

**United
States
Sentencing
Commission**



Statistical Information Packet

Fiscal Year 2017

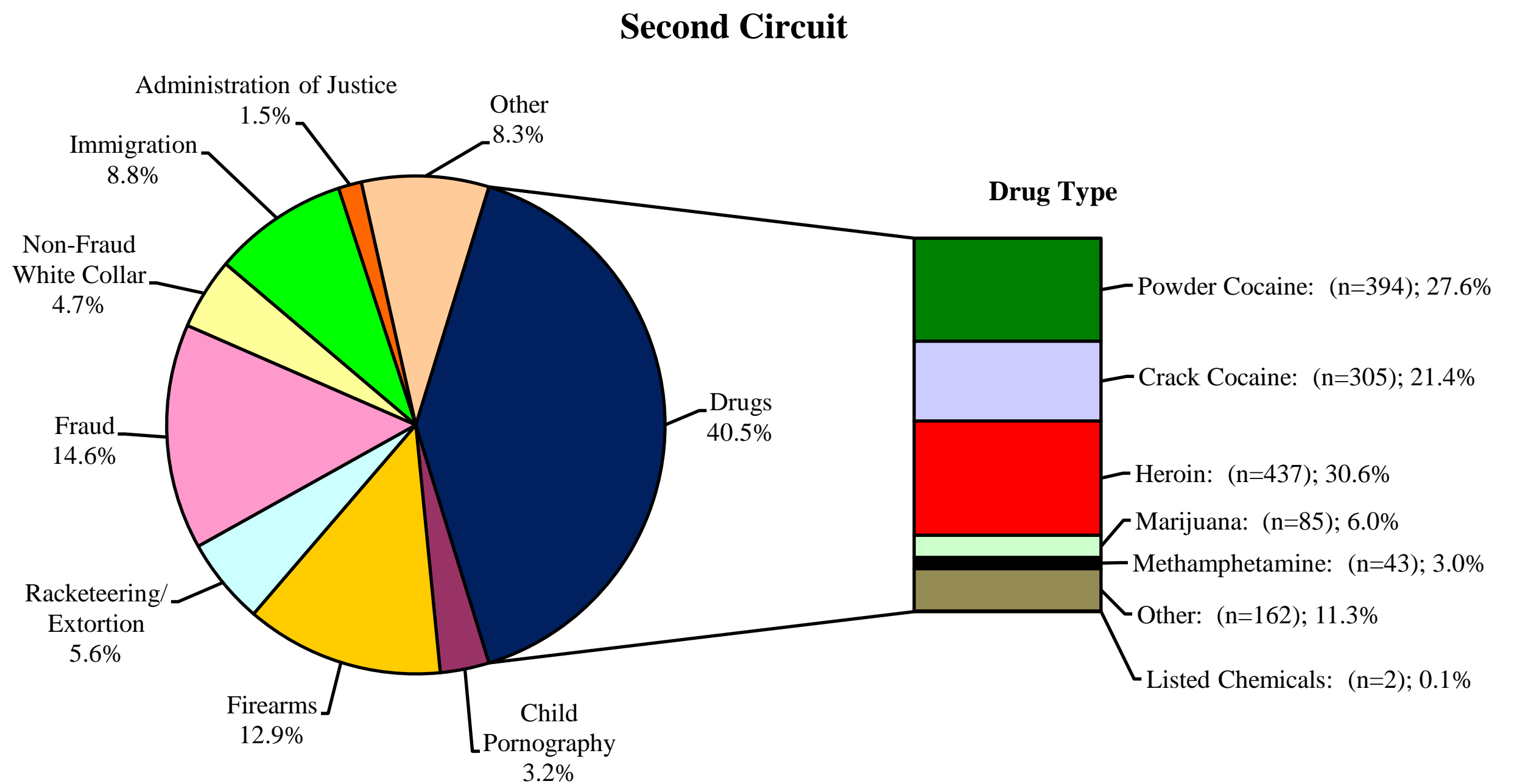
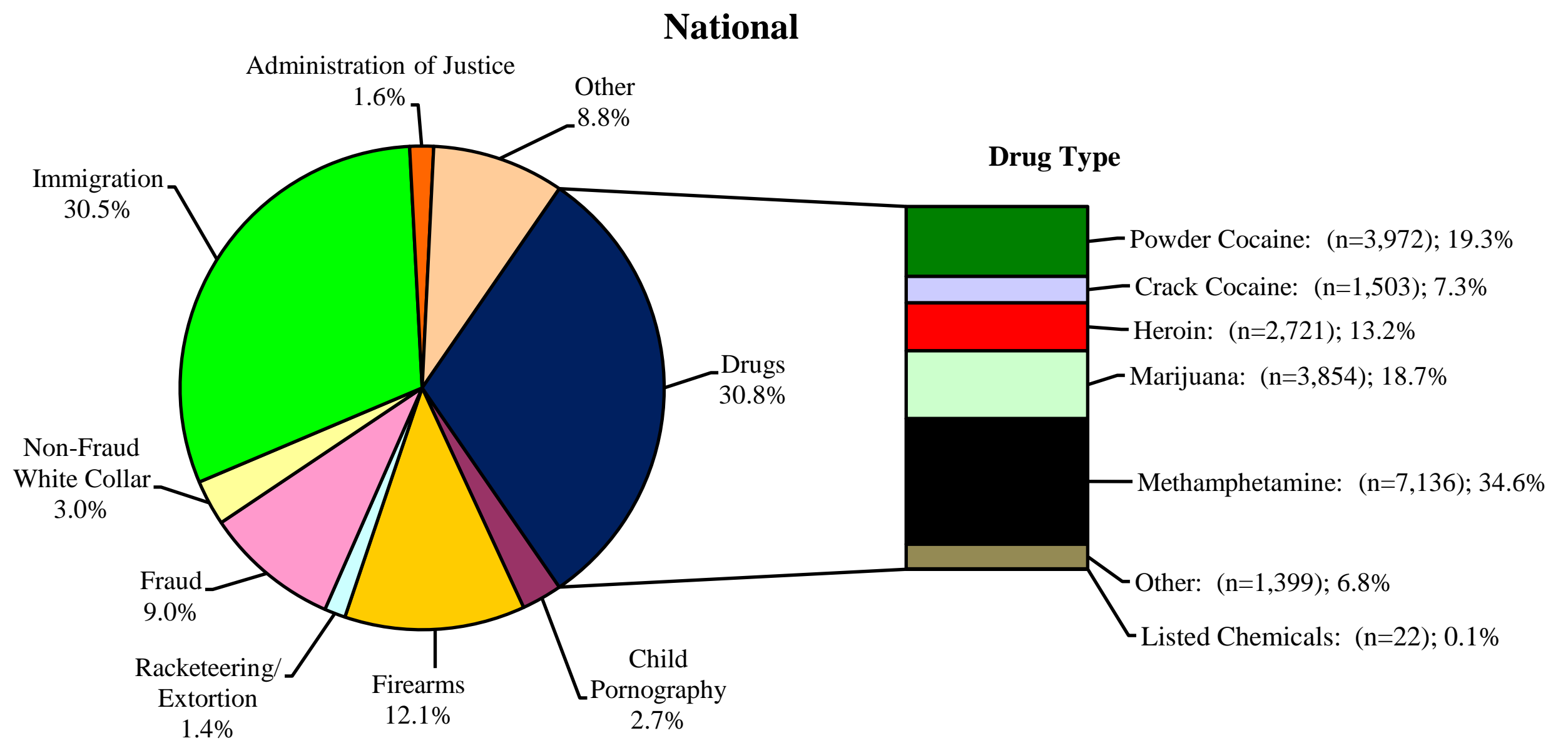
Second Circuit

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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 3,525 guideline cases from the Second 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 | | Second Circuit | |
|------------------------------------|---------------|--------------|----------------|--------------|
| | N | % | N | % |
| TOTAL | 66,873 | 100.0 | 3,525 | 100.0 |
| Murder | 72 | 0.1 | 16 | 0.5 |
| Manslaughter | 62 | 0.1 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 62 | 0.1 | 1 | 0.0 |
| Sexual Abuse | 649 | 1.0 | 35 | 1.0 |
| Assault | 788 | 1.2 | 12 | 0.3 |
| Robbery | 650 | 1.0 | 48 | 1.4 |
| Arson | 40 | 0.1 | 2 | 0.1 |
| Drugs - Trafficking | 19,043 | 28.5 | 1,387 | 39.3 |
| Drugs - Communication Facility | 263 | 0.4 | 13 | 0.4 |
| Drugs - Simple Possession | 1,301 | 1.9 | 28 | 0.8 |
| Firearms | 8,064 | 12.1 | 453 | 12.9 |
| Burglary/B&E | 33 | 0.0 | 1 | 0.0 |
| Auto Theft | 64 | 0.1 | 3 | 0.1 |
| Larceny | 808 | 1.2 | 40 | 1.1 |
| Fraud | 6,029 | 9.0 | 516 | 14.6 |
| Embezzlement | 396 | 0.6 | 19 | 0.5 |
| Forgery/Counterfeiting | 371 | 0.6 | 20 | 0.6 |
| Bribery | 155 | 0.2 | 8 | 0.2 |
| Tax | 433 | 0.6 | 47 | 1.3 |
| Money Laundering | 679 | 1.0 | 70 | 2.0 |
| Racketeering/Extortion | 940 | 1.4 | 198 | 5.6 |
| Gambling/Lottery | 47 | 0.1 | 14 | 0.4 |
| Civil Rights | 56 | 0.1 | 3 | 0.1 |
| Immigration | 20,421 | 30.5 | 310 | 8.8 |
| Child Pornography | 1,810 | 2.7 | 112 | 3.2 |
| Prison Offenses | 522 | 0.8 | 18 | 0.5 |
| Administration of Justice Offenses | 1,064 | 1.6 | 53 | 1.5 |
| Environmental/Wildlife | 109 | 0.2 | 7 | 0.2 |
| National Defense | 89 | 0.1 | 12 | 0.3 |
| Antitrust | 31 | 0.0 | 0 | 0.0 |
| Food & Drug | 86 | 0.1 | 8 | 0.2 |
| Other Miscellaneous Offenses | 1,736 | 2.6 | 71 | 2.0 |

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

Of the 3,525 guideline cases from the Second 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 | | | | Second Circuit | | | |
|---|---------------|---------------|-------------|--------------|------------|----------------|-------------|------------|------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | N | % | N | % | N | % | N | % |
| TOTAL | 66,873 | 64,981 | 97.2 | 1,892 | 2.8 | 3,378 | 95.8 | 147 | 4.2 |
| Murder | 72 | 56 | 77.8 | 16 | 22.2 | 11 | 68.8 | 5 | 31.3 |
| Manslaughter | 62 | 59 | 95.2 | 3 | 4.8 | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 62 | 54 | 87.1 | 8 | 12.9 | 1 | 100.0 | 0 | 0.0 |
| Sexual Abuse | 649 | 588 | 90.6 | 61 | 9.4 | 33 | 94.3 | 2 | 5.7 |
| Assault | 788 | 759 | 96.3 | 29 | 3.7 | 12 | 100.0 | 0 | 0.0 |
| Robbery | 650 | 630 | 96.9 | 20 | 3.1 | 47 | 97.9 | 1 | 2.1 |
| Arson | 40 | 37 | 92.5 | 3 | 7.5 | 2 | 100.0 | 0 | 0.0 |
| Drugs - Trafficking | 19,043 | 18,552 | 97.4 | 491 | 2.6 | 1,344 | 96.9 | 43 | 3.1 |
| Drugs - Communication Facility | 263 | 262 | 99.6 | 1 | 0.4 | 13 | 100.0 | 0 | 0.0 |
| Drugs - Simple Possession | 1,301 | 1,297 | 99.7 | 4 | 0.3 | 28 | 100.0 | 0 | 0.0 |
| Firearms | 8,064 | 7,691 | 95.4 | 373 | 4.6 | 426 | 94.0 | 27 | 6.0 |
| Burglary/B&E | 33 | 32 | 97.0 | 1 | 3.0 | 1 | 100.0 | 0 | 0.0 |
| Auto Theft | 64 | 62 | 96.9 | 2 | 3.1 | 2 | 66.7 | 1 | 33.3 |
| Larceny | 808 | 786 | 97.3 | 22 | 2.7 | 38 | 95.0 | 2 | 5.0 |
| Fraud | 6,029 | 5,641 | 93.6 | 388 | 6.4 | 482 | 93.4 | 34 | 6.6 |
| Embezzlement | 396 | 386 | 97.5 | 10 | 2.5 | 18 | 94.7 | 1 | 5.3 |
| Forgery/Counterfeiting | 371 | 363 | 97.8 | 8 | 2.2 | 20 | 100.0 | 0 | 0.0 |
| Bribery | 155 | 141 | 91.0 | 14 | 9.0 | 8 | 100.0 | 0 | 0.0 |
| Tax | 433 | 405 | 93.5 | 28 | 6.5 | 46 | 97.9 | 1 | 2.1 |
| Money Laundering | 679 | 644 | 94.8 | 35 | 5.2 | 65 | 92.9 | 5 | 7.1 |
| Racketeering/Extortion | 940 | 863 | 91.8 | 77 | 8.2 | 193 | 97.5 | 5 | 2.5 |
| Gambling/Lottery | 47 | 47 | 100.0 | 0 | 0.0 | 14 | 100.0 | 0 | 0.0 |
| Civil Rights | 56 | 48 | 85.7 | 8 | 14.3 | 2 | 66.7 | 1 | 33.3 |
| Immigration | 20,421 | 20,310 | 99.5 | 111 | 0.5 | 305 | 98.4 | 5 | 1.6 |
| Child Pornography | 1,810 | 1,738 | 96.0 | 72 | 4.0 | 107 | 95.5 | 5 | 4.5 |
| Prison Offenses | 522 | 521 | 99.8 | 1 | 0.2 | 18 | 100.0 | 0 | 0.0 |
| Administration of Justice Offenses | 1,064 | 1,025 | 96.3 | 39 | 3.7 | 50 | 94.3 | 3 | 5.7 |
| Environmental/Wildlife | 109 | 106 | 97.2 | 3 | 2.8 | 7 | 100.0 | 0 | 0.0 |
| National Defense | 89 | 80 | 89.9 | 9 | 10.1 | 9 | 75.0 | 3 | 25.0 |
| Antitrust | 31 | 25 | 80.6 | 6 | 19.4 | 0 | -- | 0 | -- |
| Food & Drug | 86 | 86 | 100.0 | 0 | 0.0 | 8 | 100.0 | 0 | 0.0 |
| Other Miscellaneous Offenses | 1,736 | 1,687 | 97.2 | 49 | 2.8 | 68 | 95.8 | 3 | 4.2 |

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

Of the 3,525 guideline cases from the Second 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

Second Circuit

| PRIMARY OFFENSE | TOTAL | Prison Only | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|--------------|--------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | N | % | N | % | N | % | N | % |
| TOTAL | 3,518 | 2,977 | 84.6 | 177 | 5.0 | 81 | 2.3 | 283 | 8.0 |
| Murder | 16 | 14 | 87.5 | 2 | 12.5 | 0 | 0.0 | 0 | 0.0 |
| Manslaughter | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Sexual Abuse | 35 | 34 | 97.1 | 1 | 2.9 | 0 | 0.0 | 0 | 0.0 |
| Assault | 12 | 8 | 66.7 | 2 | 16.7 | 0 | 0.0 | 2 | 16.7 |
| Robbery | 48 | 43 | 89.6 | 3 | 6.3 | 1 | 2.1 | 1 | 2.1 |
| Arson | 2 | 1 | 50.0 | 1 | 50.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Trafficking | 1,386 | 1,223 | 88.2 | 91 | 6.6 | 23 | 1.7 | 49 | 3.5 |
| Drugs - Communication Facility | 13 | 7 | 53.8 | 0 | 0.0 | 4 | 30.8 | 2 | 15.4 |
| Drugs - Simple Possession | 28 | 11 | 39.3 | 0 | 0.0 | 0 | 0.0 | 17 | 60.7 |
| Firearms | 453 | 428 | 94.5 | 12 | 2.6 | 2 | 0.4 | 11 | 2.4 |
| Burglary/B&E | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Auto Theft | 3 | 2 | 66.7 | 0 | 0.0 | 0 | 0.0 | 1 | 33.3 |
| Larceny | 40 | 19 | 47.5 | 4 | 10.0 | 0 | 0.0 | 17 | 42.5 |
| Fraud | 516 | 383 | 74.2 | 24 | 4.7 | 27 | 5.2 | 82 | 15.9 |
| Embezzlement | 19 | 6 | 31.6 | 0 | 0.0 | 1 | 5.3 | 12 | 63.2 |
| Forgery/Counterfeiting | 20 | 19 | 95.0 | 1 | 5.0 | 0 | 0.0 | 0 | 0.0 |
| Bribery | 8 | 8 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Tax | 46 | 25 | 54.3 | 4 | 8.7 | 5 | 10.9 | 12 | 26.1 |
| Money Laundering | 70 | 43 | 61.4 | 5 | 7.1 | 4 | 5.7 | 18 | 25.7 |
| Racketeering/Extortion | 198 | 183 | 92.4 | 6 | 3.0 | 1 | 0.5 | 8 | 4.0 |
| Gambling/Lottery | 14 | 4 | 28.6 | 3 | 21.4 | 2 | 14.3 | 5 | 35.7 |
| Civil Rights | 3 | 2 | 66.7 | 1 | 33.3 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 307 | 290 | 94.5 | 7 | 2.3 | 3 | 1.0 | 7 | 2.3 |
| Child Pornography | 112 | 107 | 95.5 | 2 | 1.8 | 1 | 0.9 | 2 | 1.8 |
| Prison Offenses | 18 | 16 | 88.9 | 1 | 5.6 | 0 | 0.0 | 1 | 5.6 |
| Administration of Justice Offenses | 53 | 43 | 81.1 | 4 | 7.5 | 1 | 1.9 | 5 | 9.4 |
| Environmental/Wildlife | 7 | 2 | 28.6 | 0 | 0.0 | 1 | 14.3 | 4 | 57.1 |
| National Defense | 12 | 9 | 75.0 | 0 | 0.0 | 2 | 16.7 | 1 | 8.3 |
| Antitrust | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Food & Drug | 8 | 5 | 62.5 | 0 | 0.0 | 0 | 0.0 | 3 | 37.5 |
| Other Miscellaneous Offenses | 69 | 40 | 58.0 | 3 | 4.3 | 3 | 4.3 | 23 | 33.3 |

Of the 3,525 guideline cases from the Second Circuit, seven 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 | | | | Second 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 | 108 | 46.4 | 125 | 53.6 |
| Fraud | 931 | 385 | 41.4 | 546 | 58.6 | 28 | 44.4 | 35 | 55.6 |
| Larceny | 397 | 106 | 26.7 | 291 | 73.3 | 2 | 16.7 | 10 | 83.3 |
| Immigration | 436 | 272 | 62.4 | 164 | 37.6 | 18 | 75.0 | 6 | 25.0 |
| Embezzlement | 209 | 48 | 23.0 | 161 | 77.0 | 0 | 0.0 | 10 | 100.0 |
| Drugs - Trafficking | 441 | 232 | 52.6 | 209 | 47.4 | 17 | 56.7 | 13 | 43.3 |
| Drugs - Simple Possession | 407 | 196 | 48.2 | 211 | 51.8 | 7 | 30.4 | 16 | 69.6 |
| Firearms | 189 | 129 | 68.3 | 60 | 31.7 | 9 | 60.0 | 6 | 40.0 |
| Forgery/Counterfeiting | 78 | 49 | 62.8 | 29 | 37.2 | 2 | 100.0 | 0 | 0.0 |
| Other Miscellaneous Offenses | 1,513 | 623 | 41.2 | 890 | 58.8 | 25 | 46.3 | 29 | 53.7 |

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 3,525 guideline cases from the Second Circuit, a U.S. Citizen was the offender in 2,619 cases. Of these, 2,386 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 | | | Second Circuit | | |
|---|-------------|---------------|---------------|----------------|---------------|--------------|
| | Mean Months | Median Months | N | Mean Months | Median Months | N |
| TOTAL | 51 | 27 | 58,091 | 61 | 36 | 2,779 |
| Murder | 224 | 180 | 72 | 220 | 149 | 16 |
| Manslaughter | 71 | 60 | 59 | -- | -- | 0 |
| Kidnapping/Hostage Taking | 230 | 210 | 62 | -- | -- | 1 |
| Sexual Abuse | 140 | 120 | 632 | 117 | 120 | 34 |
| Assault | 35 | 24 | 632 | 32 | 25 | 10 |
| Robbery | 77 | 60 | 620 | 64 | 57 | 43 |
| Arson | 67 | 60 | 37 | -- | -- | 1 |
| Drugs - Trafficking | 75 | 60 | 17,795 | 60 | 45 | 1,148 |
| Drugs - Communication Facility | 38 | 37 | 190 | 41 | 34 | 7 |
| Drugs - Simple Possession | 5 | 6 | 957 | 3 | 1 | 7 |
| Firearms | 75 | 52 | 7,590 | 90 | 60 | 419 |
| Burglary/B&E | 20 | 18 | 29 | -- | -- | 1 |
| Auto Theft | 88 | 57 | 52 | -- | -- | 2 |
| Larceny | 20 | 12 | 365 | 22 | 12 | 17 |
| Fraud | 35 | 24 | 4,471 | 30 | 24 | 342 |
| Embezzlement | 15 | 11 | 164 | 14 | 13 | 6 |
| Forgery/Counterfeiting | 21 | 18 | 287 | 11 | 9 | 15 |
| Bribery | 25 | 18 | 114 | 19 | 18 | 6 |
| Tax | 19 | 12 | 263 | 13 | 12 | 28 |
| Money Laundering | 44 | 30 | 497 | 34 | 24 | 35 |
| Racketeering/Extortion | 108 | 60 | 866 | 96 | 60 | 180 |
| Gambling/Lottery | 9 | 5 | 12 | 4 | 0 | 5 |
| Civil Rights | 60 | 27 | 33 | 124 | 9 | 3 |
| Immigration | 13 | 10 | 18,475 | 11 | 6 | 235 |
| Child Pornography | 151 | 97 | 1,763 | 138 | 75 | 104 |
| Prison Offenses | 12 | 11 | 492 | 10 | 9 | 17 |
| Administration of Justice Offenses | 25 | 18 | 770 | 30 | 15 | 46 |
| Environmental/Wildlife | 12 | 6 | 18 | -- | -- | 1 |
| National Defense | 63 | 35 | 78 | 84 | 36 | 8 |
| Antitrust | 24 | 12 | 13 | -- | -- | 0 |
| Food & Drug | 20 | 12 | 23 | 27 | 26 | 4 |
| Other Miscellaneous Offenses | 41 | 12 | 660 | 57 | 20 | 38 |

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 3,525 guideline cases from the Second Circuit, 746 cases were excluded due to one of the following reasons: zero months of prison ordered (739) or missing or indeterminable sentencing information (7).

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 | | Second Circuit | |
|---|---------------|--------------|----------------|--------------|
| | N | % | N | % |
| TOTAL CASES¹ | 66,266 | 100.0 | 3,513 | 100.0 |
| CASES SENTENCED WITHIN GUIDELINE RANGE | 32,552 | 49.1 | 1,087 | 30.9 |
| CASES SENTENCED ABOVE GUIDELINE RANGE | 1,950 | 2.9 | 62 | 1.8 |
| DEPARTURE ABOVE GUIDELINE RANGE | 456 | 0.7 | 20 | 0.6 |
| Upward Departure From Guideline Range ² | 352 | 0.5 | 14 | 0.4 |
| Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³ | 104 | 0.2 | 6 | 0.2 |
| OTHERWISE ABOVE GUIDELINE RANGE | 1,494 | 2.3 | 42 | 1.2 |
| Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴ | 1,411 | 2.1 | 40 | 1.1 |
| All Remaining Cases Above Guideline Range ⁵ | 83 | 0.1 | 2 | 0.1 |
| GOVERNMENT SPONSORED BELOW RANGE⁶ | 18,417 | 27.8 | 912 | 26.0 |
| §5K1.1 Substantial Assistance Departure | 7,128 | 10.8 | 628 | 17.9 |
| §5K3.1 Early Disposition Program Departure | 5,828 | 8.8 | 10 | 0.3 |
| Other Government Sponsored Below Range | 5,461 | 8.2 | 274 | 7.8 |
| NON-GOVERNMENT SPONSORED BELOW RANGE | 13,347 | 20.1 | 1,452 | 41.3 |
| DEPARTURE BELOW GUIDELINE RANGE | 1,563 | 2.4 | 121 | 3.4 |
| Downward Departure From Guideline Range ² | 1,142 | 1.7 | 64 | 1.8 |
| Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³ | 421 | 0.6 | 57 | 1.6 |
| OTHERWISE BELOW GUIDELINE RANGE | 11,784 | 17.8 | 1,331 | 37.9 |
| Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴ | 11,457 | 17.3 | 1,314 | 37.4 |
| All Remaining Cases Below Guideline Range ⁵ | 327 | 0.5 | 17 | 0.5 |

¹ This table reflects the 66,873 cases sentenced nationally in fiscal year 2017, 3,525 of which were from the Second Circuit. Of these, 607 cases nationally and 12 cases from the Second Circuit were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

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

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

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

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

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

SOURCE: U.S. Sentencing Commission, 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 | | | | | | | | | | | | | | |
| | 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 | | | | | | | | | | | | | | |
| | 17 | 3.1 | 50 | 9.1 | 69 | 12.5 | 2 | 0.4 | 2 | 0.4 | 125 | 22.7 | 1 | 0.2 |
| North Dakota | | | | | | | | | | | | | | |
| | 99 | 30.6 | 9 | 2.8 | 32 | 9.9 | 3 | 0.9 | 5 | 1.5 | 38 | 11.7 | 1 | 0.3 |
| South Dakota | | | | | | | | | | | | | | |
| | 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 |

Second 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 | 3,513 | 1,087 | 30.9 | 14 | 0.4 | 6 | 0.2 | 40 | 1.1 | 2 | 0.1 |
| Robbery | 48 | 15 | 31.3 | 0 | 0.0 | 0 | 0.0 | 3 | 6.3 | 0 | 0.0 |
| Drugs - Trafficking | 1,387 | 300 | 21.6 | 5 | 0.4 | 3 | 0.2 | 6 | 0.4 | 0 | 0.0 |
| Drugs - Simple Possession | 28 | 25 | 89.3 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Firearms | 453 | 173 | 38.2 | 6 | 1.3 | 1 | 0.2 | 12 | 2.6 | 1 | 0.2 |
| Larceny | 39 | 18 | 46.2 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Fraud | 516 | 142 | 27.5 | 0 | 0.0 | 0 | 0.0 | 8 | 1.6 | 1 | 0.2 |
| Embezzlement | 19 | 6 | 31.6 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 20 | 4 | 20.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 309 | 220 | 71.2 | 0 | 0.0 | 1 | 0.3 | 3 | 1.0 | 0 | 0.0 |
| Other Miscellaneous Offenses | 694 | 184 | 26.5 | 3 | 0.4 | 1 | 0.1 | 8 | 1.2 | 0 | 0.0 |

National

| PRIMARY OFFENSE | §5K1.1 SUBSTANTIAL ASSISTANCE | | §5K3.1 EARLY DISPOSITION | | OTHER GOV'T SPONSORED | | DOWNWARD DEPARTURE | | DOWNWARD DEPARTURE W/BOOKER | | BELOW RANGE W/BOOKER | | REMAINING BELOW RANGE | |
|------------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------|------------|-----------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
| | N | % | N | % | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 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 |

Second 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 | 628 | 17.9 | 10 | 0.3 | 274 | 7.8 | 64 | 1.8 | 57 | 1.6 | 1,314 | 37.4 | 17 | 0.5 |
| Robbery | 6 | 12.5 | 0 | 0.0 | 5 | 10.4 | 0 | 0.0 | 0 | 0.0 | 19 | 39.6 | 0 | 0.0 |
| Drugs - Trafficking | 319 | 23.0 | 0 | 0.0 | 127 | 9.2 | 31 | 2.2 | 28 | 2.0 | 565 | 40.7 | 3 | 0.2 |
| Drugs - Simple Possession | 1 | 3.6 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 2 | 7.1 | 0 | 0.0 |
| Firearms | 60 | 13.2 | 0 | 0.0 | 30 | 6.6 | 9 | 2.0 | 4 | 0.9 | 154 | 34.0 | 3 | 0.7 |
| Larceny | 6 | 15.4 | 0 | 0.0 | 3 | 7.7 | 1 | 2.6 | 0 | 0.0 | 11 | 28.2 | 0 | 0.0 |
| Fraud | 121 | 23.4 | 0 | 0.0 | 26 | 5.0 | 4 | 0.8 | 7 | 1.4 | 204 | 39.5 | 3 | 0.6 |
| Embezzlement | 1 | 5.3 | 0 | 0.0 | 1 | 5.3 | 0 | 0.0 | 2 | 10.5 | 8 | 42.1 | 1 | 5.3 |
| Forgery/Counterfeiting | 6 | 30.0 | 0 | 0.0 | 1 | 5.0 | 0 | 0.0 | 0 | 0.0 | 9 | 45.0 | 0 | 0.0 |
| Immigration | 7 | 2.3 | 9 | 2.9 | 5 | 1.6 | 2 | 0.6 | 3 | 1.0 | 56 | 18.1 | 3 | 1.0 |
| Other Miscellaneous Offenses | 101 | 14.6 | 1 | 0.1 | 76 | 11.0 | 17 | 2.4 | 13 | 1.9 | 286 | 41.2 | 4 | 0.6 |

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 3,525 guideline cases from the Second Circuit, 12 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.