

**United
States
Sentencing
Commission**



Statistical Information Packet

Fiscal Year 2019

Western District of New York

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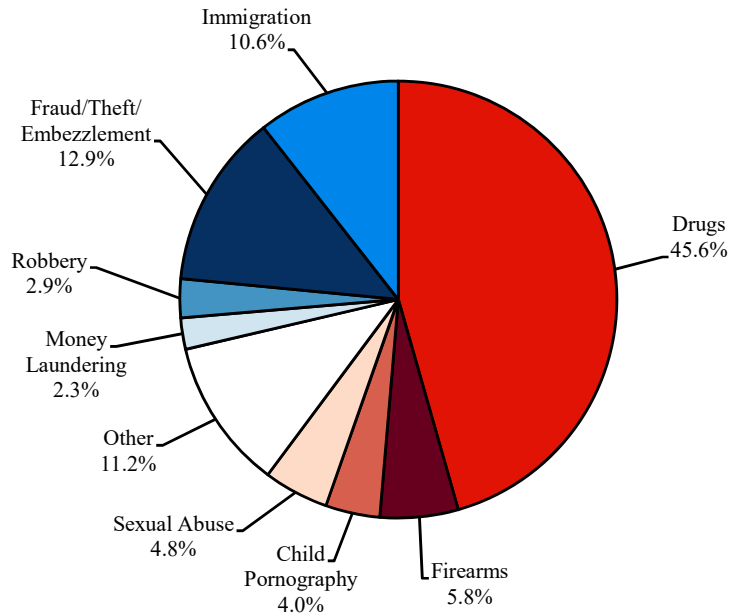
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Figure A
FEDERAL OFFENDERS BY TYPE OF CRIME
Fiscal Year 2019

National



Western New York



The National figure includes the 76,538 cases reported to the Commission. The Drugs category includes trafficking and simple possession.

The Western District of New York figure includes the 520 cases reported to the Commission.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

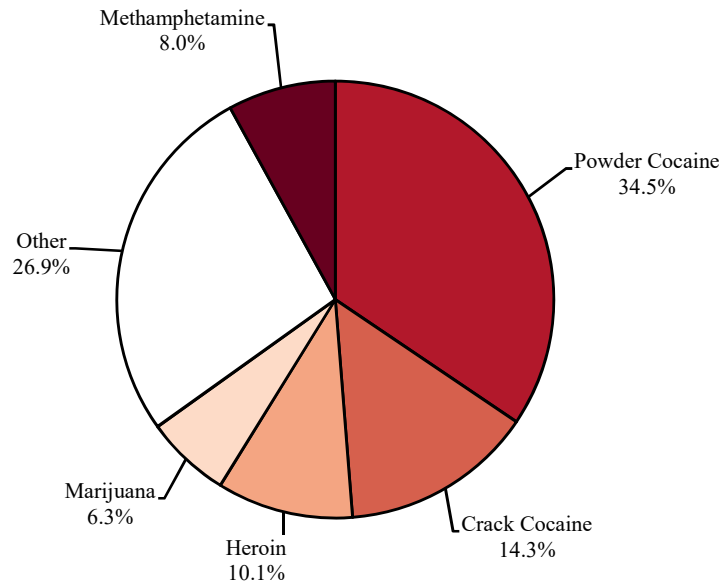
Figure B

**DISTRIBUTION OF PRIMARY DRUG TYPE IN FEDERAL DRUG CASES
Fiscal Year 2019**

National



Western New York



Of the 76,538 National cases, in 20,085 the offender was sentenced under USSG Chapter Two, Part D (Drugs). Of these, one was excluded due to missing information on drug type.

Of the 520 cases from the Western District of New York, in 238 the offender was sentenced under USSG Chapter Two, Part D (Drugs).

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 1
DISTRIBUTION OF FEDERAL OFFENDERS
BY TYPE OF CRIME
Fiscal Year 2019

TYPE OF CRIME	National		Western New York	
	N	%	N	%
TOTAL	76,538	100.0	520	100.0
Administration of Justice	698	0.9	10	1.9
Antitrust	20	0.0	0	0.0
Arson	68	0.1	0	0.0
Assault	787	1.0	2	0.4
Bribery/Corruption	341	0.4	1	0.2
Burglary/Trespass	64	0.1	0	0.0
Child Pornography	1,368	1.8	21	4.0
Commercialized Vice	90	0.1	3	0.6
Drug Possession	563	0.7	4	0.8
Drug Trafficking	19,830	25.9	233	44.8
Environmental	179	0.2	0	0.0
Extortion/Racketeering	185	0.2	5	1.0
Firearms	8,481	11.1	30	5.8
Food and Drug	48	0.1	0	0.0
Forgery/Counter/Copyright	276	0.4	2	0.4
Fraud/Theft/Embezzlement	6,390	8.3	67	12.9
Immigration	29,354	38.4	55	10.6
Individual Rights	68	0.1	1	0.2
Kidnapping	96	0.1	1	0.2
Manslaughter	74	0.1	0	0.0
Money Laundering	1,177	1.5	12	2.3
Murder	373	0.5	12	2.3
National Defense	195	0.3	1	0.2
Obscenity/Other Sex Offenses	393	0.5	2	0.4
Prison Offenses	628	0.8	1	0.2
Robbery	1,825	2.4	15	2.9
Sexual Abuse	1,165	1.5	25	4.8
Stalking/Harassing	223	0.3	2	0.4
Tax	547	0.7	13	2.5
Other	1,032	1.3	2	0.4

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 2

**GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2019**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	76,538	74,709	97.6	1,829	2.4
D.C. CIRCUIT	331	315	95.2	16	4.8
District of Columbia	331	315	95.2	16	4.8
FIRST CIRCUIT	2,134	2,061	96.6	73	3.4
Maine	162	156	96.3	6	3.7
Massachusetts	476	442	92.9	34	7.1
New Hampshire	196	193	98.5	3	1.5
Puerto Rico	1,165	1,137	97.6	28	2.4
Rhode Island	135	133	98.5	2	1.5
SECOND CIRCUIT	3,564	3,408	95.6	156	4.4
Connecticut	349	337	96.6	12	3.4
New York					
Eastern	622	600	96.5	22	3.5
Northern	392	370	94.4	22	5.6
Southern	1,515	1,433	94.6	82	5.4
Western	520	505	97.1	15	2.9
Vermont	166	163	98.2	3	1.8
THIRD CIRCUIT	2,343	2,219	94.7	124	5.3
Delaware	122	117	95.9	5	4.1
New Jersey	620	598	96.5	22	3.5
Pennsylvania					
Eastern	627	583	93.0	44	7.0
Middle	505	476	94.3	29	5.7
Western	383	372	97.1	11	2.9
Virgin Islands	86	73	84.9	13	15.1
FOURTH CIRCUIT	5,790	5,610	96.9	180	3.1
Maryland	777	737	94.9	40	5.1
North Carolina					
Eastern	876	851	97.1	25	2.9
Middle	490	482	98.4	8	1.6
Western	538	521	96.8	17	3.2
South Carolina	1,058	1,034	97.7	24	2.3
Virginia					
Eastern	1,211	1,173	96.9	38	3.1
Western	243	235	96.7	8	3.3
West Virginia					
Northern	282	275	97.5	7	2.5
Southern	315	302	95.9	13	4.1

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
FIFTH CIRCUIT	21,369	21,168	99.1	201	0.9
Louisiana					
Eastern	294	283	96.3	11	3.7
Middle	186	174	93.5	12	6.5
Western	381	369	96.9	12	3.1
Mississippi					
Northern	188	187	99.5	1	0.5
Southern	456	444	97.4	12	2.6
Texas					
Eastern	724	710	98.1	14	1.9
Northern	1,556	1,518	97.6	38	2.4
Southern	7,815	7,756	99.2	59	0.8
Western	9,769	9,727	99.6	42	0.4
SIXTH CIRCUIT	5,321	5,108	96.0	213	4.0
Kentucky					
Eastern	557	510	91.6	47	8.4
Western	349	338	96.8	11	3.2
Michigan					
Eastern	879	843	95.9	36	4.1
Western	392	374	95.4	18	4.6
Ohio					
Northern	901	860	95.4	41	4.6
Southern	562	553	98.4	9	1.6
Tennessee					
Eastern	751	733	97.6	18	2.4
Middle	324	308	95.1	16	4.9
Western	606	589	97.2	17	2.8
SEVENTH CIRCUIT	2,456	2,364	96.3	92	3.7
Illinois					
Central	226	215	95.1	11	4.9
Northern	655	621	94.8	34	5.2
Southern	286	279	97.6	7	2.4
Indiana					
Northern	360	348	96.7	12	3.3
Southern	472	455	96.4	17	3.6
Wisconsin					
Eastern	269	262	97.4	7	2.6
Western	188	184	97.9	4	2.1
EIGHTH CIRCUIT	5,441	5,278	97.0	163	3.0
Arkansas					
Eastern	564	560	99.3	4	0.7
Western	258	257	99.6	1	0.4
Iowa					
Northern	415	396	95.4	19	4.6
Southern	493	474	96.1	19	3.9
Minnesota	382	354	92.7	28	7.3
Missouri					
Eastern	1,192	1,178	98.8	14	1.2
Western	772	748	96.9	24	3.1
Nebraska	527	515	97.7	12	2.3
North Dakota	329	318	96.7	11	3.3
South Dakota	509	478	93.9	31	6.1

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
NINTH CIRCUIT	14,785	14,502	98.1	283	1.9
Alaska	193	186	96.4	7	3.6
Arizona	5,610	5,570	99.3	40	0.7
California					
Central	1,143	1,071	93.7	72	6.3
Eastern	511	490	95.9	21	4.1
Northern	485	465	95.9	20	4.1
Southern	4,089	4,033	98.6	56	1.4
Guam	49	48	98.0	1	2.0
Hawaii	154	145	94.2	9	5.8
Idaho	372	364	97.8	8	2.2
Montana	385	373	96.9	12	3.1
Nevada	482	467	96.9	15	3.1
Northern Mariana Islands	11	11	100.0	0	0.0
Oregon	475	466	98.1	9	1.9
Washington					
Eastern	360	355	98.6	5	1.4
Western	466	458	98.3	8	1.7
TENTH CIRCUIT	6,526	6,458	99.0	68	1.0
Colorado	529	511	96.6	18	3.4
Kansas	465	454	97.6	11	2.4
New Mexico	3,951	3,938	99.7	13	0.3
Oklahoma					
Eastern	101	94	93.1	7	6.9
Northern	217	212	97.7	5	2.3
Western	407	401	98.5	6	1.5
Utah	674	670	99.4	4	0.6
Wyoming	182	178	97.8	4	2.2
ELEVENTH CIRCUIT	6,478	6,218	96.0	260	4.0
Alabama					
Middle	260	249	95.8	11	4.2
Northern	545	528	96.9	17	3.1
Southern	376	365	97.1	11	2.9
Florida					
Middle	1,594	1,517	95.2	77	4.8
Northern	309	292	94.5	17	5.5
Southern	1,987	1,902	95.7	85	4.3
Georgia					
Middle	420	401	95.5	19	4.5
Northern	513	497	96.9	16	3.1
Southern	474	467	98.5	7	1.5

Of the 76,538 National cases, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 3

**GUILTY PLEAS AND TRIALS BY TYPE OF CRIME
Fiscal Year 2019**

TYPE OF CRIME	TOTAL	National				Western New York			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
TOTAL	76,538	74,709	97.6	1,829	2.4	505	97.1	15	2.9
Administration of Justice	698	660	94.6	38	5.4	10	100.0	0	0.0
Antitrust	20	20	100.0	0	0.0	0	--	0	--
Arson	68	58	85.3	10	14.7	0	--	0	--
Assault	787	733	93.1	54	6.9	2	100.0	0	0.0
Bribery/Corruption	341	307	90.0	34	10.0	1	100.0	0	0.0
Burglary/Trespass	64	62	96.9	2	3.1	0	--	0	--
Child Pornography	1,368	1,326	96.9	42	3.1	21	100.0	0	0.0
Commercialized Vice	90	82	91.1	8	8.9	3	100.0	0	0.0
Drug Possession	563	560	99.5	3	0.5	4	100.0	0	0.0
Drug Trafficking	19,830	19,335	97.5	495	2.5	227	97.4	6	2.6
Environmental	179	176	98.3	3	1.7	0	--	0	--
Extortion/Racketeering	185	179	96.8	6	3.2	5	100.0	0	0.0
Firearms	8,481	8,254	97.3	227	2.7	29	96.7	1	3.3
Food and Drug	48	47	97.9	1	2.1	0	--	0	--
Forgery/Counter/Copyright	276	275	99.6	1	0.4	2	100.0	0	0.0
Fraud/Theft/Embezzlement	6,390	6,093	95.4	297	4.6	67	100.0	0	0.0
Immigration	29,354	29,239	99.6	115	0.4	55	100.0	0	0.0
Individual Rights	68	61	89.7	7	10.3	1	100.0	0	0.0
Kidnapping	96	84	87.5	12	12.5	1	100.0	0	0.0
Manslaughter	74	70	94.6	4	5.4	0	--	0	--
Money Laundering	1,177	1,081	91.8	96	8.2	11	91.7	1	8.3
Murder	373	292	78.3	81	21.7	8	66.7	4	33.3
National Defense	195	189	96.9	6	3.1	1	100.0	0	0.0
Obscenity/Other Sex Offenses	393	390	99.2	3	0.8	2	100.0	0	0.0
Prison Offenses	628	617	98.2	11	1.8	0	0.0	1	100.0
Robbery	1,825	1,727	94.6	98	5.4	15	100.0	0	0.0
Sexual Abuse	1,165	1,057	90.7	108	9.3	24	96.0	1	4.0
Stalking/Harassing	223	207	92.8	16	7.2	2	100.0	0	0.0
Tax	547	513	93.8	34	6.2	12	92.3	1	7.7
Other	1,032	1,015	98.4	17	1.6	2	100.0	0	0.0

Of the 76,538 National cases, no cases were excluded.

Of the 520 cases from the Western District of New York, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 4
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2019

National

TYPE OF CRIME	TOTAL	Prison Only		Prison and Alternatives		Probation and Alternatives		Probation Only		Fine Only	
		N	%	N	%	N	%	N	%	N	%
TOTAL	76,538	68,138	89.0	2,093	2.7	1,330	1.7	4,558	6.0	419	0.5
Administration of Justice	698	459	65.8	45	6.4	37	5.3	157	22.5	0	0.0
Antitrust	20	17	85.0	0	0.0	3	15.0	0	0.0	0	0.0
Arson	68	62	91.2	4	5.9	0	0.0	2	2.9	0	0.0
Assault	787	633	80.4	54	6.9	6	0.8	87	11.1	7	0.9
Bribery/Corruption	341	231	67.7	19	5.6	35	10.3	50	14.7	6	1.8
Burglary/Trespass	64	46	71.9	10	15.6	1	1.6	6	9.4	1	1.6
Child Pornography	1,368	1,325	96.9	29	2.1	3	0.2	10	0.7	1	0.1
Commercialized Vice	90	72	80.0	3	3.3	6	6.7	8	8.9	1	1.1
Drug Possession	563	289	51.3	8	1.4	7	1.2	158	28.1	101	17.9
Drug Trafficking	19,830	18,458	93.1	641	3.2	208	1.0	521	2.6	2	0.0
Environmental	179	42	23.5	5	2.8	27	15.1	84	46.9	21	11.7
Extortion/Racketeering	185	140	75.7	11	5.9	6	3.2	28	15.1	0	0.0
Firearms	8,481	7,700	90.8	294	3.5	181	2.1	306	3.6	0	0.0
Food and Drug	48	13	27.1	0	0.0	2	4.2	33	68.8	0	0.0
Forgery/Counter/Copyright	276	198	71.7	14	5.1	29	10.5	35	12.7	0	0.0
Fraud/Theft/Embezzlement	6,390	4,384	68.6	354	5.5	381	6.0	1,192	18.7	79	1.2
Immigration	29,354	27,715	94.4	276	0.9	193	0.7	1,168	4.0	2	0.0
Individual Rights	68	35	51.5	2	2.9	4	5.9	20	29.4	7	10.3
Kidnapping	96	89	92.7	7	7.3	0	0.0	0	0.0	0	0.0
Manslaughter	74	66	89.2	5	6.8	0	0.0	3	4.1	0	0.0
Money Laundering	1,177	985	83.7	55	4.7	48	4.1	89	7.6	0	0.0
Murder	373	353	94.6	19	5.1	0	0.0	1	0.3	0	0.0
National Defense	195	160	82.1	10	5.1	5	2.6	18	9.2	2	1.0
Obscenity/Other Sex Offenses	393	337	85.8	37	9.4	6	1.5	12	3.1	1	0.3
Prison Offenses	628	586	93.3	21	3.3	7	1.1	14	2.2	0	0.0
Robbery	1,825	1,727	94.6	73	4.0	8	0.4	17	0.9	0	0.0
Sexual Abuse	1,165	1,125	96.6	33	2.8	3	0.3	4	0.3	0	0.0
Stalking/Harassing	223	187	83.9	17	7.6	5	2.2	14	6.3	0	0.0
Tax	547	320	58.5	31	5.7	71	13.0	121	22.1	4	0.7
Other	1,032	384	37.2	16	1.6	48	4.7	400	38.8	184	17.8

Of the 76,538 National cases, no cases were excluded.

Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 5
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2019

Western New York

TYPE OF CRIME	TOTAL	Prison Only		Prison and Alternatives		Probation and Alternatives		Probation Only		Fine Only	
		N	%	N	%	N	%	N	%	N	%
TOTAL	520	442	85.0	18	3.5	24	4.6	33	6.3	3	0.6
Administration of Justice	10	7	70.0	0	0.0	1	10.0	2	20.0	0	0.0
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Arson	0	0	--	0	--	0	--	0	--	0	--
Assault	2	1	50.0	0	0.0	0	0.0	1	50.0	0	0.0
Bribery/Corruption	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Burglary/Trespass	0	0	--	0	--	0	--	0	--	0	--
Child Pornography	21	21	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Commercialized Vice	3	1	33.3	1	33.3	0	0.0	0	0.0	1	33.3
Drug Possession	4	0	0.0	0	0.0	0	0.0	4	100.0	0	0.0
Drug Trafficking	233	216	92.7	5	2.1	8	3.4	4	1.7	0	0.0
Environmental	0	0	--	0	--	0	--	0	--	0	--
Extortion/Racketeering	5	4	80.0	0	0.0	1	20.0	0	0.0	0	0.0
Firearms	30	27	90.0	0	0.0	1	3.3	2	6.7	0	0.0
Food and Drug	0	0	--	0	--	0	--	0	--	0	--
Forgery/Counter/Copyright	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Fraud/Theft/Embezzlement	67	42	62.7	4	6.0	8	11.9	13	19.4	0	0.0
Immigration	55	52	94.5	1	1.8	0	0.0	2	3.6	0	0.0
Individual Rights	1	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0
Kidnapping	1	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	0	0	--	0	--	0	--	0	--	0	--
Money Laundering	12	7	58.3	2	16.7	2	16.7	1	8.3	0	0.0
Murder	12	12	100.0	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Obscenity/Other Sex Offenses	2	1	50.0	0	0.0	1	50.0	0	0.0	0	0.0
Prison Offenses	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Robbery	15	13	86.7	1	6.7	1	6.7	0	0.0	0	0.0
Sexual Abuse	25	24	96.0	1	4.0	0	0.0	0	0.0	0	0.0
Stalking/Harassing	2	1	50.0	1	50.0	0	0.0	0	0.0	0	0.0
Tax	13	7	53.8	0	0.0	1	7.7	3	23.1	2	15.4
Other	2	1	50.0	0	0.0	0	0.0	1	50.0	0	0.0

Of the 520 cases from the Western District of New York, no cases were excluded.

Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 6

**INCARCERATION RATE OF U.S. CITIZEN OFFENDERS ELIGIBLE FOR NON-PRISON SENTENCES
BY TYPE OF CRIME
Fiscal Year 2019**

TYPE OF CRIME	TOTAL	National				Western New York			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
TOTAL	4,729	2,212	46.8	2,517	53.2	10	37.0	17	63.3
Administration of Justice	151	62	41.1	89	58.9	2	66.7	1	33.3
Antitrust	6	6	100.0	0	0.0	0	--	0	--
Arson	1	1	100.0	0	0.0	0	--	0	--
Assault	132	74	56.1	58	43.9	0	0.0	1	100.0
Bribery/Corruption	25	5	20.0	20	80.0	0	--	0	--
Burglary/Trespass	16	8	50.0	8	50.0	0	--	0	--
Child Pornography	0	0	--	0	--	0	--	0	--
Commercialized Vice	9	3	33.3	6	66.7	0	0.0	1	100.0
Drug Possession	316	128	40.5	188	59.5	0	0.0	4	100.0
Drug Trafficking	562	353	62.8	209	37.2	2	50.0	2	50.0
Environmental	78	8	10.3	70	89.7	0	--	0	--
Extortion/Racketeering	17	5	29.4	12	70.6	0	--	0	--
Firearms	145	54	37.2	91	62.8	0	--	0	--
Food and Drug	33	3	9.1	30	90.9	0	--	0	--
Forgery/Counter/Copyright	62	41	66.1	21	33.9	0	--	0	--
Fraud/Theft/Embezzlement	1,542	563	36.5	979	63.5	4	44.4	5	55.6
Immigration	677	443	65.4	234	34.6	0	0.0	1	100.0
Individual Rights	11	3	27.3	8	72.7	0	--	0	--
Kidnapping	0	0	--	0	--	0	--	0	--
Manslaughter	2	0	0.0	2	100.0	0	--	0	--
Money Laundering	52	20	38.5	32	61.5	0	--	0	--
Murder	0	0	--	0	--	0	--	0	--
National Defense	7	1	14.3	6	85.7	0	--	0	--
Obscenity/Other Sex Offenses	12	9	75.0	3	25.0	0	--	0	--
Prison Offenses	283	267	94.3	16	5.7	0	--	0	--
Robbery	0	0	--	0	--	0	--	0	--
Sexual Abuse	8	7	87.5	1	12.5	0	--	0	--
Stalking/Harassing	23	16	69.6	7	30.4	0	--	0	--
Tax	28	7	25.0	21	75.0	1	50.0	1	50.0
Other	531	125	23.5	406	76.5	1	50.0	1	50.0

Of the 76,538 National cases, a U.S. Citizen was the offender in 42,136 cases. Of these, 37,407 cases were excluded because the offender was ineligible for a non-prison sentence.

Of the 520 cases from the Western District of New York, a U.S. Citizen was the offender in 429 cases. Of these, 402 cases were excluded because the offender was ineligible for a non-prison sentence.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 7

**SENTENCE LENGTH BY TYPE OF CRIME
Fiscal Year 2019**

TYPE OF CRIME	National			Western New York		
	Mean Months	Median Months	N	Mean Months	Median Months	N
TOTAL	42	18	76,538	62	36	520
Administration of Justice	12	8	698	15	8	10
Antitrust	6	4	20	--	--	0
Arson	76	60	68	--	--	0
Assault	64	36	787	--	--	2
Bribery/Corruption	22	12	341	--	--	1
Burglary/Trespass	16	14	64	--	--	0
Child Pornography	103	84	1,368	107	80	21
Commercialized Vice	24	20	90	23	12	3
Drug Possession	2	0	563	0	0	4
Drug Trafficking	76	60	19,830	75	60	233
Environmental	3	0	179	--	--	0
Extortion/Racketeering	32	27	185	23	15	5
Firearms	50	39	8,481	61	47	30
Food and Drug	9	0	48	--	--	0
Forgery/Counter/Copyright	15	12	276	--	--	2
Fraud/Theft/Embezzlement	21	12	6,390	13	7	67
Immigration	9	6	29,354	3	2	55
Individual Rights	29	3	68	--	--	1
Kidnapping	171	120	96	--	--	1
Manslaughter	70	60	74	--	--	0
Money Laundering	61	33	1,177	58	32	12
Murder	255	240	373	188	132	12
National Defense	42	24	195	--	--	1
Obscenity/Other Sex Offenses	20	18	393	--	--	2
Prison Offenses	11	8	628	--	--	1
Robbery	109	92	1,825	107	96	15
Sexual Abuse	205	180	1,165	174	180	25
Stalking/Harassing	29	24	223	--	--	2
Tax	16	12	547	12	6	13
Other	3	0	1,032	--	--	2

Of the 76,538 National cases, no cases were excluded.

Of the 520 cases from the Western District of New York, no cases were excluded.

Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 8

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2019

	National		Western New York	
	N	%	N	%
TOTAL CASES	76,034	100.0	518	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	56,995	75.0	355	68.5
Within Guideline Range	39,078	51.4	204	39.4
Upward Departure ²	364	0.5	2	0.4
Downward Departure				
§5K1.1 Substantial Assistance	7,272	9.6	142	27.4
§5K3.1 Early Disposition Program	7,119	9.4	0	0.0
Other Government Motion ³	1,410	1.9	2	0.4
Non-Government Departure ⁴	1,752	2.3	5	1.0
VARIANCES	19,039	25.0	163	31.5
Upward Variance ⁵	1,431	1.9	7	1.4
Downward Variance				
Government Motion ⁶	4,083	5.4	67	12.9
Non-Government Variance ⁷	13,525	17.8	89	17.2

¹ This table reflects the 76,538 cases reported to the Commission in fiscal year 2019, 520 of which were from the Western District of New York. Of these, 504 cases nationally and two cases from the Western District of New York were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

² Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1.

³ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution initiated, proposed, or stipulated to the sentence.

⁴ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution did not initiate, propose, or stipulate to the sentence.

⁵ Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form.

⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

⁷ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, or where no reason was given, and where the prosecution did not initiate, propose, or stipulate to the sentence.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 9

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2019**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
TOTAL	76,034	39,078	51.4	364	0.5	7,272	9.6	7,119	9.4	3,162	4.2	19,039	25.0
D.C. CIRCUIT	330	139	42.1	3	0.9	32	9.7	2	0.6	35	10.6	119	36.1
District of Columbia	330	139	42.1	3	0.9	32	9.7	2	0.6	35	10.6	119	36.1
FIRST CIRCUIT	2,134	1,042	48.8	15	0.7	172	8.1	1	0.0	85	4.0	819	38.4
Maine	162	58	35.8	2	1.2	25	15.4	0	0.0	6	3.7	71	43.8
Massachusetts	476	177	37.2	7	1.5	46	9.7	1	0.2	26	5.5	219	46.0
New Hampshire	196	72	36.7	0	0.0	29	14.8	0	0.0	7	3.6	88	44.9
Puerto Rico	1,165	708	60.8	6	0.5	59	5.1	0	0.0	46	3.9	346	29.7
Rhode Island	135	27	20.0	0	0.0	13	9.6	0	0.0	0	0.0	95	70.4
SECOND CIRCUIT	3,549	1,119	31.5	10	0.3	627	17.7	9	0.3	150	4.2	1,634	46.0
Connecticut	349	120	34.4	3	0.9	51	14.6	0	0.0	46	13.2	129	37.0
New York													
Eastern	622	166	26.7	2	0.3	114	18.3	0	0.0	60	9.6	280	45.0
Northern	381	216	56.7	2	0.5	56	14.7	1	0.3	8	2.1	98	25.7
Southern	1,514	377	24.9	0	0.0	241	15.9	8	0.5	28	1.8	860	56.8
Western	518	204	39.4	2	0.4	142	27.4	0	0.0	7	1.4	163	31.5
Vermont	165	36	21.8	1	0.6	23	13.9	0	0.0	1	0.6	104	63.0
THIRD CIRCUIT	2,336	1,019	43.6	11	0.5	432	18.5	19	0.8	61	2.6	794	34.0
Delaware	122	53	43.4	4	3.3	11	9.0	12	9.8	3	2.5	39	32.0
New Jersey	615	261	42.4	0	0.0	107	17.4	0	0.0	8	1.3	239	38.9
Pennsylvania													
Eastern	627	248	39.6	2	0.3	163	26.0	2	0.3	31	4.9	181	28.9
Middle	505	257	50.9	1	0.2	97	19.2	5	1.0	15	3.0	130	25.7
Western	382	150	39.3	3	0.8	49	12.8	0	0.0	3	0.8	177	46.3
Virgin Islands	85	50	58.8	1	1.2	5	5.9	0	0.0	1	1.2	28	32.9
FOURTH CIRCUIT	5,691	3,209	56.4	47	0.8	700	12.3	3	0.1	176	3.1	1,556	27.3
Maryland	759	263	34.7	8	1.1	137	18.1	0	0.0	52	6.9	299	39.4
North Carolina													
Eastern	822	501	60.9	14	1.7	161	19.6	1	0.1	10	1.2	135	16.4
Middle	490	267	54.5	5	1.0	59	12.0	0	0.0	6	1.2	153	31.2
Western	538	317	58.9	2	0.4	102	19.0	0	0.0	6	1.1	111	20.6
South Carolina	1,049	587	56.0	8	0.8	128	12.2	0	0.0	38	3.6	288	27.5
Virginia													
Eastern	1,200	782	65.2	7	0.6	54	4.5	0	0.0	41	3.4	316	26.3
Western	241	124	51.5	1	0.4	27	11.2	2	0.8	14	5.8	73	30.3
West Virginia													
Northern	280	182	65.0	0	0.0	26	9.3	0	0.0	4	1.4	68	24.3
Southern	312	186	59.6	2	0.6	6	1.9	0	0.0	5	1.6	113	36.2

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE										VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%		
				N	%	N	%	N	%	N	%				
FIFTH CIRCUIT	21,294	14,911	70.0	125	0.6	1,124	5.3	716	3.4	1,208	5.7	3,210	15.1		
Louisiana															
Eastern	288	169	58.7	2	0.7	44	15.3	0	0.0	6	2.1	67	23.3		
Middle	182	95	52.2	2	1.1	40	22.0	1	0.5	1	0.5	43	23.6		
Western	372	266	71.5	4	1.1	36	9.7	0	0.0	3	0.8	63	16.9		
Mississippi															
Northern	185	69	37.3	1	0.5	50	27.0	0	0.0	4	2.2	61	33.0		
Southern	453	330	72.8	2	0.4	46	10.2	8	1.8	3	0.7	64	14.1		
Texas															
Eastern	724	517	71.4	3	0.4	24	3.3	1	0.1	10	1.4	169	23.3		
Northern	1,556	971	62.4	16	1.0	184	11.8	0	0.0	31	2.0	354	22.8		
Southern	7,809	4,587	58.7	88	1.1	422	5.4	489	6.3	897	11.5	1,326	17.0		
Western	9,725	7,907	81.3	7	0.1	278	2.9	217	2.2	253	2.6	1,063	10.9		
SIXTH CIRCUIT	5,297	2,444	46.1	13	0.2	1,055	19.9	10	0.2	198	3.7	1,577	29.8		
Kentucky															
Eastern	557	318	57.1	0	0.0	91	16.3	0	0.0	9	1.6	139	25.0		
Western	348	161	46.3	3	0.9	87	25.0	2	0.6	12	3.4	83	23.9		
Michigan															
Eastern	879	376	42.8	1	0.1	116	13.2	1	0.1	26	3.0	359	40.8		
Western	392	201	51.3	2	0.5	68	17.3	0	0.0	4	1.0	117	29.8		
Ohio															
Northern	900	447	49.7	4	0.4	190	21.1	0	0.0	24	2.7	235	26.1		
Southern	561	164	29.2	1	0.2	133	23.7	5	0.9	89	15.9	169	30.1		
Tennessee															
Eastern	743	388	52.2	2	0.3	210	28.3	0	0.0	14	1.9	129	17.4		
Middle	315	89	28.3	0	0.0	71	22.5	0	0.0	15	4.8	140	44.4		
Western	602	300	49.8	0	0.0	89	14.8	2	0.3	5	0.8	206	34.2		
SEVENTH CIRCUIT	2,448	899	36.7	5	0.2	243	9.9	2	0.1	127	5.2	1,172	47.9		
Illinois															
Central	225	81	36.0	0	0.0	32	14.2	0	0.0	7	3.1	105	46.7		
Northern	655	192	29.3	2	0.3	46	7.0	2	0.3	50	7.6	363	55.4		
Southern	285	146	51.2	2	0.7	35	12.3	0	0.0	2	0.7	100	35.1		
Indiana															
Northern	356	148	41.6	0	0.0	44	12.4	0	0.0	19	5.3	145	40.7		
Southern	472	219	46.4	0	0.0	51	10.8	0	0.0	5	1.1	197	41.7		
Wisconsin															
Eastern	267	41	15.4	0	0.0	29	10.9	0	0.0	2	0.7	195	73.0		
Western	188	72	38.3	1	0.5	6	3.2	0	0.0	42	22.3	67	35.6		
EIGHTH CIRCUIT	5,423	2,437	44.9	35	0.6	674	12.4	73	1.3	116	2.1	2,088	38.5		
Arkansas															
Eastern	552	334	60.5	3	0.5	42	7.6	0	0.0	12	2.2	161	29.2		
Western	258	128	49.6	0	0.0	39	15.1	2	0.8	3	1.2	86	33.3		
Iowa															
Northern	415	217	52.3	11	2.7	89	21.4	0	0.0	6	1.4	92	22.2		
Southern	493	196	39.8	1	0.2	73	14.8	0	0.0	5	1.0	218	44.2		
Minnesota	380	116	30.5	2	0.5	71	18.7	2	0.5	17	4.5	172	45.3		
Missouri															
Eastern	1,190	465	39.1	4	0.3	87	7.3	0	0.0	9	0.8	625	52.5		
Western	772	297	38.5	2	0.3	115	14.9	0	0.0	29	3.8	329	42.6		
Nebraska	527	266	50.5	1	0.2	18	3.4	57	10.8	5	0.9	180	34.2		
North Dakota	328	100	30.5	0	0.0	130	39.6	10	3.0	4	1.2	84	25.6		
South Dakota	508	318	62.6	11	2.2	10	2.0	2	0.4	26	5.1	141	27.8		

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE									
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		VARIANCE	
				N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	14,689	4,552	31.0	53	0.4	1,098	7.5	5,358	36.5	581	4.0	3,047	20.7
Alaska	193	56	29.0	2	1.0	25	13.0	0	0.0	4	2.1	106	54.9
Arizona	5,529	1,951	35.3	33	0.6	130	2.4	2,735	49.5	88	1.6	592	10.7
California													
Central	1,138	386	33.9	1	0.1	147	12.9	94	8.3	87	7.6	423	37.2
Eastern	510	228	44.7	1	0.2	80	15.7	21	4.1	17	3.3	163	32.0
Northern	483	146	30.2	0	0.0	60	12.4	9	1.9	15	3.1	253	52.4
Southern	4,087	746	18.3	8	0.2	235	5.7	2,426	59.4	295	7.2	377	9.2
Guam	49	30	61.2	0	0.0	12	24.5	0	0.0	2	4.1	5	10.2
Hawaii	154	59	38.3	0	0.0	36	23.4	0	0.0	1	0.6	58	37.7
Idaho	372	151	40.6	1	0.3	82	22.0	24	6.5	19	5.1	95	25.5
Montana	384	139	36.2	2	0.5	99	25.8	1	0.3	4	1.0	139	36.2
Nevada	482	190	39.4	2	0.4	39	8.1	2	0.4	14	2.9	235	48.8
Northern Mariana Islands	11	8	72.7	0	0.0	1	9.1	0	0.0	0	0.0	2	18.2
Oregon	473	118	24.9	2	0.4	70	14.8	0	0.0	25	5.3	258	54.5
Washington													
Eastern	358	153	42.7	0	0.0	64	17.9	14	3.9	4	1.1	123	34.4
Western	466	191	41.0	1	0.2	18	3.9	32	6.9	6	1.3	218	46.8
TENTH CIRCUIT	6,478	3,731	57.6	35	0.5	368	5.7	895	13.8	355	5.5	1,094	16.9
Colorado	523	186	35.6	1	0.2	99	18.9	76	14.5	13	2.5	148	28.3
Kansas	451	192	42.6	5	1.1	84	18.6	2	0.4	5	1.1	163	36.1
New Mexico	3,948	2,736	69.3	7	0.2	56	1.4	690	17.5	183	4.6	276	7.0
Oklahoma													
Eastern	100	60	60.0	1	1.0	18	18.0	0	0.0	0	0.0	21	21.0
Northern	215	88	40.9	10	4.7	30	14.0	0	0.0	34	15.8	53	24.7
Western	407	227	55.8	0	0.0	24	5.9	4	1.0	3	0.7	149	36.6
Utah	656	187	28.5	9	1.4	39	5.9	110	16.8	101	15.4	210	32.0
Wyoming	178	55	30.9	2	1.1	18	10.1	13	7.3	16	9.0	74	41.6
ELEVENTH CIRCUIT	6,365	3,576	56.2	12	0.2	747	11.7	31	0.5	70	1.1	1,929	30.3
Alabama													
Middle	260	145	55.8	0	0.0	43	16.5	2	0.8	5	1.9	65	25.0
Northern	542	317	58.5	2	0.4	100	18.5	1	0.2	5	0.9	117	21.6
Southern	376	267	71.0	0	0.0	42	11.2	2	0.5	3	0.8	62	16.5
Florida													
Middle	1,594	772	48.4	4	0.3	265	16.6	20	1.3	15	0.9	518	32.5
Northern	302	144	47.7	2	0.7	54	17.9	6	2.0	3	1.0	93	30.8
Southern	1,903	1,128	59.3	1	0.1	106	5.6	0	0.0	14	0.7	654	34.4
Georgia													
Middle	407	280	68.8	1	0.2	39	9.6	0	0.0	7	1.7	80	19.7
Northern	507	176	34.7	2	0.4	30	5.9	0	0.0	17	3.4	282	55.6
Southern	474	347	73.2	0	0.0	68	14.3	0	0.0	1	0.2	58	12.2

Of the 76,538 National cases, 504 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.

Table 10

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME
Fiscal Year 2019**

National

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	76,034	39,078	51.4	364	0.5	7,272	9.6	7,119	9.4	3,162	4.2	19,039	25.0
Child Pornography	1,368	413	30.2	10	0.7	30	2.2	0	0.0	95	6.9	820	59.9
Drug Trafficking	19,813	6,734	34.0	64	0.3	4,460	22.5	1,224	6.2	846	4.3	6,485	32.7
Firearms	8,474	4,618	54.5	56	0.7	563	6.6	8	0.1	305	3.6	2,924	34.5
Fraud/Theft/Embezzlement	6,273	2,991	47.7	19	0.3	830	13.2	17	0.3	205	3.3	2,211	35.2
Immigration	29,239	19,193	65.6	103	0.4	205	0.7	5,852	20.0	1,141	3.9	2,745	9.4
Money Laundering	1,174	289	24.6	4	0.3	333	28.4	7	0.6	67	5.7	474	40.4
Robbery	1,825	711	39.0	29	1.6	262	14.4	0	0.0	100	5.5	723	39.6
Sexual Abuse	1,165	458	39.3	14	1.2	58	5.0	0	0.0	77	6.6	558	47.9
Other Miscellaneous Offenses	6,703	3,671	54.8	65	1.0	531	7.9	11	0.2	326	4.9	2,099	31.3

Western New York

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	518	204	39.4	2	0.4	142	27.4	0	0.0	7	1.4	163	31.5
Child Pornography	21	5	23.8	0	0.0	0	0.0	0	0.0	0	0.0	16	76.2
Drug Trafficking	233	78	33.5	0	0.0	87	37.3	0	0.0	5	2.1	63	27.0
Firearms	30	18	60.0	0	0.0	3	10.0	0	0.0	0	0.0	9	30.0
Fraud/Theft/Embezzlement	66	17	25.8	0	0.0	18	27.3	0	0.0	0	0.0	31	47.0
Immigration	55	49	89.1	0	0.0	2	3.6	0	0.0	0	0.0	4	7.3
Money Laundering	12	1	8.3	0	0.0	9	75.0	0	0.0	0	0.0	2	16.7
Robbery	15	7	46.7	1	6.7	4	26.7	0	0.0	0	0.0	3	20.0
Sexual Abuse	25	6	24.0	0	0.0	5	20.0	0	0.0	1	4.0	13	52.0
Other Miscellaneous Offenses	61	23	37.7	1	1.6	14	23.0	0	0.0	1	1.6	22	36.1

Of the 76,538 National cases, 504 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 520 cases from the Western District of New York, two 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, 2019 Datafile, USSCFY19.