

United States Sentencing Commission



Statistical Information Packet

Fiscal Year 2023

Northern District of West Virginia

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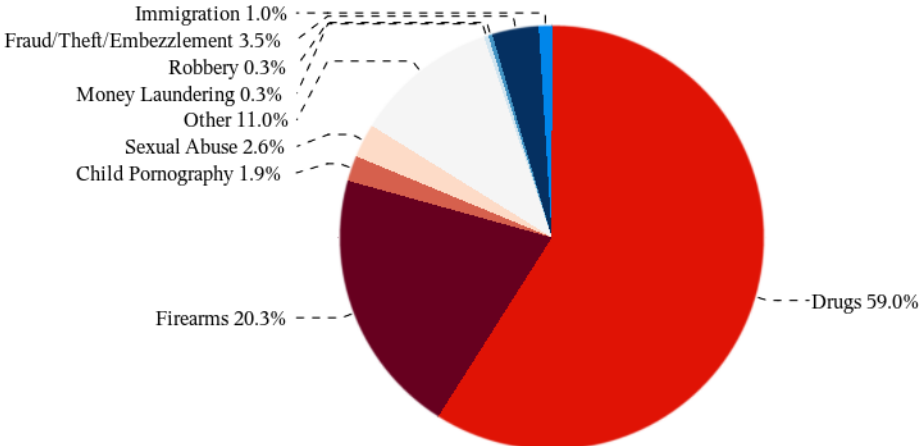
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Figure A
SENTENCED INDIVIDUALS BY TYPE OF CRIME
Fiscal Year 2023

National



Northern West Virginia



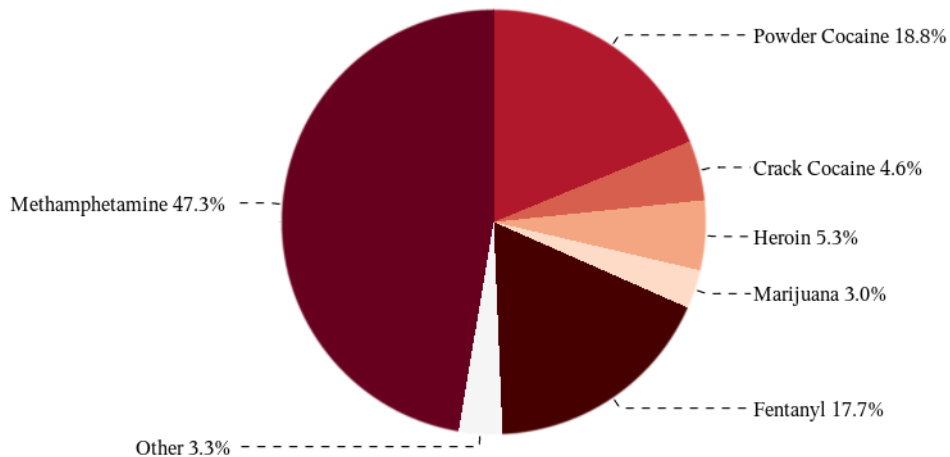
The National figure includes the 64,124 cases reported to the Commission. The Drugs category includes trafficking and simple possession.

The Northern District of West Virginia figure includes the 310 cases reported to the Commission.

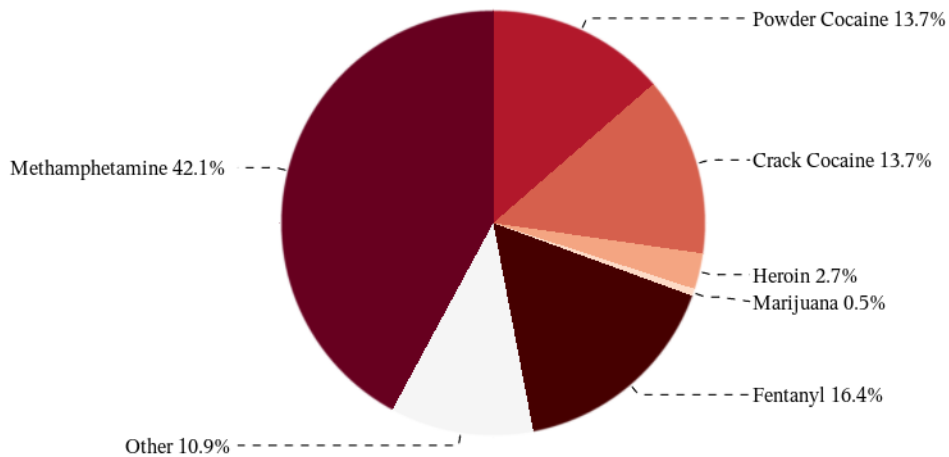
SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.

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

National



Northern West Virginia



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

Of the 310 cases from the Northern District of West Virginia, in 183 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 | | Northern West Virginia | |
|------------------------------|---------------|--------------|------------------------|--------------|
| | N | % | N | % |
| TOTAL | 64,124 | 100.0 | 310 | 100.0 |
| Administration of Justice | 647 | 1.0 | 4 | 1.3 |
| Antitrust | 18 | 0.0 | 0 | 0.0 |
| Arson | 106 | 0.2 | 0 | 0.0 |
| Assault | 852 | 1.3 | 1 | 0.3 |
| Bribery/Corruption | 366 | 0.6 | 2 | 0.6 |
| Burglary/Trespass | 85 | 0.1 | 1 | 0.3 |
| Child Pornography | 1,408 | 2.2 | 6 | 1.9 |
| Commercialized Vice | 84 | 0.1 | 0 | 0.0 |
| Drug Possession | 139 | 0.2 | 2 | 0.6 |
| Drug Trafficking | 19,007 | 29.6 | 181 | 58.4 |
| Environmental | 160 | 0.2 | 0 | 0.0 |
| Extortion/Racketeering | 130 | 0.2 | 2 | 0.6 |
| Firearms | 8,832 | 13.8 | 63 | 20.3 |
| Food and Drug | 55 | 0.1 | 0 | 0.0 |
| Forgery/Counter/Copyright | 112 | 0.2 | 0 | 0.0 |
| Fraud/Theft/Embezzlement | 5,205 | 8.1 | 11 | 3.5 |
| Immigration | 19,226 | 30.0 | 3 | 1.0 |
| Individual Rights | 113 | 0.2 | 0 | 0.0 |
| Kidnapping | 151 | 0.2 | 0 | 0.0 |
| Manslaughter | 86 | 0.1 | 1 | 0.3 |
| Money Laundering | 1,312 | 2.0 | 1 | 0.3 |
| Murder | 489 | 0.8 | 0 | 0.0 |
| National Defense | 237 | 0.4 | 2 | 0.6 |
| Obscenity/Other Sex Offenses | 326 | 0.5 | 5 | 1.6 |
| Prison Offenses | 455 | 0.7 | 14 | 4.5 |
| Robbery | 1,503 | 2.3 | 1 | 0.3 |
| Sexual Abuse | 1,395 | 2.2 | 8 | 2.6 |
| Stalking/Harassing | 240 | 0.4 | 1 | 0.3 |
| Tax | 446 | 0.7 | 1 | 0.3 |
| 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 | | | | Northern West Virginia | | | |
|------------------------------|---------------|---------------|-------------|--------------|------------|------------------------|-------------|-----------|------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | N | % | N | % | N | % | N | % |
| TOTAL | 64,124 | 62,300 | 97.2 | 1,824 | 2.8 | 298 | 96.1 | 12 | 3.9 |
| Administration of Justice | 647 | 540 | 83.5 | 107 | 16.5 | 4 | 100.0 | 0 | 0.0 |
| Antitrust | 18 | 18 | 100.0 | 0 | 0.0 | 0 | -- | 0 | -- |
| Arson | 106 | 104 | 98.1 | 2 | 1.9 | 0 | -- | 0 | -- |
| Assault | 852 | 782 | 91.8 | 70 | 8.2 | 1 | 100.0 | 0 | 0.0 |
| Bribery/Corruption | 366 | 335 | 91.5 | 31 | 8.5 | 2 | 100.0 | 0 | 0.0 |
| Burglary/Trespass | 85 | 81 | 95.3 | 4 | 4.7 | 1 | 100.0 | 0 | 0.0 |
| Child Pornography | 1,408 | 1,367 | 97.1 | 41 | 2.9 | 6 | 100.0 | 0 | 0.0 |
| Commercialized Vice | 84 | 83 | 98.8 | 1 | 1.2 | 0 | -- | 0 | -- |
| Drug Possession | 139 | 136 | 97.8 | 3 | 2.2 | 2 | 100.0 | 0 | 0.0 |
| Drug Trafficking | 19,007 | 18,576 | 97.7 | 431 | 2.3 | 174 | 96.1 | 7 | 3.9 |
| Environmental | 160 | 155 | 96.9 | 5 | 3.1 | 0 | -- | 0 | -- |
| Extortion/Racketeering | 130 | 121 | 93.1 | 9 | 6.9 | 2 | 100.0 | 0 | 0.0 |
| Firearms | 8,832 | 8,615 | 97.5 | 217 | 2.5 | 61 | 96.8 | 2 | 3.2 |
| Food and Drug | 55 | 55 | 100.0 | 0 | 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 | 10 | 90.9 | 1 | 9.1 |
| Immigration | 19,226 | 19,158 | 99.6 | 68 | 0.4 | 3 | 100.0 | 0 | 0.0 |
| Individual Rights | 113 | 96 | 85.0 | 17 | 15.0 | 0 | -- | 0 | -- |
| Kidnapping | 151 | 126 | 83.4 | 25 | 16.6 | 0 | -- | 0 | -- |
| Manslaughter | 86 | 78 | 90.7 | 8 | 9.3 | 1 | 100.0 | 0 | 0.0 |
| Money Laundering | 1,312 | 1,202 | 91.6 | 110 | 8.4 | 1 | 100.0 | 0 | 0.0 |
| Murder | 489 | 370 | 75.7 | 119 | 24.3 | 0 | -- | 0 | -- |
| National Defense | 237 | 230 | 97.0 | 7 | 3.0 | 2 | 100.0 | 0 | 0.0 |
| Obscenity/Other Sex Offenses | 326 | 320 | 98.2 | 6 | 1.8 | 4 | 80.0 | 1 | 20.0 |
| Prison Offenses | 455 | 450 | 98.9 | 5 | 1.1 | 14 | 100.0 | 0 | 0.0 |
| Robbery | 1,503 | 1,422 | 94.6 | 81 | 5.4 | 1 | 100.0 | 0 | 0.0 |
| Sexual Abuse | 1,395 | 1,240 | 88.9 | 155 | 11.1 | 7 | 87.5 | 1 | 12.5 |
| Stalking/Harassing | 240 | 219 | 91.3 | 21 | 8.8 | 1 | 100.0 | 0 | 0.0 |
| Tax | 446 | 407 | 91.3 | 39 | 8.7 | 1 | 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 310 cases from the Northern District of West Virginia, 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

Northern West Virginia

| TYPE OF CRIME | TOTAL | Prison Only | | Prison and Alternatives | | Probation and Alternatives | | Probation Only | | Fine Only | |
|------------------------------|------------|-------------|-------------|-------------------------|------------|----------------------------|------------|----------------|-------------|-----------|------------|
| | | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 310 | 244 | 78.7 | 0 | 0.0 | 2 | 0.6 | 64 | 20.6 | 0 | 0.0 |
| Administration of Justice | 4 | 3 | 75.0 | 0 | 0.0 | 0 | 0.0 | 1 | 25.0 | 0 | 0.0 |
| Antitrust | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Arson | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Assault | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Bribery/Corruption | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Burglary/Trespass | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Child Pornography | 6 | 6 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Commercialized Vice | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Drug Possession | 2 | 1 | 50.0 | 0 | 0.0 | 0 | 0.0 | 1 | 50.0 | 0 | 0.0 |
| Drug Trafficking | 181 | 140 | 77.3 | 0 | 0.0 | 1 | 0.6 | 40 | 22.1 | 0 | 0.0 |
| Environmental | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Extortion/Racketeering | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Firearms | 63 | 42 | 66.7 | 0 | 0.0 | 1 | 1.6 | 20 | 31.7 | 0 | 0.0 |
| Food and Drug | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Forgery/Counter/Copyright | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Fraud/Theft/Embezzlement | 11 | 10 | 90.9 | 0 | 0.0 | 0 | 0.0 | 1 | 9.1 | 0 | 0.0 |
| Immigration | 3 | 3 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Individual Rights | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Kidnapping | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Manslaughter | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Money Laundering | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Murder | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| National Defense | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Obscenity/Other Sex Offenses | 5 | 5 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Prison Offenses | 14 | 14 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Robbery | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Sexual Abuse | 8 | 8 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Stalking/Harassing | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Tax | 1 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 | 0 | 0.0 |
| Other | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- | 0 | -- |

Of the 310 cases from the Northern District of West Virginia, 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 | | | | Northern West Virginia | | | |
|------------------------------|--------------|-----------------|-------------|---------------------|-------------|------------------------|-------------|---------------------|-------------|
| | | 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 | 9 | 37.5 | 15 | 62.5 |
| Administration of Justice | 108 | 68 | 63.0 | 40 | 37.0 | 0 | -- | 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 | 1 | 50.0 | 1 | 50.0 |
| Drug Trafficking | 265 | 175 | 66.0 | 90 | 34.0 | 7 | 36.8 | 12 | 63.2 |
| 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 | 0.0 | 1 | 100.0 |
| 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 | 1 | 50.0 | 1 | 50.0 |
| Immigration | 759 | 542 | 71.4 | 217 | 28.6 | 0 | -- | 0 | -- |
| Individual Rights | 18 | 3 | 16.7 | 15 | 83.3 | 0 | -- | 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 310 cases from the Northern District of West Virginia, a U.S. Citizen was the sentenced individual in 300 cases. Of these, 276 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 | | | Northern West Virginia | | |
|------------------------------|-------------|---------------|---------------|------------------------|---------------|------------|
| | Mean Months | Median Months | N | Mean Months | Median Months | N |
| TOTAL | 52 | 24 | 64,123 | 55 | 33 | 310 |
| Administration of Justice | 16 | 10 | 647 | 11 | 14 | 4 |
| Antitrust | 6 | 6 | 18 | -- | -- | 0 |
| Arson | 58 | 57 | 106 | -- | -- | 0 |
| Assault | 71 | 47 | 852 | -- | -- | 1 |
| Bribery/Corruption | 21 | 14 | 366 | -- | -- | 2 |
| Burglary/Trespass | 16 | 8 | 85 | -- | -- | 1 |
| Child Pornography | 115 | 97 | 1,408 | 95 | 79 | 6 |
| Commercialized Vice | 21 | 12 | 84 | -- | -- | 0 |
| Drug Possession | 2 | 0 | 139 | -- | -- | 2 |
| Drug Trafficking | 82 | 63 | 19,007 | 58 | 41 | 181 |
| Environmental | 3 | 0 | 160 | -- | -- | 0 |
| Extortion/Racketeering | 32 | 24 | 130 | -- | -- | 2 |
| Firearms | 49 | 40 | 8,832 | 34 | 18 | 63 |
| Food and Drug | 10 | 0 | 55 | -- | -- | 0 |
| Forgery/Counter/Copyright | 18 | 12 | 112 | -- | -- | 0 |
| Fraud/Theft/Embezzlement | 22 | 12 | 5,205 | 77 | 30 | 11 |
| Immigration | 12 | 8 | 19,225 | 8 | 7 | 3 |
| Individual Rights | 55 | 15 | 113 | -- | -- | 0 |
| Kidnapping | 199 | 168 | 151 | -- | -- | 0 |
| Manslaughter | 75 | 69 | 86 | -- | -- | 1 |
| Money Laundering | 63 | 36 | 1,312 | -- | -- | 1 |
| Murder | 285 | 276 | 489 | -- | -- | 0 |
| National Defense | 38 | 24 | 237 | -- | -- | 2 |
| Obscenity/Other Sex Offenses | 23 | 18 | 326 | 41 | 41 | 5 |
| Prison Offenses | 14 | 12 | 455 | 15 | 12 | 14 |
| Robbery | 110 | 96 | 1,503 | -- | -- | 1 |
| Sexual Abuse | 213 | 180 | 1,395 | 172 | 128 | 8 |
| Stalking/Harassing | 29 | 20 | 240 | -- | -- | 1 |
| Tax | 15 | 12 | 446 | -- | -- | 1 |
| Other | 4 | 0 | 939 | -- | -- | 0 |

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

Of the 310 cases from the Northern District of West Virginia, 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>Northern West Virginia</u> | |
|--|-----------------|--------------|-------------------------------|--------------|
| | <u>N</u> | <u>%</u> | <u>N</u> | <u>%</u> |
| TOTAL CASES | 63,812 | 100.0 | 310 | 100.0 |
| SENTENCES UNDER THE GUIDELINES MANUAL | 42,684 | 66.9 | 180 | 58.1 |
| Within Guideline Range | 27,087 | 42.4 | 150 | 48.4 |
| Upward Departure ² | 314 | 0.5 | 1 | 0.3 |
| Downward Departure | | | | |
| §5K1.1 Substantial Assistance | 6,499 | 10.2 | 28 | 9.0 |
| §5K3.1 Early Disposition Program | 6,363 | 10.0 | 0 | 0.0 |
| Other Government Motion ³ | 1,310 | 2.1 | 1 | 0.3 |
| Non-Government Departure ⁴ | 1,111 | 1.7 | 0 | 0.0 |
| VARIANCES | 21,128 | 33.1 | 130 | 41.9 |
| Upward Variance ⁵ | 1,896 | 3.0 | 17 | 5.5 |
| Downward Variance | | | | |
| Government Motion ⁶ | 6,384 | 10.0 | 27 | 8.7 |
| Non-Government Variance ⁷ | 12,848 | 20.1 | 86 | 27.7 |

¹ This table reflects the 64,124 cases reported to the Commission in fiscal year 2023, 310 of which were from the Northern District of West Virginia. Of these, 312 cases nationally were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range, while none from the Northern District of West Virginia were excluded.

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 |

Northern West Virginia

| TYPE OF CRIME | TOTAL | WITHIN GUIDELINE RANGE | | DEPARTURE | | | | | | | | VARIANCE | |
|------------------------------|------------|------------------------|-------------|-----------|------------|-----------|------------|----------|------------|----------|------------|------------|-------------|
| | | RANGE | | UPWARD | | §5K1.1 | | §5K3.1 | | DOWNWARD | | | |
| | | N | % | N | % | N | % | N | % | N | % | N | % |
| Total | 310 | 150 | 48.4 | 1 | 0.3 | 28 | 9.0 | 0 | 0.0 | 1 | 0.3 | 130 | 41.9 |
| Child Pornography | 6 | 5 | 83.3 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 16.7 |
| Drug Trafficking | 181 | 89 | 49.2 | 1 | 0.6 | 21 | 11.6 | 0 | 0.0 | 1 | 0.6 | 69 | 38.1 |
| Firearms | 63 | 27 | 42.9 | 0 | 0.0 | 6 | 9.5 | 0 | 0.0 | 0 | 0.0 | 30 | 47.6 |
| Fraud/Theft/Embezzlement | 11 | 8 | 72.7 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 3 | 27.3 |
| Immigration | 3 | 2 | 66.7 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 33.3 |
| Money Laundering | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Robbery | 1 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 |
| Sex Abuse | 8 | 2 | 25.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 6 | 75.0 |
| Other Miscellaneous Offenses | 36 | 16 | 44.4 | 0 | 0.0 | 1 | 2.8 | 0 | 0.0 | 0 | 0.0 | 19 | 52.8 |

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.

Of the 310 cases from the Northern District of West Virginia, no cases were excluded.

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