

United States Sentencing Commission



Statistical Information Packet

Fiscal Year 2023

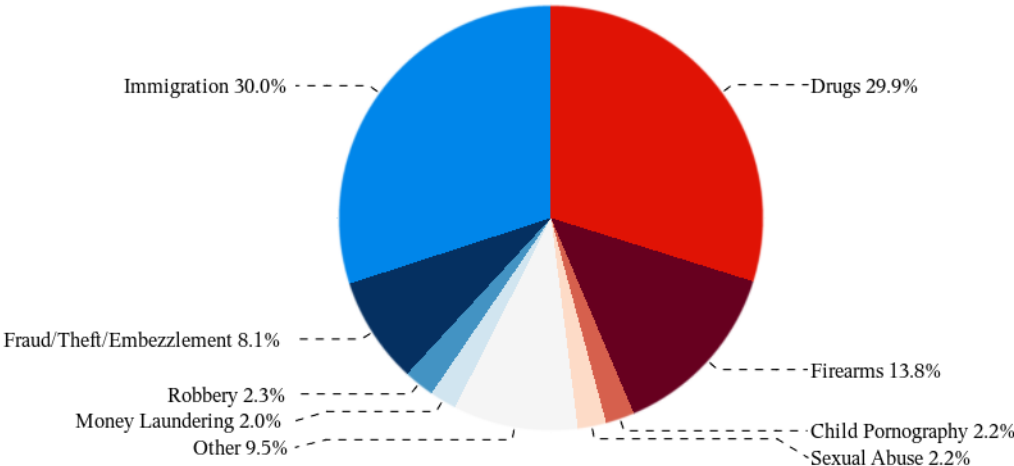
Western District of New York

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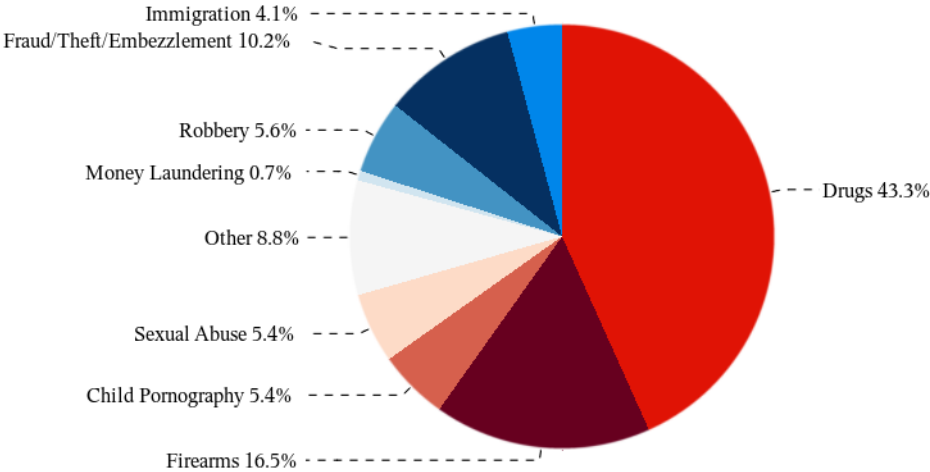
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Figure A
SENTENCED INDIVIDUALS BY TYPE OF CRIME
Fiscal Year 2023

National



Western New York



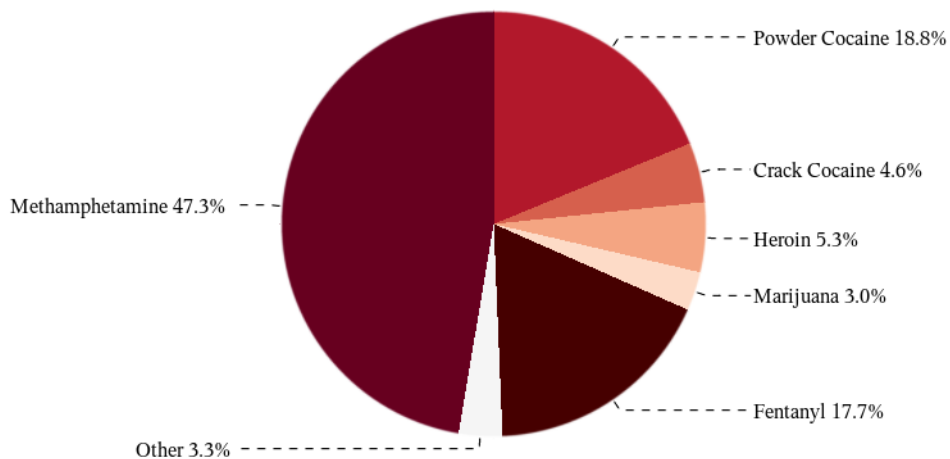
The National figure includes the 64,124 cases reported to the Commission. The Drugs category includes trafficking and simple possession.

The Western District of New York figure includes the 411 cases reported to the Commission.

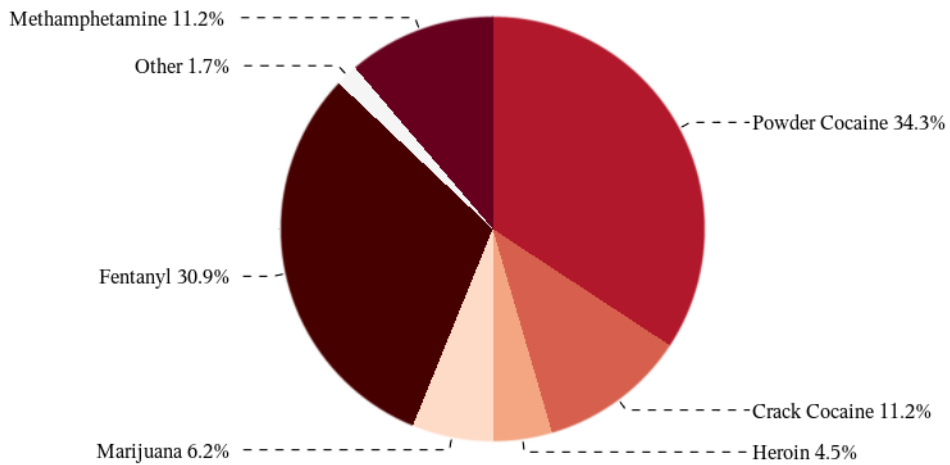
SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Figure B
DISTRIBUTION OF PRIMARY DRUG TYPE IN FEDERAL DRUG CASES
Fiscal Year 2023

National



Western New York



Of the 64,124 National cases, in 19,066 the individual was sentenced under USSG Chapter Two, Part D (Drugs).

Of the 411 cases from the Western District of New York, in 178 the individual was sentenced under USSG Chapter Two, Part D (Drugs).

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 1

**DISTRIBUTION OF SENTENCED INDIVIDUALS
BY TYPE OF CRIME
Fiscal Year 2023**

TYPE OF CRIME	National		Western New York	
	N	%	N	%
TOTAL	64,124	100.0	411	100.0
Administration of Justice	647	1.0	11	2.7
Antitrust	18	0.0	0	0.0
Arson	106	0.2	4	1.0
Assault	852	1.3	0	0.0
Bribery/Corruption	366	0.6	0	0.0
Burglary/Trespass	85	0.1	0	0.0
Child Pornography	1,408	2.2	22	5.4
Commercialized Vice	84	0.1	1	0.2
Drug Possession	139	0.2	3	0.7
Drug Trafficking	19,007	29.6	175	42.6
Environmental	160	0.2	1	0.2
Extortion/Racketeering	130	0.2	0	0.0
Firearms	8,832	13.8	68	16.5
Food and Drug	55	0.1	1	0.2
Forgery/Counter/Copyright	112	0.2	0	0.0
Fraud/Theft/Embezzlement	5,205	8.1	42	10.2
Immigration	19,226	30.0	17	4.1
Individual Rights	113	0.2	2	0.5
Kidnapping	151	0.2	0	0.0
Manslaughter	86	0.1	0	0.0
Money Laundering	1,312	2.0	3	0.7
Murder	489	0.8	2	0.5
National Defense	237	0.4	0	0.0
Obscenity/Other Sex Offenses	326	0.5	2	0.5
Prison Offenses	455	0.7	1	0.2
Robbery	1,503	2.3	23	5.6
Sexual Abuse	1,395	2.2	22	5.4
Stalking/Harassing	240	0.4	6	1.5
Tax	446	0.7	5	1.2
Other	939	1.5	0	0.0

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 2

GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2023

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	64,124	62,300	97.2	1,824	2.8
D.C. CIRCUIT	503	388	77.1	115	22.9
District of Columbia	503	388	77.1	115	22.9
FIRST CIRCUIT	1,949	1,905	97.7	44	2.3
Maine	116	115	99.1	1	0.9
Massachusetts	477	449	94.1	28	5.9
New Hampshire	160	159	99.4	1	0.6
Puerto Rico	1,090	1,076	98.7	14	1.3
Rhode Island	106	106	100.0	0	0.0
SECOND CIRCUIT	3,219	3,075	95.5	144	4.5
Connecticut	355	342	96.3	13	3.7
New York					
Eastern	709	663	93.5	46	6.5
Northern	459	452	98.5	7	1.5
Southern	1,148	1,083	94.3	65	5.7
Western	411	399	97.1	12	2.9
Vermont	137	136	99.3	1	0.7
THIRD CIRCUIT	2,362	2,259	95.6	103	4.4
Delaware	104	101	97.1	3	2.9
New Jersey	723	694	96.0	29	4.0
Pennsylvania					
Eastern	529	496	93.8	33	6.2
Middle	409	391	95.6	18	4.4
Western	530	515	97.2	15	2.8
Virgin Islands	67	62	92.5	5	7.5
FOURTH CIRCUIT	4,313	4,127	95.7	186	4.3
Maryland	503	471	93.6	32	6.4
North Carolina					
Eastern	847	825	97.4	22	2.6
Middle	326	317	97.2	9	2.8
Western	362	341	94.2	21	5.8
South Carolina	644	630	97.8	14	2.2
Virginia					
Eastern	884	832	94.1	52	5.9
Western	210	196	93.3	14	6.7
West Virginia					
Northern	310	298	96.1	12	3.9
Southern	227	217	95.6	10	4.4

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
FIFTH CIRCUIT	17,542	17,357	98.9	185	1.1
Louisiana					
Eastern	331	318	96.1	13	3.9
Middle	96	93	96.9	3	3.1
Western	340	331	97.4	9	2.6
Mississippi					
Northern	164	159	97.0	5	3.0
Southern	372	358	96.2	14	3.8
Texas					
Eastern	716	706	98.6	10	1.4
Northern	1,559	1,535	98.5	24	1.5
Southern	6,425	6,379	99.3	46	0.7
Western	7,539	7,478	99.2	61	0.8
SIXTH CIRCUIT	4,613	4,442	96.3	171	3.7
Kentucky					
Eastern	444	413	93.0	31	7.0
Western	337	320	95.0	17	5.0
Michigan					
Eastern	696	669	96.1	27	3.9
Western	240	228	95.0	12	5.0
Ohio					
Northern	880	847	96.3	33	3.8
Southern	623	612	98.2	11	1.8
Tennessee					
Eastern	647	632	97.7	15	2.3
Middle	288	278	96.5	10	3.5
Western	458	443	96.7	15	3.3
SEVENTH CIRCUIT	2,270	2,164	95.3	106	4.7
Illinois					
Central	260	239	91.9	21	8.1
Northern	620	587	94.7	33	5.3
Southern	261	239	91.6	22	8.4
Indiana					
Northern	262	250	95.4	12	4.6
Southern	393	382	97.2	11	2.8
Wisconsin					
Eastern	328	322	98.2	6	1.8
Western	146	145	99.3	1	0.7
EIGHTH CIRCUIT	5,143	4,993	97.1	150	2.9
Arkansas					
Eastern	548	531	96.9	17	3.1
Western	177	175	98.9	2	1.1
Iowa					
Northern	338	327	96.7	11	3.3
Southern	440	423	96.1	17	3.9
Minnesota	353	338	95.8	15	4.2
Missouri					
Eastern	954	943	98.8	11	1.2
Western	841	819	97.4	22	2.6
Nebraska	567	552	97.4	15	2.6
North Dakota	413	404	97.8	9	2.2
South Dakota	512	481	93.9	31	6.1

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
NINTH CIRCUIT	12,151	11,909	98.0	242	2.0
Alaska	177	165	93.2	12	6.8
Arizona	4,812	4,790	99.5	22	0.5
California					
Central	944	887	94.0	57	6.0
Eastern	392	381	97.2	11	2.8
Northern	386	365	94.6	21	5.4
Southern	3,189	3,150	98.8	39	1.2
Guam	26	23	88.5	3	11.5
Hawaii	119	109	91.6	10	8.4
Idaho	292	278	95.2	14	4.8
Montana	369	358	97.0	11	3.0
Nevada	362	351	97.0	11	3.0
Northern Mariana Islands	25	24	96.0	1	4.0
Oregon	410	396	96.6	14	3.4
Washington					
Eastern	289	284	98.3	5	1.7
Western	359	348	96.9	11	3.1
TENTH CIRCUIT	4,878	4,756	97.5	122	2.5
Colorado	340	323	95.0	17	5.0
Kansas	341	328	96.2	13	3.8
New Mexico	2,006	1,986	99.0	20	1.0
Oklahoma					
Eastern	215	190	88.4	25	11.6
Northern	400	381	95.3	19	4.8
Western	677	665	98.2	12	1.8
Utah	761	750	98.6	11	1.4
Wyoming	138	133	96.4	5	3.6
ELEVENTH CIRCUIT	5,181	4,925	95.1	256	4.9
Alabama					
Middle	218	212	97.2	6	2.8
Northern	405	394	97.3	11	2.7
Southern	308	296	96.1	12	3.9
Florida					
Middle	1,104	1,025	92.8	79	7.2
Northern	254	236	92.9	18	7.1
Southern	1,552	1,465	94.4	87	5.6
Georgia					
Middle	384	372	96.9	12	3.1
Northern	585	561	95.9	24	4.1
Southern	371	364	98.1	7	1.9

Of the 64,124 National cases, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 3

**GUILTY PLEAS AND TRIALS BY TYPE OF CRIME
Fiscal Year 2023**

TYPE OF CRIME	TOTAL	National				Western New York			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
TOTAL	64,124	62,300	97.2	1,824	2.8	399	97.1	12	2.9
Administration of Justice	647	540	83.5	107	16.5	11	100.0	0	0.0
Antitrust	18	18	100.0	0	0.0	0	--	0	--
Arson	106	104	98.1	2	1.9	4	100.0	0	0.0
Assault	852	782	91.8	70	8.2	0	--	0	--
Bribery/Corruption	366	335	91.5	31	8.5	0	--	0	--
Burglary/Trespass	85	81	95.3	4	4.7	0	--	0	--
Child Pornography	1,408	1,367	97.1	41	2.9	22	100.0	0	0.0
Commercialized Vice	84	83	98.8	1	1.2	1	100.0	0	0.0
Drug Possession	139	136	97.8	3	2.2	3	100.0	0	0.0
Drug Trafficking	19,007	18,576	97.7	431	2.3	170	97.1	5	2.9
Environmental	160	155	96.9	5	3.1	1	100.0	0	0.0
Extortion/Racketeering	130	121	93.1	9	6.9	0	--	0	--
Firearms	8,832	8,615	97.5	217	2.5	66	97.1	2	2.9
Food and Drug	55	55	100.0	0	0.0	1	100.0	0	0.0
Forgery/Counter/Copyright	112	106	94.6	6	5.4	0	--	0	--
Fraud/Theft/Embezzlement	5,205	4,980	95.7	225	4.3	41	97.6	1	2.4
Immigration	19,226	19,158	99.6	68	0.4	17	100.0	0	0.0
Individual Rights	113	96	85.0	17	15.0	2	100.0	0	0.0
Kidnapping	151	126	83.4	25	16.6	0	--	0	--
Manslaughter	86	78	90.7	8	9.3	0	--	0	--
Money Laundering	1,312	1,202	91.6	110	8.4	2	66.7	1	33.3
Murder	489	370	75.7	119	24.3	1	50.0	1	50.0
National Defense	237	230	97.0	7	3.0	0	--	0	--
Obscenity/Other Sex Offenses	326	320	98.2	6	1.8	2	100.0	0	0.0
Prison Offenses	455	450	98.9	5	1.1	1	100.0	0	0.0
Robbery	1,503	1,422	94.6	81	5.4	23	100.0	0	0.0
Sexual Abuse	1,395	1,240	88.9	155	11.1	20	90.9	2	9.1
Stalking/Harassing	240	219	91.3	21	8.8	6	100.0	0	0.0
Tax	446	407	91.3	39	8.7	5	100.0	0	0.0
Other	939	928	98.8	11	1.2	0	--	0	--

Of the 64,124 National cases, no cases were excluded.

Of the 411 cases from the Western District of New York, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 4
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2023

National

TYPE OF CRIME	TOTAL	Prison Only		Prison and Alternatives		Probation and Alternatives		Probation Only		Fine Only	
		N	%	N	%	N	%	N	%	N	%
TOTAL	64,124	57,579	89.8	1,689	2.6	755	1.2	3,808	5.9	293	0.5
Administration of Justice	647	483	74.7	23	3.6	30	4.6	106	16.4	5	0.8
Antitrust	18	5	27.8	4	22.2	4	22.2	5	27.8	0	0.0
Arson	106	99	93.4	3	2.8	1	0.9	3	2.8	0	0.0
Assault	852	759	89.1	29	3.4	10	1.2	48	5.6	6	0.7
Bribery/Corruption	366	259	70.8	20	5.5	22	6.0	64	17.5	1	0.3
Burglary/Trespass	85	68	80.0	1	1.2	8	9.4	8	9.4	0	0.0
Child Pornography	1,408	1,381	98.1	14	1.0	0	0.0	13	0.9	0	0.0
Commercialized Vice	84	69	82.1	4	4.8	4	4.8	7	8.3	0	0.0
Drug Possession	139	70	50.4	0	0.0	0	0.0	51	36.7	18	12.9
Drug Trafficking	19,007	17,862	94.0	613	3.2	113	0.6	417	2.2	2	0.0
Environmental	160	38	23.8	5	3.1	6	3.8	102	63.8	9	5.6
Extortion/Racketeering	130	101	77.7	5	3.8	4	3.1	20	15.4	0	0.0
Firearms	8,832	8,078	91.5	179	2.0	109	1.2	458	5.2	8	0.1
Food and Drug	55	21	38.2	1	1.8	3	5.5	28	50.9	2	3.6
Forgery/Counter/Copyright	112	74	66.1	8	7.1	5	4.5	25	22.3	0	0.0
Fraud/Theft/Embezzlement	5,205	3,656	70.2	201	3.9	229	4.4	1,076	20.7	43	0.8
Immigration	19,226	18,108	94.2	344	1.8	93	0.5	681	3.5	0	0.0
Individual Rights	113	76	67.3	4	3.5	2	1.8	31	27.4	0	0.0
Kidnapping	151	141	93.4	9	6.0	0	0.0	1	0.7	0	0.0
Manslaughter	86	82	95.3	2	2.3	0	0.0	2	2.3	0	0.0
Money Laundering	1,312	1,122	85.5	50	3.8	37	2.8	101	7.7	2	0.2
Murder	489	479	98.0	10	2.0	0	0.0	0	0.0	0	0.0
National Defense	237	188	79.3	11	4.6	3	1.3	14	5.9	21	8.9
Obscenity/Other Sex Offenses	326	285	87.4	24	7.4	4	1.2	13	4.0	0	0.0
Prison Offenses	455	427	93.8	13	2.9	4	0.9	10	2.2	1	0.2
Robbery	1,503	1,450	96.5	41	2.7	0	0.0	12	0.8	0	0.0
Sexual Abuse	1,395	1,354	97.1	34	2.4	3	0.2	4	0.3	0	0.0
Stalking/Harassing	240	208	86.7	9	3.8	9	3.8	14	5.8	0	0.0
Tax	446	265	59.4	24	5.4	37	8.3	120	26.9	0	0.0
Other	939	371	39.5	4	0.4	15	1.6	374	39.8	175	18.6

Of the 64,124 National cases, no cases were excluded.

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

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 5
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2023

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	411	373	90.8	8	1.9	4	1.0	22	5.4	4	1.0
Administration of Justice	11	8	72.7	0	0.0	0	0.0	3	27.3	0	0.0
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Arson	4	3	75.0	0	0.0	1	25.0	0	0.0	0	0.0
Assault	0	0	--	0	--	0	--	0	--	0	--
Bribery/Corruption	0	0	--	0	--	0	--	0	--	0	--
Burglary/Trespass	0	0	--	0	--	0	--	0	--	0	--
Child Pornography	22	22	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Commercialized Vice	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Drug Possession	3	2	66.7	0	0.0	0	0.0	1	33.3	0	0.0
Drug Trafficking	175	167	95.4	5	2.9	2	1.1	1	0.6	0	0.0
Environmental	1	0	0.0	0	0.0	0	0.0	1	100.0	0	0.0
Extortion/Racketeering	0	0	--	0	--	0	--	0	--	0	--
Firearms	68	65	95.6	1	1.5	1	1.5	1	1.5	0	0.0
Food and Drug	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counter/Copyright	0	0	--	0	--	0	--	0	--	0	--
Fraud/Theft/Embezzlement	42	29	69.0	0	0.0	0	0.0	9	21.4	4	9.5
Immigration	17	16	94.1	0	0.0	0	0.0	1	5.9	0	0.0
Individual Rights	2	0	0.0	0	0.0	0	0.0	2	100.0	0	0.0
Kidnapping	0	0	--	0	--	0	--	0	--	0	--
Manslaughter	0	0	--	0	--	0	--	0	--	0	--
Money Laundering	3	2	66.7	0	0.0	0	0.0	1	33.3	0	0.0
Murder	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	0	0	--	0	--	0	--	0	--	0	--
Obscenity/Other Sex Offenses	2	2	100.0	0	0.0	0	0.0	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	23	23	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	22	22	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Stalking/Harassing	6	5	83.3	1	16.7	0	0.0	0	0.0	0	0.0
Tax	5	2	40.0	1	20.0	0	0.0	2	40.0	0	0.0
Other	0	0	--	0	--	0	--	0	--	0	--

Of the 411 cases from the Western District of New York, no cases were excluded.

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

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 6
INCARCERATION RATE OF U.S. CITIZENS ELIGIBLE FOR NON-PRISON SENTENCES
BY TYPE OF CRIME
Fiscal Year 2023

TYPE OF CRIME	TOTAL	National				Western New York			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
TOTAL	3,529	1,717	48.7	1,812	51.3	16	51.6	15	48.4
Administration of Justice	108	68	63.0	40	37.0	1	50.0	1	50.0
Antitrust	2	0	0.0	2	100.0	0	--	0	--
Arson	3	3	100.0	0	0.0	0	--	0	--
Assault	74	38	51.4	36	48.6	0	--	0	--
Bribery/Corruption	21	4	19.0	17	81.0	0	--	0	--
Burglary/Trespass	35	25	71.4	10	28.6	0	--	0	--
Child Pornography	0	0	--	0	--	0	--	0	--
Commercialized Vice	9	4	44.4	5	55.6	0	--	0	--
Drug Possession	102	53	52.0	49	48.0	2	66.7	1	33.3
Drug Trafficking	265	175	66.0	90	34.0	4	80.0	1	20.0
Environmental	64	6	9.4	58	90.6	0	--	0	--
Extortion/Racketeering	11	3	27.3	8	72.7	0	--	0	--
Firearms	133	56	42.1	77	57.9	0	--	0	--
Food and Drug	28	5	17.9	23	82.1	0	--	0	--
Forgery/Counter/Copyright	20	7	35.0	13	65.0	0	--	0	--
Fraud/Theft/Embezzlement	1,157	448	38.7	709	61.3	8	44.4	10	55.6
Immigration	759	542	71.4	217	28.6	1	100.0	0	0.0
Individual Rights	18	3	16.7	15	83.3	0	0.0	2	100.0
Kidnapping	0	0	--	0	--	0	--	0	--
Manslaughter	1	1	100.0	0	0.0	0	--	0	--
Money Laundering	52	29	55.8	23	44.2	0	--	0	--
Murder	0	0	--	0	--	0	--	0	--
National Defense	18	1	5.6	17	94.4	0	--	0	--
Obscenity/Other Sex Offenses	16	11	68.8	5	31.3	0	--	0	--
Prison Offenses	145	133	91.7	12	8.3	0	--	0	--
Robbery	0	0	--	0	--	0	--	0	--
Sexual Abuse	2	1	50.0	1	50.0	0	--	0	--
Stalking/Harassing	24	20	83.3	4	16.7	0	--	0	--
Tax	19	3	15.8	16	84.2	0	--	0	--
Other	443	78	17.6	365	82.4	0	--	0	--

Of the 64,124 National cases, a U.S. Citizen was the sentenced individual in 42,295 cases. Of these, 38,766 cases were excluded because the sentenced individual was ineligible for a non-prison sentence.

Of the 411 cases from the Western District of New York, a U.S. Citizen was the sentenced individual in 386 cases. Of these, 355 cases were excluded because the sentenced individual was ineligible for a non-prison sentence.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

Table 7

**SENTENCE LENGTH BY TYPE OF CRIME
Fiscal Year 2023**

TYPE OF CRIME	National			Western New York		
	Mean Months	Median Months	N	Mean Months	Median Months	N
TOTAL	52	24	64,123	63	41	411
Administration of Justice	16	10	647	11	0	11
Antitrust	6	6	18	--	--	0
Arson	58	57	106	26	23	4
Assault	71	47	852	--	--	0
Bribery/Corruption	21	14	366	--	--	0
Burglary/Trespass	16	8	85	--	--	0
Child Pornography	115	97	1,408	88	69	22
Commercialized Vice	21	12	84	--	--	1
Drug Possession	2	0	139	0	0	3
Drug Trafficking	82	63	19,007	70	60	175
Environmental	3	0	160	--	--	1
Extortion/Racketeering	32	24	130	--	--	0
Firearms	49	40	8,832	47	45	68
Food and Drug	10	0	55	--	--	1
Forgery/Counter/Copyright	18	12	112	--	--	0
Fraud/Theft/Embezzlement	22	12	5,205	18	0	42
Immigration	12	8	19,225	7	3	17
Individual Rights	55	15	113	--	--	2
Kidnapping	199	168	151	--	--	0
Manslaughter	75	69	86	--	--	0
Money Laundering	63	36	1,312	59	57	3
Murder	285	276	489	--	--	2
National Defense	38	24	237	--	--	0
Obscenity/Other Sex Offenses	23	18	326	--	--	2
Prison Offenses	14	12	455	--	--	1
Robbery	110	96	1,503	75	72	23
Sexual Abuse	213	180	1,395	200	180	22
Stalking/Harassing	29	20	240	44	30	6
Tax	15	12	446	1	0	5
Other	4	0	939	--	--	0

Of the 64,124 National cases, one case was excluded due to missing or indeterminable sentencing information.

Of the 411 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, 2023 Datafile, USSCFY23.

Table 8

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2023

	<u>National</u>		<u>Western New York</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
TOTAL CASES	63,812	100.0	410	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	42,684	66.9	239	58.3
Within Guideline Range	27,087	42.4	153	37.3
Upward Departure ²	314	0.5	3	0.7
Downward Departure				
§5K1.1 Substantial Assistance	6,499	10.2	82	20.0
§5K3.1 Early Disposition Program	6,363	10.0	0	0.0
Other Government Motion ³	1,310	2.1	0	0.0
Non-Government Departure ⁴	1,111	1.7	1	0.2
VARIANCES	21,128	33.1	171	41.7
Upward Variance ⁵	1,896	3.0	21	5.1
Downward Variance				
Government Motion ⁶	6,384	10.0	59	14.4
Non-Government Variance ⁷	12,848	20.1	91	22.2

¹ This table reflects the 64,124 cases reported to the Commission in fiscal year 2023, 411 of which were from the Western District of New York. Of these, 312 cases nationally and one case 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, 2023 Datafile, USSCFY23.

Table 9

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2023**

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	63,812	27,087	42.4	314	0.5	6,499	10.2	6,363	10.0	2,421	3.8	21,128	33.1
D.C. CIRCUIT	503	231	45.9	12	2.4	37	7.4	0	0.0	21	4.2	202	40.2
District of Columbia	503	231	45.9	12	2.4	37	7.4	0	0.0	21	4.2	202	40.2
FIRST CIRCUIT	1,947	712	36.6	6	0.3	178	9.1	1	0.1	126	6.5	924	47.5
Maine	116	28	24.1	1	0.9	24	20.7	0	0.0	2	1.7	61	52.6
Massachusetts	477	93	19.5	1	0.2	62	13.0	1	0.2	43	9.0	277	58.1
New Hampshire	158	33	20.9	0	0.0	20	12.7	0	0.0	8	5.1	97	61.4
Puerto Rico	1,090	541	49.6	4	0.4	67	6.1	0	0.0	69	6.3	409	37.5
Rhode Island	106	17	16.0	0	0.0	5	4.7	0	0.0	4	3.8	80	75.5
SECOND CIRCUIT	3,204	882	27.5	10	0.3	521	16.3	5	0.2	102	3.2	1,684	52.6
Connecticut	355	78	22.0	1	0.3	64	18.0	0	0.0	41	11.5	171	48.2
New York													
Eastern	709	159	22.4	1	0.1	138	19.5	2	0.3	36	5.1	373	52.6
Northern	453	238	52.5	3	0.7	87	19.2	2	0.4	11	2.4	112	24.7
Southern	1,142	224	19.6	1	0.1	124	10.9	1	0.1	11	1.0	781	68.4
Western	410	153	37.3	3	0.7	82	20.0	0	0.0	1	0.2	171	41.7
Vermont	135	30	22.2	1	0.7	26	19.3	0	0.0	2	1.5	76	56.3
THIRD CIRCUIT	2,358	862	36.6	9	0.4	432	18.3	8	0.3	51	2.2	996	42.2
Delaware	104	48	46.2	1	1.0	11	10.6	6	5.8	6	5.8	32	30.8
New Jersey	722	237	32.8	1	0.1	133	18.4	0	0.0	9	1.2	342	47.4
Pennsylvania													
Eastern	526	145	27.6	0	0.0	149	28.3	0	0.0	8	1.5	224	42.6
Middle	409	176	43.0	4	1.0	71	17.4	2	0.5	13	3.2	143	35.0
Western	530	206	38.9	2	0.4	60	11.3	0	0.0	13	2.5	249	47.0
Virgin Islands	67	50	74.6	1	1.5	8	11.9	0	0.0	2	3.0	6	9.0
FOURTH CIRCUIT	4,263	1,789	42.0	30	0.7	718	16.8	4	0.1	91	2.1	1,631	38.3
Maryland	484	120	24.8	4	0.8	99	20.5	2	0.4	26	5.4	233	48.1
North Carolina													
Eastern	825	434	52.6	10	1.2	240	29.1	0	0.0	5	0.6	136	16.5
Middle	326	137	42.0	4	1.2	17	5.2	0	0.0	5	1.5	163	50.0
Western	362	166	45.9	1	0.3	61	16.9	0	0.0	3	0.8	131	36.2
South Carolina	644	190	29.5	0	0.0	173	26.9	0	0.0	12	1.9	269	41.8
Virginia													
Eastern	877	430	49.0	7	0.8	33	3.8	2	0.2	38	4.3	367	41.8
Western	209	65	31.1	3	1.4	49	23.4	0	0.0	0	0.0	92	44.0
West Virginia													
Northern	310	150	48.4	1	0.3	28	9.0	0	0.0	1	0.3	130	41.9
Southern	226	97	42.9	0	0.0	18	8.0	0	0.0	1	0.4	110	48.7

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	17,480	11,170	63.9	68	0.4	1,079	6.2	917	5.2	588	3.4	3,658	20.9
Louisiana													
Eastern	331	168	50.8	9	2.7	66	19.9	0	0.0	5	1.5	83	25.1
Middle	96	49	51.0	0	0.0	18	18.8	0	0.0	1	1.0	28	29.2
Western	324	224	69.1	2	0.6	24	7.4	0	0.0	3	0.9	71	21.9
Mississippi													
Northern	157	61	38.9	2	1.3	35	22.3	0	0.0	0	0.0	59	37.6
Southern	372	232	62.4	2	0.5	48	12.9	0	0.0	3	0.8	87	23.4
Texas													
Eastern	714	421	59.0	9	1.3	33	4.6	0	0.0	10	1.4	241	33.8
Northern	1,557	931	59.8	10	0.6	148	9.5	0	0.0	13	0.8	455	29.2
Southern	6,422	3,417	53.2	31	0.5	408	6.4	886	13.8	449	7.0	1,231	19.2
Western	7,507	5,667	75.5	3	0.0	299	4.0	31	0.4	104	1.4	1,403	18.7
SIXTH CIRCUIT	4,586	1,684	36.7	19	0.4	822	17.9	10	0.2	179	3.9	1,872	40.8
Kentucky													
Eastern	444	220	49.5	3	0.7	90	20.3	0	0.0	6	1.4	125	28.2
Western	337	96	28.5	1	0.3	90	26.7	7	2.1	24	7.1	119	35.3
Michigan													
Eastern	694	225	32.4	1	0.1	65	9.4	0	0.0	14	2.0	389	56.1
Western	239	119	49.8	3	1.3	40	16.7	0	0.0	6	2.5	71	29.7
Ohio													
Northern	880	345	39.2	2	0.2	171	19.4	1	0.1	21	2.4	340	38.6
Southern	621	141	22.7	3	0.5	132	21.3	1	0.2	90	14.5	254	40.9
Tennessee													
Eastern	640	293	45.8	5	0.8	138	21.6	0	0.0	9	1.4	195	30.5
Middle	276	70	25.4	1	0.4	29	10.5	1	0.4	4	1.4	171	62.0
Western	455	175	38.5	0	0.0	67	14.7	0	0.0	5	1.1	208	45.7
SEVENTH CIRCUIT	2,267	755	33.3	14	0.6	231	10.2	1	0.0	80	3.5	1,186	52.3
Illinois													
Central	260	77	29.6	0	0.0	32	12.3	0	0.0	3	1.2	148	56.9
Northern	617	182	29.5	2	0.3	53	8.6	1	0.2	19	3.1	360	58.3
Southern	261	132	50.6	9	3.4	35	13.4	0	0.0	14	5.4	71	27.2
Indiana													
Northern	262	126	48.1	0	0.0	33	12.6	0	0.0	1	0.4	102	38.9
Southern	393	153	38.9	0	0.0	49	12.5	0	0.0	2	0.5	189	48.1
Wisconsin													
Eastern	328	50	15.2	2	0.6	23	7.0	0	0.0	4	1.2	249	75.9
Western	146	35	24.0	1	0.7	6	4.1	0	0.0	37	25.3	67	45.9
EIGHTH CIRCUIT	5,141	2,070	40.3	32	0.6	696	13.5	23	0.4	114	2.2	2,206	42.9
Arkansas													
Eastern	548	251	45.8	1	0.2	65	11.9	0	0.0	3	0.5	228	41.6
Western	177	82	46.3	0	0.0	20	11.3	0	0.0	1	0.6	74	41.8
Iowa													
Northern	338	169	50.0	11	3.3	63	18.6	0	0.0	5	1.5	90	26.6
Southern	440	146	33.2	2	0.5	66	15.0	0	0.0	4	0.9	222	50.5
Minnesota	353	96	27.2	1	0.3	47	13.3	2	0.6	25	7.1	182	51.6
Missouri													
Eastern	953	389	40.8	2	0.2	95	10.0	0	0.0	24	2.5	443	46.5
Western	840	280	33.3	1	0.1	154	18.3	0	0.0	13	1.5	392	46.7
Nebraska	567	252	44.4	0	0.0	20	3.5	17	3.0	4	0.7	274	48.3
North Dakota	413	139	33.7	6	1.5	160	38.7	3	0.7	3	0.7	102	24.7
South Dakota	512	266	52.0	8	1.6	6	1.2	1	0.2	32	6.3	199	38.9

CIRCUIT District	TOTAL	WITHIN GUIDELINE				DEPARTURE						VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	12,091	2,723	22.5	48	0.4	895	7.4	4,728	39.1	640	5.3	3,057	25.3
Alaska	177	55	31.1	0	0.0	31	17.5	0	0.0	7	4.0	84	47.5
Arizona	4,776	1,253	26.2	16	0.3	104	2.2	2,748	57.5	65	1.4	590	12.4
California													
Central	941	247	26.2	8	0.9	123	13.1	12	1.3	68	7.2	483	51.3
Eastern	383	158	41.3	0	0.0	76	19.8	3	0.8	7	1.8	139	36.3
Northern	384	45	11.7	3	0.8	48	12.5	2	0.5	31	8.1	255	66.4
Southern	3,184	339	10.6	13	0.4	172	5.4	1,906	59.9	428	13.4	326	10.2
Guam	26	10	38.5	0	0.0	8	30.8	0	0.0	0	0.0	8	30.8
Hawaii	119	32	26.9	0	0.0	37	31.1	0	0.0	1	0.8	49	41.2
Idaho	291	98	33.7	0	0.0	62	21.3	12	4.1	9	3.1	110	37.8
Montana	368	113	30.7	1	0.3	79	21.5	0	0.0	8	2.2	167	45.4
Nevada	360	63	17.5	1	0.3	16	4.4	41	11.4	9	2.5	230	63.9
Northern Mariana Islands	25	19	76.0	0	0.0	3	12.0	0	0.0	0	0.0	3	12.0
Oregon	409	66	16.1	2	0.5	78	19.1	0	0.0	2	0.5	261	63.8
Washington													
Eastern	289	103	35.6	4	1.4	46	15.9	4	1.4	3	1.0	129	44.6
Western	359	122	34.0	0	0.0	12	3.3	0	0.0	2	0.6	223	62.1
TENTH CIRCUIT	4,835	1,811	37.5	42	0.9	272	5.6	664	13.7	356	7.4	1,690	35.0
Colorado	328	97	29.6	2	0.6	66	20.1	20	6.1	4	1.2	139	42.4
Kansas	330	149	45.2	2	0.6	45	13.6	2	0.6	6	1.8	126	38.2
New Mexico	2,003	701	35.0	21	1.0	50	2.5	535	26.7	208	10.4	488	24.4
Oklahoma													
Eastern	213	136	63.8	3	1.4	8	3.8	0	0.0	5	2.3	61	28.6
Northern	398	207	52.0	10	2.5	31	7.8	0	0.0	100	25.1	50	12.6
Western	669	355	53.1	2	0.3	21	3.1	1	0.1	6	0.9	284	42.5
Utah	757	135	17.8	0	0.0	40	5.3	102	13.5	22	2.9	458	60.5
Wyoming	137	31	22.6	2	1.5	11	8.0	4	2.9	5	3.6	84	61.3
ELEVENTH CIRCUIT	5,137	2,398	46.7	24	0.5	618	12.0	2	0.0	73	1.4	2,022	39.4
Alabama													
Middle	218	79	36.2	0	0.0	29	13.3	0	0.0	5	2.3	105	48.2
Northern	405	228	56.3	1	0.2	54	13.3	0	0.0	6	1.5	116	28.6
Southern	308	154	50.0	6	1.9	36	11.7	1	0.3	8	2.6	103	33.4
Florida													
Middle	1,102	448	40.7	3	0.3	162	14.7	0	0.0	9	0.8	480	43.6
Northern	254	100	39.4	1	0.4	61	24.0	1	0.4	5	2.0	86	33.9
Southern	1,514	745	49.2	4	0.3	108	7.1	0	0.0	16	1.1	641	42.3
Georgia													
Middle	380	248	65.3	2	0.5	38	10.0	0	0.0	3	0.8	89	23.4
Northern	585	165	28.2	3	0.5	62	10.6	0	0.0	19	3.2	336	57.4
Southern	371	231	62.3	4	1.1	68	18.3	0	0.0	2	0.5	66	17.8

Of the 64,124 National cases, 312 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, 2023 Datafile, USSCFY23.

Table 10
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME
Fiscal Year 2023

National

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
Total	63,812	27,087	42.4	314	0.5	6,499	10.2	6,363	10.0	2,421	3.8	21,128	33.1
Child Pornography	1,408	484	34.4	4	0.3	32	2.3	2	0.1	47	3.3	839	59.6
Drug Trafficking	18,999	5,060	26.6	59	0.3	3,947	20.8	1,238	6.5	883	4.6	7,812	41.1
Firearms	8,820	4,438	50.3	76	0.9	457	5.2	13	0.1	290	3.3	3,546	40.2
Fraud/Theft/Embezzlement	5,173	2,033	39.3	22	0.4	760	14.7	3	0.1	147	2.8	2,208	42.7
Immigration	19,140	10,769	56.3	39	0.2	192	1.0	5,076	26.5	572	3.0	2,492	13.0
Money Laundering	1,311	320	24.4	3	0.2	342	26.1	19	1.4	80	6.1	547	41.7
Robbery	1,501	597	39.8	14	0.9	174	11.6	3	0.2	51	3.4	662	44.1
Sex Abuse	1,393	538	38.6	17	1.2	72	5.2	0	0.0	74	5.3	692	49.7
Other Miscellaneous Offenses	6,067	2,848	46.9	80	1.3	523	8.6	9	0.1	277	4.6	2,330	38.4

Western New York

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
Total	410	153	37.3	3	0.7	82	20.0	0	0.0	1	0.2	171	41.7
Child Pornography	22	8	36.4	0	0.0	1	4.5	0	0.0	0	0.0	13	59.1
Drug Trafficking	175	52	29.7	2	1.1	58	33.1	0	0.0	1	0.6	62	35.4
Firearms	67	36	53.7	0	0.0	5	7.5	0	0.0	0	0.0	26	38.8
Fraud/Theft/Embezzlement	42	21	50.0	0	0.0	4	9.5	0	0.0	0	0.0	17	40.5
Immigration	17	9	52.9	0	0.0	2	11.8	0	0.0	0	0.0	6	35.3
Money Laundering	3	1	33.3	0	0.0	1	33.3	0	0.0	0	0.0	1	33.3
Robbery	23	6	26.1	1	4.3	4	17.4	0	0.0	0	0.0	12	52.2
Sex Abuse	22	5	22.7	0	0.0	1	4.5	0	0.0	0	0.0	16	72.7
Other Miscellaneous Offenses	39	15	38.5	0	0.0	6	15.4	0	0.0	0	0.0	18	46.2

Of the 64,124 National cases, 312 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 411 cases from the Western District of New York, one case was 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, 2023 Datafile, USSCFY23.