

**United
States
Sentencing
Commission**



Statistical Information Packet

Fiscal Year 2017

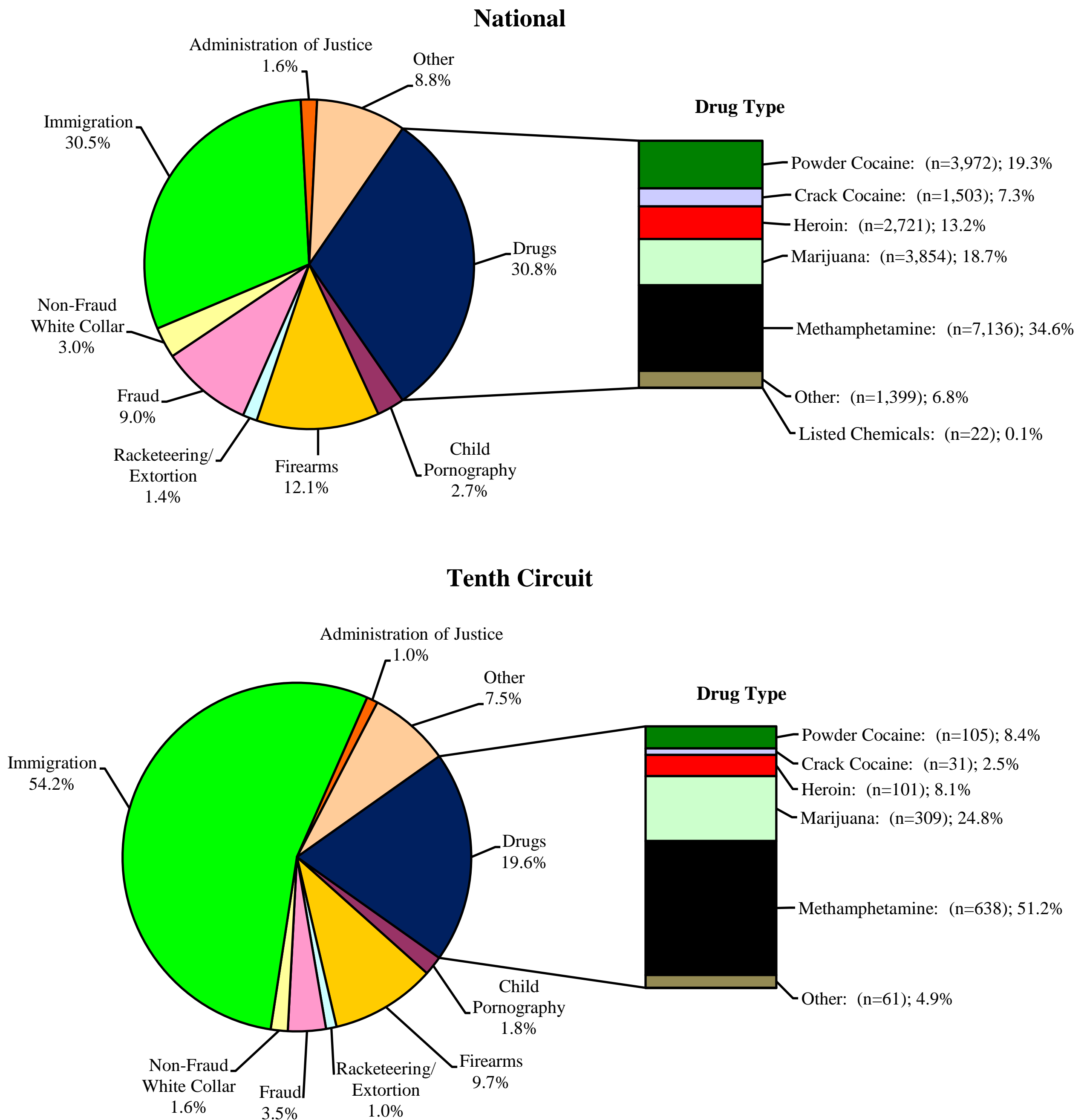
Tenth Circuit

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Figure A

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2017



¹ Of the 66,873 guideline cases, no cases were excluded.

Of the 6,346 guideline cases from the Tenth 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.

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

Table 1

**DISTRIBUTION OF GUIDELINE OFFENDERS IN EACH
PRIMARY OFFENSE CATEGORY
Fiscal Year 2017**

PRIMARY OFFENSE	National		Tenth Circuit	
	N	%	N	%
TOTAL	66,873	100.0	6,346	100.0
Murder	72	0.1	3	0.0
Manslaughter	62	0.1	14	0.2
Kidnapping/Hostage Taking	62	0.1	7	0.1
Sexual Abuse	649	1.0	65	1.0
Assault	788	1.2	93	1.5
Robbery	650	1.0	66	1.0
Arson	40	0.1	6	0.1
Drugs - Trafficking	19,043	28.5	1,145	18.0
Drugs - Communication Facility	263	0.4	47	0.7
Drugs - Simple Possession	1,301	1.9	53	0.8
Firearms	8,064	12.1	618	9.7
Burglary/B&E	33	0.0	3	0.0
Auto Theft	64	0.1	4	0.1
Larceny	808	1.2	60	0.9
Fraud	6,029	9.0	223	3.5
Embezzlement	396	0.6	26	0.4
Forgery/Counterfeiting	371	0.6	26	0.4
Bribery	155	0.2	5	0.1
Tax	433	0.6	18	0.3
Money Laundering	679	1.0	25	0.4
Racketeering/Extortion	940	1.4	62	1.0
Gambling/Lottery	47	0.1	1	0.0
Civil Rights	56	0.1	2	0.0
Immigration	20,421	30.5	3,439	54.2
Child Pornography	1,810	2.7	114	1.8
Prison Offenses	522	0.8	31	0.5
Administration of Justice Offenses	1,064	1.6	66	1.0
Environmental/Wildlife	109	0.2	8	0.1
National Defense	89	0.1	3	0.0
Antitrust	31	0.0	0	0.0
Food & Drug	86	0.1	16	0.3
Other Miscellaneous Offenses	1,736	2.6	97	1.5

Of the 66,873 guideline cases, no cases were excluded.

Of the 6,346 guideline cases from the Tenth Circuit, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

Table 2

**GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2017**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	66,873	64,981	97.2	1,892	2.8
D.C. CIRCUIT	232	219	94.4	13	5.6
District of Columbia	232	219	94.4	13	5.6
FIRST CIRCUIT	1,993	1,923	96.5	70	3.5
Maine	197	184	93.4	13	6.6
Massachusetts	505	487	96.4	18	3.6
New Hampshire	212	207	97.6	5	2.4
Puerto Rico	980	951	97.0	29	3.0
Rhode Island	99	94	94.9	5	5.1
SECOND CIRCUIT	3,525	3,378	95.8	147	4.2
Connecticut	345	337	97.7	8	2.3
New York					
Eastern	739	688	93.1	51	6.9
Northern	345	330	95.7	15	4.3
Southern	1,463	1,409	96.3	54	3.7
Western	455	439	96.5	16	3.5
Vermont	178	175	98.3	3	1.7
THIRD CIRCUIT	2,189	2,100	95.9	89	4.1
Delaware	84	82	97.6	2	2.4
New Jersey	594	572	96.3	22	3.7
Pennsylvania					
Eastern	676	640	94.7	36	5.3
Middle	406	389	95.8	17	4.2
Western	355	349	98.3	6	1.7
Virgin Islands	74	68	91.9	6	8.1
FOURTH CIRCUIT	4,966	4,791	96.5	175	3.5
Maryland	728	686	94.2	42	5.8
North Carolina					
Eastern	654	639	97.7	15	2.3
Middle	407	402	98.8	5	1.2
Western	555	535	96.4	20	3.6
South Carolina	709	686	96.8	23	3.2
Virginia					
Eastern	1,181	1,126	95.3	55	4.7
Western	276	268	97.1	8	2.9
West Virginia					
Northern	235	232	98.7	3	1.3
Southern	221	217	98.2	4	1.8

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
FIFTH CIRCUIT	16,712	16,473	98.6	239	1.4
Louisiana					
Eastern	357	334	93.6	23	6.4
Middle	171	167	97.7	4	2.3
Western	273	263	96.3	10	3.7
Mississippi					
Northern	158	156	98.7	2	1.3
Southern	281	269	95.7	12	4.3
Texas					
Eastern	795	774	97.4	21	2.6
Northern	1,430	1,391	97.3	39	2.7
Southern	6,635	6,563	98.9	72	1.1
Western	6,612	6,556	99.2	56	0.8
SIXTH CIRCUIT	4,249	4,060	95.6	189	4.4
Kentucky					
Eastern	360	327	90.8	33	9.2
Western	277	268	96.8	9	3.2
Michigan					
Eastern	864	826	95.6	38	4.4
Western	369	359	97.3	10	2.7
Ohio					
Northern	546	510	93.4	36	6.6
Southern	540	523	96.9	17	3.1
Tennessee					
Eastern	639	619	96.9	20	3.1
Middle	269	263	97.8	6	2.2
Western	385	365	94.8	20	5.2
SEVENTH CIRCUIT	2,288	2,173	95.0	115	5.0
Illinois					
Central	249	238	95.6	11	4.4
Northern	640	579	90.5	61	9.5
Southern	266	262	98.5	4	1.5
Indiana					
Northern	290	276	95.2	14	4.8
Southern	423	410	96.9	13	3.1
Wisconsin					
Eastern	304	298	98.0	6	2.0
Western	116	110	94.8	6	5.2
EIGHTH CIRCUIT	4,709	4,575	97.2	134	2.8
Arkansas					
Eastern	432	422	97.7	10	2.3
Western	237	232	97.9	5	2.1
Iowa					
Northern	376	355	94.4	21	5.6
Southern	404	391	96.8	13	3.2
Minnesota	413	388	93.9	25	6.1
Missouri					
Eastern	670	656	97.9	14	2.1
Western	804	789	98.1	15	1.9
Nebraska	551	538	97.6	13	2.4
North Dakota	326	318	97.5	8	2.5
South Dakota	496	486	98.0	10	2.0

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
NINTH CIRCUIT	13,122	12,785	97.4	337	2.6
Alaska	179	169	94.4	10	5.6
Arizona	5,447	5,403	99.2	44	0.8
California					
Central	1,017	947	93.1	70	6.9
Eastern	521	493	94.6	28	5.4
Northern	517	481	93.0	36	7.0
Southern	2,888	2,830	98.0	58	2.0
Guam	55	51	92.7	4	7.3
Hawaii	128	123	96.1	5	3.9
Idaho	342	332	97.1	10	2.9
Montana	318	303	95.3	15	4.7
Nevada	485	468	96.5	17	3.5
Northern Mariana Islands	13	9	69.2	4	30.8
Oregon	412	403	97.8	9	2.2
Washington					
Eastern	338	331	97.9	7	2.1
Western	462	442	95.7	20	4.3
TENTH CIRCUIT	6,346	6,263	98.7	83	1.3
Colorado	436	428	98.2	8	1.8
Kansas	582	569	97.8	13	2.2
New Mexico	3,794	3,772	99.4	22	0.6
Oklahoma					
Eastern	107	97	90.7	10	9.3
Northern	168	164	97.6	4	2.4
Western	292	281	96.2	11	3.8
Utah	734	725	98.8	9	1.2
Wyoming	233	227	97.4	6	2.6
ELEVENTH CIRCUIT	6,542	6,241	95.4	301	4.6
Alabama					
Middle	203	193	95.1	10	4.9
Northern	434	420	96.8	14	3.2
Southern	333	328	98.5	5	1.5
Florida					
Middle	1,520	1,435	94.4	85	5.6
Northern	277	252	91.0	25	9.0
Southern	2,365	2,253	95.3	112	4.7
Georgia					
Middle	466	451	96.8	15	3.2
Northern	530	504	95.1	26	4.9
Southern	414	405	97.8	9	2.2

Of the 66,873 guideline cases, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

Table 3

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY
Fiscal Year 2017**

PRIMARY OFFENSE	TOTAL	National				Tenth Circuit			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
TOTAL	66,873	64,981	97.2	1,892	2.8	6,263	98.7	83	1.3
Murder	72	56	77.8	16	22.2	3	100.0	0	0.0
Manslaughter	62	59	95.2	3	4.8	14	100.0	0	0.0
Kidnapping/Hostage Taking	62	54	87.1	8	12.9	7	100.0	0	0.0
Sexual Abuse	649	588	90.6	61	9.4	62	95.4	3	4.6
Assault	788	759	96.3	29	3.7	90	96.8	3	3.2
Robbery	650	630	96.9	20	3.1	65	98.5	1	1.5
Arson	40	37	92.5	3	7.5	6	100.0	0	0.0
Drugs - Trafficking	19,043	18,552	97.4	491	2.6	1,128	98.5	17	1.5
Drugs - Communication Facility	263	262	99.6	1	0.4	46	97.9	1	2.1
Drugs - Simple Possession	1,301	1,297	99.7	4	0.3	53	100.0	0	0.0
Firearms	8,064	7,691	95.4	373	4.6	595	96.3	23	3.7
Burglary/B&E	33	32	97.0	1	3.0	3	100.0	0	0.0
Auto Theft	64	62	96.9	2	3.1	4	100.0	0	0.0
Larceny	808	786	97.3	22	2.7	58	96.7	2	3.3
Fraud	6,029	5,641	93.6	388	6.4	211	94.6	12	5.4
Embezzlement	396	386	97.5	10	2.5	24	92.3	2	7.7
Forgery/Counterfeiting	371	363	97.8	8	2.2	26	100.0	0	0.0
Bribery	155	141	91.0	14	9.0	5	100.0	0	0.0
Tax	433	405	93.5	28	6.5	12	66.7	6	33.3
Money Laundering	679	644	94.8	35	5.2	24	96.0	1	4.0
Racketeering/Extortion	940	863	91.8	77	8.2	55	88.7	7	11.3
Gambling/Lottery	47	47	100.0	0	0.0	1	100.0	0	0.0
Civil Rights	56	48	85.7	8	14.3	2	100.0	0	0.0
Immigration	20,421	20,310	99.5	111	0.5	3,438	100.0	1	0.0
Child Pornography	1,810	1,738	96.0	72	4.0	113	99.1	1	0.9
Prison Offenses	522	521	99.8	1	0.2	31	100.0	0	0.0
Administration of Justice Offenses	1,064	1,025	96.3	39	3.7	65	98.5	1	1.5
Environmental/Wildlife	109	106	97.2	3	2.8	8	100.0	0	0.0
National Defense	89	80	89.9	9	10.1	3	100.0	0	0.0
Antitrust	31	25	80.6	6	19.4	0	--	0	--
Food & Drug	86	86	100.0	0	0.0	16	100.0	0	0.0
Other Miscellaneous Offenses	1,736	1,687	97.2	49	2.8	95	97.9	2	2.1

Of the 66,873 guideline cases, no cases were excluded.

Of the 6,346 guideline cases from the Tenth Circuit, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

Table 4
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2017

National

PRIMARY OFFENSE	TOTAL	Prison Only		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
TOTAL	66,439	58,460	88.0	2,009	3.0	1,394	2.1	4,576	6.9
Murder	72	67	93.1	5	6.9	0	0.0	0	0.0
Manslaughter	62	56	90.3	4	6.5	0	0.0	2	3.2
Kidnapping/Hostage Taking	62	61	98.4	1	1.6	0	0.0	0	0.0
Sexual Abuse	649	622	95.8	18	2.8	6	0.9	3	0.5
Assault	783	622	79.4	54	6.9	18	2.3	89	11.4
Robbery	650	600	92.3	28	4.3	10	1.5	12	1.8
Arson	40	36	90.0	2	5.0	1	2.5	1	2.5
Drugs - Trafficking	19,040	17,640	92.6	616	3.2	247	1.3	537	2.8
Drugs - Communication Facility	263	192	73.0	5	1.9	19	7.2	47	17.9
Drugs - Simple Possession	1,238	995	80.4	2	0.2	8	0.6	233	18.8
Firearms	8,058	7,502	93.1	236	2.9	104	1.3	216	2.7
Burglary/B&E	33	20	60.6	10	30.3	0	0.0	3	9.1
Auto Theft	64	53	82.8	4	6.3	3	4.7	4	6.3
Larceny	763	364	47.7	31	4.1	53	6.9	315	41.3
Fraud	6,013	4,417	73.5	346	5.8	348	5.8	902	15.0
Embezzlement	390	146	37.4	27	6.9	46	11.8	171	43.8
Forgery/Counterfeiting	370	268	72.4	37	10.0	29	7.8	36	9.7
Bribery	155	103	66.5	13	8.4	16	10.3	23	14.8
Tax	431	235	54.5	40	9.3	59	13.7	97	22.5
Money Laundering	679	493	72.6	35	5.2	44	6.5	107	15.8
Racketeering/Extortion	940	859	91.4	27	2.9	22	2.3	32	3.4
Gambling/Lottery	47	11	23.4	6	12.8	5	10.6	25	53.2
Civil Rights	56	31	55.4	2	3.6	8	14.3	15	26.8
Immigration	20,414	19,304	94.6	236	1.2	130	0.6	744	3.6
Child Pornography	1,810	1,740	96.1	46	2.5	9	0.5	15	0.8
Prison Offenses	522	471	90.2	32	6.1	7	1.3	12	2.3
Administration of Justice Offenses	1,058	750	70.9	71	6.7	55	5.2	182	17.2
Environmental/Wildlife	102	17	16.7	4	3.9	18	17.6	63	61.8
National Defense	89	72	80.9	8	9.0	3	3.4	6	6.7
Antitrust	31	12	38.7	1	3.2	14	45.2	4	12.9
Food & Drug	84	26	31.0	2	2.4	10	11.9	46	54.8
Other Miscellaneous Offenses	1,471	675	45.9	60	4.1	102	6.9	634	43.1

Of the 66,873 guideline cases, 434 cases were excluded because the offender received neither imprisonment nor probation.

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

Table 5
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2017

Tenth Circuit

PRIMARY OFFENSE	TOTAL	Prison Only		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
TOTAL	6,309	5,613	89.0	212	3.4	88	1.4	396	6.3
Murder	3	3	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	14	12	85.7	2	14.3	0	0.0	0	0.0
Kidnapping/Hostage Taking	7	6	85.7	1	14.3	0	0.0	0	0.0
Sexual Abuse	65	58	89.2	5	7.7	2	3.1	0	0.0
Assault	92	62	67.4	13	14.1	2	2.2	15	16.3
Robbery	66	54	81.8	9	13.6	2	3.0	1	1.5
Arson	6	4	66.7	1	16.7	0	0.0	1	16.7
Drugs - Trafficking	1,145	1,031	90.0	72	6.3	15	1.3	27	2.4
Drugs - Communication Facility	47	37	78.7	0	0.0	5	10.6	5	10.6
Drugs - Simple Possession	46	16	34.8	0	0.0	2	4.3	28	60.9
Firearms	616	547	88.8	39	6.3	5	0.8	25	4.1
Burglary/B&E	3	1	33.3	2	66.7	0	0.0	0	0.0
Auto Theft	4	3	75.0	1	25.0	0	0.0	0	0.0
Larceny	56	25	44.6	0	0.0	4	7.1	27	48.2
Fraud	214	152	71.0	11	5.1	12	5.6	39	18.2
Embezzlement	26	9	34.6	2	7.7	8	30.8	7	26.9
Forgery/Counterfeiting	26	22	84.6	1	3.8	0	0.0	3	11.5
Bribery	5	2	40.0	0	0.0	2	40.0	1	20.0
Tax	18	12	66.7	0	0.0	1	5.6	5	27.8
Money Laundering	25	11	44.0	0	0.0	5	20.0	9	36.0
Racketeering/Extortion	62	50	80.6	3	4.8	5	8.1	4	6.5
Gambling/Lottery	1	0	0.0	0	0.0	1	100.0	0	0.0
Civil Rights	2	1	50.0	0	0.0	1	50.0	0	0.0
Immigration	3,439	3,294	95.8	28	0.8	4	0.1	113	3.3
Child Pornography	114	102	89.5	8	7.0	0	0.0	4	3.5
Prison Offenses	31	29	93.5	2	6.5	0	0.0	0	0.0
Administration of Justice Offenses	66	40	60.6	6	9.1	5	7.6	15	22.7
Environmental/Wildlife	7	1	14.3	0	0.0	1	14.3	5	71.4
National Defense	3	2	66.7	0	0.0	0	0.0	1	33.3
Antitrust	0	0	--	0	--	0	--	0	--
Food & Drug	16	3	18.8	0	0.0	3	18.8	10	62.5
Other Miscellaneous Offenses	84	24	28.6	6	7.1	3	3.6	51	60.7

Of the 6,346 guideline cases from the Tenth Circuit, 37 cases were excluded because the offender received neither imprisonment nor probation.

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

Table 6

**INCARCERATION RATE OF U.S. CITIZEN OFFENDERS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2017**

PRIMARY OFFENSE	TOTAL	National				Tenth Circuit			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
TOTAL	4,601	2,040	44.3	2,561	55.7	152	45.9	179	54.1
Fraud	931	385	41.4	546	58.6	20	44.4	25	55.6
Larceny	397	106	26.7	291	73.3	8	26.7	22	73.3
Immigration	436	272	62.4	164	37.6	41	70.7	17	29.3
Embezzlement	209	48	23.0	161	77.0	7	33.3	14	66.7
Drugs - Trafficking	441	232	52.6	209	47.4	24	64.9	13	35.1
Drugs - Simple Possession	407	196	48.2	211	51.8	11	32.4	23	67.6
Firearms	189	129	68.3	60	31.7	6	60.0	4	40.0
Forgery/Counterfeiting	78	49	62.8	29	37.2	2	66.7	1	33.3
Other Miscellaneous Offenses	1,513	623	41.2	890	58.8	33	35.5	60	64.5

Of the 66,873 guideline cases, a U.S. Citizen was the offender in 39,376 cases. Of these, 34,775 cases were excluded because the offender was ineligible for a non-prison sentence.

Of the 6,346 guideline cases from the Tenth Circuit, a U.S. Citizen was the offender in 2,461 cases. Of these, 2,130 cases were excluded because the offender was ineligible for a non-prison sentence.

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

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

Table 7

**LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2017**

PRIMARY OFFENSE	National			Tenth Circuit		
	Mean Months	Median Months	N	Mean Months	Median Months	N
TOTAL	51	27	58,091	28	6	5,677
Murder	224	180	72	233	120	3
Manslaughter	71	60	59	69	34	14
Kidnapping/Hostage Taking	230	210	62	258	216	7
Sexual Abuse	140	120	632	130	96	61
Assault	35	24	632	33	27	74
Robbery	77	60	620	70	57	62
Arson	67	60	37	46	60	5
Drugs - Trafficking	75	60	17,795	55	37	1,088
Drugs - Communication Facility	38	37	190	35	36	37
Drugs - Simple Possession	5	6	957	3	2	14
Firearms	75	52	7,590	59	40	568
Burglary/B&E	20	18	29	24	23	3
Auto Theft	88	57	52	48	44	4
Larceny	20	12	365	16	10	21
Fraud	35	24	4,471	35	27	145
Embezzlement	15	11	164	10	6	11
Forgery/Counterfeiting	21	18	287	21	18	23
Bribery	25	18	114	--	--	2
Tax	19	12	263	29	30	11
Money Laundering	44	30	497	32	27	11
Racketeering/Extortion	108	60	866	51	43	52
Gambling/Lottery	9	5	12	--	--	0
Civil Rights	60	27	33	--	--	1
Immigration	13	10	18,475	5	2	3,250
Child Pornography	151	97	1,763	154	97	110
Prison Offenses	12	11	492	15	12	30
Administration of Justice Offenses	25	18	770	18	16	37
Environmental/Wildlife	12	6	18	--	--	1
National Defense	63	35	78	--	--	2
Antitrust	24	12	13	--	--	0
Food & Drug	20	12	23	11	8	3
Other Miscellaneous Offenses	41	12	660	27	5	27

Of the 66,873 guideline cases, 8,782 cases were excluded for one or both of the following reasons: zero months of prison ordered (8,345), or missing or indeterminable sentencing information (437).

Of the 6,346 guideline cases from the Tenth Circuit, 669 cases were excluded due to one of the following reasons: zero months of prison ordered (632) or missing or indeterminable sentencing information (37).

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

Table 8

**COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE
Fiscal Year 2017**

	National		Tenth Circuit	
	N	%	N	%
TOTAL CASES¹	66,266	100.0	6,308	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	32,552	49.1	3,327	52.7
CASES SENTENCED ABOVE GUIDELINE RANGE	1,950	2.9	92	1.5
DEPARTURE ABOVE GUIDELINE RANGE	456	0.7	28	0.4
Upward Departure From Guideline Range ²	352	0.5	24	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	104	0.2	4	0.1
OTHERWISE ABOVE GUIDELINE RANGE	1,494	2.3	64	1.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	1,411	2.1	60	1.0
All Remaining Cases Above Guideline Range ⁵	83	0.1	4	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	18,417	27.8	2,135	33.8
§5K1.1 Substantial Assistance Departure	7,128	10.8	307	4.9
§5K3.1 Early Disposition Program Departure	5,828	8.8	1,150	18.2
Other Government Sponsored Below Range	5,461	8.2	678	10.7
NON-GOVERNMENT SPONSORED BELOW RANGE	13,347	20.1	754	12.0
DEPARTURE BELOW GUIDELINE RANGE	1,563	2.4	71	1.1
Downward Departure From Guideline Range ²	1,142	1.7	45	0.7
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	421	0.6	26	0.4
OTHERWISE BELOW GUIDELINE RANGE	11,784	17.8	683	10.8
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	11,457	17.3	668	10.6
All Remaining Cases Below Guideline Range ⁵	327	0.5	15	0.2

¹ This table reflects the 66,873 cases sentenced nationally in fiscal year 2017, 6,346 of which were from the Tenth Circuit. Of these, 607 cases nationally and 38 cases from the Tenth Circuit were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

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

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

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

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

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

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

Table 9

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT
Fiscal Year 2017**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	66,266	32,552	49.1	352	0.5	104	0.2	1,411	2.1	83	0.1
D.C. CIRCUIT	230	73	31.7	2	0.9	1	0.4	1	0.4	0	0.0
District of Columbia	230	73	31.7	2	0.9	1	0.4	1	0.4	0	0.0
FIRST CIRCUIT	1,992	987	49.5	10	0.5	1	0.1	74	3.7	6	0.3
Maine	197	64	32.5	2	1.0	0	0.0	1	0.5	0	0.0
Massachusetts	504	157	31.2	4	0.8	0	0.0	7	1.4	0	0.0
New Hampshire	212	93	43.9	0	0.0	0	0.0	10	4.7	0	0.0
Puerto Rico	980	647	66.0	4	0.4	1	0.1	55	5.6	6	0.6
Rhode Island	99	26	26.3	0	0.0	0	0.0	1	1.0	0	0.0
SECOND CIRCUIT	3,513	1,087	30.9	14	0.4	6	0.2	40	1.1	2	0.1
Connecticut	344	112	32.6	5	1.5	2	0.6	6	1.7	0	0.0
New York											
Eastern	739	171	23.1	3	0.4	3	0.4	9	1.2	0	0.0
Northern	334	179	53.6	2	0.6	1	0.3	3	0.9	0	0.0
Southern	1,463	361	24.7	1	0.1	0	0.0	16	1.1	1	0.1
Western	455	230	50.5	3	0.7	0	0.0	2	0.4	1	0.2
Vermont	178	34	19.1	0	0.0	0	0.0	4	2.2	0	0.0
THIRD CIRCUIT	2,174	828	38.1	4	0.2	3	0.1	32	1.5	3	0.1
Delaware	84	25	29.8	1	1.2	0	0.0	1	1.2	0	0.0
New Jersey	589	220	37.4	0	0.0	0	0.0	3	0.5	0	0.0
Pennsylvania											
Eastern	669	218	32.6	0	0.0	1	0.1	11	1.6	1	0.1
Middle	404	211	52.2	1	0.2	1	0.2	4	1.0	0	0.0
Western	355	106	29.9	2	0.6	1	0.3	12	3.4	0	0.0
Virgin Islands	73	48	65.8	0	0.0	0	0.0	1	1.4	2	2.7
FOURTH CIRCUIT	4,827	2,626	54.4	37	0.8	15	0.3	114	2.4	12	0.2
Maryland	698	239	34.2	4	0.6	3	0.4	22	3.2	3	0.4
North Carolina											
Eastern	568	292	51.4	8	1.4	5	0.9	8	1.4	0	0.0
Middle	407	235	57.7	2	0.5	2	0.5	17	4.2	3	0.7
Western	554	306	55.2	1	0.2	0	0.0	9	1.6	0	0.0
South Carolina	706	404	57.2	10	1.4	1	0.1	11	1.6	1	0.1
Virginia											
Eastern	1,175	779	66.3	9	0.8	3	0.3	20	1.7	2	0.2
Western	273	123	45.1	2	0.7	1	0.4	12	4.4	2	0.7
West Virginia											
Northern	235	137	58.3	1	0.4	0	0.0	9	3.8	0	0.0
Southern	211	111	52.6	0	0.0	0	0.0	6	2.8	1	0.5

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	7,128	10.8	5,828	8.8	5,461	8.2	1,142	1.7	421	0.6	11,457	17.3	327	0.5
D.C. CIRCUIT	40	17.4	3	1.3	50	21.7	6	2.6	8	3.5	42	18.3	4	1.7
District of Columbia	40	17.4	3	1.3	50	21.7	6	2.6	8	3.5	42	18.3	4	1.7
FIRST CIRCUIT	210	10.5	17	0.9	297	14.9	43	2.2	8	0.4	329	16.5	10	0.5
Maine	57	28.9	0	0.0	18	9.1	2	1.0	1	0.5	52	26.4	0	0.0
Massachusetts	45	8.9	7	1.4	148	29.4	9	1.8	2	0.4	123	24.4	2	0.4
New Hampshire	25	11.8	0	0.0	44	20.8	6	2.8	1	0.5	32	15.1	1	0.5
Puerto Rico	75	7.7	10	1.0	66	6.7	26	2.7	4	0.4	79	8.1	7	0.7
Rhode Island	8	8.1	0	0.0	21	21.2	0	0.0	0	0.0	43	43.4	0	0.0
SECOND CIRCUIT	628	17.9	10	0.3	274	7.8	64	1.8	57	1.6	1,314	37.4	17	0.5
Connecticut	47	13.7	1	0.3	46	13.4	11	3.2	5	1.5	109	31.7	0	0.0
New York														
Eastern	173	23.4	2	0.3	48	6.5	33	4.5	25	3.4	263	35.6	9	1.2
Northern	48	14.4	1	0.3	9	2.7	3	0.9	2	0.6	83	24.9	3	0.9
Southern	223	15.2	6	0.4	81	5.5	15	1.0	23	1.6	732	50.0	4	0.3
Western	108	23.7	0	0.0	37	8.1	2	0.4	0	0.0	71	15.6	1	0.2
Vermont	29	16.3	0	0.0	53	29.8	0	0.0	2	1.1	56	31.5	0	0.0
THIRD CIRCUIT	542	24.9	10	0.5	245	11.3	19	0.9	14	0.6	449	20.7	25	1.1
Delaware	12	14.3	1	1.2	20	23.8	0	0.0	0	0.0	23	27.4	1	1.2
New Jersey	140	23.8	2	0.3	71	12.1	7	1.2	2	0.3	141	23.9	3	0.5
Pennsylvania														
Eastern	233	34.8	3	0.4	58	8.7	2	0.3	4	0.6	129	19.3	9	1.3
Middle	88	21.8	4	1.0	17	4.2	6	1.5	4	1.0	65	16.1	3	0.7
Western	58	16.3	0	0.0	77	21.7	4	1.1	4	1.1	89	25.1	2	0.6
Virgin Islands	11	15.1	0	0.0	2	2.7	0	0.0	0	0.0	2	2.7	7	9.6
FOURTH CIRCUIT	676	14.0	2	0.0	350	7.3	53	1.1	41	0.8	889	18.4	12	0.2
Maryland	128	18.3	2	0.3	174	24.9	8	1.1	11	1.6	104	14.9	0	0.0
North Carolina														
Eastern	135	23.8	0	0.0	3	0.5	2	0.4	4	0.7	110	19.4	1	0.2
Middle	64	15.7	0	0.0	4	1.0	0	0.0	3	0.7	77	18.9	0	0.0
Western	139	25.1	0	0.0	28	5.1	3	0.5	4	0.7	62	11.2	2	0.4
South Carolina	90	12.7	0	0.0	37	5.2	7	1.0	1	0.1	140	19.8	4	0.6
Virginia														
Eastern	37	3.1	0	0.0	42	3.6	25	2.1	15	1.3	239	20.3	4	0.3
Western	48	17.6	0	0.0	27	9.9	6	2.2	3	1.1	48	17.6	1	0.4
West Virginia														
Northern	14	6.0	0	0.0	29	12.3	1	0.4	0	0.0	44	18.7	0	0.0
Southern	21	10.0	0	0.0	6	2.8	1	0.5	0	0.0	65	30.8	0	0.0

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	16,589	10,795	65.1	120	0.7	31	0.2	481	2.9	22	0.1
Louisiana											
Eastern	348	171	49.1	3	0.9	0	0.0	8	2.3	2	0.6
Middle	171	73	42.7	3	1.8	0	0.0	7	4.1	0	0.0
Western	254	143	56.3	1	0.4	0	0.0	2	0.8	0	0.0
Mississippi											
Northern	155	64	41.3	0	0.0	0	0.0	7	4.5	0	0.0
Southern	278	213	76.6	3	1.1	3	1.1	14	5.0	0	0.0
Texas											
Eastern	794	493	62.1	7	0.9	0	0.0	19	2.4	1	0.1
Northern	1,428	886	62.0	5	0.4	7	0.5	67	4.7	0	0.0
Southern	6,629	4,237	63.9	93	1.4	18	0.3	134	2.0	6	0.1
Western	6,532	4,515	69.1	5	0.1	3	0.0	223	3.4	13	0.2
SIXTH CIRCUIT	4,205	1,795	42.7	19	0.5	11	0.3	69	1.6	4	0.1
Kentucky											
Eastern	360	193	53.6	5	1.4	7	1.9	6	1.7	0	0.0
Western	277	132	47.7	2	0.7	0	0.0	2	0.7	0	0.0
Michigan											
Eastern	859	329	38.3	1	0.1	0	0.0	9	1.0	1	0.1
Western	369	202	54.7	4	1.1	1	0.3	6	1.6	0	0.0
Ohio											
Northern	544	234	43.0	1	0.2	1	0.2	16	2.9	3	0.6
Southern	538	160	29.7	2	0.4	1	0.2	8	1.5	0	0.0
Tennessee											
Eastern	637	304	47.7	2	0.3	1	0.2	14	2.2	0	0.0
Middle	237	58	24.5	2	0.8	0	0.0	3	1.3	0	0.0
Western	384	183	47.7	0	0.0	0	0.0	5	1.3	0	0.0
SEVENTH CIRCUIT	2,279	818	35.9	7	0.3	1	0.0	46	2.0	0	0.0
Illinois											
Central	246	101	41.1	0	0.0	0	0.0	16	6.5	0	0.0
Northern	640	180	28.1	0	0.0	1	0.2	8	1.3	0	0.0
Southern	266	140	52.6	4	1.5	0	0.0	4	1.5	0	0.0
Indiana											
Northern	289	141	48.8	0	0.0	0	0.0	4	1.4	0	0.0
Southern	423	179	42.3	1	0.2	0	0.0	10	2.4	0	0.0
Wisconsin											
Eastern	301	37	12.3	0	0.0	0	0.0	3	1.0	0	0.0
Western	114	40	35.1	2	1.8	0	0.0	1	0.9	0	0.0
EIGHTH CIRCUIT	4,704	2,217	47.1	29	0.6	11	0.2	152	3.2	3	0.1
Arkansas											
Eastern	432	251	58.1	0	0.0	0	0.0	16	3.7	0	0.0
Western	237	111	46.8	0	0.0	0	0.0	4	1.7	0	0.0
Iowa											
Northern	376	213	56.6	14	3.7	1	0.3	9	2.4	1	0.3
Southern	404	171	42.3	0	0.0	0	0.0	9	2.2	0	0.0
Minnesota	413	156	37.8	1	0.2	0	0.0	3	0.7	0	0.0
Missouri											
Eastern	670	304	45.4	0	0.0	4	0.6	15	2.2	0	0.0
Western	802	307	38.3	2	0.2	0	0.0	73	9.1	1	0.1
Nebraska	551	278	50.5	1	0.2	0	0.0	6	1.1	0	0.0
North Dakota	324	124	38.3	5	1.5	0	0.0	8	2.5	0	0.0
South Dakota	495	302	61.0	6	1.2	6	1.2	9	1.8	1	0.2

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,211	7.3	615	3.7	496	3.0	624	3.8	44	0.3	2,058	12.4	92	0.6
Louisiana														
Eastern	73	21.0	6	1.7	22	6.3	5	1.4	0	0.0	57	16.4	1	0.3
Middle	31	18.1	1	0.6	0	0.0	1	0.6	1	0.6	54	31.6	0	0.0
Western	36	14.2	0	0.0	3	1.2	5	2.0	5	2.0	54	21.3	5	2.0
Mississippi														
Northern	45	29.0	0	0.0	11	7.1	0	0.0	0	0.0	28	18.1	0	0.0
Southern	15	5.4	0	0.0	4	1.4	0	0.0	0	0.0	25	9.0	1	0.4
Texas														
Eastern	25	3.1	0	0.0	206	25.9	2	0.3	1	0.1	40	5.0	0	0.0
Northern	187	13.1	1	0.1	34	2.4	21	1.5	7	0.5	211	14.8	2	0.1
Southern	412	6.2	395	6.0	68	1.0	439	6.6	13	0.2	802	12.1	12	0.2
Western	387	5.9	212	3.2	148	2.3	151	2.3	17	0.3	787	12.0	71	1.1
SIXTH CIRCUIT	845	20.1	11	0.3	452	10.7	52	1.2	48	1.1	892	21.2	7	0.2
Kentucky														
Eastern	57	15.8	0	0.0	12	3.3	4	1.1	2	0.6	74	20.6	0	0.0
Western	69	24.9	2	0.7	35	12.6	4	1.4	2	0.7	28	10.1	1	0.4
Michigan														
Eastern	121	14.1	1	0.1	81	9.4	8	0.9	15	1.7	293	34.1	0	0.0
Western	63	17.1	0	0.0	4	1.1	7	1.9	9	2.4	73	19.8	0	0.0
Ohio														
Northern	139	25.6	0	0.0	18	3.3	13	2.4	8	1.5	109	20.0	2	0.4
Southern	108	20.1	8	1.5	135	25.1	5	0.9	7	1.3	104	19.3	0	0.0
Tennessee														
Eastern	175	27.5	0	0.0	55	8.6	9	1.4	2	0.3	73	11.5	2	0.3
Middle	50	21.1	0	0.0	68	28.7	1	0.4	1	0.4	53	22.4	1	0.4
Western	63	16.4	0	0.0	44	11.5	1	0.3	2	0.5	85	22.1	1	0.3
SEVENTH CIRCUIT	313	13.7	0	0.0	263	11.5	40	1.8	35	1.5	735	32.3	21	0.9
Illinois														
Central	32	13.0	0	0.0	29	11.8	1	0.4	1	0.4	65	26.4	1	0.4
Northern	60	9.4	0	0.0	59	9.2	15	2.3	23	3.6	281	43.9	13	2.0
Southern	48	18.0	0	0.0	19	7.1	4	1.5	2	0.8	40	15.0	5	1.9
Indiana														
Northern	39	13.5	0	0.0	42	14.5	0	0.0	0	0.0	61	21.1	2	0.7
Southern	85	20.1	0	0.0	40	9.5	1	0.2	1	0.2	106	25.1	0	0.0
Wisconsin														
Eastern	39	13.0	0	0.0	62	20.6	0	0.0	0	0.0	160	53.2	0	0.0
Western	10	8.8	0	0.0	12	10.5	19	16.7	8	7.0	22	19.3	0	0.0
EIGHTH CIRCUIT	577	12.3	69	1.5	416	8.8	31	0.7	36	0.8	1,142	24.3	21	0.4
Arkansas														
Eastern	49	11.3	0	0.0	20	4.6	2	0.5	0	0.0	86	19.9	8	1.9
Western	29	12.2	1	0.4	2	0.8	1	0.4	0	0.0	88	37.1	1	0.4
Iowa														
Northern	66	17.6	0	0.0	5	1.3	1	0.3	1	0.3	64	17.0	1	0.3
Southern	40	9.9	2	0.5	65	16.1	0	0.0	2	0.5	115	28.5	0	0.0
Minnesota														
Northern	62	15.0	0	0.0	27	6.5	3	0.7	12	2.9	148	35.8	1	0.2
Missouri														
Eastern	75	11.2	0	0.0	76	11.3	2	0.3	6	0.9	182	27.2	6	0.9
Western	122	15.2	0	0.0	91	11.3	0	0.0	5	0.6	199	24.8	2	0.2
Nebraska														
Northern	17	3.1	50	9.1	69	12.5	2	0.4	2	0.4	125	22.7	1	0.2
North Dakota														
Northern	99	30.6	9	2.8	32	9.9	3	0.9	5	1.5	38	11.7	1	0.3
South Dakota														
Northern	18	3.6	7	1.4	29	5.9	17	3.4	3	0.6	97	19.6	0	0.0

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	13,049	4,524	34.7	74	0.6	15	0.1	243	1.9	19	0.1
Alaska	178	71	39.9	1	0.6	2	1.1	6	3.4	0	0.0
Arizona	5,391	2,350	43.6	56	1.0	6	0.1	146	2.7	5	0.1
California											
Central	1,012	332	32.8	3	0.3	1	0.1	6	0.6	4	0.4
Eastern	517	217	42.0	1	0.2	2	0.4	9	1.7	2	0.4
Northern	516	187	36.2	0	0.0	0	0.0	9	1.7	0	0.0
Southern	2,887	434	15.0	3	0.1	0	0.0	15	0.5	4	0.1
Guam	55	22	40.0	0	0.0	0	0.0	1	1.8	1	1.8
Hawaii	128	52	40.6	1	0.8	0	0.0	2	1.6	0	0.0
Idaho	342	149	43.6	0	0.0	2	0.6	1	0.3	1	0.3
Montana	318	91	28.6	2	0.6	0	0.0	7	2.2	0	0.0
Nevada	484	235	48.6	2	0.4	0	0.0	11	2.3	0	0.0
Northern Mariana Islands	13	6	46.2	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	411	119	29.0	2	0.5	1	0.2	10	2.4	2	0.5
Washington											
Eastern	338	122	36.1	3	0.9	1	0.3	10	3.0	0	0.0
Western	459	137	29.8	0	0.0	0	0.0	10	2.2	0	0.0
TENTH CIRCUIT	6,308	3,327	52.7	24	0.4	4	0.1	60	1.0	4	0.1
Colorado	433	186	43.0	2	0.5	0	0.0	15	3.5	0	0.0
Kansas	566	223	39.4	1	0.2	2	0.4	20	3.5	0	0.0
New Mexico	3,785	2,355	62.2	7	0.2	1	0.0	6	0.2	3	0.1
Oklahoma											
Eastern	107	72	67.3	2	1.9	0	0.0	2	1.9	0	0.0
Northern	167	60	35.9	3	1.8	0	0.0	0	0.0	0	0.0
Western	292	145	49.7	1	0.3	0	0.0	4	1.4	0	0.0
Utah	726	209	28.8	7	1.0	0	0.0	9	1.2	0	0.0
Wyoming	232	77	33.2	1	0.4	1	0.4	4	1.7	1	0.4
ELEVENTH CIRCUIT	6,396	3,475	54.3	12	0.2	5	0.1	99	1.5	8	0.1
Alabama											
Middle	199	109	54.8	0	0.0	2	1.0	9	4.5	0	0.0
Northern	428	226	52.8	0	0.0	0	0.0	7	1.6	1	0.2
Southern	333	200	60.1	0	0.0	0	0.0	4	1.2	0	0.0
Florida											
Middle	1,520	786	51.7	1	0.1	1	0.1	16	1.1	2	0.1
Northern	263	114	43.3	1	0.4	0	0.0	6	2.3	1	0.4
Southern	2,282	1,260	55.2	4	0.2	1	0.0	36	1.6	3	0.1
Georgia											
Middle	439	300	68.3	0	0.0	0	0.0	5	1.1	0	0.0
Northern	519	161	31.0	4	0.8	1	0.2	10	1.9	1	0.2
Southern	413	319	77.2	2	0.5	0	0.0	6	1.5	0	0.0

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	928	7.1	3,925	30.1	1,565	12.0	134	1.0	70	0.5	1,471	11.3	81	0.6
Alaska	22	12.4	0	0.0	30	16.9	0	0.0	2	1.1	42	23.6	2	1.1
Arizona	108	2.0	1,983	36.8	440	8.2	24	0.4	10	0.2	258	4.8	5	0.1
California														
Central	134	13.2	60	5.9	184	18.2	28	2.8	17	1.7	206	20.4	37	3.7
Eastern	93	18.0	21	4.1	45	8.7	1	0.2	5	1.0	119	23.0	2	0.4
Northern	68	13.2	7	1.4	49	9.5	4	0.8	8	1.6	179	34.7	5	1.0
Southern	166	5.7	1,762	61.0	273	9.5	60	2.1	7	0.2	140	4.8	23	0.8
Guam	23	41.8	0	0.0	2	3.6	2	3.6	0	0.0	4	7.3	0	0.0
Hawaii	29	22.7	0	0.0	0	0.0	0	0.0	0	0.0	44	34.4	0	0.0
Idaho	75	21.9	12	3.5	12	3.5	5	1.5	6	1.8	78	22.8	1	0.3
Montana	64	20.1	0	0.0	22	6.9	2	0.6	2	0.6	126	39.6	2	0.6
Nevada	35	7.2	19	3.9	90	18.6	3	0.6	4	0.8	84	17.4	1	0.2
Northern Mariana Islands	4	30.8	0	0.0	3	23.1	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	39	9.5	1	0.2	159	38.7	0	0.0	4	1.0	72	17.5	2	0.5
Washington														
Eastern	56	16.6	28	8.3	56	16.6	4	1.2	4	1.2	53	15.7	1	0.3
Western	12	2.6	32	7.0	200	43.6	1	0.2	1	0.2	66	14.4	0	0.0
TENTH CIRCUIT	307	4.9	1,150	18.2	678	10.7	45	0.7	26	0.4	668	10.6	15	0.2
Colorado	52	12.0	19	4.4	67	15.5	10	2.3	6	1.4	76	17.6	0	0.0
Kansas	74	13.1	4	0.7	167	29.5	5	0.9	2	0.4	67	11.8	1	0.2
New Mexico	69	1.8	874	23.1	204	5.4	20	0.5	8	0.2	227	6.0	11	0.3
Oklahoma														
Eastern	14	13.1	0	0.0	6	5.6	0	0.0	0	0.0	11	10.3	0	0.0
Northern	42	25.1	0	0.0	13	7.8	2	1.2	0	0.0	47	28.1	0	0.0
Western	20	6.8	0	0.0	10	3.4	0	0.0	0	0.0	111	38.0	1	0.3
Utah	26	3.6	232	32.0	143	19.7	6	0.8	2	0.3	91	12.5	1	0.1
Wyoming	10	4.3	21	9.1	68	29.3	2	0.9	8	3.4	38	16.4	1	0.4
ELEVENTH CIRCUIT	851	13.3	16	0.3	375	5.9	31	0.5	34	0.5	1,468	23.0	22	0.3
Alabama														
Middle	27	13.6	0	0.0	8	4.0	0	0.0	0	0.0	44	22.1	0	0.0
Northern	101	23.6	0	0.0	12	2.8	1	0.2	0	0.0	78	18.2	2	0.5
Southern	64	19.2	0	0.0	4	1.2	3	0.9	1	0.3	57	17.1	0	0.0
Florida														
Middle	255	16.8	12	0.8	41	2.7	7	0.5	7	0.5	390	25.7	2	0.1
Northern	62	23.6	2	0.8	3	1.1	0	0.0	6	2.3	68	25.9	0	0.0
Southern	199	8.7	2	0.1	100	4.4	13	0.6	15	0.7	632	27.7	17	0.7
Georgia														
Middle	51	11.6	0	0.0	24	5.5	2	0.5	0	0.0	56	12.8	1	0.2
Northern	55	10.6	0	0.0	174	33.5	4	0.8	5	1.0	104	20.0	0	0.0
Southern	37	9.0	0	0.0	9	2.2	1	0.2	0	0.0	39	9.4	0	0.0

Of the 66,873 cases, 607 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 (13.1%), Middle Tennessee (11.9%), Western Louisiana (7.0%), Middle Georgia (5.8%), and Northern Florida (5.1%).

SOURCE: U.S. Sentencing Commission, 2017 Datafile, USSCFY17.

Table 10

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY SELECTED PRIMARY OFFENSE CATEGORY
Fiscal Year 2017**

National

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	66,266	32,552	49.1	352	0.5	104	0.2	1,411	2.1	83	0.1
Robbery	650	308	47.4	4	0.6	2	0.3	31	4.8	1	0.2
Drugs - Trafficking	19,022	6,649	35.0	66	0.3	21	0.1	176	0.9	19	0.1
Drugs - Simple Possession	1,198	1,062	88.6	3	0.3	0	0.0	107	8.9	1	0.1
Firearms	8,055	4,223	52.4	75	0.9	22	0.3	326	4.0	15	0.2
Larceny	768	461	60.0	1	0.1	0	0.0	8	1.0	1	0.1
Fraud	5,967	2,552	42.8	12	0.2	7	0.1	96	1.6	9	0.2
Embezzlement	390	218	55.9	1	0.3	0	0.0	2	0.5	0	0.0
Forgery/Counterfeiting	369	190	51.5	1	0.3	1	0.3	11	3.0	1	0.3
Immigration	20,334	12,630	62.1	119	0.6	24	0.1	413	2.0	21	0.1
Other Miscellaneous Offenses	9,513	4,259	44.8	70	0.7	27	0.3	241	2.5	15	0.2

Tenth Circuit

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	6,308	3,327	52.7	24	0.4	4	0.1	60	1.0	4	0.1
Robbery	66	36	54.5	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	1,144	317	27.7	10	0.9	0	0.0	7	0.6	2	0.2
Drugs - Simple Possession	49	46	93.9	0	0.0	0	0.0	0	0.0	0	0.0
Firearms	616	279	45.3	8	1.3	3	0.5	26	4.2	1	0.2
Larceny	53	31	58.5	0	0.0	0	0.0	0	0.0	0	0.0
Fraud	219	106	48.4	0	0.0	1	0.5	8	3.7	0	0.0
Embezzlement	26	18	69.2	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	26	12	46.2	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	3,439	2,219	64.5	2	0.1	0	0.0	7	0.2	0	0.0
Other Miscellaneous Offenses	670	263	39.3	4	0.6	0	0.0	12	1.8	1	0.1

National

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	7,128	10.8	5,828	8.8	5,461	8.2	1,142	1.7	421	0.6	11,457	17.3	327	0.5
Robbery	59	9.1	0	0.0	63	9.7	9	1.4	9	1.4	161	24.8	3	0.5
Drugs - Trafficking	4,264	22.4	1,364	7.2	2,039	10.7	299	1.6	154	0.8	3,902	20.5	69	0.4
Drugs - Simple Possession	2	0.2	1	0.1	7	0.6	1	0.1	0	0.0	11	0.9	3	0.3
Firearms	670	8.3	7	0.1	787	9.8	108	1.3	62	0.8	1,729	21.5	31	0.4
Larceny	45	5.9	2	0.3	71	9.2	13	1.7	5	0.7	156	20.3	5	0.7
Fraud	1,005	16.8	4	0.1	608	10.2	49	0.8	55	0.9	1,522	25.5	48	0.8
Embezzlement	20	5.1	0	0.0	29	7.4	5	1.3	5	1.3	104	26.7	6	1.5
Forgery/Counterfeiting	34	9.2	0	0.0	28	7.6	8	2.2	4	1.1	89	24.1	2	0.5
Immigration	189	0.9	4,431	21.8	361	1.8	513	2.5	42	0.2	1,497	7.4	94	0.5
Other Miscellaneous Offenses	840	8.8	19	0.2	1,468	15.4	137	1.4	85	0.9	2,286	24.0	66	0.7

Tenth Circuit

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	307	4.9	1,150	18.2	678	10.7	45	0.7	26	0.4	668	10.6	15	0.2
Robbery	4	6.1	0	0.0	11	16.7	1	1.5	0	0.0	14	21.2	0	0.0
Drugs - Trafficking	207	18.1	93	8.1	232	20.3	16	1.4	11	1.0	244	21.3	5	0.4
Drugs - Simple Possession	1	2.0	0	0.0	1	2.0	0	0.0	0	0.0	1	2.0	0	0.0
Firearms	26	4.2	3	0.5	130	21.1	12	1.9	5	0.8	122	19.8	1	0.2
Larceny	3	5.7	0	0.0	7	13.2	1	1.9	0	0.0	10	18.9	1	1.9
Fraud	10	4.6	0	0.0	50	22.8	1	0.5	0	0.0	43	19.6	0	0.0
Embezzlement	0	0.0	0	0.0	2	7.7	1	3.8	0	0.0	4	15.4	1	3.8
Forgery/Counterfeiting	2	7.7	0	0.0	2	7.7	0	0.0	0	0.0	10	38.5	0	0.0
Immigration	7	0.2	1,054	30.6	76	2.2	6	0.2	4	0.1	58	1.7	6	0.2
Other Miscellaneous Offenses	47	7.0	0	0.0	167	24.9	7	1.0	6	0.9	162	24.2	1	0.1

Of the 66,873 guideline cases, 607 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 6,346 guideline cases from the Tenth Circuit, 38 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, 2017 Datafile, USSCFY17.