1	0.4	0	0.0	108	42.5	0	0.0
Western	3	2.5	0	0.0	5	4.2	21	17.6	15	12.6	36	30.3	0	0.0
EIGHTH CIRCUIT	693	15.2	96	2.1	369	8.1	49	1.1	31	0.7	1,141	25.0	20	0.4
Arkansas														
Eastern	43	12.3	0	0.0	9	2.6	1	0.3	2	0.6	100	28.6	3	0.9
Western	41	15.0	4	1.5	9	3.3	0	0.0	1	0.4	85	31.1	1	0.4
Iowa														
Northern	70	19.4	0	0.0	3	0.8	1	0.3	0	0.0	41	11.4	1	0.3
Southern	56	18.1	3	1.0	61	19.7	2	0.6	2	0.6	81	26.2	1	0.3
Minnesota														
Northern	54	14.3	1	0.3	8	2.1	8	2.1	5	1.3	169	44.8	2	0.5
Missouri														
Eastern	72	13.0	0	0.0	64	11.6	3	0.5	7	1.3	178	32.1	1	0.2
Western	194	21.7	0	0.0	77	8.6	2	0.2	3	0.3	211	23.7	1	0.1
Nebraska														
Northern	33	5.6	61	10.4	64	10.9	8	1.4	4	0.7	128	21.7	7	1.2
North Dakota														
Northern	115	27.2	23	5.4	27	6.4	5	1.2	5	1.2	54	12.8	3	0.7
South Dakota														
Northern	15	3.4	4	0.9	47	10.8	19	4.4	2	0.5	94	21.6	0	0.0

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	13,040	3,615	27.7	103	0.8	15	0.1	130	1.0	13	0.1
Alaska	165	55	33.3	0	0.0	0	0.0	3	1.8	0	0.0
Arizona	4,163	1,190	28.6	73	1.8	7	0.2	27	0.6	8	0.2
California											
Central	1,076	278	25.8	6	0.6	0	0.0	8	0.7	0	0.0
Eastern	719	268	37.3	5	0.7	0	0.0	11	1.5	0	0.0
Northern	555	199	35.9	1	0.2	1	0.2	8	1.4	0	0.0
Southern	3,390	472	13.9	9	0.3	1	0.0	8	0.2	3	0.1
Guam	91	49	53.8	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	236	87	36.9	0	0.0	0	0.0	3	1.3	0	0.0
Idaho	263	100	38.0	1	0.4	1	0.4	4	1.5	0	0.0
Montana	362	151	41.7	0	0.0	0	0.0	5	1.4	1	0.3
Nevada	551	279	50.6	1	0.2	0	0.0	16	2.9	1	0.2
Northern Mariana Islands	13	11	84.6	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	573	173	30.2	0	0.0	0	0.0	16	2.8	0	0.0
Washington											
Eastern	379	136	35.9	5	1.3	2	0.5	12	3.2	0	0.0
Western	504	167	33.1	2	0.4	3	0.6	9	1.8	0	0.0
TENTH CIRCUIT	6,916	3,759	54.4	25	0.4	3	0.0	40	0.6	3	0.0
Colorado	428	172	40.2	0	0.0	0	0.0	6	1.4	3	0.7
Kansas	570	224	39.3	1	0.2	0	0.0	14	2.5	0	0.0
New Mexico	4,430	2,787	62.9	7	0.2	2	0.0	4	0.1	0	0.0
Oklahoma											
Eastern	99	59	59.6	2	2.0	0	0.0	0	0.0	0	0.0
Northern	184	78	42.4	0	0.0	0	0.0	0	0.0	0	0.0
Western	337	172	51.0	0	0.0	0	0.0	4	1.2	0	0.0
Utah	615	177	28.8	14	2.3	1	0.2	8	1.3	0	0.0
Wyoming	253	90	35.6	1	0.4	0	0.0	4	1.6	0	0.0
ELEVENTH CIRCUIT	6,010	3,222	53.6	4	0.1	8	0.1	110	1.8	9	0.1
Alabama											
Middle	197	88	44.7	0	0.0	3	1.5	9	4.6	2	1.0
Northern	336	177	52.7	0	0.0	0	0.0	8	2.4	1	0.3
Southern	328	192	58.5	0	0.0	0	0.0	1	0.3	0	0.0
Florida											
Middle	1,382	617	44.6	0	0.0	0	0.0	23	1.7	2	0.1
Northern	245	119	48.6	0	0.0	2	0.8	5	2.0	0	0.0
Southern	2,181	1,306	59.9	2	0.1	1	0.0	34	1.6	4	0.2
Georgia											
Middle	355	248	69.9	0	0.0	0	0.0	10	2.8	0	0.0
Northern	566	185	32.7	2	0.4	1	0.2	14	2.5	0	0.0
Southern	420	290	69.0	0	0.0	1	0.2	6	1.4	0	0.0

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	1,298	10.0	4,055	31.1	1,677	12.9	230	1.8	94	0.7	1,728	13.3	82	0.6
Alaska	25	15.2	1	0.6	28	17.0	1	0.6	0	0.0	52	31.5	0	0.0
Arizona	166	4.0	1,718	41.3	496	11.9	30	0.7	11	0.3	434	10.4	3	0.1
California														
Central	179	16.6	87	8.1	162	15.1	62	5.8	35	3.3	228	21.2	31	2.9
Eastern	142	19.7	89	12.4	68	9.5	6	0.8	4	0.6	123	17.1	3	0.4
Northern	58	10.5	16	2.9	147	26.5	3	0.5	7	1.3	113	20.4	2	0.4
Southern	235	6.9	2,056	60.6	222	6.5	101	3.0	16	0.5	229	6.8	38	1.1
Guam	33	36.3	0	0.0	2	2.2	0	0.0	0	0.0	6	6.6	1	1.1
Hawaii	85	36.0	0	0.0	6	2.5	1	0.4	1	0.4	53	22.5	0	0.0
Idaho	82	31.2	16	6.1	4	1.5	6	2.3	1	0.4	47	17.9	1	0.4
Montana	62	17.1	0	0.0	19	5.2	0	0.0	0	0.0	124	34.3	0	0.0
Nevada	64	11.6	17	3.1	68	12.3	9	1.6	8	1.5	87	15.8	1	0.2
Northern Mariana Islands	2	15.4	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	102	17.8	5	0.9	173	30.2	2	0.3	4	0.7	97	16.9	1	0.2
Washington														
Eastern	35	9.2	27	7.1	99	26.1	6	1.6	4	1.1	52	13.7	1	0.3
Western	28	5.6	23	4.6	183	36.3	3	0.6	3	0.6	83	16.5	0	0.0
TENTH CIRCUIT	405	5.9	1,266	18.3	606	8.8	47	0.7	37	0.5	705	10.2	20	0.3
Colorado	70	16.4	32	7.5	54	12.6	2	0.5	4	0.9	84	19.6	1	0.2
Kansas	126	22.1	14	2.5	116	20.4	6	1.1	2	0.4	66	11.6	1	0.2
New Mexico	60	1.4	1,018	23.0	266	6.0	24	0.5	26	0.6	223	5.0	13	0.3
Oklahoma														
Eastern	18	18.2	0	0.0	10	10.1	0	0.0	0	0.0	10	10.1	0	0.0
Northern	31	16.8	0	0.0	14	7.6	5	2.7	1	0.5	55	29.9	0	0.0
Western	36	10.7	0	0.0	6	1.8	5	1.5	2	0.6	112	33.2	0	0.0
Utah	22	3.6	185	30.1	98	15.9	4	0.7	0	0.0	101	16.4	5	0.8
Wyoming	42	16.6	17	6.7	42	16.6	1	0.4	2	0.8	54	21.3	0	0.0
ELEVENTH CIRCUIT	737	12.3	32	0.5	386	6.4	62	1.0	54	0.9	1,366	22.7	20	0.3
Alabama														
Middle	37	18.8	0	0.0	17	8.6	5	2.5	1	0.5	35	17.8	0	0.0
Northern	74	22.0	0	0.0	8	2.4	2	0.6	1	0.3	64	19.0	1	0.3
Southern	36	11.0	1	0.3	5	1.5	4	1.2	1	0.3	88	26.8	0	0.0
Florida														
Middle	240	17.4	21	1.5	42	3.0	22	1.6	17	1.2	392	28.4	6	0.4
Northern	45	18.4	2	0.8	1	0.4	4	1.6	1	0.4	66	26.9	0	0.0
Southern	151	6.9	6	0.3	105	4.8	11	0.5	18	0.8	531	24.3	12	0.6
Georgia														
Middle	47	13.2	1	0.3	7	2.0	4	1.1	0	0.0	38	10.7	0	0.0
Northern	69	12.2	1	0.2	184	32.5	10	1.8	14	2.5	86	15.2	0	0.0
Southern	38	9.0	0	0.0	17	4.0	0	0.0	1	0.2	66	15.7	1	0.2

Of the 71,003 cases, 2,733 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 (32.4%), Western Louisiana (13.0%), Eastern North Carolina (13.0%), Southern West Virginia (7.4%), and Middle Georgia (5.8%).

SOURCE: U.S. Sentencing Commission, 2015 Datafile, USSCFY15.

Table 10

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY SELECTED PRIMARY OFFENSE CATEGORY
Fiscal Year 2015**

National

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	68,270	32,262	47.3	349	0.5	95	0.1	1,002	1.5	60	0.1
Robbery	738	349	47.3	13	1.8	5	0.7	29	3.9	0	0.0
Drugs - Trafficking	20,027	7,028	35.1	79	0.4	12	0.1	179	0.9	12	0.1
Drugs - Simple Possession	448	429	95.8	0	0.0	0	0.0	3	0.7	0	0.0
Firearms	7,049	3,713	52.7	65	0.9	19	0.3	250	3.5	15	0.2
Larceny	873	486	55.7	2	0.2	0	0.0	14	1.6	0	0.0
Fraud	7,047	2,836	40.2	30	0.4	6	0.1	97	1.4	8	0.1
Embezzlement	329	182	55.3	0	0.0	0	0.0	2	0.6	0	0.0
Forgery/Counterfeiting	511	302	59.1	1	0.2	0	0.0	12	2.3	1	0.2
Immigration	20,608	11,822	57.4	82	0.4	24	0.1	210	1.0	16	0.1
Other Miscellaneous Offenses	10,640	5,115	48.1	77	0.7	29	0.3	206	1.9	8	0.1

Western New York

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	520	230	44.2	5	1.0	0	0.0	2	0.4	0	0.0
Robbery	20	10	50.0	1	5.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	172	44	25.6	1	0.6	0	0.0	1	0.6	0	0.0
Drugs - Simple Possession	2	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0
Firearms	51	24	47.1	1	2.0	0	0.0	0	0.0	0	0.0
Larceny	9	7	77.8	0	0.0	0	0.0	0	0.0	0	0.0
Fraud	80	35	43.8	0	0.0	0	0.0	1	1.3	0	0.0
Embezzlement	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	7	3	42.9	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	76	59	77.6	1	1.3	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	100	44	44.0	1	1.0	0	0.0	0	0.0	0	0.0

National

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	8,470	12.4	6,294	9.2	5,224	7.7	1,521	2.2	583	0.9	12,032	17.6	378	0.6
Robbery	74	10.0	1	0.1	71	9.6	18	2.4	13	1.8	164	22.2	1	0.1
Drugs - Trafficking	4,931	24.6	1,222	6.1	2,059	10.3	338	1.7	219	1.1	3,869	19.3	79	0.4
Drugs - Simple Possession	1	0.2	2	0.4	4	0.9	0	0.0	0	0.0	7	1.6	2	0.4
Firearms	763	10.8	13	0.2	636	9.0	127	1.8	47	0.7	1,370	19.4	31	0.4
Larceny	55	6.3	0	0.0	70	8.0	22	2.5	13	1.5	196	22.5	15	1.7
Fraud	1,337	19.0	3	0.0	607	8.6	107	1.5	80	1.1	1,870	26.5	66	0.9
Embezzlement	16	4.9	1	0.3	27	8.2	13	4.0	0	0.0	86	26.1	2	0.6
Forgery/Counterfeiting	47	9.2	0	0.0	26	5.1	14	2.7	8	1.6	96	18.8	4	0.8
Immigration	250	1.2	5,032	24.4	441	2.1	723	3.5	80	0.4	1,829	8.9	99	0.5
Other Miscellaneous Offenses	996	9.4	20	0.2	1,283	12.1	159	1.5	123	1.2	2,545	23.9	79	0.7

Western New York

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	145	27.9	0	0.0	24	4.6	0	0.0	3	0.6	108	20.8	3	0.6
Robbery	4	20.0	0	0.0	1	5.0	0	0.0	1	5.0	3	15.0	0	0.0
Drugs - Trafficking	85	49.4	0	0.0	2	1.2	0	0.0	0	0.0	38	22.1	1	0.6
Drugs - Simple Possession	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	50.0	0	0.0
Firearms	20	39.2	0	0.0	0	0.0	0	0.0	0	0.0	6	11.8	0	0.0
Larceny	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2	22.2	0	0.0
Fraud	20	25.0	0	0.0	9	11.3	0	0.0	0	0.0	15	18.8	0	0.0
Embezzlement	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	1	14.3	0	0.0	1	14.3	0	0.0	1	14.3	1	14.3	0	0.0
Immigration	1	1.3	0	0.0	5	6.6	0	0.0	1	1.3	8	10.5	1	1.3
Other Miscellaneous Offenses	14	14.0	0	0.0	6	6.0	0	0.0	0	0.0	34	34.0	1	1.0

Of the 71,003 guideline cases, 2,733 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 520 guideline cases from the Western District of New York, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2015 Datafile, USSCFY15.