

# United States Sentencing Commission



*Statistical Information Packet*

*Fiscal Year 2016*

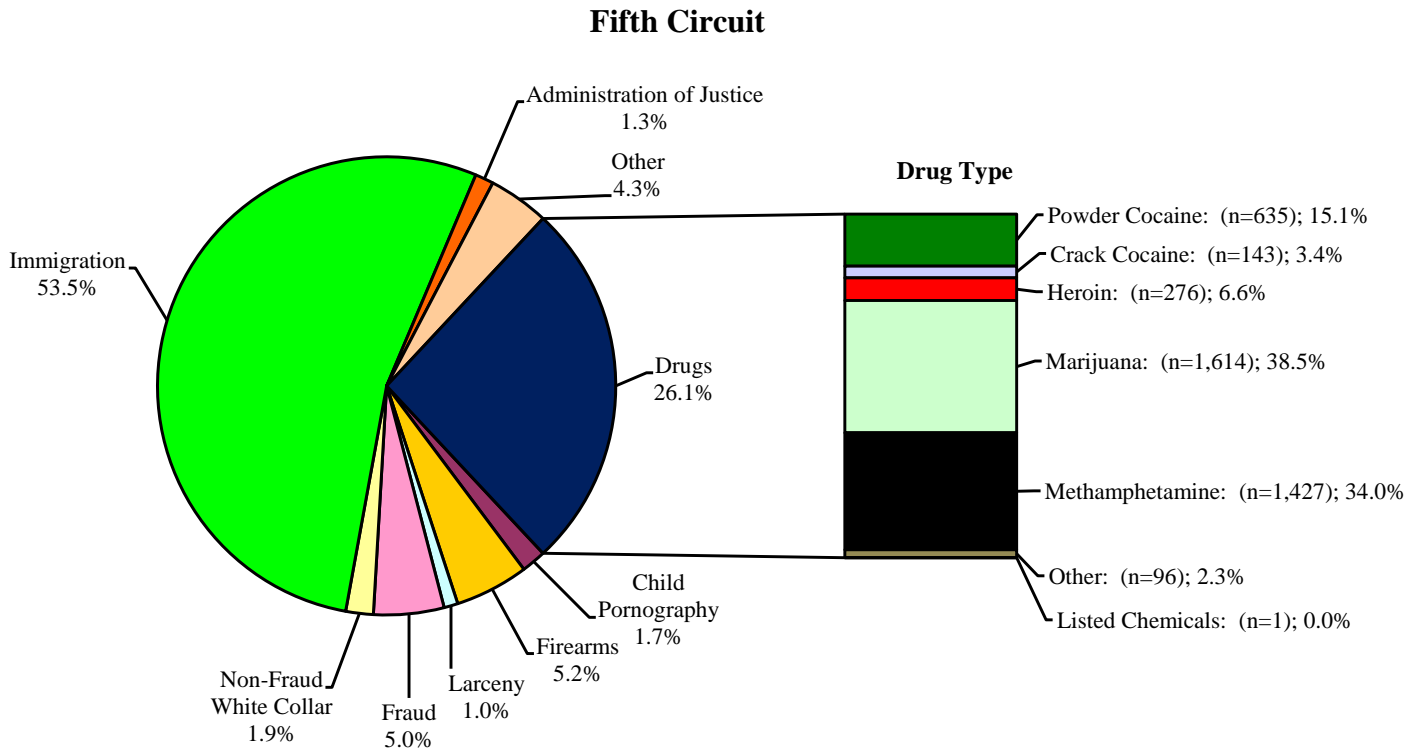
*Fifth Circuit*

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**Figure A**

**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2016**



<sup>1</sup> Of the 67,742 guideline cases, no cases were excluded.

Of the 16,074 guideline cases from the Fifth Circuit, 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 2016**

| PRIMARY OFFENSE                    | National      |              | Fifth Circuit |              |
|------------------------------------|---------------|--------------|---------------|--------------|
|                                    | N             | %            | N             | %            |
| <b>TOTAL</b>                       | <b>67,742</b> | <b>100.0</b> | <b>16,074</b> | <b>100.0</b> |
| Murder                             | 85            | 0.1          | 6             | 0.0          |
| Manslaughter                       | 57            | 0.1          | 3             | 0.0          |
| Kidnapping/Hostage Taking          | 39            | 0.1          | 6             | 0.0          |
| Sexual Abuse                       | 620           | 0.9          | 66            | 0.4          |
| Assault                            | 808           | 1.2          | 79            | 0.5          |
| Robbery                            | 702           | 1.0          | 85            | 0.5          |
| Arson                              | 46            | 0.1          | 0             | 0.0          |
| Drugs - Trafficking                | 19,232        | 28.4         | 4,055         | 25.2         |
| Drugs - Communication Facility     | 271           | 0.4          | 32            | 0.2          |
| Drugs - Simple Possession          | 1,884         | 2.8          | 105           | 0.7          |
| Firearms                           | 7,305         | 10.8         | 836           | 5.2          |
| Burglary/B&E                       | 23            | 0.0          | 3             | 0.0          |
| Auto Theft                         | 45            | 0.1          | 5             | 0.0          |
| Larceny                            | 1,034         | 1.5          | 158           | 1.0          |
| Fraud                              | 6,517         | 9.6          | 798           | 5.0          |
| Embezzlement                       | 321           | 0.5          | 30            | 0.2          |
| Forgery/Counterfeiting             | 450           | 0.7          | 90            | 0.6          |
| Bribery                            | 197           | 0.3          | 19            | 0.1          |
| Tax                                | 523           | 0.8          | 37            | 0.2          |
| Money Laundering                   | 724           | 1.1          | 136           | 0.8          |
| Racketeering/Extortion             | 914           | 1.3          | 99            | 0.6          |
| Gambling/Lottery                   | 74            | 0.1          | 14            | 0.1          |
| Civil Rights                       | 43            | 0.1          | 8             | 0.0          |
| Immigration                        | 20,051        | 29.6         | 8,600         | 53.5         |
| Child Pornography                  | 1,937         | 2.9          | 279           | 1.7          |
| Prison Offenses                    | 475           | 0.7          | 67            | 0.4          |
| Administration of Justice Offenses | 1,041         | 1.5          | 210           | 1.3          |
| Environmental/Wildlife             | 156           | 0.2          | 33            | 0.2          |
| National Defense                   | 100           | 0.1          | 28            | 0.2          |
| Antitrust                          | 21            | 0.0          | 1             | 0.0          |
| Food & Drug                        | 114           | 0.2          | 7             | 0.0          |
| Other Miscellaneous Offenses       | 1,933         | 2.9          | 179           | 1.1          |

Of the 67,742 guideline cases, no cases were excluded.

Of the 16,074 guideline cases from the Fifth Circuit, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

Table 2

**GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT  
Fiscal Year 2016**

| CIRCUIT<br>District   | TOTAL         | PLEA          |             | TRIAL        |            |
|-----------------------|---------------|---------------|-------------|--------------|------------|
|                       |               | N             | %           | N            | %          |
| <b>TOTAL</b>          | <b>67,742</b> | <b>65,893</b> | <b>97.3</b> | <b>1,849</b> | <b>2.7</b> |
| <b>D.C. CIRCUIT</b>   | <b>255</b>    | <b>249</b>    | <b>97.6</b> | <b>6</b>     | <b>2.4</b> |
| District of Columbia  | 255           | 249           | 97.6        | 6            | 2.4        |
| <b>FIRST CIRCUIT</b>  | <b>2,051</b>  | <b>1,988</b>  | <b>96.9</b> | <b>63</b>    | <b>3.1</b> |
| Maine                 | 202           | 193           | 95.5        | 9            | 4.5        |
| Massachusetts         | 496           | 472           | 95.2        | 24           | 4.8        |
| New Hampshire         | 177           | 172           | 97.2        | 5            | 2.8        |
| Puerto Rico           | 1,086         | 1,061         | 97.7        | 25           | 2.3        |
| Rhode Island          | 90            | 90            | 100.0       | 0            | 0.0        |
| <b>SECOND CIRCUIT</b> | <b>3,420</b>  | <b>3,287</b>  | <b>96.1</b> | <b>133</b>   | <b>3.9</b> |
| Connecticut           | 304           | 297           | 97.7        | 7            | 2.3        |
| New York              |               |               |             |              |            |
| Eastern               | 796           | 755           | 94.8        | 41           | 5.2        |
| Northern              | 317           | 297           | 93.7        | 20           | 6.3        |
| Southern              | 1,350         | 1,301         | 96.4        | 49           | 3.6        |
| Western               | 465           | 450           | 96.8        | 15           | 3.2        |
| Vermont               | 188           | 187           | 99.5        | 1            | 0.5        |
| <b>THIRD CIRCUIT</b>  | <b>2,095</b>  | <b>1,982</b>  | <b>94.6</b> | <b>113</b>   | <b>5.4</b> |
| Delaware              | 72            | 67            | 93.1        | 5            | 6.9        |
| New Jersey            | 669           | 626           | 93.6        | 43           | 6.4        |
| Pennsylvania          |               |               |             |              |            |
| Eastern               | 585           | 548           | 93.7        | 37           | 6.3        |
| Middle                | 306           | 295           | 96.4        | 11           | 3.6        |
| Western               | 404           | 390           | 96.5        | 14           | 3.5        |
| Virgin Islands        | 59            | 56            | 94.9        | 3            | 5.1        |
| <b>FOURTH CIRCUIT</b> | <b>5,345</b>  | <b>5,166</b>  | <b>96.7</b> | <b>179</b>   | <b>3.3</b> |
| Maryland              | 733           | 700           | 95.5        | 33           | 4.5        |
| North Carolina        |               |               |             |              |            |
| Eastern               | 651           | 635           | 97.5        | 16           | 2.5        |
| Middle                | 423           | 418           | 98.8        | 5            | 1.2        |
| Western               | 658           | 640           | 97.3        | 18           | 2.7        |
| South Carolina        | 627           | 612           | 97.6        | 15           | 2.4        |
| Virginia              |               |               |             |              |            |
| Eastern               | 1,413         | 1,347         | 95.3        | 66           | 4.7        |
| Western               | 313           | 297           | 94.9        | 16           | 5.1        |
| West Virginia         |               |               |             |              |            |
| Northern              | 310           | 303           | 97.7        | 7            | 2.3        |
| Southern              | 217           | 214           | 98.6        | 3            | 1.4        |

| CIRCUIT<br>District    | TOTAL         | PLEA          |             | TRIAL      |            |
|------------------------|---------------|---------------|-------------|------------|------------|
|                        |               | N             | %           | N          | %          |
| <b>FIFTH CIRCUIT</b>   | <b>16,074</b> | <b>15,850</b> | <b>98.6</b> | <b>224</b> | <b>1.4</b> |
| Louisiana              |               |               |             |            |            |
| Eastern                | 341           | 325           | 95.3        | 16         | 4.7        |
| Middle                 | 163           | 157           | 96.3        | 6          | 3.7        |
| Western                | 252           | 242           | 96.0        | 10         | 4.0        |
| Mississippi            |               |               |             |            |            |
| Northern               | 169           | 166           | 98.2        | 3          | 1.8        |
| Southern               | 238           | 234           | 98.3        | 4          | 1.7        |
| Texas                  |               |               |             |            |            |
| Eastern                | 827           | 805           | 97.3        | 22         | 2.7        |
| Northern               | 1,374         | 1,340         | 97.5        | 34         | 2.5        |
| Southern               | 6,482         | 6,411         | 98.9        | 71         | 1.1        |
| Western                | 6,228         | 6,170         | 99.1        | 58         | 0.9        |
| <b>SIXTH CIRCUIT</b>   | <b>4,523</b>  | <b>4,382</b>  | <b>96.9</b> | <b>141</b> | <b>3.1</b> |
| Kentucky               |               |               |             |            |            |
| Eastern                | 439           | 415           | 94.5        | 24         | 5.5        |
| Western                | 332           | 328           | 98.8        | 4          | 1.2        |
| Michigan               |               |               |             |            |            |
| Eastern                | 901           | 864           | 95.9        | 37         | 4.1        |
| Western                | 330           | 319           | 96.7        | 11         | 3.3        |
| Ohio                   |               |               |             |            |            |
| Northern               | 585           | 564           | 96.4        | 21         | 3.6        |
| Southern               | 502           | 491           | 97.8        | 11         | 2.2        |
| Tennessee              |               |               |             |            |            |
| Eastern                | 748           | 737           | 98.5        | 11         | 1.5        |
| Middle                 | 220           | 212           | 96.4        | 8          | 3.6        |
| Western                | 466           | 452           | 97.0        | 14         | 3.0        |
| <b>SEVENTH CIRCUIT</b> | <b>2,272</b>  | <b>2,163</b>  | <b>95.2</b> | <b>109</b> | <b>4.8</b> |
| Illinois               |               |               |             |            |            |
| Central                | 259           | 248           | 95.8        | 11         | 4.2        |
| Northern               | 640           | 574           | 89.7        | 66         | 10.3       |
| Southern               | 317           | 312           | 98.4        | 5          | 1.6        |
| Indiana                |               |               |             |            |            |
| Northern               | 300           | 289           | 96.3        | 11         | 3.7        |
| Southern               | 330           | 318           | 96.4        | 12         | 3.6        |
| Wisconsin              |               |               |             |            |            |
| Eastern                | 301           | 298           | 99.0        | 3          | 1.0        |
| Western                | 125           | 124           | 99.2        | 1          | 0.8        |
| <b>EIGHTH CIRCUIT</b>  | <b>4,744</b>  | <b>4,585</b>  | <b>96.6</b> | <b>159</b> | <b>3.4</b> |
| Arkansas               |               |               |             |            |            |
| Eastern                | 378           | 371           | 98.1        | 7          | 1.9        |
| Western                | 253           | 249           | 98.4        | 4          | 1.6        |
| Iowa                   |               |               |             |            |            |
| Northern               | 348           | 335           | 96.3        | 13         | 3.7        |
| Southern               | 353           | 334           | 94.6        | 19         | 5.4        |
| Minnesota              | 494           | 459           | 92.9        | 35         | 7.1        |
| Missouri               |               |               |             |            |            |
| Eastern                | 740           | 728           | 98.4        | 12         | 1.6        |
| Western                | 835           | 814           | 97.5        | 21         | 2.5        |
| Nebraska               | 542           | 531           | 98.0        | 11         | 2.0        |
| North Dakota           | 361           | 346           | 95.8        | 15         | 4.2        |
| South Dakota           | 440           | 418           | 95.0        | 22         | 5.0        |

| CIRCUIT<br>District      | TOTAL         | PLEA          |             | TRIAL      |            |
|--------------------------|---------------|---------------|-------------|------------|------------|
|                          |               | N             | %           | N          | %          |
| <b>NINTH CIRCUIT</b>     | <b>13,398</b> | <b>13,044</b> | <b>97.4</b> | <b>354</b> | <b>2.6</b> |
| Alaska                   | 182           | 174           | 95.6        | 8          | 4.4        |
| Arizona                  | 5,769         | 5,731         | 99.3        | 38         | 0.7        |
| California               |               |               |             |            |            |
| Central                  | 964           | 903           | 93.7        | 61         | 6.3        |
| Eastern                  | 672           | 624           | 92.9        | 48         | 7.1        |
| Northern                 | 464           | 434           | 93.5        | 30         | 6.5        |
| Southern                 | 2,849         | 2,789         | 97.9        | 60         | 2.1        |
| Guam                     | 67            | 65            | 97.0        | 2          | 3.0        |
| Hawaii                   | 141           | 128           | 90.8        | 13         | 9.2        |
| Idaho                    | 259           | 249           | 96.1        | 10         | 3.9        |
| Montana                  | 321           | 304           | 94.7        | 17         | 5.3        |
| Nevada                   | 401           | 381           | 95.0        | 20         | 5.0        |
| Northern Mariana Islands | 22            | 20            | 90.9        | 2          | 9.1        |
| Oregon                   | 448           | 437           | 97.5        | 11         | 2.5        |
| Washington               |               |               |             |            |            |
| Eastern                  | 305           | 290           | 95.1        | 15         | 4.9        |
| Western                  | 534           | 515           | 96.4        | 19         | 3.6        |
| <b>TENTH CIRCUIT</b>     | <b>7,505</b>  | <b>7,424</b>  | <b>98.9</b> | <b>81</b>  | <b>1.1</b> |
| Colorado                 | 483           | 466           | 96.5        | 17         | 3.5        |
| Kansas                   | 491           | 471           | 95.9        | 20         | 4.1        |
| New Mexico               | 4,988         | 4,979         | 99.8        | 9          | 0.2        |
| Oklahoma                 |               |               |             |            |            |
| Eastern                  | 100           | 97            | 97.0        | 3          | 3.0        |
| Northern                 | 213           | 210           | 98.6        | 3          | 1.4        |
| Western                  | 330           | 322           | 97.6        | 8          | 2.4        |
| Utah                     | 684           | 670           | 98.0        | 14         | 2.0        |
| Wyoming                  | 216           | 209           | 96.8        | 7          | 3.2        |
| <b>ELEVENTH CIRCUIT</b>  | <b>6,060</b>  | <b>5,773</b>  | <b>95.3</b> | <b>287</b> | <b>4.7</b> |
| Alabama                  |               |               |             |            |            |
| Middle                   | 157           | 148           | 94.3        | 9          | 5.7        |
| Northern                 | 361           | 350           | 97.0        | 11         | 3.0        |
| Southern                 | 317           | 307           | 96.8        | 10         | 3.2        |
| Florida                  |               |               |             |            |            |
| Middle                   | 1,415         | 1,333         | 94.2        | 82         | 5.8        |
| Northern                 | 262           | 243           | 92.7        | 19         | 7.3        |
| Southern                 | 2,234         | 2,125         | 95.1        | 109        | 4.9        |
| Georgia                  |               |               |             |            |            |
| Middle                   | 368           | 349           | 94.8        | 19         | 5.2        |
| Northern                 | 542           | 518           | 95.6        | 24         | 4.4        |
| Southern                 | 404           | 400           | 99.0        | 4          | 1.0        |

Of the 67,742 guideline cases, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

**Table 3**

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY  
Fiscal Year 2016**

| PRIMARY OFFENSE                    | TOTAL         | National      |             |              |            | Fifth Circuit |             |            |            |
|------------------------------------|---------------|---------------|-------------|--------------|------------|---------------|-------------|------------|------------|
|                                    |               | PLEA          |             | TRIAL        |            | PLEA          |             | TRIAL      |            |
|                                    |               | N             | %           | N            | %          | N             | %           | N          | %          |
| <b>TOTAL</b>                       | <b>67,742</b> | <b>65,893</b> | <b>97.3</b> | <b>1,849</b> | <b>2.7</b> | <b>15,850</b> | <b>98.6</b> | <b>224</b> | <b>1.4</b> |
| Murder                             | 85            | 66            | 77.6        | 19           | 22.4       | 5             | 83.3        | 1          | 16.7       |
| Manslaughter                       | 57            | 55            | 96.5        | 2            | 3.5        | 2             | 66.7        | 1          | 33.3       |
| Kidnapping/Hostage Taking          | 39            | 31            | 79.5        | 8            | 20.5       | 4             | 66.7        | 2          | 33.3       |
| Sexual Abuse                       | 620           | 533           | 86.0        | 87           | 14.0       | 57            | 86.4        | 9          | 13.6       |
| Assault                            | 808           | 765           | 94.7        | 43           | 5.3        | 76            | 96.2        | 3          | 3.8        |
| Robbery                            | 702           | 686           | 97.7        | 16           | 2.3        | 83            | 97.6        | 2          | 2.4        |
| Arson                              | 46            | 44            | 95.7        | 2            | 4.3        | 0             | --          | 0          | --         |
| Drugs - Trafficking                | 19,232        | 18,767        | 97.6        | 465          | 2.4        | 3,990         | 98.4        | 65         | 1.6        |
| Drugs - Communication Facility     | 271           | 270           | 99.6        | 1            | 0.4        | 32            | 100.0       | 0          | 0.0        |
| Drugs - Simple Possession          | 1,884         | 1,878         | 99.7        | 6            | 0.3        | 104           | 99.0        | 1          | 1.0        |
| Firearms                           | 7,305         | 6,946         | 95.1        | 359          | 4.9        | 803           | 96.1        | 33         | 3.9        |
| Burglary/B&E                       | 23            | 23            | 100.0       | 0            | 0.0        | 3             | 100.0       | 0          | 0.0        |
| Auto Theft                         | 45            | 42            | 93.3        | 3            | 6.7        | 5             | 100.0       | 0          | 0.0        |
| Larceny                            | 1,034         | 1,006         | 97.3        | 28           | 2.7        | 154           | 97.5        | 4          | 2.5        |
| Fraud                              | 6,517         | 6,156         | 94.5        | 361          | 5.5        | 764           | 95.7        | 34         | 4.3        |
| Embezzlement                       | 321           | 315           | 98.1        | 6            | 1.9        | 30            | 100.0       | 0          | 0.0        |
| Forgery/Counterfeiting             | 450           | 441           | 98.0        | 9            | 2.0        | 88            | 97.8        | 2          | 2.2        |
| Bribery                            | 197           | 184           | 93.4        | 13           | 6.6        | 17            | 89.5        | 2          | 10.5       |
| Tax                                | 523           | 491           | 93.9        | 32           | 6.1        | 33            | 89.2        | 4          | 10.8       |
| Money Laundering                   | 724           | 693           | 95.7        | 31           | 4.3        | 134           | 98.5        | 2          | 1.5        |
| Racketeering/Extortion             | 914           | 861           | 94.2        | 53           | 5.8        | 92            | 92.9        | 7          | 7.1        |
| Gambling/Lottery                   | 74            | 69            | 93.2        | 5            | 6.8        | 14            | 100.0       | 0          | 0.0        |
| Civil Rights                       | 43            | 38            | 88.4        | 5            | 11.6       | 8             | 100.0       | 0          | 0.0        |
| Immigration                        | 20,051        | 19,960        | 99.5        | 91           | 0.5        | 8,563         | 99.6        | 37         | 0.4        |
| Child Pornography                  | 1,937         | 1,868         | 96.4        | 69           | 3.6        | 273           | 97.8        | 6          | 2.2        |
| Prison Offenses                    | 475           | 473           | 99.6        | 2            | 0.4        | 67            | 100.0       | 0          | 0.0        |
| Administration of Justice Offenses | 1,041         | 984           | 94.5        | 57           | 5.5        | 208           | 99.0        | 2          | 1.0        |
| Environmental/Wildlife             | 156           | 146           | 93.6        | 10           | 6.4        | 32            | 97.0        | 1          | 3.0        |
| National Defense                   | 100           | 98            | 98.0        | 2            | 2.0        | 28            | 100.0       | 0          | 0.0        |
| Antitrust                          | 21            | 20            | 95.2        | 1            | 4.8        | 1             | 100.0       | 0          | 0.0        |
| Food & Drug                        | 114           | 112           | 98.2        | 2            | 1.8        | 7             | 100.0       | 0          | 0.0        |
| Other Miscellaneous Offenses       | 1,933         | 1,872         | 96.8        | 61           | 3.2        | 173           | 96.6        | 6          | 3.4        |

Of the 67,742 guideline cases, no cases were excluded.

Of the 16,074 guideline cases from the Fifth Circuit, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



**Table 4**

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2016**

**National**

| PRIMARY OFFENSE                    | TOTAL         | Prison Only   |             | Prison/Community Split Sentence |            | Probation and Confinement |            | Probation Only |            |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
|                                    |               | N             | %           | N                               | %          | N                         | %          | N              | %          |
| <b>TOTAL</b>                       | <b>67,238</b> | <b>58,832</b> | <b>87.5</b> | <b>1,876</b>                    | <b>2.8</b> | <b>1,654</b>              | <b>2.5</b> | <b>4,876</b>   | <b>7.3</b> |
| Murder                             | 85            | 81            | 95.3        | 4                               | 4.7        | 0                         | 0.0        | 0              | 0.0        |
| Manslaughter                       | 57            | 53            | 93.0        | 3                               | 5.3        | 1                         | 1.8        | 0              | 0.0        |
| Kidnapping/Hostage Taking          | 39            | 37            | 94.9        | 1                               | 2.6        | 0                         | 0.0        | 1              | 2.6        |
| Sexual Abuse                       | 620           | 589           | 95.0        | 18                              | 2.9        | 3                         | 0.5        | 10             | 1.6        |
| Assault                            | 800           | 614           | 76.8        | 51                              | 6.4        | 28                        | 3.5        | 107            | 13.4       |
| Robbery                            | 702           | 658           | 93.7        | 30                              | 4.3        | 7                         | 1.0        | 7              | 1.0        |
| Arson                              | 46            | 43            | 93.5        | 0                               | 0.0        | 1                         | 2.2        | 2              | 4.3        |
| Drugs - Trafficking                | 19,229        | 17,913        | 93.2        | 547                             | 2.8        | 257                       | 1.3        | 512            | 2.7        |
| Drugs - Communication Facility     | 271           | 194           | 71.6        | 10                              | 3.7        | 15                        | 5.5        | 52             | 19.2       |
| Drugs - Simple Possession          | 1,839         | 1,596         | 86.8        | 4                               | 0.2        | 12                        | 0.7        | 227            | 12.3       |
| Firearms                           | 7,297         | 6,806         | 93.3        | 179                             | 2.5        | 117                       | 1.6        | 195            | 2.7        |
| Burglary/B&E                       | 23            | 14            | 60.9        | 5                               | 21.7       | 2                         | 8.7        | 2              | 8.7        |
| Auto Theft                         | 45            | 37            | 82.2        | 3                               | 6.7        | 0                         | 0.0        | 5              | 11.1       |
| Larceny                            | 987           | 374           | 37.9        | 40                              | 4.1        | 134                       | 13.6       | 439            | 44.5       |
| Fraud                              | 6,491         | 4,666         | 71.9        | 412                             | 6.3        | 458                       | 7.1        | 955            | 14.7       |
| Embezzlement                       | 314           | 112           | 35.7        | 18                              | 5.7        | 39                        | 12.4       | 145            | 46.2       |
| Forgery/Counterfeiting             | 449           | 325           | 72.4        | 35                              | 7.8        | 26                        | 5.8        | 63             | 14.0       |
| Bribery                            | 196           | 138           | 70.4        | 13                              | 6.6        | 21                        | 10.7       | 24             | 12.2       |
| Tax                                | 523           | 273           | 52.2        | 41                              | 7.8        | 62                        | 11.9       | 147            | 28.1       |
| Money Laundering                   | 724           | 533           | 73.6        | 36                              | 5.0        | 37                        | 5.1        | 118            | 16.3       |
| Racketeering/Extortion             | 913           | 829           | 90.8        | 18                              | 2.0        | 24                        | 2.6        | 42             | 4.6        |
| Gambling/Lottery                   | 74            | 20            | 27.0        | 5                               | 6.8        | 9                         | 12.2       | 40             | 54.1       |
| Civil Rights                       | 43            | 25            | 58.1        | 0                               | 0.0        | 8                         | 18.6       | 10             | 23.3       |
| Immigration                        | 20,046        | 18,986        | 94.7        | 209                             | 1.0        | 147                       | 0.7        | 704            | 3.5        |
| Child Pornography                  | 1,936         | 1,877         | 97.0        | 38                              | 2.0        | 7                         | 0.4        | 14             | 0.7        |
| Prison Offenses                    | 474           | 426           | 89.9        | 29                              | 6.1        | 5                         | 1.1        | 14             | 3.0        |
| Administration of Justice Offenses | 1,033         | 735           | 71.2        | 60                              | 5.8        | 52                        | 5.0        | 186            | 18.0       |
| Environmental/Wildlife             | 138           | 28            | 20.3        | 1                               | 0.7        | 18                        | 13.0       | 91             | 65.9       |
| National Defense                   | 100           | 87            | 87.0        | 4                               | 4.0        | 1                         | 1.0        | 8              | 8.0        |
| Antitrust                          | 21            | 10            | 47.6        | 0                               | 0.0        | 0                         | 0.0        | 11             | 52.4       |
| Food & Drug                        | 110           | 29            | 26.4        | 9                               | 8.2        | 13                        | 11.8       | 59             | 53.6       |
| Other Miscellaneous Offenses       | 1,613         | 724           | 44.9        | 53                              | 3.3        | 150                       | 9.3        | 686            | 42.5       |

Of the 67,742 guideline cases, 504 cases were excluded due to one of the following reasons: missing sentencing information (1), or cases in which the defendant received no imprisonment or probation (503).

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

**Table 5**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2016**

**Fifth Circuit**

| PRIMARY OFFENSE                    | TOTAL         | Prison Only   |             | Prison/Community Split Sentence |            | Probation and Confinement |            | Probation Only |            |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
|                                    |               | N             | %           | N                               | %          | N                         | %          | N              | %          |
| <b>TOTAL</b>                       | <b>16,046</b> | <b>14,598</b> | <b>91.0</b> | <b>246</b>                      | <b>1.5</b> | <b>240</b>                | <b>1.5</b> | <b>962</b>     | <b>6.0</b> |
| Murder                             | 6             | 6             | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Manslaughter                       | 3             | 3             | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Kidnapping/Hostage Taking          | 6             | 6             | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Sexual Abuse                       | 66            | 63            | 95.5        | 2                               | 3.0        | 0                         | 0.0        | 1              | 1.5        |
| Assault                            | 79            | 60            | 75.9        | 0                               | 0.0        | 3                         | 3.8        | 16             | 20.3       |
| Robbery                            | 85            | 84            | 98.8        | 0                               | 0.0        | 0                         | 0.0        | 1              | 1.2        |
| Arson                              | 0             | 0             | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Drugs - Trafficking                | 4,054         | 3,868         | 95.4        | 72                              | 1.8        | 40                        | 1.0        | 74             | 1.8        |
| Drugs - Communication Facility     | 32            | 30            | 93.8        | 1                               | 3.1        | 0                         | 0.0        | 1              | 3.1        |
| Drugs - Simple Possession          | 104           | 45            | 43.3        | 1                               | 1.0        | 4                         | 3.8        | 54             | 51.9       |
| Firearms                           | 836           | 792           | 94.7        | 6                               | 0.7        | 15                        | 1.8        | 23             | 2.8        |
| Burglary/B&E                       | 3             | 3             | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Auto Theft                         | 5             | 4             | 80.0        | 0                               | 0.0        | 0                         | 0.0        | 1              | 20.0       |
| Larceny                            | 157           | 63            | 40.1        | 3                               | 1.9        | 14                        | 8.9        | 77             | 49.0       |
| Fraud                              | 791           | 619           | 78.3        | 12                              | 1.5        | 38                        | 4.8        | 122            | 15.4       |
| Embezzlement                       | 30            | 10            | 33.3        | 1                               | 3.3        | 3                         | 10.0       | 16             | 53.3       |
| Forgery/Counterfeiting             | 90            | 67            | 74.4        | 3                               | 3.3        | 4                         | 4.4        | 16             | 17.8       |
| Bribery                            | 19            | 13            | 68.4        | 1                               | 5.3        | 3                         | 15.8       | 2              | 10.5       |
| Tax                                | 37            | 26            | 70.3        | 0                               | 0.0        | 1                         | 2.7        | 10             | 27.0       |
| Money Laundering                   | 136           | 113           | 83.1        | 6                               | 4.4        | 5                         | 3.7        | 12             | 8.8        |
| Racketeering/Extortion             | 99            | 97            | 98.0        | 0                               | 0.0        | 0                         | 0.0        | 2              | 2.0        |
| Gambling/Lottery                   | 14            | 3             | 21.4        | 2                               | 14.3       | 0                         | 0.0        | 9              | 64.3       |
| Civil Rights                       | 8             | 4             | 50.0        | 0                               | 0.0        | 0                         | 0.0        | 4              | 50.0       |
| Immigration                        | 8,596         | 7,996         | 93.0        | 115                             | 1.3        | 92                        | 1.1        | 393            | 4.6        |
| Child Pornography                  | 278           | 274           | 98.6        | 1                               | 0.4        | 0                         | 0.0        | 3              | 1.1        |
| Prison Offenses                    | 66            | 65            | 98.5        | 1                               | 1.5        | 0                         | 0.0        | 0              | 0.0        |
| Administration of Justice Offenses | 210           | 143           | 68.1        | 12                              | 5.7        | 7                         | 3.3        | 48             | 22.9       |
| Environmental/Wildlife             | 22            | 2             | 9.1         | 0                               | 0.0        | 1                         | 4.5        | 19             | 86.4       |
| National Defense                   | 28            | 26            | 92.9        | 1                               | 3.6        | 0                         | 0.0        | 1              | 3.6        |
| Antitrust                          | 1             | 1             | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Food & Drug                        | 7             | 3             | 42.9        | 1                               | 14.3       | 1                         | 14.3       | 2              | 28.6       |
| Other Miscellaneous Offenses       | 178           | 109           | 61.2        | 5                               | 2.8        | 9                         | 5.1        | 55             | 30.9       |

Of the 16,074 guideline cases from the Fifth Circuit, 28 cases were excluded due to one of the following reasons: missing sentencing information (1) or cases in which the defendant received no imprisonment or probation (27).

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

**Table 6**

**INCARCERATION RATE OF U.S. CITIZEN DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2016**

| PRIMARY OFFENSE                     | TOTAL        | National        |             |                     |             | Fifth Circuit   |             |                     |             |
|-------------------------------------|--------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
|                                     |              | Prison Sentence |             | Non-Prison Sentence |             | Prison Sentence |             | Non-Prison Sentence |             |
|                                     |              | N               | %           | N                   | %           | N               | %           | N                   | %           |
| <b>TOTAL</b>                        | <b>4,927</b> | <b>1,945</b>    | <b>39.5</b> | <b>2,982</b>        | <b>60.5</b> | <b>349</b>      | <b>41.9</b> | <b>483</b>          | <b>58.1</b> |
| <b>Fraud</b>                        | <b>1,102</b> | 415             | 37.7        | 687                 | 62.3        | 44              | 34.1        | 85                  | 65.9        |
| <b>Larceny</b>                      | <b>507</b>   | 118             | 23.3        | 389                 | 76.7        | 23              | 26.4        | 64                  | 73.6        |
| <b>Immigration</b>                  | <b>384</b>   | 214             | 55.7        | 170                 | 44.3        | 109             | 56.2        | 85                  | 43.8        |
| <b>Embezzlement</b>                 | <b>160</b>   | 27              | 16.9        | 133                 | 83.1        | 2               | 12.5        | 14                  | 87.5        |
| <b>Drugs - Trafficking</b>          | <b>443</b>   | 236             | 53.3        | 207                 | 46.7        | 57              | 53.8        | 49                  | 46.2        |
| <b>Drugs - Simple Possession</b>    | <b>408</b>   | 217             | 53.2        | 191                 | 46.8        | 20              | 31.7        | 43                  | 68.3        |
| <b>Firearms</b>                     | <b>142</b>   | 92              | 64.8        | 50                  | 35.2        | 11              | 52.4        | 10                  | 47.6        |
| <b>Forgery/Counterfeiting</b>       | <b>118</b>   | 58              | 49.2        | 60                  | 50.8        | 13              | 43.3        | 17                  | 56.7        |
| <b>Other Miscellaneous Offenses</b> | <b>1,663</b> | 568             | 34.2        | 1,095               | 65.8        | 70              | 37.6        | 116                 | 62.4        |

Of the 67,742 guideline cases, a U.S. Citizen was the defendant in 39,192 cases. Of these, 34,265 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison sentence (34,265), or missing sentencing information (1).

Of the 16,074 guideline cases from the Fifth Circuit, a U.S. Citizen was the defendant in 6,306 cases. Of these, 5,474 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison sentence (5,474) or missing sentencing information (1).

This table was limited to U.S. Citizens beginning in fiscal year 2010.

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

**Table 7**

**LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2016**

| PRIMARY OFFENSE                           | National       |                  |               | Fifth Circuit  |                  |               |
|---|----------------|------------------|---------------|----------------|------------------|---------------|
|   | Mean<br>Months | Median<br>Months | N             | Mean<br>Months | Median<br>Months | N             |
| <b>TOTAL</b>                              | <b>50</b>      | <b>27</b>        | <b>58,291</b> | <b>45</b>      | <b>24</b>        | <b>14,304</b> |
| <b>Murder</b>                             | 244            | 210              | 84            | 318            | 360              | 6             |
| <b>Manslaughter</b>                       | 72             | 68               | 55            | 120            | 30               | 3             |
| <b>Kidnapping/Hostage Taking</b>          | 252            | 235              | 37            | 281            | 251              | 6             |
| <b>Sexual Abuse</b>                       | 148            | 120              | 604           | 149            | 120              | 65            |
| <b>Assault</b>                            | 38             | 25               | 616           | 38             | 24               | 58            |
| <b>Robbery</b>                            | 75             | 60               | 678           | 86             | 72               | 84            |
| <b>Arson</b>                              | 73             | 60               | 41            | --             | --               | 0             |
| <b>Drugs - Trafficking</b>                | 71             | 57               | 17,889        | 75             | 57               | 3,900         |
| <b>Drugs - Communication Facility</b>     | 36             | 36               | 194           | 39             | 46               | 31            |
| <b>Drugs - Simple Possession</b>          | 5              | 6                | 1,557         | 3              | 3                | 32            |
| <b>Firearms</b>                           | 80             | 57               | 6,876         | 83             | 51               | 786           |
| <b>Burglary/B&amp;E</b>                   | 16             | 15               | 15            | 14             | 15               | 3             |
| <b>Auto Theft</b>                         | 105            | 63               | 40            | 219            | 190              | 4             |
| <b>Larceny</b>                            | 20             | 12               | 381           | 21             | 16               | 65            |
| <b>Fraud</b>                              | 34             | 24               | 4,690         | 35             | 24               | 523           |
| <b>Embezzlement</b>                       | 19             | 12               | 123           | 23             | 14               | 11            |
| <b>Forgery/Counterfeiting</b>             | 23             | 18               | 337           | 24             | 19               | 66            |
| <b>Bribery</b>                            | 29             | 20               | 142           | 46             | 38               | 13            |
| <b>Tax</b>                                | 20             | 16               | 303           | 28             | 27               | 26            |
| <b>Money Laundering</b>                   | 40             | 28               | 530           | 53             | 30               | 115           |
| <b>Racketeering/Extortion</b>             | 94             | 60               | 824           | 128            | 84               | 96            |
| <b>Gambling/Lottery</b>                   | 11             | 6                | 24            | 9              | 6                | 5             |
| <b>Civil Rights</b>                       | 44             | 24               | 25            | 16             | 14               | 4             |
| <b>Immigration</b>                        | 15             | 10               | 18,292        | 20             | 15               | 7,774         |
| <b>Child Pornography</b>                  | 148            | 100              | 1,889         | 168            | 120              | 273           |
| <b>Prison Offenses</b>                    | 14             | 12               | 434           | 25             | 15               | 65            |
| <b>Administration of Justice Offenses</b> | 25             | 18               | 736           | 23             | 21               | 145           |
| <b>Environmental/Wildlife</b>             | 12             | 12               | 28            | --             | --               | 2             |
| <b>National Defense</b>                   | 65             | 40               | 85            | 47             | 46               | 27            |
| <b>Antitrust</b>                          | 8              | 7                | 10            | --             | --               | 1             |
| <b>Food &amp; Drug</b>                    | 23             | 15               | 35            | 17             | 17               | 4             |
| <b>Other Miscellaneous Offenses</b>       | 47             | 12               | 717           | 58             | 18               | 111           |

Of the 67,742 guideline cases, 9,451 cases were excluded for one of the following reasons: zero months of prison ordered (8,946), or missing or indeterminable sentencing information (505).

Of the 16,074 guideline cases from the Fifth Circuit, 1,770 cases were excluded due to one of the following reasons: zero months of prison ordered (1,743) or missing or indeterminable sentencing information (27).

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

Table 8

**COMPARISON OF SENTENCE IMPOSED AND  
POSITION RELATIVE TO THE GUIDELINE RANGE  
Fiscal Year 2016**

|   | National      |              | Fifth Circuit |              |
|---|---------------|--------------|---------------|--------------|
|   | N             | %            | N             | %            |
| <b>TOTAL CASES<sup>1</sup></b>  | <b>66,961</b> | <b>100.0</b> | <b>15,900</b> | <b>100.0</b> |
| <b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>                           | <b>32,519</b> | <b>48.6</b>  | <b>10,038</b> | <b>63.1</b>  |
| <b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>                            | <b>1,617</b>  | <b>2.4</b>   | <b>403</b>    | <b>2.5</b>   |
| <b>DEPARTURE ABOVE GUIDELINE RANGE</b>                                  | <b>419</b>    | <b>0.6</b>   | <b>104</b>    | <b>0.7</b>   |
| Upward Departure From Guideline Range <sup>2</sup>                      | 317           | 0.5          | 83            | 0.5          |
| Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>      | 102           | 0.2          | 21            | 0.1          |
| <b>OTHERWISE ABOVE GUIDELINE RANGE</b>                                  | <b>1,198</b>  | <b>1.8</b>   | <b>299</b>    | <b>1.9</b>   |
| Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup> | 1,131         | 1.7          | 288           | 1.8          |
| All Remaining Cases Above Guideline Range <sup>5</sup>                  | 67            | 0.1          | 11            | 0.1          |
| <b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>                     | <b>18,882</b> | <b>28.2</b>  | <b>2,366</b>  | <b>14.9</b>  |
| §5K1.1 Substantial Assistance Departure                                 | 7,443         | 11.1         | 1,209         | 7.6          |
| §5K3.1 Early Disposition Program Departure                              | 5,960         | 8.9          | 621           | 3.9          |
| Other Government Sponsored Below Range                                  | 5,479         | 8.2          | 536           | 3.4          |
| <b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>                             | <b>13,943</b> | <b>20.8</b>  | <b>3,093</b>  | <b>19.5</b>  |
| <b>DEPARTURE BELOW GUIDELINE RANGE</b>                                  | <b>1,868</b>  | <b>2.8</b>   | <b>729</b>    | <b>4.6</b>   |
| Downward Departure From Guideline Range <sup>2</sup>                    | 1,321         | 2.0          | 673           | 4.2          |
| Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>    | 547           | 0.8          | 56            | 0.4          |
| <b>OTHERWISE BELOW GUIDELINE RANGE</b>                                  | <b>12,075</b> | <b>18.0</b>  | <b>2,364</b>  | <b>14.9</b>  |
| Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup> | 11,684        | 17.4         | 2,244         | 14.1         |
| All Remaining Cases Below Guideline Range <sup>5</sup>                  | 391           | 0.6          | 120           | 0.8          |

<sup>1</sup> This table reflects the 67,742 cases sentenced nationally in fiscal year 2016, 16,074 of which were from the Fifth Circuit. Of these, 781 cases nationally and 174 cases from the Fifth Circuit were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

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

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

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

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

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

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

**Table 9**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT  
Fiscal Year 2016**

| CIRCUIT<br>District   | TOTAL         | WITHIN<br>GUIDELINE RANGE |             | UPWARD<br>DEPARTURE |            | UPWARD<br>DEPARTURE<br>W/BOOKER |            | ABOVE RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE RANGE |            |
|-----------------------|---------------|---------------------------|-------------|---------------------|------------|---------------------------------|------------|-------------------------|------------|--------------------------|------------|
|                       |               | N                         | %           | N                   | %          | N                               | %          | N                       | %          | N                        | %          |
| <b>TOTAL</b>          | <b>66,961</b> | <b>32,519</b>             | <b>48.6</b> | <b>317</b>          | <b>0.5</b> | <b>102</b>                      | <b>0.2</b> | <b>1,131</b>            | <b>1.7</b> | <b>67</b>                | <b>0.1</b> |
| <b>D.C. CIRCUIT</b>   | <b>255</b>    | <b>71</b>                 | <b>27.8</b> | <b>1</b>            | <b>0.4</b> | <b>1</b>                        | <b>0.4</b> | <b>2</b>                | <b>0.8</b> | <b>0</b>                 | <b>0.0</b> |
| District of Columbia  | 255           | 71                        | 27.8        | 1                   | 0.4        | 1                               | 0.4        | 2                       | 0.8        | 0                        | 0.0        |
| <b>FIRST CIRCUIT</b>  | <b>2,046</b>  | <b>1,001</b>              | <b>48.9</b> | <b>7</b>            | <b>0.3</b> | <b>7</b>                        | <b>0.3</b> | <b>79</b>               | <b>3.9</b> | <b>6</b>                 | <b>0.3</b> |
| Maine                 | 201           | 75                        | 37.3        | 1                   | 0.5        | 1                               | 0.5        | 3                       | 1.5        | 1                        | 0.5        |
| Massachusetts         | 495           | 136                       | 27.5        | 2                   | 0.4        | 0                               | 0.0        | 5                       | 1.0        | 0                        | 0.0        |
| New Hampshire         | 177           | 82                        | 46.3        | 2                   | 1.1        | 1                               | 0.6        | 8                       | 4.5        | 0                        | 0.0        |
| Puerto Rico           | 1,083         | 680                       | 62.8        | 2                   | 0.2        | 5                               | 0.5        | 62                      | 5.7        | 5                        | 0.5        |
| Rhode Island          | 90            | 28                        | 31.1        | 0                   | 0.0        | 0                               | 0.0        | 1                       | 1.1        | 0                        | 0.0        |
| <b>SECOND CIRCUIT</b> | <b>3,407</b>  | <b>946</b>                | <b>27.8</b> | <b>12</b>           | <b>0.4</b> | <b>2</b>                        | <b>0.1</b> | <b>30</b>               | <b>0.9</b> | <b>0</b>                 | <b>0.0</b> |
| Connecticut           | 304           | 81                        | 26.6        | 2                   | 0.7        | 2                               | 0.7        | 3                       | 1.0        | 0                        | 0.0        |
| New York              |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Eastern               | 796           | 176                       | 22.1        | 2                   | 0.3        | 0                               | 0.0        | 10                      | 1.3        | 0                        | 0.0        |
| Northern              | 306           | 155                       | 50.7        | 0                   | 0.0        | 0                               | 0.0        | 1                       | 0.3        | 0                        | 0.0        |
| Southern              | 1,350         | 300                       | 22.2        | 1                   | 0.1        | 0                               | 0.0        | 12                      | 0.9        | 0                        | 0.0        |
| Western               | 463           | 196                       | 42.3        | 7                   | 1.5        | 0                               | 0.0        | 4                       | 0.9        | 0                        | 0.0        |
| Vermont               | 188           | 38                        | 20.2        | 0                   | 0.0        | 0                               | 0.0        | 0                       | 0.0        | 0                        | 0.0        |
| <b>THIRD CIRCUIT</b>  | <b>2,090</b>  | <b>813</b>                | <b>38.9</b> | <b>3</b>            | <b>0.1</b> | <b>3</b>                        | <b>0.1</b> | <b>28</b>               | <b>1.3</b> | <b>2</b>                 | <b>0.1</b> |
| Delaware              | 71            | 18                        | 25.4        | 0                   | 0.0        | 0                               | 0.0        | 0                       | 0.0        | 0                        | 0.0        |
| New Jersey            | 667           | 258                       | 38.7        | 0                   | 0.0        | 1                               | 0.1        | 4                       | 0.6        | 1                        | 0.1        |
| Pennsylvania          |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Eastern               | 584           | 173                       | 29.6        | 0                   | 0.0        | 0                               | 0.0        | 11                      | 1.9        | 0                        | 0.0        |
| Middle                | 305           | 158                       | 51.8        | 2                   | 0.7        | 0                               | 0.0        | 2                       | 0.7        | 0                        | 0.0        |
| Western               | 404           | 160                       | 39.6        | 1                   | 0.2        | 2                               | 0.5        | 10                      | 2.5        | 1                        | 0.2        |
| Virgin Islands        | 59            | 46                        | 78.0        | 0                   | 0.0        | 0                               | 0.0        | 1                       | 1.7        | 0                        | 0.0        |
| <b>FOURTH CIRCUIT</b> | <b>5,210</b>  | <b>2,880</b>              | <b>55.3</b> | <b>35</b>           | <b>0.7</b> | <b>13</b>                       | <b>0.2</b> | <b>108</b>              | <b>2.1</b> | <b>10</b>                | <b>0.2</b> |
| Maryland              | 707           | 216                       | 30.6        | 5                   | 0.7        | 4                               | 0.6        | 29                      | 4.1        | 2                        | 0.3        |
| North Carolina        |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Eastern               | 569           | 333                       | 58.5        | 3                   | 0.5        | 6                               | 1.1        | 12                      | 2.1        | 2                        | 0.4        |
| Middle                | 423           | 242                       | 57.2        | 2                   | 0.5        | 0                               | 0.0        | 10                      | 2.4        | 0                        | 0.0        |
| Western               | 655           | 339                       | 51.8        | 3                   | 0.5        | 0                               | 0.0        | 10                      | 1.5        | 1                        | 0.2        |
| South Carolina        | 626           | 341                       | 54.5        | 9                   | 1.4        | 2                               | 0.3        | 6                       | 1.0        | 0                        | 0.0        |
| Virginia              |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Eastern               | 1,406         | 964                       | 68.6        | 9                   | 0.6        | 1                               | 0.1        | 19                      | 1.4        | 2                        | 0.1        |
| Western               | 311           | 147                       | 47.3        | 2                   | 0.6        | 0                               | 0.0        | 10                      | 3.2        | 2                        | 0.6        |
| West Virginia         |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Northern              | 310           | 184                       | 59.4        | 1                   | 0.3        | 0                               | 0.0        | 6                       | 1.9        | 1                        | 0.3        |
| Southern              | 203           | 114                       | 56.2        | 1                   | 0.5        | 0                               | 0.0        | 6                       | 3.0        | 0                        | 0.0        |

| CIRCUIT<br>District   | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |            | OTHER<br>GOV'T<br>SPONSORED |             | DOWNWARD<br>DEPARTURE |            | DOWNWARD<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|-----------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|-------------|-----------------------|------------|-----------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
|                       | N                                   | %           | N                              | %          | N                           | %           | N                     | %          | N                                 | %          | N                          | %           | N                           | %          |
| <b>TOTAL</b>          | <b>7,443</b>                        | <b>11.1</b> | <b>5,960</b>                   | <b>8.9</b> | <b>5,479</b>                | <b>8.2</b>  | <b>1,321</b>          | <b>2.0</b> | <b>547</b>                        | <b>0.8</b> | <b>11,684</b>              | <b>17.4</b> | <b>391</b>                  | <b>0.6</b> |
| <b>D.C. CIRCUIT</b>   | <b>59</b>                           | <b>23.1</b> | <b>2</b>                       | <b>0.8</b> | <b>45</b>                   | <b>17.6</b> | <b>15</b>             | <b>5.9</b> | <b>10</b>                         | <b>3.9</b> | <b>43</b>                  | <b>16.9</b> | <b>6</b>                    | <b>2.4</b> |
| District of Columbia  | 59                                  | 23.1        | 2                              | 0.8        | 45                          | 17.6        | 15                    | 5.9        | 10                                | 3.9        | 43                         | 16.9        | 6                           | 2.4        |
| <b>FIRST CIRCUIT</b>  | <b>204</b>                          | <b>10.0</b> | <b>33</b>                      | <b>1.6</b> | <b>265</b>                  | <b>13.0</b> | <b>41</b>             | <b>2.0</b> | <b>19</b>                         | <b>0.9</b> | <b>371</b>                 | <b>18.1</b> | <b>13</b>                   | <b>0.6</b> |
| Maine                 | 46                                  | 22.9        | 0                              | 0.0        | 8                           | 4.0         | 1                     | 0.5        | 6                                 | 3.0        | 59                         | 29.4        | 0                           | 0.0        |
| Massachusetts         | 44                                  | 8.9         | 6                              | 1.2        | 136                         | 27.5        | 15                    | 3.0        | 4                                 | 0.8        | 143                        | 28.9        | 4                           | 0.8        |
| New Hampshire         | 17                                  | 9.6         | 0                              | 0.0        | 27                          | 15.3        | 4                     | 2.3        | 3                                 | 1.7        | 33                         | 18.6        | 0                           | 0.0        |
| Puerto Rico           | 92                                  | 8.5         | 27                             | 2.5        | 74                          | 6.8         | 21                    | 1.9        | 6                                 | 0.6        | 100                        | 9.2         | 9                           | 0.8        |
| Rhode Island          | 5                                   | 5.6         | 0                              | 0.0        | 20                          | 22.2        | 0                     | 0.0        | 0                                 | 0.0        | 36                         | 40.0        | 0                           | 0.0        |
| <b>SECOND CIRCUIT</b> | <b>736</b>                          | <b>21.6</b> | <b>25</b>                      | <b>0.7</b> | <b>237</b>                  | <b>7.0</b>  | <b>91</b>             | <b>2.7</b> | <b>70</b>                         | <b>2.1</b> | <b>1,237</b>               | <b>36.3</b> | <b>21</b>                   | <b>0.6</b> |
| Connecticut           | 55                                  | 18.1        | 0                              | 0.0        | 29                          | 9.5         | 25                    | 8.2        | 6                                 | 2.0        | 101                        | 33.2        | 0                           | 0.0        |
| New York              |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Eastern               | 223                                 | 28.0        | 4                              | 0.5        | 44                          | 5.5         | 35                    | 4.4        | 33                                | 4.1        | 258                        | 32.4        | 11                          | 1.4        |
| Northern              | 47                                  | 15.4        | 5                              | 1.6        | 6                           | 2.0         | 3                     | 1.0        | 3                                 | 1.0        | 83                         | 27.1        | 3                           | 1.0        |
| Southern              | 269                                 | 19.9        | 16                             | 1.2        | 52                          | 3.9         | 23                    | 1.7        | 25                                | 1.9        | 646                        | 47.9        | 6                           | 0.4        |
| Western               | 110                                 | 23.8        | 0                              | 0.0        | 54                          | 11.7        | 0                     | 0.0        | 1                                 | 0.2        | 90                         | 19.4        | 1                           | 0.2        |
| Vermont               | 32                                  | 17.0        | 0                              | 0.0        | 52                          | 27.7        | 5                     | 2.7        | 2                                 | 1.1        | 59                         | 31.4        | 0                           | 0.0        |
| <b>THIRD CIRCUIT</b>  | <b>523</b>                          | <b>25.0</b> | <b>6</b>                       | <b>0.3</b> | <b>188</b>                  | <b>9.0</b>  | <b>13</b>             | <b>0.6</b> | <b>16</b>                         | <b>0.8</b> | <b>480</b>                 | <b>23.0</b> | <b>15</b>                   | <b>0.7</b> |
| Delaware              | 14                                  | 19.7        | 0                              | 0.0        | 16                          | 22.5        | 0                     | 0.0        | 1                                 | 1.4        | 22                         | 31.0        | 0                           | 0.0        |
| New Jersey            | 189                                 | 28.3        | 1                              | 0.1        | 48                          | 7.2         | 2                     | 0.3        | 3                                 | 0.4        | 159                        | 23.8        | 1                           | 0.1        |
| Pennsylvania          |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Eastern               | 187                                 | 32.0        | 4                              | 0.7        | 50                          | 8.6         | 6                     | 1.0        | 5                                 | 0.9        | 140                        | 24.0        | 8                           | 1.4        |
| Middle                | 65                                  | 21.3        | 1                              | 0.3        | 7                           | 2.3         | 5                     | 1.6        | 5                                 | 1.6        | 57                         | 18.7        | 3                           | 1.0        |
| Western               | 65                                  | 16.1        | 0                              | 0.0        | 65                          | 16.1        | 0                     | 0.0        | 2                                 | 0.5        | 98                         | 24.3        | 0                           | 0.0        |
| Virgin Islands        | 3                                   | 5.1         | 0                              | 0.0        | 2                           | 3.4         | 0                     | 0.0        | 0                                 | 0.0        | 4                          | 6.8         | 3                           | 5.1        |
| <b>FOURTH CIRCUIT</b> | <b>737</b>                          | <b>14.1</b> | <b>18</b>                      | <b>0.3</b> | <b>378</b>                  | <b>7.3</b>  | <b>55</b>             | <b>1.1</b> | <b>40</b>                         | <b>0.8</b> | <b>914</b>                 | <b>17.5</b> | <b>22</b>                   | <b>0.4</b> |
| Maryland              | 152                                 | 21.5        | 1                              | 0.1        | 164                         | 23.2        | 5                     | 0.7        | 7                                 | 1.0        | 120                        | 17.0        | 2                           | 0.3        |
| North Carolina        |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Eastern               | 131                                 | 23.0        | 0                              | 0.0        | 1                           | 0.2         | 5                     | 0.9        | 4                                 | 0.7        | 69                         | 12.1        | 3                           | 0.5        |
| Middle                | 62                                  | 14.7        | 1                              | 0.2        | 5                           | 1.2         | 5                     | 1.2        | 4                                 | 0.9        | 92                         | 21.7        | 0                           | 0.0        |
| Western               | 157                                 | 24.0        | 2                              | 0.3        | 38                          | 5.8         | 3                     | 0.5        | 2                                 | 0.3        | 99                         | 15.1        | 1                           | 0.2        |
| South Carolina        | 94                                  | 15.0        | 4                              | 0.6        | 44                          | 7.0         | 1                     | 0.2        | 3                                 | 0.5        | 120                        | 19.2        | 2                           | 0.3        |
| Virginia              |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Eastern               | 42                                  | 3.0         | 2                              | 0.1        | 55                          | 3.9         | 24                    | 1.7        | 18                                | 1.3        | 262                        | 18.6        | 8                           | 0.6        |
| Western               | 63                                  | 20.3        | 0                              | 0.0        | 30                          | 9.6         | 11                    | 3.5        | 2                                 | 0.6        | 43                         | 13.8        | 1                           | 0.3        |
| West Virginia         |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Northern              | 14                                  | 4.5         | 5                              | 1.6        | 33                          | 10.6        | 0                     | 0.0        | 0                                 | 0.0        | 63                         | 20.3        | 3                           | 1.0        |
| Southern              | 22                                  | 10.8        | 3                              | 1.5        | 8                           | 3.9         | 1                     | 0.5        | 0                                 | 0.0        | 46                         | 22.7        | 2                           | 1.0        |

| CIRCUIT<br>District    | TOTAL         | WITHIN<br>GUIDELINE RANGE |             | UPWARD<br>DEPARTURE |            | UPWARD<br>DEPARTURE<br>W/BOOKER |            | ABOVE RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE RANGE |            |
|------------------------|---------------|---------------------------|-------------|---------------------|------------|---------------------------------|------------|-------------------------|------------|--------------------------|------------|
|                        |               | N                         | %           | N                   | %          | N                               | %          | N                       | %          | N                        | %          |
| <b>FIFTH CIRCUIT</b>   | <b>15,900</b> | <b>10,038</b>             | <b>63.1</b> | <b>83</b>           | <b>0.5</b> | <b>21</b>                       | <b>0.1</b> | <b>288</b>              | <b>1.8</b> | <b>11</b>                | <b>0.1</b> |
| Louisiana              |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Eastern                | 337           | 183                       | 54.3        | 0                   | 0.0        | 1                               | 0.3        | 5                       | 1.5        | 0                        | 0.0        |
| Middle                 | 162           | 76                        | 46.9        | 1                   | 0.6        | 2                               | 1.2        | 2                       | 1.2        | 1                        | 0.6        |
| Western                | 225           | 148                       | 65.8        | 0                   | 0.0        | 0                               | 0.0        | 5                       | 2.2        | 2                        | 0.9        |
| Mississippi            |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Northern               | 161           | 86                        | 53.4        | 1                   | 0.6        | 0                               | 0.0        | 7                       | 4.3        | 0                        | 0.0        |
| Southern               | 235           | 161                       | 68.5        | 0                   | 0.0        | 0                               | 0.0        | 5                       | 2.1        | 0                        | 0.0        |
| Texas                  |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Eastern                | 827           | 555                       | 67.1        | 7                   | 0.8        | 1                               | 0.1        | 21                      | 2.5        | 0                        | 0.0        |
| Northern               | 1,372         | 867                       | 63.2        | 14                  | 1.0        | 6                               | 0.4        | 52                      | 3.8        | 1                        | 0.1        |
| Southern               | 6,479         | 3,713                     | 57.3        | 36                  | 0.6        | 9                               | 0.1        | 67                      | 1.0        | 1                        | 0.0        |
| Western                | 6,102         | 4,249                     | 69.6        | 24                  | 0.4        | 2                               | 0.0        | 124                     | 2.0        | 6                        | 0.1        |
| <b>SIXTH CIRCUIT</b>   | <b>4,497</b>  | <b>1,928</b>              | <b>42.9</b> | <b>10</b>           | <b>0.2</b> | <b>7</b>                        | <b>0.2</b> | <b>75</b>               | <b>1.7</b> | <b>8</b>                 | <b>0.2</b> |
| Kentucky               |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Eastern                | 439           | 264                       | 60.1        | 1                   | 0.2        | 1                               | 0.2        | 11                      | 2.5        | 0                        | 0.0        |
| Western                | 332           | 139                       | 41.9        | 2                   | 0.6        | 0                               | 0.0        | 3                       | 0.9        | 0                        | 0.0        |
| Michigan               |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Eastern                | 895           | 302                       | 33.7        | 1                   | 0.1        | 1                               | 0.1        | 10                      | 1.1        | 0                        | 0.0        |
| Western                | 330           | 185                       | 56.1        | 3                   | 0.9        | 2                               | 0.6        | 8                       | 2.4        | 1                        | 0.3        |
| Ohio                   |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Northern               | 583           | 255                       | 43.7        | 1                   | 0.2        | 0                               | 0.0        | 9                       | 1.5        | 2                        | 0.3        |
| Southern               | 502           | 144                       | 28.7        | 2                   | 0.4        | 1                               | 0.2        | 6                       | 1.2        | 4                        | 0.8        |
| Tennessee              |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Eastern                | 748           | 361                       | 48.3        | 0                   | 0.0        | 2                               | 0.3        | 15                      | 2.0        | 0                        | 0.0        |
| Middle                 | 206           | 56                        | 27.2        | 0                   | 0.0        | 0                               | 0.0        | 4                       | 1.9        | 1                        | 0.5        |
| Western                | 462           | 222                       | 48.1        | 0                   | 0.0        | 0                               | 0.0        | 9                       | 1.9        | 0                        | 0.0        |
| <b>SEVENTH CIRCUIT</b> | <b>2,269</b>  | <b>817</b>                | <b>36.0</b> | <b>6</b>            | <b>0.3</b> | <b>5</b>                        | <b>0.2</b> | <b>39</b>               | <b>1.7</b> | <b>3</b>                 | <b>0.1</b> |
| Illinois               |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Central                | 259           | 82                        | 31.7        | 1                   | 0.4        | 2                               | 0.8        | 11                      | 4.2        | 0                        | 0.0        |
| Northern               | 640           | 169                       | 26.4        | 0                   | 0.0        | 2                               | 0.3        | 6                       | 0.9        | 0                        | 0.0        |
| Southern               | 314           | 196                       | 62.4        | 2                   | 0.6        | 0                               | 0.0        | 3                       | 1.0        | 2                        | 0.6        |
| Indiana                |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Northern               | 300           | 146                       | 48.7        | 0                   | 0.0        | 0                               | 0.0        | 4                       | 1.3        | 0                        | 0.0        |
| Southern               | 330           | 124                       | 37.6        | 1                   | 0.3        | 0                               | 0.0        | 7                       | 2.1        | 1                        | 0.3        |
| Wisconsin              |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Eastern                | 301           | 57                        | 18.9        | 0                   | 0.0        | 0                               | 0.0        | 8                       | 2.7        | 0                        | 0.0        |
| Western                | 125           | 43                        | 34.4        | 2                   | 1.6        | 1                               | 0.8        | 0                       | 0.0        | 0                        | 0.0        |
| <b>EIGHTH CIRCUIT</b>  | <b>4,728</b>  | <b>2,092</b>              | <b>44.2</b> | <b>31</b>           | <b>0.7</b> | <b>7</b>                        | <b>0.1</b> | <b>108</b>              | <b>2.3</b> | <b>5</b>                 | <b>0.1</b> |
| Arkansas               |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Eastern                | 372           | 178                       | 47.8        | 1                   | 0.3        | 0                               | 0.0        | 13                      | 3.5        | 0                        | 0.0        |
| Western                | 253           | 113                       | 44.7        | 0                   | 0.0        | 0                               | 0.0        | 10                      | 4.0        | 0                        | 0.0        |
| Iowa                   |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Northern               | 348           | 214                       | 61.5        | 10                  | 2.9        | 2                               | 0.6        | 9                       | 2.6        | 1                        | 0.3        |
| Southern               | 353           | 97                        | 27.5        | 0                   | 0.0        | 1                               | 0.3        | 2                       | 0.6        | 0                        | 0.0        |
| Minnesota              | 494           | 148                       | 30.0        | 1                   | 0.2        | 2                               | 0.4        | 5                       | 1.0        | 2                        | 0.4        |
| Missouri               |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Eastern                | 740           | 341                       | 46.1        | 4                   | 0.5        | 0                               | 0.0        | 16                      | 2.2        | 0                        | 0.0        |
| Western                | 826           | 340                       | 41.2        | 4                   | 0.5        | 1                               | 0.1        | 35                      | 4.2        | 0                        | 0.0        |
| Nebraska               | 541           | 276                       | 51.0        | 0                   | 0.0        | 0                               | 0.0        | 11                      | 2.0        | 0                        | 0.0        |
| North Dakota           | 361           | 121                       | 33.5        | 2                   | 0.6        | 0                               | 0.0        | 3                       | 0.8        | 1                        | 0.3        |
| South Dakota           | 440           | 264                       | 60.0        | 9                   | 2.0        | 1                               | 0.2        | 4                       | 0.9        | 1                        | 0.2        |



| CIRCUIT<br>District    | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |            | OTHER<br>GOV'T<br>SPONSORED |             | DOWNWARD<br>DEPARTURE |            | DOWNWARD<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|-------------|-----------------------|------------|-----------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
|                        | N                                   | %           | N                              | %          | N                           | %           | N                     | %          | N                                 | %          | N                          | %           | N                           | %          |
| <b>FIFTH CIRCUIT</b>   | <b>1,209</b>                        | <b>7.6</b>  | <b>621</b>                     | <b>3.9</b> | <b>536</b>                  | <b>3.4</b>  | <b>673</b>            | <b>4.2</b> | <b>56</b>                         | <b>0.4</b> | <b>2,244</b>               | <b>14.1</b> | <b>120</b>                  | <b>0.8</b> |
| Louisiana              |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Eastern                | 58                                  | 17.2        | 3                              | 0.9        | 9                           | 2.7         | 2                     | 0.6        | 7                                 | 2.1        | 68                         | 20.2        | 1                           | 0.3        |
| Middle                 | 23                                  | 14.2        | 1                              | 0.6        | 3                           | 1.9         | 2                     | 1.2        | 0                                 | 0.0        | 51                         | 31.5        | 0                           | 0.0        |
| Western                | 17                                  | 7.6         | 0                              | 0.0        | 3                           | 1.3         | 1                     | 0.4        | 1                                 | 0.4        | 44                         | 19.6        | 4                           | 1.8        |
| Mississippi            |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Northern               | 27                                  | 16.8        | 0                              | 0.0        | 7                           | 4.3         | 2                     | 1.2        | 0                                 | 0.0        | 31                         | 19.3        | 0                           | 0.0        |
| Southern               | 34                                  | 14.5        | 0                              | 0.0        | 5                           | 2.1         | 0                     | 0.0        | 0                                 | 0.0        | 30                         | 12.8        | 0                           | 0.0        |
| Texas                  |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Eastern                | 34                                  | 4.1         | 5                              | 0.6        | 165                         | 20.0        | 3                     | 0.4        | 0                                 | 0.0        | 35                         | 4.2         | 1                           | 0.1        |
| Northern               | 193                                 | 14.1        | 3                              | 0.2        | 49                          | 3.6         | 13                    | 0.9        | 3                                 | 0.2        | 171                        | 12.5        | 0                           | 0.0        |
| Southern               | 422                                 | 6.5         | 398                            | 6.1        | 109                         | 1.7         | 513                   | 7.9        | 36                                | 0.6        | 1,169                      | 18.0        | 6                           | 0.1        |
| Western                | 401                                 | 6.6         | 211                            | 3.5        | 186                         | 3.0         | 137                   | 2.2        | 9                                 | 0.1        | 645                        | 10.6        | 108                         | 1.8        |
| <b>SIXTH CIRCUIT</b>   | <b>947</b>                          | <b>21.1</b> | <b>8</b>                       | <b>0.2</b> | <b>474</b>                  | <b>10.5</b> | <b>42</b>             | <b>0.9</b> | <b>45</b>                         | <b>1.0</b> | <b>940</b>                 | <b>20.9</b> | <b>13</b>                   | <b>0.3</b> |
| Kentucky               |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Eastern                | 35                                  | 8.0         | 0                              | 0.0        | 32                          | 7.3         | 0                     | 0.0        | 2                                 | 0.5        | 93                         | 21.2        | 0                           | 0.0        |
| Western                | 70                                  | 21.1        | 2                              | 0.6        | 69                          | 20.8        | 1                     | 0.3        | 2                                 | 0.6        | 43                         | 13.0        | 1                           | 0.3        |
| Michigan               |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Eastern                | 196                                 | 21.9        | 0                              | 0.0        | 57                          | 6.4         | 7                     | 0.8        | 14                                | 1.6        | 305                        | 34.1        | 2                           | 0.2        |
| Western                | 49                                  | 14.8        | 0                              | 0.0        | 6                           | 1.8         | 5                     | 1.5        | 9                                 | 2.7        | 62                         | 18.8        | 0                           | 0.0        |
| Ohio                   |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Northern               | 136                                 | 23.3        | 0                              | 0.0        | 21                          | 3.6         | 9                     | 1.5        | 2                                 | 0.3        | 143                        | 24.5        | 5                           | 0.9        |
| Southern               | 98                                  | 19.5        | 5                              | 1.0        | 128                         | 25.5        | 13                    | 2.6        | 10                                | 2.0        | 91                         | 18.1        | 0                           | 0.0        |
| Tennessee              |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Eastern                | 229                                 | 30.6        | 0                              | 0.0        | 57                          | 7.6         | 3                     | 0.4        | 4                                 | 0.5        | 76                         | 10.2        | 1                           | 0.1        |
| Middle                 | 49                                  | 23.8        | 0                              | 0.0        | 63                          | 30.6        | 2                     | 1.0        | 0                                 | 0.0        | 30                         | 14.6        | 1                           | 0.5        |
| Western                | 85                                  | 18.4        | 1                              | 0.2        | 41                          | 8.9         | 2                     | 0.4        | 2                                 | 0.4        | 97                         | 21.0        | 3                           | 0.6        |
| <b>SEVENTH CIRCUIT</b> | <b>305</b>                          | <b>13.4</b> | <b>4</b>                       | <b>0.2</b> | <b>222</b>                  | <b>9.8</b>  | <b>61</b>             | <b>2.7</b> | <b>71</b>                         | <b>3.1</b> | <b>715</b>                 | <b>31.5</b> | <b>21</b>                   | <b>0.9</b> |
| Illinois               |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Central                | 45                                  | 17.4        | 0                              | 0.0        | 31                          | 12.0        | 3                     | 1.2        | 3                                 | 1.2        | 81                         | 31.3        | 0                           | 0.0        |
| Northern               | 68                                  | 10.6        | 4                              | 0.6        | 30                          | 4.7         | 27                    | 4.2        | 50                                | 7.8        | 270                        | 42.2        | 14                          | 2.2        |
| Southern               | 18                                  | 5.7         | 0                              | 0.0        | 35                          | 11.1        | 4                     | 1.3        | 3                                 | 1.0        | 51                         | 16.2        | 0                           | 0.0        |
| Indiana                |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Northern               | 41                                  | 13.7        | 0                              | 0.0        | 31                          | 10.3        | 1                     | 0.3        | 0                                 | 0.0        | 72                         | 24.0        | 5                           | 1.7        |
| Southern               | 74                                  | 22.4        | 0                              | 0.0        | 40                          | 12.1        | 4                     | 1.2        | 1                                 | 0.3        | 78                         | 23.6        | 0                           | 0.0        |
| Wisconsin              |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Eastern                | 50                                  | 16.6        | 0                              | 0.0        | 49                          | 16.3        | 0                     | 0.0        | 1                                 | 0.3        | 134                        | 44.5        | 2                           | 0.7        |
| Western                | 9                                   | 7.2         | 0                              | 0.0        | 6                           | 4.8         | 22                    | 17.6       | 13                                | 10.4       | 29                         | 23.2        | 0                           | 0.0        |
| <b>EIGHTH CIRCUIT</b>  | <b>646</b>                          | <b>13.7</b> | <b>56</b>                      | <b>1.2</b> | <b>478</b>                  | <b>10.1</b> | <b>46</b>             | <b>1.0</b> | <b>54</b>                         | <b>1.1</b> | <b>1,182</b>               | <b>25.0</b> | <b>23</b>                   | <b>0.5</b> |
| Arkansas               |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Eastern                | 39                                  | 10.5        | 0                              | 0.0        | 13                          | 3.5         | 2                     | 0.5        | 3                                 | 0.8        | 120                        | 32.3        | 3                           | 0.8        |
| Western                | 45                                  | 17.8        | 1                              | 0.4        | 6                           | 2.4         | 3                     | 1.2        | 4                                 | 1.6        | 69                         | 27.3        | 2                           | 0.8        |
| Iowa                   |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Northern               | 54                                  | 15.5        | 0                              | 0.0        | 7                           | 2.0         | 2                     | 0.6        | 1                                 | 0.3        | 48                         | 13.8        | 0                           | 0.0        |
| Southern               | 59                                  | 16.7        | 1                              | 0.3        | 85                          | 24.1        | 1                     | 0.3        | 3                                 | 0.8        | 103                        | 29.2        | 1                           | 0.3        |
| Minnesota              | 74                                  | 15.0        | 0                              | 0.0        | 32                          | 6.5         | 9                     | 1.8        | 18                                | 3.6        | 202                        | 40.9        | 1                           | 0.2        |
| Missouri               |                                     |             |                                |            |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Eastern                | 84                                  | 11.4        | 1                              | 0.1        | 115                         | 15.5        | 1                     | 0.1        | 6                                 | 0.8        | 170                        | 23.0        | 2                           | 0.3        |
| Western                | 119                                 | 14.4        | 0                              | 0.0        | 90                          | 10.9        | 3                     | 0.4        | 2                                 | 0.2        | 229                        | 27.7        | 3                           | 0.4        |
| Nebraska               | 24                                  | 4.4         | 34                             | 6.3        | 67                          | 12.4        | 4                     | 0.7        | 9                                 | 1.7        | 109                        | 20.1        | 7                           | 1.3        |
| North Dakota           | 135                                 | 37.4        | 16                             | 4.4        | 30                          | 8.3         | 2                     | 0.6        | 3                                 | 0.8        | 47                         | 13.0        | 1                           | 0.3        |
| South Dakota           | 13                                  | 3.0         | 3                              | 0.7        | 33                          | 7.5         | 19                    | 4.3        | 5                                 | 1.1        | 85                         | 19.3        | 3                           | 0.7        |

| CIRCUIT<br>District      | TOTAL         | WITHIN<br>GUIDELINE RANGE |             | UPWARD<br>DEPARTURE |            | UPWARD<br>DEPARTURE<br>W/BOOKER |            | ABOVE RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE RANGE |            |
|--------------------------|---------------|---------------------------|-------------|---------------------|------------|---------------------------------|------------|-------------------------|------------|--------------------------|------------|
|                          |               | N                         | %           | N                   | %          | N                               | %          | N                       | %          | N                        | %          |
| <b>NINTH CIRCUIT</b>     | <b>13,149</b> | <b>4,609</b>              | <b>35.1</b> | <b>99</b>           | <b>0.8</b> | <b>21</b>                       | <b>0.2</b> | <b>244</b>              | <b>1.9</b> | <b>16</b>                | <b>0.1</b> |
| Alaska                   | 177           | 64                        | 36.2        | 0                   | 0.0        | 0                               | 0.0        | 4                       | 2.3        | 0                        | 0.0        |
| Arizona                  | 5,540         | 2,414                     | 43.6        | 70                  | 1.3        | 13                              | 0.2        | 165                     | 3.0        | 6                        | 0.1        |
| California               |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Central                  | 964           | 294                       | 30.5        | 2                   | 0.2        | 4                               | 0.4        | 7                       | 0.7        | 1                        | 0.1        |
| Eastern                  | 669           | 286                       | 42.8        | 6                   | 0.9        | 1                               | 0.1        | 10                      | 1.5        | 1                        | 0.1        |
| Northern                 | 464           | 174                       | 37.5        | 0                   | 0.0        | 0                               | 0.0        | 10                      | 2.2        | 0                        | 0.0        |
| Southern                 | 2,847         | 423                       | 14.9        | 10                  | 0.4        | 1                               | 0.0        | 8                       | 0.3        | 7                        | 0.2        |
| Guam                     | 67            | 40                        | 59.7        | 0                   | 0.0        | 0                               | 0.0        | 0                       | 0.0        | 0                        | 0.0        |
| Hawaii                   | 141           | 59                        | 41.8        | 0                   | 0.0        | 0                               | 0.0        | 1                       | 0.7        | 0                        | 0.0        |
| Idaho                    | 259           | 112                       | 43.2        | 1                   | 0.4        | 0                               | 0.0        | 1                       | 0.4        | 1                        | 0.4        |
| Montana                  | 317           | 105                       | 33.1        | 1                   | 0.3        | 1                               | 0.3        | 5                       | 1.6        | 0                        | 0.0        |
| Nevada                   | 399           | 204                       | 51.1        | 1                   | 0.3        | 1                               | 0.3        | 8                       | 2.0        | 0                        | 0.0        |
| Northern Mariana Islands | 22            | 15                        | 68.2        | 1                   | 4.5        | 0                               | 0.0        | 0                       | 0.0        | 0                        | 0.0        |
| Oregon                   | 447           | 140                       | 31.3        | 0                   | 0.0        | 0                               | 0.0        | 6                       | 1.3        | 0                        | 0.0        |
| Washington               |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Eastern                  | 303           | 106                       | 35.0        | 7                   | 2.3        | 0                               | 0.0        | 7                       | 2.3        | 0                        | 0.0        |
| Western                  | 533           | 173                       | 32.5        | 0                   | 0.0        | 0                               | 0.0        | 12                      | 2.3        | 0                        | 0.0        |
| <b>TENTH CIRCUIT</b>     | <b>7,456</b>  | <b>4,130</b>              | <b>55.4</b> | <b>23</b>           | <b>0.3</b> | <b>5</b>                        | <b>0.1</b> | <b>32</b>               | <b>0.4</b> | <b>3</b>                 | <b>0.0</b> |
| Colorado                 | 482           | 182                       | 37.8        | 4                   | 0.8        | 0                               | 0.0        | 8                       | 1.7        | 0                        | 0.0        |
| Kansas                   | 473           | 201                       | 42.5        | 0                   | 0.0        | 2                               | 0.4        | 9                       | 1.9        | 1                        | 0.2        |
| New Mexico               | 4,970         | 3,169                     | 63.8        | 8                   | 0.2        | 1                               | 0.0        | 7                       | 0.1        | 1                        | 0.0        |
| Oklahoma                 |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Eastern                  | 100           | 72                        | 72.0        | 0                   | 0.0        | 1                               | 1.0        | 0                       | 0.0        | 0                        | 0.0        |
| Northern                 | 211           | 73                        | 34.6        | 1                   | 0.5        | 0                               | 0.0        | 1                       | 0.5        | 0                        | 0.0        |
| Western                  | 327           | 159                       | 48.6        | 0                   | 0.0        | 0                               | 0.0        | 5                       | 1.5        | 0                        | 0.0        |
| Utah                     | 677           | 185                       | 27.3        | 8                   | 1.2        | 0                               | 0.0        | 1                       | 0.1        | 1                        | 0.1        |
| Wyoming                  | 216           | 89                        | 41.2        | 2                   | 0.9        | 1                               | 0.5        | 1                       | 0.5        | 0                        | 0.0        |
| <b>ELEVENTH CIRCUIT</b>  | <b>5,954</b>  | <b>3,194</b>              | <b>53.6</b> | <b>7</b>            | <b>0.1</b> | <b>10</b>                       | <b>0.2</b> | <b>98</b>               | <b>1.6</b> | <b>3</b>                 | <b>0.1</b> |
| Alabama                  |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Middle                   | 152           | 78                        | 51.3        | 1                   | 0.7        | 1                               | 0.7        | 3                       | 2.0        | 0                        | 0.0        |
| Northern                 | 359           | 195                       | 54.3        | 0                   | 0.0        | 0                               | 0.0        | 3                       | 0.8        | 1                        | 0.3        |
| Southern                 | 317           | 191                       | 60.3        | 1                   | 0.3        | 0                               | 0.0        | 2                       | 0.6        | 0                        | 0.0        |
| Florida                  |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Middle                   | 1,414         | 642                       | 45.4        | 0                   | 0.0        | 1                               | 0.1        | 16                      | 1.1        | 0                        | 0.0        |
| Northern                 | 253           | 107                       | 42.3        | 0                   | 0.0        | 3                               | 1.2        | 7                       | 2.8        | 0                        | 0.0        |
| Southern                 | 2,174         | 1,273                     | 58.6        | 1                   | 0.0        | 4                               | 0.2        | 51                      | 2.3        | 2                        | 0.1        |
| Georgia                  |               |                           |             |                     |            |                                 |            |                         |            |                          |            |
| Middle                   | 354           | 248                       | 70.1        | 1                   | 0.3        | 0                               | 0.0        | 4                       | 1.1        | 0                        | 0.0        |
| Northern                 | 527           | 147                       | 27.9        | 1                   | 0.2        | 1                               | 0.2        | 10                      | 1.9        | 0                        | 0.0        |
| Southern                 | 404           | 313                       | 77.5        | 2                   | 0.5        | 0                               | 0.0        | 2                       | 0.5        | 0                        | 0.0        |

| CIRCUIT<br>District      | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |             | OTHER<br>GOV'T<br>SPONSORED |             | DOWNWARD<br>DEPARTURE |            | DOWNWARD<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|--------------------------|-------------------------------------|-------------|--------------------------------|-------------|-----------------------------|-------------|-----------------------|------------|-----------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
|                          | N                                   | %           | N                              | %           | N                           | %           | N                     | %          | N                                 | %          | N                          | %           | N                           | %          |
| <b>NINTH CIRCUIT</b>     | <b>995</b>                          | <b>7.6</b>  | <b>3,663</b>                   | <b>27.9</b> | <b>1,639</b>                | <b>12.5</b> | <b>202</b>            | <b>1.5</b> | <b>94</b>                         | <b>0.7</b> | <b>1,474</b>               | <b>11.2</b> | <b>93</b>                   | <b>0.7</b> |
| Alaska                   | 29                                  | 16.4        | 0                              | 0.0         | 36                          | 20.3        | 0                     | 0.0        | 1                                 | 0.6        | 43                         | 24.3        | 0                           | 0.0        |
| Arizona                  | 123                                 | 2.2         | 1,869                          | 33.7        | 525                         | 9.5         | 25                    | 0.5        | 11                                | 0.2        | 307                        | 5.5         | 12                          | 0.2        |
| <b>California</b>        |                                     |             |                                |             |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Central                  | 158                                 | 16.4        | 50                             | 5.2         | 161                         | 16.7        | 41                    | 4.3        | 33                                | 3.4        | 187                        | 19.4        | 26                          | 2.7        |
| Eastern                  | 113                                 | 16.9        | 27                             | 4.0         | 50                          | 7.5         | 16                    | 2.4        | 4                                 | 0.6        | 150                        | 22.4        | 5                           | 0.7        |
| Northern                 | 55                                  | 11.9        | 15                             | 3.2         | 45                          | 9.7         | 6                     | 1.3        | 6                                 | 1.3        | 148                        | 31.9        | 5                           | 1.1        |
| Southern                 | 178                                 | 6.3         | 1,637                          | 57.5        | 283                         | 9.9         | 98                    | 3.4        | 15                                | 0.5        | 152                        | 5.3         | 35                          | 1.2        |
| Guam                     | 22                                  | 32.8        | 0                              | 0.0         | 1                           | 1.5         | 0                     | 0.0        | 0                                 | 0.0        | 3                          | 4.5         | 1                           | 1.5        |
| Hawaii                   | 43                                  | 30.5        | 0                              | 0.0         | 8                           | 5.7         | 0                     | 0.0        | 0                                 | 0.0        | 30                         | 21.3        | 0                           | 0.0        |
| Idaho                    | 56                                  | 21.6        | 6                              | 2.3         | 12                          | 4.6         | 3                     | 1.2        | 6                                 | 2.3        | 61                         | 23.6        | 0                           | 0.0        |
| Montana                  | 60                                  | 18.9        | 0                              | 0.0         | 20                          | 6.3         | 3                     | 0.9        | 2                                 | 0.6        | 118                        | 37.2        | 2                           | 0.6        |
| Nevada                   | 39                                  | 9.8         | 10                             | 2.5         | 57                          | 14.3        | 6                     | 1.5        | 5                                 | 1.3        | 67                         | 16.8        | 1                           | 0.3        |
| Northern Mariana Islands | 3                                   | 13.6        | 0                              | 0.0         | 1                           | 4.5         | 0                     | 0.0        | 1                                 | 4.5        | 1                          | 4.5         | 0                           | 0.0        |
| Oregon                   | 56                                  | 12.5        | 2                              | 0.4         | 149                         | 33.3        | 0                     | 0.0        | 5                                 | 1.1        | 84                         | 18.8        | 5                           | 1.1        |
| <b>Washington</b>        |                                     |             |                                |             |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Eastern                  | 34                                  | 11.2        | 25                             | 8.3         | 72                          | 23.8        | 3                     | 1.0        | 0                                 | 0.0        | 49                         | 16.2        | 0                           | 0.0        |
| Western                  | 26                                  | 4.9         | 22                             | 4.1         | 219                         | 41.1        | 1                     | 0.2        | 5                                 | 0.9        | 74                         | 13.9        | 1                           | 0.2        |
| <b>TENTH CIRCUIT</b>     | <b>338</b>                          | <b>4.5</b>  | <b>1,506</b>                   | <b>20.2</b> | <b>646</b>                  | <b>8.7</b>  | <b>37</b>             | <b>0.5</b> | <b>29</b>                         | <b>0.4</b> | <b>686</b>                 | <b>9.2</b>  | <b>21</b>                   | <b>0.3</b> |
| Colorado                 | 76                                  | 15.8        | 26                             | 5.4         | 93                          | 19.3        | 5                     | 1.0        | 5                                 | 1.0        | 81                         | 16.8        | 2                           | 0.4        |
| Kansas                   | 67                                  | 14.2        | 8                              | 1.7         | 129                         | 27.3        | 6                     | 1.3        | 4                                 | 0.8        | 46                         | 9.7         | 0                           | 0.0        |
| New Mexico               | 65                                  | 1.3         | 1,242                          | 25.0        | 204                         | 4.1         | 13                    | 0.3        | 13                                | 0.3        | 229                        | 4.6         | 18                          | 0.4        |
| <b>Oklahoma</b>          |                                     |             |                                |             |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Eastern                  | 17                                  | 17.0        | 0                              | 0.0         | 2                           | 2.0         | 0                     | 0.0        | 0                                 | 0.0        | 8                          | 8.0         | 0                           | 0.0        |
| Northern                 | 46                                  | 21.8        | 0                              | 0.0         | 14                          | 6.6         | 1                     | 0.5        | 2                                 | 0.9        | 73                         | 34.6        | 0                           | 0.0        |
| Western                  | 24                                  | 7.3         | 0                              | 0.0         | 12                          | 3.7         | 2                     | 0.6        | 1                                 | 0.3        | 123                        | 37.6        | 1                           | 0.3        |
| Utah                     | 30                                  | 4.4         | 208                            | 30.7        | 141                         | 20.8        | 9                     | 1.3        | 1                                 | 0.1        | 93                         | 13.7        | 0                           | 0.0        |
| Wyoming                  | 13                                  | 6.0         | 22                             | 10.2        | 51                          | 23.6        | 1                     | 0.5        | 3                                 | 1.4        | 33                         | 15.3        | 0                           | 0.0        |
| <b>ELEVENTH CIRCUIT</b>  | <b>744</b>                          | <b>12.5</b> | <b>18</b>                      | <b>0.3</b>  | <b>371</b>                  | <b>6.2</b>  | <b>45</b>             | <b>0.8</b> | <b>43</b>                         | <b>0.7</b> | <b>1,398</b>               | <b>23.5</b> | <b>23</b>                   | <b>0.4</b> |
| <b>Alabama</b>           |                                     |             |                                |             |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Middle                   | 29                                  | 19.1        | 1                              | 0.7         | 11                          | 7.2         | 0                     | 0.0        | 1                                 | 0.7        | 27                         | 17.8        | 0                           | 0.0        |
| Northern                 | 65                                  | 18.1        | 0                              | 0.0         | 15                          | 4.2         | 2                     | 0.6        | 1                                 | 0.3        | 77                         | 21.4        | 0                           | 0.0        |
| Southern                 | 42                                  | 13.2        | 1                              | 0.3         | 13                          | 4.1         | 0                     | 0.0        | 0                                 | 0.0        | 67                         | 21.1        | 0                           | 0.0        |
| <b>Florida</b>           |                                     |             |                                |             |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Middle                   | 262                                 | 18.5        | 15                             | 1.1         | 45                          | 3.2         | 8                     | 0.6        | 13                                | 0.9        | 408                        | 28.9        | 4                           | 0.3        |
| Northern                 | 50                                  | 19.8        | 0                              | 0.0         | 1                           | 0.4         | 2                     | 0.8        | 2                                 | 0.8        | 81                         | 32.0        | 0                           | 0.0        |
| Southern                 | 141                                 | 6.5         | 1                              | 0.0         | 80                          | 3.7         | 23                    | 1.1        | 18                                | 0.8        | 563                        | 25.9        | 17                          | 0.8        |
| <b>Georgia</b>           |                                     |             |                                |             |                             |             |                       |            |                                   |            |                            |             |                             |            |
| Middle                   | 50                                  | 14.1        | 0                              | 0.0         | 7                           | 2.0         | 3                     | 0.8        | 1                                 | 0.3        | 39                         | 11.0        | 1                           | 0.3        |
| Northern                 | 59                                  | 11.2        | 0                              | 0.0         | 189                         | 35.9        | 6                     | 1.1        | 6                                 | 1.1        | 108                        | 20.5        | 0                           | 0.0        |
| Southern                 | 46                                  | 11.4        | 0                              | 0.0         | 10                          | 2.5         | 1                     | 0.2        | 1                                 | 0.2        | 28                         | 6.9         | 1                           | 0.2        |

Of the 67,742 cases, 781 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: Eastern North Carolina (12.6%), Western Louisiana (10.7%), Southern West Virginia (6.5%), and Middle Tennessee (6.4%).

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

**Table 10**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY SELECTED PRIMARY OFFENSE CATEGORY  
Fiscal Year 2016**

**National**

| PRIMARY OFFENSE              | TOTAL         | WITHIN<br>GUIDELINE<br>RANGE |             | UPWARD<br>DEPARTURE |            | UPWARD<br>DEPARTURE<br>W/BOOKER |            | ABOVE RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE RANGE |            |
|------------------------------|---------------|------------------------------|-------------|---------------------|------------|---------------------------------|------------|-------------------------|------------|--------------------------|------------|
|                              |               | N                            | %           | N                   | %          | N                               | %          | N                       | %          | N                        | %          |
| <b>TOTAL</b>                 | <b>66,961</b> | <b>32,519</b>                | <b>48.6</b> | <b>317</b>          | <b>0.5</b> | <b>102</b>                      | <b>0.2</b> | <b>1,131</b>            | <b>1.7</b> | <b>67</b>                | <b>0.1</b> |
| Robbery                      | 701           | 365                          | 52.1        | 5                   | 0.7        | 1                               | 0.1        | 28                      | 4.0        | 3                        | 0.4        |
| Drugs - Trafficking          | 19,222        | 6,921                        | 36.0        | 66                  | 0.3        | 12                              | 0.1        | 137                     | 0.7        | 14                       | 0.1        |
| Drugs - Simple Possession    | 1,624         | 1,466                        | 90.3        | 8                   | 0.5        | 0                               | 0.0        | 135                     | 8.3        | 2                        | 0.1        |
| Firearms                     | 7,293         | 3,836                        | 52.6        | 53                  | 0.7        | 26                              | 0.4        | 257                     | 3.5        | 9                        | 0.1        |
| Larceny                      | 978           | 571                          | 58.4        | 6                   | 0.6        | 0                               | 0.0        | 13                      | 1.3        | 1                        | 0.1        |
| Fraud                        | 6,389         | 2,730                        | 42.7        | 30                  | 0.5        | 15                              | 0.2        | 88                      | 1.4        | 4                        | 0.1        |
| Embezzlement                 | 310           | 175                          | 56.5        | 0                   | 0.0        | 1                               | 0.3        | 5                       | 1.6        | 0                        | 0.0        |
| Forgery/Counterfeiting       | 449           | 256                          | 57.0        | 1                   | 0.2        | 2                               | 0.4        | 11                      | 2.4        | 0                        | 0.0        |
| Immigration                  | 19,969        | 11,616                       | 58.2        | 59                  | 0.3        | 20                              | 0.1        | 230                     | 1.2        | 13                       | 0.1        |
| Other Miscellaneous Offenses | 10,026        | 4,583                        | 45.7        | 89                  | 0.9        | 25                              | 0.2        | 227                     | 2.3        | 21                       | 0.2        |

**Fifth Circuit**

| PRIMARY OFFENSE              | TOTAL         | WITHIN<br>GUIDELINE<br>RANGE |             | UPWARD<br>DEPARTURE |            | UPWARD<br>DEPARTURE<br>W/BOOKER |            | ABOVE RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE RANGE |            |
|------------------------------|---------------|------------------------------|-------------|---------------------|------------|---------------------------------|------------|-------------------------|------------|--------------------------|------------|
|                              |               | N                            | %           | N                   | %          | N                               | %          | N                       | %          | N                        | %          |
| <b>TOTAL</b>                 | <b>15,900</b> | <b>10,038</b>                | <b>63.1</b> | <b>83</b>           | <b>0.5</b> | <b>21</b>                       | <b>0.1</b> | <b>288</b>              | <b>1.8</b> | <b>11</b>                | <b>0.1</b> |
| Robbery                      | 84            | 54                           | 64.3        | 1                   | 1.2        | 0                               | 0.0        | 5                       | 6.0        | 0                        | 0.0        |
| Drugs - Trafficking          | 4,054         | 2,249                        | 55.5        | 8                   | 0.2        | 1                               | 0.0        | 25                      | 0.6        | 4                        | 0.1        |
| Drugs - Simple Possession    | 93            | 90                           | 96.8        | 0                   | 0.0        | 0                               | 0.0        | 1                       | 1.1        | 0                        | 0.0        |
| Firearms                     | 835           | 584                          | 69.9        | 11                  | 1.3        | 2                               | 0.2        | 24                      | 2.9        | 0                        | 0.0        |
| Larceny                      | 148           | 106                          | 71.6        | 3                   | 2.0        | 0                               | 0.0        | 5                       | 3.4        | 0                        | 0.0        |
| Fraud                        | 704           | 432                          | 61.4        | 5                   | 0.7        | 1                               | 0.1        | 14                      | 2.0        | 0                        | 0.0        |
| Embezzlement                 | 26            | 21                           | 80.8        | 0                   | 0.0        | 0                               | 0.0        | 0                       | 0.0        | 0                        | 0.0        |
| Forgery/Counterfeiting       | 89            | 56                           | 62.9        | 0                   | 0.0        | 1                               | 1.1        | 5                       | 5.6        | 0                        | 0.0        |
| Immigration                  | 8,568         | 5,712                        | 66.7        | 43                  | 0.5        | 14                              | 0.2        | 175                     | 2.0        | 4                        | 0.0        |
| Other Miscellaneous Offenses | 1,299         | 734                          | 56.5        | 12                  | 0.9        | 2                               | 0.2        | 34                      | 2.6        | 3                        | 0.2        |

### National

| PRIMARY OFFENSE              | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |            | OTHER<br>GOV'T<br>SPONSORED |            | DOWNWARD<br>DEPARTURE |            | DOWNWARD<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|------------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------|------------|-----------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
|                              | N                                   | %           | N                              | %          | N                           | %          | N                     | %          | N                                 | %          | N                          | %           | N                           | %          |
| <b>TOTAL</b>                 | <b>7,443</b>                        | <b>11.1</b> | <b>5,960</b>                   | <b>8.9</b> | <b>5,479</b>                | <b>8.2</b> | <b>1,321</b>          | <b>2.0</b> | <b>547</b>                        | <b>0.8</b> | <b>11,684</b>              | <b>17.4</b> | <b>391</b>                  | <b>0.6</b> |
| Robbery                      | 56                                  | 8.0         | 0                              | 0.0        | 72                          | 10.3       | 18                    | 2.6        | 13                                | 1.9        | 136                        | 19.4        | 4                           | 0.6        |
| Drugs - Trafficking          | 4,342                               | 22.6        | 1,280                          | 6.7        | 2,043                       | 10.6       | 331                   | 1.7        | 195                               | 1.0        | 3,798                      | 19.8        | 83                          | 0.4        |
| Drugs - Simple Possession    | 1                                   | 0.1         | 1                              | 0.1        | 4                           | 0.2        | 1                     | 0.1        | 0                                 | 0.0        | 4                          | 0.2         | 2                           | 0.1        |
| Firearms                     | 711                                 | 9.7         | 9                              | 0.1        | 712                         | 9.8        | 94                    | 1.3        | 60                                | 0.8        | 1,490                      | 20.4        | 36                          | 0.5        |
| Larceny                      | 57                                  | 5.8         | 0                              | 0.0        | 113                         | 11.6       | 11                    | 1.1        | 13                                | 1.3        | 182                        | 18.6        | 11                          | 1.1        |
| Fraud                        | 1,073                               | 16.8        | 12                             | 0.2        | 575                         | 9.0        | 86                    | 1.3        | 93                                | 1.5        | 1,619                      | 25.3        | 64                          | 1.0        |
| Embezzlement                 | 10                                  | 3.2         | 0                              | 0.0        | 35                          | 11.3       | 7                     | 2.3        | 2                                 | 0.6        | 72                         | 23.2        | 3                           | 1.0        |
| Forgery/Counterfeiting       | 47                                  | 10.5        | 1                              | 0.2        | 41                          | 9.1        | 4                     | 0.9        | 1                                 | 0.2        | 83                         | 18.5        | 2                           | 0.4        |
| Immigration                  | 214                                 | 1.1         | 4,624                          | 23.2       | 451                         | 2.3        | 612                   | 3.1        | 74                                | 0.4        | 1,940                      | 9.7         | 116                         | 0.6        |
| Other Miscellaneous Offenses | 932                                 | 9.3         | 33                             | 0.3        | 1,433                       | 14.3       | 157                   | 1.6        | 96                                | 1.0        | 2,360                      | 23.5        | 70                          | 0.7        |

### Fifth Circuit

| PRIMARY OFFENSE              | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |            | §5K3.1<br>EARLY<br>DISPOSITION |            | OTHER<br>GOV'T<br>SPONSORED |            | DOWNWARD<br>DEPARTURE |            | DOWNWARD<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|------------------------------|-------------------------------------|------------|--------------------------------|------------|-----------------------------|------------|-----------------------|------------|-----------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
|                              | N                                   | %          | N                              | %          | N                           | %          | N                     | %          | N                                 | %          | N                          | %           | N                           | %          |
| <b>TOTAL</b>                 | <b>1,209</b>                        | <b>7.6</b> | <b>621</b>                     | <b>3.9</b> | <b>536</b>                  | <b>3.4</b> | <b>673</b>            | <b>4.2</b> | <b>56</b>                         | <b>0.4</b> | <b>2,244</b>               | <b>14.1</b> | <b>120</b>                  | <b>0.8</b> |
| Robbery                      | 8                                   | 9.5        | 0                              | 0.0        | 7                           | 8.3        | 3                     | 3.6        | 0                                 | 0.0        | 6                          | 7.1         | 0                           | 0.0        |
| Drugs - Trafficking          | 794                                 | 19.6       | 2                              | 0.0        | 231                         | 5.7        | 114                   | 2.8        | 11                                | 0.3        | 603                        | 14.9        | 12                          | 0.3        |
| Drugs - Simple Possession    | 0                                   | 0.0        | 0                              | 0.0        | 0                           | 0.0        | 0                     | 0.0        | 0                                 | 0.0        | 1                          | 1.1         | 1                           | 1.1        |
| Firearms                     | 80                                  | 9.6        | 0                              | 0.0        | 31                          | 3.7        | 7                     | 0.8        | 1                                 | 0.1        | 92                         | 11.0        | 3                           | 0.4        |
| Larceny                      | 9                                   | 6.1        | 0                              | 0.0        | 9                           | 6.1        | 0                     | 0.0        | 0                                 | 0.0        | 15                         | 10.1        | 1                           | 0.7        |
| Fraud                        | 65                                  | 9.2        | 1                              | 0.1        | 38                          | 5.4        | 8                     | 1.1        | 5                                 | 0.7        | 124                        | 17.6        | 11                          | 1.6        |
| Embezzlement                 | 0                                   | 0.0        | 0                              | 0.0        | 0                           | 0.0        | 0                     | 0.0        | 0                                 | 0.0        | 5                          | 19.2        | 0                           | 0.0        |
| Forgery/Counterfeiting       | 10                                  | 11.2       | 0                              | 0.0        | 5                           | 5.6        | 0                     | 0.0        | 0                                 | 0.0        | 12                         | 13.5        | 0                           | 0.0        |
| Immigration                  | 128                                 | 1.5        | 617                            | 7.2        | 60                          | 0.7        | 527                   | 6.2        | 35                                | 0.4        | 1,170                      | 13.7        | 83                          | 1.0        |
| Other Miscellaneous Offenses | 115                                 | 8.9        | 1                              | 0.1        | 155                         | 11.9       | 14                    | 1.1        | 4                                 | 0.3        | 216                        | 16.6        | 9                           | 0.7        |

Of the 67,742 guideline cases, 781 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 16,074 guideline cases from the Fifth Circuit, 174 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, 2016 Datafile, USSCFY16.