

# United States Sentencing Commission



*Statistical Information Packet*

*Fiscal Year 2017*

*State of West Virginia*

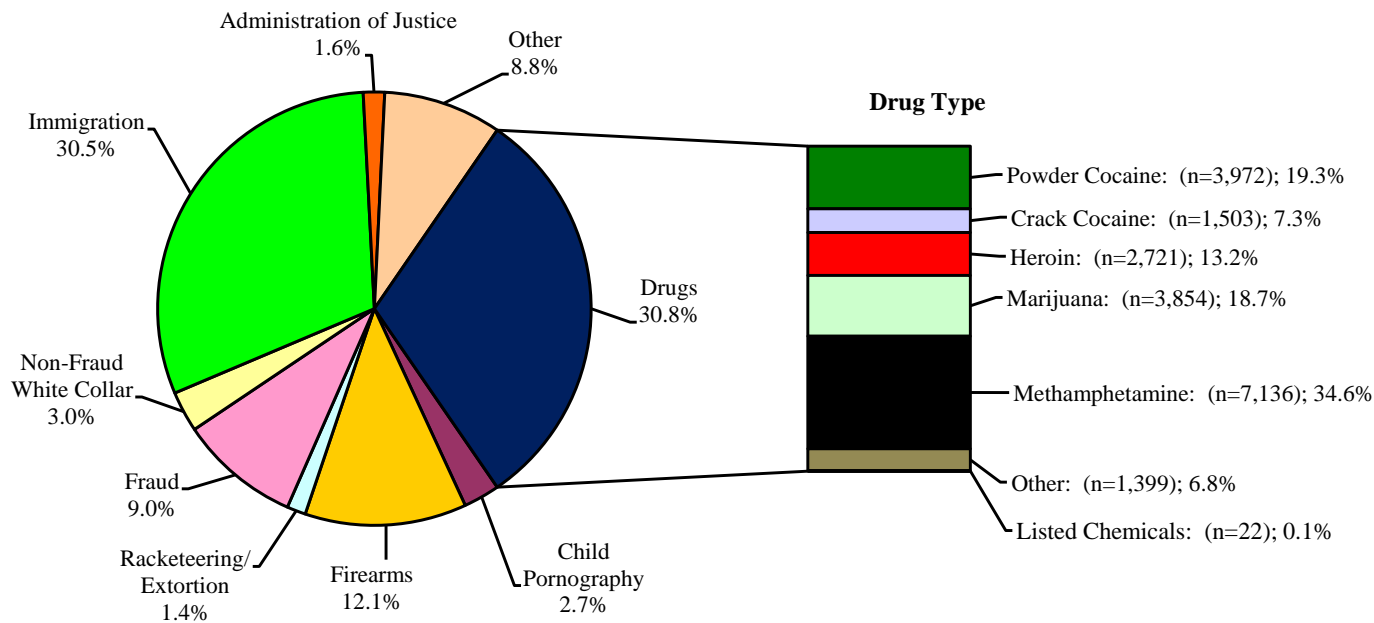
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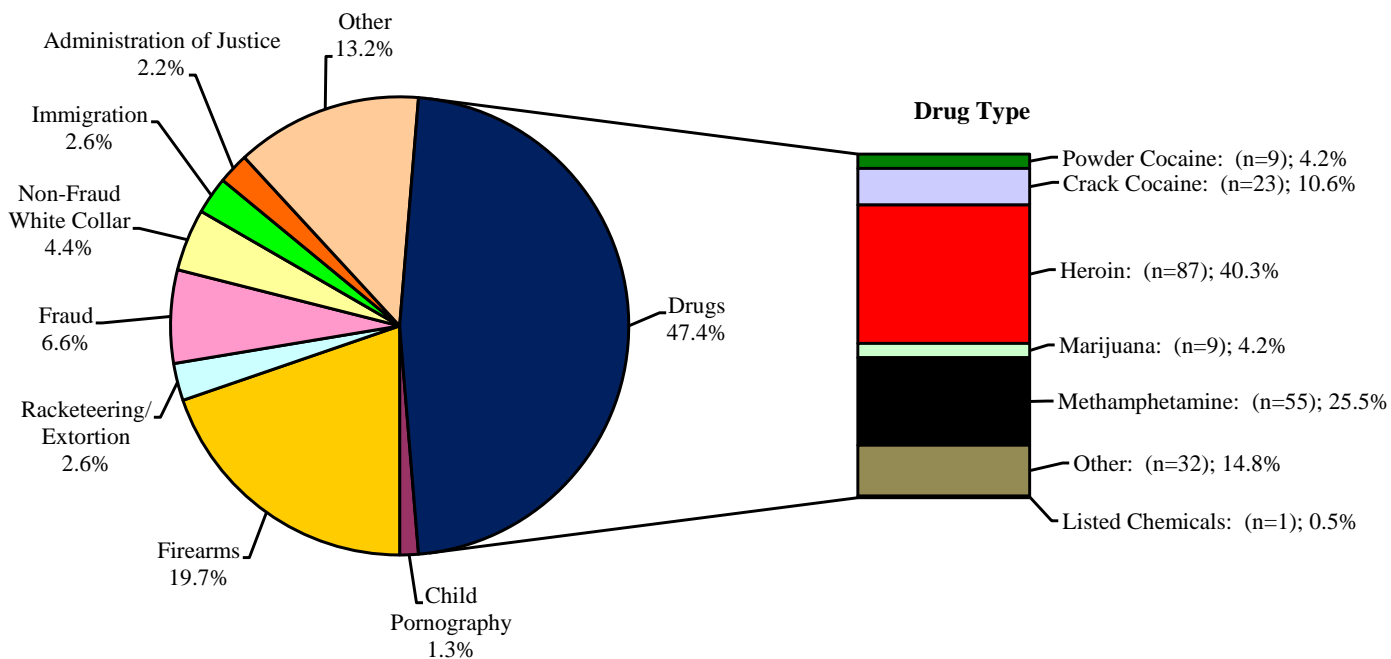
**Figure A**

**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2017**

**National**



**West Virginia**



<sup>1</sup> Of the 66,873 guideline cases, no cases were excluded.

Of the 456 guideline cases from the State of West Virginia, no cases were excluded.

The Drugs category includes the following offense types: trafficking, use of a communication facility, and simple possession. The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax.

**Table 1**

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

PRIMARY OFFENSE	National		West Virginia	
	N	%	N	%
<b>TOTAL</b>	<b>66,873</b>	<b>100.0</b>	<b>456</b>	<b>100.0</b>
Murder	72	0.1	0	0.0
Manslaughter	62	0.1	0	0.0
Kidnapping/Hostage Taking	62	0.1	0	0.0
Sexual Abuse	649	1.0	2	0.4
Assault	788	1.2	12	2.6
Robbery	650	1.0	4	0.9
Arson	40	0.1	1	0.2
Drugs - Trafficking	19,043	28.5	204	44.7
Drugs - Communication Facility	263	0.4	2	0.4
Drugs - Simple Possession	1,301	1.9	10	2.2
Firearms	8,064	12.1	90	19.7
Burglary/B&E	33	0.0	0	0.0
Auto Theft	64	0.1	0	0.0
Larceny	808	1.2	3	0.7
Fraud	6,029	9.0	30	6.6
Embezzlement	396	0.6	2	0.4
Forgery/Counterfeiting	371	0.6	4	0.9
Bribery	155	0.2	0	0.0
Tax	433	0.6	11	2.4
Money Laundering	679	1.0	3	0.7
Racketeering/Extortion	940	1.4	12	2.6
Gambling/Lottery	47	0.1	0	0.0
Civil Rights	56	0.1	3	0.7
Immigration	20,421	30.5	12	2.6
Child Pornography	1,810	2.7	6	1.3
Prison Offenses	522	0.8	18	3.9
Administration of Justice Offenses	1,064	1.6	10	2.2
Environmental/Wildlife	109	0.2	1	0.2
National Defense	89	0.1	0	0.0
Antitrust	31	0.0	0	0.0
Food & Drug	86	0.1	2	0.4
Other Miscellaneous Offenses	1,736	2.6	14	3.1

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

Of the 456 guideline cases from the State of West Virginia, 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	%
<b>TOTAL</b>	<b>66,873</b>	<b>64,981</b>	<b>97.2</b>	<b>1,892</b>	<b>2.8</b>
<b>D.C. CIRCUIT</b>	<b>232</b>	<b>219</b>	<b>94.4</b>	<b>13</b>	<b>5.6</b>
District of Columbia	232	219	94.4	13	5.6
<b>FIRST CIRCUIT</b>	<b>1,993</b>	<b>1,923</b>	<b>96.5</b>	<b>70</b>	<b>3.5</b>
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
<b>SECOND CIRCUIT</b>	<b>3,525</b>	<b>3,378</b>	<b>95.8</b>	<b>147</b>	<b>4.2</b>
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
<b>THIRD CIRCUIT</b>	<b>2,189</b>	<b>2,100</b>	<b>95.9</b>	<b>89</b>	<b>4.1</b>
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
<b>FOURTH CIRCUIT</b>	<b>4,966</b>	<b>4,791</b>	<b>96.5</b>	<b>175</b>	<b>3.5</b>
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	%
<b>FIFTH CIRCUIT</b>	<b>16,712</b>	<b>16,473</b>	<b>98.6</b>	<b>239</b>	<b>1.4</b>
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
<b>SIXTH CIRCUIT</b>	<b>4,249</b>	<b>4,060</b>	<b>95.6</b>	<b>189</b>	<b>4.4</b>
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
<b>SEVENTH CIRCUIT</b>	<b>2,288</b>	<b>2,173</b>	<b>95.0</b>	<b>115</b>	<b>5.0</b>
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
<b>EIGHTH CIRCUIT</b>	<b>4,709</b>	<b>4,575</b>	<b>97.2</b>	<b>134</b>	<b>2.8</b>
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	%
<b>NINTH CIRCUIT</b>	<b>13,122</b>	<b>12,785</b>	<b>97.4</b>	<b>337</b>	<b>2.6</b>
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
<b>TENTH CIRCUIT</b>	<b>6,346</b>	<b>6,263</b>	<b>98.7</b>	<b>83</b>	<b>1.3</b>
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
<b>ELEVENTH CIRCUIT</b>	<b>6,542</b>	<b>6,241</b>	<b>95.4</b>	<b>301</b>	<b>4.6</b>
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				West Virginia			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>66,873</b>	<b>64,981</b>	<b>97.2</b>	<b>1,892</b>	<b>2.8</b>	<b>449</b>	<b>98.5</b>	<b>7</b>	<b>1.5</b>
Murder	72	56	77.8	16	22.2	0	--	0	--
Manslaughter	62	59	95.2	3	4.8	0	--	0	--
Kidnapping/Hostage Taking	62	54	87.1	8	12.9	0	--	0	--
Sexual Abuse	649	588	90.6	61	9.4	2	100.0	0	0.0
Assault	788	759	96.3	29	3.7	10	83.3	2	16.7
Robbery	650	630	96.9	20	3.1	4	100.0	0	0.0
Arson	40	37	92.5	3	7.5	1	100.0	0	0.0
Drugs - Trafficking	19,043	18,552	97.4	491	2.6	204	100.0	0	0.0
Drugs - Communication Facility	263	262	99.6	1	0.4	2	100.0	0	0.0
Drugs - Simple Possession	1,301	1,297	99.7	4	0.3	10	100.0	0	0.0
Firearms	8,064	7,691	95.4	373	4.6	89	98.9	1	1.1
Burglary/B&E	33	32	97.0	1	3.0	0	--	0	--
Auto Theft	64	62	96.9	2	3.1	0	--	0	--
Larceny	808	786	97.3	22	2.7	3	100.0	0	0.0
Fraud	6,029	5,641	93.6	388	6.4	29	96.7	1	3.3
Embezzlement	396	386	97.5	10	2.5	2	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	0	--	0	--
Tax	433	405	93.5	28	6.5	11	100.0	0	0.0
Money Laundering	679	644	94.8	35	5.2	3	100.0	0	0.0
Racketeering/Extortion	940	863	91.8	77	8.2	11	91.7	1	8.3
Gambling/Lottery	47	47	100.0	0	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	12	100.0	0	0.0
Child Pornography	1,810	1,738	96.0	72	4.0	6	100.0	0	0.0
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	10	100.0	0	0.0
Environmental/Wildlife	109	106	97.2	3	2.8	1	100.0	0	0.0
National Defense	89	80	89.9	9	10.1	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	13	92.9	1	7.1

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

Of the 456 guideline cases from the State of West Virginia, 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	%
<b>TOTAL</b>	<b>66,439</b>	<b>58,460</b>	<b>88.0</b>	<b>2,009</b>	<b>3.0</b>	<b>1,394</b>	<b>2.1</b>	<b>4,576</b>	<b>6.9</b>
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**

**West Virginia**

PRIMARY OFFENSE	TOTAL	Prison Only		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>456</b>	<b>392</b>	<b>86.0</b>	<b>10</b>	<b>2.2</b>	<b>9</b>	<b>2.0</b>	<b>45</b>	<b>9.9</b>
Murder	0	0	--	0	--	0	--	0	--
Manslaughter	0	0	--	0	--	0	--	0	--
Kidnapping/Hostage Taking	0	0	--	0	--	0	--	0	--
Sexual Abuse	2	2	100.0	0	0.0	0	0.0	0	0.0
Assault	12	12	100.0	0	0.0	0	0.0	0	0.0
Robbery	4	4	100.0	0	0.0	0	0.0	0	0.0
Arson	1	1	100.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	204	188	92.2	5	2.5	2	1.0	9	4.4
Drugs - Communication Facility	2	2	100.0	0	0.0	0	0.0	0	0.0
Drugs - Simple Possession	10	9	90.0	0	0.0	0	0.0	1	10.0
Firearms	90	80	88.9	2	2.2	3	3.3	5	5.6
Burglary/B&E	0	0	--	0	--	0	--	0	--
Auto Theft	0	0	--	0	--	0	--	0	--
Larceny	3	2	66.7	0	0.0	0	0.0	1	33.3
Fraud	30	19	63.3	1	3.3	4	13.3	6	20.0
Embezzlement	2	2	100.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	4	3	75.0	0	0.0	0	0.0	1	25.0
Bribery	0	0	--	0	--	0	--	0	--
Tax	11	6	54.5	0	0.0	0	0.0	5	45.5
Money Laundering	3	0	0.0	0	0.0	0	0.0	3	100.0
Racketeering/Extortion	12	12	100.0	0	0.0	0	0.0	0	0.0
Gambling/Lottery	0	0	--	0	--	0	--	0	--
Civil Rights	3	1	33.3	0	0.0	0	0.0	2	66.7
Immigration	12	12	100.0	0	0.0	0	0.0	0	0.0
Child Pornography	6	4	66.7	1	16.7	0	0.0	1	16.7
Prison Offenses	18	17	94.4	1	5.6	0	0.0	0	0.0
Administration of Justice Offenses	10	8	80.0	0	0.0	0	0.0	2	20.0
Environmental/Wildlife	1	1	100.0	0	0.0	0	0.0	0	0.0
National Defense	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	14	7	50.0	0	0.0	0	0.0	7	50.0

Of the 456 guideline cases from the State of West Virginia, no cases were excluded.

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				West Virginia			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>4,601</b>	<b>2,040</b>	<b>44.3</b>	<b>2,561</b>	<b>55.7</b>	<b>27</b>	<b>57.4</b>	<b>20</b>	<b>42.6</b>
<b>Fraud</b>	<b>931</b>	385	41.4	546	58.6	5	62.5	3	37.5
<b>Larceny</b>	<b>397</b>	106	26.7	291	73.3	1	50.0	1	50.0
<b>Immigration</b>	<b>436</b>	272	62.4	164	37.6	0	--	0	--
<b>Embezzlement</b>	<b>209</b>	48	23.0	161	77.0	1	100.0	0	0.0
<b>Drugs - Trafficking</b>	<b>441</b>	232	52.6	209	47.4	8	53.3	7	46.7
<b>Drugs - Simple Possession</b>	<b>407</b>	196	48.2	211	51.8	0	--	0	--
<b>Firearms</b>	<b>189</b>	129	68.3	60	31.7	3	100.0	0	0.0
<b>Forgery/Counterfeiting</b>	<b>78</b>	49	62.8	29	37.2	0	--	0	--
<b>Other Miscellaneous Offenses</b>	<b>1,513</b>	623	41.2	890	58.8	9	50.0	9	50.0

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 456 guideline cases from the State of West Virginia, a U.S. Citizen was the offender in 429 cases. Of these, 382 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			West Virginia		
	Mean Months	Median Months	N	Mean Months	Median Months	N
<b>TOTAL</b>	<b>51</b>	<b>27</b>	<b>58,091</b>	<b>48</b>	<b>32</b>	<b>395</b>
<b>Murder</b>	224	180	72	--	--	0
<b>Manslaughter</b>	71	60	59	--	--	0
<b>Kidnapping/Hostage Taking</b>	230	210	62	--	--	0
<b>Sexual Abuse</b>	140	120	632	--	--	2
<b>Assault</b>	35	24	632	34	21	12
<b>Robbery</b>	77	60	620	31	36	4
<b>Arson</b>	67	60	37	--	--	1
<b>Drugs - Trafficking</b>	75	60	17,795	62	46	191
<b>Drugs - Communication Facility</b>	38	37	190	--	--	2
<b>Drugs - Simple Possession</b>	5	6	957	6	5	9
<b>Firearms</b>	75	52	7,590	46	37	82
<b>Burglary/B&amp;E</b>	20	18	29	--	--	0
<b>Auto Theft</b>	88	57	52	--	--	0
<b>Larceny</b>	20	12	365	--	--	2
<b>Fraud</b>	35	24	4,471	24	21	20
<b>Embezzlement</b>	15	11	164	--	--	2
<b>Forgery/Counterfeiting</b>	21	18	287	31	24	3
<b>Bribery</b>	25	18	114	--	--	0
<b>Tax</b>	19	12	263	16	15	6
<b>Money Laundering</b>	44	30	497	--	--	0
<b>Racketeering/Extortion</b>	108	60	866	44	24	12
<b>Gambling/Lottery</b>	9	5	12	--	--	0
<b>Civil Rights</b>	60	27	33	--	--	1
<b>Immigration</b>	13	10	18,475	6	3	7
<b>Child Pornography</b>	151	97	1,763	54	40	5
<b>Prison Offenses</b>	12	11	492	10	10	18
<b>Administration of Justice Offenses</b>	25	18	770	28	20	8
<b>Environmental/Wildlife</b>	12	6	18	--	--	1
<b>National Defense</b>	63	35	78	--	--	0
<b>Antitrust</b>	24	12	13	--	--	0
<b>Food &amp; Drug</b>	20	12	23	--	--	0
<b>Other Miscellaneous Offenses</b>	41	12	660	65	24	7

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 456 guideline cases from the State of West Virginia, 61 cases were excluded due to zero months of prison ordered.

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		West Virginia	
	N	%	N	%
<b>TOTAL CASES<sup>1</sup></b>	<b>66,266</b>	<b>100.0</b>	<b>446</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>32,552</b>	<b>49.1</b>	<b>248</b>	<b>55.6</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>1,950</b>	<b>2.9</b>	<b>17</b>	<b>3.8</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>456</b>	<b>0.7</b>	<b>1</b>	<b>0.2</b>
Upward Departure From Guideline Range <sup>2</sup>	352	0.5	1	0.2
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	104	0.2	0	0.0
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>1,494</b>	<b>2.3</b>	<b>16</b>	<b>3.6</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	1,411	2.1	15	3.4
All Remaining Cases Above Guideline Range <sup>5</sup>	83	0.1	1	0.2
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>18,417</b>	<b>27.8</b>	<b>70</b>	<b>15.7</b>
§5K1.1 Substantial Assistance Departure	7,128	10.8	35	7.8
§5K3.1 Early Disposition Program Departure	5,828	8.8	0	0.0
Other Government Sponsored Below Range	5,461	8.2	35	7.8
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>13,347</b>	<b>20.1</b>	<b>111</b>	<b>24.9</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>1,563</b>	<b>2.4</b>	<b>2</b>	<b>0.4</b>
Downward Departure From Guideline Range <sup>2</sup>	1,142	1.7	2	0.4
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	421	0.6	0	0.0
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>11,784</b>	<b>17.8</b>	<b>109</b>	<b>24.4</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	11,457	17.3	109	24.4
All Remaining Cases Below Guideline Range <sup>5</sup>	327	0.5	0	0.0

<sup>1</sup> This table reflects the 66,873 cases sentenced nationally in fiscal year 2017, 456 of which were from the State of West Virginia. Of these, 607 cases nationally and ten cases from the State of West Virginia were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

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

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

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

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

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

SOURCE: U.S. Sentencing Commission, 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	%
<b>TOTAL</b>	<b>66,266</b>	<b>32,552</b>	<b>49.1</b>	<b>352</b>	<b>0.5</b>	<b>104</b>	<b>0.2</b>	<b>1,411</b>	<b>2.1</b>	<b>83</b>	<b>0.1</b>
<b>D.C. CIRCUIT</b>	<b>230</b>	<b>73</b>	<b>31.7</b>	<b>2</b>	<b>0.9</b>	<b>1</b>	<b>0.4</b>	<b>1</b>	<b>0.4</b>	<b>0</b>	<b>0.0</b>
District of Columbia	230	73	31.7	2	0.9	1	0.4	1	0.4	0	0.0
<b>FIRST CIRCUIT</b>	<b>1,992</b>	<b>987</b>	<b>49.5</b>	<b>10</b>	<b>0.5</b>	<b>1</b>	<b>0.1</b>	<b>74</b>	<b>3.7</b>	<b>6</b>	<b>0.3</b>
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
<b>SECOND CIRCUIT</b>	<b>3,513</b>	<b>1,087</b>	<b>30.9</b>	<b>14</b>	<b>0.4</b>	<b>6</b>	<b>0.2</b>	<b>40</b>	<b>1.1</b>	<b>2</b>	<b>0.1</b>
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
<b>THIRD CIRCUIT</b>	<b>2,174</b>	<b>828</b>	<b>38.1</b>	<b>4</b>	<b>0.2</b>	<b>3</b>	<b>0.1</b>	<b>32</b>	<b>1.5</b>	<b>3</b>	<b>0.1</b>
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
<b>FOURTH CIRCUIT</b>	<b>4,827</b>	<b>2,626</b>	<b>54.4</b>	<b>37</b>	<b>0.8</b>	<b>15</b>	<b>0.3</b>	<b>114</b>	<b>2.4</b>	<b>12</b>	<b>0.2</b>
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	%
<b>TOTAL</b>	<b>7,128</b>	<b>10.8</b>	<b>5,828</b>	<b>8.8</b>	<b>5,461</b>	<b>8.2</b>	<b>1,142</b>	<b>1.7</b>	<b>421</b>	<b>0.6</b>	<b>11,457</b>	<b>17.3</b>	<b>327</b>	<b>0.5</b>
<b>D.C. CIRCUIT</b>	<b>40</b>	<b>17.4</b>	<b>3</b>	<b>1.3</b>	<b>50</b>	<b>21.7</b>	<b>6</b>	<b>2.6</b>	<b>8</b>	<b>3.5</b>	<b>42</b>	<b>18.3</b>	<b>4</b>	<b>1.7</b>
District of Columbia	40	17.4	3	1.3	50	21.7	6	2.6	8	3.5	42	18.3	4	1.7
<b>FIRST CIRCUIT</b>	<b>210</b>	<b>10.5</b>	<b>17</b>	<b>0.9</b>	<b>297</b>	<b>14.9</b>	<b>43</b>	<b>2.2</b>	<b>8</b>	<b>0.4</b>	<b>329</b>	<b>16.5</b>	<b>10</b>	<b>0.5</b>
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
<b>SECOND CIRCUIT</b>	<b>628</b>	<b>17.9</b>	<b>10</b>	<b>0.3</b>	<b>274</b>	<b>7.8</b>	<b>64</b>	<b>1.8</b>	<b>57</b>	<b>1.6</b>	<b>1,314</b>	<b>37.4</b>	<b>17</b>	<b>0.5</b>
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
<b>THIRD CIRCUIT</b>	<b>542</b>	<b>24.9</b>	<b>10</b>	<b>0.5</b>	<b>245</b>	<b>11.3</b>	<b>19</b>	<b>0.9</b>	<b>14</b>	<b>0.6</b>	<b>449</b>	<b>20.7</b>	<b>25</b>	<b>1.1</b>
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
<b>FOURTH CIRCUIT</b>	<b>676</b>	<b>14.0</b>	<b>2</b>	<b>0.0</b>	<b>350</b>	<b>7.3</b>	<b>53</b>	<b>1.1</b>	<b>41</b>	<b>0.8</b>	<b>889</b>	<b>18.4</b>	<b>12</b>	<b>0.2</b>
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	%
<b>FIFTH CIRCUIT</b>	<b>16,589</b>	<b>10,795</b>	<b>65.1</b>	<b>120</b>	<b>0.7</b>	<b>31</b>	<b>0.2</b>	<b>481</b>	<b>2.9</b>	<b>22</b>	<b>0.1</b>
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
<b>SIXTH CIRCUIT</b>	<b>4,205</b>	<b>1,795</b>	<b>42.7</b>	<b>19</b>	<b>0.5</b>	<b>11</b>	<b>0.3</b>	<b>69</b>	<b>1.6</b>	<b>4</b>	<b>0.1</b>
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
<b>SEVENTH CIRCUIT</b>	<b>2,279</b>	<b>818</b>	<b>35.9</b>	<b>7</b>	<b>0.3</b>	<b>1</b>	<b>0.0</b>	<b>46</b>	<b>2.0</b>	<b>0</b>	<b>0.0</b>
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
<b>EIGHTH CIRCUIT</b>	<b>4,704</b>	<b>2,217</b>	<b>47.1</b>	<b>29</b>	<b>0.6</b>	<b>11</b>	<b>0.2</b>	<b>152</b>	<b>3.2</b>	<b>3</b>	<b>0.1</b>
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	%
<b>FIFTH CIRCUIT</b>	<b>1,211</b>	<b>7.3</b>	<b>615</b>	<b>3.7</b>	<b>496</b>	<b>3.0</b>	<b>624</b>	<b>3.8</b>	<b>44</b>	<b>0.3</b>	<b>2,058</b>	<b>12.4</b>	<b>92</b>	<b>0.6</b>
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
<b>SIXTH CIRCUIT</b>	<b>845</b>	<b>20.1</b>	<b>11</b>	<b>0.3</b>	<b>452</b>	<b>10.7</b>	<b>52</b>	<b>1.2</b>	<b>48</b>	<b>1.1</b>	<b>892</b>	<b>21.2</b>	<b>7</b>	<b>0.2</b>
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
<b>SEVENTH CIRCUIT</b>	<b>313</b>	<b>13.7</b>	<b>0</b>	<b>0.0</b>	<b>263</b>	<b>11.5</b>	<b>40</b>	<b>1.8</b>	<b>35</b>	<b>1.5</b>	<b>735</b>	<b>32.3</b>	<b>21</b>	<b>0.9</b>
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
<b>EIGHTH CIRCUIT</b>	<b>577</b>	<b>12.3</b>	<b>69</b>	<b>1.5</b>	<b>416</b>	<b>8.8</b>	<b>31</b>	<b>0.7</b>	<b>36</b>	<b>0.8</b>	<b>1,142</b>	<b>24.3</b>	<b>21</b>	<b>0.4</b>
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	%
<b>NINTH CIRCUIT</b>	<b>13,049</b>	<b>4,524</b>	<b>34.7</b>	<b>74</b>	<b>0.6</b>	<b>15</b>	<b>0.1</b>	<b>243</b>	<b>1.9</b>	<b>19</b>	<b>0.1</b>
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
<b>TENTH CIRCUIT</b>	<b>6,308</b>	<b>3,327</b>	<b>52.7</b>	<b>24</b>	<b>0.4</b>	<b>4</b>	<b>0.1</b>	<b>60</b>	<b>1.0</b>	<b>4</b>	<b>0.1</b>
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
<b>ELEVENTH CIRCUIT</b>	<b>6,396</b>	<b>3,475</b>	<b>54.3</b>	<b>12</b>	<b>0.2</b>	<b>5</b>	<b>0.1</b>	<b>99</b>	<b>1.5</b>	<b>8</b>	<b>0.1</b>
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	%
<b>NINTH CIRCUIT</b>	<b>928</b>	<b>7.1</b>	<b>3,925</b>	<b>30.1</b>	<b>1,565</b>	<b>12.0</b>	<b>134</b>	<b>1.0</b>	<b>70</b>	<b>0.5</b>	<b>1,471</b>	<b>11.3</b>	<b>81</b>	<b>0.6</b>
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
<b>TENTH CIRCUIT</b>	<b>307</b>	<b>4.9</b>	<b>1,150</b>	<b>18.2</b>	<b>678</b>	<b>10.7</b>	<b>45</b>	<b>0.7</b>	<b>26</b>	<b>0.4</b>	<b>668</b>	<b>10.6</b>	<b>15</b>	<b>0.2</b>
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
<b>ELEVENTH CIRCUIT</b>	<b>851</b>	<b>13.3</b>	<b>16</b>	<b>0.3</b>	<b>375</b>	<b>5.9</b>	<b>31</b>	<b>0.5</b>	<b>34</b>	<b>0.5</b>	<b>1,468</b>	<b>23.0</b>	<b>22</b>	<b>0.3</b>
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	%
<b>TOTAL</b>	<b>66,266</b>	<b>32,552</b>	<b>49.1</b>	<b>352</b>	<b>0.5</b>	<b>104</b>	<b>0.2</b>	<b>1,411</b>	<b>2.1</b>	<b>83</b>	<b>0.1</b>
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

**West Virginia**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>446</b>	<b>248</b>	<b>55.6</b>	<b>1</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>15</b>	<b>3.4</b>	<b>1</b>	<b>0.2</b>
Robbery	4	2	50.0	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	203	111	54.7	0	0.0	0	0.0	7	3.4	0	0.0
Drugs - Simple Possession	4	4	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Firearms	90	60	66.7	0	0.0	0	0.0	3	3.3	0	0.0
Larceny	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Fraud	30	16	53.3	0	0.0	0	0.0	0	0.0	0	0.0
Embezzlement	2	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	4	2	50.0	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	12	11	91.7	0	0.0	0	0.0	0	0.0	1	8.3
Other Miscellaneous Offenses	94	38	40.4	1	1.1	0	0.0	5	5.3	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	%
<b>TOTAL</b>	<b>7,128</b>	<b>10.8</b>	<b>5,828</b>	<b>8.8</b>	<b>5,461</b>	<b>8.2</b>	<b>1,142</b>	<b>1.7</b>	<b>421</b>	<b>0.6</b>	<b>11,457</b>	<b>17.3</b>	<b>327</b>	<b>0.5</b>
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

### West Virginia

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	%
<b>TOTAL</b>	<b>35</b>	<b>7.8</b>	<b>0</b>	<b>0.0</b>	<b>35</b>	<b>7.8</b>	<b>2</b>	<b>0.4</b>	<b>0</b>	<b>0.0</b>	<b>109</b>	<b>24.4</b>	<b>0</b>	<b>0.0</b>
Robbery	0	0.0	0	0.0	1	25.0	0	0.0	0	0.0	1	25.0	0	0.0
Drugs - Trafficking	23	11.3	0	0.0	10	4.9	1	0.5	0	0.0	51	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	0	0.0
Firearms	4	4.4	0	0.0	3	3.3	1	1.1	0	0.0	19	21.1	0	0.0
Larceny	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Fraud	3	10.0	0	0.0	3	10.0	0	0.0	0	0.0	8	26.7	0	0.0
Embezzlement	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	50.0	0	0.0
Forgery/Counterfeiting	0	0.0	0	0.0	1	25.0	0	0.0	0	0.0	1	25.0	0	0.0
Immigration	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	5	5.3	0	0.0	17	18.1	0	0.0	0	0.0	28	29.8	0	0.0

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 456 guideline cases from the State of West Virginia, ten 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.