United States Sentencing Commission

Statistical Information Packet

Fiscal Year 2017

District of New Jersey

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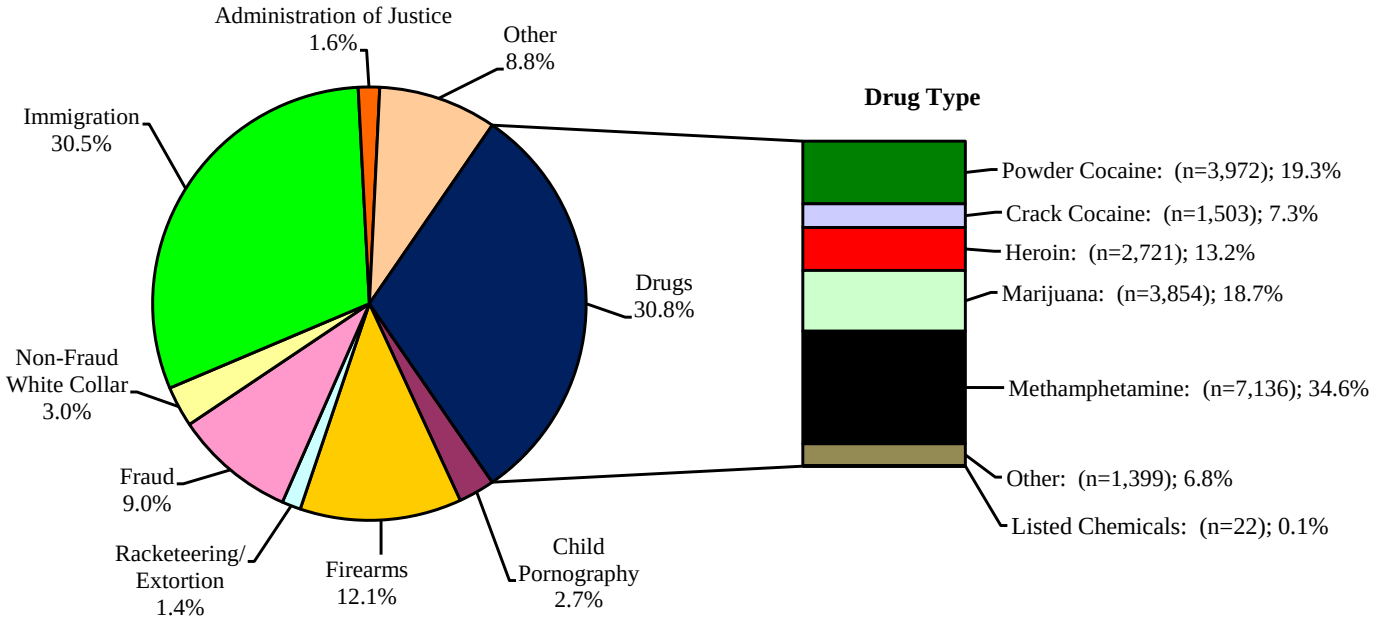
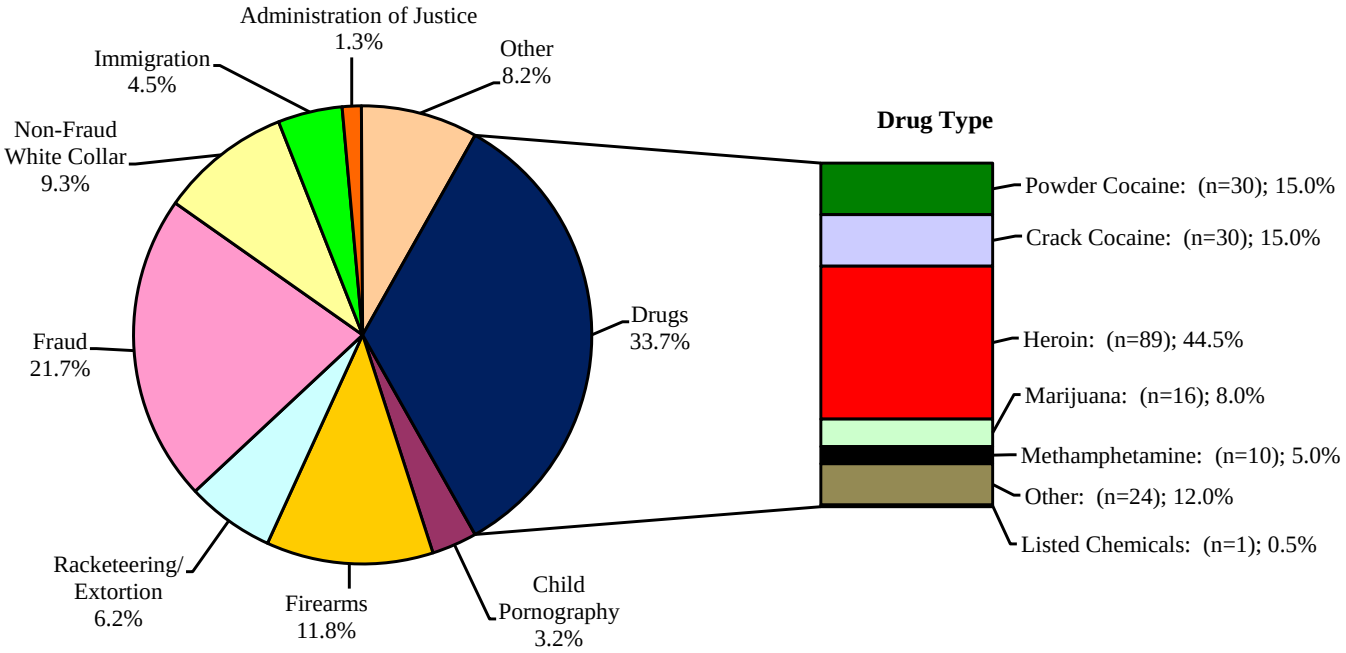
Figure A

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY[1]
Fiscal Year 2017

National



New Jersey



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

Of the 594 guideline cases from the District of New Jersey, 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

	National		New Jersey	
PRIMARY OFFENSE	**N**	**%**	**N**	**%**
TOTAL	**66,873**	**100.0**	**594**	**100.0**
Murder	72	0.1	1	0.2
Manslaughter	62	0.1	0	0.0
Kidnapping/Hostage Taking	62	0.1	2	0.3
Sexual Abuse	649	1.0	4	0.7
Assault	788	1.2	4	0.7
Robbery	650	1.0	10	1.7
Arson	40	0.1	2	0.3
Drugs - Trafficking	19,043	28.5	175	29.5
Drugs - Communication Facility	263	0.4	5	0.8
Drugs - Simple Possession	1,301	1.9	20	3.4
Firearms	8,064	12.1	70	11.8
Burglary/B&E	33	0.0	0	0.0
Auto Theft	64	0.1	3	0.5
Larceny	808	1.2	13	2.2
Fraud	6,029	9.0	129	21.7
Embezzlement	396	0.6	13	2.2
Forgery/Counterfeiting	371	0.6	4	0.7
Bribery	155	0.2	5	0.8
Tax	433	0.6	23	3.9
Money Laundering	679	1.0	10	1.7
Racketeering/Extortion	940	1.4	37	6.2
Gambling/Lottery	47	0.1	0	0.0
Civil Rights	56	0.1	1	0.2
Immigration	20,421	30.5	27	4.5
Child Pornography	1,810	2.7	19	3.2
Prison Offenses	522	0.8	2	0.3
Administration of Justice Offenses	1,064	1.6	8	1.3
Environmental/Wildlife	109	0.2	0	0.0
National Defense	89	0.1	2	0.3
Antitrust	31	0.0	0	0.0
Food & Drug	86	0.1	2	0.3
Other Miscellaneous Offenses	1,736	2.6	3	0.5

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

Of the 594 guideline cases from the District of New Jersey, 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		PLEA		TRIAL	
District	TOTAL	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		PLEA		TRIAL	
District	TOTAL	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		PLEA		TRIAL	
District	TOTAL	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

		National				New Jersey			
		PLEA		TRIAL		PLEA		TRIAL	
PRIMARY OFFENSE	TOTAL	N	%	N	%	N	%	N	%
TOTAL	**66,873**	**64,981**	**97.2**	**1,892**	**2.8**	**572**	**96.3**	**22**	**3.7**
Murder	**72**	56	77.8	16	22.2	1	100.0	0	0.0
Manslaughter	**62**	59	95.2	3	4.8	0	--	0	--
Kidnapping/Hostage Taking	**62**	54	87.1	8	12.9	2	100.0	0	0.0
Sexual Abuse	**649**	588	90.6	61	9.4	4	100.0	0	0.0
Assault	**788**	759	96.3	29	3.7	4	100.0	0	0.0
Robbery	**650**	630	96.9	20	3.1	10	100.0	0	0.0
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	171	97.7	4	2.3
Drugs - Communication Facility	**263**	262	99.6	1	0.4	5	100.0	0	0.0
Drugs - Simple Possession	**1,301**	1,297	99.7	4	0.3	20	100.0	0	0.0
Firearms	**8,064**	7,691	95.4	373	4.6	68	97.1	2	2.9
Burglary/B&E	**33**	32	97.0	1	3.0	0	--	0	--
Auto Theft	**64**	62	96.9	2	3.1	3	100.0	0	0.0
Larceny	**808**	786	97.3	22	2.7	13	100.0	0	0.0
Fraud	**6,029**	5,641	93.6	388	6.4	124	96.1	5	3.9
Embezzlement	**396**	386	97.5	10	2.5	13	100.0	0	0.0
Forgery/Counterfeiting	**371**	363	97.8	8	2.2	4	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	22	95.7	1	4.3
Money Laundering	**679**	644	94.8	35	5.2	9	90.0	1	10.0
Racketeering/Extortion	**940**	863	91.8	77	8.2	29	78.4	8	21.6
Gambling/Lottery	**47**	47	100.0	0	0.0	0	--	0	--
Civil Rights	**56**	48	85.7	8	14.3	1	100.0	0	0.0
Immigration	**20,421**	20,310	99.5	111	0.5	27	100.0	0	0.0
Child Pornography	**1,810**	1,738	96.0	72	4.0	18	94.7	1	5.3
Prison Offenses	**522**	521	99.8	1	0.2	2	100.0	0	0.0
Administration of Justice Offenses	**1,064**	1,025	96.3	39	3.7	8	100.0	0	0.0
Environmental/Wildlife	**109**	106	97.2	3	2.8	0	--	0	--
National Defense	**89**	80	89.9	9	10.1	2	100.0	0	0.0
Antitrust	**31**	25	80.6	6	19.4	0	--	0	--
Food & Drug	**86**	86	100.0	0	0.0	2	100.0	0	0.0
Other Miscellaneous Offenses	**1,736**	1,687	97.2	49	2.8	3	100.0	0	0.0

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

Of the 594 guideline cases from the District of New Jersey, 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

New Jersey

PRIMARY OFFENSE	TOTAL	Prison Only		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
TOTAL	**593**	**442**	**74.5**	**24**	**4.0**	**34**	**5.7**	**93**	**15.7**
Murder	**1**	1	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	**0**	0	--	0	--	0	--	0	--
Kidnapping/Hostage Taking	**2**	2	100.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	**4**	4	100.0	0	0.0	0	0.0	0	0.0
Assault	**4**	3	75.0	1	25.0	0	0.0	0	0.0
Robbery	**10**	9	90.0	0	0.0	1	10.0	0	0.0
Arson	**2**	1	50.0	0	0.0	1	50.0	0	0.0
Drugs - Trafficking	**175**	160	91.4	5	2.9	2	1.1	8	4.6
Drugs - Communication Facility	**5**	5	100.0	0	0.0	0	0.0	0	0.0
Drugs - Simple Possession	**20**	5	25.0	0	0.0	0	0.0	15	75.0
Firearms	**70**	61	87.1	4	5.7	3	4.3	2	2.9
Burglary/B&E	**0**	0	--	0	--	0	--	0	--
Auto Theft	**3**	2	66.7	1	33.3	0	0.0	0	0.0
Larceny	**13**	8	61.5	1	7.7	1	7.7	3	23.1
Fraud	**129**	75	58.1	6	4.7	7	5.4	41	31.8
Embezzlement	**13**	5	38.5	1	7.7	2	15.4	5	38.5
Forgery/Counterfeiting	**4**	1	25.0	0	0.0	2	50.0	1	25.0
Bribery	**5**	3	60.0	0	0.0	0	0.0	2	40.0
Tax	**23**	10	43.5	3	13.0	6	26.1	4	17.4
Money Laundering	**10**	5	50.0	1	10.0	3	30.0	1	10.0
Racketeering/Extortion	**37**	33	89.2	0	0.0	3	8.1	1	2.7
Gambling/Lottery	**0**	0	--	0	--	0	--	0	--
Civil Rights	**1**	0	0.0	0	0.0	0	0.0	1	100.0
Immigration	**27**	22	81.5	0	0.0	1	3.7	4	14.8
Child Pornography	**19**	19	100.0	0	0.0	0	0.0	0	0.0
Prison Offenses	**2**	2	100.0	0	0.0	0	0.0	0	0.0
Administration of Justice Offenses	**8**	4	50.0	1	12.5	1	12.5	2	25.0
Environmental/Wildlife	**0**	0	--	0	--	0	--	0	--
National Defense	**2**	2	100.0	0	0.0	0	0.0	0	0.0
Antitrust	**0**	0	--	0	--	0	--	0	--
Food & Drug	**2**	0	0.0	0	0.0	0	0.0	2	100.0
Other Miscellaneous Offenses	**2**	0	0.0	0	0.0	1	50.0	1	50.0

Of the 594 guideline cases from the District of New Jersey, one case was 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

		National				New Jersey			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
PRIMARY OFFENSE	TOTAL	N	%	N	%	N	%	N	%
TOTAL	**4,601**	**2,040**	**44.3**	**2,561**	**55.7**	**11**	**25.6**	**32**	**74.4**
Fraud	**931**	385	41.4	546	58.6	2	20.0	8	80.0
Larceny	**397**	106	26.7	291	73.3	0	0.0	1	100.0
Immigration	**436**	272	62.4	164	37.6	0	--	0	--
Embezzlement	**209**	48	23.0	161	77.0	1	25.0	3	75.0
Drugs - Trafficking	**441**	232	52.6	209	47.4	1	50.0	1	50.0
Drugs - Simple Possession	**407**	196	48.2	211	51.8	4	22.2	14	77.8
Firearms	**189**	129	68.3	60	31.7	0	--	0	--
Forgery/Counterfeiting	**78**	49	62.8	29	37.2	0	--	0	--
Other Miscellaneous Offenses	**1,513**	623	41.2	890	58.8	3	37.5	5	62.5

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 594 guideline cases from the District of New Jersey, a U.S. Citizen was the offender in 485 cases. Of these, 442 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

	National			New Jersey		
PRIMARY OFFENSE	Mean Months	Median Months	N	Mean Months	Median Months	N
TOTAL	**51**	**27**	**58,091**	**70**	**51**	**451**
Murder	224	180	72	--	--	1
Manslaughter	71	60	59	--	--	0
Kidnapping/Hostage Taking	230	210	62	--	--	2
Sexual Abuse	140	120	632	144	115	4
Assault	35	24	632	19	14	4
Robbery	77	60	620	89	54	9
Arson	67	60	37	--	--	1
Drugs - Trafficking	75	60	17,795	75	63	160
Drugs - Communication Facility	38	37	190	54	48	5
Drugs - Simple Possession	5	6	957	2	2	4
Firearms	75	52	7,590	81	78	64
Burglary/B&E	20	18	29	--	--	0
Auto Theft	88	57	52	--	--	2
Larceny	20	12	365	23	21	8
Fraud	35	24	4,471	33	33	77
Embezzlement	15	11	164	10	7	6
Forgery/Counterfeiting	21	18	287	--	--	1
Bribery	25	18	114	21	21	3
Tax	19	12	263	16	15	12
Money Laundering	44	30	497	59	29	6
Racketeering/Extortion	108	60	866	175	120	33
Gambling/Lottery	9	5	12	--	--	0
Civil Rights	60	27	33	--	--	0
Immigration	13	10	18,475	23	15	21
Child Pornography	151	97	1,763	130	97	19
Prison Offenses	12	11	492	--	--	2
Administration of Justice Offenses	25	18	770	17	21	5
Environmental/Wildlife	12	6	18	--	--	0
National Defense	63	35	78	--	--	2
Antitrust	24	12	13	--	--	0
Food & Drug	20	12	23	--	--	0
Other Miscellaneous Offenses	41	12	660	--	--	0

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 594 guideline cases from the District of New Jersey, 143 cases were excluded due to one of the following reasons: zero months of prison ordered (142) or missing or indeterminable sentencing information (1).

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		New Jersey	
	N	%	N	%
TOTAL CASES[1]	**66,266**	**100.0**	**589**	**100.0**
CASES SENTENCED WITHIN GUIDELINE RANGE	**32,552**	**49.1**	**220**	**37.4**
CASES SENTENCED ABOVE GUIDELINE RANGE	**1,950**	**2.9**	**3**	**0.5**
DEPARTURE ABOVE GUIDELINE RANGE	**456**	**0.7**	**0**	**0.0**
Upward Departure From Guideline Range[2]	352	0.5	0	0.0
Upward Departure With *Booker* /18 U.S.C. § 3553[3]	104	0.2	0	0.0
OTHERWISE ABOVE GUIDELINE RANGE	**1,494**	**2.3**	**3**	**0.5**
Above Guideline Range With *Booker* /18 U.S.C. § 3553[4]	1,411	2.1	3	0.5
All Remaining Cases Above Guideline Range[5]	83	0.1	0	0.0
GOVERNMENT SPONSORED BELOW RANGE[6]	**18,417**	**27.8**	**213**	**36.2**
§5K1.1 Substantial Assistance Departure	7,128	10.8	140	23.8
§5K3.1 Early Disposition Program Departure	5,828	8.8	2	0.3
Other Government Sponsored Below Range	5,461	8.2	71	12.1
NON-GOVERNMENT SPONSORED BELOW RANGE	**13,347**	**20.1**	**153**	**26.0**
DEPARTURE BELOW GUIDELINE RANGE	**1,563**	**2.4**	**9**	**1.5**
Downward Departure From Guideline Range[2]	1,142	1.7	7	1.2
Downward Departure With *Booker* /18 U.S.C. § 3553[3]	421	0.6	2	0.3
OTHERWISE BELOW GUIDELINE RANGE	**11,784**	**17.8**	**144**	**24.4**
Below Guideline Range With *Booker* /18 U.S.C. § 3553[4]	11,457	17.3	141	23.9
All Remaining Cases Below Guideline Range[5]	327	0.5	3	0.5

[1] This table reflects the 66,873 cases sentenced nationally in fiscal year 2017, 594 of which were from the District of New Jersey. Of these, 607 cases nationally and five cases from the District of New Jersey 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		WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/*BOOKER*		ABOVE RANGE W/*BOOKER*		REMAINING ABOVE RANGE	
District	TOTAL	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	§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	
District	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	§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	
District	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		WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/*BOOKER*		ABOVE RANGE W/*BOOKER*		REMAINING ABOVE RANGE	
District	**TOTAL**	**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	§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	
District	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

		WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/*BOOKER*		ABOVE RANGE W/*BOOKER*		REMAINING ABOVE RANGE	
PRIMARY OFFENSE	**TOTAL**	**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

New Jersey

		WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/*BOOKER*		ABOVE RANGE W/*BOOKER*		REMAINING ABOVE RANGE	
PRIMARY OFFENSE	**TOTAL**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**
TOTAL	**589**	**220**	**37.4**	**0**	**0.0**	**0**	**0.0**	**3**	**0.5**	**0**	**0.0**
Robbery	**10**	3	30.0	0	0.0	0	0.0	1	10.0	0	0.0
Drugs - Trafficking	**175**	61	34.9	0	0.0	0	0.0	1	0.6	0	0.0
Drugs - Simple Possession	**17**	16	94.1	0	0.0	0	0.0	0	0.0	0	0.0
Firearms	**68**	35	51.5	0	0.0	0	0.0	0	0.0	0	0.0
Larceny	**13**	6	46.2	0	0.0	0	0.0	0	0.0	0	0.0
Fraud	**129**	36	27.9	0	0.0	0	0.0	0	0.0	0	0.0
Embezzlement	**13**	3	23.1	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	**4**	1	25.0	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	**27**	12	44.4	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	**133**	47	35.3	0	0.0	0	0.0	1	0.8	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

New Jersey

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	**140**	**23.8**	**2**	**0.3**	**71**	**12.1**	**7**	**1.2**	**2**	**0.3**	**141**	**23.9**	**3**	**0.5**
Robbery	4	40.0	0	0.0	0	0.0	0	0.0	0	0.0	2	20.0	0	0.0
Drugs - Trafficking	36	20.6	0	0.0	30	17.1	2	1.1	1	0.6	44	25.1	0	0.0
Drugs - Simple Possession	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	5.9
Firearms	10	14.7	0	0.0	3	4.4	1	1.5	1	1.5	18	26.5	0	0.0
Larceny	3	23.1	0	0.0	2	15.4	1	7.7	0	0.0	1	7.7	0	0.0
Fraud	53	41.1	0	0.0	11	8.5	2	1.6	0	0.0	27	20.9	0	0.0
Embezzlement	2	15.4	0	0.0	0	0.0	0	0.0	0	0.0	8	61.5	0	0.0
Forgery/Counterfeiting	3	75.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	3	11.1	2	7.4	2	7.4	0	0.0	0	0.0	8	29.6	0	0.0
Other Miscellaneous Offenses	26	19.5	0	0.0	23	17.3	1	0.8	0	0.0	33	24.8	2	1.5

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 594 guideline cases from the District of New Jersey, five 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.